

उपसभापति : आ रहा है। वह भी
आगा।

श्री सुरेन्द्रजीत सिंह ग्रहलुवालिया :
मैडम, लीडर ऑफ द ओपोजीशन तो है
ही नहीं।

**THE CHIEF ELECTION COM-
MISSIONER AND OTHER ELECTION
COMMISSIONERS (CONDITIONS OF
SERVICE) BILL, 1991.**

THE MINISTER OF COMMERCE WITH
ADDITIONAL CHARGE OF THE
MINISTRY OF LAW AND JUSTICE (SHRI
SUBRAMANIAN SWAMY): Madam, I
move:

"That the Bill to determine the conditions
of service of the Chief Election
Commissioner and other Election
Commissioners and for matters connected
therewith or incidental thereto, as, passed by
Lok Sabha, be taken into consideration. "

THE DEPUTY CHAIRMAN: Please have
order in the House when a discussion has to
take place. Have you finished, Mr. Swamy?

SHRI SUBRAMANIAN SWAMY: If they
want it, I can make a long speech. Well, I
think since it is al-> ready passed by the Lok
Sabha, I will not make a speech. (*Interrup-
tions*).

THE DEPUTY CHAIRMAN: Do you
want to make a speech? Make some points.
which are relevant to it.

SHRI SUBRAMANIAN SWAMY:
Madam Deputy Chairman, this House is
aware that the President, in His address,....
(*Interruption*).

THE DEPUTY CHAIRMAN: It is the
maiden Bill. which he is to pass.

' SHRI SUBRAMANIAN SWAMY:
No. I have already passed.

THE DEPUTY CHAIRMAN: Did

you do something else in this House, Mr.
Subramanian Swamy?

SHRI SUBRAMANIAN SWAMY: No,
in the other House.

THE DEPUTY CHAIRMAN: In this
House, you are still a maiden. (*Inter-
ruptions*).

DR. G. VIJAYA MOHAN REDDY
(Andhra Pradesh): When he was just a
Member, he was so jovial. After becoming
a Minister, he has suddenly become so
serious.

SHRI SUBRAMANIAN SWAMY:
Ministership is not good for me.

Madam, this House is aware that > the
President, in His Address to the Joint Session of
Parliament on March 12, last year, had referred
to the determination of the Government to
undertake wide electoral reforms. This
House is also aware that the former Prime
Minister convened, on 9-1-1990, a meeting of the
representatives of all political parties in
Parliament to discuss matters relating to electoral
reforms. On ' the basis of the broad consensus
arrived at in the said meeting, the former Govern-
ment constituted a Committee drawing leaders of
different political parties and also experts on
electoral matters. They examined in detail the
various aspects of the electoral reforms. The
Committee submitted its report in April, 1990.
Most of the recommendations made by the Com-
mittee were accepted by the then
Government and four Bills to' give effect to the
recommendations of the Committee were
introduced in both the Houses of Parliament. The
Chief Election Commissioner and other
Election Commissioners (Conditions of
Service) Bill, 1991, is one such Bill which is'
now before the House.

I urge the House, to pass this Bill
unanimously.

The question was proposed.

THE DEPUTY CHAIRMAN:
Shri Vishvjit Singh.

SHRI VISHVJIT P. SINGH
(Maharashtra): Madam, is there no
other speaker?.

THE DEPUTY CHAIRMAN: 'No.

SHRI VISHVJIT P. SINGH: Then
what is the point in speaking? It can
be passed.

उपसभापति : माथुर साहब, आप भी
बोल रहे हैं या नहीं ? कोई भी नहीं
बोल रहा है ।

श्री जगदीश प्रसाद माथुर (उत्तर
प्रदेश) : मैं जरूर दो शब्द कहूंगा ।

श्री विश्वजित पृथ्वीजित सिंह : फिर
उसके बाद मैं चार शब्द जरूर कहूंगा ।

उपसभापति : तो फिर आप सभी
बोल लीजिए ना ।

श्री विश्वजित पृथ्वीजित सिंह : नहीं,
इनके बाद ।

श्री जगदीश प्रसाद माथुर : तो
महोदया में बोलना शुरू करें ।

महोदया, इस बिल का मैं समर्थन
करता हूँ । पहले जो इलक्टोरल रिफार्म
की रिपोर्ट थी, उसके अनुसार यह
निश्चित करना कि इलेक्शन कमिशनर
बिल्कुल स्वतंत्र हो, कोई निर्णय करते
समय, विचार करते समय किसी प्रकार
का दबाव अनुभव न हो, यह बिल्कुल
उचित है । उसको सुप्रीम कोर्ट के जजों के
बराबर या उसके नीचे के लोगों को हाई
कोर्ट के बराबर वेतन देना बिल्कुल उचित
है । इसी प्रकार से 70वें संशोधन और
72वें संशोधन में भी उनके लिए अलग
कार्यालय प्रादि बनाने की व्यवस्था की
गई है, बिल्कुल ठीक है, इसमें कोई दो मत
नहीं हो सकते । लेकिन महोदया,...

उपसभापति : मंत्री जी सुन रहे हैं ।
मेरे धारा जो कही है बिल्कुल मैं सुन रही
हूँ आपकी बात । मंत्री जी बहुत ध्यान
से सुन रहे हैं ।

श्री जगदीश प्रसाद माथुर : लेकिन
एक और इलक्टोरल रिफार्म कमेटी की
सिफारिश को लागू नहीं किया गया है,
अर्थात् इलेक्शन कमिशनर बहुसदस्यीय होना
चाहिए । यह किया जाना चाहिए था ।
परन्तु इलेक्शन कमिशनर या किसी भी
पद की गरिमा और उसकी स्वतंत्रता
केवल इस बात पर निर्भर नहीं करती कि
उसको वेतन कितना दिया जाता है, उसको
आगे कोई पद दिया जाएगा या नहीं
दिया जाएगा । लेकिन अन्य बातों के साथ-साथ
वह मन और बुद्धि से भी स्वतंत्र होना
चाहिए । लेकिन यदि उसकी नियुक्ति
करते समय, उसको आवासन देते समय,
यदि इस प्रकार से उसकी नियुक्ति क.
जाए कि लोगों के मन में संदेह हो कि
किसी अथवा व्यक्ति को किसी जगह लाया गया
है या किसी अन्य व्यक्ति की विशेष,
उद्देश्य से लाया गया है तो न तो पद की
गरिमा रहेगी, न उसकी स्वतंत्रता रहेगी ।
इलेक्शन कमिशनर के व्यवहार के ऊपर
में कोई टिप्पणी नहीं करना चाहता क्योंकि
सदन की परम्परा है कि इलेक्शन
कमिशनर के ऊपर कोई टिप्पणी न की जाए,
लेकिन सरकार के ऊपर टिप्पणी करने का
अधिकार है । अब तक जितने भी इलेक्शन
कमिशनर नियुक्त किए गए, इनमें से
अधिकांश बल्कि मैं यह कहूँ कि सभी के
सब ऐसे थे ...

अब तक जितने भी इलेक्शन कमिशनर
नियुक्त किए गए उनमें से अधिकांश,
बल्कि मैं तो यह कहूँ कि अभी तक
ऐसे थे जिनकी लीगल बैक ग्राउंड ...
लेकिन अब विडम्बना यह है कि मंत्री
मेरे मिल हैं । न तो ला मिनिस्टर ऐसे
हैं जिनकी कोई लीगल बैक ग्राउंड है और
न इलेक्शन कमिशनर ऐसा है जिसकी
लीगल बैक ग्राउंड है । दोनों ही कानूनी
बैक ग्राउंड के बिना हैं । ऐसा मैंने निवेदन

[श्री जगदीश प्रसाद माथूर]

किया अभी पीछे जो एक महिला इलेक्शन कमिश्नर नियुक्त हुई थी, उनको किस प्रकार से हटाया गया ? सब जानते हैं, अखबारों में छपा है, आप भी जानते हैं और जितनी महिलाएँ और वहेन यहाँ बैठी हैं वह तो जानती ही हैं ।

[उपसभाध्यक्ष (श्री भास्कर अन्नाजी मासोदकर) पीठासीन हुए]

सारे हिंदुस्तान में महिलाओं ने जायज तौर पर यह ऐतराज किया कि इसको क्यों हटाया गया । यह भी समाचारपत्रों में छपा है कि किस भांति फोन करके राष्ट्रपति जी से फाइल मंगायी गयी और दूसरे व्यक्ति को नियुक्त किया गया तो मेरा निवेदन है कि इससे स्वतंत्रता नहीं आती । स्वतंत्रता आती है सरकार के व्यवहार से उसकी नीयत से और जनमानस में दूसरे राजनैतिक दलों में उसकी आस्था से । मेरा निवेदन है विनम्रता से यह है कि मैं इस बिल का समर्थन करता हूँ, सरकार को अपने रवैये को बदलना चाहिये ।

आज सारे में संदेह है कि इलेक्शन कमिश्नर की नियुक्ति एक विशेष उद्देश्य से की गयी है । मैं आरोप नहीं लगाना चाहता कि किसी मंत्री के खिलाफ कोई आरोप थे उनकी रक्षा के लिए की गयी, मैं नहीं कहना चाहता । लेकिन संदेह है । उन संदेहों को अथवा किसी विशेष दल के संबंध में कुछ कार्यवाही करना चाहते हों, एन उद्देश्यों के लिये नियुक्ति की गयी है । मेरा निवेदन है, श्रीमान, यदि वास्तव में आप चाहते हैं कि चुनाव आयोग को गरिमा बना रहे तो उसको बहुसदस्यीय बनाना चाहिये, उसकी नियुक्ति में इमानदारी का बर्ताव चाहिये, उसकी योग्यता को देखा जाना चाहिये तभी वहाँ स्वतंत्रता रहेगी । केवल बेटन के बढ़ने से उसकी गरिमा

of Service) Bill, 1991

रहेगी और न उसकी स्वतंत्रता रहेगी । मैं चाहूँगा कि सरकार अपनी नीयत को बदले और स्वतंत्रता लाये ।

श्रीमती सत्या बहिन (उत्तर प्रदेश) :
उपसभाध्यक्ष महोदय, मेरा व्यवस्था का प्रश्न है । जो कागज संकृत किये गये— एक हिन्दी में और एक अंग्रेजी में उनसे यह पता ही नहीं चल रहा है कि क्या है ?

उपसभाध्यक्ष (श्री भास्कर अन्नाजी मासोदकर) : कौन से कागज ?

श्रीमती सत्या बहिन : इसमें कुछ नहीं दिया गया है, जिसमें हैडिंग भी न है । कुछ भी पता नहीं चलता है ।

उपसभाध्यक्ष (श्री भास्कर अन्नाजी मासोदकर) : श्री विश्वजीत जी, आप कुछ कहना चाहते हैं ?

श्री विश्वजीत पृथ्वीजी सिंह : मैं कहना चाहता हूँ ।

उपसभाध्यक्ष (श्री भास्कर अन्नाजी मासोदकर) : कहिये । But the understanding was that it will be passed without discussion.

SHRI VISHVJIT P. SINGH : Sir, the understanding has not been violated by me. If you will observe, Sir, the moment my name was called, I immediately... (Interruptions)

THE VICE-CHAIRMAN (SHRI BASHKAR ANNAJI MASODKAR) : Now, go on.

SHRI VISHVJIT P. SINGH : And it was Mr. Mathur, who decided that he wanted to speak.

THE VICE-CHAIRMAN (SHRI BASHKAR ANNAJI MASODKAR) : Doesn't matter. Now, you say whatever you want to say.

SHRI VISHVJIT P. SINGH: Sir, I would like to mention categorically that this contention of Mr. Mathur that there was a kind of tradition, there was a kind of thing that only legal people, people with legal background, would be appointed to the office of the Election Commission, this contention is incorrect. It has never been done so. Dr. Nagendra Singh was probably the only person with a purely legal background; all the others were ICS officers. I have just been going through the Who's Who of various Election Commissioners. What do I find? They are mostly ICS people with B. A. degree, some with B. Sc degree and according to Mr. Mathur, they have legal background. Is that a legal background? (. *Interruptions*) They had a legal background?

SHRI JAGDISH PRASAD MATHUR: Yes.

SHRI VISHVJIT P. SINGH: Would you like me to read out? This is amazing.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Please address the Chair, Mr. Vishvjit P. Singh.

SHRI VISHVJIT P. SINGH: I am sorry, Sir. I beg forgiveness. I beg your indulgence.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): For you, there is all indulgence.

SHRI VISHVJIT P. SINGH: Thank you, Sir, I reiterate categorically that the background for the post of the Election Commissioner has been that of a civil servant because who is better qualified than a civil servant, who has worked amongst the people, who has dealt with the people right from the Tehsil level upwards? He knows what the compulsions are; he knows what their aspirations are; he knows how to protect their rights because he is the protector of their

rights. And he has the practical experience of having dealt with it. It is because of that that the civil servants, by and large, have been appointed to this post. And they have not only been appointed to this post, they have fulfilled their functions admirably. If there is one institution which has stayed away from the gross deterioration that we see in this country, it has been the Election Commission. The Election Commission has been the true guardian of the rights of the people. Time and time again in the face of most adverse circumstances it has stood up for the rights of individuals. Before concluding I would like to ask the hon. Minister only one question...

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Mr. Minister, he is asking something.

SHRI VISHVJIT P. SINGH: I would like to ask one question which has three parts. Is it not a fact that various committees on electoral reforms within and outside Government had recommended a multi-member Election Commission? Is it also not a fact that the Government of my leader, Shri Rajiv Gandhi, had accepted these recommendations and appointed two Additional Election Commissioners? We had two Election Commissioners, Mr. Dhanoa and Mr. Kapoor. Two persons were appointed, one IPS and the other IAS. Two officers were appointed. Is it not a fact? Is it also not a fact that they fulfilled their functions properly according to the Constitution? And is it also not a fact that Government of Raja Vishwanath Pratap Singh removed them? He removed these two individuals. I would like to know the reason for the removal of these two individuals. I would like to know on whose recommendation or on whose decision these two individuals were removed. Thank you, Sir.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Dr. Poddar.

DR. G. VIJAYA MOHAN REDDY:
What about me, Sir?

THE VICE-CHAIRMAN (SHRI
BHASKAR ANNAJI MASODKAR): Your
name is not there. If you want to speak, I will
permit you, but be brief.

DR. R. K. PODDAR (West Bengal): Sir, I
do support this Bill. This is one of the most
innocuous recommendations that have been
made by the leaders of all the political parties
regarding electoral reforms. I would have a
request to the Minister to bring before this
House a more comprehensive Bill containing
electoral reforms that have been agreed to...

THE VICE-CHAIRMAN (SHRI
BHASKAR ANNAJI MASODKAR): That
has been referred to a Joint Committee. The
Representation of the People (Amendment)
Bill has been referred already.

DR. R. K. PODDAR: No; I mean either as
a part or as a whole, he should bring it as
quickly as possible. I just want to make one or
two points Sir, as we all know, Election
Commission is a watch-dog of the democratic
system and also it is the highest monitoring
agency of how the democratic process is
working in our country. But unless the
Election Commission has the respect, the
prestige and the image of impartiality, it
cannot work and it cannot have the
credibility of all the political parties. Like
in every other respect, especially in law,
justice should not only be done, but should
seem to be done, here also, an attempt should
be made to select a person with a legal
background to such an eminent position. The
former Election Commissioner who was a
lady, a distinguished legal service officer,
was summarily displaced from her post
and someone else was appointed. A civil
servant was appointed. And as the press
reports go...

THE VICE-CHAIRMAN (SHRI
BHASKAR ANNAJI MASODKAR): It has
nothing to do with the Bill.

DR. R. K. PODDAR: I am just
giving some suggestion for the Bill.
From this it follows that at least some
mechanism should be formulated for
the appointment of the Election Com- * mission,
either single member or multi-member. I am in
favour of a multi-member Election Commission.
And, as has been suggested, the Speaker of Lok
Sabha, the Chairman of Rajya Sabha and the Leader
of the Opposition must be consulted before the
appointment of such Election Commission. Thank
you.

SHRI W. KULABIDHU SINGH (Manipur): Sir, I
have only one point, the same point, to make. I
whole- ' heartedly support this Bill. I want to
associate myself with the views expressed by Shri J.
P. Mathur and I disagree with Mr. Vishvjit Singh's
opinion that no legal background is necessary. As
has been mentioned by my friend, when the Chief
Election Commissioner will be of the status of a
Supreme Court Judge and the State Election
Commissioner of the status of a High Court Judge, it
automatically implies that persons who legal
background will be better suited. Not that IAS or
other officers should be barred. But persons with
legal background are to be preferred. It would have
been better if some clause is included in the Bill to
that effect. That is the point which Mr. J. P. Mathur
was also making. That would be a other idea. You
can add in the Bill that persons with legal
background should be preferred; not that other
persons are to be barred. Ninetyfive per cent of the
previous Chief Election Commissioners had legal
background; most of them were law officers. That is
the only point T * want to emphasise.

DR. G. VIJAYA MOHAN REDDY: Mr.
Vice-Chairman, the Chief Election
Commissioner occupies a very esteemed
position in the democratic

functioning of our country. The people of the country as well as all the political parties must have confidence in the Chief Election Commissioner. As we know, there are so many malpractices being adopted by various political parties. When appointment to such a high position under the Constitution is made, naturally there should have been consultation with all political parties. If a decision is to be changed, there should have been some consultation. But the Law Minister never thinks that such a consultation is necessary with the political parties. The Chief Election Commissioner occupies a unique position. Therefore, consultation should have been a duty of the Law Minister before suggesting a name to the President. In the present instance Mrs. Rama Devi was a Law Secretary; she had all the experience. She was posted as Chief Election Commissioner when Shri Peri Sastry went on leave. That means Mrs. Rama Devi was already acting as Chief Election Commissioner and her posting was up till February 12. I do not know what made the Law Minister to get back the file, change the date and put her in such a position that she had to go on leave. She still had service for 13 months. She should have been continued in that eminent position. She is an eminent person, a legal luminary, who had been Law Secretary. She is a lady. The people had confidence in her. But against all canons of justice towards a lady who should have been allowed to continue occupying a pre-eminent position, abruptly you posted someone else in her place. After all, we think of Mrs. Thatcher or Mrs. Gandhi with so "much of regard, that being ladies they occupied the high positions. In fact, they brought dignity, they brought prestige, to the positions they occupied. In this case also if that opportunity, had been given to this lady, it would really have been a very good thing for our democratic institution.

But the selfishness of some political persons has made them interfere with the process and bring back the file and appoint a retired person, Mr. Se-shan, a retired IAS officer, to that post. A retired person has been posted. This is something which our democratic polity cannot compromise with. That is why I protest against this posting, against the posting of Mr. Seshan, *

I think it is highly objectionable. Otherwise, I have no objection to this... (*Interruptions*)... I protest...

SHRI MADAN BHATIA (Nominated):
Mr. Vice Chairman, Sir the honourable Member... (*Interruptions*)...

DR. G. VIJAYA MOHAN REDDY:...
against this procedure... (*Interruptions*)...

SHRI MADAN BHATIA: Sir, the honourable Members has said something against the Chief Election Commissioner and that should be expunged... (*Interruptions*)...

DR. G. VIJAYA MOHAN REDDY: What should be expunged?... (*Interruptions*)... What is it that I have said?... (*Interruptions*)...

SHRI MADAN BHATIA: Sir, the honourable Member has made an allegation against the present Chief Election Commissioner... (*Interruptions*)... and that should be expunged ... (*Interruptions*)... It is a serious imputation which he has made against the present Chief Election Commissioner. This should not go on record. ... (*Interruptions*)... This should be expunged.

DR. G. VIJAYA MOHAN REDDY: I have not made my allegation (*Interruptions*)...

*Expunged as ordered by the Chair.

SHRI MADAN BHATIA: He has made an allegation against the present incumbent.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Dr. Reddy, it is concerning the present incumbent.

SHRI MADAN BHATIA: Sir, he has made in imputation, allegation and insinuation against the present Chief Election Commissioner... *(Interruptions)*...

DR. G. VIJAYA MOHAN REDDY: There are no allegations, no insinuations... *(Interruptions)*... I did not say anything. only said that he is a retired person... *(Interruptions)* ... I have not said anything else... *(Interruptions)*...

SHRI MADAN BHATIA: Sir, kindly go through the record. He has said that*. It is a very serious allegation... *(Interruptions)*...

THE VICE-CHAIRMAN (SHRI BHASKAR, ANNAJI MASODKAR): Mr. Bhatia, the honourable Member says that he has not said anything... *(Interruptions)*...

SHRI MADAN BHATIA: Sir, he has said that... *(Interruptions)*...

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): It will be looked into.

SHRI ASHIS SEN (West Bengal): Sir, Mr. Madan Bhatia is a legal in-minary. Only when something ilh-parliamentary is said, it should be expunged. What should be expunged now?... *(Interruptions)*...

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): No no... *(Interruptions)*... You cannot make any derogatory remarks against somebody... *(Interruptions)*...

*Expunged as ordered by the Chair.

SHRI MADAN BHATIA: You cannot make an allegation against an outsider. Perhaps Mr. Sen does not know that... *(Interruptions)*...

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): If any derogatory remark has been made, it will be looked into.

DR. Q. VIJAYA MOHAN REDDY: Absolutely I have no objection. You please go through it.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Yes. Now, the Law Minister.

SHRI SUBRAMANIAN SWAMY: Sir, there should not be any reason for such a strong reaction against the appointment of the Chief Election Commissioner. Mr. Seshan's background is known to everybody. He has been a Cabinet Secretary. He has served as Cabinet Secretary not only during the period when Mr. Rajiv Gandhi was the Prime Minister, but also he held a higher status and position as Member of the Planning Commission during Mr. V. P. Singh's time, and earlier, during the Janata Party rule, he was Secretary in the Department of Space. So, Mr. Seshan's career has risen consistently despite whichever Government has been there and that itself... *(Interruptions)*...

SHRI MURLIDHAR CHANDRAKANT BHANDARE (Maharashtra): And the contribution he made to Environment at the very formative stage. You cannot afford to forget the good work done by a person.

SHRI SUBRAMANIAN SWAMY: So, that itself is a tribute to his impartiality that, no matter whichever Government came to power, Mr. Seshan rose... *(Interruptions)*...

SHRI JAGDISH PRASAD MATHUR:
What objection was there to Mrs. Rama
Devi?

SHRI SUBRAMANIAN SWAMY: ^ So, it
is a tribute to Mr. Seshan's impartiality and his
status has only risen with the passage of time.

Mrs. Rama Devi, about whom the
honourable Member, Shri Jagdish Prasad
Mathur and others in the Opposition, have
spoken just now, was asked to take
temporary charge on the 16th of November
by the Prime Minister, Mr. Chandra Shekhar.

The Government received information that Mr.
Peri Sastry, Chief Election Commissioner, was
sick; and would not be able to discharge any of his
responsibilities as Chief Election
Commissioner, but he was alive and was in the
terminal stage of cancer, and consequently the
functions of the Chief Election Commissioner
had to be discharged. The procedure in the
Government is that the Secretary of Legislative
Department can be asked to take temporary
charge of the functions of Chief Election Com-
missioner. And accordingly—she was not
appointed—in her capacity as Secretary of
Legislative Department, which position she holds
even today, but of course she is on leave which
she herself sought for—in her capacity of
Secretary of the Legislative Department she was
asked to discharge the functions of Chief Election
Commissioner.

The question then came to find a successor
to Mr. Peri Sastry. There a number of factors
were taken into account. The Chief Election
Commissioner is not only a person who passes
judgment on certain legal matters but he is also
a person who is responsible for conducting
elections. And indeed, therefore, we need
somebody who not only knows law but also
somebody who is experienced in holding
elections, specially in the current context when
there are some very tough areas where
elections have to be held.

Now, an IAS officer is a person who, from
the very first day, deals with

election—the moment he becomes an officer.
Take, for example, as a young officer he is
District Magistrate, he is returning officer,
and so on. As he rises in rank, he is called for
election duty. I once asked Mr. Seshan as to
how many times he may have conducted
elections at various levels, he said he himself
did not count. So to say that the person has no
experience of his job—who is an IAS
officer—is totally incorrect.

As far as the legal background is
concerned, as a magistrate, and even as a
judicial officer, he holds that position and he
has to discharge and pass judgments, pass
orders, try cases on a variety of things.
Therefore, to say that he is not qualified for
the job is something which is totally wrong,
and at least that plea should not be used.

Now, the second argument is that that
person is a woman and women have all gone
in revolt. Well, I do not know how many
women have gone in revolt. Mr. Jagdish
Mathur, being a Brahmachari, might feel
greater sympathy for women who are
deprived of jobs, and...

THE VICE-CHAIRMAN (SHRI
BHASKAR ANNAJI MASODKAR): That is
not debatable.

SHRI SUBRAMANIAN SWAMY: You
mean his 'Brahmacharihood'?

THE VICE-CHAIRMAN (SHRI
BHASKAR ANNAJI MASODKAR): Yes!
(Interruptions)

SHRI SUBRAMANIAN SWAMY: 'Swamis
are not necessarily Brahm-charis! So I think
there is nothing negative. This is a question of
job and its requirement. And on that basis we
did it.

There was the question of multimember
Election Commission which Mr. Vivhvjit
Singh—the other V. P. Singh in the House,
and now the only V. P. Singh in the House—
had raised. Under article 324, it is already pro-
vided to have a multi-member Election
Commission. And the first time

[Shri Subramanian Swamy]:

we had that was in October when the Eajiv Government had appointed two other Election Commissioners. These two were removed after V. P. Singh came to power. One of them had to go to court. I do not know what is the present status of that petition. But he had to go to the Supreme Court and filed a case against this. The Government, when it feels necessary, and if the Chief Election Commissioner himself suggests so, would not be averse to appointing another Election Commissioner. But at the moment we are far more interested in providing for improved service facilities, for which this is only one Bill. There is another Bill, the Seventieth (Constitutional Amendment) Bill which we will bring in a subsequent session. Therefore, Sir, we have made this decision to appoint Mr. Seshan after full consideration. There was no political motivation whatsoever. There has been an attempt to inject political motivation by certain persons. It is unfortunate. I think, once the Election Commissioner is appointed, and given the outstanding career background of Mr. Seshan, this office should be kept above controversy. And, therefore, I appeal to all the Members not to engage in any more of this political polemics, and to support this Bill fully.

DR. R. K. PODDAR; Mr. Vice-Chairman, Sir, I raised the question of the mode of appointment of the Election Commissioner.

SHRI SUBRAMANIAN SWAMY: That also is part of the Constitution (Seventieth) Amendment Bill which we will bring at a later stage.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): j The question is, That the Bill to determine the conditions off service of the Chief Election Commissioner and \ other Election Commissioners and for j matters connected therewith or inci-dental thereto, as passed by the Lok Sabha be taken into consideration, I

The motion was adopted.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): We shall now take up clause-by-clause consideration of the Bill.

Clauses 2 to 8 were added to the Bill.

Clause 1, the Enacting Formula, and the Title uiere added to the Bill.

SHRI SUBRAMANIAN SWAMY: Sir, I beg to move:

That the Bill be passed. *The question was put and the motion was adopted.*

RE: REPORT ON AIR BUS A-320 CRASH

SHRI DINESHBHAI TRIVEDI^ (Gujarat); Sir, since morning I have been trying to raise an issue on A-320. But you know what happened in the morning. That is why I could not raise it. I assure you, Sir, I will not take more than two minutes.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): What is it?

SHRI DINESHBHAI TRIVEDI: I request you to permit me. Sir, today we read in the newspapers about Mr. Justice Bhat'g report on the crash enquiry of Airbus A-320. Sir, I am much more worried after going through the gist of it from the newspapers be cause—Sir, I just take two minutes ----- I feel that A-320 is open for crash as it was earlier. And I have a reason. Sir the report say, that there was pilot error.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Mr. Trivedi...

SHRI DINESHBHAI TRIVEDI: Sir, I am not commenting on the report. I am commenting on the status-^^, which we have today. (*Interruptions*)

SHRJ VISHVJIT P. SINGH (Maharashtra): By the grounding of these aircraft, the country lost Rs. 700 crores.