

- (ix) **Need to issue licences for setting up huller machines for the benefit of Bhurjee Community**

15.31 hrs.

**CHIEF ELECTION COMMISSIONER AND
OTHER ELECTION COMMISSIONERS
(CONDITIONS OF SERVICE) BILL**

[*Translation*]

SHRI SANTOSH KUMAR GANGWAR (Bareilly): Mr. Chairman, Sir, under Rule 377 I want to draw the attention of the House towards a very important matter.

Bhurjee Community has been declared an extremely backward class by Uttar Pradesh Government. It has a population of 5 lakh. The people of this community are residing in every State of the country but their condition is miserable everywhere.

They are engaged in petty hawking and sell baked rice, 'parmal', Chuda', 'chabena', 'sattu' etc for their livelihood. The community is economically, socially and educationally in a pitiable condition.

As a result of different Central and State policies, it has become difficult for them to earn their livelihood. If some concrete steps are not taken by the Government of India and State Governments, the community is bound to perish in near future.

Their earnings are mainly dependent on paddy, which is a victim of complex rules and laws. Mini modern plants have been installed in the urban areas for the purpose to hulling. The people of this community mainly live in the urban areas but they being very poor are not in a position to install mini plants as such installation requires 20 times more investment than the installing of huller machines. Installing of huller machines is prohibited in the urban areas.

The Central Government is, therefore, requested to save this community from perishing. A social, economic and educational survey should be made and they be allowed to install huller machines in certain particular areas. They should also be given different concessions and facilities for the protection of their traditional business.

[*English*]

MR. CHAIRMAN: The House will now take up further consideration of the Bill, Chief Election Commissioner and other Election Commissioners (Conditions of Service) Bill. Shri L.K. Advani will speak.

SHRI L.K. ADVANI (New Delhi): Sir, I rise to support the Bill that has been presented to the House and which the hon. Minister of Law has moved for consideration of the House.

This Bill provides that the Chief Election Commissioner shall in terms of salaries and conditions of service would be equated to the judge of the Supreme Court. There are other Election Commissioners on the Election Commission. They would be equally treated in terms of salaries and conditions of service to the judges of the High Courts.

While moving this Bill for consideration, the hon. Minister had recapitulated the course of events which had led to the introduction of this Bill. The hon. Minister has recalled the All Party Conference which was convened by the prime Minister shortly after the elections were held, then the formation of a Committee on electoral law in which various parties were represented and on which I also had the privilege of serving and pointed out that following the submission of a report by that Committee, four Bills have been introduced in Parliament, three in the other House and one in this House. Several recommendations were made in order to ensure that the Election Commission becomes independent and more empowered to discharge its duties under the Constitution. Some of those recommendations needed a simple law. Other recommendations needed an amendment to the Constitution. Out of the four bills that have been introduced in Parliament, two of the Bills relate to the Election

[Sh. L.K. Advani]

Commission. One is this specific Bill that is being considered at the moment and the other is the Constitution (70th Amendment) Bill which has also been introduced in Parliament but about which till now I have no inkling as to what the Government proposes to do. I am of the view that it would have been better if both the Bills had been taken up together. Or, at least the intentions of the Government were known. After all, there can be no exception to this particular Bill. But I would think it is even more imperative to make the Election Commission independent. There should be a provision of an independent Secretariat as has been provided to the Parliament; provision of an infrastructure which makes it to discharge its functions and obligations more effectively. In fact, the second Bill provides for it. The Constitution (Seventieth) Amendment Bill provides for an independent Secretariat. Then that Bill which I have with me also says something which an hon. Member of this House has said. He has moved an amendment to this Bill. Shri Banatwalla is not here. But when he spoke, he spoke on the need to ensure that once a person is appointed as the Chief Election Commissioner, thereafter he is under no obligation to any Executive officer or any Executive post. Therefore, he has pleaded that he should not be eligible for any post after he ceases to occupy the post of the Chief Election Commissioner. This is one of the crucial recommendant made by the Committee on Electoral Reforms. I find that the Seventieth Amendment Bill incorporates this Bill when it says:

"The Chief Election Commissioner or other Election Commissioners shall not be eligible for further office under the Government of India or under the Government of any State or for the office of the Governor of a State or the Administrator of a Union Territory after he has ceased to hold his office."

Sir, I feel that while this particular Bill certainly strengthens the Election Commission, certainly strengthens its independence,

there is need to go beyond and particularly I am keen about these two provisions. There is another provision also in that particular Bill—the 70th Amendment Bill—which makes it obligatory for the Government—before appointing the Chief Election Commissioner—to consult the Speaker of the House, the Chairman of the Rajya Sabha and the Leader of the Opposition or the Leader of the biggest party in the House if the Leader of the Opposition is not there. That also is part of the recommendations of the Committee on Electoral Reforms.

Today, while endorsing this particular Bill I have two questions to pose to the hon. Law Minister. The first question is: What is his stand on the other two Bills? In the case of one bill he has already mentioned in his opening remarks and I am aware of it that one Bill has been referred to a Joint Select Committee which is the Representation of the people (Amendment) Bill. That has been referred to a Joint Select Committee. It will come before this House. We would have an occasion to give our comments on that when the Bill comes here. These two Constitution Amendment Bills which I have got as vital to strengthen the Electoral processes are the Seventieth Amendment Bill and the Seventy-first Amendment Bill. One of them refers to the powers of the Election Commission; refers to the mode in which it is to be constituted refers to the need for a separate and independent Secretariat for it. The second one—the Seventy-first Amendment which is also very important though not related directly to the Election Commission but it has a very vital bearing on the electoral process is the question of delimitation of constituencies—the Seventy-first Amendment—and which is long overdue. The last delimitation of constituencies in India took place after the 1971 census. There has been no delimitation after that. A third census since the 1971 census is on presently. We are still having constituencies in India and the Members of the Lok Sabha and of the Assemblies are elected on the basis of the 1971 census. A large number of changes have taken place since then. Our Committee on Electoral Reforms have recommended that even though the total

strength of the House may not be varied and the situation as provided remains frozen in terms of numbers, delimitation of constituencies must necessarily take place. It has recommended that in respect of Scheduled Caste Constituencies, there ought to be a rotation of constituencies so that areas which have not had the opportunity of electing Scheduled Caste representatives could be given that opportunity and simultaneously, in areas from which non-scheduled Caste representatives have not been elected for a long time may be given an opportunity to elect those. These are part of the Seventy-First Constitution Amendment which has already been introduced in the Rajya Sabha. I would like to know from the Government when the Minister answers to this debate on which there is near unanimity as to what it proposes to do about those vital amendments.

DR. THAMBI DURAI (Karur): Mr. Chairman, Sir, I am happy to participate in the debate about the Chief Election Commissioner and other Election Commissioners Bill 1990. Since the Election Commission is an independent and autonomous body, the chief of that body must be given some kind of a status. That is why we have taken up this Bill. I appreciate and also welcome the features of this Bill because it is very essential and necessary to see that the status of the Chief Election Commissioner must be raised and also kept equivalent to the Chief Justice of the country.

Second thing is, the scope also must be increased. When we are giving such a kind of good status and independence to him, we have to see that his scope also is increased. Nowadays, we are conducting lot of elections to our assemblies as also to Parliament. Even elections to panchayat and cooperatives are also taking place in our country. Therefore, when such elections are taking place, it is important to increase the scope of it because these are the organisations which we have to strengthen at the grassroot level. For that, the Chief Election Commissioner and his secretariat must have the jurisdiction over it. That is my suggestion.

Yesterday, some of our Members mentioned about the appointment of the Chief Election Commissioner Mr. Seshan. As Advani ji has said, once he assumes office, he is not responsible to anyone, he has to act independently. And Shri Seshan is also a good administrator. He occupied many positions and he served to satisfy the Members. Yesterday it was said, whether he was having any qualification, whether he had learnt law and so many things. We must not insist on such things as he should have studied law. If he knows, it is good. It is the same National Front Government which appointed him as a Member of the Planning Commission. When they had no doubt about his capability and capacity, now there is no need to worry about this capacity. He has already assumed his office. Therefore, I hope, he will work up to the expectations of the Members of Parliament and other legislative bodies. I hope, under his leadership, we can do a lot of things for the country.

As I already mentioned, these elections to cooperative societies and panchayats are also very important. Most of the Members criticise about how the State Governments are running—not only in one State but in very many States. It is because political parties criticise if some other party is ruling in their States. Here, I want to mention about what has happened in our State especially about the elections to cooperatives; and how the State Government dealt with it. It is a very serious thing. I bring to the notice of the Minister that there was rigging in the elections to cooperatives. There are many malpractices. Recently, elections to milk cooperative society took place. They never allowed the voters to go and vote for in the elections. I am telling about Tamilnadu. When we are criticising some States, when there is a criticism, we have to see that the Election Commissioner takes note of it.

SHRI SAIFUDDIN CHOUDHURY (Katwa): All along is this happening there?

DR. THAMBI DURAI: This has happened recently. Some members are criticising West Bengal and you are criticising some

[Dr. Thamb Durai]

other States. In Tamilnadu recently when cooperative elections took place, most of the results were not according to the wishes of its members. That is why I am requesting that when you are giving so much powers and status and strengthening the Election Commissioner you have to see that his jurisdiction also includes Panchayat and Co-operative elections.

Regarding delimitation of the constituency, Mr. Advani has already said and I also join with him to add that in 1971 we had taken the census and based on that only the constituencies were delimited. We have to revise the whole thing, especially the reserved constituencies must be given on rotation basis, so that other areas also must get an opportunity to elect reserved candidates who want to contest. Therefore I request that this must be taken note of seriously and hope that the Election Commissioner will take care of that.

There is nothing more to add because this is a small Bill and the scope of the debate is also limited. I would request through you the hon. Minister to take note of all the suggestions that I have made in this House. I hope that he will do it.

[*Translation*]

SHRI DHARM PAL SHARMA (Udhampur): Mr. Chairman, Sir, I welcome this Bill. It is an ordinary Bill in which provision has been made that the salary and pension of the Chief Election Commissioner will be equal to that of the Judge of the Supreme Court and the Comptroller and Auditor General, and salary and pension of the Election Commissioner will be equal to that of a Judge of a High Court. There is no Election Commissioner presently, although provision has been made for the same. When our Party was in power, we had appointed two Election Commissioners because we were of the view that Chief Election Commissioner alone cannot supervise and control the elections in such a vast country.

As soon as we came to know that Panchayat elections were going to be held in Tamilnadu, we stated that those will be held under the supervision of the Election Commissioners. But it is a matter of regret that when National Front Government was formed, they, with the support of the Bhartiya Janata Party and left Parties, removed both the Election Commissioners. When you are providing for the salaries and pensions of the Election Commissioners, they should be appointed also. At present there is no Chief Election Commissioner. You should, therefore, immediately appoint two Election Commissioners. It has rightly been said that their Secretariat will be independent. No employees from the States should be appointed on deputation in that Secretariat. This Bill should have been more comprehensive because during the elections a lot of bungling is resorted to. The Only way available to us for redressal is to file petitions. We should find out some other mechanism also for the redressal of the grievances and the House should decide about this. Though the political parties profess that religion and politics should not be mixed—even otherwise there is no relation between politics and religion—yet at the time of elections, no one acts upon this. When we were in power, we had stopped publicity and propaganda by the religious institutions during the elections and we did not allow misuse of religion for the purpose of elections. But this is not being acted upon at present. During elections, the sentiments of the people are stopped in the name of religion. Speeches full of religious frenzy are made and the entire election campaign is done on the basis of religion and religious flags are hoisted in the election meetings. Therefore, what is needed is an independent Election Commissioner and Secretariat. I want that if during the elections any political party or candidate misuses religion for withing in the elections, the concerned political party or the candidate should be declared disqualified during the election itself. The Election Commissioner should also be empowered to cancel the election if large scale rigging takes place in any State. We have the examples of Bihar and Uttar Pradesh before us and we have also seen what has happened recently in Meham. These provisions will

have to be made by us. In order to remove the influence of muscle power and money power from the elections and also to hold elections in a responsible manner, provision should be made for consultation of the Chief Justice of the Supreme Court and the Speaker in the matter of appointment of the Election Commissioner so that the person appointed as Election Commissioner enjoys the confidence of all the political parties as well as the people. We will be able to do his work independently and the elections will be fair and free. The elections should be fought properly in which every one should get money. I demand that two Election Commissioners should be appointed.

[English]

SHRI CHITTA BASU (Barasat): Sir, I rise to support, by and large, the Bill, which is under discussion today. There are certain reservations also. (Interruptions) I do not know whether he is perfectly understanding it or not. Sir, while the hon. Minister was making the speech, he has referred to the point that this Bill is a part of the total electoral reforms of the country. There are four Bills pending and I do not like to repeat it. Naturally it is expected that the hon. Minister will explain as to what is the Government's intention with regard to the three other Bills which are pending in the other House. If he explains, it will be very convenient for us to know the intention of the Government. Since it is a part of electoral reforms, I think, the hon. Minister will take note of what we really mean by electoral reforms. It is not only the four Bills, which have already been introduced and one is being considered, constitute the entire gamut of the electoral reforms which is needed by the country today. I will just point out certain points which the Government should take into account, before formulating a comprehensive policy regarding electoral reforms. The main objective of this electoral reform is to be the democratisation of the electoral process as a whole. Secondly, there is another objective of the electoral reform and that is the immunisation of election process from any kind of vitiation.

Thirdly, unless there is the question of delinking of election from money and muscle power. I think, there is no content in having an election free from any vitiation. All these things are part of the electoral reforms.

One hon. Member has rightly pointed out the question of delinking of election from communalism. If certain political parties approach the electorate on the basis of communal frenzy and communal demands, I think, the secular and democratic fabric of our nation is in jeopardy. Therefore, why do you speak and why do you think in terms of total electoral reforms, if you cannot just keep aside these very important issues?

There is another issue which is also related to the electoral reforms and that is the role of the media. The role of the media means, the role of the print media and also the electronic media. Unless these issues are also inter-related with the electoral reforms, I think, this mere Bill is not going to ensure a democratic process of election.

Then, there is the question of code of conduct from the side of the Government and also there is the question of code of conduct from the contesting parties. Unless the code of conduct is made a part of the law, I think, that code of conduct is not going to be honoured by either of the contestants. Therefore, the code of conduct becomes meaningless. That point has also to be taken note of.

Now the question of registration of political parties is also there. There should be a well-defined policy on the basis of which the political party seeking to take part in the election is to be registered. At the present moment, there are no well-defined guidelines for the registration of any political party seeking to contest in the elections.

The Election Commission is handicapped today. They have got no infrastructural machinery of their own neither at the Union level nor at the State level. At the State level, the Election Commission has to depend upon the administrative apparatus

[Sh. Chita Basu]

of the State Government. There cannot be true independence of the Election Commission if it is not endowed with independent secretariat plus independent machinery to conduct the election right from the primary stage, that is, enrollment of voters. Unless that kind of infrastructure is made available with the Election Commission, I think, the election process cannot be free from vitiation.

Some of us feel that in order to ensure proper representation in the House through an election, there should be the system of proportional representation. It has now found favour with the Election Commission. It has not found favour with many. But to have a properly representative House on the basis of the wishes expressed by the electorate through the election, I think, the proportional representation is the best method and there should be some thinking on that aspect also.

There is a provision in certain countries for the right of the electorate to recall. We see defections even in this house. I think, this is not the occasion for me.

AN HON. MEMBER: Let the ruling be over.

SHRI CHITTA BASU: Let the ruling be over. Anyway, there are defections. Earlier, the defections were only in the States. Now it is a misfortune for us to see that defections have taken place also in the Parliament and some defectors have also been promoted to the position of Ministers and the case is pending before you. It is for you to decide. (*Interruptions*) There are defections. (*Interruptions*) There is a defection law. (*Interruptions*) There is also a split. (*Interruptions*)

DR. THAMBI DURAI: Mr. Speaker will rule. Why are you discussing this matter?

MR. CHAIRMAN: No, no.

(*Interruptions*)

Order, order

SHRI CHITTA BASU: Sir, I have not discussed it. I know the position. I say that there is a disease called 'defection' and defection was there in the State legislature. I simply remarked that defection has also entered the Parliament. There is nothing wrong. I also know that the case of defection is before the Speaker. The Speaker is to take the final decision about it. The questions have also been raised as to the jurisdiction of the Speaker.

MR. CHAIRMAN: Do not discuss anything about the issue before the Speaker. (*Interruptions*)

Mr. Basu, please hear me. You can speak about defection but do not mention anything with regard to the issue before the Speaker.

SHRI CHITTA BASU: What have I mentioned? I have mentioned defections. (*Interruptions*) The Speaker has got the right to decide about defections. What else have I said? (*Interruptions*)

MR. CHAIRMAN: You can speak about defection.

(*Interruptions*)

There is no prohibition. But do not say anything about the present case before the Speaker.

SHRI CHITTA BASU: The defection has some premium also. I leave it to you.

Then, there is the question of right to recall. Do you want not say that this is also unparliamentary? As many of the ills arise out of defection, I want that those ills can be met by a law which provides for the right of the electorate to recall its elected representatives. (*Interruptions*)*

16.00 hrs.

MR. CHAIRMAN: Nothing will go on record.

SHRI CHITTA BASU: Sir, this is perfectly within the framework of the practice in Parliament. These are the burning issues and so, we have to bring about comprehensive electoral reforms. I have got my reservations on the Bill because this Bill does not touch this very important issue relating to the electoral reform. Therefore, by and large, I support it. By 'by and large', I mean it is a step forward. It strengthens the position of the Election Commission and the Election Commissioner. It is a step towards creating a condition for democratisation of election process. Therefore, while supporting this Bill, I would earnestly request the hon. Minister of Law and Justice to do justice to the election and see that there are proper laws framed so that election may be fair and free from all kinds of vitiations that we see today in the country. Those laws are necessary for the survival of Parliamentary democracy. I think the House will appreciate this approach of mine.

[*Translation*]

SHRI MADAN LAL KHURANA (South Delhi): Mr. Chairman, Sir, on this Bill I will submit only two or three points as respected Advani ji has already expressed his views in detail. India is the largest democratic country and reforms in the election laws is a continuous process in our country. Today we are discussing and considering the issue of electoral reforms. A Committee was formed for suggesting electoral reforms. It had submitted its report to the Government in May, 1990. In this Committee all the political parties were represented and recommendations have been submitted to the Government after detailed deliberations. After reading the report, I am of the view that if the recommendations made by the committee are accepted, there can be a lot of improvement in the electoral process in our country. Therefore, my first submission is that the hon. Minister may tell us clearly

extent to which us clearly he agrees with the recommendations and which recommendations he is going to accept. In addition to this, Mr. Chairman, Sir, I would like to delve internal on two more points also.

16.05 hrs.

[DR. THAMBI DURAI *in the Chair*]

Sir, doubts and suspicions have been raised in regard to the appointment of the Chief Election Commissioner. This should not have happened. The appointment should not only be fair, but should also appear to be so. As I have stated, for free and fair elections, there should be an independent Chief Election Commissioner. On this issue, the report says that though he should be appointed by the President, this should be done after consultations with the Chief Justice of India, the Prime Minister, the Leader of the Opposition and the Leader of the largest party in the House, if any. Now-a-days a mini-scale party is ruling the country and the largest single party the Congress is supporting it. In such a situation the largest party should also be consulted.

Mr. Chairman, Sir, after the death of Shri Perry Sastri, Shrimati Rama Devi was appointed the Chief Election Commissioner. It was a matter of pride for India to have a woman as the Chief Election Commissioner for the first time. But the way she has been removed is not a proper thing. I have been told that in the first instance three I.A.S. officers were asked but when they declined and only then she was appointed as Chief Election Commissioner. This has been the convention that the Law Secretary is appointed as Chief Election Commissioner. She has a good reputation. She was independent and honest. The Government has not done a good thing by removing her. The honour which we had conferred on a woman by appointing her the Chief Election Commissioner, is now lost. On the other hand, the appointment of the new incumbent would also create doubts. That is why I said that before the appointment not only the ruling party, but the leader of the Opposition and

[Sh. Madan Lal Khurana]

also the largest single party and the supporting party should also be consulted so that every body has faith in election commission and the Chief Election Commissioner.

Mr. Chairman Sir, secondly I would like to say that as has been suggested in the report, Election Commission should be a multi-member commission, because single member can come in the influence of someone and in that case anything can happen. Therefore, if we want free and fair elections, there should be 3 or 5 members in the Election Commission. This is my submission and same thing has been said in the report also.

Mr. Chairman, thirdly I want to say a word about defection. Our party is of this view that this should be decided by the President through Election Commission after hearing the views of all the parties. I do not want to cast aspersions on anybody regarding defection, but this much I would definitely like to say that even after committing such a big crime, no punishment is being given to the culprits. It looks as if anti-defection law has become a joke. I, therefore, urge upon the Government that this report should be accepted. While replying, hon. Minister should make it clear that to what extent he is accepting the report.

[English]

SHRI PETER G. MARBANIANG
(Shillong): Mr. Chairman, Sir, I rise to support the Bill. It is a Bill in the right direction. It is true that we need a comprehensive Bill to do away with many of the abuses of election.

I am very happy to inform the hon. House that I come from a State where the electoral process is still respected very much. In Meghalaya, we need only two Police constables to go along with the official election party to conduct elections in a Polling Booth. We don't have many of the abuses which have appeared in the whole length and breadth of India. However, I feel that the view that has been expressed here, i.e. that we

need to have one more Chief Election Commissioner, should be considered by the Government keeping in view the discussion that has been going on with respect to the 10th Schedule of the Constitution. Otherwise, the work load of the Chief Election Commissioner will be more. As such, if one or more Election Commissioner is there the whole electoral process can take place more quickly.

Sir, I would just like to draw attention of the House to one or two important points. It is very good that the pay and allowances of the Chief Election Commissioner and the Election Commissioner have been included in the Bill. Coming from a hilly state like Meghalaya, we must also remember that the electoral officials have to go miles and miles on foot in order to carry out the electoral duty. So, I think that TA/DA of these persons should also be taken care of and the contingency fund for carrying the election material should be increased for them. Otherwise, it is meaningless to increase the TA/DA of the top officers and forgetting those who are their right and left hands and who help to conduct elections in the country.

Another very very pertinent point which I would like to draw to the notice of the House is regarding the names in the Electoral Roll. We find that mostly the electoral roll is not prepared and many names especially of illiterate persons are left out from the electoral roll and thereby they are denied of their birth right. Therefore, a better method should be found to see that the names of genuine persons are included in the electoral roll. Under the present law we find that it takes quite a long time to claim the name of a person in the electoral roll. Many objections and counter-objections are being levelled. If a person is a genuine voter then the Election officer should include his name in the roll after verification by another voter of the roll. If he is a poor man and he has to go miles and miles to some other polling station to claim his name and plead his case then it is very unfortunate.

Sir, these are few things which should

be taken care of when we bring a comprehensive law in this regard so that all the citizens of India who have attained 18 years of age should get this birth right to vote.

[*Translation*]

SHRI RAM KRISHAN YADAV (Azamgarh): Mr. Chairman, Sir, in this Bill Election Commission has been given more powers. I am of the view that a comprehensive Bill should be brought, so that all the defects of the election system could be removed. It would have been better if provision to contain increasing influence of money, media and mafia in the elections had been made in the Bill.

So far as the question of providing more facilities and increasing the pay of Election Commissioner and providing him facilities equal to the judges of Supreme Court are concerned, I would like to say that if he is being given all these facilities then he should also have the qualifications equal to a Supreme Court Judge. Some sort of arrangement should be made so as to made him as reliable as judges of Supreme Court and High Court. It would be better for him if he performs his duties with the same dignity and honour as is performed by the judges of Supreme Court and High Court.

Along with the increased facilities he must be given some more responsibilities. His selection should also be made just in the same way as the judges of the Supreme Court or High Court are selected. He should be selected on the basis of qualifications. But it is regrettable that no provision regarding his qualifications has been made in the Bill. It would have been better if such a provision was made. Apart from this his duties should have also been defined so that he may be able to perform them honestly. A person who has been in politics should not be appointed as Election Commissioner, as it has been noticed that these days politics is coming into the office of Election Commissioner. I request you that some such provision should be made which may assure the ruling as well as opposition party that the person concerned

is impartial . If these provisions have been made, the Bill would have been a better enactment.

[*English*]

SHRIVAMANRAO MAHADIK (Bombay South Central): Mr. Chairman Sir, I support this Bill. I consider the position of the Chief Election Commissioner as sacred and I feel that the Chief Election Commissioner and his associates should be independent. They have been compared to the judges of the Supreme Court and High Courts. The appointment of these officers is a daily routine work which we have to sanction. But so far as this particular appointment is concerned, I have to request the Government through you to think about some suggestions which I am going to make.

These officers should be empowered to decide before the Census, in what fashion the census should be made. The present fashion of forming Constituencies is to create first census circles and these circles are not changed. That is why while making delimitation etc., voters who are staying nearer to the Constituency's centre and people who are somewhat far away are divided unevenly. We have to see whether we can change the theory of these census circles and make our constituencies composite ones by allowing to divide even the census circles suitably.

Secondly, I would like to mention about the interference by the Government in election system. I suggest that the ruling party should resign a month before the elections. This aspect may be examined by these officers. I say this because the ruling party often uses all the government machinery to get the election results in their favour. Also, use of force and violence is resorted to with the help of police by the ruling Party in Govt. That is why such kind of pressures should not be there.

Third thing is regarding disqualification based on grounds of race, religion, caste, community and language. It is necessary to say whether the word '*Dharma*' is equal to

[Sh. Vamanrao Mahadik]

religion. For example, I have seen in the Emblem of Supreme Court. "Yato Dhamastato Jayah". This does not belong to any religion. "Yada Yada Hi Dharmasya glanirbharti Bharatah...", "Swa Dharme Nidhanam Shreyah Pardharmo Bhayavahah" "Dharyati Iti dharmah". These are the things which are connected with the etymology of 'Dharma.' But are we calling 'Dharma' equal to religion? Because of this only, disqualification cases are increasing and which involves some sort of injustice done to a particular individual. If a party has a symbol of hand and if it says that this is the hand of Ram and the other party says that this is the hand of Krishna, it will turn into religious propaganda in the name of *Dharma*. Suppose I have got a symbol of Bow and Arrow and I say this is the bow of Ram, then I may be involved as a person making propaganda in the name of religion etc. So, whether we should not use such symbols is a question. So, some decision should be taken in order to see which are symbols which can disqualify a candidate.

Then, there are some candidates who are taken on the basis of caste, creed and so on. Secularism is our principle but appeasement of minorities should not be there. We make such rules wherein all are treated equally. Now, we are giving reservations specially for women. If we want to make such division, why not make such division for all on all levels of Caste, creed, genders etc.

These are the things which are coming in the way of having impartial elections. So, some additional officer should be appointed to solve this problem. This may stop the candidates from going to the courts. This may also save time, money and stop again get disqualified. If they get disqualified, then they may have to go in and appeal before the Supreme Court.

So, these are the things which I would like to suggest.

[*Translation*]

PROF. PREM KUMAR DHUMAL (Hamirpur): Mr. Chairman, Sir, I support the Bill, introduced by the Minister of Law.

I want to say few words regarding some points only. Election law has become so old that it requires improvements. These reforms are being brought in piece-meal. I would request the Minister of Law to bring a comprehensive Bill, containing all the required reforms like rotation and delimitation of constituencies. There are some constituencies which are reserved constituencies for last 20 years. A Bill in this regard should be brought forward. My second suggestion is that power to decide cases of defection should be vested in the Election Commission.

My third suggestion is that while appointing members of the Election Commission and the Chief Election Commissioner, opinion of the Speaker of Lok Sabha, Chairman of Rajya Sabha and Leader of the Opposition should be taken. This has also been suggested by the Committee on Election Reforms. The appointment of present Chief Election Commissioner has raised suspicion in the minds of the people. My friends have said that in the first instance Shrimati Rama Devi was appointed but later on after removing her, another person was appointed. It is said that he refused to accept the appointment in the first instance. Thus on the one hand an unwilling person was appointed by you and on the other by denying that post to a woman you have invited the anger of women.

In the end I would like to give a suggestion. I want that Election Commission should be multi-member commission, as has been suggested by the committee. I hope that Minister of law will give a thought to my suggestion while replying to the debate. I suggest that radical changes should be brought in the election system. I would also like to know the time when you are introducing a Bill in this regard?

S. ATINDER PAL SINGH (Patiala): Mr. Chairman, I support this Bill halfheartedly, as in this Bill only provisions regarding the pay of election commissioners have been made, whereas full financial powers should have been given to the Commission just like the Auditor General and the Supreme Court. I hope that Government will remove this lacuna.

Booth capturing is very common in our country. To control this, identity cards should be issued and with that voting should also be made obligatory. I also suggest that Indian Election service should be create on the lines of Indian Administrative Service and Indian Police Service, so that elections could be conducted properly in every State. Election Commission should also be given statutory powers to conduct Panchayat elections on the expiry of their term without prior permission of the Government. Unless these provisions are made we cannot say that we are having a developed democracy. I, therefore, request that Government should bring a Bill containing the suggestions given by the previous Election Commissioners.

[English]

SHRI SHIKIHO SEMA (Nagaland): I would also like to make a few points regarding the Chief Election Commissioner and Other Election Commissioners (Conditions of Service) Bill, 1990.

India is one of the largest democratic countries in the world, and we are the Members of its Ninth Lok Sabha, duly elected by the people. There have been many States which have gone through so many elections. Elections are not a new thing to our people. But the question of determination of the status of the Chief Election Commissioner and the other Election Commissioners have come up only today. Nevertheless, though delayed, it is not too late.

I would also like to support the Bill: but meanwhile, I consider that this Bill is not comprehensive. It has been brought very hurriedly. I would like to draw the attention of

the Minister concerned to this: he has not put his mind to it. I am telling you, Mr. Minister: You have not done your home-work properly.

16.27 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

In the Bill, you have made provisions for him for leave, for resignation, but there are no provisions for his removal. His term is for six years in the Bill. In the case of the Chairman of the Union Public Service Commission, there are provisions how he is brought in, how he is removed as and when the situation demands or warrants. But, in this case, there are provisions only for his leave, for his resignation but not for his removal as and when the situation demands.

SHRISONTOSH MOHANDDEV (Tripura West): He can be impeached in the House.

SHRISHIKIHOSEMA: But the provision is still absent in the Bill, So, this has to be taken into account.

Then you have brought in the Chief Election Commissioner and other Election Commissioners. What about the district level Returning Officers, what about down below officers, what about polling booth officers? Some of the members have said that you have not included officers below them. So, this Bill has been brought forward in a hurry. It is not a comprehensive Bill. This has to be looked into carefully.

To improve electoral reforms in our country is not a new thing. We had discussed enough on a Private Member's Bill brought forward by the hon. Member, Shri L.K. Advani. It was widely discussed here in the House, in the press, Media and at various forums. But, still, you are bringing in only the Chief Election Commissioner and Election Commissioners.

What about reduction or avoidance of money and muscle power which we have been talking about all the time. The Government did not have enough time to think about it. Therefore, sweeping electoral re-

[Sh. Shikho Sema]

forms for the voters have to come soon; they should not be delayed.

We have gone through many elections. I think there is no substitute to the identity cards. If we introduce identity cards, then nobody can do any mischief. Therefore, Government has to think about it. If you think that it is too expensive to introduce identity cards, but, then you will have to realise that it can be useful in many ways. Therefore, Government has to think about it.

Since this Bill is not comprehensive, many more amendments have to come and more have to be substantiated covering lower level. Any how, something is better than nothing. I also support this Bill.

[*Translation*]

SHRI GULAB CHAND KATARIA (Udaipur): Mr. Deputy Speaker, Sir, we are the biggest democratic country of the world and we have been discussing for years how to bring about electoral reforms in the country. The Bill which has been brought here provides for increasing the salary and service tenure of Election Commissioners and Chief Election Commissioner and we cannot bring electoral reforms in this manner. I won't support this bill at any cost for this reason and also because the Government have given priority to giving individual benefits to these officers. I am not prepared to accept it. The matters which deserve priority have been relegated to background. Had the Government brought this bill after 4, 6 or 8 months, heavens would not have fallen. It would not have created any hurdle in the way of election process which we have been following so far.

I feel that first of all we should have considered those matters which are eating into our democracy, which are destroying our democracy. Why has the aspect of money power been brought the role of money power is well known. Instead of piece-meal legislation, a comprehensive Bill should have

been brought. Had you taken all of us into confidence some way out would have been found. Now you say that his age of superannuation should be 65 years. What is very special about him when it is 58 years in the case of all Government officers. From this it is obvious that it is an attempt to make him follow the dictates of the Government. I want that in this case also the age of retirement should not exceed that of an ordinary Government employee or a judge. This may hinder the reforms. The incumbent will only think of the ways of influencing the people in power for his personal ends. It should be made clear that a person who becomes an Election Commissioner or Chief Election Commissioner shall not hold any office of profit after retirement so that he does not succumb to outside.

Mr. Deputy Speaker, Sir, in our country there are many flaws in our electoral system and there is immediate need of reforms. In our country the name of a voter is found in six separate voters lists. The name of a person will be included in the voter list of Delhi, in the list of his native village and many other places. Votes are cast at different places. So there must be a system whereunder name of a person is included in the voter list of only one place and he should cast his vote only at that place. If anybody violate this rule he should be penalised. These priorities deserved consideration but we have not done it. The bill centers around the service conditions only.

Similarly nothing has been mentioned about the qualifications of Election Commissioner or Chief Election Commissioner. Only their service conditions have been mentioned. You said that the same has been presented in the Rajya Sabha. It may presented in the Lok Sabha or the Rajya Sabha, people want a package of election reforms. All the reforms should have been brought through a single legislation so that the people feel that government is really interested in doing something in the matter. The present minority Government expects applause by improving the service conditions. It wants to influence the election officers. It appears

that the bill has been brought at this moment with the intention of influencing the Election Commissioner. The bill has been brought in a wrong manner. So I can't support this Bill, instead I oppose it strongly. The way this bill is brought is quite improper.

[*English*]

SHRI P.C. THOMAS (Muvattupuzha): I support this Bill which gives some kind of independence by way of giving a proper status to the Chief Election Commissioner and the Election Commissioners. In fact, it is incumbent on us to treat this high office in a similar manner as we treat the office of a Judge of the Supreme Court or the High Court. But I would think that the disparity in age, as it is stated as 62 and 65 with regard to the Election Commissioner and the Chief Election Commissioner need not be there. Though this Bill is broadly supported, and as such this is only what we can expect from such a Bill, we were all expecting something more than this. The trend of the House and the trend of the suggestions which have been already made indicate that. I think we are expecting a further law either in the form of some election reforms or in the form of an amendment to the Representation of the People Act.

I think, there was Conference which was held a year back. It was a conference of all the parties held on the 9th January 1990 almost an year back. So many suggestions were made in that conference. It was a conference which was expected to be fruitful, and after that a committee was appointed. That Committee also had made so many suggestions. In the House also we had a discussion with regard to electoral reforms. Then also very many suggestions were given. In this discussion also a number of suggestions have been given. I would plead with the Law Minister and this Government to take immediate steps to bring some kind of a law to incorporate these very valuable suggestions which have been made. Especially with regard to the reforms which are necessary in the case of election expenses I think imme-

diately attention has to be paid by this Government.

So many suggestions were made with regard to public funding of elections. Some suggestions have been made with regard to the list system and about the selection of candidates and voting etc. To meet the present troubles which we see with respect to electioneering and counting aspect, we have to do something. We feel that the total election results as such are very much affected by extraneous dealings. I think, some kind of reforms in this manner should be brought immediately. I plead with the Government for it and once again I support this Bill. That for the first time an attempt is being made to bring the appointment to the Election Commission under a cloud of doubt. It is all the more unfortunate that this attempt is being made by the recognised opposition. I don't need to give a certificate regarding the present Chief Election Commissioner. Entire country knows his integrity, experience and administrative ability. There is nothing novel...(*Interruptions*)

[*English*]

PROF. PREM KUMAR DHUMAL: We have not objected to the person appointed. We have objected to the process that was adopted...(*Interruptions*)

[*Translation*]

SHRI RAJVEER SINGH (Aonla): Mr. Deputy Speaker, Sir, I feel he has started indulging in sychophancy right now. He wants to take some advantage. He is busy in praising the officers. He should neither praise the officers or find fault with them.

SHRI HARISH RAWAT: Mr. Deputy Speaker, Sir, I want to teach wisdom to them there are certain posts whose dignity and sanctity is to be maintained not only by the ruling side but others also. One should not endeavour to drag such officers into dispute for their individual political ends. That is what I want to say.

SHRI R.N. RAKESH (Chail): Mr. Speaker, Sir, I request 'respectful' language he has used for him should be withdrawn. He knows the art of "buttering" and that is why butter is becoming costly.

SHRI HARISH RAWAT: Shri Rajveer Singh is not only my neighbour, he is like my elder brother also. Mr. Deputy Speaker, Sir, Government has not appointed an administrative Officer as Chief Election Commissioner for the first time. Prior to that Shri Swaminathan and Shri Trivedi have adorned that office and the dignity with which they adorned that office, we hope that Shri Seshan will also not only prove to be of the same stature but go further to set new and sown traditions. I hope that he will be capable to work according to the present demands of the future elections. We also hope that he will do his best to fulfil the task assigned to him and according to the feelings of the House and the entire country. I would like to support those few minor suggestions which have been given by Shri Banatwalla, and would also submit that Honourable Minister of Justice has taken a very fundamental question that once we appoint a person as Chief Election Commissioner or Election Commissioner he should not hold any office of profit afterwards. There should be some law regarding this. His re-employment should be considered, because if somebody is doing excellent job and he is capable, his capability should be utilized. There should also be such a provision. But all the same, there should be a provision that they are not given any office of profit. Mr. Deputy Speaker, Sir, another suggestion by respected Shri Banatwalla presented as an amendment by him is a submission that there should also be a provision for the Election Commissioners of the States. If they are doing excellent job in their area. They should be appointed as Election Commissioners or Chief Election Commissioners on Central level, and all the conditions which are applied in case of Chief Election Commissioner and Election Commissioner on Central level should be applied in their case also. I hope the Honourable Law Minister will consider these suggestions also when he brings 70th and 71st Amendment Bills before the House. I have been repeatedly asking about the hilly areas of Uttar Pradesh. This has been disturbing me. In Uttar Pradesh, constituencies have been formed for Legislative Assembly and Lok

Sabha on the basis of population. You can't have a different criteria for Lok Sabha. Whether it is Himachal Pradesh, Jammu and Kashmir, Meghalaya or Mizoram the Legislative Assembly constituencies have been created on the basis of population. In our State the criteria is the same as in the plains of Uttar Pradesh. Our Legislative Assembly constituencies are so big that it is impossible to tour them even in five years. This is causing a great dissatisfaction among our public. Better services are not possible. When the comprehensive Amendment Bill is brought in the House, it may please be considered whether there can be two types of constituencies. I think the expectations of the people of hilly areas can be accommodated.

SHRI GIRDHARI LAL BHARGAVA (Jaipur): Mr. Deputy Speaker, Sir, in this Bill there is only one point and that is about the salary and pension of Chief Election Commissioner and Election Commissioner. I would like to make a submission to you that we have also come here after being elected. There are so many problems in elections. Elections should be conducted in impartial manner. If a single comprehensive Bill is introduced, I think it could have been discussed thoroughly. How the foreigners get themselves enroll in the electoral rolls? In these rolls people from Pakistan and other countries also get themselves enrolled. I would like to say that the electoral rolls should be prepared carefully. The names of Indian citizen should be included in the electoral rolls. It was proposed to instal only twelve electronic machines as a measure to improve the election procedure and it was stated that the counting of notes would be done simply by pressing a button. There is always some dispute or bungling in the counting of notes. I have been a victim of the same malpractice. When will the electronic voting machines be used? Identity cards should be issued to the people so that they may cast their notes and bogus voting is checked. This problem should be taken into consideration. This is correct that there should be an independent department to look after this department and there should be an independent secretariat; then alone there can be impartial elections. Presently 20 seats of Lok Sabha are lying vacant for which elections are yet to be held. You are leaving it to the will of the government. If government

is willing, only then elections can be held. If the Prime Minister wishes only then Lok Sabha elections would be held. Elections to the Lok Sabha should be held at the stipulated time. When there is no need to consult any Chief Minister or the Prime Minister of the country, then alone there will be impartial elections. De-limitation is very essential. Polling stations are situated at long distances. There is booth-capturing and muscle power plays a vital role during polls.

There should be an improvement in this regard. After so many years of independence, they have started doubting the integrity of the Election Commissioner. One such instance is before you. In respect of Meham, their policy was not clear. So, I would like to urge upon the Government to brighten the prospects of the persons holding a high position of this level so that they were not swayed by any temptations or did not tend to give in case of any external pressures. A provision to that effect should be made by them. The Government should also come out with a reply to all the points that I have raised here.

[English]

THE MINISTER OF COMMERCE AND MINISTER OF LAW AND JUSTICE (SHRI SUBRAMANIAM SWAMY): Sir, in this debate on the Chief Election Commissioner and other Election Commissioners (Conditions of Service) Bill, many important and good suggestions have been made. I will not be in a position to rely to each of them turn by turn but I have collected them together and will reply to them on the issue basis.

First of all, many Members raised the question of the appointment procedure. At present, the appointment of the Chief Election Commissioner is guided by article 324 of the Constitution which says that the President shall appoint the Chief Election Commissioner. This procedure is sought to be changed and for that a Constitutional amendment is necessary. A Constitution (Amendment) Bill is pending in the Rajya Sabha on this subject and we will certainly take it up as soon as we have a longer session. At the moment, this session being short and the pending business being heavy, we chose to bring only this Bill in order to give a proper legal status to something which is

already there in the rules regarding the appointment of Chief Election Commissioner.

I would like to add by way of support that the appointment of the Chief Election Commissioner has to be based not only on the fact that he knows the law because part of his responsibility is pronouncing judgements on questions of law, but also he must be a person who has a fair understanding of the administrative system of the country. Indeed, in the difficult situation the country is in and in view of the fact that we may have to hold elections in difficult parts of the country where a great deal of care has to be taken, we looked for somebody who had both the knowledge of the law as well as considerable administrative experience. It is on that basis that the Prime Minister recommended to the President the name of Mr. Seshan, and I would think that now that he is appointed, his name should be kept above controversy.

Mr. Advani, in his intervention, raised the question of a package of electoral reform measures. Prof. Ranga also referred to this in his speech. Now, the question is that in addition to the Bills that have been presented in the Rajya Sabha and here, there is also a considerable part which the previous Government's Cabinet had adopted. Whether the whole package has to be brought forward or part of it has to be brought forward can only be decided after the Government consults the leading Opposition parties and then comes to a consensus because many of them require Constitutional amendments and that would require the cooperation of the Opposition. Consequently, the most important part is the consultation that has to take place. The package contains many elements. If today we have to bring it in today's context, then there may be all kinds of meanings attached to it. For example, hon. Member Mr. Madan Lal Khurana said that the anti-defection law has become a joke. Another hon. Member Mr. P.K. Dhumal wanted that the power to disqualify a Member violating the anti-defection law should be transferred to the Chief Election Commissioner. It is a fact that the present powers for disqualification, except for violating the Whip in the House or for changing the party, rest with the President who acts in consultation and shall act in consultation with the Chief Election Commissioner. This is the only power of

[Sh. Subramaniam Swamy]

disqualification which is presently vested in the Speaker. I do not know whether Prof. Prem Kumar Dhumal sitting where he is sitting, is a member of the BJP and whether this has the support of the BJP.

SHRI L.K. ADVANI: That is a recommendation of the Committee.

SHRI SUBRAMANIAM SWAMY: That is right. It is not only a recommendation of the expert committee, but it is also a Cabinet decision taken on the 11th of August 1990 that the power to disqualify Members should vest not with the Speaker, but with the President of India. Now, if we were to bring such a constitutional amendment now, unless we have the formal support of the Opposition Parties, it is bound to be misunderstood.

SHRI L.K. ADVANI: Mr. Deputy Speaker, Sir, the other day the hon. Minister of Law had mentioned this and when he said that it should be vested in the President, it was to that point that my immediate response was that I cannot conceive of shifting this authority from the Speaker to the Executive. But it is only when I went through the entire notes, what we have recommended, so that was, in effect, transferring it from the Speaker to the Election Commission because in this particular case, the President had to act not in consultation with the Election Commission, but on the advice of the Election Commission, which will be binding. So, in effect, it is the Election Commission. So, to that extent the entire Committee including the last government, including most of this side are really committed to that.

SHRI SUBRAMANIAM SWAMY: I am very happy to hear this from Mr. Advani, the Leader of the Opposition, and on that basis certainly we will come forward with something.

DR. BIPLAB DASGUPTA (Calcutta South): Could this something be defined?

SHRI SUBRAMANIAM SWAMY: Well, something concrete. Are you satisfied or you want me to spell it out more?

Sir, many Members mentioned the question of muscle power, money power etc.

SHRI CHITTA BASU: Media power.

SHRI SUBRAMANIAM SWAMY: Yes, media power, the power to destroy, the power to print the lies, that is what you mean now.

Now, frankly, Sir, we can make laws, but ultimately it has to be the political parties which have to take it upon themselves to educate the voters. We can indeed have laws and certain of the measures that are being considered, which are part of the recommendations, which we will bring forward in the form of a Bill, but ultimately, unless the political parties jointly decide that they will not do this, it is not possible to devise fool-proof laws which will ensure that these things do not happen.

I also agree with the Members who said that political parties should not use religion for collecting votes. This also, I hope, has the unanimous support of the House, and not only has the support of the House, but people with their hearts agree that it is essential to maintain the secular fabric of this country and elections at least should not be polluted by appeal to religious fanaticism.

Besides that, I feel that the Bill is a very simple Bill, it does not require much more discussion.

DR. THAMBI DURAI: Just now you said that the Members raised that muscle power and media power also should be under control. For example, the grass-root election first takes place at the rural levels, especially cooperative societies and panchayat levels. There, the people are using all their money power and muscle power to get elected. Therefore, if you are not bringing those things under the Election Commission where the people already said it is applicable to other elections also, I want to know whether you

are going to take this kind of action to see that panchayat elections come under the control of the Election Commission.

DR. BIPLAB DASGUPTA: As far as we are concerned, we do not agree to this proposal. (*Interruptions*) We know how you use the muscle power in Calcutta. (*Interruptions*) That was an attempt being made by the earlier governments. Efforts are made to bring the elections under the control of the Election Commission.

17.00 hrs.

By that they wanted to influence the votes in the States. It was brought by Rajiv Gandhi Government. (*Interruptions*) They wanted to manipulate the elections in the Panchayats and Cooperatives. But we opposed it. (*Interruptions*)

SHRI SUBRAMANIAM SWAMY: Sir, the hon. Member has just mentioned the question of muscle power again. The suggestion that he has made is a worth considering one. But, at the moment, there is no unanimity in the House. So, we will give a serious thought to this matter. Then, once we have made up our mind, we will come forward before Parliament with some measure.

DR. BIPLAB DASGUPTA: Sir, the Election Commission controlling the elections in Cooperative institutions or the Panchayats would actually mean that the ruling party at the Centre would be controlling these elections. (*Interruptions*)

MR. DEPUTY SPEAKER: If you are making some suggestions, they are not going to be incorporated at this point of time. So, please refrain from making any suggestion. Let him complete his speech. At 5 o'clock, we are expected to start the discussion on price rise. It is an item which has to be started at 5 o'clock. If you allow me, I will permit the hon. Minister to complete his speech and immediately after that, we can take up the discussion on price rise. There is no point in seeking clarifications which cannot

be implemented at the time of passing this Bill.

SHRI LOKANATH CHOUDHURY (Jagatsinghpur): Sir, Panchayat election is not part of the Bill, but the Minister has unfortunately covered that area. When the Minister has unfortunately covered that area, then we also have a right to seek clarifications.

MR. DEPUTY SPEAKER: But please do not make it too wide.

DR. THAMBI DURAI: Sir, this is a Bill pertaining to salaries and other service conditions of the Chief Election Commissioner and other Election Commissioners. But we have discussed beyond that also. When we are discussing beyond the scope of this Bill, I also suggested that the Panchayat and Cooperative elections should be brought under the Election Commission. (*Interruptions*)

MR. DEPUTY SPEAKER: Well, there is some other item on which you would be equally interested, i.e. price rise and we are expected to start the discussion on price rise at 5 o'clock. The hon. Minister was replying and he was respecting the feelings expressed by the hon. Members. I think the scope is very limited and within that scope let us discuss it and go to the other item.

SHRI SUBRAMANIAM SWAMY: Since the Bill is simply in scope, it is not possible for the Government to accept any of the amendments except the one technical amendment which we ourselves have moved for changing the year from 1990 to 1991. The other Bills are on circulation for eliciting opinion. It is a very simple Bill and so I think the Bill in its present form should be passed by the House.

MR. DEPUTY SPEAKER: We will take this Bill for passing tomorrow.

SOME HON. MEMBERS: Sir, we can pass this Bill today itself.

MR. DEPUTY SPEAKER: I accept this

suggestion, but with one condition that you will not prolong the discussions on the amendments.

Dr. Venkatesh Kabde, would you like to withdraw your amendment No. 6?

DR. VENKATESH KABDE (Nanded): I would like to make one comment.

Regarding the appointment of Chief Election Commissioner, it has been said that no further controversy should be brought in, about the present incumbent. In this case, I want to point out that the suggestion of the Tarkunde Commission...

MR. DEPUTY-SPEAKER: Please don't go into the details. This would create complication. I want to know whether you are withdrawing it or not.

DR. VENKATESH KABDE: In the case of appointment of Chief Election Commissioner, the Prime Minister, the Supreme Court Chief Justice and the Leader of the Opposition—these three persons—should be consulted.

MR. DEPUTY-SPEAKER: This is an amendment which you have suggested for circulation. At the stage of consideration of the Bill, the first stage, you shall have to let us know whether you are going to withdraw your amendment No. 6?

DR. VENKATESH KABDE: I withdraw it.

MR. DEPUTY-SPEAKER: Has Dr. Venkatesh Kabde leave of the House to withdraw his amendment?

SEVERAL HON. MEMBERS: Yes.

Amendment No. 6 was, by leave, withdrawn

MR. DEPUTY-SPEAKER: The question is—

“That the Bill to determine the conditions

of service of the Chief Election Commissioner and other Election Commissioners and for matters connected therewith or incidental thereto be taken into consideration.”

The motion was adopted

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

There are no amendments to clauses 2 and 3. So, I put clauses 2 and 3 to the vote of the House.

The question is:

“That clauses 2 and 3 stand part of the Bill.”

The motion was adopted

Clauses 2 and 3 were added to the Bill

Clause 4

Term of Office

MR. DEPUTY-SPEAKER: Shri G.M. Banatwalla.

SHRI G.M. BANATWALLA (Ponnani): I beg to move:

Page 2,—

after line 34, insert—

“(2) On ceasing to hold office—

- (a) the Chief Election Commissioner shall be ineligible for further employment or office either under the Government of India or under the Government of a State;
- (b) any other Election Commissioner shall be eligible for appointment as the Chief Election Commissioner, but shall not be

eligible for any other employment or office either under the Government of India or under the Government of a State;

- (c) a Regional Commissioner shall be eligible for appointment as an Election Commissioner or the Chief Election Commissioner, but shall not be eligible for any other employment either under the Government of India or under the Government of a State:

Provided that the Chief Election Commissioner or any other Election Commissioner or a Regional Commissioner shall, on expiration of his term of office and subject to the provision of sub-section (1), be eligible, for reappointment to that office." (7)

I hope he will accept it.

DR. VENKATESH KABDE: I beg to move:

Page 2, line 25,—

for "sixty-two" substitute—

"sixty-five" (8)

SHRI SUBRAMANIAM SWAMY: Sir, if you appoint men of character and ability to the high office, they themselves know what is perfect and what is not. I do not think we need a law for that.

MR. DEPUTY-SPEAKER: In view of the response of the Minister, would you like to withdraw?

SHRI G.M. BANATWALLA: He has said that the entire gamut of electoral laws would be considered by him. I hope at that time, due consideration will be given to the provisions made in my amendment to this clause.

On that assurance of the hon. Minister which I have elaborated, I seek the leave of the House to withdraw it.

MR. DEPUTY-SPEAKER: Has Shri G.M. Banatwalla leave of the House to withdraw his amendment?

SEVERAL HON. MEMBERS: Yes.

Amendment No. 7 was, by leave, withdrawn

MR. DEPUTY-SPEAKER: Mr. Kabde, would you like to withdraw your amendment?

DR. VENKATESH KABDE: I would like to know why there is a difference in the age. I want it should be sixty-five years. I would like to persist with my amendment.

MR. DEPUTY-SPEAKER: Now I put the amendment No. 8 moved by Dr. Venkatesh Kabde to the vote of the House.

Amendment No. 8 was put and negatived

MR. DEPUTY-SPEAKER: There are no amendments to Clause 5. So, I put Clauses 4 and 5 to the vote of the House.

The question is:

"That Clauses 4 and 5 stand part of the Bill."

The motion was adopted

Clauses 4 and 5 were added to the Bill

MR. DEPUTY-SPEAKER: Shri Venkatesh Kabde, do you want to move your amendment to Clause 6?

DR. VENKATESH KABDE: No, I am not moving.

MR. DEPUTY-SPEAKER: There are no amendments to Clause 7 and Clause 8. So, I put clauses 6, 7 and 8 to vote of the House.

Now the question is:

"That Clauses 6, 7 and 8 stand part of the Bill."

The motion was adopted

Clauses 6, 7 and 8 were added to the Bill

Clause 1

Short Title

SHRI SUBRAMANIAM SWAMY: I beg to move:

Page 1, line 6,—

for "1990" substitute "1991". (5)

MR. DEPUTY-SPEAKER: The question is:

Page 1, line 6,—

for "1990" substitute "1991". (5)

The motion was adopted

MR. DEPUTY-SPEAKER: The question is:

"That Clause 1, as amended, stand part of the Bill."

The motion was adopted

Clause 1, as amended, was added to the Bill

MR. DEPUTY-SPEAKER: The question is:

"That the Enacting Formula and the long Title stand part of the Bill."

The motion was adopted

The Enacting Formula and the long Title were added to the Bill

SHRI SUBRAMANIAM SWAMY: Sir, I

beg to move:

"That the Bill, as amended, be passed."

MR. DEPUTY-SPEAKER: The question is:

"That the Bill, as amended, be passed."

The motion was adopted

17.13 hrs.

DISCUSSION UNDER RULE 193

Continued Rise in Prices of Essential Commodities in the Country

MR. DEPUTY-SPEAKER: The House will now take up discussion regarding rise in prices of essential commodities. Shri G.M. Banatwalla will now speak. (*Interruptions*)

SHRIMATI SUBHASHINI ALI (Kanpur): In the morning we were informed that the Prime Minister will make a statement regarding the Thomson Press affair and so I would request you to please allow him to make the statement now.

THE PRIME MINISTER (SHRI CHANDRA SHEKHAR): Mr. Deputy-Speaker, the statement is being prepared. But I shall like to share the facts of the case as have been reported by the Haryana Government. According to the Haryana Government, the dislocation of power in Thomson Press is because of some fault and the fault was located. (*Interruptions*)

SOME HON. MEMBERS: No.

SHRI CHANDRA SHEKHAR: Please hear me. When I discussed between 2.00 and 3.00 PM, I was informed that workers are making all efforts to correct the faults and the electricity will be restored this evening. (*Interruptions*)

SHRI G.M. BANATWALLA (Ponnani):