

MR. CHAIRMAN : I shall now put amendment No. 1 moved by Shri Ajoy Mukhopadhyay to the vote of the House

The amendment was put and negatived.

MR. CHAIRMAN : The question is :

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

MR. CHAIRMAN : The question is :

That clauses 3 to 6 stand part of the Bill.

The motion was adopted.

Clauses 3 to 6 were added to the Bill.

MR. CHAIRMAN : The question is :

That clause 1, the Enacting formula and the long title stand part of the Bill.

The motion was adopted.

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

SHRI P.R. KUMARAMANGALAM : I beg to move :

"That the Bill be passed."

MR. CHAIRMAN : The question is :

"That the Bill be passed."

The motion was adopted.

17.08 hrs.

STATUTORY RESOLUTION RE : DISAPPROVAL
OF PAYMENT OF GRATUITY (AMENDMENT) ORDINANCE

AND

PAYMENT OF GRATUITY (AMENDMENT) BILL

[English]

MR. CHAIRMAN : Now, items number 26 and 27 shall be taken up together.

[Translation]

SHRI MOHAN SINGH (Deoria) : Mr. Chairman, Sir, I beg to move:

"That this House disapproves of the Employees' Provident Funds and Miscellaneous Provisions (Amendment) Ordinance 1998 (No. 8 of 1998) promulgated by the President on 23 April, 1998."

Mr. Chairman, Sir, I am putting forth my statutory resolution for the consideration of the House and I would like to say a few words on it. Recently we have passed a Bill which was in favour of labourers and this Bill is also similar to the previous one. This Bill propose to increase the gratuity limit from Rupees fifty thousand to

Rs. 1.5 lakh. In the changed situation and particularly when the Fifth Pay Commission recommendations have already been implemented this limit was required to be enhanced. I do not see much scope for disagreement. However, since there is an established parliamentary procedure that there is no scope for discussion unless the resolution is moved. So, I put forth my resolution for initiating the discussion in the House.

MR. CHAIRMAN : The Minister may now move the Bill.

THE MINISTER OF POWER (SHRI P.R. KUMARAMANGALAM) : I beg to move :

"That the Bill further to amend the Payment of Gratuity Act, 1972, as passed by Rajya Sabha, be taken into consideration."

As the hon. Members will be aware, the Payment of Gratuity Act, 1972 provides for a scheme for payment of gratuity to the employees employed in factories, mines, plantations, oil fields, ports, railway companies, shops and certain other establishments and for matters connected therewith.

Under the Act, gratuity is payable in the event of superannuation, retirement or resignation from service subject to completion of five years' service. The completion of five years' service, however, does not apply in the case of termination of employment due to death or disablement. The employees in the non-seasonal establishments are entitled to gratuity at the rate of 15 days' wages for every completed year of service or part thereof in excess of six months, while the employees in seasonal establishments are entitled to seven days' wages as gratuity for each season. Payment of gratuity is further subject to a ceiling of Rs. 1,00,000/-.

Demand for revision of this limit has been raised on behalf of the workers from time to time. Various suggestions and recommendations made in this regard were considered and it was initially proposed to enhance the ceiling on the maximum amount of gratuity from Rs. One lakh to Rs. 2.50 lakh and a Bill was accordingly introduced and the Standing Committee on Labour and Welfare examined the Bill and recommended that the ceiling on the maximum amount of gratuity should be further enhanced from Rs. 2.50 lakh to Rs. 3.50 lakh. The Government has since accepted the recommendations of the Committee and it is now proposed to enhance the ceiling on the maximum amount of gratuity from Rs. One lakh to Rs. 3.50 lakh.

This is, in short, the amendment proposed through this Bill. I hope the hon. members will welcome the proposed amendment which is of non-controversial nature. With these words, I commend the Bill for the consideration of the House.

MR. CHAIRMAN : Motions moved:

"That this House disapproves of the Payment of Gratuity (Amendment) Ordinance, 1998 (No. 10 of 1998) promulgated by the President on 23 April, 1998."

"That the Bill further to amend the Payment of Gratuity Act, 1972, as passed by Rajya Sabha, be taken into consideration."

SHRI A.C. JOS (Mukundapuram) : Madam Chairman, I thank you very much for giving me an opportunity to participate in this discussion. I welcome the Bill moved by the hon. Minister. My only suggestion to the hon. Minister is that this amendment which is being made through this Bill should be given effect to retrospectively. The hon. Minister is aware and the House is aware that for the Central Government employees, this was given effect to from 1.4.1995. For the public sector employees also, this may be given effect to from the same date.

This demand to enhance the gratuity limit of all the workers, the staff and also the managers has been long-standing. After a long gestation period and after a long cry this has come before the House now. This is a welcome step and so, I am not opposing this amendment. My only request is that the hon. Minister should give effect to this amendment retrospectively, that is, from 1.4.1995, so that some more people would be benefited.

With these words, I support the Resolution.

SHRI BACHI SINGH RAWAT 'BACHDA' (Almorah) : Madam Chairman, I rise to support the Payment of Gratuity (Amendment) Bill, 1998. Sub-section 3 of Section 4 of this Bill provides for Rs. 3.5 lakh in place of Rs. 1 lakh. This would benefit lakhs of workers and employees in the country. This was a long-standing demand of the workers. The Government has fulfilled it by bringing forth a Bill in this regard. This has been done as it was a commitment under our agenda. Our Government will never lag behind so far as safeguarding the interests of Government servants, workers and the poor is concerned.

Madam Chairman, some amendments have been brought by the opposition Members but nobody is opposing the Bill. I would urge that the Government should undertake a comprehensive study of all the labour laws so that the shortcomings are removed and justice is done. The hon. Minister has brought forward two amending Bills and I would urge him to bring forth a comprehensive Bill in due course in this regard. This Bill would be enforced from retrospective effect i.e. 24th September, 1997. I want to congratulate the hon. Minister for this and would once again like to support this Bill whole-heartedly. With these words, I conclude.

SHRI H.P. SINGH (Arrah) : Madam Chairman, nothing has been said about contract labour in this Bill(Interruptions)

MR. CHAIRMAN : Please do not interrupt. You should have given your name in advance, if you wanted to speak. Shri H.P. Singh kindly resume your seat as your name is not there.

...(Interruptions)

SHRI RAMDAS ATHAWALE (Mumbai North-Central): Madam Chairman, I would like to welcome this Bill. Please allow me to speak for a while.(Interruptions)

[English]

MR. CHAIRMAN : Now, the Minister may please reply.

THE MINISTER OF POWER (SHRI P.R. KUMARAMANGALAM) : Madam Chairman, I am in total sympathy with the request that has been made by some of our leaders.(Interruptions)

SHRI BASU DEB ACHARIA (Bankura) : Madam, Shri Bikash Chowdhary's name is there. Please allow him to speak.(Interruptions)

MR. CHAIRMAN : All right. Let him speak for two minutes.

[Translation]

SHRI BIKASH CHOWDHURY (Asansol) : Madam Chairman, I support the Bill wherein a provision has been made for raising the ceiling of gratuity from Rs. one lakh to Rs. 3.50 lakh. But I would like to point out that this sum of Rs. 3.50 lakh would not be given to the workers. The permanent workers in private sector and other employees with long service have already been shunted out. Now contract labourers have been engaged in their place.

Madam Chairman, the hon. Minister is sympathiser to workers. I would like to ask whether this Payment of Gratuity Act would be applicable to contract labour. If it will not be applicable then would the Contract Labour Abolition Act be enforced so that the workers engaged by contractors could be made permanent and they could benefit from the said Act.

Madam Chairman, even in public sector the workers do not get the gratuity for years. These are cases where workers who were to get gratuity died during this long wait and even then their family members did not get the gratuity amount. I would like to request the hon. Minister that if the public sector factories which are sick, are made viable, the workers engaged therein will not have to seek

assistance from Central Government but they could at least get the gratuity amount. Therefore, if sick units are made viable at least gratuity could be ensured to the workers.

Madam Chairman, it is good that an amendment has been made in the Payment of Gratuity Act, through which the ceiling has been raised from Rs. One lakh to Rs. 3.50 lakh. But it is regretted that even in public sector factories and industries contract labour is being engaged in large number. The number of permanent employees is fast receding and the day is not far when contract labour would outnumber them, if this trend of contract labour continues unabated. This may happen in another four-five years if it is not checked. On the one hand we talk of 'swadeshi' but our own workers are being thrown out and replaced by contract labourers. Our Labour Minister is a sympathiser of workers and that is why the ceiling of gratuity has been raised to Rs. 3.50 lakhs. This is worth appreciating. We do not have any objection but we want a guarantee that this amount would be given to workers. It is understood that this law would not be applicable to the contract labourers. So we feel that unless the contract labour system is abolished this would not benefit the workers in anyway. With these words, I conclude.

[English]

SHRI P.R. KUMARAMANGALAM : Madam Chairperson, I am obliged to the hon. Members who participated in the discussion, especially the hon. Member Mohan Singhji, who moved the Statutory Resolution, though I suppose he moved it for the sake of opportunity rather than objecting to the ordinance. It is relevant for me to bring to the notice of the Members, through you that under the Payment of Gratuity Act, the service conditions' requirement is five years. Under the eligibility condition, even the casual contract workers are also covered. I repeat that the casual contract workers are also covered. The calculation system is based on pay plus D.A. The gratuity is payable even on dismissal except, of course, on grounds of moral turpitude. The Bill proposes to raise the limit from Rs. 1 lakh to Rs. 3.5 lakh and not from Rs. 50,000 to Rs. 1 lakh. The limit has been raised from Rs. 1 lakh to Rs 3.5 lakh.

The real problem is about the date. The Central Government employees had their raise, first time, effective from 1.4.1995 from Rs. 1 lakh to Rs. 2.50 lakh. Then, they got, after the Fifth Pay Commission Report, another increase up to Rs. 3.5 lakh. It is necessary to bring some history to the notice of the hon. Members. Last time, when the Central Government employees got a raise from Rs. 50,000 to Rs. 1 lakh in 1986, the industrial employees finally got it only in May 1994 to the level of

Rs. 1 lakh. This time, we have a situation where we have moved quickly, within a couple of months, to the level of Rs. 3.5 lakh. But at this Rs. 2.5 lakh level, we really find that we were two and a quarter years behind. We have improved in our response. But the real critical problem is that we cannot amend that Act twice for two different levels. We cannot have Rs. 2.5 lakh level for a year and a half or two years and then have another Rs. 1 lakh after that. Then, we should have brought in two Ordinances. This is the critical situation. Therefore, we have actually taken the date of the Ordinance last time, that is, September 1997 and not the Ordinance now issued. Repromulation of the Ordinance is not the date that we have taken. We have taken the original date of September 1997.

I would request that this may be passed. I do believe that we should have a look at the system whereby this disparity that is constantly coming up between the industrial workers and the Central Government Employees on gratuity is sorted out and these problems do not go on continuing on a long-term basis.

Hon. Member Rawatji raised the issue of having a comprehensive law for looking at such social security schemes. I must assure him that a Task Force on social security has been set up to examine and review all the social security schemes and we will take urgent steps in this regard.

With this short reply on my part, and this is a Bill which is acceptable to all, in fact, long overdue, I will request this House to take this Bill into consideration. Thank you.

I would also request the hon. Member, Shri Mohan Singh, to withdraw his Statutory Resolution in the light of the Bill and the assurances that I have given.

[Translation]

SHRI MOHAN SINGH (Deoria) : Madam Chairman, I said in the beginning that it was not my intention to oppose this Bill. I moved the statutory resolution so that there could be a fruitful discussion on the subject. I beg the leave of the House to withdraw my resolution.

[English]

MR. CHAIRMAN : Is it the pleasure of the House that the Resolution moved by Shri Mohan Singh be withdrawn?

The Resolution was, by leave, withdrawn.

MR. CHAIRMAN : I shall now put the motion moved by Shri P.R. Kumaramangalam to the vote of the House.

[Mr. Chairman]

The question is:

"That the Bill further to amend the Payment of Gratuity Act, 1972, as passed by Rajya Sabha, be taken into consideration."

The Motion was adopted.

MR. CHAIRMAN : The House will now take up Clause by Clause consideration of the Bill.

The question is:

"That clauses 2 and 3 stand part of the Bill."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1

MR. CHAIRMAN : Shri Basu Deb Acharia, are you moving you amendment?

SHRI BASU DEB ACHARIA (Bankura) : It is a very simple amendment.

I beg to move:

Page 1, line 4,—

for "24th day of September, 1997"

substitute "1st day of April, 1995". (1)

SHRI P.R. KUMARAMANGALAM : It is a complicated matter.

SHRI BASU DEB ACHARIA : The amendment is not complicated.

SHRI P.R. KUMARAMANGALAM : Matters would get complicated.

SHRI BASU DEB ACHARIA : Matters also will not get complicated. It is very simple. There should not be any discrimination between Central Government employees and industrial workers.

SHRI P.R. KUMARAMANGALAM : Now this amendment will cause a discrimination.

SHRI BASU DEB ACHARIA : Yes. If there are different effective dates, it will cause discrimination.

SHRI P.R. KUMARAMANGALAM : It will cause discrimination because they got Rs. 2.50 lakh. I cannot bring a law there also.

SHRI BASU DEB ACHARIA : From that date, what is the difficulty in order to remove the discrimination between Central Government and industrial workers?

SHRI P.R. KUMARAMANGALAM : This is your amendment. We did not bring the law.

SHRI BASU DEB ACHARIA : I want to move this amendment and I request the hon. Minister to accept this amendment in order to remove the discrimination.

SHRI BASU DEB ACHARIA : The hon. Minister wants to accept the amendment.

SHRI P.R. KUMARAMANGALAM : If I may respond with your permission, I want to say that though I have all sympathies for what the hon. Member is saying, actually we will again have discrimination with his amendment because then we will have a situation where Central Government employees have got Rs. 2.50 lakh and industrial employees got Rs. 3.50 lakh. We will have to come with another amendment for that and this will go on endlessly. That is why, I said in future, we must bring in a system where it happens simultaneously. It is not that it is something new that we are going to do.

MR. CHAIRMAN : I now put amendment No. 1 moved by Shri Basu Deb Acharia to the vote of the House.

The amendment was put and negatived.

MR. CHAIRMAN : The question is :

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

The motion was adopted.

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

SHRI P.R. KUMARAMANGALAM : I beg to move :

"That the Bill be passed."

MR. CHAIRMAN : The question is :

"That the Bill be passed."

The motion was adopted.

17.29 hrs.

STATUTORY RESOLUTION RE : DISAPPROVAL OF REPRESENTATION OF PEOPLE (AMENDMENT) ORDINANCE

AND

REPRESENTATION OF PEOPLE (AMENDMENT) BILL

[English]

MR. CHAIRMAN : Now we will take up next items 28 and 29. Shri Basu Deb Acharia.

SHRI BASU DEB ACHARIA (Bankura) : I beg to move:

"That this House disapproves of the Representation of the People (Amendment) Ordinance, 1998 (No. 12 of 1998) promulgated by the President on 24 April, 1998."

The Ordinance was promulgated in the month of December, 1997 because of Supreme Court judgment in regard to requisition of the employees of public sector undertakings for election duty.

Madam, the Ordinance was first promulgated in December. Then, again, it was re-promulgated in the month of April although there was a scope to replace the ordinance by a Bill. ...*(Interruptions)*

MAJOR GENERAL BHUVAN CHANDRA KHANDURI, AVSM (Garhwal) : When ?...*(Interruptions)*

[Translation]

SHRI BASU DEB ACHARIA : Why one day. You could have done. ...*(Interruptions)*

MR. CHAIRMAN : Nobody should disturb Basu Deb ji. This is how a lot of time is wasted.

...*(Interruptions)*

SHRI BASU DEB ACHARIA : If it was so urgent then there was occasion when the House was in session. We had sittings for two days after the vote of confidence. At that time this ordinance could have been replaced by bringing forward a Bill and passed. But the Government did not do so. When they felt the need they promulgated the ordinance. During this inter-session period the Government promulgated as many as nine ordinances. An ordinance which had been promulgated earlier had to be re-promulgated when the earlier one lapsed.
(Interruptions)

SHRI MADAN LAL KHURANA : The earlier Session was slated for confidence motion only. Unless Confidence Motion is passed, how can we introduce the Bill.
(Interruptions)

SHRI BASU DEB ACHARIA : Before becoming the Chief Minister, he was on this side for one and half years. ...*(Interruptions)* At that time he also used to say why ordinances were being promulgated.

Because of the Supreme Court judgement employees of the public sector undertakings could not be requisitioned. But we do not want to bring peace-meal legislations, rather. We want to bring comprehensive electoral reforms legislation before the House. An all party meeting was held. ...*(Interruptions)* For years we have been listening about Dinesh Goswami Committee. its recommendation about money power, muscle power and how to reduce them. A comprehensive legislation about electoral reforms should be brought. We demand that such a bill should be introduced in the House at the earlier. We are not against it. This ordinance was promulgated by the United Front Government. It had to be re-promulgated by this Government. We do not oppose it but we certainly oppose the practice of promulgating ordinances like this. ...*(Interruptions)*

MR. CHAIRMAN : Do not interrupt, it wastes much time.

SHRI BASU DEB ACHARIA : This is a wrong practice on the part of the Government. It should not be done in future. With this, I move my Statutory Resolution.

[English]

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS AND MINISTER OF SURFACE TRANSPORT (DR. M. THAMBI DURAI) : Madam, I beg to move:

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

Under clause (6) of Article 324 of the Constitution, the President or the Governor of a State is required to make available to the Election Commission such staff, as may be necessary, for the discharge of his function. Further, under section 159 of the Representation of the People Act, 1951, the employees of the local authorities can be requisitioned for election duties.

Though under statutory provisions, apart from Government employees, only employees of local bodies could be requisitioned for election duties, upto February 1995, employees of banks, public sector undertakings and statutory bodies aided by the Government were requisitioned for election duties. Some time back, the State Bank of India Staff Association, Patna, and others and Northern Zone Insurance Employees Association, Rajasthan, challenged requisitioning of services of bank and insurance employees for election duties and the hon. Supreme Court of India *vide* its Judgement dated 7.2.1995 held that, as per statutory provisions, only services of Government employees and employees of local authorities can be requisitioned for election duties and, accordingly, the employees of the bank and insurance cannot be requisitioned for election duties.

In view of the aforesaid Judgment of the hon. Supreme Court, the Election Commission of India was facing great difficulty in deploying requisite number of employees for election duties especially as a very large number of employees are drafted and deployed on election duties as Presiding officers, Polling Officers, Counting Officials etc. An idea about the enormity of the requirements of staff for general elections to the House of the People can be had from the fact that to man nearly eight lakh polling stations in the recently concluded Lok Sabha elections, around 40 lakh polling personnel were needed.

The Election Commission of India, accordingly, requested that section 159 of the Representation of the People Act, 1951 may be amended to provide that, in addition to local authorities, all public sector undertakings

[Dr. M. Thambi Durai]

of the Central Government and State Governments, all statutory and non-statutory bodies aided by the Government, all universities and all other educational institutions aided by the Government should also make their staff available for election duties.

In the wake of general elections to the Twelfth Lok Sabha, the President promulgated an Ordinance, namely, the Representation of the People (Amendment) Ordinance, 1997 on 23rd December, 1997 to provide for requisitioning of services for election work of employees of, apart from local authorities, every university and any other institution, concern or undertaking controlled, or financed wholly or substantially by funds provided, directly or indirectly, by the Central Government or a State Government. The employees of statutory bodies and companies were, however, exempted by the Ordinance from being requisitioned for election duties. The aforesaid Ordinance was re-promulgated on the 24th April, 1998 to give continued effect to the provisions of the aforesaid 1997 Ordinance and to avoid any difficulty to the Election Commission in holding elections in the interregnum.

The Government have since decided that, apart from the categories of employees brought under the ambit of section 159 of the Representation of the People Act, 1951 by the aforesaid Ordinance, employees of public sector enterprises, etc., should also be brought under the ambit of that section so as to ensure easy availability or staff for election duties at all places. This would also avoid unnecessary burden on any organisation to spare a large number of its employees for election duties.

I am sure that hon. Members would agree with me that the measures proposed in the Bill are necessary to ensure deployment of requisite number of staff for election duties and I am confident that the Bill would receive support from all sections of the House.

I commend the Bill for consideration of the House.

MR. CHAIRMAN : Motions moved:

"That this House disapproves of the Representation of the People (Amendment) Ordinance, 1998 (No. 12 of 1998) promulgated by the President on 24 April, 1998."

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

[Translation]

SHRI SUSHIL KUMAR SHINDE : Madam, I welcome the Government for the Bill. But I also regret that ordinance was promulgated twice.

I have a doubt that in the intervening period, they may promulgate ordinance for some other legislation also.

If they can assure the House in respect of other such legislations, I can understand the intention of the Government that they will not make any such endeavour to promulgate such ordinances.

The Government are extending help to Election Commission so as to remove the difficulties being faced by them. You said that you are seeking assistance from NGOs, statutory and non statutory aided institutions. But if we want to avail of their services, they may create a situation of might is right. In case of cooperative institutions, if elections are held in an area in which such NGOs or cooperatives function and employees are put on election duty in their own villages or areas they may cause undue political influence. So, I request the Government that it should incorporate a sub-section or sub-clause for this purpose to ensure that Election Commission deploys such persons carefully so that there is no undue political influence. This provision is very essential for ensuring fair elections.

As I do not have much time I would not go into details but I support it. I have always said that we should have provision for reservation in aided, non-aided and Government aided institutions particularly institutions like cooperatives, sugar factories. We have very often raised this issue in this House. This Government is new and it is very progressive. It has brought a good amendment in legislation. I have to speak this much only. Next time when I speak on Budget, I will speak as to how far the Government is good. But I request this Government to do something for such reservations. ... (Interruptions) No, I extend full support. For a good cause I extend full support. On this issue even Acharia ji is also supporting good work.

SHRI BASU DEB ACHARIA : It was introduced by our Government.

SHRI SUSHIL KUMAR SHINDE : It is a good piece of legislation for the Election Commission. I support it.

SHRI KHARABELA SWAIN (Balasore) : Madam, I thank you for giving me an opportunity to speak.

The Supreme Court had given a judgement in February, 1995. It had said in that judgement that only Government servants or the employees of local bodies could be deputed on election duty. This decision of the Supreme Court put the Election Commissioners in a quandary because they have to manage about nine lakh polling stations during elections. For this, they require about 45 lakh employees. Then, where could they get the required number of employees from? During elections, employees in a district fall short of the required number. Should the Election Commissioner stop holding elections? I was also a Government servant earlier. The Government servants or the officers who are sitting here, know very

well that they do not go on election duty willingly. Some people apply for sick leave and others approach the political leaders or bureaucrats for getting their names deleted. The employees find one pretext or the other.

I would like to submit that in 1983, when I was a senior class-I officer in the Central Government, I was sent to Assam on election duty. When my colleagues heard about being deployed in Assam, most of them started weeping. At that time, STD facility was not there. They got the telephone calls booked to Madras and Mumbai and informed their parents about their deployment on election duty in Assam. They also told their parents that they were not sure whether they would return alive or not and thus, they started weeping on telephone also. My submission is that it is not a pleasant experience. Anybody can face any eventuality. I know, there are high chances of losing one's life on election duties in Assam, Punjab and Mizoram.

DR. SHAKEEL AHMAD (Madhubani) : He had gone there on election duty and ran away from there.

SHRI KHARABELA SWAIN : I did not run away. I went there. I had a hair breadth escape. That is why, I am saying that somebody will have to bell the cat. I do not find any reason for opposition of this ordinance. I do not consider it proper to oppose it on technical grounds. Since there is no other way to get 45 lakh employees for election duty, hence this ordinance. ...*(Interruptions)* I would also like to submit that the Chief Election Commissioner held talks with all political parties in this regard and he also talked of election reforms there. ...*(Interruptions)* Kalita ji, you can speak after me.

SHRI BHUBANESWAR KALITA (Guwahati) : Please see that a wrong message should not go from this House.

SHRI KHARABELA SWAIN : That is what I am saying. Please have patience.

SHRI BHUBANESWAR KALITA : It will send a wrong message to those employees who are already posted there and debuted on election duty.

(English)

Do not underestimate the employees of Assam. This is wrong.

(Translation)

MR. CHAIRMAN : You please sit down.

...*(Interruptions)*

SHRI KHARABELA SWAIN : I am not giving any wrong message.

SHRI SURENDER SINGH (Bhiwani) : It applies to those employees who are weak and also to those who are frightened. ...*(Interruptions)*

SHRI KHARABELA SWAIN : So, the Government have taken a right step by bringing in this ordinance. The proposal which you are opposing now, put forth by the Chief Election Commissioner himself and not this Government. It means you are opposing the stand of the Election Commissioners. That is what I want to tell. ...*(Interruptions)*

MR. CHAIRMAN : Please conclude.

SHRI BHUBANESWAR KALITA : Whatever he is speaking is his personal experience. What message he is giving to the employees of Assam. ...*(Interruptions)*

SHRI KHARABELA SWAIN : I support this Bill and request all hon. Members in the opposition to withdraw their amendments and support the Bill.

(English)

SHRI BHUBANESWAR KALITA : This should be expunged from the proceedings. He has no business to talk about his personal experience.

MR. CHAIRMAN : Nothing will go on record other than the hon. Minister's speech.

...*(Interruptions)**

MR. CHAIRMAN : Shri Kalita, I have not permitted you to speak. Please sit down. It is just not possible to run the House like this.

...*(Interruptions)*

MR. CHAIRMAN : Nothing except the hon. Minister's speech will go into the record.

...*(Interruptions)**

MR. CHAIRMAN : Mr. Minister, you may please begin your reply. Enough is enough. Please sit down. When I am on my legs, you should sit down.

...*(Interruptions)*

SHRI BASU DEB ACHARIA (Bankura) : Madam, you will have to allow Shri Nikhilananda Sar to speak.

MR. CHAIRMAN : Mr. Minister, I think, you will have to wait for a couple of minutes. I will allow Shri Nikhilananda Sar.

(English)

SHRI NIKHILANANDA SAR (Burdwan) : Madam Chairperson, I stand here to support the Representation

* Not Recorded.

[Shri Nikhilananda Sar]

of the People (Amendment) Bill, 1998 initiated by the hon. Minister of Law and Justice with some reservations.

As we all know, it is intended to give a new shape, to replace the Ordinance promulgated twice. But why had the Ordinance to be promulgated? It was simply to ensure fairness in the election process.

Many elections have been held since 1952 and there was no dearth of polling personnel. In a democracy elections are a must; elections are a part and parcel of democracy. The electorate should be satisfied with the fairness of the elections. The parties contesting elections should act in such a manner that the people can express their views freely. I am sorry that that sort of an atmosphere is almost absent. Now, money and muscle power, opportunistic groupings, caste and religious sentiments attached to political parties and evil misuse and misinterpretation of anti-defection laws vitiate the democratic spirit of the people at large. Members of legislative bodies have turned into saleable commodities. We have seen many *aya* Rams and *gaya* Rams. This is the present position.

So, to make the democracy successful piecemeal legislation like issuing of Ordinances is not enough. We support this Bill. But at the same time I would request the hon. Minister through you that he should enlighten the House about the comprehensive electoral reforms as to whether he is going to place it before this august House or not. People who have gone to the Supreme Court have not taken it in right earnest and due to this, they tried to avoid taking part in the election process. This sentiment should be given due consideration and the Government should come forward with proper legislative measures for presenting comprehensive electoral reforms as early as possible.

Hence, I would request the hon. Minister he should come forward with this Bill in the near future. With these words I support this Bill.

[Translation]

SHRI MOHAN SINGH (Deoria) : Mr. Chairman, Sir, I may please be given two minutes to express my views. Views of all political parties in regard to this Bill should be taken.

MR. CHAIRMAN : Mohan Singh ji, you always speak.

...(Interruptions)

SHRI MOHAN SINGH : We have no representation in the Election Committee. Our party nominee has been dropped from that Committee and in the House our views are not being taken. I want that I should be given two minute's time. ...(Interruptions)

MR. CHAIRMAN : I am prepared to take your views. However, the problem is that once I allow you to express your views, 25 other Members will rise to make a submission in this regard.

...(Interruptions)

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF TOURISM (SHRI MADAN LAL KHURANA) : Please seek recognition. ...(Interruptions)

SHRI MOHAN SINGH : Even in the Committee, our party has not been given representation. ...(Interruptions) We are not opposed to this Bill. Some of our colleagues are under the impression that we are opposed to this Bill. We are not opposing this Bill. It is not so. ...(Interruptions)

MR. CHAIRMAN : You have to conclude in two minutes.

SHRI MOHAN SINGH : Sir, what I want to say is that a Committee has been constituted to draft a comprehensive Bill for electoral reforms. However, I have a grouse against Shri Khurana that our party leadership has been dropped from that Committee. Hence, I have perforce to make a few submissions in this regard. I want you to take them into consideration.

My second point is that more and more people should be encouraged to participate in the elections. For this purpose, more and more polling stations should be set up. Even a village having less than 500 voters should have a polling station. With the setting up of more polling stations, more and more employees would be required to man them. This has necessitated bringing forward this Bill because the number of employees are declining and hence to deal with this situation, the number of polling stations would have to be increased. Employees of Universities, degree colleges, State Governments, Central Government and Public Sector Undertakings should be deployed on election duty. This Bill is very appropriate and is a welcome measure from this point of view. However, bringing a separate Bill on piece meal basis would create anomalies. Hence, it would have been better had the comprehensive Bill been brought forward.

With these words and a suggestion that our party would be given representation in that committee, I support this Bill.

SHRI RAMDAS ATHAWALE (Mumbai North-Central): Sir, on behalf of my party, I support this Bill. Election is the soul of democracy. Hence, it should be conducted in a fair manner and in accordance with the rules and regulations. The employees and officers deputed to conduct elections should accept their responsibility.

18.00 hrs.

This Bill is very important with a view to restraining those unwilling officers who are deputed on election duties but dilly dally to accept it, on one or another pretext. But at the same time the Government should own its responsibility to protect their lives and look after their families. The Government should consider to incorporate a clause in this Bill to give insurance cover to the officers who face threat to their lives or are attacked during the course of their election duties. This is the request that I want you to consider in this regard. ...*(Interruptions)*

MR. CHAIRMAN : Members from your party have already spoken on this Bill. Now please take your seat and listen to the Minister.

(English)

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS AND MINISTER OF SURFACE TRANSPORT (DR. M. THAMBI DURAI) : Madam, I thank all the hon. Members who have made valuable suggestions during the course of discussion of the Bill.

Shri Basu Deb Acharia was concerned about the way the Ordinance was promulgated by the Government; he has some kind of an apprehension. I would like to tell that that was not the intention of this Government in promulgating Ordinances and create such a situation.

Actually, this Ordinance was promulgated at the request of the Election Commission because they wanted some personnel since the Commission had to conduct the 12th Lok Sabha elections. For that purpose only, the Ordinance was promulgated. This is our limited purpose in promulgating that Ordinance.

As the hon. Members suggested, this Government is committed to bring forward a comprehensive Electoral Reforms Bill soon. For that purpose, we had already conducted an all-party leaders' meeting and in that meeting, it was decided to appoint a committee. So, a Committee was also appointed under the leadership of Shri Indrajit Gupta. I think, within a period of three months, they would submit certain suggestions. After taking those suggestions, we would bring forward a comprehensive Electoral Reforms Bill.

Shri Sushil Kumar Shinde suggested certain things about the cooperative sector and expressed some reservation also. We will consider those things when we bring forward the comprehensive Electoral Reforms Bill.

When Shri Kharabela Swain was speaking about the security aspect said that the officers who are going for election duty fear for their lives. If that is the case, we

will request the State Governments to give necessary protection and security for those who are taking up that kind of an electoral work.

I think, most of the hon. members have accepted the necessity of this Bill and supported the Bill also. In view of this, I would request Shri Basu Deb Acharia to withdraw his Statutory Resolution and allow the Bill to be passed.

SHRI BASU DEB ACHARIA : Madam, in view of the assurance given by the Minister of Law regarding the comprehensive legislation on electoral reforms which is now overdue, I withdraw the Statutory Resolution.

MR. CHAIRMAN : Has the hon. Member leave of the House to withdraw his Resolution?

SEVERAL HON. MEMBERS : Yes.

The Resolution was, by leave, withdrawn.

MR. CHAIRMAN : The question is:

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

The motion was adopted. ...

MR. CHAIRMAN : The House will now take up clause-by-clause consideration of the Bill.

Clauses 2 and 3

MR. CHAIRMAN : The question is:

"That Clauses 2 and 3 stand part of the Bill."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

MR. CHAIRMAN : The question is:

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

The Motion was adopted.

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

DR. M. THAMBI DURAI : I beg to move:

"That the Bill be passed."

MR. CHAIRMAN : The question is :

"That the Bill be passed."

The motion was adopted.