

SHRI DALBIR SINGH: Sir, the Site Selection Committee has selected three locations in this North Western Region and it is one of them. Karnal is the first one. There is a proposal for a refinery to be set up around Karnal.

MR. SPEAKER: Why this absenteeism today? Again, this is happening in the House.

Seats Vacant in Lok Sabha, Rajya Sabha and State Assemblies

*211. **SHRI HARKESH BHADUR:**
SHRI SOMNOTH CHATTERJEE:

Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to lay a statement showing:

(a) number of seats vacant in Lok Sabha, Rajya Sabha and the dif-

ferent State Assemblies and when such vacancies have occurred;

(b) whether decision has been taken to hold the by-elections for filling such vacancies; and

(c) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI SHIVRAJ V. PATIL): (a) A statement showing the details of the vacancies in Lok Sabha/Rajya Sabha and the different State Legislative Assemblies is laid on the Table of the House.

(b) The Election Commission has not so far taken any decision in the matter.

(c) Does not arise.

Statement

The details of vacancies in Lok Sabha, Rajya Sabha and Legislative Assemblies

LOK SABHA

Name of the State	No. of vacancies	No. and names of constituency	Date of vacancy	Remarks
1	2	3	4	5
1. Assam	12	3- Autonomous Distt(ST) 4- Dhubri 5- Kokrajhar (ST) 6- Barpeta 7- Gauhati 8- Mangaldoi 9- Tezpur 10- Nowgong 11- Kaliahor 12- Jorhat 13- Dibrugarh 14- Lakhimpur		Election to these 12 vacancies to be held after the situation in the State is normalised.
2. Meghalaya	1	1- Shillong		Election to be held only after the issue of foreign nationals is settled.
3. Uttar Pradesh	5	54- Mirzapur 2- Garhwai 25- Amethi 56- Allahabad 12- Bareilly	30.4.80 19.5.80 23.6.80 28.7.80 18.9.80	

1	2	3	4	5
4. West Bengal]	. . 1	26. Serampore	14.7.80	
<i>RAJYA SABHA (RETIREMENT)</i>				
1. Delhi . . .	. . . 1	Elected Members	15.4.80	Biennial election will be held after the election to the Metropolitan Council of Delhi
<i>Casual Vacancy</i>				
1. Andhra Pradesh .	. 1	Elected Members	20.10.80	Programme has been called for from the State Government; Bye election will be held soon after the programme is received.
<i>Legislative Assemblies</i>				
1. Andhra Pradesh .	. 2	1. 111 Chaiale	18.1.80	Not yet fixed
		2. 279 Palavi	18.11.80	Do.
2. Assam . . .	. 2	1. 93-Bokhakhhat	31.8.79 6.12.79	No nomination was filed from the constituency.
		2. 11-Dholai(SC)		Election of Shri Sisir Ranjan Das declared void.
3. Bihar . . .	. 4	1. 203-Bakhtiarpur	14.6.80	
		2. 261-Risua	17.5.80	
		3. 275-Giridih	16.5.80	
		4. 214-Sandesh-	21.5.80	
4. Himachal Pradesh .	. 2	1. 24-Nadaun	18.1.80	
		2. 28-Nadecunta	30.4.80	
5. Manipur . . .	. 1	1. 53-Tamanglong (ST)	27.6.80	
6. Meghalaya . . .	. 2	1. 50-Selsella	16.12.79	
		2. 60-Mahendraganj	13.12.79	
7. Tripura . . .	. 3	1. 44-Raima Valley (ST)	12.1.80	
		2. 6-Agartala	14.1.80	
		3. 16-Bishhalgarh	18.9.80	
8. Uttar Pradesh .	. 7	1. 37-Sikandra Rao	24.5.80	
		2. 344-Patiali	26.5.80	
		3. 285-Jahanabad	28.5.80	
		4. 190-Lakhimpur	29.6.80	
		5. 66-Shajahanpur	20.6.80	
		6. 318-Tindwari	31-10-80	
		7. 40-Bisauli	21-10-80	
9. West Bengal . . .	. 7	1. 223-Midnapore	31.12.79	
		2. 48-Suzapur	14.1.80	
		3. 41-hKarba	18.1.80	
		4. 37-Kumarganj	10.3.80	
		5. 138-Dum Dum	22.4.80	
		6. 159-Manicktola	23.8.80	
		7. 108-Jadavpu	28.10.80	

SHRI HARIKESH BAHADUR: Sir, is it a fact that the Election Commission was prepared to hold elections in U.P. and West Bengal but it was the State Governments who did not give their consent because they have been directed by the Central Government to do like that?

SHRI SHIVRAJ V. PATIL: The legal position is the Election Commission is independent under the Constitution and it is for the Election Commission to take a decision as to when the elections should take place and there is no question of somebody directing from outside.

SHRI HARIKESH BAHADUR: I have met the Election Commissioner and talked to him about this matter. He was telling he was prepared to conduct elections in U.P. especially, but the State Government was not giving consent and they were having some discrimination, they wanted that elections should be held in some constituencies and in some constituencies elections should not be held. Therefore, Election Commissioner perhaps is not prepared for this. Has Central Government examined all these things? What were the reasons for the State Governments not giving consent to hold the elections there? Under what kind of pressure the State Governments stated that elections should not be held in U.P. and West Bengal?

SHRI SHIVRAJ V. PATIL: Under the Constitution, the Election Commissioner is independent. Election Commissioner can consult the Central Government and find out as to what is the position over there. If there is famine in a particular area, if some festivals are taking place, if law and order problem is there, then the Election Commissioner will take all these facts into account, but it is not for the State Government to give any direction to Election Commissioner and the Election Commissioner is not bound to take the directions, is not bound by what is said by the State

Governments. The Election Commissioner may take into account the actual situation but he is not bound by what the State Government says.

SHRI NIREN GHOSH: Is it a fact that one Lok Sabha bye-election and Assembly elections were announced and after that without any consultation with the State Government, it was unilaterally cancelled? Is it because of advice from the Centre that the Congress (I), the ruling party, will rule all the States and the Left Parties. (Interruptions) It is one of the issues on which Bengal Government are agitated.

SOME HON. MEMBERS: He should answer.

SHRI NIREN GHOSH: Is it a fact that the election decision was announced to the State Government and then without consulting the State Government, at the instance of the Central Government, it was cancelled? It was unfair. I wanted to know whether the Chief Election Commissioner had not denigrated his position thereby.

MR. SPEAKER: You know the answer.

SHRI SATYASADHAN CHAKRABORTY: Will the hon. Minister be good enough to say, although the Election Commission is a separate independent body under the Constitution, that extra-constitutional, extra-legal, steps were taken by the Central Government to postpone the elections in West Bengal?

SHRI SHIVRAJ V. PATIL: I am at a loss to convince my hon. friends that it is not possible under the Constitution to give directions of the kind. If the Election Commissioner wants to know as to what kind of situation is prevailing in a particular area, he may know it from the Government. But it is not possible for the Government to direct him.

SHRI MANORANJAN BHAKTA: I want to ask a pertinent question from the hon. Minister. I want to know whether it is a fact that the Election Commission of India have given a verdict, after investigation, that in one of the constituencies in Calcutta, there were a large number of ghost voters and, likewise, there are many constituencies in West Bengal where there are ghost voters and, if it is so, whether the Election Commission has asked the Chief Electoral Officer of West Bengal to rectify the voters' list and, in view of that, whether the Election Commission has postponed the elections.

MR. SPEAKER: Prof. Rup Chand Pal.

PROF. RUP CHAND PAL: May I know from the hon. Minister whether it is not a fact that several enquiries had been made regarding the false allegations made by the Congress (I) people of West Bengal, whether the Central Government had been quite satisfied as regards the voters' lists and had submitted the report and that it was on the basis of that report that the date was fixed in consultation with the Government of West Bengal?

SHRI INDRAJIT GUPTA: Sir, I am seeking some guidance from you. If Questions are tabled relating to something done or not done by the Chief Election Commissioner and those Questions are admitted on the Questions List, I would like to know, when these replies are given all the time that the Chief Election Commissioner is an independent authority, that the Government has nothing to do with him, why do the Ministers take upon themselves to answer the Questions? On whose behalf are they speaking? How are such questions to be dealt with? How are we to question about the Chief Election Commissioner's conduct if the Government say, "We cannot say anything because it is an independent authority" and all that?

MR. SPEAKER: That is the answer.

SHRI INDRAJIT GUPTA: No Questions relating to the Chief Election Commissioner should be admitted if that is the logic of what you say.

MR. SPEAKER: If it is in their power, they will answer; it is not in their power, they will not answer.

SHRI INDRAJIT GUPTA: How can he defend or not defend the conduct of the Chief Election Commissioner?

MR. SPEAKER: He cannot.

SHRI INDRAJIT GUPTA: Why should he take upon himself to answer such questions?

MR. SPEAKER: He is not arguing.

SHRI INDRAJIT GUPTA: This must be made clear. The Chief Election Commissioner may be an independent authority....

MR. SPEAKER: He is not arguing; he is simply stating a fact.

SHRI INDRAJIT GUPTA: I am asking you, not him. I am seeking guidance from you. You will not give any ruling on that. This is very strange.

MR. SPEAKER: I will look into it. Next question.

श्री मनी राम बागड़ी : अध्यक्ष जी, मैं एक बात अर्ज करना चाहता हूँ, इलेक्शन कमीशन चाहे इन्डिपेंडेंट बाडी हो, लेकिन चुनाव का आधार सारे देश का है। इस सवाल को इस तरीके से इन्डिपेंडेंट कह कर टाल देने से तो देश का बुनियादी ढांचा टूट जाता है। यह बात सही नहीं है। इससे देश में हजार किस्म के शक पैदा हो सकते हैं। इसलिए इस पर चर्चा होनी चाहिए।