

SHRI V. NARAYANASAMY: Let him first read the book and then come to the House. (*Interruptions*).

SHRI MOHAMMED AFZAL alias MEEM AFZAL: He is a foolish guy. He is a pagal. (*Interruptions*).

DR. JINENDRA KUMAR JAIN: He is a great historian. (*Interruptions*).

SHRI MOHAMMED AFZAL alias MEEM AFZAL: He is calling him a great historian. It is a matter of shame. (*Interruptions*).

SHRI G. G. SWELL (Meghalaya): Sir, this book obviously is a trash. But are we not giving importance to the writer by raising this matter in the House in this way? I think, we are giving undue importance to him. We should ignore him. (*Interruptions*).

SHRI S. JAIPAL REDDY (Andhra Pradesh): Sir, I agree with Mr. Swell. The Member was only objecting to the book being bought and kept in the Parliament library.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): He has already written to the Speaker. There is a committee to which he has represented.

श्री प्रमोद महाजन (महाराष्ट्र): उपसभाध्यक्ष महोदय, संसद की लायब्रेरी में जो रखा जाता है, क्या सब चीजों पर हमारी सहमति जरूरी है?... (*व्यवधान*) वहां भगवद् गीता रखी होगी। वह पुनर्जन्म की बात करती है, जबकि कोई पुनर्जन्म में विश्वास नहीं करता। फिर भगवद् गीता पर आपत्ति नहीं की जा सकती?... (*व्यवधान*)

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): This matter is over. (*Interruptions*).

SHRI S. JAIPAL REDDY: Mr. Vice-Chairman, Sir, this is a book and certain things in this book hurt the sentiments of a lot of people. How can that book be kept in the Parliament library? (*Interruptions*)...

SHRI PRAMOD MAHAJAN: Why are you so scared... (*Interruptions*)...

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Let us close this subject.... (*Interruptions*)...

SHRI DIPEN GHOSH (West Bengal): Sir, anybody is entitled to write whatever he thinks is right, it could be wrong thinking, it could be right thinking or it could be indifferent thinking. But the question is whether a book or a magazine or anything in print which hurts the feeling of any other religious community

about their belief can it be kept in the Parliament library? I think Parliament library should not buy such books and keep it on their racks. I would expect the Chair to ask the Minister concerned to look into it and take appropriate steps.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Now we shall take up Legislative Business. We have a Representation of the People (Amendment) Bill alongwith a Statutory Resolution seeking disapproval of the Representation of the People (Amendment) Ordinance, 1992. So, according to the business scheduled, the motion of Statutory Resolution will have to be taken up first. Shri Gurudas Das Gupta. Not there. Shri N. E. Balaram, Shri Chaturanan Mishra, not there. Dr. Jinendra Kumar Jain.

[The Vice-Chairman (Dr. Nagen Saikia) in the Chair]

STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE REPRESENTATION OF THE PEOPLE (AMENDMENT) ORDINANCE, 1992

AND THE REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL, 1992

DR. JINENDRA KUMAR JAIN (Madhya Pradesh): Sir, I rise to move the Resolution to disapprove the Representation of the People (Amendment) Ordinance, 1992 (No.1 of 1992) promulgated by the President on the 4th January, 1992. Let me make it clear that we are not opposed to such electoral reforms which will ensure that election process is not disrupted by the inclusion of candidates who are not serious and which is becoming very popular of late. Our party has always been for electoral reforms. But we expect the Government to ensure electoral reforms in a comprehensive manner and not in piecemeal as and when it suits the Government or as and when it is compelled to do so when it has no other option left. I would like to remind the hon. Minister for Law and Justice that there are a number of Bills pending before the House. I hope he remembers that a meeting of the representatives of the various political parties was convened on 9th January, 1990 by the Prime Minister and following that meeting a committee was constituted on 19th January, 1990

which was presided over by late Shri Dinesh Goswami. This committee had made some important recommendations. Three other Bills are also pending before the House this is just to remind him—the Representation of People (Amendment) Bill, 1990 containing a number of electoral reforms, the Constitution (Seventy-first Amendment) Bill, 1990 pertaining to delimitation of constituencies is still pending, and the Constitution (Seventieth Amendment) Bill pertaining to the appointment of the Chief Election Commissioner and other Election Commissioners which is also pending. It is the responsibility of the Minister to pursue all these important matters pertaining to electoral reforms. I would like to know as to what the Government is doing about this. Why the existing business pending in this House is not being pursued? Now, it comes out with an Ordinance. This is a disrespect to the House. It is not taking the issue of electoral reforms in the manner it deserves. I move this resolution disapproving this Ordinance, not the content of the Ordinance. We want that the election process has got to be respected. Non-serious candidates and their inclusion that is going on now should not be allowed to disrupt the whole process of election. But what can we do if the Government is not serious about it? So, I thought that we must disapprove the Ordinance part. But I wish that the Government gives an assurance to the House that it shall take up the issue of electoral reforms in a serious manner. All the three Bills which have been pending for the last two years should be given priority and the Minister should come to the House and introduce the electoral reforms so that we can strengthen our democracy. Thank you, Sir.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI K. VIJAYA BHASKARA REDDY): Sir, with your permission, I move:

“That the Bill further to amend the Representation of the People Act, 1951 be taken into consideration.”

Section 52 of the Representation of the People Act, 1951 provides for countermanding of a poll on the death of a candidate. Due to the rise of terrorism

and violence in certain parts of the country, combined with the phenomenal increase in the number of independent candidates, the danger of countermanding of an election on the death of a candidate has increased. One of the measures suggested to reduce disruption of election process and to reduce danger to the lives of independent candidates, who are an easy prey to terrorism, is to amend the aforesaid provision so as to restrict the countermanding of elections only in the case of death of a candidate set up by a recognised political party.

This issue was also examined by the Electoral Reforms Committee set up in 1990 under the Chairmanship of the then Minister of Law and Justice, late Shri Dinesh Goswami. The Committee had recommended substitution of the said Section 52 and a provision to this effect has been included in the Representation of the People (Amendment) Bill, 1990 which is pending in the Rajya Sabha.

In the meanwhile, it was decided to hold the general elections to the House of people from the State of Punjab and also to the State Legislature. In view of the situation prevailing in the State of Punjab and in order to curb the danger of disruption of election process there, it became imperative to amend Section 52 of the Representation of the people Act, 1951, so as to restrict the countermanding of elections only in the case of death of a candidate set up by a recognised political party. As parliament was not in session, the said Section was amended by promulgation of an Ordinance by the President on 4th January, 1992. The present Bill seeks to replace this Ordinance by an Act of Parliament. Hence the Bill is present before the House.

The questions were proposed.

SHRI K. G. MAHESHWARAPPA (Karnataka): Vice-Chairman, Sir, in this Bill, Section 52 of the Representation of the People Act, 1951, is sought to be substituted by new provision. It relates to countermanding of the election on the death of an independent candidate who is contesting. At this stage, may I request the hon. Minister to consider whether it

[Shri K. G. Maheshwarappa]

is worthwhile to go ahead with this particular provision in view of the fact that the Election Commission recently recommended doing away completely with the countermanding of the elections? I read it in a newspaper yesterday or the day before yesterday. The Election Commission has made a specific recommendation saying that even if a candidate contesting on behalf of a political party dies, the election need to be countermanded. It can adopt anyone of the non-recognised members of the party or within three days that particular party can propose another candidate, instead of going through the rigmarole of the process again. The Election Commission has recommended that for completely doing away with countermanding of election in the event of the death of either an independent candidate or a candidate of a recognised party...

AN HON. MEMBER: Death includes death by murder.

SHRI K. G. MAHESHWARAPPA: Yes, it does; it includes death by murder. Therefore, I suggest that if the Government applies its mind to this recommendation and finds it acceptable, then it can come up with a separate Bill incorporating this recommendation. In fact, the Ordinance expired long back. There is no immediate contingency for enacting this legislation. I do not know under what circumstances now the Government is compelled to bring this piecemeal legislation. If it is claimed that this has been necessitated by the Punjab elections and for bringing electoral reforms, I don't agree with it. Therefore, firstly, I submit the Government should consider inclusion of that suggestion of the Election Commission either in this Bill or by way of a separate amendment Bill, if possible. I do not know the niceties of how it is done.

Secondly, the Law Minister recently made a statement that he would come out with a comprehensive legislation regarding electoral reforms. There are so many things to be done by way of reforms and a legislation will have to be enacted, a Constitutional amendment will have to be made. In fact, the committee headed by the late Law Minister, Mr. Dinesh Goswami, submitted a report and on the basis of that report I think there are some Bills prepared. What happened to those Bills? Have they been put in

cold storage? It is admitted in all quarters that it is absolutely necessary to bring electoral reforms. Except two small legislations, one reducing the age limit of the voter and the other for anti-defection, no vital change has been made in the election law. Therefore, I urge upon the Government to forget this practice of bringing piecemeal legislations and instead, to bring a comprehensive, major, election reform. The election law in this country is modelled on the British system except perhaps in the case of reservation of seats.

Before I go further I would like to know from the Law Minister whether he is going to withdraw this Bill in the light of the recommendations made by the Election Commission. There are so many recommendations made by the successive Chief Election Commissioners, including the present Chief Election Commissioner. But all those proposals are just pending. Apart from those recommendations, there are reports by various committees. The matter was discussed in this House and in the other House.

Then, coming to the Constitution (Sixty-first Amendment) Bill regarding anti-defection provisions, passed in 1985, and the Constitution (Sixty-second Amendment) Bill reducing the voting age from 21 to 18 in 1990, I would like to say that after these Bills were passed, a high power Committee was appointed in 1990 under the chairmanship of the then Law Minister which proposed many electoral reforms. One of the Bills introduced in 1990 sought to bring in changes in the procedure for the appointment of the Chief Election Commissioner and the other Election Commissioners. In this connection, I may bring to the notice of this House the historic memorandum submitted to the President by the late Lok Nayak Jayaprakash Narayan in a huge rally in Delhi which proposed certain electoral reforms. The Government has not applied its mind to those vital electoral reforms like reforms regarding the constitution of the Election Commission, particularly the single-member Commission. Our experience is that the present Chief Election Commissioner is in the midst of a great

controversy. Therefore, the recommendation regarding the restructuring of the Election Commission is of great importance and restructuring of the Election Commission is an absolute necessity and the Government should come forward with its views on it.

Another thing, which is long overdue, is the delimitation of the constituencies. This is also important. Another matter of importance is the rotation of the constituencies. These are the very urgent things which the Government should have considered first and then brought forward a comprehensive Bill. With regard to the other defects in the present system like the use of money power, political corruption, etc., the Government should have come forward with a Bill dealing with these aspects also.

There is one more thing which is very important and it is the holding of elections simultaneously to the Lok Sabha and the State Assemblies, as was the practice earlier to 1971. This will save a lot of expenditure. Whatever the reasons for or the circumstances under which the timings of the elections to the Lok Sabha and the State Assemblies were changed might be, holding of simultaneous elections to the Lok Sabha and the State Assemblies is an absolute necessity.

I finally appeal to the Law Minister to bring forward a consolidated legislation regarding electoral reforms.

Thank You.

SHRI CHANDRAKANT BHANDARE
(Maharashtra): Mr. Vice-Chairman, Sir, this Bill has not come a day too soon. In fact, some of us who have been taking consistent and serious interest in electoral reforms, have been agitating for quite some time that there should not be countermanding of any election, either in the Legislative Assembly or to Parliament. When an independent candidate dies. In fact, I remember that on the 30th of April 1991 I wrote to Shri Chandrashekharji, who was then the Prime Minister. This was on the eve of the last General Elections in May and June, 1991. I wrote to him as follows:

"My dear Prime Minister,

A large number of frivolous independent candidates file their

nomination papers in almost every constituency for the Lok Sabha and Assembly poll. More than 27,000 people have entered the fray for 5 Lok Sabha seats and 1456 Assembly constituencies. In some constituencies the contestants are as many as 100. Section 52 of the Representation of the People Act, 1951, provides for countermanding of poll on the death of a candidate whose nomination has been found valid on scrutiny and who has not withdrawn his candidature or of a contesting candidate before the commencement of the Bill. With the threat of increasing violence in the coming polls, there is every possibility that many elections can get countermanded by the death of independent candidates. A classical example of how the nomination of dying man was filed resulting in countermanding of a parliamentary election and 2 Assembly elections in the Goa Assembly in 1989 amply proves the point. The memory of killing of an independent candidate in Meham last May is still fresh in our minds. There is urgency to amend section 52 and restrict the countermanding of the poll only if a candidate who has been set up by a recognized political party dies, thus eliminating countermanding of the poll on the death of an independent candidate. In fact, such an amendment was made in 1985 by Ordinance No. 5 of 1985, promulgated on the 8th September, 1985. The Ordinance, however, lapsed.

I, therefore, request you to immediately issue an Ordinance similar to Ordinance No. 5 of 1985, amending section 52 as indicated above. The Ordinance may be made restrictive with effect from 26th, April 1991, the last date for filing nominations. This will not only save unnecessary public expense, time and energy but also innocent lives.

I also enclose a copy of the 1985 Ordinance."

Nothing happened. I again took up the matter a little later when we had the bye-elections. And I addressed almost an identical letter to our respected and revered Prime Minister on the 7th of October, 1991. Of course, Sir, I also sent a copy of it to the esteemed Law Minister and the Election Commission and also to the President of India. But nothing

[Shri Mulidhar Chandrakant Bhandare] happened. And we find that the constituency of New Delhi is without a representative in Lok Sabha. In last winter session I even moved a Private Members's bill, analogous to the present bill.

Therefore I welcome this. The situation as it was in Punjab clearly necessitated the promulgation of this Ordinance, and I congratulate the Government for taking this very firm and strong step in time, and for what we have achieved in Punjab. The distance which we cover between terrorism and militancy on the one hand and democracy on the other is incredibly long.

That the Government has been able to cover it so very effectively speaks volumes about the dedication and the commitment of the Government to the cause of democracy, to the cause of free and fair elections, and to the cause of the rule of law.

Sir, when I participate in today's debate, I take this opportunity to congratulate the Government and particularly the Prime Minister and the Home Minister for so successfully concluding the elections in Punjab.

Now, what has been said is : why are we changing the law? As I pointed out, this was done by an Ordinance in 1985 itself. Unfortunately, that Ordinance lapsed. I think, there is some misgiving and misconception in the mind of my hon. friend, Mr. Maheshwarappa because he says why was this Bill brought in piecemeal. Now, there has been an enactment of the Ordinance. If you look at the Statement of Objects and Reasons, that itself makes it very clear. I will read para :

"Meanwhile, general elections were announced in Punjab. In view of the situation prevailing in Punjab and in order to prevent the possible disruption of the election process and the danger to the lives of the contesting candidates, it was considered imperative to amend section 52 of the Representation of the People Act, 1951, by means of an Ordinance. The said Ordinance was accordingly promulgated by the President on the 4th January, 1992."

And para 3 states : "The Bill seeks to replace the aforesaid Ordinance."

So, that was a constitutional necessity, that was a constitutional requirement because under article 123(2), we have to do it within six weeks. Article 123(2) Says:

"(2) An Ordinance promulgated under this article shall have the same force and effect as an Act of Parliament, but every such Ordinance—

(a) shall be laid before both Houses of Parliament and shall cease to operate at the expiration of six weeks from the reassembly of Parliament, or, if before the expiration of the period resolutions disapproving it are passed by both Houses, upon the passing of the second of those resolutions. . ."

SHRI K. G. MAHESHWARAPPA : This Bill is not brought within a period of six weeks. . .

SHRI MURLIDHAR CHANDRAKANT BHANDARE : No. it is within six weeks. It fully meets the constitutional requirements of article 123(2). In fact, it is because of the necessity of this constitutional requirement that this Bill has been brought. It is only a misconception. I am not joining any issue nor am I faulting the Member for it. But I only want to clarify the factual and the constitutional position.

Sir, I now come to a more serious subject. It should be treated so on an occasion like this. What do you do with non-serious candidates? I have given in my letter which I read out just now that for 537 Lok Sabha and 1,456 Assembly constituencies, more than 27,000 candidates were there. I had the facts and figures at one stage but I do not have them now. Some of the ballot papers, as every Member in this House is aware, have as many as 100 names on the ballot paper. I have seen with my own eyes. In fact, in Amethi itself where Rajivji was contesting, there were over 75 Independent candidates, and the difficulty was that that ballot paper could not be put into the ballot box. And it has happened at several places. We have seen

it on the TV also. Now the question is What should we do about these non-serious candidates? I think, the time has come for all of us to put our heads together and do something about it. But, is it permissible under our Constitution where the individual is at the heart of the Constitution?

The Constitution is made for the individual. His fundamental rights are protected. All his other freedoms are protected and the right to vote and the right to get elected also vest in the individual. To what extent can we restrict this right is a question which often perturbs many minds. The answer to that, though not simple, I think is a correct one that we have opted for a parliamentary form of government where necessarily the electorate votes for the party. In fact I was looking today, during the recess, as to who was the lone Member from Assam who is an independent Member of Lok Sabha and I found that he was Mr. Brahmo Chaudhury Upendranath. I found out and I was quite surprised as to now in these days an independent candidate can get elected as a sole Member. And then I found out that he was supported by All-Assam Bodo Students Union. The point which I am making is that there is not even a solitary exception of a truly independent candidate now getting into the Lok Sabha claiming that he does not own any political allegiance to anyone party and if somebody hopes, that he will be an independent candidate supported by the all parties or most of the parties he is mistaken. But the parties do not approve of putting or supporting a candidate from outside. A time has come when every party wants to field its own candidate and get him elected.

The essence of parliamentary democracy is aptly expressed by Ivor Jennings in his 'Cabinet Government' and I am reading from the third edition: "Moreover, the electors do not vote for a candidate but for a party. An unusually feeble candidate may lose some votes; a particularly able candidate may secure some votes on his personality. But the ablest candidate cannot win a seat which is, from the party point of view, 'hopeless'; nor can the feeblest candidate lose a seat which is 'safe'. There is a core

of voters who would think it treachery to vote against 'the party'. Even the so-called 'floating vote', which possesses no fixed party affiliations, is affected more by the reputation of a party than by the reputation of a candidate." This is the very basis that the voter himself votes for party and that is why we have an extensive provision under our Representation of People Act to recognise political parties at the national and at the State level on the basis of votes secured by them. And then, we have also the Allotment of Symbol Order under which symbols are allotted. It is the most precious goodwill of a political party to stick to a particular symbol, whether it is 'Hand' for the Congress or before that it was 'Calf and Cow'. All these are matters which become very important.

5.00 p.m.

There is one more passage from Jennings which I will read: "The successful candidate is almost invariably returned to Parliament not because of his personality nor because of his judgment and capacity, but because of his party label. . . ." At one stage it was said, one could put up a lamp-post and get it elected. It further says: "His personality and his capacity are alike unknown to the great mass of his constituents. A good candidate can secure a number of votes because he is good; a bad candidate can lose a few because he is bad. Local party organisations therefore do their best to secure a candidate of force and character. But his appeal is an appeal on his party's policy. He asks his constituents to support the fundamental ideas which his party accepts. His own electioneering is far less important than the impression which his party creates in the minds of the electors. . . ."

"They vote for or against the Government or for or against the party to which he belongs. The 'national' speaker who comes into a constituency to urge electors to support the candidate probably knows nothing of him. He commends the candidate because he supports the party;"

There is an interesting story which I will come to a little later.

"...he would condemn him

[Shri Murlidhar Chandrakant Bhandare]

with equal pleasure if he did not. Many of the posters are prepared and circulated by party headquarters. The candidate's own posters emphasise his party affiliation. He possesses an 'organisation' because the party supporters in the locality—stimulated, if necessary, by the party headquarters—believe in the party policy sufficiently strongly to give time and trouble to its work."

"The member of Parliament is thus returned to support a party."

So, at one stroke, a candidate of a recognised political party gets all the workers, he gets the entire organisation, he gets the vehicles, he gets the posters—these days, he gets even ready case—he gets a large number of speakers, national speakers, and the whole party machinery is geared up. If this is the very concept of democracy, I think, these independent and non-serious candidates have no place whatsoever in this electoral fray. But that is not to say that individuals should be excluded, because, in our concept, an individual is at the heart of the Constitution. He is at the heart of our society. For example, Mahatmaji would have got himself elected any number of times, without claiming himself to be belonging to any particular political party. He was not a member of the Indian National Congress. Therefore, there are some exceptions. But I feel that we should have certain provisions where it may become difficult for non-serious candidates to be fielded.

Now, before I come to this aspect, let me deal with the other aspects which had been rightly raised by my hon. friend, Mr. Maheswarappa. Should there be any provision for countermanding at all? Of course, some of us had reservations on that count, namely, that it would be unfair not to countermand an election if a candidate belonging to a recognised political party dies, because it would mean that a very effective will of the people,—the votes cast in favour of such a candidate—will be totally taken out of consideration. But I think there is merit in what the Election Commission has said. It is a very very complex suggestion. I do not think it is that much

easy that we accept it straight away and bring forward a Bill. As you know, on all these electoral reforms, we have had very extensive debates spread over fairly a long period, where we have thought and rethought because the first thoughts are not always the best, though they are, very often, the best. But there is one merit in the suggestion. Of course, the provision in regard to independent candidates will stand by itself, namely, that in their case, no countermanding. If he goes out of the field, he cannot be replaced by another independent candidate in his place. But there is merit in the suggestion that after the withdrawal date is over, if a party candidate, unfortunately, dies, he should be substituted by another candidate because there is sufficient gap before the ballot papers are printed. I think this suggestion should be very very seriously considered.

Our Government is a Government of consensus. In any case, electoral reforms are always a matter of consensus. I would request both the hon. Law Minister and the hon. Home Minister, who are present here, to take the lead in circulating this suggestion of the Election Commission to the leaders of the various political parties and also among the Members.

SHRI K. VIJAYA BHASKARA REDDY : I accept this suggestion. Not only this idea, but the other ideas also, we are trying to compile, prepare a note and send it to the other parties and evolve a consensus.

SHRI MURLIDHAR CHANDRAKANT BHANDARE : Send them to the Members also, so that some of those who somehow or other never get into these committees but want the good work to be done, would get an occasion to go in depth of the matter. Myself, Mr. Narayanasamy, we may have a small group ourselves and study those things. This is something which cuts across all party lines.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA) : Mr. Bhandare, I would like to draw your attention to the time also. You have got five names from your party. (*Interruptions*). I leave it to you.

SHRI MURLIDHAR CHANDRAKANT BHANDARE : This suggestion is a good one and let me tell you that one may feel that it is a tremendous loss to lose a candidate in the midst of an election campaign, but knowing as I do the Indian society, it will be a gain to that party. It is because the sympathy which is there on the death of a candidate is immense. I am sorry to say that, but in fact, it will offset all the propaganda from the other parties. Therefore, let us look at it from that angle. There is disadvantage also that somebody who worked till just two days earlier is no more. But, as I said, this needs a very careful consideration.

These are the two things on countermanding elections. I think before our session is out we will have a comprehensive provision on countermanding.

SHRI K. VIJAYA BHASKARA REDDY : On other issues also.

SHRI MURLIDHAR CHANDRAKANT BHANDARE : Yes, I am coming to that. All the three pending Bills will be disposed of, there is no difficulty about it.

On the non-serious candidate there are various reasons why they contest. The first and foremost is the cheap publicity one gets. Advaniji in his article mentions that he found one independent candidate contesting because he was spared from giving donations to other parties, but what I am telling is something really horrendous. In Bombay, a murderer, guilty of quadruple murder, filed his papers so that he could get all attention and get protection as a contesting candidate. Of course, there are those who file nominations for getting telephone connections and motor cars, I am not mentioning them, but these are all non-serious candidates and there are several suggestions which are made in the pending Bill. I think they ought to be taken quite seriously. First of all, I think the number of proposers should be increased. If he is a candidate for Lok Sabha, the number of proposers must be from each of the assembly segment, just as we have done for the Presidential election. For the Presidential election, originally it was one proposer and non-serious candidate could procure one

member from some legislative assembly, but now the minimum number is 10 and so, all these non-serious candidates have disappeared.

Security deposit may also be raised. It may be Rs. 2500 for an Assembly seat and Rs. 5000 for Lok Sabha. The forfeiture of that security deposit may also be made in a more strict manner.

Having said all that, I would urge that a time has come when one should have a careful look to eliminate the non-serious candidates. They do not help any cause, neither the cause of democracy. In fact, that kind of levity or frivolity in a very serious thing which decides the fate of the nation for five years is totally unjustified. That should not be permitted at all.

There are several other matters which are also there, and I have no doubt that the hon. Law Minister who is here, with his thoroughness and with his innate commitment to the cause of democracy, will bring in all those things because these are winds of change.

As I have said, we are proud of one thing that we are the greatest open and free and democratic society rooted in the rule of law. That is why I have said that the USA must also decide whether they want a free and open society which is democratic and rooted in the rule of law or they are just interested in having some military bases. I think what is our greatest boast today is our mature democracy, and I am quite sure that our Government will do everything and spare no effort whatsoever in strengthening this democracy, in proliferating it and to see that this boast continues with a greater and greater pride in days to come and that democracy in our country has a permanent place.

Thank you.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA) : Mr. Ramachandran Pillai.

The time allotted to you is nine minutes.

SHRIMATI KAMLA SINHA (Bihar) : The Treasury Benches are almost empty.

Is this an example of the greatest democracy? (*Interruptions*).

SHRI RAMACHANDRAN PILLAI (Kerala) : Mr. Vice-Chairman, Sir,

[**Shri Ramachandran Pillai**]

this is a cruel legislation, this is a bad legislation. We should not approach electoral laws lightly. These electoral laws have serious political consequences. They can affect the interests of political parties and can also shape the development of the political system. The effects are both short-run and long-run, proximal and distal. The proximal effects operate at the conclusion of any single election when the legislative seats are allocated among the competing parties. The distal effects occur over the course of several elections. The present Bill, if passed, will have serious proximal and distal adverse effects on the electoral system. This will, instead of protecting the elections from violence, I fear, attract violence and vitiate the whole electoral system in our country.

I do not deny the fact that the multiplicity of non-serious candidates, especially these independent candidates are creating a very serious problem. We have to provide more ballot boxes, we have to provide long ballot papers. The voters also find it difficult to find their favourite candidate from the long list. If we allow the agents of all these contesting candidates to enter the polling stations or to enter the counting stations, that can create a law and order situation. I do admit all these things.

But this is not the way. The present Bill seeks an entirely different matter. It says that if an independent candidate dies, the election for that seat need not be countermanded. What is the reason for this amendment? I have gone through the Statement of Objects and Reasons. I don't want to read that thing again. I confess, I find it difficult to understand the meaning of this. I want to ask the Minister whether the Government means, "Look, you independents, if you contest an election, the state cannot take the responsibility of your lives. You yourselves protect your lives. If you contest as an independent candidate and you die, we do not care. We will not countermand the election." Does the Union Government intend to terrorise the independents from contesting the elections?

This will convey another idea to a terrorist. If you want to countermand an election, concentrate on the candidates of the political parties. This will also vitiate the election. This is a very bad

legislation. Throwing the life of the independents at the mercy of the terrorists and criminals is not the only bad effect of this legislation. There is another great danger. Suppose there are only two contesting candidates in a Constituency, one represents a political party and another an independent candidate. What the amendment says is that if the independent candidate dies, the other candidate wins. Under the present situation in many parts of the country, I fear, this amendment will attract more violence. This amendment will put the life of all inconvenient independents in danger. The present Section 52 of the Act protects the life of all contesting candidates from over-zealous persons. This is taken away by this present amendment. This will worsen the situation. For the last 40 years we have gained rich experience in the implementation of the Representation of the People Act. No doubt, many positive achievements are there, but on the other hand many alarming deficiencies are also there. The present simple majority system, the system of the "first past the post", calls for a change to any better and more equitable system which would reflect the choice of the voters as a whole. I think the proportional representation system may solve this problem. Booth capturing, fake, voters, rigging at the elections, use of money, purchasing of votes, misuse of Government machinery, making use of caste and religious sentiments of the people are other issues seeking solutions. Tampering here and there will not solve the problem. So, while proposing this amendment the Union Government has only one or two situation in their mind--the Prime Minister's elections in Nandyal and the Punjab election.

SHRI K. VUAYA BHASKARA REDDY: The Prime Minister's election was held much earlier.

SHRI RAMACHANDRAN PILLAI: Yes. This involves a very serious issue. More wider questions are there before us. So, we have to address all these issues. The problem of non-serious independent candidates no doubt has to be tackled. This can be done by insisting that one sitting or ex-MLA or

MP should propose an independent candidate. Or some other method we can find out. This is not the way to solve the problem of non-serious candidate, because this will attract violence in elections. This will put the life of the independents, especially inconvenient independents, in trouble. So, I oppose this Bill. This will not solve the problem.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Shri V. Narayanasamy. The time left to your party is 27 minutes, but there are three speakers. You distribute yourselves and take your time.

SHRI V. NARAYANASAMY (Pondicherry): Fiftyfour minutes were allotted.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Yes. Twentyseven minutes have been by Mr. Bhandare and there are three more speakers.

SHRI V. NARAYANASAMY: I will try to be very brief.

This amendment is one step further in the right direction. As per this amendment, which the Hon. Minister has brought forward even if an independent candidate dies in the process of election, the election will not stop. It will continue. We have a bitter experience from the past elections. The electoral reforms is a continuing process. Election after election we find defects in the electoral system and amendment are brought in. When Shri Rajiv Gandhi was the Prime Minister of this country, he brought in a major legislation-- amendment to the Tenth Schedule of the Constitution-- the anti-defection law. Before that law was enacted there was erosion in political parties. "Aaya Rams" and "Gaya Rams" were there. The MLAs and MPs lured by money and all that. They were considered as cheap commodities. To remove all these things, the Anti-Defection law was enacted by Shri Rajiv Gandhi's Government.

SHRI V. GOPALSAMY (Tamil Nadu): "Aaya Rams" and "Gaya Rams" culture was introduced by the Congress...(Interruptions)...

SHRI V. NARAYANASAMY: DMK is no exception to it. Janata Dal is no exception to it. It is prevalent in all political parties.

SHRI V. GOPALSAMY: He created a Government of Defectors.

SHRI V. NARAYANASAMY: Therefore, that was a very important Bill brought by Shri Rajiv Gandhi.

Thereafter another legislation was brought to recognise donations to the political parties as legal because some of the political parties were getting money within the country and they were not accounting that money which they were getting.

SHRI V. GOPALSAMY: Within the country and from Sweden also.

SHRI V. NARAYANASAMY: I don't want any running commentary.

THE VICE-CHAIRMAN: (DR. NAGEN SAIKIA): Mr. Gopalsamy, your name is there in the list. When your turn comes, then, you can speak.

SHRI V. NARAYANASAMY: They were getting money from Sri Lanka militants, LTTE people. ... (Interruptions)... Why should he argue with me? I am on the point.

SHRI V. GOPALSAMY: They are getting donations from Japan and Switzerland. In Bombay, Mr. Ambani is very much there to fill the coffers.

SHRI V. NARAYANASAMY: They raised the issue of Bofors before the people and they misled them in 1989. The people understood the situation and they have rejected them in Tamil Nadu totally. ... (Interruptions)...

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Mr. Gopalsamy, when your turn comes, then, you can make your point.

SHRI V. GOPALSAMY: To divert the attention of the people from Bofors, they went in for an agreement with Sri Lanka. ... (Interruptions)...

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Mr. Narayanasamy, Please carry on.

... (Interruptions)... kindly take your seat. Please don't interrupt. Mr. Narayanasamy, Please carry on.

SHRI V. NARAYANASAMY: I am speaking on the subject.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Yes, I know that.

SHRI V. NARAYANASAMY: If they interrupt me, then, I have to answer those points also.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Not now.

SHRI V. NARAYANASAMY: By that legislation it was minimised. *..(Interruptions)...* What about verramam Life scandal; For many years there was corruption in the DMK Government. *..(Interruptions)...* Then, I have to bring in Sarkaria Commission against Mr. Karunanidhi.

SHRI V. GOPALSAMY: International scandal on Bofors.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Mr. Gopalsamy, your name is with me. When your turn comes, then, you can make your point.

Mr. Narayanasamy, don't get agitated. You carry on. *..(Interruptions)...*

SHRI V. NARAYANASAMY: Rajiv Gandhi Government reduced the voting age from 21 years to 18 years. *..(Interruptions)...*

SHRI V. GOPALSAMY: Mr. Vice-Chairman, Sir, what happened to the elections held in your State, Assam? There was genocide massacre and everything. Rigging of the polls was done by a party to which Mr. Narayanasamy belongs.

SHRI V. NARAYANASAMY: It has been widely welcomed not only by the people... *(Interruptions)...*

SHRI V. GOPALSAMY: Rigging is welcomed?

SHRI V. NARAYANASAMY: ...but also by the younger generation in this country. This was not done by the previous Janata party Government.

SHRI V. GOPALSAMY: They have no moral right to teach about the electoral reforms.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Mr. Gopalsamy, don't interrupt quite frequently.

SHRI V. NARAYANASAMY: Voting age was reduced from 21 years to 18 years only by Rajiv Gandhi Government and thereafter the elections were held. It is a hard fact. Then, Sir, I come to... *Interruptions).*

SHRI V. GOPALSAMY: They rigged the elections in Assam. They rigged the elections in Punjab. They rigged

the elections in the North-East of Sri Lanka also.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Please do not interrupt.

SHRI V. NARAYANASAMY: When the Chandrashekhar Government was in power... *(Interruption).*

SHRI V. GOPALSAMY: The Government of defectors. It was the creation of Rajiv Gandhi.

SHRI V. NARAYANASAMY: Sir, if he wants to interrupt me, I am prepared to face it.

SHRI V. GOPALSAMY: Yes, you face it.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Do not enter into private arguments.

SHRI V. NARAYANASAMY: Sir, I am speaking on the subject. I am not dragging the DMK. If they want a direct confrontation, I am prepared.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): I am not allowing anybody to come into direct confrontation, with anybody.

SHRI V. GOPALSAMY: Sir, is it a threat from my friend Mr. Narayanasamy? *(Interruptions).*

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): If you enter into arguments in this way, then, nothing of that will go on record.

SHRI V. GOPALSAMY:*

SHRI V. NARAYANASAMY: Sir, the DMK's involvement with the LTTE has been proved. I can say this before this House and I can say this with all authority which they cannot deny. *(Interruptions).* By interruption, I will not be bullied down. I will raise my voice. *(Interruptions).*

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): No interruption, please.

SHRI TINDIVANAM G. VENKATRAMAN:

SHRI S. VIDUTHALAI VIRUMBI:*

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Mr. Venkatraman and Mr. Virumbi, please take your seats. Nothing of that is going on record.

SHRI V. GOPALSAMY:*

* Not recorded.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): No interruption is going on record. Nor is it related to the subject. (*Interruption*). No, it will not go on record.

SHRI V. GOPALSAMY:*

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Hon. Members, please take your seats. You have had enough. When your turn comes, you will be able to make your points. Now let him carry on.

SHRI V. GOPALSAMY:*

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): I am not allowing, at this moment, Mr. Gopalsamy to make his speech. I am allowing nobody except Mr. V. Narayanasamy to make his speech.

SHRI V. NARAYANASAMY: Sir, the Punjab elections were declared when Chandrashekhar was the Prime Minister of the country. And when the election process was on, 37 candidates were killed.

SHRI K. VIJAYA BHASKARA REDDY: Twenty-seven.

SHRI V. NARAYANASAMY: And candidates belonging to recognised political parties were also killed.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): The Minister is correcting the number.

SHRI V. NARAYANASAMY: Yes, I agree with him, (*Interruptions*).

Sir, when the election process was on, it was found that the candidates who were contesting the elections were being killed by the militants. Therefore, it was considered, when our Government came to power, that elections would be a farce and so they had to be stopped. Apart from that, we have seen several examples in what happened in Meham in Haryana and at various places(*Interruptions*). At some places in Bihar, we have seen how elections were held.

Sir, the State from which Mr. Gopalsamy comes is Tamil Nadu. To my knowledge, in Madurai Assembly constituency in the State of Tamil Nadu, more than 97 candidates had filed the nomination papers. The ballot paper were paper was like a book and the voters, who went to cast their votes did not know where the symbol of their party

candidate was located in the ballot paper. They could not recognise it. Even the election process had become very cumbersome. Therefore, it was found out that apart from the general candidates who are sponsored by some recognised political parties, there are independent candidates who simply file the nomination papers but are not very serious about the election. They do so in order to get publicity. They deposit 250/- as fee for the Assembly election and Rs. 500/- for the Parliamentary election but the election machinery has to work. The election machinery has to work when the candidate has been sponsored by the political party. It was found very difficult and for that purpose, the amendment has been brought. The Ordinance that was brought by the Government helped the election process in Punjab. It goes to the credit of the Congress party that elections were held in Punjab though some of the political parties have not participated in the elections. We have to thank the brave people of Punjab....(*Interruptions*).

SHRI V. GOPALSAMY: People themselves boycotted the elections. (*Interruptions*).

SHRI V. NARAYANASAMY: You can speak when your turn comes. I don't want, running commentary here. (*Interruptions*).

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Interruption is not allowed. Interruption is an encroachment on the right and time of the Member.

SHRI V. NARAYANASAMY: Sir, a lot of my time has been taken away by interruption. So, interruption may be excluded from the time allotted to me.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): All right.

SHRI V. NARAYANASAMY: In the recently held elections in Punjab, we have seen that not many candidates contesting elections were killed and incidents of looting, arson and killing of candidates were minimum. I won't say that it was eliminated 100 per cent but it was minimum because of the Ordinance that has been brought by the Central Government but the same has not been appreciated by the other side. The Government is bringing an amendment

* Not recorded.

[Shri V. Narayanasamy]
which is acceptable to all the political parties. They should appreciate this thing. Apart from this, we have found certain deficiencies in the election process. As suggested by Mr. Bhandare, elimination of non-serious candidate is a must. The political parties should be given the recognition and the candidates sponsored by the political parties should also be given the recognition. When any candidate who belongs to any recognised party dies during the election process, another candidates should be sponsored before the election process starts after filing the nomination papers. This is what was suggested by Mr. Bhandare. The candidate sponsored by a recognised party may be substituted because we are contesting the election in the name of a political party and its symbol. The candidate is also a factor but the major factor is the symbol and the recognised political party. Apart from that, the period of election has to be taken into account. We have clear 21 days. My humble submission is that 21 days is a long period. It may be reduced to 15 days so that the election campaign, publicity and other things can be completed within 15 days. All of us who are here are involved in the election process. In the last Parliamentary election, we have seen that the candidates have to spend the money because they furnish account. I will say that though the accounts furnished by the candidates are accepted by the Election Commission, the same are not correct. The candidates have to spend the money which is beyond the means of the political parties and which is beyond the means of the candidates also. Also when the election process lasts for more than forty-five days because of the threat to any candidates, the expenditure incurred is more. When the election process restarts, when the election is started once again... Therefore, I request the Minister to consider this suggestion also.

My next point is about issuing identity cards to voters. this is a very vital point. Impersonation and bogus voting are the main criteria for the purpose of wining elections nowadays. apart from that, rowdyism, goondaism and muscle power are dominating. Multipurpose identity cards should be given to the voters so

that impersonation could be stopped, bogus voting could be stopped and genuine people who have got the voting rights could vote.

The next one is about the State funding of elections. It is a very innovative thing. I feel it is high time that we consider this aspect. All political parties are accusing other parties of being corrupt and getting money from various parties. The State funding of elections should be there which would minimise the election expenses of the candidates and also of the political parties. The election machinery should take into consideration the advertisements and publicity and also for the purpose the minimum required material for contesting elections should be given to the candidates so that the candidates who are having merit are elected and the political parties who are not having merit are not elected.

Sir, I have two other suggestions to make and then I will conclude. The next suggestion I would like to make is about the Election Commission. A controversy has been created by some political parties which are in power and the Opposition parties opposed to it. The decision of the Election Commission is being criticised. Nowadays we have noticed that some petitions have been given to the Chief Election Commissioner. To avoid that controversy...*(Interruptions)*... A multi-member commission will definitely avoid that criticism from various political parties and it will solve the controversy about the Election Commission which has been an innovative thing and which has been lingering for some time with the Members. Sir, in most of the places we find—we have noticed it in most of the States where elections are held, both Assembly and Parliament,—that elections are not held for one and a half years, two years and sometimes even for three years. The Election Commission says that the time is not conducive for holding elections. Sir, a time-frame should be fixed. They say, it is six months. The maximum should be one year withing which election should be held within a particular constituency wherein the election was not held or countermanded or where by-elections have to be held. The State Governments are taking advantage of it and the State machinery

is being used by them. therefore, I request the Minister to see that there should be a time-frame fixed for holding elections.

The last point with which I will conclude...

SHRI V. GOPALSAMY: Not the least.

SHRI V. NARAYANASAMY: It is not the least. It is the last point. I am not going to attack you...*(Interruptions)*...

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Please conclude.

SHRI V. NARAYANASAMY: Sir, there should be a separate machinery to supervise the election process. It should be supervised by the Election Commission. The controversy arises between the Centre and the States at the time of elections when a particular political party is ruling in the State and another political party is ruling at the Centre and the State machinery is being utilised by the political party which is in power, for the purpose of winning the election by hook or by crook. to avoid that controversy, it is the Election Commission which should supervise it and which should have control over it. It should not be left to the State machinery in order to avoid controversies and complaints from various political parties against the ruling party in the State. See the Bihar elections. Rigging, booth capturing, killing of candidates...*(Interruptions)*...

SHRI ARANGIL SREEDHARAN (Kerala): What are the facts? Don't make allegation unnecessarily.

SHRI V. NARAYANASAMY: I am not making allegations against you. I am telling you how the elections are held in Bihar....*(Interruptions)*...

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Let him give his opinion.

SHRI V. NARAYANASAMY: In Bihar also the candidates from different political parties have been kidnapped before the elections are completed. That is how in Bihar elections are held. My friend is angry with me. I have given certain suggestions. Apart from that, there are certain other suggestion also.

(Interruptions).. Thank you for that. You are giving credit to Laloo Prasad for kidnapping candidates. Sir, I have only read all this. I was not there.

I request the hon. Minister to bring a comprehensive legislation dealing with all the important aspects of the electoral defects in the present system through consensus of all political parties to which the hon. Minister agreed to avoid a confrontation. I hope with that the election process will be on the right lines.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Shree Khaleelur Rahman. You have to complete within five minutes.

श्री मोहम्मद खलीलुर रहमान (आंध्र प्रदेश):
जनाब वाइस चेयरमैन, यह जो रिप्रेजेंटेशन आफ द पीपल (अमेंडमेंट) बिल, 1992 लाया गया है मैं इस बिल को ताईद करता हूँ। इस बिल के एस एण्ड आब्जेक्ट्स में यह लिखा है कि इसके ऊपर एक कमेटी बैठाई गई थी। उहकी कुछ रिक्मेंडेशंस भी आई हैं जिसमें एक रिक्मेंडेशन यह भी है जो इस बिल के जरिये अमेंडमेंट लाया जा रहा है। बेहतर तो यह होता कि कम्परीहेंसिव बिल लाया जाता जिसमें जितनी उनकी रिक्मेंडेशंस हैं उनको लिया जाता। इससे हटकर यह देखा गया है कि पीसमील तरीके से यह बिल लाया गया है। इससे जो कमेटी रिक्मेंडेशंस थी वह डिफीट हो रही हैं। अभी भी मेरी आनरेबल मिनिस्टर साहब से दर्खास्त है वह कम्परीहेंसिव बिल लेकर आये।

जहां तक इस अमेंडमेंट का ताल्लुक है इसकी जरूरत थी। यह देखा गया कि जितनी भी यहां पर बड़ी-बड़ी पार्टियां हैं वे किसी न किसी प्रकार से रूलिंग पार्टी कहलाती हैं, वह अपनी सपोर्ट के लिये 15-15, 20-20 कंडीडेट खड़ा करती हैं। यह भी देखा गया कि कई इलाकों में 50-50, 60-60 इंडीपेंडेंट कंडीडेट खड़े किये गये हैं। इसकी वजह कई हैं। एक तो यह है कि इलेक्शन में कंडीडेट के फायदे के लिये यह तरीका अख्तियार किया जाता रहा है। बूथ कैप्चरिंग, रैगिंग के तरीके जो अपनाये जा रहे हैं उनको डिसक्रेज करने के लिये यह जरूरी है और इस बिल के जरिये यह किया जा रहा है। मैं इस मौके का फायदा उठाते हुए अपनी कुछ रिक्मेंडेशंस

[श्री मोहम्मद खलीलुर रहमान]

आनरेबल मिनिस्टर साहब के सामने रखना चाहूंगा ताकि आइंदा जब भी कम्परिहेंसिव बिल ले कर आये तो इन पर जरूर गौर करें।

पहले तो सेक्योरिटी डिपोजिटस जो हैं उसको जब तक एनहांस नहीं किया जायेगा उस वक्त तक कंडीडेट की तादाद बराबर बढ़ती रहेगी। यह जो डिपोजिट मुर्कर की गई थी 250 रुपये या 500 रुपये कई साल पहले मुर्कर की गई थी। इंडीपेंडेंट कंडीडेट को डिस्क्रेज करने के लिये यह जरूरी है कि सेक्योरिटी डिपोजिट को काफी बचाया जाये। मैं समझता हूँ आनरेबल मिनिस्टर साहब इस तरफ तवज्जो देंगे। दूसरी बात यह है कि हम देख रहे हैं इलेक्शन चाहे असेम्बली के हों या लोक सभा के हों उसके अखराजात बढ़ गये हैं। आजकल एक लोक सभा की सीट के इलेक्शन के लिये कम से कम 20—25 लाख रुपये खर्च होते हैं। यह 20—25 लाख रुपये कोई मामूली रकम नहीं है। कोई मामूली आदमी इन इलेक्शनों में हिस्सा नहीं ले सकता। सिर्फ़ पैसे वाले या वे पार्टियाँ जो काफी पैसे वाली हैं वे ही इन इलेक्शनों को एफोर्ड कर सकती हैं। लिहाजा सबसे पहले एक सीलिंग मुर्कर की जानी चाहिये कि इससे बढ़ कर इलेक्शन पर पैसा खर्च नहीं किया जायेगा। दूसरी तरफ यह भी तवज्जो देनी चाहिये कि स्टेट की तरफ से इलेक्शन फंड होना बेहद जरूरी है। स्टेट की तरफ से इलेक्शन फंड अगर हो जाये तो इस पर कंट्रोल कर सकते हैं, यह दूसरी तजवीज है। तीसरी मेरी तजवीज यह है कि रैगिंग से बचने के लिये आईडेंटिटी कार्ड का होना बहुत जरूरी है। जब तक वोटर्स को आईडेंटिटी कार्ड फोटो के साथ न फरहाम किये जायें उस वक्त तक कोई दूसरा तरीका रैगिंग से बचने के लिये नहीं है और तब तक इम्प्रोसेशन के कई केसेज होते रहेंगे। आप इसको रोक नहीं सकते हैं। एक जमाने से इसका मतालवा किया जा रहा है कि आईडेंटिटी कार्ड फोटो के साथ होना चाहिये। लेकिन पता नहीं क्या दिक्कत है जो इस पर अभी तक बाजाफ़ता अमल नहीं किया जा रहा है। अगर फेयर इलेक्शन होने हैं तो मैं हुक्मत से आपके तवसह से यह अपील करूंगा कि जितनी जल्दी हो सके। आईडेंटिटी कार्ड फोटो के साथ दिये जायें।

मेरी चौथी तजवीज यह है कि इलेक्ट्रॉनिक मशीन का भी इस्तेमाल होना चाहिए। बैलेट पर मोहर लगाने का तरीका बहुत पुराना है। उस पर टाइम भी काफी लगता है और काउंटिंग के वक्त तो हम यह देखते हैं

कि दो दो दिन और 48-48 घंटे काउंटिंग में लग जाते हैं और तब भी रिजल्ट नहीं आता है। लिहाजा इलेक्ट्रॉनिक मशीन का इस्तेमाल किया जाये। अगर इलेक्ट्रॉनिक मशीन का इस्तेमाल किया जायेगा तो वोट डालने में भी सहूलियत होगी और काउंटिंग के वक्त भी सहूलियत होगी।

इसके बाद मैं तजवीज यह है कि जो 21 दिन का टाइम रखा गया है यह टाइम भी बहुत ज्यादा पीरियड है। इसको 21 दिन से घटाकर 14 दिन किया जाना चाहिये। इस टाइम में जो गैर-जरूरी अखराजात होते हैं वे अखराजात भी बच जायेंगे। यह 14 दिन का टाइम काफी है। इस बीच में कोई भी पोलिटिकल पार्टी अपने इलेक्शन मैनीफेस्टो को अवाम के सामने रख सकती है और बता सकती है कि उनका इलेक्शन प्रोग्राम क्या है। ये मेरी चन्द तजवेज हैं। आखिरी मेरी तजवीज यह है कि इलेक्शन सिम्बल के ताल्लुक से यह देखा गया है कि इलेक्शन सिम्बल एक दूसरे से मिलते हुये रख दिये जाते हैं। मैं एक मिसाल दे देना चाहता हूँ। हमारी रियासत आन्ध्र प्रदेश में तेलुगू देशम पार्टी का इलेक्शन सिम्बल साइकल है और एक इंडिपेंडेंट कैंडिडेट को हर कांस्टिट्यूसी में मोटर साइकल का सिम्बल दिया जाता है। तेलुगू देशम पार्टी के साइकल के सिम्बल से मोटर साइकल का सिम्बल इतना मिलता-जुलता है कि कई लोग गलती से मोटर साइकल पर मोहर लगा देते हैं। इसका नतीजा यह होता है कि जो कैंडिडेट बिल्कुल सीरियस नहीं होता है उसको हजारों की तादाद में वोट हासिल हो जाते हैं। इसकी वजह से तेलुगू देशम पार्टी को नुकसान हुआ है। इसलिये सिम्बल अलग अलग होने चाहिये। यह मेरी चन्द तजवीज हैं जो मैंने आनरेबल मिनिस्टर साहब के सामने रखे हैं। मैं उनसे दर्खास्त करूंगा कि वह इन पर गौर करें।

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Shri John F. Fernandes. I shall give you only five minutes.

SHRIMATI JAYANTHI NATARAJAN (Tamil Nadu): Sir, can we adjourn the House a little earlier? We have a party meeting.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): He will take only three or four minutes.

SHRI JOHN F. FERNANDES (Goa): Sir, I rise to support this Bill which will replace the Ordinance issued by the President on the 4th January, 1992. I don't disagree with my colleague from the opposition that this is a piecemeal legislation. This Bill seeks to replace, rather just one Section, Section 52 of the Representation of the People Act. While I agree with the Statement of Objects and Reasons, I want to point out here that I don't think that it will only discourage terrorism and independent candidates being eliminated to countermand elections. Beside this objective I feel, this Bill will also have some more objectives of discouraging unscrupulous elements who stand as independent candidates not with the purpose of winning the election but with the sole purpose of dividing votes and blackmailing the official party candidate. Sir, it is a common practice in our country that often people who have no interest in politics just file their nomination and on the last date of withdrawal they seek to resort to some blackmailing with the official candidate. If not that then on the eve of the election they say, "I will support you. You give me so and so." I feel, this Bill will also achieve that objective. This will discourage such elements, such unscrupulous elements who have no interest in public life or politics. I would like to mention an incident that took place in Goa very recently during the 1989 elections. A certain gentleman who was sick in hospital and on his death-bed filed nominations for two Assembly seats of curtorim and velim and also for one Parliament seat from South Goa. Just before the day of election he died in the hospital and the elections had to be countermanded in these two

constituencies. We could not form a Government because we did not have the majority as a result of countermanding of elections in these constituencies. There was a constitutional crisis in Goa and we had to install a care-taker Government until we could hold elections in these two constituencies. I am sorry to note that the second element of the Ordinance has not been included. It relates to cutting down of campaign time. The period has been cut down from 21 days to 15 days and I think the Government is not serious about it. I would appeal to the Government to reduce the campaign time for Assembly elections to one week and to the Parliament seat to 15 days. This will not only discourage corrupt practices, but it will also help in preventing noise pollution and the defacing of our cities and buildings. Not only that, this will also bring some sanity to public life. It is a well-known fact that during these 21 days of campaigning, crores and crores and lakhs and lakhs of rupees are spent. No one follows the guidelines given by the Election Commission. I would appeal to the Law Minister to see that these suggestions are included in the next legislation that may be brought to this effect. With these few words I support this Bill and once again request that a more comprehensive legislation to amend the Representation of the People Act be brought in this House very shortly.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): Shri V. Gopalsamy, I would request you in the interest of other Members to speak tomorrow. Let us adjourn the House for today because the Congress Members have to attend their party meeting.

SHRI V. GOPALSAMY: Okay, Sir.

THE VICE-CHAIRMAN (DR. NAGEN SAIKIA): The House is adjourned to meet at eleven a.m. tomorrow.

The House then adjourned at fifty-four minutes past five of the clock till eleven of the clock on Wednesday, the 11th March, 1992.