

SHRIMATI BHAVNA CHIKHLIA
(Junagarh): Mr. Chairman, Sir, it is a matter of great regret that even after a passage of 45 years of independence we have not been able to take appropriate steps to combat drought situation. We have been saying that India is predominantly an agricultural country but even then we have not taken appropriate steps regarding arrangements of water, fertilisers and seeds. For one reason, Government does not work properly and secondly natural calamities do affect agriculture. Consequently, the farmers are in distress. Hon. Minister is present in the House and through him I would like to submit that even though rainfall in Israel is very low agriculture production there is good. In India, the rainfall in some areas is heavy and there are floods. We were discussing the drought situation in Bihar just now. I would like to submit that cannot we take such steps to enable us to utilise every drop of water. Cannot we take such concrete step. We should consider it seriously.

Overall, nothing is satisfactory as some parts are affected by drought, other are affected by floods. There are some villages where there is no drinking water facility and women have to tread three to four kilometers to fetch water. Only a women can feel how difficult the situation is. Today we are discussing drought situation, but there is also drinking water problem. Government should pay attention towards this problem also.

Mr. Chairman, Sir, as Bihar is affected by drought, in the same way Gujarat and Kutch is also affected by drought. Districts of Ropar, Mandvi, Bhuj, Apdasa, Nakharana and Bhacharu are also drought affected. There has been no rain fall in Junagarh, Bhavnagar, Surendranagar, Jamangar, Rajkot, Sabhar Kantha districts of Saurashtra region. Where there has been less rainfall, the plight of farmer is still bad. When farmers had sown the seeds, there was little rainfall. Where there has been no rainfall, farmers did not get chance to sow the seeds. So I

demand that States should be given assistance at war footing from National Calamity Relief Fund immediately and to meet the drought situation. Although hon. Prime Minister is not present here, but hon. Minister of Agriculture is present here.

I would like to submit that as you go on tour of the flood-affected areas by helicopter like that you should also tour the drought affected areas and assess the situation there. The hon. Minister should consider this point.

Mr. Chairman, Sir, River Narmada is the Life line of Gujarat. But its water is flowing into the ocean unutilised. There is a project in this regard, but God knows why it is lying pending on one or the other pretext. It has not been implemented, the way it should have been. The Narmada Project should be treated as national project and should immediately be completed, so that the water problem of Gujarat can be solved. The farmers are facing all the problems, as electricity is also not available. Where there is electricity, there is no water. Even if there is water, they are not able to save their crops as there is no electricity. The hon. Minister should consider it seriously and should reliance the farmers from all the difficulties. No fodder is available for livestock also. Through you, I would like to request the hon. Minister that save the people and live stock from drought. Relief works should immediately be started there and the State Government should be provided assistance as early as possible from the calamity relief fund.

17.33 hrs.

STATEMENT BY MINISTER-CONT'D

(iii) Order dated 2 August 1993 of the Chief Election Commissioner, Suspending all Activities for Holding Elections in the country

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COM-

PANY AFFAIRS (SHRI H.R. BHARDWAJ): As the Hon'ble Members are aware, the Chief Election commissioner has, by an order dated 2 August 93, decided that all and every elections under the control of the Commission, including biennial and bye-elections to the Council of States, bye-elections to the State legislative Councils, bye-elections to the House of the people and bye-elections to the State Legislative Assemblies, as have been announced or notified or are in progress, shall remain postponed until further orders. He has also decided not to take any action to hold any election till the Government undertakes to abide by the provisions of the Constitution and the law relating to elections as interpreted by the Election Commission of India.

2. While the Chief Election Commissioner has issued a very detailed order, the essential aspect of his stand is that it is solely for the Election Commission to decide as to which staff is required by it, both civilian employees and personnel of the Central Police forces, and the Governor or President, when so moved by the Commission, are constitutionally bound to provide the demanded staff. The Commission has taken the further stand that all staff deployed in connection with the preparation/revision of electoral rolls and conduct of elections are subject to the disciplinary jurisdiction of the Commission and the Commission alone.

3. The order of the CEC has engendered a peculiar situation. Besides insinuating that the Government is not aiding and assisting the Election Commission to ensure the purity of the election process by creating conditions conducive to the conduct of peaceful, free and fair elections, this order has brought the entire ongoing electoral process to a sudden halt.

4. Our State has been in existence for over 40 years. In this period, the Election Commission of India have arranged and

supervised successive General Elections to the Lok Sabha and to the Legislative Assemblies of the States and innumerable bye-elections, ensuring that they were conducted in a free and fair manner. Over the years, political parties committed to different ideologies have been in power in the States and at the Centre and there has hardly ever been any occasion for the Election Commission to complain of the lack of Government's full and continued support.

5. While there have been no cracks in the basic structure of our system, our electoral system has not been totally incident-free. As provided for in our system, complaints, representations and petitions have been filed by the aggrieved or interested parties in connection with various elections held so far and these have been adjudicated by the competent legal authorities. The Representation of the People Act, 1951, and other related laws were specifically enacted to appropriately deal with such issues. The various Constitutional and legal provisions relating to elections provide the requisite strength to the Election Commission for maintaining the fairness of the election process.

6. The immediate reason for the Chief Election Commissioner's order appears to emanate from his direction regarding the deployment of Central Police Forces to oversee arrangements in respect of the forthcoming bye-elections in Tamil Nadu. Late on 27th July, 1993 evening, the Election Commission served an order on the Union Home Ministry directing that, I quote, "fully adequate Central Police Forces shall be deployed by the Central Government in the said 22 - Palani Parliamentary constituency and 34 - Ranipet Assembly constituency in the State of Tamil Nadu as early as possible to assist and aid the State Government in the maintenance of proper law and order in the said constituencies." The Election Commission further directed that the number of

[Sh. H.R. Bhardwaj]

Central forces personnel to be deployed should not be nominal but must be in sufficiently large number to ensure the restoration of public confidence. The Commission directed that the deployment of Central Police Force should be made by the Central Government forthwith and be completed by 15.00 hrs. on 31st, 1993, without, and I quote, "waiting for any such request from the State Government in this regard as the Party in power in the State is unlikely to make such request for its own partisan reasons", unquote.

7. As per the standing practice followed by the Ministry of Home Affairs, that Ministry maintains contact with all State Governments where elections are scheduled to be held, to ascertain their requirement of Central Police forces. Consequent to such consultations with the Tamil Nadu State Government, the Home Ministry were advised by the Home Department, Tamil Nadu Government, through a telegram dated 28th July, 1993, that they required 7 Coys. of the Central Reserve Police Force for law and order duty during bye-Elections to the Palani Parliamentary and the Ranipet Assembly constituencies. As, meanwhile, the Election Commission's direction dated 27th July had also been received, the Ministry of Home Affairs took the most immediate measures to rush 7 Coys. of CRPF to Tamil Nadu dintimated the action taken to the Chief Secretary, Tamil Nadu Government, through a telegram dated 30th July, indicating details of the Coys. despatched and the authority to whom they would be reporting, as telephonically advised by the State Government.

8. As directed by the Election Commission, a compliance report was furnished by the Ministry of Home Affairs to reach the Election Commission of India before 15.00 hrs. on 1st August, 1993. After receiving the

report furnished by the Ministry of Home Affairs that the demand of the Tamil Nadu State Government for Central Police Forces had been fully provided for by the Home Ministry and the forces duly despatched to the State Government, to reach there in time, the Chief Election Commissioner issued a detailed order on 2nd August, 1993, indefinitely postponing all and every elections under the control of the Commission which were being held in Maharashtra, Bihar, West Bengal, Gujarat, Kerala and Tamil Nadu as well as all the bye-elections to be held in Andhra Pradesh, Gujarat, Maharashtra, Tamil Nadu and West Bengal which were scheduled to be notified on 3rd August, 1993.

9. While reporting to the Election Commission of India about the action taken to provide Central Para-Military Forces to Tamil Nadu State Government, for the conduct of bye-elections scheduled to be held on 19th August, 1993, the Ministry of Home Affairs had briefly pointed out that Article 324 (6), which is the basis of the Election Commission's direction dated 27th July, 1993 to the Ministry of Home Affairs, does not speak in terms of providing Para-Military or other forces for the Maintenance of law and order in a State or to assist the State in maintaining law and order in the absence of a demand for such forces from the State Government and that as per Entry, 1 List II in the Seventh Scheduled to the Constitution, law and order is a State subject. In his order of 2nd August, 1993, the Chief Election Commissioner of India has opined that the aforesaid view is. I quote, "narrow and pedantic and is totally untenable and unacceptable". He has further opined that the deployment of police forces for the conduct of elections comes within the province of the Election Commission. The Chief Election Commissioner has noted that the view of the Central Government and the opinion of the Attorney General for India are, I quote, "quite erroneous and fallacious and are in

direct conflict with the letter and spirit of the Constitution".

10. Having taken the aforesaid position, the Chief Election Commissioner has opined that the Commission is being deliberately and consciously prevented and incapacitated from discharging its constitutional obligations, by been defiance by the Government of India of the provisions of the Constitution of India and of laws made by Parliament. Having said this, the Chief Election Commissioner has proceeding to forth with suspend as aforesaid, The entire election process currently under way and that scheduled in the coming weeks.

11. Following a petition by Shri Sharad Pawar, the Chief Minister of Maharashtra, challenge the order dated 2.8.1993 of the Election commission in India, the Bombay High Court by an interim order dated 2.8.1993 stayed the operation of the order of the Election Commission in respect of the Pune local authority's constituency for which election are scheduled on 3rd August 1993. The High Court directed the petitioner to implead Government of India as a party-respondent. As per this order, the Union of India was made a party in the petition and they were served with a copy of the petition and they were served with a copy of the petition. The case is now again coming up for hearing today. The matter is thus under adjudication by the Bombay High Court.

SHRI SAIFUDDING CHOWDHURY: What action the Government is contemplating to remedy the situation?

SHRI CHANDRA JEET YADAV: What are you doing to unto the work done by the Chief Election Commissioner?

This is statement of helplessness. Let him ask the Chief Election Commissioner to resign. (*Interruptions*)

[Translation]

SHRI ANNA JOSHI (Pune): You have given what has appeared in the paper (*Interruptions*)

SHRI H.R. BHARDWAJ: Please listen to me. (*Interruptions*)

SHRI H.R. BHARDWAJ: May I inform the hon. House that after the House has expressed its views, the hon Speaker has called a meeting at 4.30 p.m. In his Chamber. All the leaders of all political parties and the hon. Prime Minister have also participated in the meeting. The issue has been discussed and perhaps it is still being discussed. Hon. Atal Bihari Vajpayee has also come now. This matter has also been discussed above-party level in the fairest spirit to resolve this dead lock. Various suggestions have emanated the various political parties.

On this particular issue, we do not want to have a partisan attitude. We will go by the views of the Hours. The hon. Speaker is also finding a method in order to resolve the issue and if it is required to have another debate on this.

All these issues are being discussed with the Speaker. I hope the hon. Members will cooperate and accept the verdict with their leaders would arrive at.

SHRI CHANDRA JEET YADAV: Meanwhile you ask him to resign, at least with grace.

SHRI H.R. BHARDWAJ: Whatever the consensus, we will take action accordingly

SHRI NIRMAL KANTI CHATTERJEE (Dum dum): There is a report that he has gone to the Supreme Court against the Bombay High Court. What is the Government's information?

SHRI H.R. BHARDWAJ: We have all the leader about the latest position.

SHRI NIRMAL KANTI CHATTERJEE: What is the a information of the Government?

SHRI H.R. BHARDWAJ: All the points have been taken note of.

[Translation]

SHRI MADAN LAL KHURANA: A conference of the election commissioners was to be held at 3 O' Clock today. What happened in it?

SHRI BASUDEB ACHARIA (Bankura): What is your information about Chief Election Commissioner? Has he gone to the Supreme Court against the Bombay High Court judgment?

SHRI H.R. BHARDWAJ: I have given full details. Whatever is being discussed inside has gone beyond the hon. Members and if they meet their leaders, they will come to know.

[Translation]

SHRI RAM NAIK: We want its details. We have come to know that the Chief Election Commissioner has said that this political party is like Vikram, but he is Vaital and Vaital disappears. This he has said in the Conference.

[English]

MR. CHAIRMAN : As the hon. Minister has said, the matter is being sorted out by the Hon. Speaker with the help of all the Party leaders.

SHRI BASUDEB ACHARIA: Has he gone to the Supreme Court?

MR. CHAIRMAN: Leave it to the leaders of the Parties.

SHRI H.R. BHARDWAJ: Whatever information I had, I have given it. Beyond that, I cannot give. (*Interruptions*)

SHRI RAM NAIK: Give a report of whatever has happened in the meeting.

[Translation]

SHRI MADAN LAL KHURANA: The country should be told what the Government is doing? (*Interruptions*)

SHRI CHANDRAJEET YADAV: This statement shows the helplessness of the Government

[English]

SHRI CHANDRAJEET YADAV (Azamgarh): Why are you not coming out with detailed information? Has he gone to the Supreme Court?

5.47 hrs.

[**MR. SPEAKER** in the Chair]

MR. SPEAKER : I must thank all the leaders of the different parties for having attended the meeting and discussed this issue very carefully and they have found a sort of solution to this problem as to exactly the solution to the problem would be and it would be made known to you by the Parliamentary Affairs Minister in exact terms because in view of the discussions, they are drafting a statement and, that statement will be considered by shri Rabi Ray and they are bringing to your notice as to what decided in the Committee. I can assure you that the discussion was good and probably we have reached a conclusion which may be helpful to all of us. I can send you, may be today.

SHRI NIRMAL KANTI CHATTERJEE: Whatever is being sorted not it is being sorted out and in a hurried way. What we want to know is, in the meantime, Election Commission has gone to the Supreme Court. Is it true? That is Number one.

What has resulted from that? Is there any information?

He has also come out in a press conference. We want to know what is the information.

SHRI H.R. BHARDWAJ: We got the information that he mentioned that the SLP is being fields in the Supreme Court before the Chief Justice.. How could I know what are the orders passed and whether he was allowed to mention today or whether it will be allowed to be mentioned at 4.40 I was in the meeting. I will know it from my counsel. But we have deputed our counsel from Union of India to take care if any SLP is being fields. We have contacted them and we have got information at 4.40 that his counsel is going to mention it in Bombay. They have fixed 20th for the case of Shri Sharad Pawar for day to day hearing in Bombay. These are the two cases.

CONSTITUTION (EIGHTIETH AMENDMENT) BILL -CONTD.

13.50 hrs.

Motion to Joint Committee Representatives of the people (Amendment)

Bill motion to refer the Bill to Joint Committee.

THE MINISTER OF HOME AFFAIRS (SHRI S.B. CHAVAN): Sir, I beg to move:

"That the Bill further to amend the Constitution of India be referred to a joint Committee of the Houses consisting of 30 members. 20

members from this House, namely:-

- (1) Shri Lal Krishna Advani
- (2) Shri E. Ahamed
- (3) Shri Pawan Kumar Bansal
- (4) Shri Somnath Chatterjee
- (5) Shri P. Chidambaram
- (6) Shri George Fernandes
- (7) Shri Nurul Islam
- (8) Shri K.M. Mathew
- (9) Shri Vilas Muttemwar
- (10) Kum. Vimla Verma
- (11) Shri Sharad Dighe
- (12) Shri K.P. Reddaiah Yadav
- (13) Shri Ashok Gehlot
- (14) Shri Digvijaya Singh
- (15) Shri Rasheed Masood
- (16) Shri Bhogendra Jha
- (17) Shri Abdul Ghafur
- (18) Shri Guman Mal Lodha
- (19) Shri Jaswant Singh
- (20) Shri Chandra Jeet Yadav

and 10 from Rajya Sabha:

that in order to constitute a sitting of the Joint Committee, the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the 16th August, 1993;

that in other respects the Rules of Procedure of this House relating to parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and