

MR. SPEAKER : The question is : 13:30 hrs

"That in pursuance of Section 4 (3)(c) of the Marine Products Export Development Authority Act, 1972 the members of this House do proceed to elect, in such manners as the speaker may direct, two members from among themselves to serve as members of the Marine Products Export Development Authority, subject to other provisions of the said Act."

The motion was adopted.

(vi) Central Advisory Committee
for the National Cadet Corps

Election
THE MINISTER OF STATE IN THE MINISTRY OF PETROLEUM AND NATURAL GAS AND MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI S. KRISHNA-KUMAR) : Sir, I beg to move :

"That in pursuance of Section 12(1)(i) of the National Cadet Corps Act, 1948, the members of this House do proceed to elect, in such manner as the Speaker may direct, two members from among themselves to serve as members of the Central Advisory Committee for the National Cadet Corps, subject to other provisions of the said Act."

MR. SPEAKER : The question is :

"That in pursuance of Section 12 (1)(i) of the National Cadet Corps Act, 1948, the members of this House do proceed to elect, in such manner as the Speaker may direct, two members from among themselves to serve as members of the Central Advisory Committee for the National Cadet Corps, subject to other provisions of the said Act."

The motion was adopted.

[English]

MR. SPEAKER : The House rises to meet again at 2:30 p.m.

The Lok Sabha then adjourned for Lunch till thirty minutes past Fourteen of the clock.

The Lok Sabha re-assembled after Lunch at thirty-four minutes past Fourteen of the Clock.

[SHRI P. M. SAYEED in the

2000 Bills)
STATUTORY RESOLUTION RE. DISAPPROVAL OF REPRESENTATION OF THE PEOPLE (AMENDMENT) ORDINANCE —1991

AND

REPRESENTATION OF THE PEOPLE (AMENDMENT)

BILL—Contd. *and pay*

[English]

MR. CHAIRMAN : The House will now take up further discussion on the Statutory Resolution regarding the Representation of the People (Amendment) Ordinance, 1991 and Representation of the People (Amendment) Bill together.

The Time allotted for this Bill was two hours. But we have taken 2 hours and 21 minutes. So, the hon. Minister may give the reply to this Bill now. *348*

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RANGARAJAN KUMARAMANGALAM) : Mr. Chairman, Sir, firstly I am obliged that I have been given the opportunity to reply. I thought that it will take a little longer.

As the first stage, I would like to thank all the Members who have participated in this debate and have supported this Bill.

The major objection that came essentially in the form of the Statutory Resolution was limited to the point that whether it could have been possible to hold the elections in the

State of Jammu & Kashmir with regard to the limited portions of Ladakh and Jammu. Till now, the procedure for this, that has been adopted is, where there are some disturbed areas in certain States, and where due to circumstances, it is difficult to hold elections, areas are not carved out mainly because the Constitution itself recognises the State as a unit and the constituencies in that State as parliamentary constituencies in specific areas.

Further there is also another problem. If we left out the Valley only for the purpose of not holding the elections, we may have further complicated the situation by alienating the Valley totally. It is to avoid such complications and a situation as such, the Chief Election Commissioner on getting the report about the situation in Jammu and Kashmir as a whole, took the decision to recommend to the President under Sub-section 2 of Section 14 of the Representation People's Act to announce a particular date/dates on which elections may be notified in other constituencies and a later date for Jammu & Kashmir.

The present legal situation is that under Section 73, this House was to be constituted and unless this present ordinance was made, it would have been impossible to constitute the House due to the legal restrictions. That is exactly why this ordinance was promulgated and this Bill has been brought. This is the picture so far as the legal situation goes and I hope hon. Shri Rao will not press his Statutory Resolution and withdraw it on my request, considering the circumstances.

Regarding the other points which have been made by other members, many of them are extremely relevant, though they may not be totally within the scope of this Bill. Since it has been the practice of this House that matters connected even indirectly are brought out and Government are often asked to respond, I would like to state that it is our Govern-

ment's point of view that it is necessary to restart the political process to bring back normalcy. We are totally in agreement with all the members of this House that the problem cannot be solved if we view it merely as a law and order problem. It is a problem where a solution ultimately has to be found only when the political process is totally brought back. I do remember, hon. Member Chitta Basuji categorically reminded me that when I was on that side, I asked about the policy on Jammu & Kashmir problem. I can assure you that this Government does have a policy. But it is not for me to announce it. It is for the Home Minister to announce it. And as and when he gets an opportunity, he would.

Our policy, to put it in brief, is that on the one hand we would not compromise with anybody who challenges the sovereignty and unity of the nation but at the same time we appreciate the problems and the grievances of the people of Jammu and Kashmir and we would like to restart the political process to ensure that those grievances are paid attention to and we are able to bring back normalcy in the State of Jammu & Kashmir.

With regard to article 370, I think it is necessary to go on record to say—not once, many a time it has been stated, but since it continues to be raised—that we are committed to see that Article 370 continues to be enshrined in the Constitution. Article 370 is not just an Article for the sake of adjustment. It is an Article in which the people of Jammu and Kashmir have their faith, in so far as their aspirations, hopes and ambitions are concerned. As Shri Chitta Basu said, let us also not forget that this is not the only Article in Part 21 of the Constitution which deals with transitory provisions. There is article 371(a) to 371(i) where a number of States including Maharashtra, Gujarat, Andhra Pradesh and even the North Eastern States find place.

So, when people of these States have certain hopes and aspirations, we have in our Constitutional Scheme built in an area and place—in fact a part in the Constitution—to deal with these provisions. Article 370 is not an exclusive provision meant for Jammu and Kashmir. There is a political campaign targeted in that manner which I think is a little unfortunate and it would not help in bringing back normalcy in the State of Jammu and Kashmir.

There are other areas also. If you want me to point out which State each one does cover, I will be happy to do so. We can start with Article 371, as it deals with the States having special provisions—that is the Maharashtra and Gujarat, 371(a) deals with Nagaland. Article 371(b) deals with Assam. Article 371(c) deals with Manipur. Article 371(d) deals with Andhra Pradesh. Article 371(e) deals with establishment of a Central university in Andhra Pradesh. (These are separate Articles.) Article 371(f) deals with the State of Sikkim. 371(h) deals with Arunachal Pradesh and Article 371(i) deals with Goa.

So, there are a number of States for which special transitory provisions have been made in the Constitution. In fact amendments have been carried out every time the situation had warranted and Parliament felt it necessary to provide special provisions for respective States to meet the hopes and aspirations of that State. After all, one cannot forget that we do have a political system which is federal where we have States and the Union Government.

Through you, Sir, I would like to clarify that certain points have been raised by hon. Members which some times does go outside the scope of the present Bill before the House but since they deal with the Representation of Peoples' Act, I think it appropriate to reply.

One of our hon. Members, Shri Panigrahi, very categorically came forward and suggested that we should have multi-purpose Identity Cards for ensuring that there are no spurious voters coming to vote. That was considered by all party Committee. It was one of the recommendations. Initial exercise has already been started. We have found out that it costs about Rs. 10 per card and if we really want to complete the process, it will take a full five years in exercise itself. Government is not averse to it but it is looking to it very seriously.

With regard to the manner of conducting elections, a decision has been taken to have electronic polling machines. We have obtained quite a substantial number of electronic machines for polling. A decision has been taken by the Election Commission that any election that is held after the 1st of October, this year—in the bye-election hand possibly in the smaller General elections of States, we will adopt the electronic voting machines for which the required amendment under the law has been made and that I do think will reduce the booth capturing because under the present scheme of things machines will not record more than a certain number of votes in a certain period of time, ensuring that you may quickly punch the buttons on a regular basis at fast speed. It normally deals with how long it takes a person to walk in and put his vote after signing the required forms.

SHRI SRIKANTA JENA (Cuttack): Slowly, you can adopt it.

SHRI RANGARAJAN KUMARA-MANGALAM : But that slowly also takes more time. We are hoping that the normal machinery would settle by them. Of course, when the State machinery itself, like in certain States, involves in booth capturing then it is a different question. *(Interruptions)*

SHRI RANGARAJAN KUMARA-MANGALAM : I cannot say very much. But one thing is reasonably certain that this would help in reducing the amount of booth-capturing that exists.

We have also started our exercise to analyse in depth the various other recommendations that have been made by the all-Party Committee. We would be coming forward to this House categorically with a package of reforms. This may not be possible in this Session but we are hopeful that very soon, we will be able to do it.

SHRI SRIKANT JENA (Cuttack):
Before November ?

SHRI RANGARAJAN KUMARA-MANGALAM : I said categorically it may not be possible in this Session but we are hopeful that very soon we will be able to do it.

Mr. Chairman, Sir, regarding the question that whether postponement of elections in Punjab was right or wrong, I would like to categorically state that it was our opinion that the Chief Election Commissioner had taken a right decision. Though it was not our decision, it was his decision. Under the R. P. Act, it is his decision which he on the basis of information available at his disposal takes.

With regard to certain recognised political parties and their involvement, we are reasonably certain that our policy is to ensure that the political process re-starts. We would definitely, as a Government, take everybody's views in mind, keep them in mind, consult everybody and it is ultimately when all the parties especially in this House, and the political parties who have not had the opportunity of getting into this House when they put their hands together and minds together, it is only then that this problem which we are facing in the

State of Jammu and Kashmir can really be solved to the satisfaction of all concerned.

Sir, I do not want to take too much time but since everybody has been kind enough to support the Bill, I should hope that there would be no problem and I would request that the Bill be taken up for consideration.

SHRI SRIKANT JENA : What about the Kashmiris who are staying outside Kashmir ?

SHRI RANGARAJAN KUMARA-MANGALAM : Regarding the militants' problem, definitely it will be paid attention to. I am reasonably certain that the Home Ministry will respond at the appropriate time.

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SHRI SOBHANA DREESWARA RAO VADDE (Vijayawada) : Mr. Chairman, Sir, I am happy to find several hon. colleagues agreeing with me that the elections could have been held though not in the Valley but in the Jammu and Ladakh areas.

Just now, the Hon. Minister was telling us that his Government was not behind postponement of elections in Punjab and now you were telling that the Election Commission has taken a decision not to conduct elections in the State of Jammu and Kashmir because several major political parties have expressed their opinion that it is not conducive to hold free and fair elections at that point of time. We agree with it. Then, it is also a fact that the major political parties including your Congress (I) Party, the CPI and the CPI(M) have also expressed their views that elections need not be conducted in the State of Punjab at that point of time because the situation is not conducive to hold elections. But the Election Commission has taken a decision to go ahead with the elections. Even after nearly 20 candidates were murdered by these militants, the Commission was emphatic that elections will be held. But just before a few hours of people going to the polls, even the

Governor of Punjab had appealed to all the people to participate in the elections and make it a success, utilise their democratic rights, their inalienable rights and it is a sacred duty on their part to participate in the elections.

When the Governor had appealed to the entire electorate in Punjab, what made this Election Commission to postpone the elections ? On what basis ? On what Report ? Now, you are denying it. By the time the elections were postponed, your Congress (I) Party had emerged as the largest party after the Elections to the Tenth Lok Sabha.

And Mr. P. V. Narasimha Rao who was elected as the Leader of the Congress Party. You were in a state of forming a government. Since you were not interested in holding the elections in the Punjab, the Election Commissioner had taken a decision to postpone the elections which is very very wrong. I am not going to further criticise that high office. But I would like to clearly say that the people of this country are very definitely unhappy with the arbitrary action of the Election Commissioner. And many political parties demanded an impeachment of the Election Commissioner.

Now, the Minister has promised that this Government is very keen to bring normalcy in the State of Jammu and Kashmir and also take steps for holding the elections. They were telling all these things all the time, but, really, they did not do much to bring normalcy in the State of Jammu and Kashmir. My learned friend, Shri Shahabuddin Syed has dealt with it at great length; so, I will not repeat it. In such border States like Jammu and Kashmir and Punjab, our shortsighted certain actions taken previously are responsible for the present state of affairs. Is it not a

fact that the people of Jammu & Kashmir, at least a good majority of them or a large number of them feel that they are let down ? Why are they not interested in the democratic process ? Why do they want to go away from the mainstream of our national life ?

Is it not your action which was responsible for throwing out the Farooq Abdullah's Government elected by the people of that State ? At the same time, you had also dethroned the N.T. Rama Rao's Government. By such narrow partisan political acts, you are making the people feel bad about the Union Government; and the people are losing faith in this democratic process itself. So, let us have some introspection; and also let us not take a hasty decision. After you came into alliance with the National Conference, you both had rigged elections. What is wrong if some candidates of some party wins the election in few seats ? Although they are not anti-national, they are not anti-Indians. They want that Kashmir should be with India. But you have let down all such people; and they are alienated because of your wrong policies. Even very recently, since you did not come to an understanding, you had fought the previous Assembly election in Tamil Nadu separately; DMK had won and formed the Government because you and AIADMK came to an understanding, now you had simply thrown out that DMK Government. It is very wrong; this will have long repercussions. These types of shortsighted actions will have long repercussions.

The Minister has said that he will come forward with some comprehensive package of amendments. Earlier also these things were discussed and certain suggestions made. One of the important suggestions was to eliminate non-serious candidates. It may be your experience also. At several places, a large number of Independent candidates are filing their nomination

papers just by depositing Rs. 500/-. They think that they will get a lot of publicity. Their names will be known in the entire constituency. As a result of this, the ballot papers are becoming very big. There are several polling booths where there is not enough light because they are located in the small primary schools or places where there is not much light; and the voters are illiterate. Even now 65 per cent of our population is illiterate. They are finding it very difficult to identify symbols because of bad light. So, I would suggest to the Government to think of certain measures with regard to this. Apart from raising the security deposit, you also make it obligatory on the part of the Independent candidates to purchase a copy of the voters' list. The Government gives a copy of the voters' list to all the recognised political parties either at the Centre or in the State for their benefit, but the Independent candidates have to purchase it. If he is really a serious candidate, or if he is really serious of fighting the election, then he should at least purchase one set of the voters' list. But he is not purchasing it because it costs a few thousand rupees.

SHRI SAIFUDDIN CHOUDHURY (Katwa) : He will get one copy free.

SHRI SOBHANADREESWARA RAO VADDE : No. They do not give it. Only to political parties it is given.

MR. CHAIRMAN : Please conclude.

SHRI SAIFUDDIN CHOUDHURY : Why should he not get one copy free, I do not understand.

SHRI SOBHANADREESWARA RAO VADDE : If you really want to eliminate these non-serious candidates you should make it obligatory for them to purchase a set of the voters' list and produce it at the time of scrutiny. If one does not produce it, his nomination should be declared as

invalid, so that the non-serious candidates will go out and the election can take place in a fair manner.

The Hon. Minister is mentioning about the identity cards. It is very very essential. Because, very recently in Andhra Pradesh in Tadipatri constituency it so happened that while in the 1989 election they got a majority of 1200 votes, now they got 78,000. How is it possible without booth-capturing and rigging of the elections? I suggest that, whatever may be the cost, the Government may take suitable steps for having identity cards and also the electronic machines and utilise them in the by-elections and the mini general elections.

With these words, I hope that this Government will take all necessary steps to bring normally—or at least start the dialogue with the concerned people—in the State of Jammu and Kashmir and release the workers belonging to political parties which have faith in democracy and the Constitution of our country, and who want to play a genuine role as citizens of India. Kindly allow them to do so and do not put them behind the bars. If political workers or people who do not subscribe to terrorism or extremism, or anti-national elements are detained, you are giving an opportunity to the extremists, terrorists, and the anti-national elements to come into the arena and disturb the entire democratic policy.

I hope that the Government will take adequate steps and also come forward with a comprehensive legislation as promised by the Hon. Minister so that the entire elections would be free and fair. With these words, I wish to withdraw my Statutory Resolution.

MR. CHAIRMAN : Is it the pleasure of the House that the Statutory Resolution moved by Shri Sobhanadreeswara Rao Vadde be withdrawn?

SOME HON. MEMBERS : Yes,
yes.

The Statutory Resolution was, by
leave, withdrawn.

MR. CHAIRMAN : The question
is :

"That the Bill further to amend
the Representation of the People
Act, 1951 as passed by Rajya Sabha,
be taken into consideration."

The motion was adopted.

MR. CHAIRMAN : The house
will now take up clause by clause
consideration of the Bill. Before that,
there is an amendment by Shri P. C.
Thomas. Are you moving your
amendment, Shri P. C. Thomas ?

SHRI P. C. THOMAS (Mavat-
tupuzha) : In the light of the expla-
nation which has been given I am not
moving my amendment. The inten-
tion of the amendment was only to
see that elections in Jammu and
Kashmir will not be delayed. In the
light of the explanation given by the
Hon. Minister that the Government
is all for having the elections at the
earliest, with the hope that the Govern-
ment will take all steps to do
so, and that it will not give a
free hand to the Election Commission
to take up the elections at any time,
I withdraw the amendment.

MR. CHAIRMAN : He is not mov-
ing the amendment.

15.00 Hrs

MR. CHAIRMAN : The question
is :

"That Clause 2 stand part of the
Bill".

The motion was adopted.

Clause 2 was added to the Bill.

MR. CHAIRMAN : The question
is :

"That clause 3 stand part of the
Bill".

The motion was adopted.

Clause 3 was added to the Bill.

MR. CHAIRMAN : The question
is :

"That clause 1, the Enacting Formula
and the Long Title stand part of
the Bill".

The Motion was adopted.

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

SHRI RANGARAJAN KUMARA-
MANGALAM : I beg to move :

"That the Bill be passed".

MR. CHAIRMAN : The question
is :

"That the Bill be passed".

The motion was adopted.

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RESOLUTION RE : STEPS FOR
MAINTAINING STATUS QUO
OF RELIGIOUS SHRINES AND
PLACES OF WORSHIP (KOD)

[English]

MR. CHAIRMAN : Now, we shall
take up further discussion on the
Resolution moved by Shri Zainal
Abedin on the 12th July, 1991. Shri
Sharad Dighe to continue his speech.

SHRI SHARAD DIGHE (Bombay-
North Central) : Mr. Chairman, Sir,
last time I have made certain observa-
tions regarding this Resolution, which
is already before the House.

I am sorry today that my friends
from BJP are not present on the
subject with which they are really
very much concerned.

Sir, last time I was saying that this
sensitive issue has been made further
sensitive by drawing it in the political
arena and by using it as an issue for
the election as far as Lok Sabha and
State Assemblies were concerned.