

The House then adjourned for lunch at twenty-seven minutes past one of the clock.

The House reassembled after lunch at thirty-one minutes past two of the clock,
MR. DEPUTY CHAIRMAN in the Chair.

The Representation of the People (Second Amendment) Bill, 2008

SHRI P.R. RAJAN (Kerala): Mr. Deputy Chairman, Sir, while introducing the Bill, the Minister has explained, in detail, the circumstances in which the Bill was presented in the House. He himself has agreed with rampant corruption and violation of rules in the years since 1996 when the last Bill was passed in the Council. Now, the position continues as such. That was his explanation. So, it has become necessary to introduce a new Amendment Bill, 2008, plugging out the loopholes in the 1996 Election Rules. Therefore, the 22 proposals, received from the Election Commission for banning such loopholes, were issued. What were the proposals? One was about the district-wise Appellate Authority. In the first proposal made by the Election Commission, there were complaints, in the preparation of electoral rolls, of removing the names of voters from the electoral rolls, without taking any evidence from the persons concerned. This may be either at the intervention of the ruling party or of the other authorities concerned.

The other complaint was the intervention of the Commission in regard to the existing rules and regulations. In a democracy, in any parliamentary democracy, in any form of Government and democracy, the process of election has to be free, fair and equitable. But during the past many years, the entire process was done contrary to the above principles. In these circumstances, it was felt necessary that some need-based measures be taken to remove the loopholes noticed in the Representation of the People Acts of 1950 and 1951 (43 of 1951). In July, 2004, the Election Commission of India had forwarded a set of 23 proposals on electoral reforms to the Government for consideration. While considering the proposals of the Election Commission it was felt appropriate to examine certain proposals in respect of electoral reforms and examine the aforesaid Acts of 1950 and 1951. The formation of an appellate authority within the districts is one among them.

While considering the above issue, it has to be remembered that no officer who is supposed to be engaged in the election process should be transferred just before and after or in-between after the declaration of the election. Another point is the simplification of the entire election process and disqualification of the person found guilty of corrupt practices. Telecast of exit polls has to be stopped because of the long process of election. It may affect the last election process.

Another proposal is regarding corrupt practices. The existing practice of election campaign sometimes runs against the spirit of the people's right to choose a candidate in a democratic manner. The recent election in Jharkhand is a clear example. Shri Madhu Koda has spent crores of rupees for the election campaign.

Another is regarding the officers who are supposed to be posted for election duties. No officer who is supposed to be engaged in the election process should be transferred just before and in-between after the declaration of the election.

An appellate authority must be appointed within the district for hearing complaints against corrupt practices. The Enquiry Officers must be appointed well in advance as a statutory body. The State Election Inquiry Commission must be appointed as a statutory body of the State.

The money flow in the election must be restricted with appropriate vigilance machinery. The complaints against corrupt practices must be taken into account immediately. If the Inquiry Commission notices any corruption or the expenses involved in the campaign are beyond the prescribed limit, the elected candidate must be kept under suspension till he is cleared of the charges or disqualified.

Another point is that, as per the Representation of the People Act, in the case of parliamentary constituency the security deposit for a general candidate is now Rs.10,000 for a general seat and for the Scheduled Castes and the Scheduled Tribes it is Rs.5,000. This provision should be amended and the security deposit for the general candidate should be reduced to Rs.5,000 and the Scheduled Castes and the Scheduled Tribes must be exempted. In the case of Assembly Constituency, it should be reduced to Rs.2,000 for general candidates and the Scheduled Castes and the Scheduled Tribes must be exempted. These points have to be included in the present Bill.

Now, I come to the election expenses.

MR. DEPUTY CHAIRMAN: Mr. Rajan, you have taken eight minutes. There is another Member to speak from your party. You have just left six minutes for Shri A. Vijayaraghavan.

SHRI P.R. RAJAN: I will conclude quickly. The Government, through the Election Commission, must bear the whole expenditure involved in the election campaign of a candidate. No other expenses should be allowed. If any expense other than the expenses provided by the Government is found to be incurred, the candidate must be disqualified on that ground itself. In the last Lok Sabha election also there was a general complaint against certain candidates. They are mostly millionaires and they reported their assets also. It is learnt from newspaper reports that these present MPs have got assets worth crores of rupees. This will ultimately help only to bring down their image among the general public.

We may think over whether we have to convert the House into a House of billionaires or millionaires.

As a Constitutional Authority, the Election Commission has got independent powers. But in the recent elections, the Election Commission has acted as a political appointee and acted in favour of the Ruling Party and deputed defence personnel in the Kannur Parliamentary Constituency.

In the present Lok Sabha also, it is reported that most of the MPs are billionaires. Hence they can very well influence the defence personnel and the police authorities.

Then the security amount which has to be paid for the general seat and for the reserved seat must be reduced. This clause must be amended as such. Thank you.

MR. DEPUTY CHAIRMAN: Your colleague is left with three minutes.

श्री वीर पाल सिंह यादव (उत्तर प्रदेश) : धन्यवाद उपसभापति जी, मैं "लोक प्रतिनिधित्व दूसरा संशोधन विधेयक, 2008" के संबंध में समाजवादी पार्टी की तरफ से बोलने के लिए खड़ा हुआ हूँ। महोदय, मैं कानून मंत्री जी की बड़ी इज्जत करता हूँ, क्योंकि बहुत दिनों के बाद हमको ऐसे कानून मंत्री मिले हैं, जिन्होंने खुलकर और सही बात कहने की हिम्मत जुटाई है। इससे पहले नहीं जुटा पा रहे थे। महोदय, ये जो संशोधन लाए हैं, यह अच्छी बात है, लेकिन इसमें अभी बहुत-कुछ लाने के लिए बाकी है। हिंदुस्तान में लोकतंत्र को कायम रखने के लिए, लोकतंत्र को बचाने के लिए जो प्रयास किए जा सकते हैं, उसमें अभी बहुत कुछ बाकी है। हिंदुस्तान में जिस तरह से चुनाव होते हैं उसमें धन का दुरुपयोग जमकर होता है। एक तरफ तो हमने चुनाव आयोग को यह अधिकार दे दिया कि वह हमारा झंडा भी नापे, हमारे बैनर भी नापे और तुरंत नोटिस भी दे कि आपने यह झंडा लगा दिया। जिसके यहां झंडा लगा है, उसकी अनुमति और जो प्रत्याशी झंडा लगा रहा है, उसकी भी अनुमति चाहिए। जहां बारह लाख की Constituency हो, वहां मुझे नहीं लगता कि यह संभव है कि हम झंडा लगाने की अनुमति प्रत्याशी से भी लें और जिसके यहां झंडा लग रहा है, उससे भी लें। जहां धन का दुरुपयोग होता है - आजकल अखबारों में बहुत प्रतिस्पर्धा चल रही है, समाचार-पत्रों में जो लाखों, करोड़ों रुपयों की ऐड आती हैं, उन पर नजर नहीं है, मगर जब एक झंडा लगा लेते हैं, उस पर नजर है। यह लोकतंत्र का एक बहुत बड़ा उत्सव है, त्यौहार है। हमारा यह सुझाव है कि अगर इसमें झंडा लगाने पर रोक होगी तो मुझे नहीं लगता कि यह उचित है। मेरा दूसरा निवेदन यह है, जैसा कि अभी हमारे पूर्ववर्ती सदस्यों ने सुझाव दिया था कि इस चुनाव को सरकार को पूरा अपने ऊपर ले लेना चाहिए, सारा चुनाव सरकारी खर्च पर हो, तभी धन का दुरुपयोग रोका जा सकता है, वरना लोक सभा में आज जो दो सौ या ढाई सौ लखपति या करोड़पति मੈम्बर आए हैं, एक समय ऐसा आएगा कि पूरी लोक सभा या राज्य सभा में कोई ऐसा आदमी नहीं होगा, जो साधारण परिवार का हो। वह भी लोक सभा या राज्य सभा में आ सके, आपको इसका भी ध्यान रखना होगा। मेरा एक और सुझाव है कि चुनाव आयोग जो प्रेक्षक भेजता है, वह प्रेक्षक नाम के लिए होता है कि हम पर नजर रखेगा, मगर वह पूरी तरह से जिले के कलेक्टर का मेहमान हो जाता है। वह जहां, जिस गेस्ट हाउस में उसे रखेगा, वहां रहता है और कोई भी शिकायत किसी भी प्रत्याशी की होती है तो वहीं के कलेक्टर, वहीं के एस.डी.एम. से, वहीं के अधिकारियों से उसकी जांच करवाते हैं। मैं समझता हूँ कि जिनके खिलाफ हम कोई शिकायत कर रहे हैं कि फ़ालू अधिकारी अपने पद का दुरुपयोग करके चुनाव को प्रभावित कर रहा है और वही जाँच करेगा, तो फिर मैं नहीं समझता कि कोई निष्पक्ष जाँच हो पाएगी। इसलिए चुनाव आयोग के द्वारा जो पर्यवेक्षक जाएँ, वे जिला कलेक्टर के मेहमान कतई न बनें। उनका अलग से अपना set-up होना चाहिए, अलग से अपनी व्यवस्था होनी चाहिए। यह एक हमारा सुझाव था।

सर, मेरा दूसरा निवेदन यह है कि जैसा अभी मैंने पहले बताया कि चुनाव आयोग ने इस बार झंडा लगाने की permission के लिए कहा, तो उसमें नीचे लेवल का अधिकारी, खास कर पुलिस अधिकारी, जो मौजूदा सरकार होती है, जिस प्रदेश में जिसकी सरकार होती है, अगर उस सरकार की पार्टी का झंडा लगा हुआ है, तो उसको कतई नहीं टोकेगा, लेकिन अगर विपक्षी दल का झंडा लगा हुआ है, तो वह तुरंत कहेगा कि इसकी

permission दिखाओ और इस तरह से कहेगा कि झंडा लगाने वाला अपनी बेइज्जती महसूस करे। इस सम्बन्ध में आपको जरूर कुछ संशोधन करने पड़ेंगे।

महोदय, मेरा तीसरा निवेदन यह है कि चुनाव सम्बन्धी झगड़ों का जो निबटारा होता है, चाहे कोई पिटिशन में जाए या और कोई मामला हो, उसमें बहुत देरी होती है। कई बार देखा गया है कि लोक सभा हो या विधान सभा हो, उसके खिलाफ कोई पिटिशन में गया, तो उसका 5 साल का कार्यकाल तो पूरा हो गया और पिटिशन तब तक अदालत में ही लम्बित है। इसके लिए भी इस तरह की चुनाव सम्बन्धी कोई विशेष अदालत नियुक्त हो, जो तत्काल उसका निर्णय कर सके और उसे न्याय मिल सके। इस सम्बन्ध में भी आपको सोचना पड़ेगा।

महोदय, मेरा आखिरी निवेदन यह है कि हम लोग धर्म निष्पक्ष देश में हैं। अक्सर मंच पर लोग धार्मिक नारे लगाते हैं, चाहे जय श्रीराम का नारा लग जाए या दूसरा कोई नारा लग जाए। मेरी मंशा केवल इतनी है कि चुनाव को धर्म से बिल्कुल अलग रखना चाहिए। अगर कोई इस तरह की चेष्टा करता है और चुनाव को धर्म से जोड़ने की कोशिश करता है, तो निश्चित रूप से उस पर कार्रवाई होनी चाहिए। वह कार्रवाई तत्काल हो, तब तो वह कुछ मायने रखती है, लेकिन अगर उस कार्रवाई में 17 साल लग जाएँ, तो फिर उस कार्रवाई का कोई मायने नहीं रहता है। यही मेरे चंद निवेदन थे। आपका बहुत-बहुत धन्यवाद।

MR. DEPUTY CHAIRMAN: Dr. K. Malaisamy. You have seven minutes.

DR. K. MALAISAMY (Tamil Nadu): For the relief and relaxation of our Deputy Chairman, let me submit that I will be brief and I will take a few minutes only.

Sir, we have always felt proud in saying that India is the largest successfully working democracy in the World. And, this is the popular saying everywhere in the world. But there are several ills and evils in the system, and in its working. This is the way that I look at it. Sir, I am not going into the details. On the other hand, I will try to submit certain principles in this Amendment Bill. Now, we have come across several experiences and learnt a lot of lessons over a period of time, namely, over more than six decades since Independence, and we have seen 15 General Elections.

As such, we have learnt a lot of lessons from these elections. Periodical elections are a must because no law is static and no law is permanent. It is bound to undergo a change. Periodic amendments and changes are all right. But as far as I am concerned, I have got a grouse against the well-informed hon. Minister who is very keen in bringing comprehensive reform in everything. In that process, what he has done is, he has selectively come out with a few amendments only. As far as I can see, there are number of areas where he can bring a lot of amendments. Shri S.S. Ahluwalia was saying that the Election Commission has submitted a number of proposals and different forums have echoed different views and they have selectively brought in only four or five amendments.

THE MINISTER OF LAW AND JUSTICE (SHRI M. VEERAPPA MOILY): Let me clarify. Twenty-two proposals had been forwarded to the Department-related Standing Committee. The Standing Committee has given report only in respect of five which we have brought. The rest of them are pending with the Standing Committee. I want to make it very clear. It is not that anything is pending with the Government.

DR. K. MALAISAMY: I am happy with his reply, Sir. But the reforms should have come in an exhaustive manner and in one stroke. As far as I could see, the main thrust of my entire presentation is that there is a failure of the system and there is a failure of the persons handling the system. This is the way I look at it. After having seen 15 General Elections and after having seen a number of other elections, I know — and the entire House knows — what is going on in the field. Now, a Constitutional body, the Election Commission, has been constituted. It has got autonomous powers. Everything is there. It has to handle the election process only through the State machinery. The State machinery has to give assistance and whatever the Election Commission wants, it is being done by the field-machinery, namely, the State Government machinery. As far as the State machinery is concerned, we all know what normally happens; the Chair also knows. The ruling Party is capable of using the machinery in their favour; the entire machinery in terms of Police, in terms of polling personnel and is used in favour of the ruling Party. One may agree or not but this is a fact of life. This is what I want to say. The entire House is aware of several cases of rigging of elections, several incidents of boothcapturing, incidents of misuse of the personnel, incidents of corrupt practices. I am sorry to say, corrupt practices in terms of giving money, in terms of giving presents are rampant. I will give you an illustrious example. Recently, by-election for Thirumangalam was held. The entire country knows that the ruling Party in Tamil Nadu was able to win the Thirumangalam by-election. How did they win? It was through money power. ...*(Interruptions)*...

THE MINISTER OF TEXTILES (SHRI DAYANIDHI MARAN): No, no. This is totally unwarranted. ...*(Interruptions)*... This is wrong. ...*(Interruptions)*...

DR. K. MALAISAMY: What is wrong? Tell me. ...*(Interruptions)*...

SHRI DAYANIDHI MARAN: Sir, he is a bad loser. ...*(Interruptions)*... He is a bad loser. *(Interruptions)*

DR. K. MALAISAMY: I will put one simple question. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Mr. Malaisamy, you are a senior Member.*(Interruptions)*...

DR. K. MALAISAMY: Can you swear before the House that money was not given? ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: That is not the issue. But when you speak before the House, you have to speak with authenticity. *(Interruptions)* But, then, why are you asking him? You address the Chair. ...*(Interruptions)*...

DR. K. MALAISAMY: I will come back to the point. My simple point is this. Whatever may be the directions of the Election Commission, these are not implemented in practice. I mean, the machinery is weak or the system or the persons handling the system cannot do that or are not doing it. That is the point I want to make. I am submitting to the hon. Minister as to how the

system can afford to be improved or how a right person can be put on the right job. This is the point I want to make. Sir, my second point is...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: No, Mr. Malaisamy, you promised that you will not take much time. ...*(Interruptions)*...

DR. K. MALAISAMY: Sir, my time was taken by others.

MR. DEPUTY CHAIRMAN: Okay; I will allow you for one more minute.

DR. K. MALAISAMY: Sir, my second point is very important. ...*(Interruptions)*... The hon. Home Minister is always considerate with me. He will always encourage me to speak more and more. I am thankful to him. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: He may encourage but I will not encourage.

DR. K. MALAISAMY: Sir, my second point is this. Coming to the electronic voting machine, Sir, there is a very big controversy as to how to use this electronic voting machine. Even the experts have gone to the extent of saying that the electronic voting machine can afford to be manipulated. This is the point. That is why in some of the countries like USA, etc., etc., they are not using the electronic voting machine; on the other hand, they go to the conventional method. So, this is my second point whether the tool used is correct. *(Time bell rings)* ...*(Interruptions)*...

Coming to the amendments, Sir, I have five amendments. Out of them, the only one major amendment is, exit poll, in which, according to me, through the amendment, they want a total ban. As far as I am concerned, I am one who does not like any inducement, any influence or handling of voters in any a way. It should be prohibited. I am in favour of it. But the point is, whether the device, namely, exit poll prohibition or ban will be all right because Indian democracy stands on three pillars of executive, legislature and judiciary operating through bureaucracy and assisted by the fourth estate. So, the fourth estate, namely, the media and the press is one of the pillars of Indian democracy. If that be the case, can we afford to offend the fourth estate of Indian democracy? Instead of prohibiting or making a total ban, whether a self-regulatory mechanism on the part of the media can be done. That is the point. Otherwise, your propriety and your desirability will be questioned and a war will be waged by them. So, please go to that area also as to how to do it. Thank you very much, Sir.

SHRI D. RAJA (Tamil Nadu): Sir, the hon. Minister, Shri Veerappa Moily is one of the experienced Ministers in the Cabinet, who is open to suggestions and other views expressed by various Members. I have great respect for Mr. Moily for his commendable job as head of the Administrative Reforms Committee. We have great expectations, but seeing this Bill, I must point out his approach seems to be very limited and ad hoc one, and there should be a comprehensive approach to the entire issue.

3.00 P.M.

Sir, the first line itself of the Statement of Objects and Reasons is very clear. It states, “In any Parliamentary form of Government and in a Democracy, the process of election has to be free and fair and equitable.” If that is so, the electoral method is the crucial variable used in an electoral system in a country for its political process. The electoral method can be (a) plurality or majority system like in India; (b) proportional representation system like in Brazil; (c) the mixed system like in Germany. The choice of electoral method determines the way constituencies are delimited, registration of votes, design of ballot paper or ballot machine, the method of counting of votes and that influences, in a way, the entire electoral process.

Sir, the first election to the Provincial Governments, the State Governments, took place in India under the British regime in 1937 and 1946. The electoral method employed was the first-past-the-post method. After all these years, we have become a nation of minority Governments where a party with bare minimum votes, like 30 or 35 or 40 per cent, forms the Government and the candidates with as less as 18 per cent of votes polled are getting elected. There is a need to bring in proportional representation system and as a mature democracy—I consider the Indian democracy one of the mature democracies in the world—we need to hug it and go beyond the FPTP system which is a colonial legacy and a system.

So, Sir, keeping this in mind, I wish the Government would consider a comprehensive electoral reforms which is the need of our system. If you want to cleanse our system to make it free and fair and equitable, the Government should strive for comprehensive electoral reforms.

My second point is on the question of money power. It is one thing to get rid of the non-serious candidates by increasing the deposits, the amount of security deposits. But, at the same time, how are we going to deal with the money power which has got a very adverse impact on our electoral system. There, I sincerely request the Government. Why cannot the Government consider the question of State-funding in order to provide a level-playing field to all political parties? I know, there was a committee appointed by the Government when the NDA was in power; it was headed by comrade Inderjit Gupta, one of the outstanding Parliamentarians of our country. That committee has given a report. I do not know whether the Government has given any serious thought to that report. I think, it is time that the Government considers certain recommendations made by that committee. The State funding has become a necessity in a multi-party democracy like ours when we see the dirty role played by the money power in the entire electoral process and it is all the more necessary to provide level-playing field to all the political parties. There, I think, the Government will have to address this question with all seriousness. This issue cannot be further delayed. These are my two major points at this time.

Finally, Sir, among the amendments which have been proposed, I agree with many of the amendments. But, reduction in the security deposit can be considered in case of SC/ST candidates so that there could be an encouragement for those candidates to fight elections.

Regarding the exit polls, it is one thing that media follows their own codes not to influence the minds of the people at the time of elections. There, the exit polls can be after the polls are over in all phases because elections are held in a staggered manner. I do not know how the Election Commission arrives at that conclusion, that is a separate issue. In one State, there would be five stages or phases of election; that is a separate issue.

But when such a thing takes place, it is reasonable not to influence the voters in any way. These things will have to be kept in mind. Again I urge upon the Government to come forward for a comprehensive reform, electoral reform in the coming days and this Bill serves a limited purpose. It is an *ad hoc* Bill. It is an *ad hoc* approach to certain limited issues but we should go for a comprehensive reform. Indian democracy requires such a comprehensive reform in electoral process. Thank you very much.

SHRI H.K. DUA (Nominated): Mr. Deputy Chairman, Sir, over 45 years ago, I was in the Press Gallery above where I started my Parliamentary reporting. In these 45 years, I have travelled a distance of 10 yards to avail...

DR. (SHRIMATI) NAJMA A. HEPTULLA (Rajasthan): You were looking down upon us.

SHRI H.K. DUA: I was not looking down. These have been crucial ten yards to reach here. I have never looked down. But certainly you know I never did that. But, thank you, very much for giving me a chance to speak here. Sir, in this maiden speech, as you said, I dedicate myself to the service of the House and the country and the values for which both have stood for. Sir, I have gone through the Bill. It is well meant but I find it limited in scope and range. It tackles some of the minor glitches that have come to the notice of the Election Commission and others, which have been noticed in the 57 years of nation's electoral experience. But these 57 years have thrown up major challenges before the electoral system and if we don't meet those challenges, the electoral system will come into disrepute and that is a threat to the democracy also. The Bill does not prescribe ways to meet these challenges in a major way. I will just mention two of them. One has been — Members have been rightly trying to focus on — the role of big money in elections. It is a serious problem. I would like to draw the attention through you Sir, the Minister, and Members know about this more than me how criminals are threatening the electoral system and functioning of the democracy in the country. Sir, in large numbers criminals are infiltrating into the political system. In many Assemblies they have used their money and muscle. Earlier, they were supporting the candidates and now they are themselves are the candidates and many

of them are getting elected. In many States, they are getting elected in large numbers or they are helping the candidates of different parties to win the elections through their muscle power or money power, which they extract again from the people, get into the Government and influence the policy making and the decision making of the State Governments. At the ground level — Members would know more than me because they are fairly experienced — the voters are afraid of the criminals and their gangs and that fear makes them vote for their leader, the mafia leader. Mafia leaders get into the Assemblies where numbers count. When the Government is formed, again, these people influence the formation of the Government or toppling of the Government at times.

As you know, even one vote can make a difference in the survival of a Government. If a single vote goes the other side, the Government can be thrown out. The bureaucracy in the States is afraid of these criminal leaders, because they have clout with top people in many States. There is no need to mention the names here. The bureaucracy is afraid, because they will be transferred or an enquiry commission will be instituted against them. So they would not take any action against the criminal activities. Police officials are also afraid of taking action against criminal and mafia leaders. When criminal leaders have clout with Chief Minister and the local bureaucracy is very deferential to them, the governance in the districts will suffer. Crime rate has gone up. The law and order problem is under threat. And, the developmental activities are also coming to a halt in some of the districts. The criminals again have association with wrong kind of elements. So, the entire atmosphere gets polluted because of their activities and there is a failure of the system to check their entry into the system. If this continues, imagine, they will capture a State. And then they can capture more States. And some of the criminal groups can always form some sort of a syndicate. I am looking at the dark side. They can get together form into a syndicate and, either tomorrow or after 5 or 10 years or 20 years, they can capture the States and become a threat to the stability at the Centre. I have this fear even political parties need to do something about it. They have to come to consensus how to ban the criminals at the entry stage itself. Many parties are not stopping criminals getting into the political mainstream, because they want to win elections, they want to use their muscle power and then give them seats without realising that tomorrow these people will devour the parties themselves. That is the danger not only to the country but also to the political parties. How can the parties do it? Just ban their entry. There is no point in looking for security while sleeping with the enemy. They are enemies of the country. And, they are enemies of the parties themselves. The best thing is, avoid them and shun them even if you lose election. That price is worth paying than sleeping with the enemy. The people have been warning the parties against criminals. The Hon. Supreme Court came out with a suggestion to the Election Commission that it should take steps to prevent nomination of criminals and it is the right of every citizen to know the history of every

criminal. Banning criminal candidate from filing their nomination papers when charges have been framed by a court is the right thing to do. The police can frame false charges. But, if a court frames charges, then it is the time that nomination paper should not be allowed to be filed by a person who has a criminal record, particularly if the offences can fetch a two years sentence. The Election Commission was in favour of it. They called a meeting of political parties. Almost all the political parties opposed this provision. And, one of their arguments was, sometimes, frivolous charges can be framed and even the court can approve of those frivolous charges and whosoever is in the opposition stands to a disadvantage if the charges turn out to be false. I am sure, Mr. Moily's legal acumen and advice of his officials can find a way out and provide a safeguard against framing of charges which are *malafide*. There should be an attempt by political parties to ban criminals at entry stage itself. There should be a serious attempt to ensure, where the charges are framed by a court law, to ban the entry of criminals into the election system by filing a nomination paper and getting elected.

There should be some safeguard to get over this particular objection. I am sure, Mr. Moily, who seems to be a very earnest Minister in doing things, would include this in the comprehensive reforms he is promising to bring forward. I hope he brings them soon to take care of this serious problem. Not doing at this stage will prove costly for the country and the political system. This problem is growing like cancer, because with every election — various NGOs have collected this information and the Election Commission does not deny those figures - the number of candidates fighting the elections is growing and not going down. Some of the parties are able to deny the tickets to criminals, but others are not able to deny them the tickets. But, in totality, their number is growing. If they capture the political system, what will be the fate of India's democracy? Thank you Mr. Deputy Chairman, Sir, I am sure that the reforms the Law Minister brings in will include this. Thank you.

SHRI TIRUCHI SIVA (Tamil Nadu): Sir, I rise to support the Representation of the People (Second Amendment) Bill, 2008. Elections form the nucleus of democracy. People exercising their franchise to form their own Government, consisting of their own elected representatives, is the basic essence of elections. This process of elections, that too in a vast country like ours, is an enormous process and the task is being carried out very efficiently and successfully by the Election Commission, with the Representation of the People Act laying the road for a safer and smoother journey. Sir, nothing is static. At a point of time when the views are mounting that even the Constitution must be relooked into, our Representation of the People Act is taking up its second amendment after 59 years. Yesterday, my colleague, Shri Shantaram Laxman Naik pointed out very clearly the reason for that. It has to be taken note of and it is something to be pondered over. Anyhow, the hon. Minister has mentioned in his introductory speech and as also mentioned in the Statement of Objects and Reasons of the Bill itself that elections have to be

fair, free and equitable. The Ministry has come out with these amendments to be implemented in the Representation of the People Act. Sir, there are some suggestions which are being focussed upon for quite a long time. I too had a doubt which was cleared by the Law Minister some minutes ago. When the Election Commission has given 22 proposals, why has the Ministry taken only five out of them? What are the 17 proposals which were left out? But as he pointed out, it is the Standing Committee which has recommended five proposals which were forwarded by the Election Commission. It is a good starting point. Though much has to be done in this regard, let us take it as a kick start for the reforms that we have to do in the Representation of the People Act. Initially, I do not want to elaborate much because all the amendments which have been made are to be welcomed. All the Standing Committee's recommendations, except one or two, have been accepted. I would like to welcome one of the amendments very much because it brings in an amendment which is a must.

The Committee has recommended and the amendment has also been brought in that the inordinate delay which occurs in the current procedure for disqualification of a person found guilty of corrupt practice defeats the very purpose of punishment of the guilty since he can take advantage of the delay to enjoy the benefits accrued to him during the interim period. So 'as soon as' has been replaced with 'three months'; and it is a welcome amendment.

As far as the non-serious candidates are concerned, the security deposit amount has been enhanced; but I don't think it will serve the purpose. In the present day context when the cost of living has soared up and even the expenditure for the elections has been increased by the Election Commission, the increase in the security deposit alone will not lessen the non-serious candidates. So, I would like to suggest to the Minister to find out some other ways and means to curtail the number of non-serious candidates who become a botheration during the time of elections.

So also, Sir, very much to be taken note of is the ban on exit polls, on the survey of the exit polls. Though the days now give more importance to the media — of course, the activities of the media help us many a time and we also realise that — but, at the same time, the survey of the exit polls also affect the subsequent elections. Moreover, it also lessens the turnout of voters to the polling booths because an impression is created that only this party will win or this party will lose. I don't think this serves any purpose. The survey or the result of the exit polls survey, I think, is only like going to an astrologer and seeing what may happen or what will happen in a day or two. So, in good interest, the subsequent election results or the people's mandate should not be affected. This is also to be welcomed.

Finally, Sir, I would like to add two points. The Committee proposed many recommendations which have been accepted, except one or two, as I said. I would like to submit to the Minister — though he is not here — two things. One is, as one of my colleagues

from the other side pointed out yesterday, a convicted person in a prison can contest the elections, whereas he cannot exercise his vote. This contradiction has to be removed. A person should not be deprived or denied of his basic right to exercise his vote at the time of elections. As a citizen of a democratic country, everyone has got the basic right and many such things have to be concentrated and this Bill, though has brought some amendments as all my colleagues have pointed out, we have to travel miles more to achieve the real purpose of democracy through elections.

Anyhow, the journey of a thousand miles begins with single foot. In the same manner, I take that this Bill is a very good start. Sir, I am sure, in the coming days, our efforts will bring more reforms in this Act and the elections will not only be a guide to the other countries, but we will also be proud of the election system of our country.

श्री राशिद अल्वी (आंध्र प्रदेश) : सर, सरकार काबिले-मुबारकबाद है कि इलेक्शन की कवानीन के अंदर, इलेक्शन को फेयर और ईमानदारी के साथ कराने के लिए ये अमेंडमेंट्स पार्लियामेंट के अंदर पेश किए जा रहे हैं। सर, हमारी आजादी को साठ साल हुए और बिला-शुबा हिन्दुस्तान काबिले-मुबारकबाद है, हिन्दुस्तान के लोग काबिले-मुबारकबाद हैं कि दुनिया की जम्हूरियत में हमने नए सफहात जोड़े।

हिन्दुस्तान की डेमोक्रेसी, एस्टेब्लिशड डेमोक्रेसी है। जब हम आजाद हुए थे तो दुनिया को यह यकीन नहीं था कि हिन्दुस्तान के लोग जम्हूरियत को इतनी कांफिडेंस के साथ चला पाएंगे। 60 साल का सफर कौमों की जिंदगी में, मुल्कों की जिंदगी में कोई बहुत लम्बा नहीं होता है। लेकिन आहिस्ता-आहिस्ता डेमोक्रेसी में बहुत कमियां हैं, जिन पर मैं कुछ-न-कुछ चर्चा भी करूंगा। लेकिन हिन्दुस्तान के अंदर जब पहला चुनाव हुआ और कंस्टीट्यूट असेम्बली बनी, तो हिन्दुस्तान के सिर्फ उन 10 फीसदी लोगों को वोट देने की इजाजत थी जो टैक्स पे करते थे, जो जमींदार लोग थे उन्होंने इस कंस्टीट्यूट असेम्बली को चुना और उसके बाद हिन्दुस्तान आजाद हुआ, 35 करोड़ लोगों ने अपनी सरकार बनाई और आज 60 साल के बाद 120 करोड़ लोगों की यह जम्हूरियत है। जो पिछला चुनाव हुआ, उसमें 71 करोड़ 66 लाख 76 हजार से ज्यादा वोटर थे और 44 करोड़ से ज्यादा लोगों ने इलेक्शन में पार्टिसिपेट किया। ढाई लाख से ज्यादा पुलिस को डिप्लोय किया गया। एक रिपोर्ट के मुताबिक जितने ऑफिसर्स लगाए गए, जितनी पुलिस लगाई गई, बहुत से मुल्कों की इतनी आबादी नहीं है जितने लोगों को हमने इलेक्शन में फेयर पोल कराने के लिए जिम्मेदारी सौंपी। अगर यूरोप के 50 मुल्कों को जोड़ दिया जाए तो उससे बड़ी हमारा जम्हूरियत है। सर, 60 साल के अंदर स्मूथ ट्रांसफर और पॉवर के साथ 24 पार्टीज की सरकार इस देश में चली। आज कॉइलेशन सरकार चल रही है। दुनिया में किसी को हमारी डेमोक्रेसी पर कभी कोई शुबहा नहीं रहा। लेकिन इसके साथसाथ यह भी सच है कि हमें बहुत कुछ रिफॉर्म इलेक्शन के अंदर करना पड़ेंगे। हर वोटर का रिप्रजेंटेशन होना चाहिए। दुनिया ने तजुर्बा से बहुत फायदा उठाया है। हमारे यहां भी इस मामले में बहुत बहस हुई है कि क्या इस पूरे सिस्टम को बदला जाए। सर, बहुत सारे मुल्कों ने अपने सिस्टम को बदला है। 1975 के अंदर तारकुंडे समिति ने अपनी पहली रिपोर्ट रिफॉर्म के लिए दी थी। 1990 में गोस्वामी कमेटी ने दी, इलेक्शन कमीशन ने अपनी रिकमंडेशन दी और फिर जैसा कि मेरे साथी ने जिक्र किया कि इंद्रजीत गुप्त कमीशन ने 1998 में अपनी रिपोर्ट दी। सब की कोशिश थी कि इसमें पैसे का इस्तेमाल कम हो, क्रिमिनल लोग पार्टिसिपेट नहीं कर सकें। यह कहते हुए मुझे तकलीफ है कि 13वीं लोक सभा के अंदर एक आंकड़े के मुताबिक 150 एम0पीज0 ऐसे थे, जिनके खिलाफ छोटे और बड़े क्रिमिनल केसेज पेंडिंग थे। 2004 में जो चुनाव हुआ उसके अंदर भी एक रिपोर्ट के मुताबिक करीब-करीब 18 फीसदी ऐसे

लोग थे जिनके खिलाफ क्रिमिनल केसेज पेंडिंग थे। 2007 के चुनाव में उत्तर प्रदेश और बिहार के अंदर 39 फीसदी लोग ऐसे थे जिनके खिलाफ क्रिमिनल केसेज पेंडिंग थे। सर, इसमें हम अपना कोई बहुत शानदार मुस्तकबिल नहीं देख सकते। इस देश के अंदर जब तक पैसे वालों को इलेक्शन में पैसे का इस्तेमाल करने से दूर नहीं रखा जाएगा, क्रिमिनल को डेमोक्रेसी से साफ नहीं किया जाएगा, तब तक डेमोक्रेसी साफ-सुथरी नहीं होगी। इसलिए एक बड़ा खतरा जो हमारे सामने आ रहा है वह रीजनेलिज्म का है। देश आजाद हुआ और देश को कहा गया कि यह एक सेक्युलर देश है। पाकिस्तान हमसे एक दिन पहले आजाद हुआ था। पाकिस्तान ने कहा कि यह देश सेक्युलर देश नहीं है, यह एक इस्लामिक देश है और उस वक्त जो देश के हालात थे, वह इतने खौफनाक थे कि उनसे किसी भी तरीके का रिएक्शन हो सकता था। लेकिन उस वक्त हिन्दुस्तान की सेक्युलर कयादत ने जिन्होंने आजादी की लड़ाई लड़कर इस मुल्क को आजाद कराया था, उन्होंने सोच समझकर यह फैसला किया कि यह देश सेक्युलर देश बने। सर, यह फैसला कोई सतही फैसला नहीं था, यह फैसला बगैर सोचे-समझे नहीं किया गया था, यह फैसला था कि देश को कैसे मजबूत रखा जा सकता है।

देश को कैसे मुतहद रखा जा सकता है, तब यह फैसला किया गया था कि यह देश एक सेक्युलर देश होगा। सर, आज देश के ऊपर बड़ा खतरा है। महाराष्ट्र के अंदर जो कुछ हुआ, मैं उसे दोहराना नहीं चाहता हूँ, लेकिन यह डेमोक्रेसी पर एक हमला है, हिन्दुस्तान के कांस्टीट्यूशन पर एक हमला है और अगर हम इस तरीके के वाक्यात को नहीं रोकेंगे, तो यह खतरनाक नताइज देकर जाएगा। मैं बहुत अदब के साथ कहना चाहता हूँ कि कागज के ऊपर, सादे कागज के ऊपर कलम और रोशनाई से लाइन खींचकर देश का नक्शा तो बनाया जा सकता है, लेकिन देश नहीं बनाया जा सकता है। देश इन्सानों से बनता है, नक्शों से नहीं बनता है। हमको अगर यह गलतफहमी है कि हम अपने कागज के ऊपर एक नक्शा बनाकर और दीवार पर लटका लेंगे, तो हम बहुत गलतफहमी में हैं। देश-भक्ति का नाम सिर्फ किसी एक जुबान से मोहब्बत करना, किसी एक इलाके से मोहब्बत करने का नाम नहीं है। देश-भक्ति किसी शहर या जमीन से नहीं की जाती, देश-भक्ति उस देश में रहने वाले लोगों से की जाती है। देश दीवारों से नहीं बनता है, देश लोगों से बनता है और हमें यह सोचना पड़ेगा कि यह casteism, यह regionalism, यह communalism देश हित में नहीं है। अगर हमें ईमानदारी के साथ अपने देश से प्यार है, तो इन चीजों को हमें खत्म करना पड़ेगा।

सर, जो अमेंडमेंट्स आये, उसमें पहला अमेंडमेंट वोट की तब्दीली के लिए है। मेरा मानना है कि यह ठीक है और सरकार ने एक अच्छा कदम उठाया है। लेकिन वोट की जिम्मेदारी सरकार की होनी चाहिए। देश का एक भी आदमी वोटर लिस्ट से बाहर नहीं रहना चाहिए। दुनिया के बहुत से मुमालिक हैं, जिनके अंदर वोटर लिस्ट सिर्फ कागज पर नहीं, कम्प्यूटर के अंदर होती है। एक भी आदमी उससे बाहर नहीं होता है। मैं अमेरिका के अंदर इलेक्शन कमीशन को देखने के लिए गया। वहां पर हर स्टेट के अंदर अलेहदा कमीशन है, बहुत कॉम्पलीकेटिड सिस्टम भी है, लेकिन कुछ बातें ऐसी हैं, जिन पर हमें तवज्जो देनी चाहिए और हमें लगे कि यह बेहतर तरीका है, तो हमें उसे एडाप्ट करना चाहिए। वहां पर कम्प्यूटर में हर आदमी का वोट मौजूद है, उसके सिग्नेचर मौजूद हैं, उसका बैकग्राउंड मौजूद है और अगर आप वहां पर घर से बैठकर किसी वजह से वोट दें, तो आप वह भी कर सकते हैं। कम्प्यूटर के अंदर आपके सिग्नेचर को देखा जाएगा, टैली किया जाएगा, अगर आपके सिग्नेचर ठीक हैं, तो घर से बैठकर वोट दे सकते हैं। चलिए, अगर हम यह नहीं कर सकते हैं, तो इतना जरूर कर सकते हैं कि हर वोटर की, हर हिन्दुस्तानी की वोट बनाने की जिम्मेदारी सरकार की होनी चाहिए। अगर कोई वोटर रहता है, तो उसकी जिम्मेदारी भी उसी आफिसर की होनी चाहिए जिसने वोट नहीं बनाया, बड़ी तादाद है जिनके वोट नहीं बनते हैं। इसके साथ-साथ एक और बड़ा मसला है, जब पोलिंग का दिन होता है, मैंने अपनी जिंदगी के अंदर कम से कम आठ चुनाव लड़े होंगे और मेरा तजुर्बा है कि पोलिंग के दिन जिस पार्टी की सरकार होती है और उसको यह अहसास होता है कि कौन-कौन लोग हमें

वोट नहीं देंगे, वोटर लिस्ट में से उन पेजिज़ को साफ कर दिया जाता है, पूरे के पूरे 15-20 पेजिज़ हटा दिए जाते हैं। लोग वोट डालने जाते हैं, उनके नाम वोटर लिस्ट के अंदर नहीं होते हैं और वे वापिस चले जाते हैं। इसके लिए भी कानून के अंदर कोई प्रावधान होना चाहिए।

दूसरी बात है कि जो डिपॉजिट बढ़ाने का काम किया है, यह कैंडिडेट्स की संख्या कम करने के लिए है, यह सरकार की एक अच्छी कोशिश है। लेकिन Exit poll इस सरकार का बड़ा कदम है। Exit poll के लिए एक कानून आया, इससे इलेक्शन के अंदर तरह-तरह के असर पड़ते हैं, लेकिन मैं एक बात का जिक्र करना चाहूंगा, जो सैक्शन 4 के अंदर यह तब्दीली की गई है, You see Section 4. In Section 8A of the Representation of the People Act, 1951, the words “as soon as may be after such order takes effect” जो तब्दीली की गई है, “as soon as may be within a period of three months from the date such order takes effect.”

सर, यह प्रेजिडेंट ऑफ इंडिया के पास जाएगा, जिसमें तीन महीने के अंदर फैसला करना पड़ेगा। मैं लॉ मिनिस्टर से कहूंगा कि देर तो हाई कोर्ट के अंदर होती है, देर तो अदालतों के अंदर होती है। जहां पर पांच-पांच साल तक मुकदमे पड़े रहते हैं। यह तब्दीली बहुत खुशहाली की तब्दीली है, लेकिन जो बड़ी प्रॉब्लम है, उसकी तरफ भी तवज्जोह देनी चाहिए। आपकी यह बात ठीक है कि सैक्शन-99 के मुताबिक हाई कोर्ट फैसला देगा। आप कहते हैं कि वह तीन महीने में फैसला होना चाहिए, लेकिन सैक्शन-99 के मुताबिक हाई कोर्ट फैसला करेगा। उसके लिए दो, तीन, चार या छः साल तक वक्त की कोई पाबंदी नहीं है। मुझे याद नहीं पड़ता कि कोई चुनाव पांच साल से पहले कभी किसी पिटीशन के अंदर तय हुआ हो। पूरा का पूरा टर्म खत्म हो जाता है, उसके बाद फैसला होता है। इसके अंदर मेरी दरखास्त होगी कि हमें स्पेशल कोर्ट्स बनानी चाहिए, ताकि जल्दी से जल्दी फैसले हो सकें। दूसरी बात यह कही गई है कि हमारे देश के अंदर क्रिमिनल्स का मामला पुराना मुद्दा है। जैसा कि मैंने कहा है कि प्रपोर्सनल रिप्रजेंटेशन दुनिया के बहुत से मुमालिक के अंदर इम्प्लिमेंट किया गया। हमारे यहां भी इस पर बहुत बहस हो रही है कि प्रपोर्सनल रिप्रजेंटेशन होना चाहिए, जिससे पैसे तथा ताकत का इस्तेमाल कम होगा, क्रिमिनल्स के पार्टिसिपेशन का इस्तेमाल कम होगा, पॉलिटिकल पार्टीज कंटेस्ट करेंगी। दुनिया के बहुत से मुमालिक ने इसको अपने यहां लागू किया है। साऊथ अफ्रीका के अंदर मैंने देखा कि एक लेडी पार्लियामेंट की मैम्बर है और वह न बोल सकती है और न सुन सकती है। मुझे ताज्जुब हुआ कि वह चुनाव में कैसे चुनकर आई। मुझे पता चला कि प्रपोर्सनल रिप्रजेंटेशन के अंतर्गत उसकी पार्टी ने उसको नोमिनेट किया था। उसको बाकायदा एक ट्रांसलेटर भी दिया गया था, जो उसके इशारों को समझता था और अपनी बात कहता था। उनकी पार्टी ने यह समझा होगा कि यह बहुत इंटेलिजेंट है, लेकिन प्रपोर्सनल रिप्रजेंटेशन पर हमारे मुल्क में बहस होनी चाहिए। हमें इस पर सोचना चाहिए और हमारे बहुत से नेताओं ने इस इस बात पर सोचा भी है और स्टेटमेंट्स भी दी हैं। प्रपोर्सनल रिप्रजेंटेशन होगा तो हर वोट का रिप्रजेंटेशन पार्लियामेंट के अंदर होगा, कास्टिज्म खत्म होगा, कम्युनलिज्म खत्म होगा और यह जरूरत नहीं पड़ेगी कि हम मजहबी नारों के सहारे राजनीति करें। इस पर खुली बहस होनी चाहिए। बेल्जियम, ऑस्ट्रिया, ऑस्ट्रेलिया, जर्मन और साउथ अफ्रीका आदि तमाम यूरोपियन कंट्रीज़ के अंदर प्रपोर्सनल रिप्रजेंटेशन है। मैं यह नहीं कहता कि हमारा पार्लियामेंट्री सिस्टम एकदम से बदल दिया जाए, लेकिन इस पर बहस करने की जरूरत है। तमाम मुकररीन नेता के कम्प्रीहेंसिव रिफार्म होने चाहिए। यदि कम्प्रीहेंसिव रिफार्म होने चाहिए, तो खुला डिस्कशन होना चाहिए और इस डिस्कशन के बाद हमें किसी नतीजे पर पहुंचना चाहिए। सर, किसी ने कहा कि सरकार को इलेक्शन के अंदर फंडिंग करनी चाहिए। यह भी इंड्रजीत गुप्ता कमेटी के अंदर कहा गया है कि इसका भी एक तरीका निकालना चाहिए। आजकल चुनाव में 25 लाख रुपए खर्च करने की लिमिट है, लेकिन हम सब यह बात अच्छी तरह से जानते हैं कि 25 लाख के अंदर चुनाव नहीं होता है। आज करोड़ों रुपए के अंदर चुनाव होता है और दिन-ब-दिन यह पैसा बढ़ता चला जा रहा है। यह डेमोक्रेसी के लिए एक बड़ा खतरा है। मैं बहुत से लोगों को जानता हूं, जो 10-10,

15-15 करोड़ खर्च करके लोक सभा के मेम्बर्स बनते हैं। इतनी बड़ी रकम के बारे में, तो एक गरीब आदमी सोच भी नहीं सकता है कि वह इस रकम के जरिए पार्लियामेंट का चुनाव लड़ सकता है। आज यही हाल असेम्बलीज का भी है। सर, यह करप्शन की बुनियाद है और यहीं से करप्शन पैदा होता है। इसको रोकने के लिए हमें जो भी कदम उठाने पड़ें, वे उठाने चाहिए।

अगर सरकार को फंडिंग करनी है, तो इसके बहुत सारे तरीके हो सकते हैं। टी.वी. के ऊपर, रेडियो के ऊपर, प्रोपेगेट करने का जो तरीका है, उसे ज्यादा से ज्यादा किया जा सकता है। कैंडीडेट को इस बात की इजाजत दी जा सकती है। इस पर भी हमें बहस करने की जरूरत है, यह बड़ी तब्दीली लाने की जरूरत है। सर, अभी यहां पर मेरे किसी साथी ने जिक्र भी किया है कि 2001 के अंदर सुप्रीम कोर्ट ने इलेक्शन कमीशन से कहा कि सभी कैंडीडेट क्रिमिनल्स बैकग्राउण्ड और अपने असेट्स का एफिडेविट देंगे। हम लोग जो देते हैं, उस पर इक्कीस पार्टीज की मीटिंग हुई और तमाम नेताओं ने कहा कि यह नहीं होना चाहिए। उसके बाद एक बिल भी लाया गया जो सारे मेम्बर्स में सर्कुलेट हुआ, म्हालिबन 2003 या 2004 के अंदर आया था, इस बिल के अंदर कहा गया था कि अगर किसी कैंडीडेट के खिलाफ दो बार चार्जशीट फाइल हो जाए, इलेक्शन से छह महीने पहले फाइल हो जाए तो उसे कंटेस्ट करने की इजाजत नहीं होनी चाहिए। वह बिल पास नहीं हुआ। महोदय, सुप्रीम कोर्ट क्राबिले ऐहतराम है, इलेक्शन कमीशन भी क्राबिले ऐहतराम है, लेकिन यह जरूरी है कि जो पार्लियामेंट के अख्तियारात हैं, वे किसी और के हाथ में नहीं जाने चाहिए। हिंदुस्तान के अंदर पोलिटिकल लोगों का, एम.पीज. का ऐहतराम दिन-ब-दिन कम होता जा रहा है। सुप्रीम कोर्ट कहती है कि ऐसा होगा तो वैसा किया जाएगा, इलेक्शन कमीशन कह रहा है कि ऐसा किया जाए। पार्लियामेंट कॉम्पिटेंट है कि हिंदुस्तान के अंदर कैसे इलेक्शन हो, कैसे न हो। मैं सुप्रीम कोर्ट का ऐहतराम करता हूं, आज हम लोग Affidavit भी फाइल करते हैं कि किसका क्रिमिनल बैकग्राउण्ड है। मुझे नहीं लगता कि इससे कोई बहुत बड़ा फर्क पड़ा है। यह फाइल कर देना कि कितने क्रिमिनल कैसेज किसके खिलाफ पेंडिंग हैं, उसके बावजूद भी कितने लोग चुनकर आ रहे हैं। क्या यह सिर्फ इसलिए कि जनता को यह पता चल जाए कि जो चुनाव लड़ रहा है, उसने कितने क्राइम्स किए हैं या इसके पास कितनी दौलत है? इससे इलेक्शन के ऊपर कोई बहुत फर्क नहीं पड़ रहा है और इससे न ही क्रिमिनल्स को पोलिटिक्स में आने से रोका जा रहा है। जब कोई चुनाव लड़ता है तो उसे भी मालूम नहीं होता कि उसके बाप-दादा क्या करते थे, जनता उसे आकर बता देती है, कुछ छुपा हुआ नहीं होता है। चुनाव के अंदर एक भी उम्मीदवार ऐसा नहीं होता, जिसके बारे में जनता को यह पता नहीं हो कि यह ईमानदार आदमी है कि बेईमान आदमी है, यह बदमाश आदमी है कि शरीफ आदमी है।

[उपसभाध्यक्ष (प्रो. पी.जे.कुरियन) पीठासीन हुए]

लेकिन अगर वोट देने की बुनियाद कास्ट होगी, मजहब होगा, रीजन होगा, इलाका होगा तो आप इसे रोक नहीं सकते। इसलिए मैं कहूंगा कि इसके लिए सख्त से सख्त कानून बनाया जाए। आज इलेक्शन कमीशन को अख्तियार है कि अगर कोई भी पार्टी कांस्टीट्यूशन को वॉयलेट करती है, तो वह किसी भी पार्टी का सिंबल सीज कर सकता है। सर, इलेक्शन कमीशन के अंदर एक पार्टी के खिलाफ 2007 से केस पेंडिंग है। उत्तर प्रदेश के अंदर जब चुनाव हुआ था तो एक बहुत खतरनाक सीडी सर्कुलेट की थी। तीन साल हो गए हैं वह केस पेंडिंग है। इलेक्शन कमीशन कभी यू.पी. को भेजता है, मेरे पास वे सारे कागजात मौजूद हैं। पुलिस ने सारी रिपोर्ट दे दी है कि यह काम किसी पोलिटिकल पार्टी ने किया था, इसके बावजूद वह पेंडिंग है, उसके खिलाफ कोई कार्रवाई नहीं हो रही है। अगर इस देश के अंदर कास्ट, क्रीड और कम्युनलिज्म की बुनियाद पर वोट दिया जाएगा, तब ऐसा मुमकिन नहीं है। आज जिस तरीके से हमारे मुल्क के अंदर पोलिटिशियन्स की इज्जत घटती चली जा रही है, उसकी यही वजह है कि हमने उनकी आदत बना दी है कि वे इसी बुनियाद के ऊपर वोट देते हैं। अगर वोट इसी बुनियाद पर देंगे, कोई गलत आदमी होगा, तो यह मुमकिन नहीं है कि वह

पार्लियामेंट के अंदर आकर अच्छा आदमी बन जाए। अगर गलत होगा तो गलत होगा और उसके नतीजात गलत निकलेंगे। मैं सरकार से कहूंगा कि यह बहुत अहम मामला है। यदि ऐसी कोई भी पोलिटिकल पार्टी हो, जो कम्युनिज्म को फैलाना चाहती हो, कास्टिज्म को फैलाना चाहती हो, तो उसके लिए सख्त से सख्त कानून बनना चाहिए। आज कास्ट की बुनियाद पर रोज एक नई पार्टी इस मुल्क के अंदर बन रही है।

आप कैसे election reform करेंगे? कैसे मुमकिन है कि आप सही लोगों के हाथों में इत्किदार देंगे? इसके खिलाफ सख्त-से-सख्त कानून बनना चाहिए, लेकिन इसके बावजूद सरकार ने मौजूदा कानून में जो तब्दीली लायी है, वह मुबारकवाद है और मुझे यकीन है कि मुस्तकबिल करीब के अन्दर कोई comprehensive reform लाया जाएगा। थैंक्यू वेरी मच।

श्री श्रीगोपाल व्यास (छत्तीसगढ़) : धन्यवाद उपसभाध्यक्ष जी। मुझे तो प्रारम्भ में एक ही बिन्दु पर बोलना था, परन्तु कुछ बातें सुन कर और भी कुछ मस्तिष्क में आ रहा है। मैं Statement of Objects and Reasons देख रहा था। हमारे सामने बहुत विद्वान कानून मंत्री बैठे हैं। इसके बिन्दु 4 में कहा गया है, “restricting the publication of results of all exit polls by whatever means..” और जो details बनाया गया है, उसमें 126A(1) says that no person shall conduct any exit poll and publish or publicise..” इसकी साइड में लिखा है, which is its heading, “Restriction on publication and dissemination of result of exit polls, etc.” मैं इस बात को ध्यान में लाना चाहता हूँ कि यह सम्भव है कि इस देश में जो fundamental rights का, मूलभूत अधिकार का प्रावधान है, उसमें आप किसी आदमी को तब तक नहीं रोक सकते हैं, जब तक वह समाज पर कोई समस्या नहीं बनता है। इसलिए इन दोनों में distinction करना चाहिए। “No person shall conduct any exit poll” एक प्वायंट है और दूसरा है “restriction on publication और उसके प्रचार करने में...” किसी आदमी को आप किसी काम को करने से तब तक नहीं रोक सकते हैं, जब तक वह किसी सामाजिक दोष में परिवर्तित नहीं होता है। मैं एक research scholar हूँ, मुझे लोगों से कुछ पूछना है, कोई सर्वे करना है, मैं उसका प्रचार नहीं करने वाला हूँ, तो आप मुझे कैसे रोकना चाहते हैं? यह मेरा मूलभूत अधिकार है। मैं सोचता हूँ कि इस पर विचार होना चाहिए, नहीं तो, कोई-न-कोई खड़ा होकर उसे चुनौती भी दे सकता है। यह भी एक आँकड़े जानने का विषय है कि क्या exit poll के कारण आगे होने वाले चुनाव पर परिणाम के आँकड़ें हैं, वे प्रभावित हुए हैं, कितने प्रतिशत हुए हैं। मैं यह नहीं कह रहा हूँ कि आप उस पर रोक मत लगाइए, परन्तु इसका आधार वैज्ञानिक विश्लेषण होना चाहिए। हमने देखा कि इतने exit poll होने के बाद इतने-इतने चुनाव पर ऐसे-ऐसे परिणाम हो गए। क्या ऐसा कोई scientific data है या हम केवल अंदाज और अनुमान से बोल रहे हैं? यह भी सोचने का विषय है, परन्तु मेरी उस पर इतनी आपत्ति नहीं है, जितनी इस पर है कि आप किसी मनुष्य को सर्वेक्षण करने से कैसे रोक सकते हैं। आपका उसके द्वारा प्रचार करने पर, प्रसार करने पर रोक लगाना तो थोड़ी देर के लिए समझ में आता है, परन्तु कोई व्यक्ति एक एक्टिविटी करता है, तो उसको आप कैसे रोक सकते हैं? विद्वान कानून मंत्री इस बात पर जरूर सोचेंगे, ऐसा मेरा उनसे निवेदन है।

अन्य बातें, जो वर्तमान में चल रही बातों के कारण निर्माण हुई हैं, मैं उनसे सहमत हूँ कि पूरी चुनाव प्रक्रिया पर बहुत व्यापक रूप से विचार होना चाहिए। बहुत सी बातें मुझे मेरे एक मित्र ने सुझाई हैं, मैं उनको पढ़ कर बता रहा हूँ। वर्तमान में विधान सभा और लोक सभा के लिए 14 दिन का प्रचार का समय मिलता है। एक लोक सभा क्षेत्र में 7-8 विधान सभा की सीटें होती हैं। उस प्रचार के लिए दोनों में समान समय रहना उपयुक्त मालूम नहीं होता है। कृपया इस पर विचार कीजिएगा।

दूसरा, अभी यहाँ पर विचार आया कि सब लोगों को अवश्यमेव मतदान करना चाहिए। यहीं पर हमारी ही सरकार ने compulsory voting का एक बिल लाया था और उसको वापस ले लिया गया। कारण तो बताया गया कि इस पर बहुत-कुछ विचार-विमर्श होना बाकी है, परन्तु यह भी आपके सोचने का एक विषय है।

फिर इलेक्ट्रॉनिक वोटिंग मशीन के बारे में मैंने एक विशेष उल्लेख लाया था। मुझे उत्तर देने वाले मंत्री महोदय को धन्यवाद देना है कि उन्होंने समझाने के लिए 3-4 पेज में उत्तर दिया। परन्तु इसके बाद भी समाचार छप रहे हैं। पश्चिमी जगत में भी इस पर प्रयोग हो रहे हैं कि इलेक्ट्रॉनिक वोटिंग मशीन्स फूल प्रूफ नहीं हैं। टेक्नोलॉजी में परिवर्तन लाने वाले लोग बहुत आगे बढ़ कर उसको प्रभावित कर रहे हैं, इसलिए इस इलेक्ट्रॉनिक वोटिंग मशीन के विचार पर ही फुल स्टॉप लगा कर ठहर नहीं जाना चाहिए। विचार आगे भी चलता रहना चाहिए।

अभी हमारे साथी बहुत अच्छी बातें कह रहे थे कि किसी वर्ग या सम्प्रदाय के आधार पर विचार नहीं होना चाहिए, लेकिन उसी श्वास में आप यह भी कह रहे थे कि प्रपोज़नल रिप्रेजेंटेशन होना चाहिए। ये दोनों बातें साथ-साथ कैसे चलेंगी, कृपया इस पर विचार करने की आवश्यकता है। बहस होनी चाहिए, इस पर तो मैं सहमत हूँ, लेकिन दोनों बातें साथ-साथ नहीं चल सकती हैं। यदि हम भारत को एक स्वस्थ प्रजातंत्र के रूप में देखना चाहते हैं, तो हर नागरिक को यह मानना चाहिए कि मैं इस देश का नागरिक हूँ और इस मातृभूमि का पुत्र हूँ। इससे अधिक हमें कोई अधिकार नहीं चाहिए। न किसी पंथ विशेष का होना चाहिए, न किसी भाषा विशेष का होना चाहिए, न ही यह अधिकार होना चाहिए कि पचास साल पहले मेरे पूर्वज कहीं से आए। यह देश मेरा है, यह मातृभूमि मेरी है और मैं यहां का नागरिक हूँ, इससे अधिक कोई संज्ञान नहीं लिया जाना चाहिए। इस पर बहुत गंभीरता से सोचना चाहिए कि वर्ग के आधार पर प्रतिनिधित्व देना अपने आप में खतरनाक बात भी हो सकती है।

मैं एक बात और कहना चाहता हूँ। चूंकि हमारे एक मित्र ने श्री राम का नाम लिया था, मैं उनको धन्यवाद देता हूँ कि उन्होंने राम जी का नाम लिया। मैं यह तो मानता हूँ कि अनावश्यक आपत्तिजनक नारे नहीं लगाने चाहिए, परन्तु राम का नाम लेने में क्या दोष है? भाई साहब, मैंने एक ग्रंथ पढ़ा, जो अमेरिका में प्रकाशित हुआ था और उसका नाम है, 'The White Umbrella' और उसमें भगवान श्री राम जी के राज्य का वर्णन है। उस किताब को लिखने वाले ने लिखा है कि वह दुनिया का सबसे अच्छा राज्य था। हमारे देश में भी हम लोग यह मानते हैं कि राम का राज्य सर्वश्रेष्ठ राज्य था। अरे भई! अगर कोई राम का नाम लेकर नारे लगा रहा है या उनको पुकार रहा है, तो यह समझना चाहिए कि उसके मन में राम राज्य की आकांक्षा होगी। राम द्वेष का शब्द नहीं है, राम तो प्रेम और सौहार्द का शब्द है, इसलिए उससे ऐलर्जी नहीं होनी चाहिए। मुझे केवल इतना ही कहना है ..(व्यवधान) भाई साहब, मैं आपकी भावनाओं से सहमत हूँ।

एक माननीय सदस्य: राम के नाम से भड़कना नहीं चाहिए, राम नाम से दुःखी नहीं होना चाहिए।

श्री श्रीगोपाल व्यास: मुझे और कोई खास बात नहीं कहनी है। सभी विद्वान लोग जानते हैं कि धर्म शब्द का पर्याय अंग्रेजी या किसी भी अन्य भाषा में नहीं है। Religion का अर्थ धर्म नहीं है, पंथ है। पंथ को उपासना या धर्म नहीं कहा जा सकता। धर्म में हमारा कर्तव्य भी शामिल है, इसलिए इसमें हमको भ्रम में नहीं पड़ना चाहिए। सभी लोग धार्मिक बनें, अपने कर्तव्यों का पालन करें, यही भारत का आह्वान है। इन्हीं शब्दों के साथ मैं अपनी बात समाप्त करता हूँ।

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Thank you. Now, Mr. Vijayaraghavan.

SHRI A. VIJAYARAGHAVAN (Kerala): Thank you very much, Mr. Vice-Chairman, Sir. I would like to raise one or two important points. Sir, now, we are amending this RP Act.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): You have only four minutes.

SHRI A. VIJAYARAGHAVAN: Sir, we are very much aware of the changes which have taken place in the last fifty years or so. Sir, the size of the electorate has increased manifold. Political parties, electorate, candidates, everything has increased manifold from 1952. In 1952, we had only 17.32 crore voters. Then in 2004, it was 64.4 crore. Now, it is little more than 80 crores or so. In such a situation, we have to address very serious problems which have been emerging during this period. Here, I think, Sir, the important aspect is the impact of money power in our political system. Recently, you see what happened in Karnataka. One mafia, iron ore mafia, could control 60 or 80 MLAs. This is the situation. A group is there. Sponsored MLAs are there by the mafia. 'कौन बनेगा करोड़पति', यह तो मेरे को पता नहीं, लेकिन देश के अन्दर ऐसी सिचुएशन पैदा हो रही है कि 'करोड़पति बनेगा एम.पी.' Sir, this is the situation. So, how to control this? I am not against a rich man sitting here. We have some of them with us. But, if this House or the other House is dominated only by crorepatis, then, what would be the future of this country where we have people earning only Rs.20 per day for nearly 70 per cent of the rural population?

So, whenever you come out with a reform for electoral rolls, utmost importance should be given to coming out of the clutches of an iron ore mafia, a liquor baron, a sugar lobby etcetera, etcetera. That aspect he has failed to address in this Bill. That is the most important aspect I want to mention.

Similarly, Sir, we are going to have radical reforms in our electoral system. You must have a comprehensive discussion with the political parties. This is the time when you have to start that process. I do not know what is the attitude of the Government in this regard. Mr. Veerappa Moily is a very experienced politician. I hope that he will start that process of reforming our electoral system in a big way. This is the time for you to start that process.

Sir, with regard to influence of money, we are now thinking of enhancing the security deposit. We are going to enhance it to Rs.25,000/- or so. Sir, my worry is whether if it would be possible for a poor man, in this country, to contest an election if you fix it up Rs.20,000/-, Rs.25,000/-, one lakh rupees or so. Here, Sir, we are addressing some small issues. On the one hand, the Election Commission is going to count the number of posters, wall writings, banners etc. But how much money are they giving through kickbacks? ...*(Interruptions)*... Packets are being given, Sir. How are you going to address this issue? This is the main question. This is happening in the country, Sir. Rather than making cosmetic changes, you should have addressed this issue urgently. I hope that while giving a reply, he will give some

4.00 P.M.

solution for solving the issue of money packets which candidates are giving at the time of elections.

Sir, another aspect I would like to mention here is the influence of media. Of course, we have taken some steps with regard to 'exit polls'. Sir, a new tendency has developed in the country whereby the media is also asking for money from the candidates for showing the news-item. With regard to columns they are asking for money! This new tendency has started in the country. How are you going to address this issue? On the one hand, we are addressing the exit poll issue. It may be manipulated. We can address this issue by making an amendment. How are you going to address the question of mismanagement of funds or asking for money by the media and TV channels? There are more than 500 TV channels, and also the print media. This tendency is emerging. How are you going to address this issue? That is also very important.

Similarly, the proposals for State funding for electioneering are also there. That aspect we have to clinch. That is an important issue which we have to address immediately. (*Time Bell rings*)

Sir, another issue is, when we are delegating power to the Election Commission, we should be much more serious about some of the aspects highlighted here. Other than the Government officers, we are providing it to the banks and other public sector units. Naturally, they have these democratic rights. What would be the influence of those democratic rights once you are delegating this power to the Election Commission? That is a very important aspect. On that, the Standing Committee has made a recommendation. Unfortunately, the Standing Committee recommendation is not being considered by the Minister. So, I hope that while giving his reply, he would consider all these aspects and make proper amendments. Thank you, Sir.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Shri Brij Bhushan Tiwari. He is not here. Now, Shri Bharatkumar Raut.

SHRI BHARATKUMAR RAUT (Maharashtra): Sir, I am sorry that I was not present when my name was announced. I was in the other building, busy with the Committee-related work.

Sir, I would like to raise only four points. While I appreciate and welcome this Bill, a lot more needs to be done. The Minister has assured us that a more comprehensive Bill will be coming later. So, I am waiting for that. Sir, I would like to raise the issue of deposit money that has been dealt with in this Bill. It says that hereafter Rs.25,000 will be the deposit money. Considering the amount that is spent on the election campaign, I think, the amount of Rs.25,000 is a meagre sum. If at all you want to curb the number of candidates contesting the election, I think, this amount can be raised multiple. A candidate who is ready to spend crores of rupees, officially or

unofficially, can easily spend more. So, why should it be only Rs.25,000? At least, we should be able to meet some of the expenses through the deposit money. Therefore, this deposit money has to be increased. That is my first suggestion.

My second suggestion is, which Shri Ahluwalia has also raised, regarding the issue of candidates contesting from more than one constituency.

My suggestion is that it should be banned. No candidate should be allowed to contest from more than one constituency because unnecessarily we are putting a burden on the exchequer of the Government, as well as, we are making the voters to guess whether this man will be contesting from this constituency or that constituency. For example, in Maharashtra, one candidate contested from two constituencies and immediately, within 15 days, he had given up one seat. It means that within three months there will be another election. Why should the Government machinery be used for the whims and fancies or the fear complex of a candidate? It should not happen. If you are confident of winning one constituency, you should contest; otherwise, don't contest. This should be banned at once.

My third point, which many speakers have raised, is about exit poll. I belong to the media. Therefore, I should not speak against exit poll. But the way the exit polls are conducted, I think, definitely make an impact on the electorate. Here we are only talking about exit polls. My suggestion to the hon. Minister is that we should also include opinion polls. Here the definition of exit poll is very categorically mentioned and it does not include the opinion poll. Opinion polls are done, published and telecast before voting and they definitely make an impact on the minds of the people, particularly where there is a keen contest. In Maharashtra, we had opinion polls. The opinion poll came just ten days before the election. The opinion poll was taken on the day when the withdrawal of the candidates was done. That opinion poll was carried and published just five or six days before voting. It definitely makes an impact on the Indian electorate. If you are banning the exit poll, you should also ban the opinion poll. That is even more important. Opinion polls should be banned. It is a good idea that there has to be an authorised agency for opinion polls. It is good. But, at the same time, it should be seen that opinion polls are not just done. Exit polls do not make any impact on the electorate. But opinion polls do make an impact, particularly, in the Indian situation where the people bank on the media.

I want to make one more point. I don't know whether it can be included now or later. The point is that in the Legislative Council Elections in the States, you have the Graduate Constituency and the Teacher Constituency. The funny part of it is that in a Graduate Constituency, a voter has to be a graduate, but the candidate need not be. A non-graduate candidate can contest the Graduate Constituency. The voters are graduates but the candidate is not a graduate. I think, there is a serious problem in this regard. Another example, we have the Teacher Constituency. In the Teacher Constituency, again, the teachers are the voters, but the

candidate need not be. Now, at present, a Member of the Legislative Council, who has been elected from the Teacher Constituency, is not a teacher. But it is the teachers' election. Only because you have a party behind you, you are making a fun of the Indian democratic system.

Sir, I will make the last point and conclude. My last point is in regard to the Legislative Council elections. If I am a Corporator — of course, I am a graduate — and if I am working as a teacher somewhere, I can cast four votes. As a general person, I vote; as a teacher, I vote; as a graduate, I vote; and I also vote as a Member of the Municipal Corporation. So one voter gives four votes! Where does it stand? We say, "One man, one vote." But here one man can vote four times. I think there is a serious lacuna in the system which needs to be corrected. The sooner we correct it the better it will be for the Indian democracy. I once again welcome the Bill. Thank you.

DR. (SHRIMATI) NAJMA A. HEPTULLA: Mr. Vice-Chairman, Sir, I am not going to take much time of the House. There are two-three points which I want to bring to the notice of the hon. Law Minister. The Minister of Law is a very able person. He has presided over the Administrative Reforms Commission very well. Now he has brought before us the amendment to the Representation of the People Act. Sir, We appreciate his desire to improve the Representation of the People Act, to plug the loopholes in the Representation of the People Act. I do not understand one thing. All of us are sitting here in this House, including you, Sir, because of the Representation of the People Act. We have been elected to this position because we have a particular Electoral College. That is why we are here. I am a Member of this House for 30 years. I have been hearing, time and again, that there is going to be an amendment to the Representation of the People Act, there is going to be a comprehensive Representation of the People Bill. Governments have come and Governments have gone. But no comprehensive Representation of the People Bill has been brought forward. Just now my colleague from Maharashtra was speaking. He was saying that one person can cast four votes. How can it be possible? There is something wrong in the Representation of the People Act. Now, teacher's constituency was made so that teachers could be represented, like we have nominated Members of Parliament here who are nominated by the President from special categories. Similarly, there is a special category of graduates and also of teachers where a nonteacher is elected by a teacher and non-graduate is elected by a graduate. It is just the tip of the iceberg. Just now the hon. Member has made his maiden speech. He has been a very important journalist. He was also an Ambassador. He referred to the criminals, politicalisation of criminals which is taking place because criminals are becoming politicians. Politics is not becoming criminal but criminals are becoming politicians. That is a very important point which should be

looked into. We appreciate the Election Commission for conducting elections throughout this vast country. It is not an easy job. It is a massive job. We appreciate the Election Commission for all the efforts which it has made. We brought these Electronic Voting Machines so that there is no malpractice. These EVMs were introduced in India much before the most modern democracies introduced them in their countries. People from other countries are coming to our country to see how these Electronic Voting Machines are working. I am sorry to say that in spite of using EVMs, excess voting is taking place. In the last Lok Sabha elections, in Arunachal Pradesh, more than 100 per cent votes were registered. How can it be possible? On these Electronic Voting Machines, more than 100 per cent votes were registered. What action was taken by the Election Commission? Arunachal Pradesh is a border State. It is a very sensitive State. The Election Commission was informed about it and a complaint was also registered about it, but no action has been taken. Why are double standards being applied? I only wanted to bring it to the notice of the Law Minister. I appreciate the Law Minister for taking so much interest in it.

When I am speaking on the electoral reforms, I cannot refrain myself from mentioning the Women's Reservation Bill. It has been pending before Parliament for so many years. It was introduced in the Rajya Sabha. But it is now pending before the Standing Committee; I was a Member of that Committee. We expected that before the Lok Sabha elections, the Report would be submitted and there would, perhaps, be 33 per cent more women, at least in the Lok Sabha if not in the Rajya Sabha. I would request the hon. Minister to respond to this when he replies. Mr. Minister, the four Amendments, which you have brought in, are excellent ones. We are very happy that you are bothered about these Exit Polls. And, as my friends mentioned, before the Exit Polls, there are speculations about what the future of any political party would be. We are very happy that you have brought in an amendment for that. But what about the Women's Reservation Bill? So, these are the two important points which I would like the hon. Minister to respond. Firstly, in respect of Arunachal Pradesh, which is the border State and a sensitive State, why was no action taken? And, what are you going to do with the Women's Reservation Bill? One hundred days have passed, and I hope that before 200 days of this Government are over, there will be the Women's Reservation Bill in the Rajya Sabha when, perhaps, you will be in the Chair, Sir, and we will be voting for it.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): When it was introduced, I was in the Chair. Now, Shri Silvius Condpan.

SHRI SILVIUS CONDPAN (Assam): Sir, thank you for allowing me to take part in the discussion on this Bill. Before I make my submission, I would like to congratulate the hon. Law Minister for taking steps for bringing in at least four Amendments, and I only hope that the rest of the recommendations from the Parliamentary Standing Committee would also come up before

the House for consideration and passing. I do not want to take much time to elaborate on the proposed amendment. But I would like to make a submission that steps should be taken for reduction of election expenditure. Election expenses are going beyond the reach of the common candidates, or, so to say, the common people who want to take part in the elections. In this connection, several Members have spoken in detail. I would like to subscribe to their views. Then, Sir, on the point about criminals entering politics, my colleagues have already made their submissions, and I subscribe to their views. I am also very much particular on this point.

Then, people, who have got money, — moneyed men alone are able to do this — contest from several seats, and after they win, they create a problem that by-election has to be called. This also has to be looked into. Another thing is that legal cases, pertaining to election-related issues, take a very, very long time for their disposal. I would suggest to the hon. Law Minister that there should be Special Courts for disposing of the election related matters. Also, these Amendments, which are coming up in the Representation of the People Act, should percolate down to the Panchayati Raj Act and the Municipal Acts because these are essential at those levels too. So, I would request the hon. Law Minister to see to it that these have far-reaching impact, that these percolate down to all levels where elections take place. These institutions have become greatly important for the development of our country, both in the urban areas as well as in the rural areas. Therefore, I would request the hon. Minister to keep in mind the fact that the Amendments in the Representation of the People Act should extend to the local self-Government and the Panchayati Raj systems.

With these submissions, I conclude. Thank you.

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): Thank you very much. Sardar Tarlochan Singh.

SARDAR TARLOCHAN SINGH (Haryana): First of all, Sir, I congratulate Mr. Moily, the Law Minister, for bringing forward all the amendments which were delayed for a long time. I just request him that I have been a member of the Standing Committee on Law and Justice previously and I am a Member of that Committee now also. There is one very important issue relating to my community. It is a small amendment pertaining to the Sikh Marriage Act. I will request him to bring forward that amendment also.

Sir, I support this Bill fully. But this is not enough. Exit Polls have been banned. Just now, my colleague from that side of the House mentioned about the opinion polls. We all watch television and we know how opinion polls are being misused. Every TV channel's bias is very apparent in these polls. I am from the State of Haryana. Elections were held recently. Two or three channels — I don't know how they were motivated — were giving Chautala's party less

than ten seats, the Congress Party more than seventy seats whereas the results were just the opposite. The Congress got 40 and Chautala's party got 32. It had happened earlier also. So, I request the Law Minister to look into it and have a meeting with the Media so that there should be some code of conduct on this. Secondly, the Election Commission has framed such rules that are totally biased against the candidates. As per those rules, you cannot have posters, you cannot have handbills, you cannot have hoardings, you cannot write on the walls. Then, what is left for doing our propaganda, except going to the Press and the electronic media which is very expensive. The Election Commission is encouraging people to go to media in any form. Sir, I have seen a report from Maharashtra. In the recent elections in Maharashtra, every newspaper was getting money even for their news items. Even the news was being sold. Candidates were paying even for the publication of news items. This type of corruption is going on. How, then, are we asking the candidates not to do any propaganda? The other thing is that, now, candidates get only eleven days whether it is the Lok Sabha elections or the municipal elections. How will a candidate visit different areas of his constituency in such a short time? Then, a candidate in an election has to get the permission of the DC, the SDM, for any meeting. He is running after these offices for permissions all the time. I do not understand why we are putting so many restrictions on the candidates in elections. These rules of the Election Commission are also very wrong. Then, they say, if a leader comes to your constituency, the candidate will bear the cost of the helicopter, the aircraft and so on. What is the fault of the candidate if a political party is sending its leaders to that constituency? Such rules of the Election Commission should be examined by the hon. Law Minister so that candidates can have less expensive elections. Just now, our new Member, who is one of the most brilliant journalist of our country, Shri H. K. Dua, mentioned about criminals entering the Parliament. This has been debated many times. But nothing has been done so far. In addition to this, moneyed people are now entering the Assemblies and the Parliament. I will give you one example of just what they do after they enter into the Legislature. Recently, elections were held in Haryana. There, the anti-defection law is manipulated in such a manner that one day you are elected, against a particular party, and after three days you join that party, saying that you are dissolving the earlier party. Money is a big player in all this. This is what is being done in Haryana. You have the Government of defectors because the Congress Party had forty and they wanted six more. So, all the Independents and one political party merged with them. Sir, we are a democratic country. How long will we expect such things to happen? A national-level party should wait for the things to happen. Why should it be in a hurry to spend money and to get its numbers? I request the hon. Law Minister to convene a meeting of all the political parties to tackle these issues. Even after sixty years of our Independence, if we still have these *aya-Rams* and *gaya-Rams*, it is a shame for our democratic system.

I would request the Law Minister, he is doing so many good things, at least, now for such other things to please take note of it. In our Standing Committee we wanted that all political parties should come forward and form a consensus for electoral reforms, but we could not do it. My sister, Najmaji was also a Member of that Committee and she had been giving valuable advice in the Committee, but we could not come to a consensus on certain matters. So, I would request the Law Minister that with his experience in the Assembly, in the Parliament and the position he held in the Government he will do this. Thank you very much, Sir.

श्री राजनीति प्रसाद (बिहार) : उपसभाध्यक्ष महोदय, मैं आपको धन्यवाद देता हूँ कि आपने मुझे मौका दिया। महोदय, यह जो election process है, यह बरसों से चला आ रहा है लेकिन इसमें कोई बहुत ज्यादा सुधार हम लोगों ने नहीं किया। मैं एक बात कहना चाहता हूँ कि यह जो amendment आप लाए हैं और जो 25 हजार रुपए आपने amendment में किए हैं, ऐसा लगता है जैसे आप यह मानकर चलते हैं कि कोई भी गरीब आदमी चुनाव नहीं लड़ सकता है क्योंकि आपने पार्टी सिस्टम नहीं बनाया है। 25 हजार रुपए पार्लियामेंट के लिए आप जमा करने के लिए बोल रहे हैं, पार्टी सिस्टम नहीं है, कोई इनडिविजुअल भी चुनाव लड़ सकता है, वह घर-घर जाकर अपने चुनाव का प्रचार कर सकता है। इस प्रकार का उदाहरण देश में रहा भी है कि गरीब आदमी डुगडुगी बजाकर पार्लियामेंट का इलेक्शन जीत जाता है, तमेड़ा बजाकर पार्लियामेंट का इलेक्शन जीत जाता है। एक फकीर को भी, अगर वह वोटर है, चुनाव लड़ने का हक है। मेरा कहना है कि आपने इसको जो बढ़ा है, उसके बारे में आप पुनः विचार करें। हमारे जैसे आदमी को ही ले लीजिए। जब राज्य सभा का नॉमिनेशन हो रहा था, उस समय हमारे पास उसकी जमानत के भी पैसे नहीं थे। उस समय चंदा इकट्ठा करके हमने वह पैसा इकट्ठा किया और राज्य सभा का चुनाव लड़ा, पार्टी ने हमें सपोर्ट किया। इस प्रकार हमारे जैसे आदमी के पास जब पांच हजार रुपए भी नहीं थे, उसे बढ़ाकर आपने 25 हजार कर दिया है तो कैसे चलेगा? मेरा सुझाव है कि इसके बारे में आप जरूर विचार करें। आप अमाउंट बढ़ा रहे हैं जबकि आप जानते हैं कि यह गरीबों का देश है। यहां पर बीस रुपया रोज कमाने वाले लोग हैं। क्या आप यह कहना चाहते हैं कि जो बीस रुपया रोज कमाने वाले लोग हैं, उनको election नहीं लड़ना है? हमारे यहां 80 प्रतिशत लोग बीस रुपया रोज कमाने वाले लोग हैं। क्या आप यह कहना चाहते हैं कि 80 प्रतिशत लोग इस देश में चुनाव नहीं लड़ेंगे, गरीब लोग चुनाव नहीं लड़ेंगे? दूसरा, मैं यह कहना चाहता हूँ कि ईवीएम मशीन के बारे में बहुत सारी controversies हुई हैं। controversies यह हुई कि ईवीएम मशीन की वजह से जो वोटिंग होती है, उसमें कुछ गड़बड़ी हो जाती है। पता नहीं, इसके बारे में क्या investigation हुई है, लेकिन मैं इतना जरूर कहना चाहता हूँ कि जो भी बड़े देश हैं, जहां रूल ऑफ लॉ है, जहां डेमोक्रेसी है, वहां पर भी ईवीएम मशीन पर वोट देने की बात को खत्म कर दिया गया है। इस प्रकार अगर उन लोगों ने इसे खत्म कर दिया है तो हम क्यों इसको लागू करना चाहते हैं? सर, इस ईवीएम मशीन के बारे में भी विचार करना पड़ेगा। जो हमारा पुराना सिस्टम था, जिसमें ठप्पा मारकर हम लोग वोट देते थे, उसके बारे में जरूर विचार करें। हमारे एक मित्र ने कहा कि अमेरिका में electronic तरीके से भी आप वोट देने के लिए तैयार हो सकते हैं। हमारे यहां सिस्टम यह है कि बहुत गरीब लोग, अगर किसी ऐसे बूथ पर गए, जहां पर वर्चस्व बड़े लोगों का है - गरीब लोग हैंड टू माउथ वाले होते हैं, बीस रुपया रोज कमाने वाले लोग होते हैं - वे लोग उस बूथ पर जाकर वोट नहीं डाल सकते, उनको restrain किया जाता है। इस प्रकार यह कानून बनना चाहिए कि कहां पर कैसे गरीब लोग वोट देने जाएंगे। सर, आपने एक सिस्टम बनाया है कि सबके पास वोटर आइडेंटिटी कार्ड होगा। सर, हमारे यहां ऐसे लोग भी वोटर हैं जिनके मकान के ऊपर छत नहीं है, जो खानाबदोश की जिंदगी जीते हैं। उनका भी वोटर लिस्ट में नाम है। वे अपने सामान को कहां रखेंगे? वोटर लिस्ट कहां रखेंगे? वोटर आइडेंटिटी कार्ड कहां

रखेंगे? सर, बहुत सारे ऐसे लोग हैं जिनका आइडेंटिटी कार्ड नहीं बन सका है, लेकिन वोटर लिस्ट में उनका नाम है।

सर, मैं एक और बात कहना चाहता हूँ कि आजकल नया तरीका मैंने देखा है। नया तरीका यह है कि इलेक्शन की वोटर लिस्ट में भी फोटो होता है। अगर वोटर लिस्ट में आपने फोटो छापा है तो फिर इस वोटर आइडेंटिटी कार्ड का क्या मतलब हुआ। जब आप वोट के लिए जाएंगे तो वहां आपका फोटो मिलाएंगे कि लिस्ट में आपका फोटो है या नहीं है। अगर है तो आप वोट डाल सकते हैं। लेकिन अगर आइडेंटिटी कार्ड नहीं है तो इसके कारण.....(व्यवधान) सर, बोलने दीजिए, हमको तो कभी-कभी मौका मिलता है।

अगर उसके पास आइडेंटिटी कार्ड नहीं है या वह ले जाना भूल गया तो गरीब लोग वोट नहीं दे सकते हैं। उनको तो आइडेंटिटी कार्ड पहले ही दिखलाना पड़ेगा और वह भी प्रिसाइडिंग ऑफिसर को नहीं, पुलिस को दिखलाना पड़ेगा, क्योंकि पुलिस वाले उनको डंडा मारकर भगा देते हैं। जो गरीब लोगों की पार्टी होती है उनको आइडेंटिटी कार्ड का अभाव हो जाता है, आइडेंटिटी कार्ड नहीं होता है और उसके पास अन्य कोई सबूत भी नहीं होता जिसको लेकर वह वहां जा सके। इसलिए, सर, मैं यह बात कहना चाहूंगा कि इस पर जरूर विचार होना चाहिए।

सर, दूसरी बात, आपने कहा है कि अगर इलेक्शन में कोई गड़बड़ी है तो उसको हम दूर करेंगे। सर, यह बात हम कहना चाहते हैं कि अगर कोई इलेक्शन पिटीशन देता है तो आपके यहां कानून है कि तीन महीने के अंदर इसको दाखिल करें। हमारे एक मित्र ने कहा भी है। लेकिन यह लिमिटेशन हम पर तो लगता है, यानी जो लोग इलेक्शन पिटीशन दाखिल करते हैं उन पर तो यह लगता है, लेकिन हाई कोर्ट पर कोई रोक नहीं है। वह पांच साल नहीं, छः साल के बाद तथा तब तक दो बार इलेक्शन हो जाएगा, उसके बाद डिस्मिसन देंगे। तो, सर, उसका क्या मतलब होता है? इसके बारे में जरूर विचार करना चाहिए। अगर आप इस पर विचार करेंगे तो, सर, हम यह समझते हैं कि हमारा इलेक्शन रिफॉर्म का जो अमेंडमेंट है, वह अच्छा होगा।

सर, मैं एक बात और कहना चाहूंगा। हमारे श्री व्यास साहब ने कहा कि एग्जिट पोल को हम कैसे रोक सकते हैं। उन्होंने यह भी कहा कि इसका सर्वे होना चाहिए कि कितने लोगों को प्रभावित किया। सर, कितने लोगों को ही नहीं, बल्कि बहुत लोगों को प्रभावित करता है। जिनको कोई एप्रोच नहीं करते हैं, जिनके पास कोई कैंडिडेट नहीं जाता है, जिनको कोई लेना-देना नहीं होता है, वे एग्जिट पोल से प्रभावित होते हैं, बिल्कुल होते हैं। मेरा अपना अनुमान है कि इसका साइक्लोजिकल प्रभाव पड़ता है। अगर साइक्लोजिकल प्रभाव पड़ता है तो वोट में भी कंवर्ट होता है। इसलिए, सर, मैं यह चाहूंगा कि.....(व्यवधान)

उपसभाध्यक्ष (प्रो० पी०जे० कुरियन) : बस, खत्म करें।

श्री राजनीति प्रसाद : सर, मैं एक मिनट और लूंगा। आप 60 गिनिए और फिर मैं खत्म करता हूँ।

उपसभाध्यक्ष (प्रो० पी०जे० कुरियन) : बस, एक ही मिनट :

श्री राजनीति प्रसाद : सर, मैं यह कहना चाहता हूँ कि एग्जिट पोल वाले सुप्रीम कोर्ट गए थे, क्योंकि इलेक्शन कमीशन ने तो इसको बंद कर दिया था। इलेक्शन कमीशन ने कहा था कि नहीं, आप एग्जिट पोल नहीं दिखा सकते। लेकिन सुप्रीम कोर्ट ने कहा कि आप इसको दिखा सकते हैं, कोई बात नहीं है। लेकिन, सर, हम इस बारे में कानून तो बना सकते हैं। जैसे इलेक्शन कमीशन ने आइडेंटिटी कार्ड का कानून बना दिया, हम लोगों ने कानून बना दिया कि इलेक्शन में पच्चीस हजार रुपए लगेगा। लेकिन आप कानून तो बना सकते हैं कि एग्जिट पोल नहीं दिखा सकते हैं। तो यह कानून हम लोग बना सकते हैं। अगर आप कानून बनाएंगे तो कोई *ultra vires* थोड़े होने वाला है, हम लोग तो कानून बनाएंगे कि आप नहीं दिखा सकते हैं। इसलिए, सर, यह एक पूरा रंग मंच है। इलेक्शन में गरीबों को नुकसान नहीं होना चाहिए, इस बात का हमेशा खयाल रखिए। हम

इसका समर्थन जरूर करते हैं। लेकिन जो आपने पच्चीस हजार रुपए वाली बात कही है, उसके बारे में जरूर विचार करिए, क्योंकि यह ज्यादा है और इससे गरीब लोगों को इलेक्शन में पार्टिसिपेशन रेस्ट्रेन होगा। इन्हीं शब्दों के साथ मैं आपका धन्यवाद करता हूँ।

SHRI M. VEERAPPA MOILY: Mr. Vice-Chairman, Sir, I am grateful for and highly excited over the debate on an important measure containing five elements of this reforms package. We are all proud that we have the largest Parliamentary democracy with the largest electorate with 80 crores on the electoral rolls.

We are the largest Parliamentary democracy. We have the largest electorate with 80 crores on the roll. But, at the same time, the matter of concern is that I think, around 20-25 crore voters do not come to the ballot box and vote. It is a matter of worry. The debate has been quite a great learning experience for me. My confidence level to bring about more radical and comprehensive reform measure has now increased and I can feel that you are responsive. I can count upon you for the kind of change which needs to be brought about in our electoral system. Ultimately, when our friend, hon. Member, Shri Prasad ended, yes, we have to target the last man in the queue, whatever reforms we bring in, we need to address him. Otherwise, these reforms are of no significance, whatsoever. I never said even in the beginning when I introduced for consideration of this Bill that is an exhaustive one. I am not that happy. It is one of the measures or five of the measures but we need to do a lot of things because mere medicine is not enough. Mere physician is not adequate. We should have physicians, we should have surgeons to do both and it is not the peripheral reforms that the country is satisfied. Yes, a reference has been made that we have passed 57 years in our great march, great experiment on the electoral process. We have to learn a lesson, revisit, get into the inside of it and find a way forward. We cannot stop at that. Reform is always a concept of creative destruction. We need to address many of those problems and I must thank the Parliamentary Standing Committee who has expedited this report and, by and large, we have accepted their recommendations. These are five out of 22 references made by the Election Commission of India. In 2004, we needed to expedite this. I am looking forward for the cooperation of the Parliamentary Standing Committee to come out with the recommendations in respect of other 17 items. Nothing is pending with us. Even if you send it within a week, I can reassure you, that we will take up these matters early so that you can even present the amendments for approval of this House, even during this Session and I assure you that we can do that. But, we should have consensus among all political parties. Ultimately, we need to obtain consensus. After all, we have to March together. No one political party marches alone in this great endeavour to bring about reforms.

I need not mention all the twenty-two proposals here even though I have the facts. I don't want to take the time of the House. Sir, out of these twenty-two, we have taken up five proposals. We have considered these. We have interacted on all these proposals. We have one

proposal in respect of voting of citizens of India but have gone abroad on employment or education or other purposes. There is a Bill. This has been examined. It is not a part of the twenty-two proposals; you can say it as twenty-third. They sent it back advising to bring back a comprehensive Bill with all details. So, we are also shortly bringing that Bill. I will be finalising that Bill also after discussion with many of our colleagues. Sir, I am sure, it is very dear to you. So, I specially made a mention about that. It is ready. I need to discuss this with some of our friends and colleagues. If you are free, I may finalise this Bill within a week and bring the Bill in this Session itself.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): That is good.

SHRI M. VEERAPPA MOILY: Sir, an issue has been raised whether article 19(1)(a) contravenes. In fact, it was debated. Thereafter, even the Supreme Court has upheld the guidelines issued by the Election Commission of India. So, I must tell you, by and large, we have consensus on all the points that have been incorporated in this Bill.

Sir, I will try to go one-by-one with regard to certain issues raised by the hon. Members. Our leader, Shri S.S. Ahluwalia, raised a point that a person in jail can contest but unable to vote. I think, if a person, according to my opinion, is in jail but not convicted, he is entitled to vote. I don't know how he can be denied voting. In fact, the Department-related Committee has said that the proposal to disqualify any person accused of an offence punishable by punishment for five years or more can contest election even if trial is pending. The Standing Committee gave a Report that the proposal of the Election Commission under reference is a major departure from law for the time being in force which provides that if a person is convicted for an offence and if a court gives a judgment convicting him then such a person shall be disqualified from contesting election. That is why the *status quo* has been maintained. That is a matter which was referred to by our veteran journalist and hon. Member and he has also mentioned about criminals contesting election. It is a matter which we need to examine in depth. May be, we can have a discussion on this question.

The Department-related Parliamentary Standing Committee on Home Affairs, in its Report, with respect to some of the provisions on the issues said that many Members have objected to auditing of accounts of donations by auditors proposed by the Election Commission or CAG or its appointed auditors. Again, there was no political consensus and even the Standing Committee did not consider it proper for an amendment to this.

Sir, Mr. Shantaram Naik raised an issue of several guidelines/Code of Conduct issued by the Election Commission under article 324 of the Constitution. He said that these needed to be limited. This is a debatable issue. I think, an exercise can be made to revisit some of these guidelines and code of conduct; and we can have a discussion at an appropriate time on the larger issues like this because, by and large, we don't want the Government to interfere with the

functioning of the Election Commission of India. But, need be, we can definitely discuss about this. The accounts issue, the donation issue, are the issues that have been pending and have not been considered appropriately.

Hon. Member, Shri M.V. Mysura Reddy, has proposed an amendment to prevent non-serious candidates. In fact, section 154 of the RP Act provides for forfeiture of candidates' deposit which is proposed to be Rs. 25,000 for the Lok Sabha elections and Rs 10,000 for the Assembly elections. The limit has been examined to weed out non-serious candidates. That is the remedy that has been found. If there is any viable, suitable remedy, that needs to be discussed in greater details, instead of hurrying up with this kind of amendment. Therefore, I would like to request the hon. Member to reconsider this issue because we are open for a discussion and, then, take a subsequent political consensus on that. And, perhaps, if need be, we can think of bringing forward an amendment. But I don't think it will lie as on today. There are a lot of issues involved in that. So, the hon. Member may kindly withdraw this amendment. We can think of bringing it back at an appropriate time.

Many more questions have been raised in today's discussion. Particularly, the hon. Member, Shri Veerpal Singh, has raised many issues about the money power. He did say that the election is the festival of democracy. I think, our senior friend, Shri Arun Jaitley, also did say something like this at some of the forum. That is being curtailed sometime. It is dealt with by the Election Commission. Reasonable advertisement, reasonable approach will have to be made. I think, sometimes resorting to the television media, the print media, which has not been prevented, in a surrogatory manner is not the right means for the candidates. This is an issue in which needs to be discussed in detail.

There are issues pertaining to appointment of observers. The observers do not act in accordance with the duties that are entrusted to them. I think we need to have a proper discussion on many of these issues whether it is the issue of code of conduct or the issue pertaining to guidelines or the issues that are dealt with by the Election Commission of India.

Now, I come to the question of electronic voting machines. Dr. Malaisamy had raised this issue. The hon. Member, Shri Shreegopal Vyas, wrote a detailed letter consisting of 3-4 pages, or even more, how it functions, how it should be examined, how it should be scrutinised. We examined it critically and, ultimately, found that nothing is wrong with the technology. The technology is perfect. You know India has the best brain in IT.

You should not forget that. The Indian IT engineers have captured the IT world. They need not look for the other countries to testify the technology which has been adopted by us. So, it is not only technology savvy, but also people savvy. We had a fear that how the commonman would receive this kind of a new technology. The manner in which they have responded to this

process. In fact, we brought a number of Bills earlier also with regard to the criminal candidates. I have already dealt with the issue of filing of chargesheets, etc. No doubt the strict laws are necessary and we need to apply that.

Shreegopal Vyasji spoke about exit polls. After all, this is an issue which has been there the world-over. We may bring forward a Bill today but I must tell you that it is a practice the world-over. In many, many countries, these kinds of exit polls have been really banned. Incidentally, there is this talk about Shri Rama came. I have written a big epic poem on Shri Ramayana Mahaveshanam. But whether it is my Ramayana or any other Ramayana, I have heard, these Ramayanas are secular in nature. Incidentally, I won a national Award also for that.

AN HON. MEMBER: Sir, give a free copy to everybody.

SHRI M. VEERAPPA MOILY: This is regarding not only my Ramayana. I have read the Valmiki Ramayana; I have read the Tulsidas Ramayana; I read the Kamba Ramayana. You read any Ramayana, there is no religion and politics mixed; there is no governance and religion mix. So, I think that is only incidentally; but I am just telling you that.

Then, Mr. Vijayaraghavan spoke about many things. ...*(Interruptions)*... I said, 'incidentally'; I said it in lighter mood. ...*(Interruptions)*...

SHRI SHREEGOPAL VYAS: I am not coming to that. I was only trying to differentiate between somebody carrying out the exit poll survey to do a research. That is one part. The other is to prohibit its presentation and representation. I am not against the representation and the propagation of it. I am saying, how do you go about somebody's fundamental right to ask some people what have you done. This is one part. The other is, propagation. You are against propagation; I am also against propagation. But I am saying whether you would like to question somebody's fundamental right to ask some people to get some survey and wake up. That was my point.

SHRI M. VEERAPPA MOILY: I think, the hon. Member can understand that we are banning only the exit poll and no research whatsoever by the scholars or any student of politics is being interfered with. I don't think we can stretch this amendment too far. So, I don't think you can stretch it too far and I don't think any research of that kind is prevented under this. I must tell you, the matter related to bar on persons from contesting elections facing charges is a subject which is dealt by the 18th Report of the Departmental Committee. They have disagreed on this policy and, maybe, we can revisit it, if the hon. Members want it. But again, it requires the political consensus but we can deal with that. In fact, regarding disclosure of the election petitions, there is already a restriction of time that the High Courts or the authorities are mandated to close the case within six months. But this is not happening. I do agree with it.

Many a time, till the time is over, the decisions are not given. It is really a worrisome matter. We need to discuss it with the Judiciary. If necessary, I am prepared to bring about certain mandated law to fix the time, limit the time so that there is expeditious disposal of the cases.

You may kindly remember, in the 1990s, we had brought an amendment to the Representation of People Act for deploying people other than Government officers for election purpose, say, from banks, public undertakings and others. But, at that time, we had not included them in the disciplinary procedure. Thus, this is only a consequential amendment with regard to punishment or disciplinary action against election officers. It is only a consequential amendment which should have been brought at that time. In fact, we could not have punished them but for this amendment. So, this is only a consequential amendment.

My sister, and hon. Member, Dr. Najma Heptulla, had reiterated the need for a comprehensive Bill. She has also talked about criminals becoming politicians and also about nexus voting. May be it was the rarest of the rare instances that might have happened in Arunachal Pradesh. She has also talked about the Women's Reservation Bill. The matter is, again, before the Standing Committee.

DR. (SHRIMATI) NAJMA A. HEPTULLA: You may use your influence, Sir. I don't say, use violence, but you may use your influence and your charm.

SHRI M. VEERAPPA MOILY: The Chairman of that Committee is Shrimati Jayanthi Natarajan; I cannot use violence against her!

DR. (SHRIMATI) NAJMA A. HEPTULLA: You could always use your charm.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): That may not work there!

SHRI M. VEERAPPA MOILY: If the Standing Committee finalises it and gives it to us and a political consensus is obtained, we would not hesitate to introduce the Bill even by the end of this Session.

SHRI TIRUCHI SHIVA: I am in that Committee, Sir. We are trying.

SHRI M. VEERAPPA MOILY: Kindly do that. We have been talking about it since 1996. I think, we need to bring it and we would like to see it being passed in this Session itself. I think, if the Standing Committee could finalise the report and give it to us, we shall definitely ensure that we could bring it over.

DR. (SHRIMATI) NAJMA A. HEPTULLA: Sir, may I intervene for a minute? Many legislations are brought in this House, but Government never comes with a rider saying that there should be a consensus, not even on Budget. Why should the Women's Reservation Bill have consensus? Why should women coming to the Parliament have consensus from those who

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do not like women? At least, bring it to the House and then let us see who stands where. The major political parties, the Congress Party, the BJP and the Communist Party, are all very clearly in support of women's reservation. I would be happy if you bring the Women's Reservation Bill to the Rajya Sabha. There is no problem. But, why are you not doing that?

SHRI D. RAJA: If you talk of consensus, the consensus is not going to emerge.

DR. (SHRIMATI) NAJMA A. HEPTULLA: Sir, as my Leader, Shri Arun Jaitley says, if you bring it after Lunch, half the Members who are opposing it may not be there and we shall pass it!

SHRI M. VEERAPPA MOILY: Your suggestion is noted for action. Hon. Member, Shri Silvius Condpan, had said that some amendments that have been brought about will have to be there in Panchayat and local bodies too. I think that is a good suggestion and I shall definitely discuss it with our colleague, Dr. Joshi. Hon. Member, Sardar Tarlochan Singh, incidentally, started with the Sikh Marriage Act. I have no idea about that Act; I shall discuss it with you. You had also said that the opinion poll should be banned. That is a matter which we have already gone into. We had in some areas tried to interfere with the functioning of the media; I don't think, we should venture too far; we need to stop somewhere.

SARDAR TARLOCHAN SINGH: We may not interfere, but there should be some mechanism in place.

SHRI M. VEERAPPA MOILY: You had also spoken about the Anti-Defection Act, taking steps to prevent "aaya Ram-gaya Ram" phenomenon. That also should not be a subject matter in this amendment; we can bring it on some other occasion. Hon. Member, Mr. Prasad, asked why we need to bring in the old system instead of the EVMs.

Our hon. Member, Shri Prasad, also talked why not to bring about old system instead of EVMs. I have already replied to it. With regard to Voters ID also, your suggestions are noted down. With this, I thank the entire House for the support which is extended to this Bill. I have already said that this is only a peripheral thing. We will definitely come out with a substantial and comprehensive Bill for reforms in the electoral system. With this, I seek, through the Chairman, the support from all the hon. Members to pass this Bill. Thank you.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): The question is:

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

The motion was adopted.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): We shall now take up clause-by-clause consideration of the Bill. In clause 2, there is one amendment (No.4) by the hon. Minister.

Clause 2 - Amendment of Section 24.

SHRI M. VEERAPPA MOILY: Sir, I move:

4. That at page 1, lines 11 and 12, *for* the words “district magistrate or additional district magistrate” the words “district magistrate or additional district magistrate or executive magistrate or district collector or an officer of equivalent rank” be *substituted*.

The question was put and the motion was adopted.

Clause 2, as amended, was added to the Bill.

Clauses 3 and 4 were added to the Bill.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): We shall now take up clause 5. In clause 5, there is one amendment (No.5) by Shri M.V. Mysura Reddy.

SHRI M.V. MYSURA REDDY (Andhra Pradesh): Sir, if the hon. Minister gives me an assurance, I will withdraw my amendment. But I want to bring one point to the notice of hon. Minister. During the last elections in Mehabubnagar Zedcherla Constituency, Andhra Pradesh, because people wanted to protest against an SEZ in Pollepalli, few hundred people filed nominations. Similarly in Nallagonda Parliament segment also, few hundred people filed nominations. That became the headache to the Election Commission also. Some serious candidates managed to get B-forms so that their own men can file nominations for election agents, counting agents, security people. It became a big headache. I welcome the intention of the Minister that he is enhancing the deposit. In view of the assurance given by the hon. Minister, I am withdrawing my amendment.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): The amendment is withdrawn.

Clause 5 was added to the Bill.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): We shall now take up clause 6. In clause 6, there is one amendment (No.6) by Shri A. Vijayaraghavan and Shri P.R. Rajan.

Clause 6 - Amendment of Section 123

SHRI A. VIJAYARAGHAVAN: Sir, I move:

6. That at page 2, lines 28 to 31, be *deleted*.

Sir, I have to have an assurance from the Minister. The Standing Committee in its recommendation No.4.8 has mentioned about this part. Sir, now we are delegating some extra powers to the Election Commission. Always we must be very careful about delegating the power. We are expecting a fair dealing from the Election Commission. So, what is aspect here?

It is regarding the democratic right of the people who have been engaged in the election duty. Earlier only Government officials were engaged, but now we are expanding the scope. We are expanding the scope for taking disciplinary action. It may be utilised for curtailing their democratic rights. That is the apprehension raised by the Standing Committee also. And, accordingly, the Standing Committee requested to redraft that particular provision. Unfortunately, that has not been done. Let the Minister give an assurance that the scope would not be expanded to that extent which would curtail the democratic right of this section.

SHRI M. VEERAPPA MOILY: Sir, hon. Member will understand that those officers are deployed by the Election Commission of India. They will be working under the Election Commission. If you do not empower the Election Commission or the officers to discipline the officers under them, who else can do it? This is the domain of the Election Commission. For anything which comes in the domain of the Election Commission of India, I do not think the Ministry can interfere and it is the duty of the Election Commission to discipline. That is the only thing. That is the only power that is delegated.. (*Interruptions*).

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Please, no argument.

SHRI A. VIJAYARAGHAVAN: This is something that the Standing Committee has recommended, and the Government has not accepted this recommendation.

SHRI M. VEERAPPA MOILY: If you go through the recommendations of the Standing Committee, it is not part of the recommendation. I have got full list of recommendations. We are not deviating from the recommendations. It may be a part of the discussion or deliberation, but it is not part of actual recommendation. I may submit that we will discuss about it. After all, it is not exhaustive amendment that we are bringing in. When we will bring comprehensive amendment, we will consider this aspect. In view of this, I request hon. Member to withdraw the amendment.

SHRI A. VIJAYARAGHAVAN: After considering the request of the hon. Minister, I am withdrawing my amendment. I do not move my amendment.

Clause 6 was added to the Bill.

Clause 7 was added to the Bill.

CLAUSE 1 - SHORT TITLE AND COMMENCEMENT

SHRI M. VEERAPPA MOILY: Sir, I move:

2. That at page 1, line 4, the word "Second" be *deleted*.
3. That at page 1, line 5, for the figure "2008", the figure "2009" be *substituted*.

The question was put and the motion was adopted.

Clause 1, as amended, was added to the Bill.

ENACTING FORMULA

SHRI M. VEERAPPA MOILY: Sir, I move:

1. That at page 1, line 1, *for* the word “Fifty-ninth”, the word “Sixtieth” be *substituted*.

The question was put and the motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

SHRI M. VEERAPPA MOILY: Sir, I move:

That the Bill, as amended, be passed.

The question was put and the motion was adopted.

RE. ANNOUNCEMENT BY THE CHAIR

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Hon. Members, I have to make two announcements. First, I wish to inform that there would be no sitting of the House on Friday, the 27th November, 2009, on account of Id-ul-Zuha.

I also wish to inform the House that the Private Members' Business scheduled for Friday, the 27th November, 2009, shall now be taken up on Thursday, the 26th November, 2009. The House is adjourned to meet at 11.00 a.m. on 26th November, 2009.

The House then adjourned at ten minutes past five of the clock till eleven of the clock on Thursday, the 26th November, 2009.