

कल्याण मंत्रालय में उपमन्त्री (श्रीमती सुमति श्रोत्राव) : किशोर न्याय अधिनियम, 1986 की धारा 62 की उपधारा (3) के अधीन किशोर न्याय (दादरा और नगर हवेली) नियम, 1988 की प्रकाशित करने वाली कल्याण मंत्रालय की अधिसूचना सं० ए डी एम/एस डब्ल्यूओ/जे जे/88, दिनांक 30 नवम्बर, 1988 की एक प्रति (अंग्रेजी तथा हिन्दी में) सभा पटल पर रखती हूँ अधिसूचना के हिन्दी पाठ को साथ-साथ सभा पटल पर न रखे जाने के कारणों को दर्शाने वाले विवरण सहित।

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PRESENTATION OF THE SEVENTY-SIXTH REPORT OF THE COMMITTEE ON SUBORDINATE LEGISLATION

CHOWDHARY RAM SEWAK (Uttar Pradesh): Sir I present the Seventy-sixth Report (in English and Hindi) of the Committee on Subordinate Legislation.

I. CONSTRUCTION (SIXTY SECOND AMENDMENT) BILL, 1988.

and

II. REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL, 1988 —CONTD.

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI HANS RAJ BHARDWAJ): Hon. Chairman, Sir, I would like to take this opportunity to thank all the Members of this august House who participated in this very solemn debate on a very vital issue, namely, the electoral reforms. We have heard with attention and noted all the points which were made by the speakers. We have also appreciated the keenness of the hon. Members to develop a value-based politics wh-

ere elections are free, fair and ultimately the result of the elections should be to restore fairness and to give to the country a stable democracy. They are the high ideals on which our democracy is based. There have been no two opinions about this basic commitment at any time since we became independent.

But, Sir, I have found that some of the hon. Members have not appreciated this historic Bill which is, I would call, a landmark in the history of electoral reforms. I would first remind hon. Members of the position of the Election Commission in the scheme of our Constitution. Election Commission has been given by the Constitution to our people. It is a body which has been created under the Constitution. It is a Constitutional institution. So, there is a basic fallacy when the hon. Members say that it is a limb of any department of the Government. When an institution is created under the statute, it is created under the Constitution of India and we must accept that it is a constitutional institution and it will perform the duties in accordance with the Constitution and the law of the land. We have elections right from 1952 till today and I am proud to say that the Election Commission has discharged the functions completely in accordance with the Constitution. If there have been any shortcomings, it is in the political morality of political parties of this country. They have not gone according to the spirit of the Constitution and the laws of this land and that is where I would request this House to do some introspection. Election Commission will try to discharge the functions in accordance with the law. Election Commission has held elections after elections and gained experience

We have today before us two Bills. One is the Constitutional amendment for which we are taking a very historic decision. I would not accept the argument from the other side when they ask what is historic about it. I need not tell them that it is historic

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because you are inviting your younger generations to participate in the process of Government-making and you are inviting not one crore or two crores; it is almost five crores of the new electorate to take part in decision-making and to take part in forming the Government. Well, it is by no means a less important step because in many countries whom they have cited, there are not even five crore voters that we are adding to the existing strength of voters. Perhaps, it is also this democracy which can say that by one stroke we are giving voting right to nearly five crore young people of this country. This is a very solemn occasion for me and I would like to emphasise and bring home to the hon. Members of the Opposition who say that there is nothing historic in it and that it is not a landmark.

If you go through the electoral history of this country, what do you find? This was debated in the Constituent Assembly. One hon. Member, Justice Masodkar, referred to the debate in the Constituent Assembly on this issue. At that time, the founding fathers discussed all aspects as to why the voting age should be 21. Now, we are discussing all aspects as to why it should be reduced from 21 to 18. Today, there is a marked difference there is a change of view on this issue. At that time, our founding fathers... (Interruptions)

SHRI DIPEN GHOSH: I do not object to your calling this historic. But you are learning history a little late. (Interruptions)

SHRI HANS RAJ BHARDWAJ: I would request hon. Members on the other side to listen to me patiently because whatever I am saying is for their benefit. So far as the Congress is concerned, it has always been consistent and it has always been stable. If there is any instability, it is on the other side. (Interruptions)

SHRI DHARANIDHAR BASU-MATARI (Assam): I would like to point out one thing to my friends on the other side. I had been a Member of the Constituent Assembly. Most of the Members were against giving right of franchise to all those who had completed 21 years of age. (Interruptions)

SHRI DIPEN GHOSH: We had done it earlier but the Congress opposed it at that time. (Interruptions)

SHRI HANS RAJ BHARDWAJ: I would request hon. Members. For two days I have been listening to their arguments. I should be heard properly now. I would be very willing even now to... (Interruptions)

SHRI DIPEN GHOSH: In 1978, we did it but your party opposed it at that time. They went to the Supreme Court against lowering of the voting age from 21 to 18. (Interruptions)

SHRI SATYA PRAKASH MALAVIYA (Uttar Pradesh): Mr. Ajit Panja moved the court. (Interruptions)

SHRI HANS RAJ BHARDWAJ: This is their democracy. This is the way we serve their people. (Interruptions)

SHRI GURUDAS DAS GUPTA: (West Bengal): Better late than never. They have learnt it late. (Interruptions)

SHRI HANS RAJ BHARDWAJ: If they want to reply to themselves, let them do so. (Interruptions)

SHRI M. S. GURUPADASWAMY (Karnataka): Can we say that inordinate delay should be called history and historic? (Interruptions)

SHRI DIPEN GHOSH: This is a historic delay. (Interruptions)

MR. CHAIRMAN: Let us leave it to history.

SHRI HANS RAJ BHARDWAJ:
Sir, when you are in the Chair, they should show some discipline. They have not shown it yesterday. They should do so today. I would request them. If you are sincere on this issue, you should at least hear what I am saying. I have carefully noted the submissions made by hon. Members and I am giving you an opportunity to correct yourself. Otherwise, you will be... (Interruptions)

SHRIMATI RENUKA CHOWDHURY (Andhra Pradesh): History will create opportunities for us in the future. (Interruptions)

SHRI HANS RAJ BHARDWAJ:
I can cite the history in regard to elections in the country in the last forty years. (Interruptions) These yesterday-born babies of Telugu Desam.... (Interruptions) They are still in the cradle. (Interruptions)

SHRIMATI RENUKA CHOWDHURY: People have voted the Telugu Desam to power. Take cognisance of that. (Interruptions) You should be ashamed. (Interruptions)

SHRI A. G. KULKARNI (Maharashtra): The Minister said only 'babies'. He did not say they are male or female. Why are you shouting?

(Interruptions)

SHRIMATI RENUKA CHOWDHURY: Whether the baby is male or female, I am not concerned.

SHRI HANS RAJ BHARDWAJ:
They should have some sense of humour.

SHRIMATI RENUKA CHOWDHURY: Our sense of humour does not stretch that far when you condescend to us, you the Congress(I).

SHRI HANS RAJ BHARDWAJ:
I am sorry if it has hurt them. All right, they are fully mature.

I will not be unfair but nobody can deny one thing that this country's politics has changed tremendously over the last 40 years. That is why I say, the need of today is not slogans to Election Commission, not slogans to the Government, it is introspection that is required today. What we need today is the politics based on principles, politics based on ideology, politics based on directions to the political parties. That is what we need.

SHRI PARVATHANENI UPENDRA: (Andhra Pradesh): Devil quoting scriptures!

SHRI DIPEN GHOSH: What a historic irony, it is coming from your side.

SHRI HANS RAJ BHARDWAJ:
Now if they want, I have got the statistics of the past elections, how parties have vanished, how parties have lost completely and vanished from electoral scene because they had no principles and ideal.

MR. CHAIRMAN: You come to the point.

SHRI HANS RAJ BHARDWAJ:
It is a very basic point. Some sort of statistics must be given to them. This is necessary.

MR. CHAIRMAN: You can do it outside the House.

SHRI PARVATHANENI UPENDRA: He has no answers to our queries. Therefore, he is indulging in this kind of debate.

SHRI HANS RAJ BHARDWAJ:
The problem is, it does not get into their head.

Sir, I was making a brief submission about the Election Commission. Unless they understand the duties of the Election Commission, they will not understand or appreciate these electoral reforms. Election Commission is a constitutional body. It is responsible and is charged with the duties to hold free and fair elections in

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the country. Election Commission holds elections and gains some experience. Out of that experience the Election Commission makes suggestions about the improvements that are needed in the system. That is how the 14 or 16 proposals which came from the Election Commission were processed in our Ministry. They were also discussed with the opposition not only by the Government but by the Election Commission also. I have myself attended several meetings before this Bill was introduced. When I was the Member of Parliament earlier and my honourable friends, Shri Advaniji and others, had participated in those discussions. These things were discussed and now those very things are being implemented. Now they say that it is an over due process which we are implementing today, we are implementing what was over due if you say so. But you made promises from 1977 to 1980 that you will reduce the age, but you never did it or even discuss it in your party. Today we are discussing and implementing this. This you must note and they say that the credit should not...

SHRI LAL K. ADVANI (Madhya Pradesh): On a point of fact. What he has said is wrong. It was decided in the Cabinet Sub-Committee. Discussion with the opposition was about to start when the Government fell. Otherwise, so far as electoral reforms are concerned a complete package of electoral reforms was finalised by the Government. This included the voting age also.

SHRI HANS RAJ BHARDWAJ: I am not aware of that. What I am aware of is that in these three years they could not do it. They simply could not do it. They might have discussed it in the Cabinet Sub-Committee.

श्री राम नरेश यादव (उत्तर प्रदेश) : अध्यक्ष महोदय, जैसा इन्होंने कहा कि इनकी पार्टी ने विचार नहीं किया, तो मान्यवर, मैं कहना चाहता हूँ कि जैसा आडवाणी जी

ने कहा कि कैबिनेट में विचार हुआ था। उसमें ही नहीं मान्यवर, मैं सदन को अवगत कराना चाहता हूँ कि उत्तर प्रदेश में लोकल बाडीज के इलेक्शन में हमने 21 साल से 18 साल तय किया था और उसी आधार पर मान्यवर, ग्रामसभाओं के चुनाव, पंचायतों के चुनाव, नगरपालिकाओं के चुनाव, जो हमने संशोधन किया था, उसी आधार पर कराए थे। इतिहास बदल दिया था उत्तर प्रदेश में। आप असत्य भाषण कर रहे हैं इस सदन में।

SHRI HANS RAJ BHARDWAJ: Sir, we are not discussing that. But do we take it, that what they are saying is correct, that they passed the electoral reforms bill during their tenure in the Government?

SEVERAL HON. MEMBERS: No, no.

श्री राम अवधेश सिंह (बिहार): राम नरेश जी बोल रहे हैं कि उत्तर प्रदेश में लोकल बाडीज के चुनाव में 18 वर्ष कर दी थी।

SHRI HANS RAJ BHARDWAJ: I am not concerned with what your party was having as your views. I am only concerned with the historic fact that the Janata Party was in power from 1977 to 1979 but did not pass any electoral reforms on the voting age and it is this Government which has taken this historic decision and is implementing this today. There has been no...

श्री राम अवधेश सिंह : राम नरेश यादव जी, कांग्रेस पार्टी के मुख्य मंत्री थे जिन्होंने 18 वर्ष की थी? सारी क्रेडिट आप अपने ऊपर मत ले लीजिए।

SHRI HANS RAJ BHARDWAJ: On this voting age there have been no two opinions. All parties have agreed. But see the difficulty. The difficulty is this.

MR. CHAIRMAN: You were talking about the Election Commission.

SHRI HANS RAJ BHARDWAJ: One proposal was about this. I am coming to all the proposals one by one. I must expose the myth on the other side. They want the people to believe the myth that it is not Rajiv Gandhi Government which is lowering the age of voting, but it is something which was pending and we have taken it up today and given to the people; it was manufactured or cooked by the Janata Government. That is absolutely not true, It is this Government which has taken a decision and given this voting right to the younger generation. Whether it is a credit or no credit, the voters will decide at the time of the poll. We have taken a decision and implemented it.

One thing more... (*Interruptions*) If they are talking about their party and our party, I remember when the question of Anti-Defection Bill was taken up within their Government, there was a vertical split in the Government, when some portion of it said that there should be an anti-defection law and another portion of it said that they did not want it. And they paid the price for it in 1979 when a Government was installed in this very country having no majority in the House and still enjoying power for six months. That is their value-based politics. A government was formed here in this very country which had no backing of the Parliament and enjoyed power for six months.

SHRI LAL K. ADVANI: It was with the support of the Congress Party that that Government came into existence.

SHRI HANS RAJ BHARDWAJ: This is their commitment to democracy this is their commitment to stability in the country. So far as we are concerned, we are wedded to certain principles... (*Interruptions*) This is where the shoe pinches, Sir. Let us put the records straight. This party was a combination, an odd combination of several people, political people a very odd combination which was there for the lust of power and they

gained power and came to power with the lust of power and then disintegrated. Like a tornado they came and went out just like that on a small issue. Why did they disappear? Because they had no principles, because they had no commitment to democracy, because they had no commitment to socialism.

SHRI SATYA PRAKASH MALAVIYA: Your leader has no commitment.

SHRI YASHWANT SINHA: Emergency was your commitment to democracy.

SHRI HANS RAJ BHARDWAJ: Shri Malviya Ji, shall I repeat the words of Shri Bahuguna when he said that they are all reactionaries with whom he was working? I can quote him if you like. I will quote Shri Bahuguna when he said this about your colleagues in the Janata Party.

SHRI SATYA PRAKASH MALAVIYA: Why should you be talking about Shri Bahugana?

ठाकुर जगतपाल सिंह (मध्य प्रदेश) :
आपके ही लीडर को कोड कर रहे हैं।
आप क्यों परेशान हो रहे हैं।

SHRI HANS RAJ BHARDWAJ: Sir, if they are allergic to Shri Bahuguna, let them decide it amongst themselves. I am not very keen to quote him. He made a statement about Charan Singh Government that the Government was infiltrated by RSS. I think Advaniji's memory must be very fresh. He said, all these institutions, the educational institutions, the media had been infiltrated by R.S.S. "Therefore, I am having a complete dissociation with this Government." This is the type of Government you had in 1977-78. Can you deny this? Can any one of the leaders in the Opposition today, who were sharing power at that time deny that their own friend had levelled such a charge against the same Government? This is the position we had at that time....

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(Interruptions)...I am submitting that this issue has been decided. The anti-defection law was another landmark which this Government passed. They never wanted it. At that time the whole House supported it and I was very happy.

श्री राम अवधेश सिंह : अगर वह पास न किए होते तो राजीव की सरकार चली गई होती। अपनी सुरक्षा के लिए पास कराएं (व्यवधान)

SHRI HANS RAJ BHARDWAJ: That is the difficulty. Again you have lust for power which people will never give you. Sir, anybody who has lust for power has never been given power. Sir, with great respect to all the Members of the Opposition, I want to make a brief submission that the people of India are very educated. Some of the honourable Members have paid tributes. I welcome those tributes. It is the people of India who knew where to vote and whom to vote. So, when they say that the anti-defection law was brought by this Government, yes, it has given political stability to this country. At that time, Sir you will remember, all the sections of the House had supported this, and it was a very welcome step that was taken. Now one of the honourable Members says that if this law would not have been there, our Government would not have been here and they would have come.

श्री राम अवधेश सिंह : क्या आप (व्यवधान)

SHRI HANS RAJ BHARDWAJ: What will happen if he is installed in power? Imagine yourself. Please see the quality, the change. We passed the law to give political stability to the country, and who has challenged that law today?

SHRI KAILASH PATI MISHRA (Bihar): Point of order.

SHRI HANS RAJ BHARDWAJ: Sir, after passing it, the Janata leaders challenged it and said it is not right to say that there will be no defections: (Interruptions)...

श्री कैलाश पति मिश्र : अध्यक्ष महोदय, व्यवस्था क प्रश्न है। प्वाइंट आफ आर्डर। अध्यक्ष महोदय, आपसे प्रोटेक्शन चाहिए। दो दिनों से जो बहस चली है और जितने मुद्दे उठाए गए हैं, मंत्री महोदय एक मुद्दे का भी उत्तर नहीं दे रहे हैं, उलझा रहे हैं फालतू बातों में। आपसे आग्रह है कि बाध्य करिए उनको उत्तर देने के लिए।

MR. CHAIRMAN: It is no point of order.

श्री राम अवधेश सिंह : जो सवाल उठाया उसका जवाब नहीं (व्यवधान)।

श्री रुमापति : आपको तो प्रधान मंत्री बना रहे हैं (व्यवधान)।

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir): Chairman Saheb, let the Minister come to the front and speak. For voting he can go back. He is not clearly audible.

Mr. Minister, kindly come to the front.

SHRI HANS RAJ BHARDWAJ: Sir, have I your permission to go to the front because that is not my seat. (Interruptions)...

Sir, I quite appreciate it that they do not want to hear what I say because it hurts them. But it is an open debate. There should be no fetters on whatever we say unless it is unparliamentary and I seek your protection and guidance also. Sir, you are an institution by yourself. By now you are an institution of democracy. Why are these people scared of hearing their criticism? Criticism is the essence of democracy. Vajpayeeji, I like your smile. This is what we want. We should take

criticism with a smile. Advaniji, this is the way our democracy succeeds.

Sir, I will not take much time of the House. I would briefly say that it is very well within the scope of discussion when I say that this Government started the cleansing process of political life by introducing the anti-defection law. This was a positive step, and it was positive because all of us were of the view that there should be no defection. This "Aaya Ram, Gaya Ram" business should end. Who brought that? It is the Rajiv Gandhi Government at the very inception of it.

SHRIMATI RENUKA CHOWDHURY: Sir, you are witness to it. In 1984 the constitutionally elected Government was toppled. He has audacity to tell this to us in the House. Absolutely amazing.

SHRI VISHVJIT P. SINGH (Maharashtra): The persons who are responsible for that are their leaders.

श्री प्रमोद महाजन (महाराष्ट्र) :
कृष्णजी का उत्तर दें, आयराम
गयाराम का क्या हुआ?

SHRI A. G. KULKARNI: Sir, I am prepared to reply.

SHRI VITHALRAO MADHAVRAO JADHAV (Maharashtra): The hon. Member wanted Appasaheb Kulkarni to speak.

श्री सभापति : आप ठेठ मराठी में
जवाब दें, लेकिन बाहर दें, यहाँ नहीं।

SHRI A. G. KULKARNI: * I can reply in Marathi also. Late Shri Yashwantrao Chavan used the phrase "Aaya Ram, Gaya Ram" for the first time in this august House. But later all the political parties have come to possess Aaya Ram Gaya Ram at one or the other time. Sometimes Members

from this side use this phrase, and some other time Members from that side use it.

SHRI VITHALRAO MADHAVRAO JADHAV: *Many Aaya Rams, Gaya Rams are there in your party. No such people are there in our party.

PROF. C. LAKSHMANNA (Andhra Pradesh): He has said that all of us wanted the anti-defection law, and then he says that the Rajiv Gandhi Government brought it.

MR. CHAIRMAN: He has said that it was passed unanimously.

PROF. C. LAKSHMANNA: If all of us wanted it, it does not mean that only somebody wanted it.

SHRI A. G. KULKARNI: The problem with the Professor is that he does not allow anybody else to take the name of his leader, but he can chant NTR's name a hundred times.

PROF. C. LAKSHMANNA: Sir, let him chant. I don't mind.

SHRI A. G. KULKARNI: Why are you replying to me? You reply to the chair. (Interruptions)

PROF. C. LAKSHMANNA: Mr. Chairman, Sir, I do not have any objection. Let him chant anybody's name. The Minister himself said that all the parties wanted the anti-defection law. If that is the case, there is no point in saying who wanted it first. Either all of us wanted it or did not want it.

SHRI HANS RAJ BHARDWAJ: I think, Sir, we should not interrupt. I will cut short because I find that the atmosphere is that the moment I touch their nerve, they get up. I shall make a brief submission. Even on an issue like the anti-defection law which this whole House had supported, today who has gone to the court to challenge it? What point has been made in the court? It is that it is not correct to say that defection is an evil. Some people have filed a petition saying, "No, defecting is our right." See the political philosophy that is being propounded that defecting from one

*English translation of remarks made in Marathi.

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party to another is a very substantial right and that everybody should be allowed to exercise it, and petitions have been filed in the High Court and the Supreme Court. There is an ocean of difference between the thinking of the two parties the Opposition and the Congress. (Interruptions) That is where I wanted to make that difference. It is a question of commitment. Once you pass a law unanimously, can you go out and say, "No, it is our right to defect."? That is the difference, and that is where the basic opposition lies.

Now, Sir, I would briefly say that we received 16 proposals from the Election Commission. I am within my right to say that except for three proposals which are not being passed in these Bills that is, elimination of non-serious candidates, delimitation and State-funding, we are implementing all the proposals of the Election Commission in these two Bills, namely, 13 proposals out of 16 which we received from the Election Commission are being implemented.

SHRI LAL K. ADVANI: Simultaneous elections is an important recommendation.

SHRI HANS RAJ BHARDWAJ: For that you do not need....

SHRI LAL K. ADVANI: But the Election Commission has suggested simultaneous elections.

SHRI HANS RAJ BHARDWAJ: Mr. Advani, you are such a senior man. You have discussed the issue. I say no statute is required to be amended for holding these elections, (Interruptions) and when I make a precise submission, even there they have a doubt. I am saying sixteen proposals were received; three are pending viz. delimitations, non-serious candidates and State funding on which we are not bringing any measure through these Bills. Others are being implemented by these two statute amendments.

With regard to simultaneous elections, the point made by Advani Ji, no statute is required to be amended. Nor has the Election Commission made any such proposal. They have only suggested that a convention should be developed by the parties that they should hold simultaneous Elections. If I am correct, you say I am correct. Otherwise I will amend my submission. This is precisely the recommendation. I have all the four letters which have been received from the Election Commission which incorporate these suggestions that by political convention this should be so. But who is to blame? I will again touch their nerve. In 1977, when we lost in the Parliamentary elections, these hon. Members who were then in the Government summarily dismissed all the State Governments where the Congress Government were in power. Was it fair on their part? And they say that we should... (Interruptions)

SHRI SATYA PRAKASH MALAVIYA: Why did you follow it in 1980 by dismissing all the State Governments?

SHRI HANS RAJ BHARDWAJ: Is that democratic? They should have been allowed full term. (Interruptions) What is happening?

श्री राम अवधेश सिंह : जो अपनी पांच साल की जिम्दगी पूरी कर चुके थे उनको डिसमिस करने में कोई हानि नहीं थी । (व्यवधान) एक साल की अवधि आपने बढ़ा दी थी इसलिए हमने उनको डिसमिस किया था । (व्यवधान)

SHRI PARVATHANENI UPENDRA: Sir, on a point of information. The deviation started in 1971, not in 1978, because the Lok Sabha elections were held separately earlier. That is why the deviation started in 1971.

SHRI HANS RAJ BHARDWAJ: Upendra Ji please listen. You were not even in politics in 1971. You were somewhere else.

SHRI PARVATHANENI UPENDRA:
I know politics. I am following it.
What are you talking? Where were
you then? (Interruptions)

SHRI HANS RAJ BHARDWAJ:
I was President of the District Cong-
ress Committee.

SHRI PARVATHANENI UPENDRA:
And where was your Prime Minister
then?

SHRI HANS RAJ BHARDWAJ:
My Prime Minister has been born in
politics. This is inherent in his fami-
ly blood (Interruptions) My Prime
Minister has learnt politics in the
womb. What are you talking about?
(Interruptions) My Prime Minister is
part of history. There is no denying
it. This family has made history and
nobody can deny that. And you have
only to learn from this. (Interruptions)

PROF. C. LAKSHMANNA: Sir, on
the point of Election Commission's re-
commendations, as a part of the Elec-
tion Commission's recommendations,
there was a recommendation that an
organisation which does not hold elec-
tions should also be debarred. That
has not been taken into account be-
cause the Congress has not held orga-
nisational elections for long. He has
not mentioned about it. That is one
of the recommendations.

SHRI HANS RAJ BHARDWAJ:
When I come to the point they come to
politics. I have submitted that out
of sixteen proposals, thirteen are being
implemented by this measure. Then
Advani Ji raised a very valid point
to save expenses this suggestion should
be incorporated. I quite appreciate
it, but I submit today we are discus-
sing amendment of a statute. If a
convention can be developed by which
we can hold simultaneous elections, it
is again to be a united political deci-
sion and a consensus of political par-
ties alone can do it. If I do it today
and they don't do it tomorrow, that
would not help.

SHRI LAL K. ADVANI: So far as
the Opposition parties are concerned
they have jointly proposed simul-
taneous elections. And further-
more in 1989 December Lok Sabha
is due for elections. In February
1990 a large number of Assemblies are
due for elections. This two months' gap
can certainly be filled up and these
can be held simultaneously. There
should be no problem. It is a ques-
tion of consensus among political par-
ties. Let the Government agree to
it and it will be done.

SHRI HANS RAJ BHARDWAJ:
I quite see it. The sincerity of pur-
pose of Advani Ji is never in doubt,
because I have known him since my
childhood. He is a very reliable
person, but are you in a position....?
But, Sir...

SHRI LAL K. ADVANI: Sir, I feel
embarrassed with such compliments.

SHRI HANS RAJ BHARDWAJ:
He is very reliable and whatever he
says he stands by it. But can he
speak on behalf of his other friends?
The decision is being made from some-
where else today... (Interruptions)

Sir, I need your protection. Advaniji
will never embarrass himself to take
decisions for the National Front or
Political Affront or whatever Affront
So many Fronts are coming up. How
can you speak for them? They don't
accept you as their leader. I am say-
ing with all the responsibility: Are you
going to undertake a joint responsi-
bility on behalf of all the Opposition par-
ties? For yourself I can say that what-
ever you say you may mean it.

SHRI DIPEN GHOSH: Are you ac-
cepting him as your leader?

श्री लाल कृष्ण आडवाणी : सभापति
जी, यह सवाल नहीं है । जब विपक्षी
दलों ने यह सुझाव दिया है कि एक साथ
चुनाव होने चाहिए । इसको अगर कांग्रेस

[श्री लाल कृष्ण आडवाणी]

पार्टी भी मान जाये तो इसमें कोई दिक्कत नहीं होगी और कम से कम जो यह दो महीने का अन्तर है यह तो खत्म कर दिया जाय।

SHRI HANS RAJ BHARDWAJ:
Sir, with folded hands again I am saying that no Opposition leader is today in a position to speak for other Opposition leaders because there is no leader. That is the difficulty..
(Interruptions)..

I have great respect for you but you are Mr. Nobody in their forums. Kindly see the conclaves, who are deciding today? I will give them details if they want to as to who are the decisive factors. You know it very well..
(Interruptions)... He is sitting behind me.

SHRI PARVATHANENI UPENDRA:
Do you speak for Dr. Jagannath Mishra?

SHRI HANS RAJ BHARDWAJ: Yes, certainly, I speak for everybody. The whole side is with me. This is the difference between you and me. This is the vast difference. I can speak for everybody. I have the full support but you cannot speak except for yourself... (Interruptions)...

I fully appreciate the point made by the hon. Member, Mr. Advaniji that we should develop a healthy convention and we will discuss it at an appropriate time. But today it is not a part of the amendment of the Statute before us. We have received 16 proposals and we have not been able to take a decision on the elimination of non-serious candidates. What were the suggestions of the Election Commission on the elimination of non-serious candidates? You can ask me why we have not implemented because it is very urgent. Sir, the Election Commission suggested two things. We should raise the amount of deposit to eliminate non-serious candidates. So

raising of deposit only cannot eliminate non-serious candidates. This is our thinking. We may be wrong. You may not like it because that is an elitist approach that you raise the money. If we put some vested interest candidates the money can be provided to those non-serious candidates. What happened in Allahabad? How many people were there? Haji Mastan's money and everybody's money was there... (Interruptions)... Once you give a go-by to your principles of politics, you can use anybody's money. Keeping communal principles apart and financial principles apart money was used. All principles were given a go-by only to achieve electoral success. That was seen by the people of this country and nobody could deny that this was not done. Where was the principled politics?

SHRI M. A. BABY (Kerala): What about the money given for the genuine services?

SHRI HANS RAJ BHARDWAJ: I am not disputing it. That is our thinking....

SHRI M. S. GURUPADASWAMY:
Why do you oppose State funding?

SHRI HANS RAJ BHARDWAJ: I come to it one by one. State funding is the third item in my points of reply. ... (Interruptions)... Sir, I don't think that we should be in a hurry. We have got sufficient time.

श्री लाल कृष्ण आडवाणी : आप इलेक्शन कमीशन की बात कीजिये।

SHRI HANS RAJ BHARDWAJ: Sir, I must also reply to Advaniji. He raised a point that in Britain the Speaker called a conference...

श्री लाल कृष्ण आडवाणी : आप इलेक्शन कमीशन की बात करिये। इलेक्शन कमीशन की एक कृशल रिकमेन्डेशन है कि कान्स्ट्रिक्शन को एमेन्ड करके जिस प्रकार से

पार्लियामेंट का इंडिपेंडेंट सेक्रेटरियट है वैसे ही इलेक्शन कमीशन का भी इंडिपेंडेंट सेक्रेटरिएट होना चाहिए ।

श्री सोतार म केसरी : जब जनता पार्टी की सरकार थी तब क्यों नहीं किया ?

SHRI HANSRAJ BHARDWAJ: I am coming to that. I said that we received 16 proposals.

श्री सोतार म केसरी : मैंने उनसे पूछा है कि जब जनता पार्टी की सरकार थी तो तब क्यों नहीं किया ?

SHRI HANS RAJ BHARDWAJ: Sir, the time of the House is very precious but I want that some of it should be spent for their benefit and for their education. Sir, in respect of non-serious candidates, this was the proposal which is hardly a solution. So, we have still kept our mind open as to how to finish this menace of non-serious candidates and we can still welcome suggestions and there is absolutely open mind that non-serious candidates should not be allowed to spoil the election atmosphere. (Interruption).

SHRI LAL K. ADVANI: I have given one suggestion on that.

SHRI HANS RAJ BHARDWAJ: Your suggestion has been noted and we will try to do full justice to this. Delimitation, as the hon. Minister of Law has been pleased to say, is not possible now. If you start delimitation, there will be problems for the hon. Members to go to their constituencies because the election is coming. (Interruption).

SHRI M. S. GURUPADASWAMY: Why did you delay delimitation though it was pending before you for a long time? You are aware of all that. Even now, rotation of reserved

constituencies can be done within three or four months.

SHRI HANS RAJ BHARDWAJ: I may submit, Sir, they may have a grievance on this but it is not possible to have delimitation because the MPs are going to their constituencies and within a span of one year, the elections are going to be held. So, it is not possible to rotate or change the constituencies now. It has been delayed but it is not possible to do it now. The MPs have been consulted, others have been consulted and they do not favour it that it should be done now.

With regard to State funding, it is another very important area and I think, the emphasis of the arguments of the Opposition has been, somehow or the other... (Interruption)....

SHRI M. S. GURUPADASWAMY: May I just ask you whether you go by the vested interests which have risen in various political parties since the rotation of reservation of constituencies or you go by conventions? It is accepted that at the end of every census, delimitation has to take place. It has not been done for the last eight years. Even now, rotation of constituencies can be undertaken, can be finished within four months. (Interruption).

SHRI HANS RAJ BHARDWAJ: Sir, I have made my point and any suggestion is fully welcome. But the question is, it has not been found proper, at this stage, to undertake delimitation because the MPs say that they will not be able to undertake tour of their constituencies and we do not want to keep anything in uncertainty. That is what my submission is in this regard.

With regard to State funding, that is the major point which the Opposition has been making that there should be State funding of elections. Now, the State funding has never been recommended in toto by any Election Commission or by any of the Election Commissions. They suggest-

[Shri Hans Raj Bhardwaj]

ed that some stationery or something like that should be given to facilitate State funding, at a later stage. That limited suggestion has been made. But I may submit that this issue cannot be considered in isolation. They have connected the State funding with the List System because they say... (*Interruption*).

SOME HON'BLE MEMBERS: No, no.

SHRI HANS RAJ BHARDWAJ: Yes, there can be no State funding without a List System because today, you have party candidates, you have independent candidates and anybody can contest election. Whom are you going to finance? These are issues which are fraught with legal dangers. If you give it to one person and deny this benefit to the other person, then it will be very problematic. It is not as simple as this. Can you reduce the menace of money power by State funding of the election? It is a well-known fact that money comes in from various sources. Can you limit it that only the State funding will be accepted and no other source of money can be accepted? Who combined all these political parties today? It is well known that funds are flowing from all directions, funds are flowing from unhygienic sources in the elections, as I pointed out. They are accepting money from Haji Mastan and everybody in the elections (*Interruptions*)..

SHRI LAL K. ADVANI: Even from Swiss bank.

SHRI HANS RAJ BHARDWAJ: These issues are not free from doubt. It has not been possible to accept State funding because the country has allowed everybody who is qualified to enter the election fray. So, you cannot extend the facility of State funding to one person and deny it to the other. This issue has not been accepted. I am again submitting, the Election Commission had never suggested full funding. ... as suggested by you that there can be only one source of

funding, namely the State and no other source.

SHRI LAL K. ADVANI: The Election Commission has described itself as the weaker pillar of democracy and it is suggested that by suitable amendments to the Constitution, the same privileges and safeguards, in the matter of its secretariat and staff be provided to it as are provided to Parliament, Supreme Court, Comptroller and Auditor General of India and Union Public Service Commission. What do you have to say about this particular recommendation?

SHRI HANS RAJ BHARDWAJ: I am coming to all those points, one after another. When I deal with one point, they go to another. I would like to tell hon. Members that I have studied their points very carefully and I will reply to each one of them point by point. How much strength can be given to the Election Commission and in what shape is a different issue. I have now explained the three points which we have not implemented and there is absolutely no other point which was suggested by the Election Commission and we have not taken either by amendment of statute or of the Constitution. Some suggestions like introduction of identity cards etc. will be implemented by amending the rules and identity cards are still provided under the rules. They have to be implemented in consultation with the States because it is they who will have to get them prepared under the supervision of the Election Commission. Out of the 16 proposals given, we have implemented 13 and we have given valid reasons for not implementing the other three. Do you think this is a piecemeal legislation? This is a full-fledged legislation which the Election Commission suggested and the Government has implemented.

Now, with regard to the Election Commission, I again say that the Election Commission is a Constitutional

authority. I want to remove the illusion from the mind of the Opposition which says that it is a limb of the Law Ministry. It is not correct to say that. It is created under the statute a separate Chapter in the Constitution which is the highest law of the land. So, the Election Commission functions under the Constitution. And it has certain plenary powers under the Constitution. Nobody can deny it and I, as state Law Minister, can say with confidence that we have never interfered in the functioning of the Election Commission. It is an illusion of your mind that it is a limb of the Law Ministry. All appointments in the Election Commission are made by the President of India. They are appointed by nobody else. Who appoints the judges of the Supreme Court appoints the Election Commission. All the appointments made remain under the control and discipline of the Election Commission of India. So far as giving the Commission independence is concerned, I would like to say that it is under the scheme of the Constitution. If you accept the Constitutional scheme, there is no room for doubt that the Election Commission functions under the Chapter provided in the Constitution of India. Why do you say that it is not enjoying autonomy or independence as envisaged under the Constitution? If you go into the functioning of the Lok Sabha and Rajya Sabha Secretariats, it is provided under the Constitution. Likewise, the functioning of the Election Commission is also under the Constitution. This is a very sacred institution. Some of the hon. Members went to the extent of saying that it is not independent. I do not agree. It is fully independent. How the Election Commission functions is well known. It functions not only in New Delhi. It functions in almost all the States. It function even where Opposition parties are in power. Do you have any grievance against your own Chief Electoral Officers? They are placed at the disposal of the Election.

Commission. There is a scheme and that chapter is there in the Representation of the People Act. The Chief Electoral Officer is appointed from among the officers of the State by the Election Commission in consultation with the State Government. The whole machinery in the State is under that Officer. It is the District Returning Officer or the Assistant District Returning Officer who closes the enumeration work. It is always under the superintendence or supervision of the Election Commission. Can you say how you or I can interfere in that process? The Supreme Court decision in the West Bengal case was cited. There is a decision of the Supreme Court that we cannot interfere with the process of enumeration, that we cannot interfere once the election process is on and it is the power of superintendence, that plenary power, which is given to the Election Commission under the Constitution which is exclusively charged with this duty. So, where is the question on doubting the integrity and functioning of the Election Commission? I welcome if they say that more powers are needed, that more teeth need to be given, and that more autonomy is given to the Election Commission in some areas, and that is what is being done. Now, Sir, it irritates them when we say that for the period of enumeration and for the period of the election process, the officers who are charged with the election duties by the States under the relevant Chapter of the Representation of the People Act, they will temporarily come under the supervision, superintendence and control, etc. of the Election Commission, and they say, "No, no. Don't give this power to the Election Commission." Now, are you sincere about the powers of the Election Commission? Really are you sincere? No, You are not sincere. You want that it should not be under him, that the machinery should not be under him... (Interruptions)...

SHRI PARVATHANENI UPEND-
RA: All right. You adopt it now...
(Interruptions)...

SHRI HANS RAJ BHARDWAJ:
Several times it was abused in Har-
yana and elsewhere also and we will
not allow this to be abused anywhere
else... (Interruptions)... Sir, it is
this intention of theirs which is
wrong... (Interruptions)... We are
putting our officers also and it is not
only the State machinery that would
be put under the Election Commis-
sion, but also all the machinery be-
longing to the Centre will come
under it.

श्री राम अवधेश सिंह : इनका बिहार
और उत्तर प्रदेश में भी दहशतवादी हथकड़ी है

SHRI MOTURU HANUMANTHA
RAO: (Andhra Pradesh): Did not
the Election Commission ask the Gov-
ernment of India to deploy the Army?
... (Interruptions)... Sir, may I ask
the honourable Minister whether the
Election Commission had recommend-
ed to the Government of India to
send the army to conduct the elec-
tions there in Tripura?

SHRI HANS RAJ BHARDWAJ:
Sir, I take the responsibility and say
that I will put all the machinery,
whether it is the Central machinery
or whether it is the paramilitary
forces or whether it is the State ma-
chinery, under the charge of the Elec-
tion Commission, and this is the pro-
posal before us today. I don't doubt,
again I say, Advaniji's intention, be-
cause when he says something he
means it. But see the other side,
the people who have criticised the
Election Commission. They have
always said, "No, no. We have no
faith in the one-man Election Com-
mission, but we will have faith in
the three-member Commission." I
will come to that point a little later.
But is it not a welcome step today
that we all of us, all the Members
of the this House, as was done by
the other House, should welcome it?
But it is with the State machinery,
whether it is the machinery in the
States or at the Centre, that we ex-
pect the Election Commission as the
exclusive forum or institution to deal

with the election process in the coun-
try and we should allow temporarily
that machinery to be under him if
we have faith in that institution.
There is no harm. There are two
propositions. Either at the time it
should be under the Chief Minister,
or it should be under the Election
Commission. Now, you see, Sir, that
they want that it should not come
under the Election Commission, but
under the Chief Minister,
who is himself contesting the elec-
tion at that time! Where is the fair-
ness? Fairness lies in saying when
we say, with one voice, "Yes. The
machinery should be under the Elec-
tion Commission, whether it is your
machinery or our machinery." Now,
this is not the position in the States.
Our Governments are also there, the
Congress (I) Governments are also
there, in several States and we also
accept that our machinery at time
should be under him. Where does
the problem lie? You will kindly
appreciate this point, Sir. At the
time of enumeration, we have this
experience that the names of the
voters are removed in large chunks
when they find weaker sections,
Harijans, Scheduled Caste people,
minorities, women, etc. to be there,
and wherever they have found that
these are not favourable to them,
they say, "Yes. You delete them."
It becomes difficult for them when
hundreds of people come and say,
"Our names have been deleted in
large chunks." At the time of
poll you will find that your own
names are not there. So, we want
that when an officer who is doing
the enumeration work is not doing
the work properly, the Election
Commission should be in a position
to deal with that officer firmly. Se-
condly, it has also been our experi-
ence that people start showing their
muscle power which is so pertinent
to some of the Dals on the other
side. Now, you start using the
muscle power and there are forces of
the State also. Many of the officers
has complained in the adjoining State
that they were forced to do booth

capturing. You put your regiments, all your dals and other people to go round and capture the booths. Are you not going to tackle this menace? ... (Interruptions)...

SHRIMATI BIJOYA CHAKRAVARTY (Assam): Sir, I would like to know whom the Minister wants to implicate by saying these things? ... (Interruptions)...

12 Noon

SHRI HANS RAJ BHARDWAJ: Sir, I am again requesting with folded hands to kindly ponder who are forming these brigades—green, red and yellow. So many types of brigades are being formed by them wearing fantastic types of clothes and fantastic types of dresses. They are making a mockery not only of the political system of this country, but they are also making a mockery of this country.

(Interruptions)

श्री वीरेन्द्र वर्मा (उत्तर प्रदेश) : श्री बूटा सिंह जी जो पहने हैं, क्या वह भी फैंटास्टिक है ? आप कहते हैं कि यह साफा फैंटास्टिक है । सरदार दरबारा सिंह जी जो पहने हैं... (व्यवधान) ।

SHRI HANS RAJ BHARDWAJ: Kindly, see, Virendra Vermaji is wearing a very proper dress. I am not finding fault with it. You are properly dressed, Kindly see, Sir. I am pointing out the scenario which I have witnessed. It is a very important thing, Sir. I am an eye-witness to one thing. I wish the entire opposition to take charge of the situation. You come out from an adjoining State all dressed up in green on motorcycles carrying arms and running in the streets.

श्री सत्य प्रकाश म लवीय : इलाहाबाद में जो हुआ... (व्यवधान)

SHRI HANS RAJ BHARDWAJ: Are you supporting it? Nobody can support it.

(Interruptions)

SHRIMATI RENUKA CHOWDHURY: Do we not have the freedom in this country to move as we choose.

SHRI HANS RAJ BHARDWAJ: No brigade will be allowed to operate like this.

SHRIMATI RENUKA CHOWDHURY: We don't have aircraft and helicopters to move around.

(Interruptions)

SHRI HANS RAJ BHARDWAJ: Sir, you see one specimen of the brigade. This is a danger to democracy.

(Interruptions)

SHRIMATI RENUKA CHOWDHURY: This is the status of the women in the country. Take note that anyone who does this is not going to be accepted by the people.

SHRI A. G. KULKARNI: Sir, a cameraman should be brought here so that an excellent shot can be taken.

SHRI HANS RAJ BHARDWAJ: I have requested my elderly colleague, Mr. Kulkarni, to reply to her.

(Interruptions)

SHRIMATI RENUKA CHOWDHURY: I want to know whether the Minister can go on meandering like this talking about who wears what and on what one travels. Is it a part of the electoral reforms? Are you removing the freedom of an individual in the country to move and dress as he chooses? Answer yes or not.

(Interruptions)

SHRI HANS RAJ BHARDWAJ: I have made by submission, Sir. I leave it to them. If they find that dress....

SHRIMATI RENUKA CHOWDHURY: If was done for security. But they have burnt their fingers and now they want to hoodwink us saying that they are having it for the benefit of this country. They should have some shame. They have no self-respect. I feel ashamed to associate myself with the Minister.

(Interruptions)

चीन भी टोपी पहन कर गये हैं ... (व्यवधान) ... हय देखते हैं कि वह कैसे भेस बदलते रहते हैं। यह अपना ड्रेस रोज बदलते हैं। ... (व्यवधान)

SHRI HANS RAJ BHARDWAJ: I am not suggesting for a moment any dress for her at all.

(Interruptions)

श्री मीर्जा इशविबेन (गुजरात) : श्रीरत का ड्रेस पहने या जेट का ड्रेस पहने, अर्ध नारीश्वर का ड्रेस पहन कर यह किसको उल्लू बना रहे हैं? यह आपका ड्रामा है। ... (व्यवधान)

SHRI HANS RAJ BHARDWAJ: I am coming to Advaniji.

श्री सभापति : एक घंटा चार मिनट हो गये हैं। ... (व्यवधान)

SHRI HANS RAJ BHARDWAJ: I am finishing in half an hour. Sir, I am interrupted by such forceful personalities. I am scared of their interruptions. I am too frail to face them.

(Interruptions)

MR. CHAIRMAN: Are you going to pacify her?

SHRI HANS RAJ BHARDWAJ: Sir, I am making brief submissions, not very large ones. But I am being interrupted. (Interruptions) I am only suggesting that if you are committed to fair and free elections, then stop intimidation of the voters in any form. And that should

be the commitment of everybody. We should not intimidate. And that is where, Sir, we have made the provision in this Bill that for a temporary period the machinery charged with the duty to hold elections in the country should come under the control of the Election Commission. I don't think anybody can dispute that. It is a fair provision and immediately we can implement this.

Sir, so far as the point of establishing a Secretariat like the Lok Sabha and the Rajya Sabha is concerned, these institutions of democracy, Lok Sabha and Rajya Sabha, I agree function very efficiently and there is no doubt about it. And even the Election Commission, I can say with responsibility, functions with similar promptitude and similar efficiency. I am a witness to it because I remain in close touch with it and I am proud of it. If anybody has got different ideas, I do not share with him. And, Sir, the Election Commission can be strengthened in various forms. They say, you make the Secretariat independent Sir, we say...

SHRI LAL K. ADVANI: The Election Commission says this. This is important. The Election Commission has demanded it. What is the response?

SHRI HANS RAJ BHARDWAJ: Sir, we are having a dialogue everyday with the Election Commission. But today is this question. Why do you dispute that this machinery charged with holding of the elections should go to the Election Commission?

SHRI LAL K. ADVANI: Sir, to the best of my knowledge, even this provision was not discussed with the Election Commission.

SHRI HANS RAJ BHARDWAJ: Sir, I beg to submit that the Election Commission, when the question came up for countermanning the election in the recent by-elections in Haryana and

elsewhere, did show some helplessness that we have no powers under the statute. We have given powers now. If at a particular polling station or in a constituency, there is a large-scale booth-capturing or some wrong conduct of elections, the Election Commission can countermand it. But the question is that they say the same thing in two ways. We say that the Election Commission can be strengthened at the spot and can be given more powers by controlling the staff which is doing that mischief in the States. They say, "no, only the Secretariat should be provided independently and to the rest of it, we do not agree". See the two propositions. Which one is important? (Interruptions) Sir, that is where the difference lies in the approach. We say that thousands and thousands of officers and men who go to the polling booth right up to the Chief Electoral Officer, the police and everybody, should come under the Election Commission. They say, 'we do not agree on this'...

SHRI LAL K. ADVANI: Sir, to the best of my knowledge, this particular provision was not even discussed with the Election Commission. After all, it is the Election Commission which will have to bear the burden of it.

SHRI HANS RAJ BHARDWAJ: I will give you the letters of the Election Commission. The Election Commission has never demanded a Secretariat independent like the Lok Sabha. Kindly see that.

SHRI LAL K. ADVANI: I have got a reply in Parliament.

SHRI HANS RAJ BHARDWAJ: We can exchange our notes.

SHRI LAL K. ADVANI: In 1982, we have got a reply in Parliament quoting the Election Commission.

SHRI HANS RAJ BHARDWAJ: We can exchange our notes. But, for the time being, I am persuading you to support my proposal in the Bill that

the machinery should come under the Election Commission. What is your reply to that? Why are you hesitant unless you are interested to use that machinery to your advantage in the elections....

(Interruptions)

Sir, with regard to an important aspect which Kulkarniji touched upon yesterday, today, the effort is to be known as so and so party, so and so Dal, and so and so institution and so and so leader. There is no effort to have a common approach of being an Indian. There are forces of communalism, forces of disruption, fissiparous tendencies which are propping their head, and Kulkarniji pointed out that they are the gravest danger to democracy. So, we have provided in the Bill that these communal forces will be curbed, the evil forces will be curbed, and we will see if you co-operate that these forces are not allowed to enter the election fray and pollute our body Politics... (Interruptions)

DR. G. VIJAYA MOHAN REDDY: (Andhra Pradesh): What about Bhindranwale? You have committed the mistake.....

SHRI HANS RAJ BHARDWAJ: Sir, this running commentary only shows their lack of confidence in democracy.

SHRIMATI RENUKA CHOWDHURY: There will be no interruption if..

SHRI HANS RAJ BHARDWAJ: Sir, I would have finished by now but for these interruptions. I will have to go to the history of their grand-fathers if they speak like that. (Interruptions) But I do not want to go into that. I have been born in politics right from the childhood and I have travelled this journey to New Delhi on foot. I have not come through the backdoor. (Interruptions)

SHRIMATI RENUKA CHOWDHURY: What backdoor entry? Come on. (Interruptions). Who has come by backdoor entry here? (Interruptions).

SHRI HANS RAJ BHARDWAJ: By defrauding the people in the name of religion.

SHRIMATI RENUKA CHOWDHURY: Sir, you are tolerating it.

सर, यह क्या है? हमारे साथ क्या सुनाकर जा रहे हैं? सवाल का जवाब देते नहीं, अपना-अपना नो-स्प्लाइ। यह क्या रेप्लाइ सुना रहे? सुन-सुन कर कान पक गए। ... (व्यवधान) ... सभापति महोदय, हमारी रक्षा कीजिए, हमारी सुरक्षा कीजिए। यह क्या हो रहा है? यह क्या सुना रहे हैं—इनके ग्रांडफादर, हमारे ग्रांडफादर और यह सब देख रहे हैं आप। बूटा सिंह जी किसी की बीबी के ऊपर आ गए और यह हमारे खानदान के ऊपर... (व्यवधान)...

PROF. C. LAKSHMANNA: Sir, we seek your proection.

MR. CHAIRMAN: Mr. Bhardwaj, please do not discuss about parents and grand-parents. Kindly, no, no.

SHRI HANS RAJ BHARDWAJ: Sir, I am being interrupted. Kindly ask them not to interrupt me.

MR. CHAIRMAN: No no, kindly do not answer by going to their grand parents.

SHRI PARVATHANENI UPENDRA: Sir, this is highly objectionable. Where is the Minister going? Sir, some have been defeated in the New Delhi Municipal Committee twice and they have come through backdoor. Some have been defeated in the Assembly elections and they have come through backdoor. Some have been defeated in the Lok Sabha election and they have come here through backdoor.

MR. CHAIRMAN: Let us not go to the backdoor. Let us come to the

point. (Interruptions). I have already said that this idea of grand-parents and grand-fathers should not be there.

SHRI DIPEN GHOSH: What has dada-nani not to do here? Why does he refer to grandfather? That word should be expunged.

SHRI HANS RAJ BHARDWAJ: I referred to political grandfather.

SHRI DIPEN GHOSH: Sir, he has referred to someone's grandfather.

SHRI HANS RAJ BHARDWAJ: Nobody's grand-father.

SHRI DIPEN GHOSH: We know only one grand-father, grand-father of the present Prime Minister. Does he refer to that grandfather.

SHRI HANS RAJ BHARDWAJ: Sir, I am not referring to any hon. Member's grandfather, I mean the political ideology of that party, nothing else. And you can take it in that sense. I thought what I said, you will understand it, but if they feel it is personal. I will not say so. I do not mean any disrespect to anybody's family. From grandfather I meant the legacy of that party or the legacy of that Dal, or whatever it is. I do not say anything else and if you are hurt, I will withdraw my words. (Interruptions). Sir, there is an old saying, when somebody accused somebody and he objected, he said, no, I did not mean you your grand-father must have done it. That kind of rebuff if they do not enjoy, I do not want to say it. I only meant to say political philosophy of their parties. I do not want to go into it and I will only stick to my proposition.

MR. CHAIRMAN: You speak on the subject.

SHRI HANS RAJ BHARDWAJ: But one thing I will request, Sir. I need your protection and this type of interruptions should be stopped. (Interruptions).

MR. CHAIRMAN: No, no.

SHRI A. G. KULKARNI: Sir, he has not convincingly replied to what the position is with regard to communal parties in the new electoral system.

SHRI HANS RAJ BHARDWAJ: I am coming to that point, which is a very important point today, the position of the communal parties.

श्री सप्तपति : आप पाइंट पर बोलते जाइए । किसी को छेड़िए मत ।

श्री हंसराज भारद्वाज : सर, मैं कहां छेड़ता हूँ ।

Sir, you have known me since my childhood. Have I ever done any such thing? I have not indulged in this activity since my childhood and I am far from doing it. I have risen to this place under his feet. Don't say that. And I am proud of it.

SHRI PARVATHANENI UPENDRA: Does he know your grandfather?

SHRI HANS RAJ BHARDWAJ: Yes, he knows every inch of me, but not yours.

SHRI DIPEN GHOSH: Every inch? Sir, what is this language? His English is so poor.

SHRI PARVATHANENI UPENDRA: It is a very bad language; if you accept that....

SHRI HANS RAJ BHARDWAJ: I am not saying anything. Let them listen. I am only replying.

Sir, a very senior Member of this House....

SHRI RAM AWADHESH SINGH: What do you mean by back door?

SHRI HANS RAJ BHARDWAJ: Kulkarniji has made a very important point, namely, the functioning of com-

munal political parties in the country. You will kindly appreciate that it is a grave danger to democracy; it is a grave danger to secularism; it is a grave danger to the system as a whole. So, we have brought certain measures in the registration of political parties, where communal parties will not be allowed to take part in the election fray. We have already passed another law, Prevention of Misuse of Religious Institutions. There we have made a detailed provision that nobody who is charged with running of a temple, a gurudwara, a church or a mosque, will be allowed to use it for any political purpose and if there is a violation of this provision there is a punishment provided, a very severe punishment provided. So, that disqualification has been brought within the mischief of these provisions. We have also dealt with several economic offenders. In the category of offences, we have added several social offences committed like Sati, dowry deaths, and all these have been added. Every law that is made in the country is because of the society's thinking in that direction and demand of the society. So, we have included all these offences. I am grateful that all the hon. Members have appreciated the introduction of this new definition in the clause of disqualification.

श्री वीरेन्द्र वर्मा : मुस्लिम लीग कम्युनल है कि नहीं ?

SHRI HANS RAJ BHARDWAJ: देखिए आप फिर मुझ से सवाल पूछ रहे हैं । जो कम्युनलिज्म आप लोगों के दिमाग में भरा हुआ है, उससे बुरा किसी के दिमाग में नहीं है । आप हरिजन को वोट नहीं देने देते अपनी कांस्टिट्यूसी में और मुझ से सवाल करते हैं ।

Sir, has he ever allowed in Chaprauli any vote to a Harijan? Harijans there have never seen voting till today. Ask anybody from the Western U.P. and this particular political party is responsible. They are raising it again. I am making a positive point.

श्री सत्य प्रकाश मालवीय : सभापति जी, एक पर्टिकुलर कांस्टिट्युसी को नेम करके कह रहे हैं, मेरा कहना यह है कि यह बिल्कुल झूठ है, मिथ्या आरोप है ... (व्यवधान) ... कभी इलेक्शन पिटीशन में नहीं गए। अगर जाते तो पता चल जाता।

श्री हजरत भारद्वाज : अभी भी पेंडिंग है।

श्री सत्य प्रकाश मालवीय : छपराली वाला ? उससे पहले...

SHRI SUBRAMANIAN SWAMY (Uttar Pradesh): I was election in-charge of Chaprauli. Harijans voted in larger numbers than people like him who did not come out to vote. They played bridge and did not come out to vote.

SHRI HANS RAJ BHARDWAJ: If he says so, I will believe. Maybe, when he went there, they were allowed to vote, not otherwise.

श्री वीरेन्द्र वर्मा : आप तो जुबानी कह रहे हैं... (व्यवधान)... इलेक्शन पिटीशन से साफ होता है सही या गलत। मैं तो पूछ रहा हूँ कि मुस्लिम लीग को आप कम्युनल मानते हैं या नहीं ?

SHRI HANS RAJ BHARDWAJ: I wouldn't answer; individual questions should not be asked, otherwise individual embarrassing replies would come. So far as the menace of communalism is concerned, I think the entire House has unanimously supported it and I am satisfied that I have got the support of the whole House. We are determined to ban communalism in the body politic of this country....

SHRI VIRENDRA VERMA: Except Muslim League.

SHRI HANS RAJ BHARDWAJ: Another point made by opposition Members is with regard to list system.

List system is not in national interest and I have not been able to understand why such senior Members are suggesting list system. You are electing people without voters' verdict! How are you going to have the List System in a country like ours where each voter is keen to cast his vote? I am happy to see that this is the general view. Members who spoke from this side, while stressing that voting should be compulsory, also made the point that a voter would not like to alienate his right in favour of anybody, they would like to enjoy this right of universal adult suffrage conferred on them by law and that they would not like to have an indirect type of election. Therefore, Sir, it is not possible to have the List System in a country like ours. We want the people to participate in this process of deciding their own fate by exercising their right to vote, by ballot. This is the commitment and the founding fathers did not find any other system proper for the country. We know the history. One term was used by Mr. Advani. I would respectfully tell him that this is not a correct approach towards politics in this country. If I remember it correctly, he used the term 'stable multiplicity'. How can stability and multiplicity go together? You know what was the experience in regard to coalition Governments in various States as well as at the Centre. What was the tragedy? Parliament was used for disqualifying the greatest leader of this country, Indiraji, Parliament was used. ... (Interruptions)

AN HON. MEMBER: In Tripura, you are running a coalition Government. (Interruptions)

SHRI HANS RAJ BHARDWAJ: We know how the coalition was run. Somebody was trying to take vengeance. Somebody was trying to settle his own score. There was no proper control by the leadership. (Interruptions).

SHRI PARVATHANENI UPENDRA:
What are you doing in Kashmir now
(Interruptions).

SHRI E. BALANANDAN (Kerala):
In Kerala, you were in a coalition
Government for ten years. (Inter-
ruptions).

SHRI HANS RAJ BHARDWAJ:
The proper term for this is 'odd multi-
plicity'. This type of odd multiplicity
would not be in the national interest.
This country needs Congress. ... (In-
terruptions)

शुक्र अमृतपाल सिंह : विपरीत
दिशाओं को जाने वाले यात्री एक प्लेटफार्मे
पर खड़े तो हो सकते हैं, एक ट्रेन में नहीं जा
सकते (व्यवधान)

श्री राम अवधेश सिंह : कांग्रेस राज्यों
में कोट की तरह से क्यों मुख्य मंत्री
बदल रहे हैं (व्यवधान)

श्री दरबारा सिंह : मुझे सिर्फ एक
बात पूछनी है कि बहुत सी कम्युनि-
लिस्ट पार्टियाँ अपना रिलिजियस झण्डा जो है,
वह लेकर इलेक्शन लड़ने के लिए बाहर
जाते हैं। तो आप इसको बंद करेंगे
या नहीं?

SHRI SUBRAMANIAN SWAMY:
Why do you use the National Flag?

SHRI HANS RAJ BHARDWAJ:
Sir, this is not in the present propo-
sals. But I would like to say one
thing here that Congress stands for
the freedom of this country, Cong-
ress stands for the economic indepen-
dence of this country and Congress...

SHRI PARVATHANENI UPENDRA:
That was a different Congress, not
Congress (I). (Interruptions)

SHRI HANS RAJ BHARDWAJ:
That is why we use the National Flag.
(Interruptions) I would like to remind
Mr. Subramanian Swamy. He is a
very learned person. He must know
that those parties which differed with
the ideologies and programmes of the
Congress have vanished from the
electoral scene. The Jan Sangh vani-

shed. The Swatantra Party vanished.
Other socialist parties have vanished.
Whatever is left today is a confused
Opposition in this country. They are
going to give leadership !

श्री तमोपति : आपका भाषण समाप्त
हो गया है ?

SHRI HANS RAJ BHARDWAJ:
One more point, with your permission
(Interruptions).

SHRI GURUDAS DAS GUPTA:
Are we listening to an election speech
here? He is inaugurating the election
campaign of his party here.

MR. CHAIRMAN: Why do you want
to prolong it? I am trying to...

SHRI HANS RAJ BHARDWAJ:
Sir, we have got a very wholesome
provision against booth-capturing. I
am very happy that the entire House
has appreciated it. This will curb
the menace of muscle power. I am
grateful to the whole House. You
have at least realised that this is a
very very grave danger to democracy
and nobody will tolerate it. I hope
you implement this in letter and
spirit.

The House has appreciated the pro-
vision in regard to voting age made
in the Constitution (Amendment) Bill.
The House is unanimous that the
menace of booth-capturing, the menace
of communalism and the menace of
fundamentalism should be curbed.
There is no disputed area. Therefore,
I hope these two Bills will be passed
by the House unanimously. I com-
mend these two legislations to the
House for unanimous acceptance.
Thank you.

MR. CHAIRMAN: The question is:

'That the Bill further to amend
the Constitution of India, as passed
by the Lok Sabha, be taken into
consideration.'

The House divided

MR. CHAIRMAN:

Ayes—201

Noes—Nil

Ayes—201

Advani, Shri Lal K.
 Ahluwalia, Shri S. S.
 Amin, Shri Mohammed
 Amin, Shri Mohammed
 Amla, Shri Tirath Ram
 Amrita Pritam, Shrimati
 Anand Sharma, Shri
 Ansari, Shri Mohammed Amin
 Antony, Shri A. K.
 Ashwani Kumar, Shri
 Baby, Shri M. A.
 Bagrodia, Shri Santosh
 Balanandan, Shri E.
 Balaram, Shri N. E.
 Bansal, Shri Pawan Kumar
 Barongpa, Shri Sushil
 Basu, Shri Chitta
 Basumatari, Shri Dharanidhar
 Basu Ray, Shri Sunil
 Bekal Utsahi, Shri
 Bhajan Lal, Shri
 Bhandare, Shri Murlidhar Chandraka
 Bhandare, Shri Murlidhar
 Chandrakant
 Bhardwaj, Shri Hans Raj
 Bhatia, Shri Madan
 Bhatt, Shri Jitendrabhai Labhshanker
 Bhattacharjee, Shri Kamalendu
 Bhim Raj, Shri
 Birla, Shri Krishna Kumar
 Chakravarty, Shrimati Bijoya
 Chatterjee, Prof. (Mrs.) Asima
 Chateurvedi, Shri Bhuvnesh
 Chaudhuri, Shri Tridib
 Chavan, Shri S. B.
 Chowdhary, Shri Ram Sewak
 Chowdhury, Shrimati Renuka
 Darbara Singh, Shri

Das Gupta, Shri Gurudas
 Deori, Shrimati Omen Moyang
 Desai, Shri Jagesh
 Deshmukh, Shri Shankarrao
 Narayanrao
 Dharam Pal, Shri
 Dhusiya, Shri Sohan Lal
 Dronamraju, Shri Satyanarayana
 Dubey, Shri Bindeshwari
 Faguni Ram, Dr.
 Fernandes, Shri John F.
 Fotedar, Shri Makhan Lal
 Ganeshwar Kusum, Shri
 Gautam, Shri Anand Prakash
 Ghosh, Shri Dipen
 Goswami, Shri Ramnarayan
 Gowda, Shri D. B. Chandre
 Gowda, Shri K. G. Thimme
 Gupta, Shri Vishwa Bhandhu
 Gurupadaswamy, Shri M. S.
 Hanumanthappa, Shri H.
 Hari Singh, Shri
 Heptulla, Dr. (Shrimati) Najma
 Islam, Shri Bahaul
 Jacob, Shri M. M.
 Jadhav, Shri Vithalrao Madhavrao
 Jamuda, Shri Durga Prasad
 Jani, Shri Jagadish
 Jaswant Singh, Shri
 Javali, Shri J. P.
 Jani, Shri Jagadish
 Joshi, Shrimati Sudha Vijay
 Kailashpati, Shrimati
 Kakodkar, Shri Purushottam
 Kaldade, Dr. Bapu
 Kalita, Shri Bhubaneswar
 Kalvala, Shri Prabhakar Rao
 Kar, Shri Narayan
 Kesri, Shri Sitaram
 Khan, Dr. Abrar Ahmed
 Khaparde, Miss Saroj
 Khatun, Kumari Sayeeda
 Kidwai, Dr. Mohd. Hashim
 Kollur, Shri M. L.

Koya, Shri B. V. Abdulla
 Kulkarni, Shri A. G.
 Kunjachen, Shri P. K.
 Lakshman, Prof. C.
 Lather, Shri Mohinder Singh
 Laxmi Narain, Shri
 Lenka, Shri Khanu Charan
 Mahajan, Shri Pramod
 Mahendra Prasad, Shri
 Maheswarappa, Shri K. G.
 Mahishi, Dr. (Shrimati) Sarojini
 Mahto, Shri Bandhu
 Majhi, Shri Prithibi
 Malaviya, Shri Radhakishan
 Malaviya, Shri Satya Prakash
 Malik, Shri Mukhtiar Singh
 Manhar, Shri Bhagatram
 Masodkar, Shri Bhaskar Annaji
 Mathur, Shri Manmohan
 Matto, Shri Ghulam Rasool
 Meena, Shri Dhuleshwar
 Mehta, Shri Chimanbhai
 Mirza Irshadbaig, Shri
 Mishra, Dr. Jagannath
 Mishra, Shri Kailash Pati
 Mishra, Shri Sheo Kumar
 Mishra, Shri Shiv Pratap
 Mittal, Shri Satya Paul
 Mohanty, Shri Subas
 Mohapatra, Shri Basudeb
 Morarka, Shri Kamal
 Mukherjee, Shri Samar
 Naik, Shri G. Swamy
 Naik, Shri L. Narsingh
 Naik, Shri R. S.
 Narayanasamy, Shri V.
 Natarajan, Shrimati Jayanthi
 Pachouri, Shri Suresh
 Pahadia, Shrimati Shanti
 Palaniyandi, Shri M.
 Pande, Shri Bishambhar Nath
 Pandey, Shrimati Manorama
 Pandey, Dr. Ratnakar
 Panwar, Shri B. L.

Parmar, Shri Rajubhai A.
 Patel, Shri Chhotubhai
 Patel, Shri Vithalbhaji M.
 Patil, Shrimati Pratibha Devisingh
 Patil, Shrimati Suryakanta Jayawant-
 rao
 Pattnaik, Shri Sunil Kumar
 Poddar, Dr. R. K.
 Puglia, Shri Naresh C.
 Quasem, Shri Mostafa Bin
 Radhakrishna, Shri Puttapaga
 Rafique Alam, Shri
 Pahman, Shri Mohd. Khaleelur
 Rai, Shri Kalpnath
 Rajangam, Shri N.
 Ramamurthy, Shri Thindivanam K.
 Rao, Shri Gopala Rao
 Rao, Shri Moturu Hanumantha
 Rao, Shri Yalla Sesi Bhusana
 Ratan Kumari, Shrimati
 Rathwa, Shri Ramgiri
 Ray, Shri Deba Prasad
 Razi, Shri Syed Sibtey
 Reddy, Shri B. Satyanarayan
 Reddy, Dr. G. Vijaya Mohan
 Reddy, Shri T. Chandrashekhar
 Richaaria, Dr. Govind Das
 Sahay, Shri Dayanand
 Sahu, Shri Baikunthnath
 R9J KUMAR 1507 RS 8x10x14 10-5-89
 Sahu, Shri Rajni Ranjan
 Sahu, Shri Santosh Kumar
 Saikia, Dr. Nagen
 Salve, Shri N. K. P.
 Sambasivam, Shri Era
 Satya Bahin, Shrimati
 Sayeed, Mufti Mohammad
 Sen, Shri Ashis
 Sen, Shri Sukomal
 Sharma, Shri Chandan
 Sharma, Shri Satish Kumar
 Shiv Shanker, Shri P.
 Siddiqi, Shri Shamim Ahmed
 Singh, Shri Bir Bahadur

Singh, Shri Bir Bhadra Pratap
Singh, Shri R. K. Dorendra
Singh, Thakur Kamakhya Prasad
Singh, Shrimati Pratibha
Singh, Shri Ram Awadesh
Singh, Dr. Rudra Pratap
Singh, Shri Surender
Singh, Shri Vishvjit P.
Sinha, Shri Yashwant
Sivaji, Dr. Yelamanchili
Solanki, Shri Madhavsingh
Sreedharan, Shri Arangil
Sukul, Shri P. N.
Swamy, Shri Subramanian
Taimur, Shrimati Syeda Anawara
Talar, Manohar, Shri
Tariang, Shri Jerlie E.
Thakur, Prof. Chandresh P.
Thakur, Jagatpal Singh
Thakur, Shri Rameshwar
Thakur, Shri Surendra Singh
Thangakabalu, Shri K. V.
Tiria, Kumari Sushila
Tripathi, Shri Chandrika Prasad
Tyagi, Shri Shanti
Upendra, Shri Parvathaneni
Vajpayee, Shri Atal Bihari
Valiullah, Shri Raoof
Verma, Shri Kapil
Verma, Shrimati Veena
Verma, Shri Virendra
Vikal, Shri Ram Chandra
Vincent, Shri M.
Vora, Shri Motilal
Yadav, Shri Ish Dutt
Yadav, Shri Ram Naresh

Noes—Nil

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

MR. CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill

The question is:

"That clause 2 stand part of the Bill."

The House divided.

MR. CHAIRMAN:

Ayes—201

Noes—Nil

Ayes — 201

Advani, Shri Lal K.
Ahluwalia, Shri S. S.
Alva, Shrimati Margaret
Amin, Shri Mohammed
Amla, Shri Tirath Ram
Amrita Pritam, Shrimati
Anand Sharma, Shri
Ansari, Shri Mohammed Amin
Antony, Shri A. K.
Ashwani Kumar, Shri
Baby, Shri M. A.
Bagrodia, Shri Santosh
Balanandan, Shri E.
Balaram, Shri N. E.
Bansal, Shri Pawan Kumar
Barongpa, Shri Sushil
Basu, Shri Chitta
Basumatari, Shri Dharanidhar
Basu Ray, Shri Sunil
Bekal Utsahi, Shri
Bhajan Lal, Shri
Bhandare, Shri Murlidhar
Chandrakant
Bhardwaj, Shri Hans Raj
Bhatia, Shri Madan
Bhatt, Shri Jitendrabhai Labhshanker
Bhattacharjee, Shri Kamalendu
Bhim Raj, Shri
Birla, Shri Krishna Kumar
Chakravarty, Shrimati Bijoya
Chatterjee, Prof. (Mrs.) Asima

Chaturvedi, Shri Bhuvnesh
Chaudhuri, Shri Tridib
Chavan, Shri S. B.
Chowdhary, Shri Ram Sewak
Chowdhury, Shrimati Renuka
Darbara Singh, Shri
Das Gupta, Shri Gurudas
Deori, Shrimati Omem Moyong
Desai, Shri Jagesh
Deshmukh, Shri Shankarrao
Narayanrao
Dharam Pal, Shri
Dhusiya, Shri Sohan Lal
Dronamraju, Shri Satyanarayana
Dubey, Shri Bindeshwari
Faguni Ram, Dr.
Fernandes, Shri John F.
Fotedar, Shri Makhan Lal
Ganeshwar Kusum, Shri
Gautam, Shri Anand Prakash
Ghosh, Shri Dipen
Goswami, Shri Ramnarayan
Gowda, Shri D. B. Chandre
Gowda, Shri K. G. Thimme
Gupta, Shri Vishwa Bhandhu
Gurupadaswamy, Shri M. S.
Hanumanthappa, Shri H.
Hari Singh, Shri
Hashmi, Shri Shamim
Heptulla, Dr. (Shrimati) Najma
Islam Shri Baharul
Jacob, Shri M. M.
Jadhav, Shri Vithalrao Madhavrao
Jamuda, Shri Durga Prasad
Jani, Shri Jagadish
Javali, Shri J. P.
Jogi, Shri Ajit P. K.
Joshi, Shrimati Sudha Vijay
Kailashpati, Shrimati
Kakodkar, Shri Purushottam
Kaldate, Dr. Bapu
Kalita, Shri Bhubaneswar
Kalvale, Shri Prabhakar Rao
Kar, Shri Narayan

Kesri, Shri Sitaram
Khan, Dr. Abrar Ahmed
Khaparde, Miss Saroj
Khatun, Kumari Sayeeda
Kidwai, Dr. Mohd. Hashim
Kollur, Shri M. L.
Koya, Shri B. V. Adhulla
Kulkarni, Shri A. G.
Kunjachen, Shri P. K.
Lakshman, Prof. C.
Lather, Shri Mohinder Singh
Laxmi Narain, Shri
Lenka, Shri Kahnu Charan
Mahajan, Shri Pramod
Mahendra Prasad, Shri
Maheswarappa, Shri K. G.
Mahishi, Dr. (Shrimati) Sarojini
Mahto, Shri Bandhu
Majhi, Shri Prithibi
Malaviya, Shri Radhakishan
Malaviya, Shri Satya Prakash
Malik, Shri Mukhtiar Singh
Malik, Shri Satyapal
Manhar, Shri Bhagatram
Masodkar, Shri Bhaskar Anaji
Mathur, Shri Manmohan
Mittal, Shri Satya Paul
Matto, Shri Ghulam Rasool
Meena, Shri Dhuleshwar
Mehta, Shri Chimanbhai
Mirza Irshadbaig, Shri
Mishra, Dr. Jagannath
Mishra, Shri Kailash Pati
Mishra, Shri Sheo Kumar
Mishra, Shri Shiv Pratap
Mohanty, Shri Subas
Mohapatra, Shri Basudeb
Morarka, Shri Kamal
Naik, Shri G. Swamy
Naik, Shri L. Narsingh
Naik, Shri R. S.
Narayanasamy, Shri V.
Natarajan, Shrimati Jayanthi
Pachouri, Shri Suresh

Pahadia, Shrimati Shanti
Palaniyandi, Shri M.
Pande, Shri Bishambhar Nath
Pandey, Shrimati Manorama
Pandey, Dr. Ratnakar
Panwar, Shri B. L.
Parmar, Shri Rajubhai A.
Patel, Shri Chhotubhai
Patel, Shri Vithalbhai M.
Patil, Shrimati Pratibha Devisingh
Patil, Shrimati Suryakanta Jayawant-
rao
Pattnaik, Shri Sunil Kumar
Poddar, Dr. R. K.
Puglia, Shri Naresh C.
Quasem, Shri Mostafa Bin
Radhakrishna, Shri Puttapaga
Rafique Alam, Shri
Rahman, Shri Mohd. Khaleelur
Rai, Shri Kalpnath
Rajangam, Shri N.
Ramamurthy, Shri Thindivanam K.
Rao, Shri Gopala Rao
Rao, Shri Moturu Hanumantha
Rao, Shri Yalla Sesi Bhusana
Ratn Kumari, Shrimati
Rathwa, Shri Ramsinh
Ray, Shri Deba Prasad
Razi, Shri Syed Sibtey
Reddy, Shri B. Satyanarayan
Reddy, Dr. G. Vijaya Mohan
Reddy, Shri T. Chandrashekhar
Richaria, Dr. Govind Das
Sahay, Shri Dayanand
Sahu, Shri Baikunthnath
Sahu, Shri Rajni Ranjan
Sahu, Shri Santosh Kumar
Saikia, Dr. Nagen
Salve, Shri N. K. P.
Samasivam, Shri Era
Satya Bahin, Shrimati
Sayeed, Mufti Mohamad
Sen, Shri Ashis
Sen, Shri Sukomal

Sharma, Shri Chandan
Sharma, Shri Satish Kumar
Shiv Shanker, Shri P.
Siddiqi, Shri Shamim Ahmed
Singh, Shri Bir Bahadur
Singh, Shri Bir Bhadra Pratap
Singh, Shri R. K. Dorendra
Singh, Thakur Kamakhya Prasad
Singh, Shrimati Pratibha
Singh, Shri Ram Awadesh
Singh, Dr. Rudra Pratap
Singh, Shri Surender
Singh, Shri Vishvijit P.
Sinha, Shri Yashwant
Sivaji, Dr. Yelamanchili
Solanki, Shri Madhavsinh
Sreedharan, Shri Arangil
Sukul, Shri P. N.
Swamy, Shri Subramanian
Taimur, Shrimati Syeda Anawara
Talarj Manohar, Shri
Tariang, Shri Jerlie E.
Thakur, Prof. Chandresh P.
Thakur, Jagatpal Singh
Thakur, Shri Rameshwar
Thakur, Shri Surendra Singh
Thangkabalu, Shri K. V.
Tiria, Kumari Sushila
Tripathi, Shri Chandrika Prasad
Tyagi, Shri Shanti
Upendra, Shri Parvathaneni
Vajpayee, Shri Atal Bihari
Valiullah, Shri Raoof
Verma, Shri Kapil
Verma, Shrimati Veena
Verma, Shri Virendra
Vikal, Shri Ram Chandra
Vincent, Shri M.
Vora, Shri Motilal
Yadav, Shri Ish Dutt
Yadav, Shri Ram Naresh

NOES—NIL

*The motion was carried by a majority
of the total membership of the House*

by a majority of not less than two-thirds of the Members present and voting.

Clause 2 was added to the Bill.

MR. CHAIRMAN: The question is :

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

The House divided.

MR. CHAIRMAN:

Ayes—201

Noes—Nil

Ayes—201

Advani, Shri Lal K.
Ahluwalia, Shri S. S.
Alva, Shrimati Marget
Amin, Shri Mohammed
Amla, Shri Tirath Ram
Amrita Pritam, Shrimati
Anand Sharma, Shri
Ansari, Shri Mohammed Amin
Antony, Shri A. K.
Ashwani Kumar, Shri
Baby, Shri M. A.
Bagrodia, Shri Santosh
Balanandan, Shri E.
Balaram, Shri N. E.
Bansal, Shri Pawan Kumar
Barongpa, Shri Sushil
Basu, Shri Chitta
Basumatari, Shri Dharanidhar
Basu Ray, Shri Sunil
Bekal Utsahi, Shri
Bhajan Lal, Shri
Bhandare, Shri Murlidhar
Chandrakant
Bhardwaj, Shri Hans Raj
Bhatia, Shri Madan
Bhatt, Shri Jitendrabhai Labhshanker
Bhattacharjee, Shri Kamalendu
Bhim Raj, Shri
Birla, Shri Krishna Kumar

Chakravarty, Shrimati Bijoya
Chatterjee, Prof. (Mrs.) Asima
Chaturvedi, Shri Bhuvnesh
Chaudhri, Shri Tridib
Chavan, Shri S. B.
Chowdhary, Shri Ram Sewak
Chowdhary, Shrimati Renuka
Darbara Singh, Shri
Das Gupta, Shri Gurudas
Deori, Shrimati Omen Moyong
Desai, Shri Jagesh
Deshmukh, Shri Shankarrao
Narayanrao
Dharam Pal, Shri
Dhusiya, Shri Sohan Lal
Dronamraju, Shri Satyanarayana
Dubey, Shri Bindeshwari
Faguni Ram, Dr.
Fernandes, Shri John F.
Fotedar, Shri Makhan Lal
Ganeshwar Kusum, Shri
Gautam, Shri Anand Prakash
Ghosh, Shri Dipen
Goswami, Shri Ramnarayan
Gowda, Shri D. B. Chandre
Gowda, Shri K. G. Thimme
Gupta, Shri Vishwa Bhandhu
Gurupadaswamy, Shri M. S.
Hanumanthappa, Shri H.
Hari Singh, Shri
Hashmi, Shri Shamim
Heptulla, Dr. (Shrimati) Najma
Islam, Shri Baharul
Jacob, Shri M. M.
Jadhav, Shri Vithalrao Madhavrao
Jamuda, Shri Durga Prasad
Jani, Shri Jagadish
Jaswant Singh, Shri
Javali, Shri J. P.
Jogi, Shri Ajit P. K.
Joshi, Shrimati Sudha Vijay
Kailashpati, Shrimati
Kakodkar, Shri Purushottam

Kaldate, Dr. Bapu
 Kalita, Shri Bhubaneswar
 Kalvala, Shri Prabbakar Rao
 Kar, Shri Narayan
 Kesri, Shri Sitaram
 Khan, Dr. Abrar Ahmed
 Khaparde, Miss Saroj
 Khatun, Kumari Sayeeda
 Kidwai, Dr. Mohd. Hashim
 Kollur, Shri M. L.
 Koya, Shri B. V. Abdulla
 Kulkarni, Shri A. G.
 Kunjachen, Shri P. K.
 Lakshman, Prof. C.
 Lather, Shri Mohinder Singh
 Laxmi Narayan, Shri
 Lenka, Shri Khanu Charan
 Mahajan, Shri Pramod
 Mahendra Prasad, Shri
 Maheshwarappa, Shri K. G.
 Mahishi, Dr. (Shrimati) Sarojini
 Mahto, Shri Bandhu
 Majhi, Shri Prithibi
 Malaviya, Shri Radhakishan
 Malaviya, Shri Satya Prakash
 Malik, Shri Mukhtiar Singh
 Manhar, Shri Bhagatram
 Masodkar, Shri Bhaskar Annaji
 Mathur, Shri Manmohan
 Matto, Shri Ghulam Rasool
 Meena, Shri Dhuleshwar
 Mehta, Shri Chimanbhai
 Mirza Irshadbaig, Shri
 Mishra, Dr. Jagannath
 Mishra, Shri Kailash Pati
 Mishra, Shri Sheo Kumar
 Mishra, Shri Shiv Pratap
 Mittal, Shri Satya Paul
 Mohanty, Shri Subas
 Mohapatra, Shri Basudeb
 Morarka, Shri Kamal
 Naik, Shri G. Swamy
 Naik, Shri L. Narsingh

Naik, Shri R. S.
 Narayanasamy, Shri V.
 Natarajan, Shrimati Jayanthi
 Pachouri, Shri Suresh
 Pahadia, Shrimati Shanti
 Palaniyandi, Shri M.
 Pande, Shri Bishambhar Nath
 Pandey, Shrimati Manorama
 Pandey, Dr. Ratnakar
 Panwar, Shri B. L.
 Parmar, Shri Rajubhai A.
 Patel, Shri Chhotubhai
 Patel, Shri Vithalbhai M.
 Patil, Shrimati Pratibha Devisingh
 Patil, Shrimati Suryakanta Jayawant.
 rao
 Pattnaik, Shri Sunil Kumar
 Poddar, Dr. R. K.
 Puglia, Shri Naresh C.
 Quasem, Shri Mostafa Bin
 Radhakrishna, Shri Puttapaga
 Rafique Alam, Shri
 Rahman, Shri Mohd. Khaleelur
 Rai, Shri Kalonath
 Rajangam, Shri N.
 Ramamurthy, Shri Thirdivanam K.
 Rao, Shri Gopala Rao
 Rao, Shri Moturu Harumantha
 Rao, Shri Yalla Sesi Bousana
 Ratan, Kumari, Shrimati
 Rathwa, Shri Ramsinh
 Ray, Shri Deba Prasad
 Razi, Shri Syed Sibtey
 Reddy, Shri B. Satyanarayan
 Reddy, Dr. G. Vijaya Mohan
 Reddy, Shri T. Chandrashekhar

Richharia, Dr. Govind Das
Sahay, Shri Dayanand
Sahu, Shri Baikunthnath
Sahu, Shri Rajni Ranjan
Sahu, Shri Santosh Kumar
Saikia, Dr. Nagen
Salve, Shri N. K. P.
Sambasivam, Shri Era
Satya Bahin, Shrimati
Sayeed, Mufti Mohamad
Sen, Shri Ashis
Sen, Shri Sukomal
Sharma, Shri Chandan
Sharma, Shri Satish Kumar
Shiv Shanker, Shri P.
Siddiqi, Shri Shamim Ahmed
Singh, Shri Bir Bahadur
Singh, Shri Bir Bhadra Pratap
Singh, Shri R. K. Dorendra
Singh, Thakur Kamakhya Prasad
Singh, Shrimati Pratibha
Singh, Shri Ram Awadesh
Singh, Dr. Rudra Pratap
Singh, Shri Surender
Singh, Shri Vishvjit P.
Sinha, Shri Yashwant
Sivaji, Dr. Yelamanchili
Solanki, Shri Madhavsinh
Sreedharan, Shri Arangil
Sukul, Shri P. N.
Swamy, Shri Subramanian
Taimur, Shrimati Syeda Anawara
Talarj Manohar, Shri
Tariang, Shri Jerlie E.
Thakur, Prof. Chandresh P.
Thakur, Jagatpal Singh
Thakur, Shri Rameshwar
Thakur, Shri Surendra Singh
Thangabalu, Shri K. V.
Tiria, Kumari Sushila
Tripathi, Shri Chandrika Prasad

Tyagi, Shri Shanti
Upendra, Shri Parvathaneni
Vajpayee, Shri Atal Bihari
Valiullah, Shri Raoof
Verma, Shri Kapil
Verma, Shrimati Veena
Verma, Shri Virendra
Vikal, Shri Ram Chandra
Vincent, Shri M.
Vora, Shri Motilal
Yadav, Shri Ish Dutt
Yadav, Shri Ram Naresh

Noes—Nil

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting

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

SHRI HANS RAJ BHARDWAJ: Sir,
I beg to move:

"That the Bill be passed."

MR. CHAIRMAN: The question is:

"That the Bill be passed."

The House divided.

MR. CHAIRMAN:

Ayes — 202

Noes — Nil

Ayes—202

Advani, Shri Lal K.
Ahluwalia, Shri S. S.
Alva, Shrimati Margaret
Amin, Shri Mohammed
Amla, Shri Tirath Ram
Amrita Pritam, Shrimati
Anand Sharma, Shri
Ansari, Shri Mohammed Amin
Antony, Shri A. K.
Ashwanj Kumar, Shri
Baby, Shri M. A.

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Bagrodia, Shri Santosh
 Balanandan, Shri E.
 Balaram, Shri N. E.
 Bansal, Shri Pawan Kumar
 Barongpa, Shri Sushil
 Basu, Shri Chitta
 Basumatari, Shri Dharanidhar
 Basu Ray, Shri Sunil
 Beka Utsahi, Shri
 Bhajan Lal, Shri
 Bhandare, Shri Murlidhar Chandra-
 kant
 Bhardwaj, Shri Hansraj
 Bhatia, Shri Madan
 Bhatt, Shri Jitendrabhai Labhshanker
 Bhattacharjee, Shri Kamalendu
 Bhim Raj, Shri
 Birla, Shri Krishna Kumar
 Chakravarty, Shrimati Bijoya
 Chatterjee, Prof (Mrs.) Asima
 Chaturvedi, Shri Bhuvnesh
 Chaudhuri, Shri Tridib
 Chavan, Shri S. B.
 Chowdhary, Shri Ram Sewak
 Chowdhury, Shrimati Renuka
 Darbara Singh, Shri
 Das Gupta, Shri Gurudas
 Deori, Shrimati Omem Moyong
 Desai, Shri Jagesh
 Deshmukh, Shri Shankarrao Narayan-
 rao
 Dharam Pal, Shri
 Dhusiya Shri Sohan Lal
 Dronamraju, Shri Satyanarayana
 Dubey, Shri Bindeshwari
 Faguni Ram, Dr.
 Fernandes, Shri John F.
 Fotedar, Shri Makhan Lal
 Ganeshwar Kusum, Shri
 Gautam, Shri Anand Prakash
 Ghosh, Shri Dipen
 Goswami, Shri Ramnarayan
 Gowda, Shri D. B. Chandre
 Gowda, Shri K. G. Thimme

Gupta, Shri Vishwa Bandhu
 Gurupadaswamy, Shri M. S.
 Hanumanthappa, Shri H.
 Hari Singh, Shri
 Hashmi, Shri Shamim
 Heptulla, Dr. (Shrimati) Najma
 Islam, Shri Baharul
 Jacob, Shri M. M.
 Jadhav, Shri Vithalrao Madhavrao
 Jamuda, Shri Durga Prasad
 Jani, Shri Jagadish
 Jaswant Singh, Shri
 Javali Shri J. P.
 Jogi, Shri Aji P. K.
 Joshi, Shrimati Sudha Vijay
 Kailashpati, Shrimati
 Kakodkar, Shri Purushottam
 Kaldate, Dr. Bapu
 Kalita, Shri Bhubaneswar
 Kalvala, Shri Prabhakar Rao
 Kar, Shri Narayan
 Kesri, Shri Sitaram
 Khan, Dr. Abrar Ahmed
 Khaparde, Miss Saroj
 Khatun, Kumari Sayeeda
 Kidwai, Dr. Mohd. Hashim
 Kollur, Shri M. L.
 Koya, Shri B. V. Abdula
 Kulkarni, Shri A. G.
 Kunjachen, Shri P. K.
 Lakshman, Prof. C.
 Lather, Shri Mohinder Singh
 Laxmi Narain, Shri
 Lenka, Shri Kahnu Charan
 Mahajan, Shri Pramod
 Mahendra Prasad, Shri
 Maheshwarappa, Shri K. G.
 Mahishi, Dr. (Shrimati) Sarojini
 Mahto, Shri Bandhu
 Majhi, Shri Prithibi
 Malaviya, Shri Radhakrishnan
 Malaviya, Shri Satya Prakash
 Malik, Shri Mukhtiar Singh

Malik, Shri Satya Pal
Manhar, Shri Bhagatram
Masodkar, Shri Bhaskar Annaji
Mathur, Shri Manmohan
Matto, Shri Ghulam Rasool
Meena, Shri Dhuleshwar
Mehta, Shri Chimanbhai
Mirza Irshadbaig, Shri
Mishra, Dr. Jagannath
Mishra, Shri Kailash Pati
Mishra, Shri Sheo Kumar
Mishra, Shri Shiv Pratap
Mittal, Shri Sat Paul
Mohanty, Shri Subas
Mohapatra, Shri Basudeb
Morarka, Shri Kamal
Naik, Shri G. Swamy
Naik, Shri L. Narsingh
Naik, Shri R. S.
Narayanasamy, Shri V.
Natarajan, Shrimati Jayanthi
Pachouri, Shri Suresh
Pahadia, Shrimati Shanti
Palaniyandi, Shri M.
Pande, Shri Bishambhar Nath
Pandey, Shrimati Manorama
Pandey, Dr. Ratnakar
Panwar, Shri B. L.
Parmar, Shri Rajubhai A.
Patel, Shri Chhotubhai
Patel, Shri Vithalbhai M.
Patil, Shrimati Prtibha Devisingh
Patil, Shrimati Suryakanta Jayawantrao
Pattnaik, Shri Sunil Kumar
Poddar, Dr. R. K.
Puglia, Shri Naresh C.
Quasem, Shri Mostafa Bin
Radhakrishna, Shri Puttapaga
Rafique Alam, Shri
Rahman, Shri Mohd. Khaleelur
Rai, Shri Kalpnath
Rajangam, Shri N.

Ramamurthy, Shri Thindivanam K.
Rao, Shri Gopala Rao *
Rao, Shri Moturu Hanumantha
Rao, Shri Yalla Sesi Bhushan
Ratan Kumari, Shrimati
Rathwa, Shri Ramsinh
Ray, Shri Deba Prasad
Razi, Shri Syed Sibtey
Reddy, Shri B. Satyanarayan
Reddy, Dr. G. Vijaya Mohan
Reddy, Shri T. Chandrashekhar
Richharia, Dr. Govind Das
Sahay, Shri Dayanand
Sahu, Shri Baikunthnath
Sahu, Shri Rajni Ranjan
Sahu, Shri Santosh Kumar
Saikia, Dr. Nagen
Salve, Shri N. K. P.
Sambasivam, Shri Era
Satya Bahin, Shrimati
Sayeed, Fufti Mohamad
Sen, Shri Ashia
Sen, Shri Sukomal
Sharma, Shri Chandan
Sharma, Shri Satish Kumar
Shiv Shanker, Shri P.
Siddiqi, Shri Shamim Ahmed
Singh, Shri Bir Bahadur
Singh, Shri Bir Bhadra Pratap
Singh, Shri R. K. Dorendra
Singh, Thakur Kamakhya Prasad
Singh, Shrimati Pratibha
Singh, Shri Ram Awadesh
Singh, Dr. Rudra Pratap
Singh, Shri Surender
Singh, Shri Vishvijit P.
Sinha, Shri Yashwant
Sivaji, Dr. Yelamanchili
Solanki, Shri Madhavsinh
Sreedharan, Shri Arangil
Sukul, Shri P. N.
Swamy, Shri Subramanian
Taimur, Shrimati, Syeda Anwara

Bill, 1988

Talari Manohar, Shri
 Tariang, Shri Jerlie E.
 Thakur, Prof. Chandresh P.
 Thakur, Jagatpal Singh
 Thakur, Shri Rameshwar
 Thakur, Shri Surendra Singh
 Thangkabalu Shri K. V.
 Tiria, Kumari Sushila
 Tripathi, Shri Chandrika Prasad
 Tyagi, Shri Shanti
 Upendra, Shri Parvathaneni
 Vajpayee, Shri Atal Bihari
 Valiullah, Shri Raoof
 Verma, Shri Kapi
 Verma, Shrimati Veena
 Verma Shri Virendra
 Vikal, Shri Ram Chandra
 Vincent, Shri M.
 Vora, Shri Motilal
 Yadav, Shri Ish Dutt
 Yadav, Shri Ram Naresh

NOES—NIL

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting

MR. CHAIRMAN: Hon. Members, today is the last day of the session of the House this year.

Before I request the Deputy Chairman to come and take the Chair, I take this opportunity of wishing you and members of your family a Happy Christmas, a Bright, Prosperous and Happy New Year and also Joyous Pongal to our colleagues from the South.

[The Deputy Chairman in the Chair]

SHRI DIPEN GHOSH (West Bengal): Let us wish for a new government in the new year.

SHRI VISHVJIT P. SINGH (Maharashtra): I must say, this is

rather very good of Mr. Dipen Ghosh that he wants a new government in West Bengal in the new year. I totally agree with him.

SHRI DIPEN GHOSH: Mr. Singh, you must recognise that in the new year that election is not due. That is due here.

THE DEPUTY CHAIRMAN: Now we take up Shri Satya Prakash Malaviya's amendment for reference of the Bill to a Select Committee.

श्री सत्य प्रकाश मालवीय : माननीय उपसभापति महोदया, यह जो लोक प्रतिनिधित्व (संशोधन) विधेयक है, इसको प्रवर समिति के सुपुर्द करने के लिये मैंने अपना प्रस्ताव रखा है। मंत्री महोदय ने जो अपना उत्तर दिया है उससे मैं संतुष्ट नहीं हूँ। इसके लिये मेरे पास पर्याप्त कारण हैं... (व्यवधान)....

उपसभापति : आर्डर प्लीज।

श्री सत्य प्रकाश मालवीय : जब हमारा संविधान बना था और जो अभी संविधान संशोधन विधेयक पारित किया गया है, उसको कार्यान्वित करने के लिये पुनः अगले सत्र में रिप्रजन्टेशन आफ पिपुल्स एक्ट की धारा 19 में संशोधन करना पड़ेगा। इसलिये मेरा यह सुझाव है। बहुत से और माननीय सदस्यों ने इस विचार को व्यक्त भी किया है कि यह संशोधन विधेयक और अधिक व्यापक होना चाहिये था। मैं आपका ध्यान आकर्षित करना चाहूंगा कि संविधान... (व्यवधान)....

THE DEPUTY CHAIRMAN: Order please. Those Members who do not want to listen, may please go to the lobby.

श्री सत्य प्रकाश मालवीय : ... संविधान के अनुच्छेद 324 में इस बात का प्रावधान किया गया है कि दो सदस्यीय चुनाव आयोग होगा और उसमें इस बात की व्यवस्था थी कि चुनाव आयुक्त की नियुक्ति के लिये और उनकी सेवा शर्तों

के लिये कानून संविधान के अन्तर्गत बनाये जायेंगे। लेकिन सन् 1950 से लेकर आज तक केवल एक ही व्यक्ति चुनाव आयोग में रहा है। उसमें इस बात की भी व्यवस्था थी कि यदि एक से अधिक व्यक्ति चुनाव आयोग में होंगे तो दूसरा व्यक्ति उसका अध्यक्ष होगा। क्योंकि पूर्व में ऐसा भी हुआ है कि जो चुनाव आयुक्त रहा था उसकी राज्यपाल के पद पर नियुक्ति हुई है। चुनाव आयोग के एक अध्यक्ष की नियुक्ति गुजरात के राज्यपाल के पद पर हुई है। इस अधिनियम के अनुच्छेद 29(ए) के अन्तर्गत चुनाव आयोग को इस बात का अधिकार दिया जा रहा है कि जितने भी राजनीतिक दल हैं उनका पंजीकरण हो और उसमें इस बात की व्यवस्था है कि चुनाव आयोग का जो निर्णय इस सिलसिले में होगा वह अन्तिम निर्णय होगा और उसकी कोई अपील न हाई कोर्ट में होगी न सुप्रीम कोर्ट में होगी। इसलिए मेरा निवेदन यह है कि इस सिलसिले में सरकार को विचार करना चाहिये कि कम से कम यह जो व्यवस्था रजिस्ट्रेशन की है इस रजिस्ट्रेशन की व्यवस्था को समाप्त करना चाहिये क्योंकि चुनाव आयोग का अन्तिम निर्णय नहीं होना चाहिये। चुनाव आयोग के निर्णय के बाद राजनीतिक दलों को इस बात का अधिकार मिलना चाहिये कि उच्च न्यायालय या सर्वोच्च न्यायालय में जा कर अपनी अपील को रख सकें। दूसरा मेरा अनुरोध यह है कि...

उपसभापति : अभी तो आप सेलेक्ट कमेटी के बारे में बोल रहे हैं सेलेक्ट कमेटी की बात तो हो गई।

श्री सत्य प्रकाश मालवीय : मैंने यह प्रस्ताव क्यों रखा है मैं यह समझा रहा हूँ।

उपसभापति : इस पर बहुत लम्बी बहस हो चुकी है इसलिए आप संक्षेप में बोलिये?

श्री सत्य प्रकाश मालवीय : मैं केवल तीन चीजों की ओर ध्यान आकर्षित करना

चाहता हूँ। इलेक्शन कमीशन ने निश्चित रूप में अपना सुझाव दिया था और ब्राडवाणी जी ने भी बार बार उसकी ओर ध्यान आकर्षित किया है और इलेक्शन कमीशन की संस्तुति थी कि चुनाव आयोग का जो सेक्रेटरियेट है वह संसद, सुप्रीम कोर्ट, कम्प्ट्रोलर एंड आडीटर जनरल आफ इण्डिया और यू० पी० एस० सी० के जो दफ्तर हैं उसके अनुसार होना चाहिये। भारद्वाज जी ने अपने उत्तर में बार बार इस बात को कहा है कि जो चुनाव आयोग की संस्तुति थी उनकी जो 13 संस्तुतियाँ थीं इस संशोधन के जरिये सरकार ने कानून बना दिया है। सरकार को इस पर विचार करना चाहिये कि चुनाव आयोग ने जो अपनी संस्तुति दी है कि गिस्ट्रिकेशन ऑफ देंट्रिडिंग इलेक्शन फ्राम मेनी कांस्टीट्यूंसीज क्यों कि अक्सर ऐसा होता है कि एक ही उम्मीदवार कई कई विधान सभा चुनाव क्षेत्रों से खड़ा हो जाता है वही उम्मीदवार लोक सभा के चुनाव में भी खड़ा हो जाता है चुनाव आयोग ने जो अपनी संस्तुति दी है उसके संबंध में मैं कहना चाहूँगा।

"The Commission is concerned over the tendency of some of the candidates to contest from a number of constituencies. If a person is elected to more than one seat in the Lok Sabha or in the State Assemblies or both in the Lok Sabha and the State Assemblies, he has to resign from all but one of the seats."

उसके बाद इलेक्शन कमीशन ने इस बात की चर्चा की है कि तमिलनाडु विधान सभा चुनाव में 1984 में एक ही व्यक्ति लोक सभा के चुनाव में चुना गया और दो बार विधान सभा के चुनाव में भी चुना गया। उसका नतीजा यह हुआ कि दो दो सीटों से उसको इस्तीफा देना पड़ा। इस संबंध में चुनाव आयोग ने जो संस्तुति दी है उसका जो रिकमेंडेशन इस सिलसिले में है वह है --

"In view of the above, the Commission has recommended that the RPA, 1951 may be amended suitably

[श्री सत्यन प्रकाश मालवीय]

so that no person can contest elections from more than two constituencies. In the case of simultaneous elections to Lok Sabha and the State Assemblies, this limit should be enforced for separate constituencies."

इसी सिलसिले में मेरा यह कहना है कि अभी भारद्वाज जी ने चर्चा की है कि इलाहाबाद के चुनाव में 70-75 उम्मीदवार खड़े हो गये। इसका कारण क्या है, आपको इसके कारणों में जाना चाहिये। आज चुनाव में खड़ा होना एक स्टेटस सिम्बल हो गया है। चुनाव में जो खड़ा होता है उसको सिक्कूरिटी के नाम पर शौडो मिलने लगा है। चुनाव में जो खड़ा होता है उसको टेम्पोरेरी टेलीफोन कनेक्शन भी मिल जाता है। इसलिए मेरा निवेदन यह है कि इस संबंध में सरकार को विचार करना चाहिये। इसलिए मैंने अपना संशोधन प्रस्तुत किया है। सरकार को और व्यापक संशोधन लाना चाहिये। अगले सत्र में सरकार को संशोधन लाना ही पड़ेगा और उसी संशोधन को ला कर वह सारे सुझाव जो आडवाणी जी ने दिये हैं, माननीय वीरेन्द्र वर्मा जी ने दिये हैं तथा चुनाव आयोग ने भी संस्तुतियां की है उन को संशोधन विधेयक में शामिल करना चाहिये।

THE DEPUTY CHAIRMAN: I shall first put the amendment moved by Shri Satya Prakash Malaviya for reference of the Representation of People (Amendment) Bill, 1988 to a Select Committee of the Rajya Sabha to vote.

The amendment was negatived.

THE DEPUTY CHAIRMAN: The question is:

"That the Bill further to amend the Representation of the People Act, 1950 and the Representation of the People Act, 1951, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE DEPUTY CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill. On Clause 2, there are 17 amendments.

Clause 2—(Amendment of Act 43 of 1950)

SHRI N. E. BALARAM (Kerala): I move:

(3) "That at page 2, lines 1 to 11 be deleted."

(6) "That at page 2, line 8, after the words "Election Commission" the words "subject to the consent of the State Government concerned" be inserted."

[The amendments also stood in the names of Sarvshri Chaturanan Mishra and Gurudas Das Gupta.]

SHRI PARVATHANENI UPENDRA: I move:

(4) "That at page 2, line 8 for the words "deemed to be on deputiation to" the words "under the general superintendence of" be substituted."

(7) "That at page 2, lines 9—11, the words "and such officers and staff shall during that period, be subject to the control, superintendence and discipline of the Election Commission" be deleted."

[The Amendments also stood in the names of Shri B. Satyanarayan Reddy and Dr. Yelamanchili Sivaji]

SHRI M. A. BABY (Kerala): I move:

(5) "That at page 2, line 8, after the words "shall" the words "subject to the consent of the Government of the State concerned" be inserted."

[The amendment also stood in the name of Shri E. Balanandan]

SHRI SUKOMAL SEN (West Bengal): I move:

(8) "That at page 2 lines 9 to 11, for the words "and such Officers

and staff shall, during that period, be subject to the control, superintendence and discipline of the Election Commission" the words "subject to the consent of the Government of the State concerned" be substituted."

(15) "That at page 2, after line 11, the following provisos be inserted, namely:—

'Provided that if the Election Commission requires the deployment of para-military forces or Army in any constituency, during the election, such deployment shall take place only with the concurrence of the State concerned.

Provided further that the Central Government shall not deploy Army in any State or any part of the State within a period of 3 weeks before the scheduled date of election without the concurrence of the Government of the State concerned."

[The amendments also stood in the name of Shri Dipen Ghosh]

श्री सत्य प्रकाश मालवीय : मैं प्रस्ताव करता हूँ कि :

(9) "पृष्ठ 2 पर, पंक्ति 11 में "अधीक्षण" शब्द के पश्चात् "निर्देशन" शब्द अन्तःस्थापित किया जाये।"

SHRI N. E. BALARAM: I move:

(10) "That at page 2, line 11, after the words "Election Commission" the words "only in respect of the work assigned to them in connection with the election and for no other purpose" be inserted."

[The amendment also stood in the names of Sarvashri Chaturanan Mishra, Gurudas Das Gupta, M. A. Baby and E. Bananandan]

SHRI M. S. GURUPADASWAMY:
As I move:

(11) "That at page 2, line 11, after the words "Election Commission" the words "after ensuring that independence of the Election Commission is assured by providing an executive machinery of the Election Commission fully independent of the Government's machinery" be inserted."

(13) "That at page 2, after line 11, the following proviso be inserted, namely:—

"Provided that if the Election Commission requires the deployment of para-military forces in any constituencies during the elections, such deployment shall take place only with the concurrence of the concerned State Governments."

(14) "That at page 2, after line 11, the following proviso be inserted, namely:—

"Provided that the police and other force which are called for keeping the peace during the election time in the constituency shall be under the control of Election Commission, who shall have to take action against erring officers involved in influencing the election."

(17) "That at page 2, after line 11, the following Explanation be inserted, namely:—

"Explanation:—For the purpose of this Section, Election Commission means a three members commission appointed under Article 324 as an independent body with an independent executive machinery in consultation with the Chief Justice of Supreme Court of India and the Leader of Opposition in Parliament."

[Shri M. S. Gurupadaswamy]

(19) "That at page 2, after line 11, the following be inserted, namely:—

13CD. There shall be a fund for meeting the expenditure incurred by political parties in financing the candidates contesting under their symbol to Lok Sabha and Assemblies on the basis of norms fixed by the rules made under the Representation of the People Act, 1950."

[The amendments also stood in the name of Dr. Bapu Kaldate]

SHRI LAL K. ADVANI: I move:

(12) "That at page 2, after line 11, the following proviso be inserted, namely:—

"Provided that this section shall come into operation after the creation of an independent Secretariat of the Election Commission, analogous to the Secretariats of Parliament and such other Constitutional bodies and authorities, as proposed by the Election Commission itself."

The amendments also stood in the names of Sarvshri Ashwani Kumar, Pramod Mahajan, Kailash Pati Mishra, Shanker Singh Vaghela, Jaswant Singh and Atal Bihari Vajpayee]

SHRI PARVATHANENI UPENDRA: I move:

(16) "That at page 2, after line 11, the following Explanation be inserted, namely:—

Explanation: For the purpose of this Section, Election Commission means a multi-member Commission appointed under Article 324 as an independent body, with an independent executive machinery in consultation with the Chief Justice of the Supreme Court of India and the Leader of Opposition, or a nominee of the Opposition parties."

[The amendment also stood in the names of Sarvshri B. Satya Narayan Reddy, Sukomal Sen, Dipen Ghosh and Dr. Yelamanchili Shivaji]

SHRI CHITTA BASU (West Bengal) : I move:

(18) "That at page 2, after line 11, the following Explanation be inserted, namely:—

Explanation—For the purposes of this Section, Election Commission means a five members commission appointed under Article 324 as an independent body with an independent executive machinery."

The questions were proposed.

THE DEPUTY CHAIRMAN: Shri N. E. Balaram. There is no need to make a long speech.

SHRI N. E. BALARAM: No, Madam, I will not make a long speech. I want to make one thing very clear. I was listening to the speech made by the hon. Minister and I must say that I am not at all convinced. Let us be fair on the question of the argument. If you want to conduct free and fair elections in the country under present political situation, we demand that we must have a much more powerful independent Election Commission. There is no doubt about it. All of us agree with it. When we demand for an independent Election Commission, you should not immediately jump to the conclusion that we are highly critical of the present Election Commission. We want to make it very clear that the Election Commission can be made much more independent and we have got our own opinion about that. My point has already been touched by the hon. Prime Minister. I understand that he has completely rejected the idea of independent multi-member Election Commission for this country. He has completely rejected that idea. I think it is a very unfortunate situation. What is the harm in having

a multi-member independent Election Commission? We can have it if you want the consensus of the House and of the entire country. We can have several methods to set up an independent Commission. We can set up a Committee. We have made it very clear that we can set up an independent Committee in which there are some of the representatives of the Opposition parties, the Chief Justice, the Leader of the House and the Prime Minister or we can have elections in Parliament. We can elect Members from Parliament itself so that there will be consensus, there will be some understanding among all of them for a multi-Members Election Commission. That proposal has been completely rejected and the Minister himself expressed doubt about the election apparatus in the States. He is saying, what is happening in the States? The electoral machinery in the States is not so independent. He has got doubt about that. That doubt is there with us also. How can we eliminate this doubt?

THE DEPUTY CHAIRMAN:
Mr. Balaram, kindly make yourself precise.

SHRI N. E. BALARAM: I am making a precise point. I am not making any political speech. As long as there is no independent Election Commission as visualised, we think that this provision of giving more powers to the Election Commission will not do, Section 13(c) very well explains about giving of powers to the Election Commission during the period of the election. The Commission was appointed by the President. (*Interruptions*).

THE DEPUTY CHAIRMAN:
I know you are repeating yourself. You have made your point. Let me call Mr. Upendra now.

SHRI PARVATHANENI UPENDRA:
Madam, Dr. Yelamanchili Sivaji will speak.

THE DEPUTY CHAIRMAN:
No, the Member whose amendment is there should speak. (*Interruptions*) But he should have moved the amendment. I will tell you the procedure. I don't mind whoever speaks if somebody has to speak. But the procedure is, the person who moves the amendment only speaks.

SHRI PARVATHANENI UPENDRA:
I moved on behalf of the three. It is a joint amendment. (*Interruptions*).

THE DEPUTY CHAIRMAN:
Mr. Upendra, perhaps, you do not know the procedure. I would like the hon. Members to know that the person who moves the amendment is allowed to speak.

SHRI B. SATYANARAYAN REDDY:
You have called only one Member. You should have called all the names.

THE DEPUTY CHAIRMAN:
No, it can't be. Mr. Reddy, the question how... (*Interruptions*)...

SHRI PARVATHANENI UPENDRA:
Madam, I am on a point of order. I gave the amendment. Similar amendment has been given by two other Members. It has been clubbed. You called me first and I moved it. Either you should have called the other two also... (*Interruption*)...

THE DEPUTY CHAIRMAN:
How do I know who is going to speak? You moved the amendment.

SHRI PARVATHANENI UPENDRA:
I moved it on my behalf. I cannot move on others' behalf.

THE DEPUTY CHAIRMAN:
I do not want to argue. But now for the future amendments, I am telling you make up your mind who is going to speak and decide and that person should move it. Now, I will allow Mr. Sivaji, as a special case, to speak. But please don't do it in future. For future I am letting you know.

DR. YELAMANCHILI SIVAJI: Madam, it is stated that the officers who are working under the State Government, during the polls they will act under the control of the Election Commission. We want the entire thing to be deleted. Anyhow the Election Commission is not free. They are acting at the back of the Union Government. Instead of putting them under the control of the Union Government, I advise the Government to see that the usual procedure, which is in vogue now, can be continued or at least they need not under the control of the Election Commission. They can act under the supervision of the Election Commission. That is the amendment.

THE DEPUTY CHAIRMAN: Mr. M. A. Baby, you do not want to speak.

SHRI M. A. BABY: If you permit, I will speak.

THE DEPUTY CHAIRMAN: I would rather not permit Mr. Sukomal Sen, I allowed you extra time yesterday. Yesterday, we were very complacent with you. Now, I think, you should not be allowed.

SHRI SUKOMAL SEN: Please allow me for one minute.

THE DEPUTY CHAIRMAN: Only for one minute.

1.00 P.M.

SHRI SUKOMAL SEN: This is a very important amendment. The point is we have found that during elections, particularly during the last elections in Tripura, when the election date is announced and the preparations are going on, the Government, all of a sudden deploys army and para-military forces. This was done in Tripura on the eve of the elections without the concurrence of the State Government, without even consulting it. This is most improper and it tells upon the voters. This should be stopped. Forces should not be deployed without the concurrence of the State Government when the election date is announced. Thank you, Madam.

उप सभ पति : श्री सत्य प्रकाश मालवीय जी, आप तो बोल ही चुके हैं, आप क्या बोलेंगे ?

श्री सत्य प्रकाश मालवीय : मैं इस अमेंडमेंट पर नहीं बोला हूँ। मेरा सिर्फ अमेंडमेंट यह है कि चुनाव के समय जितने भी राज्य सरकार के कर्मचारी अधिकारी चुनाव आयोग में लिए जायेंगे इस बात की व्यवस्था इसमें की गई है। तो मेरा सिर्फ अमेंडमेंट यह है कि जहाँ पर यह लिखा है कि, subject to the control, superintendence and supervision of the Election Commission. उसे बढ़ाया जाए। It should be with the consent of the Governor of the State.

इसलिए मेरा यह कहना है कि राज्य सरकार के जो कर्मचारी हैं उनको इस बात की जानकारी होनी चाहिए कि सरकारी अधिकारी उनके यहाँ काम कर रहे हैं उनके काम में कोई रुकावट न हो। इसलिए कम से कम राज्य सरकार के अधिकारी कर्मचारी जब चुनाव आयोग के अपने यहाँ के अपने यहाँ कर्तव्य में लागें तो राज्य सरकार की स्वीकृति लेना चाहिए वरना राज्य सरकार को जो अधिकार है उसका हनन होगा।

SHRI M. S. GURUPADASWAMY: Madam, I refer to Amendments 11, 13 and 14. All these refer to the Election Commission and its character and nature. I would like the Election Commission to be independent. Therefore, I have suggested that the Election Commission should have its own executive machinery, its own secretariat. Therefore, I commend the first amendment to the acceptance of the House. The second amendment deals with deployment of paramilitary forces. Now the law is not clear. Whenever paramilitary forces are sent to any State to meet any emergency the acceptance of the Government of that State is necessary. It should be made a pre-condition. The third amendment deals with the police forces. The police forces should come under the

control of the Election Commission. All these amendments are meant to make the Election Commission really independent and free in conducting the elections. They should not depend upon other forces and incidentally, the consent of the Government of the State where paramilitary forces are deployed is necessary.

उप सभापति : आडवाणी जी आपने तो भाषण कर ही दिया था।

श्री लाल कृष्ण आडवाणी : इस पर जसवंत सिंह जी बोलेंगे।

उप सभापति : बोलिए।

The thing is, only for this amendment, I am allowing. For the next, the one who moves will have to speak.

श्री जसवंत सिंह : मैडम डिप्टी चैयरमैन, आपकी डांट सुनने के बाद मैं वैसे ही सहमा-सहमा बोल रहा हूँ।

उप सभापति : अभी आप इसको डांट बोल रहे हैं, डांट तो आपने देखी ही नहीं ... (अवधान) ... वही वक्ता कह रहे हैं कि डांट सुनने के बाद सहमा-सहमा बोल रहे हैं।

SHRI JASWANT SINGH: The essence of the amendment that is being moved by me and my colleague, Shri Lal K Advani, and other Members of my party is the insertion of the proviso,

"Provided that this section shall come into operation after the creation of an independent secretariat of the Election Commission, analogous to the secretariats of Parliament and such other Constitutional bodies and authorities, as proposed by the Election Commission itself."

Madam, during his major intervention which, in fact, was a masterly intervention that Lal Krishan Advaniji

made on this very important point, he emphasised that on as important an issue as the role of the election system, this, undoubtedly, is a major step that the Government has taken but the Government has failed to consult even the Chief Election Commissioner. Now, whatever the consequences of the steps that Parliament is today taking, the brunt of it shall have to be borne by the Chief Election Commissioner and on such a measure the Government did not even find it necessary to consult the Chief Election Commissioner which, in fact, underlines the necessity and the importance of strengthening the Chief Election Commissioner's office. This is not a question Madam, of whether we have faith in it or we do not have faith in it, as the leader of the Government somewhat puerilely and trivially tried to put across. The essence is that when the other Constitutional bodies like the Attorney-General or Parliament or other such bodies they need not be listed here—can have a function which is enshrined in the Constitution, then where is the difficulty in similarly providing the benefits to the Chief Election Commissioner? The point that has been put across by the Minister is that there is no need to have a Constitutional amendment for it. It still remains unclear as to what the damage or harm is which is going to be caused by providing Constitutional enshrinement of functional autonomy like the Parliament Secretariat or the Attorney-General's Office, etc. Where is the difficulty in that? I say this because if the purpose is to strengthen the system, then, the Chief instrument of it the Chief Election Commissioner and his office must be strengthened. That Madam, is the essence of the amendment that has been made by all of us, that is by Shri Lal Krishana Advani myself and others, and I do submit to the Government to consider it.

THE DEPUTY CHAIRMAN:
Now, Mr. Upendra,

SHRI PARVATHANENI UPENDRA: Madam, the amendment says that we have to add an Explanation after line 11, page 2. Article 324 of the Constitution already provides for a multi-member Commission. But the Minister has not agreed to it. When we are arming the Election Commission with additional powers, not only with ordinary powers, but also with the power of registration etc. it is very essential that the Commission should be objective and independent. For that I propose that this amendment be accepted.

THE DEPUTY CHAIRMAN: Yes, Mr. Chitta Basu, you want to speak?

SHRI CHITTA BASU: Yes.

THE DEPUTY CHAIRMAN: All right.

SHRI CHITTA BASU: Madam, as a matter of fact, we want that there should be a multi-member Commission and there be a separate executive machinery, as I have explained yesterday, so that the Commission can work independently of the Government. I think the Government should have no objection to it.

It is also agreed that the Election Commission is a Constitutional body or institution. But there are some deformities in that the Commission has got no independent machinery to discharge its responsibilities. Hence my amendment.

THE DEPUTY CHAIRMAN: Mr. Minister, do you want to react to these amendments?

SHRI HANS RAJ BHARDWAJ: Madam, so far as the Election Commission is concerned, I have made my submission that it is a Constitutional institution and it functions independently and the Election Commission does not want a secretariat like the Lok Sabha or like the Attorney-General's office and several other institu-

tions which function independently notwithstanding the fact that they are appointed by the President. We have given strength to the Election Commission and the measures we have brought through this Bill serve that purpose and I do not think that this is the time when we can consider all the amendments because taking the general scheme of strengthening the process of functioning of the Election Commission, I say that we have given adequate powers to the Election Commission in this measure.

THE DEPUTY CHAIRMAN: I am putting all the amendments to vote together.

SHRI PARVATHANENI UPENDRA: The House may accept one and reject the other.

THE DEPUTY CHAIRMAN: It is not likely that any amendment will be approved. Let me put to vote all the amendments together. The time of this House is also important.

SHRI PARVATHANENI UPENDRA: But they are different amendments. How can you do that?

THE DEPUTY CHAIRMAN: If you want any specific amendment to be put to vote separately, please tell me. (Interruptions) I have no objection. The Government will have no objection.

SHRI M. S. GURUPADASWAMY: I would like to press Amendments Nos. 17 and 19 to be put to vote separately.

SHRI N.E. BALARAM: I would like to press Amendment No. 3.

THE DEPUTY CHAIRMAN: There is no problem. We will sit tomorrow or the day after tomorrow as far as I am concerned. But we know that the amendments are not going to be accepted. Why do you want to press every amendment? (Interruptions) Mr. Malaviya please sit down. Every time you get up with such a shout.

I can shout louder than you. Please don't behave like this. Please sit down. You are a Member of the Business Advisory Committee and a Member of Parliament. You should know how to talk.

(व्यवधान)

आप जरा बैठिए । आप सुकून से तो बैठने नहीं है । मझे कोई एतराज नहीं है । आप हर एमेंडमेंट क्या एक-एक आदमी के नाम पर वोटिंग करेंगे, मझे कोई तकलीफ नहीं है, मगर Unnecessarily we will be wasting time. We have got a long List of Business after Special Mentions. Somebody will have to sit late. If you want any specific amendment to be pressed, please tell me. But don't do it just for the heck of it.

SHRI PARVATHANENI UPENDRA: We have listed about 16 amendments to be pressed.

SHRI M. S. GURUPADASWAMY: I want to press Amendments Nos 17 and 19.

SHRI PARVATHANENI UPENDRA: I want to press Amendment Nos. 4 and 7.

SHRI LAL K. ADVANI: I want to press Amendment No. 13

SHRI DIPEN GHOSH I want to press Amendments Nos. 8 and 15.

SHRI N. E. BALARAM: I want to press Amendment No 3.

SHRI SUBRAMANIAN SWAMY: (Uttar Pradesh) : I have a fundamental ideological point.

THE DEPUTY CHAIRMAN: You don't have any fundamental ideological point. Please sit down.

THE DEPUTY CHAIRMAN: Now I put Amendments No. 4 and 7 to vote. The question are:

(4) "That at page 2, line 8 for the words "deemed to be on deputation to" the words "under the general superintendence of" be substituted."

(7) "That at page 2, lines 9-11, the words "and such officers and staff shall, during that period, be subject to the control, superintendence and discipline of the Election Commission' be deleted."

The House divided:

THE DEPUTY CHAIRMAN:

Ayes—54

Noes — 117

Ayes—54

Advani, Shri Lal K.
Amin, Shri Mohammed
Ashwani Kumar, Shri
Baby, Shri M. A.
Balanandan, Shri E.
Balaram, Shri N. E.
Basu, Shri Chitta
Basu Ray, Shri Sunil
Chakravarty, Shrimati Bijoya
Chowdhury, Shrimati Renuka
Das Gupta, Shri Gurudas
Gautam, Shri Anand Prakash
Ghosh, Shri Dipen
Goswami, Shri Ramnarayan
Gowda, Shri D. B. Chandre
Gurupadaswamy, Shri M. S.
Hashmi, Shri Shamim
Jaswant Singh, Shri
Javali, Shri J. P.
Kalvala, Shri Prabhakar Rao
Kar, Shri Narayan
Kunjachen, Shri P. K.
Lakshmana, Prof. C.
Lather, Shri Mohinder Singh
Mahajan, Shri Pramod
Maheswarappa, Shri K. G.

Mahishi, Dr. (Shrimati) Sarojini
Malaviya, Shri Satya Prakash
Morarka, Shri Kamal
Naik, Shri L. Narsingh
Naik, Shri R. S.
Poddar, Dr. R. K.
Quasem, Shri Mostafa Bin
Radhakrishna, Shri Puttapaga
Rahman, Shri Mohd. Khaleelur
Rajangam, Shri N.
Rao, Shri Gopala Rao
Rao, Shri Moturu Hanumantha
Rao, Shri Moturu Hanumantha
Reddy, Shri B. Satyanarayan
Reddy, Dr. G. Vijaya Mohan
Sen, Sri Ashis
Sen, Shri Sukomal
Sinha, Shri Yashwant
Sivaji, Dr. Yelamanchilli
Sreedharam, Shri Arangil
Swamy, Shri Subramanian
Talari Manohar, Shri
Upendra, Shri Parvathaneni
Verma, Shrimati Veena
Verma, Shri Virendra
Vincent, Shri M.
Yadav, Shri Ish Dutt
Yadav, Shri Ram Naresh

Noes—117

Ahluwalia, Shri S. S.
Alva, Shrimati Margaret
Amla, Shri Tirath Ram
Anand Sharma, Shri
Ansari, Shri Mohammed Amin
Antony, Shri A. K.
Bagrodia, Shri Santosh
Bansal, Shri Pawan Kumar
Barongpa, Shri Sushil
Basumatari, Shri Dharanidhar
Bhajan Lal, Shri
Bhandare, Shri Murlidhar Chandra-
kant
Bhardwaj, Shri Hansraj

Bhatia, Shri Madan
Bhatt, Shri Jitendrabhai Labhshanker
Bhattacharjee, Shri Kamalendu
Bhim Raj, Shri
Birla, Shri Krishna Kumar
Chatterjee, Prof. (Mrs.) Asima
Chavan, Shri S. B.
Chowdhary, Shri Ram Sewak
Darbara Singh, Shri
Desai, Shri Jagesh
Dharam Pal, Shri
Dhusiya, Shri Sohan Lal
Dronamraju, Shri Satyanarayana
Dubey, Shri Bindeshwari
Faguni Ram, Dr.
Fernandes, Shri John F.
Fotedar, Shri Makhan Lal
Ganeshwar Kusum, Shri
Gupta, Shri Vishwa Bandhu
Hanumanthappa, Shri H.
Hari Singh, Shri
Islam, Shri Baharul
Jacob, Shri M. M.
Jadhav, Shri Vithalrao Madhavrao
Jamuda, Shri Durga Prasad
Jogi, Shri Ajit P. K.
Joshi, Shrimati Sudha Vijay
Kailashpati, Shrimati
Kakodkar, Shri Purushottam
Kalita, Shri Bhubaneshwar
Kesri, Shri Sitaram
Khan, Dr. Abrar Ahmed
Khatun, Kumari Sayeeda
Kidwai, Dr. Mohd. Hashim
Kollur, Shri M. L.
Koya, Shri B. V. Abdulla
Kulkarni, Shri A. G.
Laxmi Narain, Shri
Mahendra Prasad, Shri
Mahto, Shri Bandhu
Majhi, Shri Prithibi
Malaviya, Shri Radhakishan
Malik, Shri Mukhtiar Singh
Shri Bhagatram

Masodkar, Shri Bhaskar Annaji
 Mathur, Shri Manmohan
 Matto, Shri Ghulam Rasool
 Meena, Shri Dhuleshwar
 Mehta, Shri Chimanbhai
 Mishra, Dr. Jagannath
 Mishra, Shri Shiv Pratap
 Mohanty, Shri Subas
 Mohapatra, Shri Basudeb
 Naik, Shri G. Swamy
 Narayanasamy, Shri V.
 Pachouri, Shri Suresh
 Pahadia, Shrimati Shanti
 Pande, Shri Bishambher Nath
 Pandey, Shrimati Manorama
 Panwar, Shri B. L.
 Parmar, Shri Rajubhai A.
 Patel, Shri Chhotubhai
 Patel, Shri Vithalbhai M.
 Patil, Shrimati Pratibha Devisingh
 Pattnaik, Shri Sunil Kumar
 Puglia, Shri Naresh C.
 Rafique Alam, Shri
 Rai, Shri Kalpnath
 Ramamurthy, Shri Thindivanam K.
 Ratan Kumari, Shrimati
 Rathwa, Shri Ramsinh
 Ray, Shri Deba Prasad
 Razi, Shri Syed Sibtey
 Reddy, Shri T. Chandrashekhar
 Richharia, Dr Govind Das
 Sahay, Shri Dayanand
 Sahu, Shri Baikunthnath
 Sahu, Shri Rajni Ranjan
 Sahu, Shri Santosh Kumar
 Salve, Shri N. K. P.
 Satya Bahin, Shrimati
 Sayeed, Mufti Mohamad
 Sharma, Shri Chandan
 Sharma, Shri Satish Kumar
 Shiv Shanker, Shri P.
 Siddiqui, Shri Shamim Ahmed
 Singh, Shri Bir Bahadur
 Singh, Shri R. K. Dorendra

Singh, Thakur Kamakhya Prasad
 Singh, Shrimati Pratibha
 Singh, Dr. Rudra Pratap
 Singh, Shri Surender
 Singh, Shri Vishvijit P.
 Solanki, Shri Madhavsingh
 Sukul, Shri P. N.
 Taimur, Shrimati Syeda Anwara
 Tariang, Shri Jerlie E.
 Thakur, Prof. Chandresh P.
 Thakur, Shri Surendra Singh
 Thangkabalu, Shri K. V.
 Tripathi, Shri Chandrika Prasad
 Tyagi, Shri Shanti
 Verma, Shri Kapil
 Vikal, Shri Ram Chandra

The motions were negatived.

THE DEPUTY CHAIRMAN: I shall now put amendment Nos. 3, 8, 15, 13; 17; & 19 to vote.

The questions are:

(3) "That at page 2, lines 1 to 11 be deleted."

(8) "That at page 2, lines 1 to 11 for the words" and such officers and staff shall, during that periods be subject to the control, superintendence and discipline of the Election Commission" the words "subject to the consent of the Government of the State concerned" be substituted"

(15) "That at page 2, after '11, the following provisos be inserted, namely:—

"Provided that if the Election Commission requires the deployment of para-military forces or Army in any constituency, during the election such deployment shall take place only with the concurrence of the Government of the State concerned.

[The Deputy Chairman]

Provided further that the Central Government shall not deploy Army in any State or any part of the State within a period of 3 weeks before the scheduled date of election without the concurrence of the Government of the State concerned."

(13) "That at page 2, after line 11, the following proviso be inserted, namely:—

"Provided that if the Election Commission requires the deployment of paramilitary forces in any constituencies during the elections, such deployment shall take place only with the concurrence of the concerned State Government".

(17) "That at page 2, after line 11, the following Explanation be inserted, namely:—

"Explanation.—For the purpose of this Section, Election Commission means a three members commission appointed under Article 324 as an independent body with an independent executive machinery in consultation with the Chief Justice of Supreme Court of India and the Leader of opposition in Parliament."

(19) "That at page 2, after line 1, the following be inserted, namely:—

"13CD. There shall be a fund for meeting the expenditure incurred by political parties in financing the candidates contesting under their symbol to Lok Sabha and Assemblies on the basis of norms fixed by the rules made under the Representation of the People Act, 1950."

The House divided

Ayes 53

Noes 118

AYES—53

Advani, Shri Lal K.
Amin, Shri Mohammed
Ashwani Kumar, Shri
Baby, Shri M. A.
Balanandan, Shri E.
Balaram, Shri N. E.
Basu, Shri Chitta
Basu Ray, Shri Sunil
Chakravarty, Shrimati Bijoya
Chowdhury, Shrimati Renuka
Das Gupta, Shri Gurudas
Gautam, Shri Anand Prakash
Ghosh, Shri Dipen
Goswami, Shri Ramnarayan
Gowda, Shri D. B. Chandre
Gurupadaswamy, Shri M. S.
Hashmi, Shri Shamim
Jaswant Singh, Shri
Javali, Shri J. P.
Kalvala, Shri Prabhakar Rao
Kar, Shri Narayan
Kunjachen, Shri P. K.
Lakshman, Prof. C.
Lather, Shri Mohinder Singh
Mahajan, Shri Pramod
Maheswarappa, Shri K. G.
Mahishi, Dr. (Shrimati) Sarojini
Malaviya, Shri Satya Prakash
Morarka, Shri Kama
Naik, Shri L. Narsingh
Naik, Shri R. S.
Poddar, Dr. R. K.
Quasem, Shri Mostafa Bin
Radhakrishna, Shri Puttapaga
Rahman, Shri Mohd. Khaleelur
Rajangam, Shri N.
Rao, Shri Gopala Rao

Rao, Shri Moturu Hanumantha
Rao, Shri Yalla Sesi Bhushana
Reddy, Shri B. Satyanarayan 3dT
Reddy, Dr. G. Vijaya Mohan
Sen, Sri Ashis
Sen, Shri Sukomal
Sinha, Shri Yashwant
Sivaji, Dr. Yelamanchili
Sreedharam, Shri Arangi
Swamy, Shri Subramanian
Talari Manohar, Shri
Upendra, Shri Parvathaneni
Verma, Shrimati Veena
Verma, Shri Virendra
Vincent, Shri M.
Yadav, Shri Ish Dutt 3dT
Yadav, Shri Ram Naresh

NOES—118

Ahluwalia, Shri S. S.
Alva, Shrimati Margaret
Amla, Shri Tirath Ram
Anand Sharma, Shri
Ansari, Shri Mohammed Amin
Antony, Shri A. K.
Bagrodia, Shri Santosh
Bansal, Shri Pawan Kumar
Barongpa, Shri Sushil
Basumatari, Shri Dharanidhar
Bhajan Lal, Shri
Bhandare, Shri Murlidhar Chandra-
Bhardwaj, Shri Hansraj
Bhatia, Shri Madan
Bhatt, Shri Jitendrabhai Labhshanker
Bhattacharjee, Shri Kamalendu
Bhim Raj, Shri
Birla, Shri Krishna Kumar
Chatterjee, Prof. (Mrs.) Asima
Chavan, Shri S. B.
Chowdhary, Shri Ram Sewak
Danbara Singh, Shri
Desai, Shri Jagesh
Dharam Pal, Shri
Dhusiya, Shri Sohan Lal

Dronamrapu, Shri Satyanarayana
Dubey, Shri Bindeshwari
Fagun Ram, Dr.
Fernandes, Shri John F.
Fotedar, Shri Makhan Lal
Ganeshwar Kusum, Shri
Gupta, Shri Vishwa Bandhu
Hanumanthappa, Shri H.
Hari Singh, Shri
Islam, Shri Baharul
Jacob, Shri M. M.
Jadhav, Shri Vithalrao Madhavrao
Jamuda, Shri Durga Prasad
Jogi, Shri Ajit P. K.
Joshi, Shrimati Sudha Vijay
Kailashpati, Shrimati
Kakodkar, Shri Purushottam
Kalita, Shri Bhubaneshwar
Kesri, Shri Sitaram
Khan, Dr. Abrar Ahmed
Khatun, Kumari Sayeeda
Kidwai, Dr. Mohd. Hashim
Kollur, Shri M. L.
Koya, Shri B. V. Abdulla
Kulkarni, Shri A. G.
Laxmi Narain, Shri
Mahendra Prasad, Shri
Mahto, Shri Bandhu
Majhi, Shri Prithibi
Malaviya, Shri Radhakishan
Malik, Shri Mukhtiar Singh
Manhar, Shri Bhagatram
Masodkar, Shri Bhaskar Annaji
Mathur, Shri Manmohan
Matto, Shri Ghulam Rasool
Meena, Shri Dhuleshwar
Mehta, Shri Chimanbhai
Mishra, Dr. Jagannath
Mishra, Shri Shiv Pratap
Mohanty, Shri Subas
Mohapatra, Shri Basudeb
Naik, Shri G. Swamy
Narayanasamy, Shri V.
Pachouri, Shri Suresh

Pahadia, Shrimati Shanti
Pande, Shrimati Mangrama
Panwar, Shri B. L.
Parmar, Shri Rajubhai A.
Patel, Shri Chhotubhai
Patel, Shri Vithalbai M.
Patil, Shrimati Pratibha Devisingh
Pattnaik, Shri Sunil Kumar
Puglia, Shri Naresh C.
Rafique Alam, Shri
Rai, Shri Kalpnath
Ramamurthy, Shri Thindivanam K.
Ratan Kumari, Shrimati
Rathwa, Shri Ramsinh
Ray, Shri Deba Prasad
Razi, Shri Syed Sibtey
Reddy, Shri T. Chandrashekhar
Richharia, Dr. Govind Das
Sahay, Shri Dayanand
Sahu, Shri Balkunthnath
Sahu, Shri Rajni Ranjan
Sahu, Shri Santosh Kumar
Salve, Shri N. K. P.
Satya Bahin, Shrimati
Sayeed, Mufti Mohamad
Sharma, Shri Chandan
Sharma, Shri Satish Kumar
Shiv Shanker, Shri P.
Siddiqui, Shri Shamim Ahmed
Singh, Shri Bir Bahadur
Singh, Shri R. K. Dorendra
Singh, Thakur Khamakhya Prasad
Singh, Dr. Rudra Pratap
Singh, Shri Surender
Singh, Shri Vishvijit P.
Solanki, Shri Madhavsinh
Sukul, Shri P. N.
Talmur, Shrimati Syeda Anwara
Tariang, Shri Jerlie E.
Thakur, Prof. Chandresh P.
Thakur, Shri Surendra Singh
Thangkabalu, Shri K. V.
Tripathi, Shri Chandrika Prasad
Tyagi, Shri Shanti

Verma, Shri Kapil
Verma, Shrimati Veena
Vikal, Shri Ram Chandra

The motions were negatived.

THE DEPUTY CHAIRMAN: Now put all the rest of the amendments clause 2, that is amendments Nos. 6, 9, 10; 11; 12; 14; 16 and 18 to vote.

The motions were put and the motions were negatived.

THE DEPUTY CHAIRMAN: I shall put clause 2 to vote. The question is

"That Clause 2 stand part of the Bill

The House divided

THE DEPUTY CHAIRMAN:

37-3

Ayes—116

Noes ... 53

Ayes—116

Ahluwalia, Shri S. S.
Alva, Shrimati Margaret
Amla, Shri Tirath Ram
Anand Sharma, Shri
Ansari, Shri Mohammed Amin
Antony, Shri A. K.
Bagrodia, Shri Santosh
Bansal, Shri Pawan Kumar
Barongpa, Shri Sushil
Basumatari, Shri Dharanidhar
Bhajan Lal, Shri
Bhandare, Shri Murlidhar Chandrakant
Bhardwaj, Shri Hansraj
Bhatia, Shri Madan
Bhatt, Shri Jitendrabhai Labhshanke
Bhattacharjee, Shri Kamalendu
Bhim Raj, Shri
Birla, Shri Krishna Kumar

Chatterjee, Prof. (Mrs.) Asima
Chavan, Shri S. B.
Chowdhary, Shri Ram Sewak
Derbara Singh, Shri
Desai, Shri Jagesh
Dharam Pal, Shri
Dhusiya, Shri Sohan Lal
Dronamrapu, Shri Satyanarayana
Dubey, Shri Bindeshwari
Faguni Ram, Dr.
Fernandes, Shri John F.
Fotedar, Shri Makhan Lal
Ganeshwar Kusum, Shri
Gupta, Shri Vishwa Bandhu
Hanumanthappa, Shri H.
Hari Singh, Shri
Islam, Shri Baharul
Jacob, Shri M. M.
Jadhav, Shri Vithalrao Madhavrao
Jamuda, Shri Durga Prasad
Jogi, Shri Ajit P. K.
Joshi, Shrimati Sudha Vijay
Kailashpati, Shrimati
Kakodkar, Shri Purushottam
Kalita, Shri Bhubaneshwar
Kesri, Shri Sitaram
Khan, Dr. Abrar Ahmed
Khatun, Kumari Sayeeda
Kidwai, Dr. Mohd. Hashim
Kollur, Shri M. L.
Kulkarni, Shri A. G.
Laxmi Narain, Shri
Mahendra Prasad, Shri
Mahto, Shri Bandhu
Majhi, Shri Prithibi
Malaviya, Shri Radhakishan
Malik, Shri Mukhtiar Singh
Manhar, Shri Bhagatram
Masodkar, Shri Bhaskar Annaji
Mathur, Shri Manmohan
Matto, Shri Ghulam Rasool
Meena, Shri Dhuleshwar
Mehta, Shri Chimanbhai
Mishra, Dr. Jagannath
Mishra, Shri Shiv Pratap

Mohanty, Shri Subas
Mohapatra, Shri Basudeb
Naik, Shri G. Swamy
Narayanasamy, Shri V.
Pachouri, Shri Suresh
Pahadia, Shrimati Shanti
Pande, Shrimati Manorama
Panwar, Shri B. L.
Parmar, Shri Rajubhai A.
Patel, Shri Chhotubhai
Patel, Shri Vithalbhai M.
Patil, Shrimati Pratibha Devisingh
Pattnaik, Shri Sunil Kumar
Puglia, Shri Naresh C.
Rafique Alam, Shri
Rai, Shri Kalpnath
Ramamurthy, Shri Thindivanam K.
Ratan Kumari, Shrimati
Rathwa, Shri Ramsinh
Ray, Shri Deba Prasad
Razi, Shri Syed Sibtey
Reddy, Shri T. Chandrashekhar
Richharia, Dr. Govind Das
Sahay, Shri Dayanand
Sahu, Shri Balkunthnath
Sahu, Shri Rajni Ranjan
Sahu, Shri Santosh Kumar
Salve, Shri N. K. P.
Satya Bahin, Shrimati
Sayeed, Mufti Mohamad
Sharma, Shri Chandan
Sharma, Shri Satish Kumar
Shiv Shanker, Shri P.
Siddiqui, Shri Shamim Ahmed
Singh, Shri Bir Bahadur
Singh, Shri R. K. Dorendra
Singh, Thakur Khamakhya Prasad
Singh, Shrimati Pratibha
Singh, Dr. Rudra Pratap
Singh, Shri Surender
Singh, Shri Vishvijit P.
Solanki, Shri Madhavsinh
Sukul, Shri P. N.
Talmur, Shrimati Syeda Anwara

Tariang, Shri Jerlie E.
Thakur, Prof. Chandresh P.
Thakur, Shri Surendra Singh
Thangakabalu, Shri K. V.
Tripathi, Shri Chandrika Prasad
Tyagi, Shri Shanti
Verma, Shri Kapil
Vikal, Shri Ram Chandra

Noes.—53

Advani, Shri Lal K.
Amin, Shri Mohammed
Ashwani Kumar, Shri
Baby, Shri M. A.
Balanandan, Shri E.
Balaram, Shri N. E.
Basu, Shri Chitta
Basu Ray, Shri Sunil
Chakravarty, Shrimati Bijoya
Chowdhury, Shrimati Renuka
Das Gupta, Shri Gurudas
Gautam, Shri Anand Prakash
Ghosh, Shri Dipen
Goswami, Shri Ramnarayan
Gowda, Shri D. B. Chandre
Gurupadaswamy, Shri M. S.
Hashmi, Shri Shamim
Jaswant Singh, Shri
Javali, Shri J. P.
Kalvala, Shri Prabhakar Rao
Kar, Shri Narayan
Kunjachen, Shri P. K.
Lakshman, Prof. C.
Lather, Shri Mohinder Singh
Mahajan, Shri Pramod
Maheswarappa, Shri K. G.
Mahishi, Dr. (Shrimati) Sarojini
Malaviya, Shri Satya Prakash
Morarka, Shri Kamal
Naik, Shri L. Narsingh
Naik, Shri R. S.
Poddar, Dr. R. K.
Quasem, Shri Mostafa Bin
Radhakrishna, Shri Puttapaga

Rahman, Shri Mohd. Khaleelur
Rajangam, Shri N.
Rao, Shri Gopala Rao
Rao, Shri Moturu Hanumantha
Rao, Shri Yalla Sesi Bhushana
Reddy, Shri B. Satyanarayan
Reddy, Dr. G. Vijaya Mohan
Sen, Sri Ashis
Sen, Shri Sukomal
Sinha, Shri Yashwant
Sivaji, Dr. Yelamanchili
Sreedharam, Shri Arungil
Swamy, Shri Subramanian
Talari Manohar, Shri
Upendra, Shri Parvathaneni
Verma, Shri Virendra
Vincent, Shri M.
Yadav, Shri Ish Dutt
Yadav, Shri Ram Naresh

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3—(Amendment of section 2)

THE DEPUTY CHAIRMAN: We take up clause 3. There are three amendments. Amendment No. 20 is by Shri Chitta Basu; amendment No. 21 by Shri Sukomal Sen and Shri Dipen Ghosh and amendment No. 22 by Shri Upendra and others. Are you moving?

SHRI CHITTA BASU (West Bengal): I move:

20. "That at page 2. for lines 17 to 19, the following be substituted, namely:—

"(f) 'Political Party' means an association or body of individual citizen of India, welded to an ideology and set of socio-economic-politic programme, and recognised by

Election Commission for the purposes of allotment of symbols under the Election symbols (Reservation and Allotment) Order 1968."

SHRI SUKOMAL SEN: I move;

21. "That at page 2, lines 18-19, the words "registered with the Election Commission as a political party under Section 29A" be deleted."

[The amendment also stood in the name of Shri Dipen Ghosh]

SHRI PARVATHANENI UPENDRA: I move;

22. "That at page 2, lines 17-19, for the words "(f) 'political party' means an association or body of individual citizens of India registered with the Election Commission as a political party under section 29A" the words "(f) 'political party' means an association or body of individual citizens of India recognised by the Election Commission for the purpose of allotment of symbols under the Election Symbols (Reservation and Allotment) Order 1968." be substituted."

[The amendment also stood in the names of Shri B. Satyanarayan Reddy and Dr. Yelamanchili Sivaji]

The questions were proposed.

SHRI CHITTA BASU: Madam, this clause relates to definition of a political party. As a matter of fact, I want to change the definition of the political party and I feel there cannot be a political party unless it is wedded to a particular ideology and concept of socio-economic problems. But here, the definition has been that a party is merely an association of individuals. Therefore, this is not acceptable to me. I feel it should be in the way as I have suggested.

My second point is about the question of recognition by the Election Commission. I feel by my amendment, there is no necessity of having a new

chapter for recognition and registration of political parties. You will find that there is a system existing now for recognition of political parties in our country and under this system, there is the Election Commission and there is Election Symbols (Reservation and Allotment) Order, 1968. At present, recognition is given on the basis of that order. That order is "Election Symbol Reservation and Allotment Order, 1968". My view is that that order is quite sufficient to allot symbols. Allotment of a symbol is done only when the Election Commission accepts that party as a recognised political party either at the national level or at the State level. Therefore, there is no necessity of having a separate chapter for registration of political parties. Madam, I don't like to take much of your time. Yesterday, of course, I could not explain in detail. But I did express my opposition to the very idea of registration of political parties because that will be a regressive step.

SHRI SUKOMAL SEN: Madam, this clause regarding registration of political parties by the Election Commission is a most harmful and a dangerous clause to the democratic norms of our country. So far we have held so many elections since 1952. This clause was not there. It was not necessary at all. I do not understand why this clause has been brought in the present Bill. Therefore, I say that if this amendment is not accepted it means that there will be curb on the democratic functioning of the political parties. It will lead to some dictatorial powers on the part of the Election Commission as well as Government. That is why I feel that this amendment should be accepted. The Election Commission can seek so much of information from a political party while registering it. But the Government has cleverly avoided one provision and that is, whether a political party holds elections at least once in three years. There are political

[Shri Sukomal Sen]

parties in the country, including the ruling party, which have not held elections for decades together. What will happen to such parties? So, this clause is most harmful and I want deletion of this clause.

SHRI B. SATYANARAYAN REDDY: Madam Deputy Chairman, in Clause 3, Chapter III, of this Bill, a political party has been defined. My opposition to this clause is because the definition of a political party has been made in the Allotment of Election Symbol order. So there is no need for a separate clause for defining a political party. Madam, this clause is not only dangerous and harmful, but it is also mischievous because by giving the powers to the Election Commission under this clause they want to put an end to the recognition of the political parties. This is very dangerous in a democracy. This cannot be allowed. So, we oppose this clause. At the same time, we also oppose Clause 6 because this also comes under the same definition. So, I want that this clause should be deleted. I want to press it.

SHRI HANS RAJ BHARDWAJ: So far as registration is concerned, I think the hon. Members are aware that there is a registration already under the Symbol Allotment Order. For the purpose of getting a symbol, one has to go to the Election Commission for getting himself registered. There are criteria laid down and more or less the same criteria plus a few more have been added. This will form part of the statute now on a broader plank because, as I have submitted earlier, we want to see that communal parties are not allowed to enter the fray of elections. There are some other tests with regard to commitment to the Constitution. They are very elementary things. Nobody should be scared of them. It is a very wholesome provision. The idea is that there should be a test of par-

ties which are communal. Religion and political should be kept apart. Therefore, this registration and this commitment is necessary in the case of the existing political parties. If they do not subscribe to this, it is their own view.

THE DEPUTY CHAIRMAN: I will put the three amendments together to vote.

SHRI PARVATHANENI UPENDRA: They should be voted separately because one amendment seeks the deletion of the whole clause and the others only amendments.

SHRI HANS RAJ BHARDWAJ: We are not accepting any of these amendments.

SHRI PARVATHANENI UPENDRA: There may be a change in the attitude of the Congress and they may vote for some amendment. What will happen then?

THE DEPUTY CHAIRMAN: Let us dispose it of by voice vote. We are now geared to the sounds of 'Ayes' and 'Noes'. I shall now put amendment numbers 20, 21 and 22 to vote.

Amendment Nos. 20, 21 and 22 were negatived..

THE DEPUTY CHAIRMAN: I shall now put clause 3 to vote. The question is:

"That clause 3 stand part of the Bill."

The House divided.

Ayes 122

Noes 52

Ahluwalia, Shri S. S.

Alva, Shrimati Margaret

Amla, Shri Tirath Ram

Anand Sharma, Shri

Ansari, Shri Mohammed Amla

Antony, Shri A. K.
Bagrodia, Shri Santosh
Bansal, Shri Pawan Kumar
Barongpa, Shri Sushil
Basumatari, Shri Dharanidhar
Bhandare, Shri Murlidhar Chandra-
kant
Bhardwaj, Shri Hansraj
Bhatia, Shri Madan (Nominated)
Bhatt, Shri Jitendrabhai Labhshanker
Bhattacharjee, Shri Kamalendu
Bhim Raj, Shri
Birla, Shri Krishna Kumar
Chatterjee, Prof. (Mrs.) Asima
Chavan, Shri S. B.
Chowdhary, Shri Ram Sewak
Darbara Singh, Shri
Deori, Shrimati Omem Moyong
Desai, Shri Jagesh
Deshmukh, Shri Shankrao Narayan-
rao
Dharam Pal, Shri
Dhusiya, Shri Sohan Lal
Dronamraju, Shri Satyanarayana
Dubey, Shri Bindeshwari
Faguni Ram, Dr.
Fernandes, Shri John F.
Fotedar, Shri Makhan Lal
Ganeshwar Kusum, Shri
Gupta, Shri Vishwa Bandhu
Hanumanthappa, Shri H. V.
Hari Singh, Shri
Islam, Shri Baharul
Jacob, Shri M. M.
Jadhav, Shri Vithalrao Madhavrao
Jamuda, Shri Durga Prasad
Jogi, Shri Ajit P. K.
Joshi, Shrimati Sudha Vijay
Kailashpati, Shrimati
Kakodkar, Shri Purushottam
Kalita, Shri Bhuvaneshwar
Kesri, Shri Sitaram
Khan, Dr. Abrar Ahmed
Khaparde, Miss Saroj

Khatun, Kumari Sayeeda
Kidwai, Dr. Mohd. Hashim
Kellur, Shri M. L.
Kulkarni, Shri A. G.
Laxmi Narain, Shri
Lenka, Shri Kahnu Charan
Mahendra Prasad, Shri
Mahto, Shri Bandhu
Majhi, Shri Prithibi
Malaviya, Shri Radhakrishan
Malik, Shri Mukhtiar Singh
Manhar, Shri Bhagatram
Masodkar, Shri Bhaskar Annaji
Mathur, Shri Manmohan
Matto, Shri Ghulam Rasool
Meena, Shri Dhuleshwar
Mehta, Shri Chimanbhai
Mishra, Dr. Jagannath
Mishra, Shri Shiv Pratap
Mittal, Shri Sat Paul
Mohanty, Shri Subas
Mohapatra, Shri Basudeb
Naik, Shri G. Swamy
Narayanasamy, Shri V.
Pachouri, Shri Suresh
Pahadia, Shrimati Shanti
Pandey, Shri Bishambhar Nath
Pandey, Shrimati Manorama
Pauwar, Shri B. L.
Parmar, Shri Rajubhai A.
Patel, Shri Chhotubhai
Patel, Shri Vithalbhai M.
Patil, Shrimati Prathibha Devisingh
Pattnaik, Shri Sunil Kumar
Puglia, Shri Naresh C.
Rafique Alam, Shri
Rai, Shri Kalpnath
Ramamurthy, Shri Thindivanam K.
(Nominated)
Ratan Kumari, Shrimati
Rathwa, Shri Ramsinh
Ray, Shri Deba Prasad
Razi, Shri Syed Sibtay

Reddy, Shri T. Chandrashekhar
Richharia, Dr. Govind Das
Sahay, Shri Dayanand
Sahu, Shri Balkuothnath
Sahu, Shri Raini Ranjan
Sahu, Shri Santosh Kumar
Salve, Shri N. K. P.
Satya Bahin, Shrimati
Sayeed, Mufti Mohamad
Sharma, Shri Chandan
Sharma, Shri Satish Kumar
Shiv Shanker, Shri P.
Siddiqi, Shri Shamim Ahmed
Singh, Shri Bir Bahadur
Singh, Shri R. K. Dorendra
Singh, Thakur Kamakhya Prasad
Singh, Shrimati Pratibha
Singh, Shri Surender
Singh, Shri Vishvjit P.
Solanki, Shri Madhavsinh
Sukul, Shri P. N.
Taimur Shrimati Syeda Anwara
Tariang, Shri Jerlie E.
Thakur, Prof. Chandresh P.
Thakur, Shri Surendra Singh
Thangkabalu, Shri K. V.
Tripathi, Shri Chandrika Prasad
Tyagi, Shri Shanti
Verma, Shri Kapil
Vikal, Shri Ram Chandra
Vora, Shri Motilal

NOES—52

Advani, Shri Lal K.
Amin, Shri Mohammed
Ashwani Kumar, Shri
Baby, Shri M. A.
Balanandan, Shri E.
Balaram, Shri N. E.
Basu, Shri Chitta
Basu Ray, Shri Sunil
Chakravarty, Shrimati Bijoy
Chowdhury, Shrimati Renuka
Das Gupta, Shri Gurudas

Gautam, Shri Anand Prakash
Ghosh, Shri Dipen
Goswami, Shri Ramnarayan
Gowda, Shri D. B. Chandre
Gowda, Shri K. G. Thimme
Gurupadaswamy, Shri M. S.
Hashmi, Shri Shamim
Jaswant Singh, Shri
Javali, Shri J. P.
Kalvala, Shri Prabhakar Rao
Kar, Shri Narayan
Koya, Shri B. V. Abdulla
Kunjachen, Shri P. K.
Lakshman, Prof. C.
Lather, Shri Mohinder Singh
Mahajan, Shri Pramod
Maheshwarappa, Shri K. G.
Mahishi, Dr. (Shrimati) Sarojini
Malaviya, Shri Satya Prakash
Mishra, Shri Kailash Pati (Bihar)
Morarka, Shri Kamal
Naik, Shri L. Narsingh
Naik, Shri R. S.
Poddar, Dr. R. K.
Quasem, Shri Mostafa Bin
Radhakrishna, Shri Puttapaga
Rahman, Shri Mohd. Khaleelur
Rajangam, Shri N.
Rao, Shri Gopala Rao
Rao, Shri Moturu Hanumantha
Rao, Shri Yalla Sesi Bhushana
Reddy, Shri B. Satyanarayan
Reddy, Dr. G. Vijaya Mohan
Sen, Shri Ashis
Sen, Shri Sukomal
Sinha, Shri Yashwant
Sivaji, Dr. Yelamanchili
Sreedharan, Shri Arangil
Talari Manohar, Shri
Upendra, Shri Parvathaneni
Verma, Shri Virendra
Yadav, Shri Ish Dutt
Yadav, Shri Ram Naresh

The motion was adopted

Clause 3 was added to the Bill.

Clause 4—Amendment of section 8

SHRI N. E. BALARAM: Madam, I beg to move:

(23) "That at page 2, line 27-28, the words "language, etc. and doing acts prejudicial to maintenance of harmony" be deleted.

[The amendment also stood in the name of Sarvshri Chaturanna Mishra and Gurudas Das Gupta]

(24) "That at page 2, line 35, for the word "classes," the word "communities" be substituted."

[The amendment also stood in the name of Sarvshri Chaturanna Mishra Gurudas Das Gupta, Sukomal Sen, Dipen Ghosh and Chitta Basu]
nandan and Chitta Basu]

(25) "That at page 3, lines 1 to 5 be deleted."

[The amendment also stood in the name of Sarvshri Chaturanna Mishra Gurudas Das Gupta, Sukomal Sen, Dipen Ghosh and Chitta Basu]

(27) "That at page 3, lines 9 to 11 be deleted."

[The amendment also stood in the names of Sarvshri Chaturanna Mishra, Gurudas Das Gupta, Sukomal Sen, Dipen Ghosh and Chitta Basu]

(28) "That at page 3, lines 15-16, the brackets, words and figure "section 125 (offence of promoting enmity between classes in connection with the election) or" be deleted."

(30) "That at page 3, after line 20, the following be inserted, namely:—

"(j) The Prevention of Corruption Act, 1988; or

(k) The Official Secrets Act, 1923."

(36) "That at page 3, after line 35, the following be inserted, namely:—

"(2A) A person guilty of female infanticide including the destruction of female foetus (excepting in Medical Termination of Pregnancy) shall be disqualified for a period of six years".

[The amendment also stood in the names of Sarvshri Chaturanna Mishra, Gurudas Das Gupta, Sukomal Sen and Dipen Ghosh]

SHRI M. S. GURUPADASWAMY: Madam, I beg to move.

(26) "That at page 3, after line 3, the following be inserted, namely:—

"(j) if he holds any office of profit under the Government of India or any legislative body to be a Chairman and/or a director of a society, public limited company and/or a corporation." "

[The amendment also stood in the name of Dr. Bapu Kaldate]

SHRI LAL K. ADVANI: I move:

(29) That at page 3, after line 20, the following be inserted, namely:

"(j) the Prevention of Corruption Act, 1988".

[The Amendments also stood in the names of Sarvshri Ashwani Kumar, Pramod Mahajan, Kailash Pati Mishra Shanker Singh Vaghela, Atal Bihar Vajpayee and Jaswant Singh]

SHRI M. S. GURUPADASWAMY:
Sir, I move:

"23. That at page 3, after line 22, the following be inserted, namely:—

"(A) A candidate shall also be disqualified for a period of six years if his declaration of assets is found to be false by a court of Law." ,,

[The amendments also stood in the names of Sarveshri Dr. Bapu Kaldate, Sukomal Sen and Dipen Ghosh]

37. "That at page 3, after line 35, the following proviso be inserted namely:—

"provided that a person who is convicted of violating the law relating to adulteration of food or drugs, being an office bearer of a co-operative society or having more association with that association in that capacity but is not involved in the actual process of adulteration of food or drugs, shall not be disqualified."

[The amendment also stood in the name of Dr. Bapu Kaldate]

SHRI CHITTA BASU (West Bengal): I move:

(33) "That at page 3, after line 31, the following be inserted, namely:

"(e) any provisions of Land Reform Laws."

SHRI N. E. BALARAM: Sir, I move:

(34) "That at page 3, line 322, be deleted."

[The amendment also stood in the names of Sarveshri Chaturanan Mishra, Gurudas Das Gupta, Satya Praash Malavia]

SHRI M. A. BABY (Kerala): I move:

(38) "That at page 3, lines 36 to 40 be deleted."

[The amendment also stood in the name of Sarveshri E. Balanandan and Satya Prakash Malvia]

SHRI SUKOMAL SEN (West Bengal): Sir, I move:

39. "That at page 3, after line 40, the following be inserted namely:—

"(4) Any person contesting an election, exploiting the religious feelings of the people during campaign like visiting the place of worship, extracting religious oath from the people or making religious appeal for furthering his or her and parties prospects in the election shall be deemed to be committing an offence which shall disqualify him or her for six years from contesting any election."

[The amendment also stood in the name of Shri Dipen Ghosh]

SHRI M. A. BABY: I move:

40. "That at page 3, after line 40 the following be inserted, namely:—

"(4) Any person contesting an election, exploiting the religious feelings of the people during campaign (i.e. — once the election commission declares the election dates) like visiting the places of worship extracting religious oath from the people or making religious appeal for furthering his, her or the party's prospects in the election shall be deemed to be committing an offence which shall disqualify him for six years from contesting an election!"

[The amendment also stood in the name of Shri E. Balanandan]

THE DEPUTY CHAIRMAN: I will now put all the amendments to vote.

Amendments No. 23 to 30, 32 to 34 and 36 to 40 were negatived.

THE DEPUTY CHAIRMAN: The question is:

"That clause 4 stand part of the Bill."

Clause 4 was added to the Bill.

Clause 5 (Insertion of new section 23A

HRI N. E. BALARAM: I move:

(41) "That at page 4, lines 1 to 12, be deleted."

The amendment also stood in the names of Sarvshri Chaturanan Mishra and Shri Gurudas Das Gupta]

HRI LAL K. ADVANI: Sir, I move:

42. "That at page 4, lines 5-6, for the word "this part, and any Police Officer designated for the time being by the State Government, for the conduct of any election" the words, "this Part, and the Directors-General of Doordarshan and Akashvani and the entire staff of the news sections of both the Doordarshan and Akashvani" be substituted."

49. That at page 4, after line 12, the following proviso be inserted, namely:—

"Provided that this section shall come into operation after the creation of an independent Secretariat of the Election Commission analogous to the Secretariats of Parliament and such other Constitutional bodies and authorities as proposed by the Election Commission itself."

[The amendments also stood in the names of Sarvshri Ashwani Kumar, Ramod Mahajan, Kailash Patil, Shri, Shanker Singh Vaghela, Jaswant Singh and Atal Bihari Vajpayee]

SHRI M. A. BABY (Kerala): I move:

43. "That at page 4, line 6 after the word "shall" the words "subject to the consent of the Government of the State concerned" be inserted."

[The amendment also stood in the name of Shri P. Baanandar]

SHRI PARVATHANENI UPENDRA: move:

(44) "That at page 4, lines 6-7 for the words "deemed to be on deputation to " the words "under the Gene-

ral superintendence of" be substituted."

[The amendment also stood in the names of Sarvshri B. Satyanarayan Reddy and Dr. Yelamanchili Sivaji]

46. "That at page 4, lines 8-12, the words "and accordingly such officers and staff shall, during that period, be subject to the control, superintendence and discipline of the Election Commission" be deleted."

[The amendment also stood in the names of Sarvshri B. Satyanarayan Reddy Sukomal Sen, Dipen Ghosh and Dr. Yelamanchili Sivaji]

SHRI N. E. BALARAM: I move:

45. "That at page 4, line 7, after the words "Election Commission" the words "subject to consent of the State Government concerned" be inserted."

[The amendment also stood in the names of Sarvshri Chaturanan Mishra, and Gurudas Das Gupta]

48. "That at page 4, line 12, after the words "Election Commission" the words "only in respect of the work assigned to them in connection with the election and for no other purpose" be inserted."

[The amendment also stood in the names of Sarvshri Bhaturanan Mishra, Gurudas Das Gupta, M. A. Baby and E. Balanandan]

SHRI SATYA PRAKASH MALAVIYA: I move:

(47) "That at page 4, line 11, after the word "superintendence" the word "direction" be inserted."

SHRI CHITTA BASU (West Bengal): I move:

50. "That at page 4, line 12, after the word "commission" the words "with the consent of the Government of the State concerned" be inserted."

SHRI M. S. GURUPADASWAMY: I move:

51. "That at page 4, after line 12, the following proviso be inserted namely:—

'Provided that during the period commencing on and from the date of the notification calling for such elections and ending with the date of the declaration of such election, the Election Commission shall exercise exclusive control and superintendence over Doordarshan and Akashvani.'

[The amendment also stood in the names of Dr. Bapu Kaldate, Sarvshri Sukomal Sen, Dipen Ghosh, M. A. Baby and E. Balanandan]

THE DEPUTY CHAIRMAN: I will now put all the amendments together to vote. The questions are:

41. "That at page 4, lines 1 to 12, be deleted."

42. "That at page 4, lines 5-6 for the words "this part, and any Police Officer designated for the time being by the State Government, for the conduct of any election" the words "this Part, and the Directors-General of Doordarshan and Akashvani and the entire staff of the news sections of both the Doordarshan and Akashvani" be substituted.

43. That at page 4, line 6 after the word "shall" the words "subject to the consent of the Government of the State concerned" be inserted".

44. "That at page 4, lines 6-7, for the words "deemed to be on deputation to" the words "under the general superintendence of" be substituted."

45. "That at page 4, line 7 after the words "Election Commission" the words "subject to consent of the State Government concerned" be inserted."

46. "That at page 4, lines 8-12, words "and accordingly such office and staff shall, during that period subject to the control, superintendence and discipline of the Election Commission" be deleted."

47 "That at page 4, line 11, after the word "superintendence" word "direction" be inserted.

48. "That at page 4, line 12, after the words "Election Commission" the words "only in respect of work assigned to them in connection with the election and for no other purpose" be inserted."

49. "That at page 4, after line 12 the following proviso be inserted namely:—

'Provided that this section shall come into operation after the creation of an independent Secretariat of the Election Commission analogous to the Secretariats of Parliament and such other Constitutional bodies and authorities proposed by the Election Commission itself.'

50. "That at page 4, line 12, after the word "commission" the words "with the consent of the Government of the State concerned" be inserted."

51. "That at page 4, after line 12 the following proviso be inserted namely:—

"Provided that during the period commencing on and from the date of the notification calling for such elections and ending with the date of the declaration of such election, the Election Commission shall exercise exclusive control and superintendence over Doordarshan and Akashvani."

The House divided

THE DEPUTY CHAIRMAN:

Ayes — 51

Noes — 124

Ayes—5

Advani, Shri Lal K.
 Amin, Shri Mohammed
 Ashwani Kumar, Shri
 Baby, Shri M. A.
 Balanandan, Shri E.
 Balaram, Shri N. E.
 Basu, Shri Chitta
 Basu Ray, Shri Sunil
 Chakravarty, Shrimati Bijoya
 Chowdhury, Shrimati Renuka
 Das Gupta, Shri Gurudas
 Gautam, Shri Anand Prakash
 Ghosh, Shri Dipen
 Goswami, Shri Ramnarayan
 Gowda, Shri D. B. Chandre
 Gowda, Shri K. G. Thimme
 Gurupadaswamy, Shri M. S.
 Hashmi, Shri Shamim
 Jaswant Singh, Shri
 Javali, Shri J. P.
 Kalvala, Shri Prabhakar Rao
 Kar, Shri Narayan
 Lakshman, Prof. C.
 Lather, Shri Mohinder Singh
 Mahajan, Shri Pramod
 Maheswarappa, Shri K. G.
 Malaviya, Shri Satya Prakash
 Mishra, Shri Kailash Pati
 Morarka, Shri Kamal
 Naik, Shri L. Narsingh
 Naik, Shri R. S.
 Poddar, Dr. R. K.
 Quasem, Shri Mostafa Bin
 Radhakrishna, Shri Puttapaga
 Rahman, Shri Mohd. Khaleelur
 Rajangam, Shri N.
 Rao, Shri Gopala Rao
 Rao, Shri Moturu Hanumantha
 Rao, Shri Yalla Sesi Bhushana
 Reddy, Shri B. Satyanarayan
 Reddy, Dr. G. Vijaya Mohan
 Sen, Shri Ashis

Sen, Shri Sukomal
 Sinha, Shri Yashwant
 Sivaji, Dr. Yalamanchili
 Sreedharan, Shri Arangil
 Talari Manohar, Shri
 Upendra, Shri Parvathaneni
 Verma, Sharma Virendra
 Yadav, Shri Ish Dutt
 Yadav, Shri Ram Naresh

Noes—124

Ahluwalia, Shri S. S.
 Alva, Shrimati Margaret
 Amla, Shri Tirath Ram
 Anand Sharma, Shri
 Ansari, Shri Mohammed Amin
 Antony, Shri A. K.
 Bansal, Shri Pawan Kumar
 Barongpa, Shri Sushil
 Basumatari, Shri Dharanidhar
 Bhandare, Shri Murlidhar Chandar-
 Kant
 Bhardwaj, Shri Hansraj
 Bhatia, Shri Madan
 Bhatt, Shri Jitendrabhai Labh-
 shanker
 Bhattacharjee, Shri Kamalendu
 Bhim Raj, Shri
 Birla, Shri Krishna Kumar
 Chatterjee, Prof. (Mrs.) Asima
 Chavan, Shri S. B.
 Chowdhary, Shri Ram Sewak
 Darbara Singh, Shri
 Deori, Shrimati Omem Moyong
 Desai, Shri Jagesh
 Deshmukh, Shri Shankarrao Nara-
 yanarao
 Dhusiya, Shri Sohan Lal
 Dronamraju, Shri Satyanarayana
 Dubey, Shri Bindeshwari
 Faguni Ram, Dr.
 Fernandes, Shri John F.
 Fotedar, Shri Makhan Lal
 Ganeshwar Kusum, Shri
 Gupta, Shri Vishwa Bandhu

Hanumanuthappa, Shri H.
Hari Singh, Shri
Islam, Shri Baharul
Jacob, Shri M. M.
Jadhav, Shri Vithalrao Madhavrao
Jamuda, Shri Durga Prasad
Jogi, Shri Ajit P. K.
Joshi, Shrimati Sudha Vijay
Kailashpati, Shrimati
Kakodkar, Shri Purushottam
Kalita, Shri Bhubaneswar
Kesri, Shri Sitaram
Khan, Dr. Abrar Ahmed
Khaparde, Miss Saroj
Khatun, Kumari Sayeeda
Kidwai, Dr. Mohd. Hashim
Kollur, Shri M. L.
Koya, Shri B. V. Abdulla
Kulkarni, Shri A. G.
Laxmi, Narain, Shri
Lenka, Shri Kahnu Charan
Mahendra Prasad, Shri
Mahto, Shri Bandhu
Majhi, Shri Prithibi
Malaviya, Shri Radhakishan
Malik, Shri Mukhtiar Singh
Manhar, Shri Bhagatram
Masodkar, Shri Bhaskar Annaji
Mathur, Shri Manmohan
Matto, Shri Ghulam Rasool
Meena, Shri Dhuleshwar
Mehta, Shri Chimanbhai
Mishra, Dr. Jagannath
Mishra, Shri Shiv Pratap
Mohanty, Shri Subas
Mohapatra, Shri Basudeb
Naik, Shri G. Swamy
Narayanasamy, Shri V.
Pachouri, Shri Suresh
Pahadia, Shrimati Shanti
Palaniyandi, Shri M.
Pande, Shri Bishambhar Nath
Pandey, Shrimati Manorama
Panwar, Shri B. L.

Parmar, Shri Rajubhai A.
Patel, Shri Chhotubhai
Patel, Shri Vithalbhai M.
Patil, Shrimati Pratibha Devisingh
Pattnaik, Shri Sunil Kumar
Puglia, Shri Naresh C.
Rafique Alam, Shri
Rail, Shri Kalpnath
Ramamurthy, Shri Thindivanam K.
Ratan Kumari, Shrimati
Rathwa, Shri Ramsinh
Ray, Shri Deba Prasad
Razi, Shri Syed Sibtey
Reddy, Shri T. Chandrashekar
Richharia, Dr. Govind Das
Sahay, Shri Dayanand
Sahu, Shri Baikunthnath
Sahu, Shri Rajni Ranjan
Sahu, Shri Santosh Kumar
Salve, Shri N. K. P.
Satya Bahin, Shrimati
Sayeed, Mufti Mohamad
Sharma, Shri Chandan
Sharma, Shri Satish Kumar
Shiv Shanker, Shri P.
Siddiqi, Shri Shamim Ahmed
Singh, Shri Bir Bahadur
Singh, Shri Bir Bhadra Pratap
Singh, Shri R. K. Dorendra
Singh, Thakur Kamakhya Prasad
Singh, Shrimati Pratibha
Singh, Dr. Rudra Pratap
Singh, Shri Surender
Singh, Shri Vishvjit P.
Solanki, Shri Madhavsingh
Sukul, Shri P. N.
Taimur, Shrimati Syeda Anwar
Tariang, Shri Jerlie
Thakur, Prof. Chandresh P.
Thakur, Jagatpal Singh
Thakur, Shri Surendra Singh
Thangakabalu, Shri K. V.
Tiria, Kumari Sushila
Tripathi, Shri Chandrika Prasad

Yagi, Shri Shanti
Terma, Shri Kapil
Terma, Shrimati Veena
Tikal, Shri Ram Chandra
Vora, Shri Motilal

The motions were negatived.

THE DEPUTY CHAIRMAN: I shall now put clause 5 to vote. The question is:

That clause 5 stand part of the Bill"

The House divided

THE DEPUTY CHAIRMAN:

Ayes 123
Noes 52

AYES—123

Ahluwalia, Shri S. S.
Alva, Shrimati Margaret
Amla, Shri Tirath Ram
Anand Sharma, Shri
Ansari, Shri Mohammed Amin
Antony, Shri A. K.
Bansal, Shri Pawan Kumar
Barongpa, Shri Sushil
Basumatari, Shri Dharnidhar
Bhandare, Shri Murlidhar Chandra-
kant
Bhardwaj, Shri Hansraj
Bhati, Shri Madan
Bhatt, Shri Jitendrabhai Labh-
shanker
Bhattacharjee, Kamalendu
Bim Raj, Shri
Chatterjee, Prof. (Mrs.) Asima
Chavan, Shri S. B.
Chowdhary, Shri Ram Sewak
Chowdhury, Shrimati Renuka
Darbara Singh, Shri
Deori, Shrimati Omem Moyong
Desai, Shri Jagesh
Deshmukh, Shri Shankarrao
Narayanrao

Dhusiya, Shri Sohan Lal
Dronamraju, Shri Satyanarayana
Dubey, Shri Bindeshwari
Faguni Ram, Dr.
Fernandes, Shri John F.
Fotedar, Shri Makhan Lal
Ganeshwar Kusum, Shri
Hanumanthappa, Shri H.
Hari Singh, Shri
Islam, Shri Baharul
Jacob, Shri M. M.
Jadhav, Shri Vithalrao Madhavrao
Jamuda, Shri Durga Prasad
Jogi, Shri Ajit P. K.
Joshi, Shrimati Sudha Vijay
Kailashpati, Shrimati
Kakodkar, Shri Purushottam
Kalita, Shri Bhubaneswar
Kesri, Shri Sitaram
Khan, Dr. Abrar Ahmed
Khaparde, Miss Saroj
Khatun, Kumari Sayeeda
Kidwai, Dr. Mohd. Hashim
Kollur, Shri M. L.
Koya, Shri B. V. Abdulla
Kulkarni, Shri A. G.
Laxmi Narain, Shri
Lenka, Shri Kahnu Charan
Mahendra Prasad, Shri
Mahto, Shri Bandhu
Majhi, Shri Prithibi
Malaviya, Shri Radhakishan
Malik, Shri Mukhtiar Singh
Manhar, Shri Bhagatram
Masodkar, Shri Bhaskar Annaji
Mathur, Shri Manmohan
Matto, Shri Ghulam Rasool
Meena, Shri Dhuleshwar
Mehta, Shri Chimanbhai
Mishra Dr. Jagannath
Mishra, Shri Shiv Pratap
Mobanty, Shri Subas

Mohapatra, Shri Basudeb
Naik, Shri G. Swamy
Narayanasamy, Shri V.
Pachouri, Shri Suresh
Pahadia, Shrimati Shanti
Palaniyandi, Shri M.
Pandey, Shri Bishambhar Nath
Pandey, Shrimati Manorama
Panwar, Shri B. L.
Parmar, Shri Rajubhai A.
Patel, Shri Chhotubhai
Patel, Shri Vithalbhai M.
Patil, Shrimati Pratibha Devisingh
Pattnaik, Shri Sunil Kumar
Puglia, Shri Naresh C.
Rafique Alam, Shri
Rai, Shri Kalpnath
Ramamurthy, Shri Thindivanam K.
Ratan Kumari, Shrimati
Rathwa, Shri Ramsinh
Ray, Shri Deba Prasad
Razi, Shri Syed Sibtey
Reddy, Shri T. Chandrashekhar
Richharia, Dr. Govind Das
Sahay, Shri Dayanand
Sahu, Shri Baikunthnath
Sahu, Shri Rajni Ranjan
Sahu, Shri Santosh Kumar
Salve, Shri N. K. P.
Satya Bahin, Shrimati
Sayeed, Mufti Mohamad
Sharma, Shri Chandan
Sharma, Shri Satish Kumar
Shiv Shanker, Shri P.
Siddiki, Shri Shamim Ahmed
Singh, Shri Bir Bahadur
Singh, Shri Bir Bhadra Pratap
Singh, Shri R. K. Dorendra
Singh, Thakur Kamakhya Prasad
Singh, Shrimati Pratibha
Singh, Dr. Rudra Pratap
Singh, Shri Surender

Singh, Shri Vishvjit P.
Solanki, Shri Madhavsinh
Sukul, Shri P. N.
Taimur, Shrimati Anwar
Hariang, Shri Jerlie E.
Thakur, Prof. Chandresh P.
Thakur, Jagatpal Singh
Thakur, Shri Surendra Singh
Thangkabalu, Shri K. V.
Tiria, Kumari Sushila
Tripathi, Shri Chandrika Prasad
Tyagi, Shri Shanti
Verma, Shri Kapil
Verma, Shrimati Veena
Vikal, Shri Ram Chandra
Vora, Shri Motilal

NOES—52

Advani, Shri Lal K.
Amin, Shri Mohammed
Ashwanj Kumar, Shri
Baby, Shri M. A.
Balanandan, Shri E.
Balram, Shri N. E.
Basu, Shri Chittā
Basu Ray, Shri Sunil
Chakravarty, Shrimati Bijoya
Chowdhury, Shrimati Renuka
Das Gupta, Shri Gurudas
Gautam, Shri Anand Prakash
Ghosh, Shri Dipen
Goswami, Shri Ramnarayan
Gowda, Shri D. B. Chandre
Gowda, Shri K. G. Thimme
Gurupadswamy, Shri M. S.
Hashmi, Shri Shamim
Jaswant Singh, Shri
Javali, Shri J. P.
Kalvala, Shri Prabhakar Rao
Kar, Shri Narayan

njachen, Shri P. K.
shman, Prof. C.
her, Shri Mohinder Singh
hajan, Shri Pramod
heswarappa, Shri K. G.
laviya, Shri Satya Prakash
shra, Shri Kailash Pati
rarka, Shri Kamal
ik, Shri L. Narsingh
ik, Shri R. S.
ddar, Dr. R. K.
asem, Shri Mostafa Bin
dhakrishna, Shri Puttapaga
hman, Shri Mohd. Khaleelur
jangam, Shri N.
o, Shri Gopal Rao
o, Shri Moturu Hanumantha
o, Shri Yalla Sesi Bhushana
ddy, Shri B. Satyanarayan
ddy, Dr. G. Vijaya Mohan
n, Shri Ashis
n, Shri Sukomal
nha, Shri Yashwant
vaji, Dr. Yelamanchili
eedharan, Shri Arangil
lari Manohar, Shri
pendra, Shri Parvathaneni
erma, Shri Virendra
adav, Shri Ish Dutt
adav, Shri Ram Naresh

The motion was adopted.

Clause 5 was added to the Bill.

THE DEPUTY CHAIRMAN: We
all now take up clause 6. There
are 20 amendments. Are you mov-
ing them?

Clause 6—Insertion of new Part IVA.

SHRI LAL K. ADVANI: I move:

52. "That at page 4, after line
21, the following proviso be insert-
ed, namely:—

"Provided that in case of an
association or body which is in

existence at the time of the com-
mencement of this Act and is
recognised as a political party by
the Election Commission, no such
application need be made".

[The amendment also stood in the
names of Sarvshri Ashwani Kumar,
Pramod Mahajan, Kailash Pati Mish-
ra Shanker Singh Vaghela, Jaswant
Singh and Atal Bihari Vajpayee]

THE DEPUTY CHAIRMAN: Am-
endment No. 53. Shri Subramanian
Swamy. Absent.

SHRI M. A. BABY: I move:

54. "That at page 4, after line
21, the following proviso be in-
serted, namely:—

"Provided that no political
party shall be eligible for regist-
ration unless it has held and
holds free elections of its office
bearers at least once in three
years failing which it shall seek
permission from the Election
Commission to get the time exten-
ded for holding the organisa-
tional elections for a maximum
period of one year."

[The amendment also stood in the
name of Shri E. Balanandan]

SHRI SUKOMAL SEN: I move:

55. "That at page 4, after line
21, the following proviso be in-
serted, namely:—

"Provided that no political party
shall be eligible for registration
unless it has held and holds free
elections of its office bearers at
least once in three years."

[The amendment also stood in the
name of Shri Dipen Ghosh]

SHRI M. S. GURUPADASWAMY:
Madam, I move:

56. "That at page 4, lines 22 to
29, be deleted."

[The amendment also stood in the
name of Dr. Bapu Kaldate]

SHRI LAL K. ADVANI: Madam,
I move:

57. "That at page 4, lines 23 to 26 be deleted."

[The amendment also stood in names of Sarvshri Ashwani Kumar, Pramod Mahajan, Kailash Pati Mishra, Shanker Singh Vaghela, Jaswant Singh, N. E. Balaram, Chaturanan Mishra, Gurudas Das Gupta, Atal Bihari Vajpayee]

SHRI SATYA PRAKASH MALAVIYA: I move:

58. "That at page 4, lines 43 to 45 be deleted."

SHRI PARVATHANENI UPENDRA: Madam, I move:

59. "That at pages 4 and 5, clause 6 be deleted."

[The amendment also stood in the names of Shri B. Satyanarayan Reddy and Dr. Yelamanchili Shivaji]

SHRI M. S. GURUPADASWAMY: I move:

60. "That at page 5, lines 9-10, the words 'and to the principles of socialism, secularism and democracy' be deleted."

[The amendment also stood in the name of Dr. Bapu Kaldate]

SHRI LAL K. ADVANI: I move:

61. "That at page 5, lines 9-11, for the words 'of India as by law established and to the principles of socialism secularism and democracy, and would uphold the sovereignty, unity and integrity of India' the words 'of India as by law established and would uphold the sovereignty, unity and integrity of India' be substituted."

[The amendment also stood in the names of Sarvshri Ashwani Kumar,

Pramod Mahajan, Kailash Pati Mishra, Shanker Singh Vaghela, Jasu Singh and Atal Bihari Vajpayee]

SHRI N. E. BALARAM: Madam move:

62. That at page 5, line 10, a the word "secularism" the words "world peace" be inserted.

[The amendment also stood in names of Sarvshri Chaturanan Mishra and Gurudas Das Gupta]

SHRI LAL K. ADVANI: I move

63. "That at page 5, line 11, a the words "integrity of India" following be inserted, namely:-

'and that the association body shall conduct period internal democratic elections elect all office bodies and office bearers and their term shall exceed a period of two years.

[The Amendment also stood in names of Sarvshri Ashwani Kumar, Pramod Mahajan, Kailash Pati Mishra, Shanker Singh Vaghela and Atal Bihari Vajpayee]

SHRI N. E. BALARAM: I move

64. "That at page 5, line 11, a the words "integrity of India" following be inserted, namely:-

'and that the association body shall conduct period internal democratic elections to elect office bodies and office bearers a such term should not exceed period of four years.'

[The amendment also stood in names of Sarvshri Chaturanan Mishra and Gurudas Das Gupta]

SHRI LAL K. ADVANI: I move

65. "That at page 5, lines 12 a 13, be deleted."

[The amendment also stood in names of Sarvshri Ashwani Kumar,

Pramod Mahajan, Kailash Pati Mishra, Shanker Singh Vaghela, Jaswant Singh, N. E. Balram, Chaturanan Mishra, Gurudas Das Gupta, Sukomal Sen, Dipen Ghosh and Atal Bihari Vajpayee]

SHRI SUKOMAL SEN: I move:

66. "That at page 5, lines 14 to 17, the words "After considering all the particulars as aforesaid in its possession and any other necessary and relevant factors and after giving the representatives of the association or body reasonable opportunity of being heard" be deleted."

[The amendment also stood in the name of Shri Dipen Ghosh]

SHRI SATYA PRAKASH MALA-VIYA: I move:

67. "That at page 5, lines 14 to 24 be deleted."

SHRI LAL K. ADVANI: I move:

68. "That at page 5, lines 17—19, for the words "shall decided either to register the association or body as a political party for the purposes of this Part, or not so to register it;" the words "shall decide to register the association or body as a political party for the purposes of this Part" be substituted."

[The amendment also stood in the names of Sarvshri Ashwani Kumar, Pramod Mahajan, Kailash Pati Mishra, Shanker Singh Vaghela, Jaswant Singh and Atal Bihari Vajpayee]

SHRI M. A. BABY: I move:

69. "That at page 5, for line 20, the following be substituted, namely:—

"(8) The Commission shall give reasons for its decision in the matter."

[The amendment also stood in the name of Shri E. Balanandan]

SHRI M. S. GURUPADASWAMY: Madam, I move:

70. "That at page 5, for line 25, the following be substituted namely:—

"(8) An appeal against the decision of the Commission shall lie with the Supreme Court."

[The amendment also stood in the name of Shri M. S. Gurupadaswamy]

SHRI SATYA PRAKASH MALA-VIYA: Madam, I move:

71. "That at page 5, lines 25, for the word 'final' the words 'liable to be challenged by way of an appeal to be preferred before the Supreme Court within sixty days from the date of the decision.' be substituted."

The questions were put.

The motions (Amendments Nos. 52, 54 to 71) were negatived.

THE DEPUTY CHAIRMAN: The question is:

"That Clause 6 stand part of the Bill."

The House divided.

THE DEPUTY CHAIRMAN: (After taking a count)

Ayes 124

Noes

The motion was adopted.

Clause 6 was added to the Bill.

CLAUSE 7

THE DEPUTY CHAIRMAN: Now, I take up Clause 7. There are two amendments—Amendment No. 72 by Shri Lal K. Advani and Amendment No. 73 by Shri P. Upendra.

SHRI LAL K. ADVANI: I move:

72. "That at page 5, for lines 30—36, the following be substituted, namely:—

"7. In section 33 of the principal Act,— (a) for sub-section (1), the following sub-section shall be substituted, namely:—

(1) 'On or before the date appointed under clause (a) of section 20, each candidate shall, either in person or by any of his proposers, between the hours of eleven o' clock in the afternoon, deliver to the returning officer at the place specified in this behalf in the notice issued under section 31, a nomination paper completed in the prescribed form and signed by the candidate and by atleast twenty electors of the constituency representing:

(i) in the case of Lok Sabha election, every single Assembly segment of the constituency; and

(ii) in the case of an Assembly election, at least five different polling stations of the constituency.

(b) to sub-section (1) the following proviso shall be inserted, namely:—

"Provided that in the case of local authorities' constituency, graduates, constituency or teacher constituency, the reference to "an elector of the constituency as proposer" shall be construed as a reference to "ten per cent of the electors of the constituency or ten such electors, whichever is less as proposers."

[The amendment also stood in the names of Sarvshri Ashwani Kumar, Pramod Mahajan, Kailash Pati Mishra, Shanker Singh Vaghela, Jaswant Singh and Atal Bihari Vajpayee]

SHRI PARAVATHANENI UPENDRA: I move:

73. "That at page 5, after line 36, the following proviso be inserted namely:—

"Provided further that in the case of Parliamentary or Assembly constituency the reference to "an elector of the constituency as proposer" shall be con-

trued as a reference to "25 per cent of the electors of any one polling station of the constituency or one hundred such electors, whichever is less, as proposers."

[The amendment also stood in the names of Sarvshri B. Satyanarayan Reddy and Dr. Yelamanchili Sivaji]

The questions were proposed.

श्री लाल कृष्ण आडवाणी : मैडम, खाली एक शब्द कहूंगा, क्योंकि नान-सीरियस कैंडिडेट कम होने चाहिए इस बारे में सिद्धांततः सब लोग सहमत हैं। लगता है कि व्यवहारिक तौर पर कोई दिक्कत हुई कि हम कैसे करें और केवल अपना डिपॉजिट बढ़ाने से या और जो प्रस्ताव है उनसे काम बनता नहीं, इसलिए हमने एक प्रस्ताव यहां पर लाया है। विधान परिषद चुनावों में नान-सीरियस प्रायः होते नहीं हैं राज्य सभा के इलेक्शन में नान-सीरियस कैंडिडेट कहीं-कहीं पर थोड़े-बहुत होते हैं... (स्ववधान)

श्री कल्पनाय राय : धरतीपकड़ ।

श्री लाल कृष्ण आडवाणी : लेकिन वह समस्या नहीं है। उसमें भी मेरा एक सुझाव है। एक समय था पहले जब असेंबली के चुनाव के लिए, लोक सभा के चुनाव के लिए प्रॉपोजर भी होता था और सैंकण्डर भी होता था, लेकिन बाद में हमने प्रॉपोजर और सैंकण्डर में से एक को हटा दिया और कह दिया कि खाली एक प्रॉपोजर काफी है। जबकि सारी दुनिया के देशों में यहां तक कि हाउस आफ कामन्स जिसमें कांस्टीट्यूंसी बहुत छोटी होती है 75 हजार 80 हजार वोटर होते हैं वहां पर भी 10 प्रॉपोजर रखते नामीनेशन के लिए और हमने यहां हिन्दुस्तान में जहां 8-8, 10-10 लाख वोटर वहां पर एक प्रॉपोजर काफी माना है। मैंने अपने इस संशोधन में सुझाव दिया है, संशोधन 72, कि हम लोक सभा के लिए यह अनिवार्य करें कि कम से कम 20 प्रस्तावक होंगे और वह 20 उस लोक सभा क्षेत्र में जितनी विधान सभा सैगमेंट्स हैं आठ हैं, सात हैं, छः हैं, सब में से होंगे। मैं नहीं मानता हूं कि यह कोई फूलप्रूफ सुझाव है। फूलप्रूफ सुझाव न होते हुए भी मेरी

मान्यता है कि उस समय जो लास्ट डे आफ नामीनेशन पर कोई भी फार्म भर देता है एक आदमी से प्रस्ताव करवा के और भरवा दिया, उसमें कुछ रोक लगेगी और इसीलिए मैं चाहूंगा आज शायद माननीय मंत्री जी इसको स्वीकार करने की स्थिति में नहीं होंगे, कर लें तो मुझे बहुत खुशी होगी, लेकिन इस पर पुनर्विचार करें और अगली बार जब अपना रिप्रेजेंटेशन आफ पीपुलज् अमेंडमेंट बिल लाये तब इसको विचार करके लायें।

SHRI PARVATHANENI UPENDRA: Madam, in Amendment No. 79 I have made two suggestions. One is for raising the ceiling on expenditure in elections. Today for Assemblies it is Rs. 35,000 and for Parliament it is Rs. 1 lakh. All of us know, they are very unrealistic and very deceptive, and no hon. Member standing for election to an Assembly or Parliament is sticking to this ceiling. Therefore, I suggested the amendment. Let us be honest about this thing. Let us raise the ceiling at least to a reasonable limit. So, I suggest that for the Assembly let it be Rs. 50,000 and for Parliament Rs. 2.5 lakhs. It does not affect anybody. I do not know why the hon. Minister did not consider this reasonable suggestion.

Secondly, in the same amendment I propose state-funding of elections. The Minister has rejected it outright. I am sure, he has not studied the implications of this. I have already mentioned this in the House and I have also explained to the Minister how the Andhra Pradesh Government is going ahead with its Bill for state-funding, which has been welcomed by all the parties. It is practicable. The expenditure is also not astronomical as many people put it. For the Lok Sabha it costs only Rs. 55 crores. Therefore, we should at least start with the Lok Sabha elections and go on for state-funding. That is the only way to reduce money power.

Also simultaneously we should also put limits on campaigning items. I have explained that in my speech already. That is why I request the Minister that at least in the text Bill he should consider these things and incorporate them in it.

THE DEPUTY CHAIRMAN: Now you are not pressing the amendment. Or do you still want to press the amendment? Or do you want to withdraw it?

SHRI LAL K. ADVANI: Let there be no division.

THE DEPUTY CHAIRMAN: Division, in any case, we cannot have. The machine is not working.

I now put Amendment Nos. 72 and 73 to vote.

Amendment Nos. 72 and 73 were negatived.

THE DEPUTY CHAIRMAN: I shall now put clause 7 to vote.

The question is:

"That clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

New Clause 7A

THE DEPUTY CHAIRMAN: Now we take up new clause 7A. There is one amendment by Mr. Upendra, Amendment No. 74.

SHRI PARVATHANENI UPENDRA: I move:

"That at page 5, after clause 7 the following new clause be inserted, namely:—

"7A. In section 34 sub-section (1) of the principal Act for the words "five hundred" and "two hundred and fifty" respectively the words "fifteen thousand" and "ten thousand" respectively shall be substituted."

[Shri Parvathaneni Upendra]

[The amendment also stood in the names of Sarvshri B. Satyanarayan Reddy and Dr. Yelamanchili Sivaji.]

The question was put and the motion was negatived.

THE DEPUTY CHAIRMAN: The question is:

"That clauses 8 and 9 stand part of the Bill."

The motion was adopted.

Clauses 8 and 9 were added to the Bill.

Clause 10—Insertion of new section 58A

THE DEPUTY CHAIRMAN: We shall now take up clause 10. There are two amendments, Nos. 75 and 76, by Shri N. E. Balaram and Shri M. S. GURUPADASWAMY.

SHRI N. E. BALARAM: I move:

75. "That at page 6, line 21 and wherever they occur the words "at a place" be deleted."

[The amendment also stood in the names of Sarvshri Chaturanan Mishra and Gurudas Das Gupta]

SHRI M. S. GURUPADASWAMY: I move:

"That at page 6 after line 26, the following be inserted, namely:—

"(c) during the election time the police officers or any persons deputed for keeping peace in the locality and to ensure peaceful holding of elections creates willfully a situation by which voters could not come and participate in the election; or

(d) during the process of election either the presiding officer or the polling officers themselves cast the vote on the plea of inability of voters or otherwise and cast the vote against the will and choice of the voter." "

[The amendment also stood in the name of Dr. Bapu Kaldate]

The questions were put, and the motions were negatived.

THE DEPUTY CHAIRMAN: I shall now put clause 10 to vote. The question is:

"That clause 10 stand part of the Bill."

The motion was adopted.

Clause 10 was added to the Bill.

Clause 11—Insertion of new section 61A.

THE DEPUTY CHAIRMAN: We shall now take up clause 11. There is one amendment, No. 77 by Shri Chitta Basu.

SHRI CHITTA BASU: I move:

"That at page 7, lines 5—7, the words "in such constituency or constituencies as the Election Commission may having regard to the circumstances of each case, specify" be deleted."

The question was put, and the motion was negatived.

THE DEPUTY CHAIRMAN I shall now put clause 11 to vote.

The question is:

"That clause 11 stand part of the Bill."

The motion was adopted.

Clause 11 was added to the Bill.

Clause 12—Amendment of section 77.

THE DEPUTY CHAIRMAN: We shall now take up clause 12. There are two amendments, Nos. 78 and 79 by Mr. Upendra.

SHRI PARVATHANENI UPENDRA:
I move:

"That at page 7, line 15, after the word and figure "Explanation 2" the words "and first and second proviso" be inserted."

[The amendment also stood in the names of Shri B. Satyanarayan Reddy and Dr. Yelamanchili Sivaji.]

I also move:

That at page 7 after line 16, the following Explanation be inserted, namely:—

(7) "Explanation 1.—Notwithstanding anything contained in any other Section of this Act, the total of the said election expenditure incurred by the political party of the candidate or any other association or supporters of the candidate, should not exceed Rs. two lakh and fifty thousand in case of Parliament and rupees fifty thousand in case of Assembly.

Explanation 2.—The Government shall initiate and operate a scheme for State funding of Elections for Parliament and State Legislature prescribing such particulars as are desirable or expedient for proper control of money power in the elections and for this purpose shall constitute a fund called 'The Election Fund' consisting of grants made by the Union and the State Governments and collection of special cess for meeting the expenditure incurred in connection with or incidental to the elections, including by-elections."

[The amendment also stood in the names of Shri B. Satyanarayan Reddy and Dr. Yelamanchili.]

The questions were put, and the motions were negatived.

THE DEPUTY CHAIRMAN: The question is:

"That Clause 12 stand part of the Bill."

The motion was adopted.
Clause 12 was added to the Bill.

Clause 13—Amendment of section 123

THE DEPUTY CHAIRMAN: On Clause 13 there are three amendments by Mr. Gurupadaswamy and Mr. Advani.

SHRI M. S. GURUPADASWAMY: I move:

80. "That at page 7, after line, the following be inserted, namely:—

(a) after the proviso to clause (3) the following further proviso shall be inserted, namely:—

"Provided further that if a candidate is set up or seeks or receives the support of an organisation or a political party whose membership is open to citizens belonging only to certain religion, race, caste community or language it shall be deemed to be an appeal by the candidate on such ground."

[The amendment also stood in the name of Dr. Bapu Kaldate]

SHRI LAL K. ADVANI: I move:

81. That at page 7, after line 21 the following be inserted, namely:—

"(9) Use of official cars, planes, helicopters and other vehicles by persons holding official positions for the purpose of furthering the election prospects of any political party or candidate."

[The amendment also stood in the names of Sarvshri Ashwani Kumar,

[Shri Lal K. Advani]

Pramod Mahajan, Kailash Pati Mishra, Shanker Singh Vaghela, Jaswant Singh, M. S. Gurupadaswamy, Dr. Bapu Kaldate Sukomal Sen, Dipen Ghosh and Atal Bihari Vajpayee.]

"That at page 7, after line 21 the following be inserted, namely:—

"(9) Violation of the following provisions of the 'Code of Conduct' drawn up by the Election Commission:

(i) Ministers shall not combine their official visit with the electioneering work and shall not also make use of official machinery or personnel during electioneering work;

(ii) Government vehicles machinery and personnel shall not be used for furtherance of the interest of the party in power;

(iii) Public places such as maidans, etc., shall not be monopolised by the ruling party for holding election meetings. Other parties and candidates shall be allowed the use of such places on the same terms and conditions on which they are used by the party in power;

(iv) Rest houses, dak bungalows or other Government accommodation shall be allowed to be used by other parties or candidates in a fair manner;

(v) issue of advertisements at the cost of public exchequer in newspaper and other media during the election period regarding their achievement with a view to furthering the prospects of the party in power shall be scrupulously avoided;

(vi) Ministers and other authorities shall not sanction grants payments out of discretionary fund from the time elections

are announced by the Commission; and

(vii) from the time the elections are announced by the Commission, Ministers and other authorities shall not make any promise to the electorate of construction of roads, provision of drinking water facilities, etc. which may have the effect of influencing the voters in favour of the party in power."

[The amendment also stood in the names of Sarvshri Ashwani Kumari Pramod Mahajan, Kailash Pati Mishra Shanker Singh Vaghela and Atal Bihari Vajpayee]

The questions were proposed.

श्री लाल कृष्ण आडवाणी : मेरे दो संशोधन हैं—81 और 82। मैं इनको बहुत महत्वपूर्ण मानता हूँ। इसका कारण यह है कि जब संयुक्त समिति बनी थी तब यह प्रस्ताव आया था कि सत्ता का दुरुपयोग सत्ताधारी दल न करे इस दृष्टि से एक कोड आफ कंडक्ट बनाया जाय और वह कोड आफ कंडक्ट बना। इलेक्शन कमीशन ने कोड आफ कंडक्ट बनाया। दुर्भाग्य से आज उस कोड आफ कंडक्ट का पालन नहीं होता। उसका उल्लंघन ही होता है। वह किसी एक पार्टी के द्वारा नहीं होता है, जो भी पार्टी सत्ता में आती है उसकी प्रवृत्ति होती है उस कोड का उल्लंघन करने की। सत्ता हरेक को बिगाड़ती है। कोई उससे बचता नहीं है। इसलिए स्वयं इलेक्शन आयोग ने यह सुझाव दिया है और उन्होंने कहा है कि करप्ट प्रैक्टिसेज जो कानून में लिखा हुआ है, लेकिन ऐसी चीजें जो करप्ट प्रैक्टिस नहीं हैं जिनको सुप्रीम कोर्ट ने कहा है कि यह ईविल प्रैक्टिसेज हैं। सत्ता का दुरुपयोग, उसको सुप्रीम कोर्ट ने ईविल प्रैक्टिसेज करके कहा है। स्वयं चुनाव आयोग ने सिफारिश की है कि जिनको सुप्रीम कोर्ट ने ईविल प्रैक्टिस, भ्रष्ट आचरण के बजाय दुष्ट आचरण कहा है, उस दुष्ट आचरण को भी कानूनी तौर पर भ्रष्ट आचरण की परिधि में लाया जाय। ये दोनों सुझाव—81 और

82, उसी उद्देश्य की पूर्ति के लिए है। इसमें 82 तो मैंने शब्दशः इलेक्शन कमीशन की सिफारिश में से लिया है। अपना क भी शब्द नहीं जोड़ा है। लेकिन 81 जो है जिसमें मैंने कहा है कि—

Use of official cars, planes, helicopters and other vehicles by persons holding official positions for the purpose of furthering the election prospects of any political party should also be included in the corrupt practice.

अ. 82 के अन्तर्गत 81

न. इस मामले में एक प्रावधान और जोड़ दूँ क्योंकि आज प्रधान मंत्री को हवाई जहाज और हेलिकाप्टर के प्रयोग की अनुमति इस आधार पर दी है कि सुरक्षा की दृष्टि से आवश्यक है। मैंने स्वयं प्रधान मंत्री जी से निवेदन किया था कि आज जब आप इस का प्रयोग करते हैं तो कांग्रेस पार्टी उसके लिये किराया देती है। उसका परिणाम यह होता है कि आपकी सुरक्षा हो गयी, लेकिन चुनाव की लड़ाई वह असमान हो गयी। अनइक्वल हो गयी।

The battle becomes unequal and un-

fair.

मेरा सुझाव है कि अगर सभी पर पाबंदी लगायी जाय तो मैं उसे स्वीकार कर लूँगा लेकिन अगर सुरक्षा के कारण प्रधान मंत्री को एअर फोर्स के हेलिकाप्टर और वायुयान के प्रयोग की अनुमति होगी तो जिन शर्तों पर उनको अनुमति दी जाय उन्हीं शर्तों पर मान्यता प्राप्त विरोधी दलों को भी हेलिकाप्टर और वायुयान लिए जाने चाहिए। यह मेरा सुझाव है।

SHRI HANS RAJ BHARDWAJ: Madam so far as the "Code of Conduct" is concerned, I don't believe that this is not being followed. It may have been violated in a few instances here and there. But I can say with confidence that we do believe in enforcing the 'Code of Conduct' and in our party we see that the "Code of Conduct" is enforced. I would advise the other side to impress upon their parties wherever they are in power to enforce it.

So far as the Prime Minister is concerned, there is no question of compromise with the security of the Prime Minister. The Prime Minister is the leader of this country and we cannot compromise with his security.

So far as the aeroplanes and helicopters are concerned, I read only yesterday that for some petty election meetings they took State plane. That is the question of practice and you cannot deny it. Planes are owned by many States and they are using it. Helicopters can be hired but it is difficult to equate the position of the Prime Minister, the leader of the nation, with others.

THE DEPUTY CHAIRMAN: Now I put amendments No. 80, 81 and 82 to vote.

Amendments Nos. 80, 81 and 82 were negatived.

SHRI LAL K. ADVANI: Madam, I would like to press my amendments.

THE DEPUTY CHAIRMAN: Mr. Advani, the machine is short circuiting. But if you want, I can count the people.

SHRI LAL K. ADVANI: We will accept the voice vote.

THE DEPUTY CHAIRMAN: Okay, voice vote accepted.

I shall put Clause 13 to vote.

The question is:

"That Clause 13 stand part of the Bill."

The motion was adopted.

Clause 13 was added to the Bill.

Clause 14 was added to the Bill.

THE DEPUTY CHAIRMAN: We shall take up Clause 15. There is amendment No. 83 by Shri M. S. Guruswamy.

[The Deputy Chairman]

Clause 15 (Insertion of new section 15A).

SHRI M. S. GURUPADASWAMY:
Madam, I move:

"That at page 8, after line 21, the following be inserted, namely:—

"(f) securing the assistance of a Government servant belonging to any class to make any arrangements or provide any facilities or does any other act or thing for election of the candidate.

(g) for doing any act which promotes or attempts to promote disharmony or feeling of enmity, hatred or ill-will between different religious racial, language or religious groups or caste or communities or for carrying on of any activity prejudicial to the sovereignty, unity and integrity of India or for doing any act in contravention of the provisions of the Prevention of Insults to National Honour Act, 1971 or for carrying on any unlawful or subversive act prohibited under any law for the time being in force or in contravention of any order made by the Court."

[The amendment also stood in the name of Dr. Bapu Kaldade.]

The question was put and the motion was negatived.

THE DEPUTY CHAIRMAN: Now, I shall put Clause 15 to vote. The question is:

"That Clause 15 stand part of the Bill."

The motion was adopted.

Clause 15 was added to the Bill.

Clause 16 was added to the Bill.

Clause 1 (Short title and commencement)

THE DEPUTY CHAIRMAN: Now, we take up Clause 1. There are two amendments by Shri Lal K. Advani and Shri N. E. Balram and others.

SHRI LAL K. ADVANI: Madam, I move:

"That at page 1, for lines 7 to 11, the following be substituted namely:—

"(2) It shall come into force on the first day of January 1989."

[The amendment also stood in the names of Sarvshri Ashwani Kumar, Pramod Mahajan Kailash Pati Mishra, Shankar Singh Vaghela, Jaswant Singh and Atal Bihari Vajpayee.]

SHRI N. E. BALRAM: Madam, I move:

"That at page 1, for line 7 to 11 the following be substituted namely:—

"(2) It shall come into force at once."

[The amendment also stood in the names of Sarvshri Chaturanan Mishra, Gurudas Das Gupta, Sukomal Sen, Dipen Ghosh, M. A. Baby and E. Balanandan.]

The questions were put and the motions were negatived.

THE DEPUTY CHAIRMAN: Now, I shall put Clause 1 to vote. The question is:

"That clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

The Enacting Formula and the Title were added to the Bill.

THE MINISTER OF STATE IN THE MINISTRY OF LAW (SHRI HANS RAJ BHARDWAJ): Madam, I beg to move;

"That the Bill be passed."

The question was proposed.

THE DEPUTY CHAIRMAN
How many people want to speak on
Third Reading?

SOME HON'BLE MEMBERS: Ma-
dam, we have given the names.

THE DEPUTY CHAIRMAN:
Yes, Mr. Lakshmanna.

PROF. C. LAKSHMANNA (Andhra Pradesh): Madam Deputy Chairman, I stand even at this late stage to impress upon the Government to consider at least the following five points which are of very vital importance. Madam, in the first case, this Government has been saying that it has strengthened the parliamentary institutions. We have to strengthen the democratic institutions. Among the democratic institutions, while we recognise the Election Commission, the Planning Commission etc. etc. ... (Interruptions)

THE DEPUTY CHAIRMAN
Order, please.

PROF. C. LAKSHMANNA: ... as the democratic institutions, I recognise that they are very important institutions. But, Madam, in a country which has adopted a parliamentary system, the States are as important an institution as the Union. But, Madam by this particular Bill, the States are sought to be made subservient to the Election Commission and therefore to the Union Government and it is not in the interest of the country as a whole. There has to be an absolute trust between the States and the Union Government. The day there is no trust between the States and the Union, there is a possibility of deadlock coming up. Therefore, I would like the Government to reconsider, even at this stage this particular section namely 28 A, because if there is some lapse on the part of the State Government, that can be corrected. But taking away the powers of the State Government by putting them under the Election Commission, therefore under the

Central Government, will have a very disastrous and a very bad consequence. Therefore, I will appeal to the Minister to accept that.

The second point is with regard to the multi-member Election Commission. There has been a conflict of views. The Minister for law and the Minister of State for Law, have stated that the possibility of multi-member Commission is not ruled out. It is part of Article 324 of the Constitution. But the Prime Minister, while intervening in the debate, mentioned it categorically that there cannot be a multi-member Commission because if we have multi-member Commission, it is not having trust in the Election Commission of the present day. Therefore, I would like to have a clarification from the Government whether there is a possibility of having a multi-member Election Commission as provided in the Constitution or whether the Government is only standing on the statement made by the Prime Minister that there cannot be a multi-member Commission.

THE DEPUTY CHAIRMAN:
Please be brief.

PROF. C. LAKSHMANNA: I am very brief, I am only on the point. The Minister just now stated that they have implemented all the recommendations of the Election Commission except three. I would like to categorically know from him whether there was a recommendation by the Election Commission that holding of organizational elections should be one of the prerequisites for having elections or not. If that is the case, why has it not been recognized? The onus rests with the Government because their party, namely the Congress-I has not held elections for the organization. Therefore, there is a possibility of misunderstanding in the country by the people that they do not want to have such clauses included because they are not in a position to hold elections in their or-

[Prof. C. Lakshmanan]

ganization. I would seek clarifications on this.

The fourth point is with regard to money power. Madam, I am making a point which has not been made by anybody else. Section 77 of the Representation of the People Act clearly states the limits under which money can be there one lakh and thirty-five thousand rupees. Unfortunately, after 1975, after Mrs. Indira Gandhi's election, an Explanation has been added by which a party, an association of individuals, can also spend which means in practice, it is not one lakh, in practice it is not thirty-five thousand, but much more than one lakh and thirty-five thousand. Therefore, there is a need for curbing money power. There is a need for curbing its extent. I would like to ask the Government to kindly consider this and let us know its view.

I come to the fifth point. It is about clause 29A. Madam, in Pakistan when there was dictatorship an attempt of the same nature as contained in this clause was made and the Supreme Court of Pakistan, by a unanimous decision of 11 Judges, said that that was not proper, on a petition made Ms. Benazir Bhutto who is the Prime Minister of that country now. All of us have been praising that democracy has been restored there. But the very clause on which Ms. Bhutto fought is being introduced here. That means there is an attempt to undermine democracy. (Interruptions). I would like to know from the Government whether they are for democracy. If you are for it why do you want to have the draconian clause which was opposed in a sister country?

Madam, the second part of my final point is that there is distortion of democracy which all of us have to guard. The Election Commission has been given power in respect of important things like the change of head office change of name, change of office-bear-

ers, address or political principles policies, aims and objectives. These should be immediately communicated (Interruption). It is the right of political party to change its office bearers etc. Asking it to immediately report this is an infringement of the individual rights exercised by the members of the political party. Therefore I would like to the Government to kindly delete this also. Thank you

THE DEPUTY CHAIRMAN
Now, Mr. Dipen Ghosh. Please be brief. Let us not make it another debate.

Shri DIPEN GHOSH (West Bengal):
I am not making it another debate. I only want an assurance from the hon. Minister for Law and Company Affairs.

SHRI HANS RAJ BHARDWAJ:
Only law, not company affairs.

SHRI DIPEN GHOSH: Only law. I am sorry that you have lost company affairs. (Interruptions). We have passed a Constitutional Amendment. There was a lot of debate whether it was historic or not. I am not going to enter into that debate. But the fact is, we are happy because my party was the first party which lowered the voting age from 21 to 18 years in the matter of civic elections as far back as in 1978. And Madam, we are all the more happy that at that time the Congress (I) had opposed it and had gone to the Supreme Court and now the same Congress (I) the ruling party, has taken the lead from us.

SHRI PAWAN KUMAR BANSAL:
It was by an individual and not by the party.

SHRI DIPEN GHOSH: Just listen. Even Mr. Bhardwaj knows, our Law Minister knows, that even in the other House, while introducing the Constitution (Amendment) Bill, they had to seek suspension of rule 67 of the Rules of Procedure and

Conduct of Business in the Lok Lok Sabha because already there was a Private Member's Bill appearing in the name of a Member of my party of the Lok Sabha, proposing the amendment of the Constitution for lowering the age from 21 to 18. So, though it is belated wisdom, I must give my thanks to the Government for having at least this belated wisdom and for having taken the lead from our party in bringing forward this measure.

But there is another point also which our Law Minister has stated while replying and which the Prime Minister also had stated and it is that in the rules they are going to make, there is going to be the introduction of multi-purpose identity cards with photographs of the voters. Here I want to make it very clear that in the given socio-economic structure of our country, of which our learned Law Minister is very much aware, the introduction on multi purpose identity cards with photographs will lead to disfranchisement of a large section of the population who are dependent, on various counts, on various forces who are privy to the powers that be. I know what will happen in the villages where the Harijans are there in large numbers. He also was talking of Harijans and even with regard to the Harijans, we have the experience that in certain parts of the country they are debarred from going to the polling booths. That is what the Minister also has stated. We know how these people will be dependent on the other forces if this multi-purpose identity card system is introduced. What I want to point out is—yesterday it was also discussed in some other connection—that as the Constitutional requirement or the legal requirement stands today, this Constitution (Amendment) Bill has to go to the State Legislatures for ratification and, after the assent of the President is obtained, section 19 of the Representation of the People Act has to be changed in order to

enable the youth of our country to vote. It is because section 19 of the Representation of the People Act has not been sought to be amended as yet since the Constitution (Amendment) Bill would be given assent to by the President after ratification by the State Legislatures. Even the Law Minister has gone on record saying that he must come to Parliament again for amendment of section 19 of the Representation of the People Act. But it involves time. So, there is an apprehension in the electorate, which has been aired by the newspapers also, that this may be used as an alibi to defer the election which is due next year. That is why I want to get a categorical assurance from the Government that whatever measures this Parliament has already passed and is going to pass, these measures would not be considered as an alibi by the Central Government to defer the election which is due next year. So, will the honourable Minister kindly assure the House that the election will not be deferred on the ground of implementing all these measures which are going to be passed by this House?

THE DEPUTY CHAIRMAN: Yes, Mr. Advani. I would request the able Members to be short and precise in their observations.

SHRI LAL K. ADVANI: Madam, having participated at the earlier stage and fully, I am not going to take much time except to point out that at the very outset of this debate on the two Bills, ... I had sought clarification on whether the Amendment of the Constitution needed ratification by half the States or not, whether the proviso to Article 368 covers this particular Amendment of the Constitution or not. And I would expect the Minister, when he replies to the Third Reading, to reply to this point and clarify the situation, what the Government's stand is.

The second point is that I have always viewed that we in India have

[Shri Lal K. Advani]

been working our democratic set-up with a considerable measure of success which very few countries in the world who became independent from colonial rule around 1947 have been able to do. And during these four decades, we have had elections very regularly. The purpose of electoral reform is to make elections more and more free and more and more fair. This particular Bill that we are passing today is a step in that direction. I hold that the points and the factors and the maladies which afflict the system and detract from the fairness and freedom of elections are money power, ministerial power, media power and muscle power. My regret is that this particular Bill deals to some extent with muscle power...

SHRI DIPEN GHOSH: Four Ms or five Ms?

SHRI LAL K. ADVANI: Four Ms of electoral corruption if you call it, but four maladies which make the system unfair. It may not make it unfree. Very many friends here said that finance does not decide, Tatas and Birlas do not win, I agree. But money power does make an election unfair. It may not decide the election. Therefore, I would again appeal to the Government to deal with the other maladies which have not been dealt with and which have made those of us who have been advocating electoral reforms extremely disappointed. These are the only two points I want to make.

SHRI A. K. ANTONY (Kerala): Madam, I am happy to support this Bill. And I am also happy to inform the House that in local bodies elections in Kerala, this right was given to the people who were below 21, before West Bengal did it. I am glad to inform that at that time I was the Chief Minister of Kerala in 1978.

SHRI DIPEN GHOSH: You have got the wisdom from us because you were in our company. Many may not know that.

SHRI A. K. ANTONY: The Marxist Party was in the Opposition. CPI was with us.

SHRI DIPEN GHOSH: But you got the training from us.

श्री सत्य प्रकाश (उत्तर प्रदेश): महोदय, इस विधेयक को जो धारा 29(ए) है इसमें राजनैतिक पार्टियों के पंजीकरण के लिए पहली भरतबा प्रावधान किया जा रहा है और इसको देखने का सारा अधिकार चुनाव आयोग को दिया गया है। इसके अलावा इसकी उपधारा (8) में यह दिया गया है कि दी डिस्मिशन आफ दी कमीशन शील बी फाइनल। मेरा निवेदन है कि लोकतंत्र में किसी संस्था को इतने निरंकुश अधिकार देना खतरे से खाली नहीं होता है। इसलिए मेरा कहना है कि इस बात का प्रावधान होना चाहिए कि आयोग को जो भी फैसला लेना हो वह ले, लेकिन किसी भी राजनैतिक दल के संबंध में फैसला देने के बाद किसी भी व्यक्ति को आयोग के निर्णय के विरुद्ध सर्वोच्च न्यायालय में जाने का अधिकार होना चाहिए। इस पर आप तुरन्त विचार करें क्योंकि हाई कोर्ट में जो फैसले होते हैं, उच्च न्यायालय जो निर्णय लेता है, उसके फैसले के विरुद्ध सर्वोच्च न्यायालय में अपील की जा सकती है। सर्वोच्च न्यायालय खुद जो फैसले लेता है उनको रिव्यू कर सकता है। इसलिए मेरा अनुरोध है कि यह निरंकुश अधिकार आप मत दीजिये और इसमें कम से कम अपील करने का अधिकार जरूर दे दीजिये।

DR. YELAMANCHILI SIVAJI: Madam, there is no provision to con-

control the money power as far as this Bill is concerned. Every MLA or every Member of Parliament in Lok Sabha starts his career with a false declaration of his expenses. So, instead of continuing with this Rs. 35,000 or Rs. 1 lakh business as far as Assembly and Lok Sabha are concerned, why not you have a reasonable rethinking in view of the cost escalation and inflationary rate in the country and enhance the minimum ceiling for expenses in an election?

SHRI HANS RAJ BHARDWAJ: Madam, so far as the points raised by the hon. Members are concerned...

SOME HON. MEMBERS: We cannot hear you. Please come to the front bench.

THE DEPUTY CHAIRMAN: The thing is that you don't want to hear him.

SHRI HANS RAJ BHARDWAJ: I cannot go on shuffling like that. Okay, I will speak louder. I think everybody can hear me now.

Yesterday, Hon. Member, Shri Lal K. Advani raised by way of a special mention the question whether this Bill, which was just now being passed, will need any ratification in view of the provision of article 368. We had replied to the Secretariat in the Rajya Sabha that the view taken by the Law Ministry was that it did require ratification and the hon. Minister said so in his opening speech before this House. Yesterday, when the special mention was made I again checked up with the Ministry and the view taken in consultation with the Law Officers is that it needs ratification and in any case to remove all doubts we will further check up and I will reply to the hon. Member in writing.

So far as the other points are concerned, namely, multi-purpose cards and all these things, on these points there is almost unanimity...

SHRI PARVATHANENI UPENDRA: Will you advise the State Governments to convene special sessions of the Assembly in January so that they can ratify...

SHRI HANS RAJ BHARDWAJ: Can I advise the State Governments? I cannot. I will request for speedy implementation. That is the proper thing. We can request the State Governments to speedily implement, because once something has been given it should be implemented speedily and it is everybody's desire to see that whatever has been given is implemented in the shortest possible time.

Then, Madam, one point has been made that no appeal has been given against the decision of the Election Commission. The power of judicial review of our courts is well known and I need not say anything about that.

SHRI DIPEN GHOSH: Madam, he has not replied to my question, namely, whether for implementing all these things, for enumeration of new voters and all other things, they have taken the necessary steps. There is an apprehension that it would be taken as an alibi for deferring the election which is due next year. Is the Government prepared to give an assurance to this House....

SHRI HANS RAJ BHARDWAJ: You are suffering from hallucinations.

SHRI DIPEN GHOSH: You give us the assurance. Otherwise we will conclude, since you are not giving direct reply....

SHRI DIPEN GHOSH: These are all imaginary things which need not be answered....

THE DEPUTY CHAIRMAN: Now, I will put the motion.

The question is:

"That the Bill be passed."

The motion was adopted.