

SHRI RAMASHRAY PRASAD SINGH (Jahanabad): I seek leave of the House to move the Adjournment Motion regarding failure of the Government to meet the sugar situation resulting in forcible import thereof in large scale at higher price.

MR. SPEAKER: I think it is not opposed. So, the leave is granted. Under Rule 61, the Adjournment Motion is to be taken up at 16.00 hours or at an earlier hour. Under Rule 62, not less than two-and-a-half hours are allotted for its discussion. The Motion will be taken up at 16.00 hours.

The House stands adjourned to re-assemble at 14.30 hours.

13.34 hrs.

*The Lok Sabha then adjourned for
Lunch till Thirty Minutes past
Fourteen of the Clock.*

[English]

14.35 hrs.

*The Lok Sabha reassembled after
Lunch at Thirty-Five Minutes past
Fourteen of the clock.*

[MR. SPEAKER in the Chair]

REPRESENTATION OF THE
PEOPLE (SECOND AMENDMENT)
BILL—Contd.

[Translation]

SHRI GUMAN MAL LODHA (Pali): Mr. Speaker, Sir, I rise to oppose the Bill presented in the House. While presenting the Bill we will have to keep

in mind the peculiar circumstances in which it is being brought in respect of electoral reforms....

(Interruptions)

SHRI MOHAN SINGH (Deoria): Mr. Speaker, Sir, the Minister of Justice and Company Affairs is not present in the House. (Interruptions)

[English]

MR. SPEAKER: He is required to be in the other House. I have allowed him to go to the other House. The Parliamentary Affairs Minister is deputising him.

[Translation]

SHRI GUMAN MAL LODHA: Mr. Speaker, Sir, it is unfortunate that since 1967 we have been constantly demanding for electoral reforms....(Interruptions)

[English]

MR. SPEAKER: At the stage of introduction, legislative competence will be discussed and nothing more than that.

[Translation]

SHRI GUMAN MAL LODHA: Whatever time you allocate me, within that; I will speak in brief.

SHRI LAL K. ADVANI (Gandhi Nagar): Then, the Government will have to hold full discussion on the subject. In addition to raising points regarding legislative competence, other objections can also be raised.

[English]

The rule says that if it is questioned or if it is proposed on the ground of legislative competence then you have to permit everyone.

[Translation]

SHRI GUMAN MAL LODHA: I will not take much time. But I would at least like to say that this House should also get full information as this Special Session has now been convened exclusively for the purpose of electoral reforms whereas we have been constantly raising this issue since 1967. Several committees were constituted in this regard. And, at last the report of the Goswami Committee was submitted. Shri Dinesh Goswami had presented a comprehensive Bill on the basis of recommendations of the Committee. It may be termed solely as Electoral Reforms Bill... (Interruptions)

[English]

MR. SPEAKER: This is really becoming a regular debate on this.

[Translation]

SHRI GUMAN MAL LODHA: This Bill had taken care that no Member is constraint to submit a false affidavit in respect of electoral expenses before taking an oath in the House and also to save our Members of Parliament from this unfortunate situation in which they may find themselves in an embarrassing position and they may not start their work with a false affidavit the Government has made a provision of State funding. Under the scheme of State Funding, free voters'

list, free identity slips alongwith free petrol diesel will be made available to them. They will also be provided facility to speak on stage.

But Goswamiji has introduced some amendments to the Representation of People's Act, 1990 in his Bill. Today we are passing through 1994. But after introducing it in the House, it was referred to the Select Committee. At that time it was hoped that one much more effective Bill will be brought forward so that the people of India may not tolerate any type of corrupt practices like muscle power or money power while exercising their franchise.

I would like to submit that this Bill was circulated on 13th. There was a provision in the Bill that the Government will provide at least free voters' list, identity slips, etc. as well as diesel and petrol to all political parties. Such type of provision was made in that Amendment Bill of 1990 which was circulated by Shri Bhardwajji and discussed till last 13th at the fake end of the session. But I am surprised to know that these provisions are missing in the Bill which is being brought forward for introduction. It means that we are heading towards opposite direction instead of bringing improvements. We have reversed the gear. After a long time we have endeavoured a bit. But these provisions have been left out of the Bill for which leave is being sought to move. Why is it so? The Government is revoking such existing provisions whereas it should have introduced more stringent legislation for the purpose of bringing improvements. Therefore, I would like to draw your attention towards section 324 of the People's Representation Bill in which the Commission has been empowered to run its administration. The Government is going to exercise control over it.

[English]

SHRI LAL K. ADVANI: Sir, on a point of order, I would like to know whether the substantial Bill, which has many provisions in common with this Bill, which was introduced in 1990, in the Rajya Sabha has been withdrawn from there, because, this Bill should have been introduced only after the withdrawal of that Bill.

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE AND MINISTRY OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI MALLIKARJUN): After 2.30 p.m. it is going to be withdrawn.

SHRI LAL .K. ADVANI: It has not yet been withdrawn and before that they have sought leave to introduce this Bill! Is it not against the Rules? (*Interruptions*)

MR. SPEAKER: It is a very valid point. Let me find out what is the position? I would like to know whether the same kind of Bill is there or not.

SHRI LAL K. ADVANI: Yes. I have it here with me.

SHRI VIDYACHARAN SHUKLA: It is not of the same kind. This is a new Bill which is being brought here. It may have some provision of the Bill which is being introduced here.

SHRI LAL K. ADVANI: Have you withdrawn that Bill?

SHRI VIDYACHARAN SHUKLA: It is not the same kind of Bill. There are some common features. But that does not make it the same.

[Translation]

SHRI MOHAN SINGH (Deoria): Mr. Speaker, Sir, I would like to draw your attention to the rule 66 of the Rules of Procedure and Conduct of Business in Lok Sabha which reads as follows:

"66. A Bill, which is dependent wholly or partly upon another Bill pending before the House, may be introduced in the House in anticipation of the passing of the Bill on which it is dependent."

I was also raising this question earlier about the Bill. Such type of Bill is being considered in the Rajya Sabha and it has not been withdrawn. It is lying pending there.

[English]

MR. SPEAKER: Rule 66 is not applicable. That is completely different.

[Translation]

SHRI MOHAN SINGH: Mr. Speaker, Sir, I would like to draw your attention to Rule 67 which reads as under:

"When a Bill is pending before the House, notice of an identical Bill, whether received before or after the introduction of the pending Bill, shall be removed from, or not entered in, the list of pending notices, as the case may be, unless the Speaker otherwise directs."

Mr. Speaker, Sir, if we examine Rules 66 and 67 it will be clear that the Bill which is lying pending in the Rajya Sabha cannot be discussed.

[English]

MR. SPEAKER: Rule 66 is not applicable. Rule 66 is applicable to a Bill which is dependent on 'any other Bill'. Unless that 'any other Bill' is passed, no Bill can be introduced. That is different.

SHRI PAWAN KUMAR BANSAL (Chandigarh): These two rules refer to the Bills pending in this House. That objection cannot be substantiated. (Interruptions)

MR. SPEAKER: I think somebody may collect the information and clarify this point later on. The hon. Minister of Parliamentary Affairs may not have all the information. The information may be collected from the Law Minister.

SHRI VIDYACHARAN SHUKLA: You want to know about the pendency of the Bill or the nature of the Bill, Sir?

SHRI PAWAN KUMAR BANSAL: I will submitting that even if that is pending still another Bill can be introduced. Technical objection about a Bill can be tackled technically. There are rules for tackling it. The rules postulate that only if the Bill is pending in this House a second Bill incorporating almost the same provisions of the first Bill or an identical Bill cannot be introduced here. (Interruptions)

MR. SPEAKER: I will give my ruling later on.

SHRI LAL K. ADVANI: I have that Bill with me. Several clauses are common. Therefore, on the same analogy on which they were naturally keen to withdraw that Bill, ... (Interruptions)

MR. SPEAKER: There is a little difference. If the Rajya Sabha has passed the Bill and if that Bill has been received by the Lok Sabha, only then we would not withdraw that Bill without procuring the agreement of the Rajya Sabha for withdrawal. But supposing that is pending with them, can a new Bill be introduced here in this House before it is passed in the other House?

SHRI LAL K. ADVANI: It has been introduced already.

MR. SPEAKER: I will look into it. I will not just respond to it immediately.

SHRI GUMAN MAL LODHA: Mr. Speaker, Sir, Rule 67 says:

"When a Bill is pending before the House, notice of an identical Bill, whether received before or after the introduction of the pending Bill, shall be removed from, or not entered in, the list of pending notices, as the case may be, unless the Speaker otherwise directs."

SHRI VIDYACHARAN SHUKLA: I would like the hon. Member to enlighten this House and the hon. Speaker whether this Rule refers to the Bills pending in this House or in the other House. My understanding is that this Rule refers to the Bills pending in this very House and not in the other House. (Interruptions)

MR. SPEAKER: The stand of the Parliamentary Affairs Minister and Shri Bansal appears to be correct. This Rule is applicable to the Bills pending in this House and not in the other House. (Interruptions)

MAJ. GEN. (RETD.) BHUWAN CHANDRA KHANDURI (Garhwal): If some

[Maj. Gen. (Retd.) Bhuwan Chandra
Khanduri]

Bill is already pending in the other House, can you introduce a similar Bill here? (*Interruptions*)

MR. SPEAKER: Please sit down. Now this kind of discussion cannot be allowed. (*Interruptions*)

MR. SPEAKER: I got a ruling here, which says that there is no bar to a Bill being introduced in the Lok Sabha when an identical Bill is pending in the Rajya Sabha. It is very clear.

[*Translation*]

SHRI GUMAN MAL LODHA: I was submitting that the Government had made several provisions in the Bill which was circulated on the 13th May, 1994 in respect of electoral reforms. The provisions of the Bill of 1994 which is being introduced in the Rajya Sabha are almost similar to the recommendations made by Goswamiiji regarding containing electoral expenses, state funding of elections and checking of corrupt practices in the elections.

I would like to submit that all these provisions have been removed from the Bill circulated today and there is nothing worth the name of electoral reforms in the Bill. It seeks to secure powers for the Government to exercise control over the Election Commission. Because the Election Commission has declared that the elections will be held only after issuing Identity Cards to the voters throughout the country. This provision has been made. Until and unless the Election Commission receives clearance from the Central Government, it cannot hold elections. The Central Government will act at its convenience. They will

introduce Identity Cards in a State which suits them and will not introduce these in another State which does not suit them. I would like to submit that such an interference of executive is being encouraged which is not required to maintain healthy democracy and for holding fair elections. Therefore, Sir, it should be considered whether a provision for an ordinary legislation can be brought just to curtail powers provided in the Article 324 of the Constitution. To amend the article 324 of the Constitution.... (*Interruptions*)

MR. SPEAKER: Even if it is brought forward.

[*English*]

It will be over-ruled.

[*Translation*]

SHRI GUMAN MAL LODHA: I would like to see that it is over-ruled by you.

MR. SPEAKER: You know very well that I cannot do it, the Court will do it.

SHRI GUMAN MAL LODHA: The Court has already given its verdict. In Indira Gandhi *versus* Raj Narain case, the court had given the verdict that free and fair elections and democracy are the basic features of our Constitution. So, my submission is that wherever there is interference in fair and free elections such a Bill should not be brought in the House. It is not the question of Sheshan, Sheshan comes and goes in the country but a session is called to bring a Bill to put the pressure that identity cards will be made wherever the Government may want to do so. It is against the Articles 14 and 324 of the Constitution. As per the law of the land, no amendment can be made in it against Article 324. This House has got limited powers under

Article 368 and a constitution Amendment can be brought through a special procedure. Such a decision was given in Keshwanand Bharti versus Raj Narain case and you all are aware of it. All the laws should be enacted to provide free and fair elections. While giving permission, you must ponder over it. The wave for a free poll in the country is being suppressed. A particular and flourishing party, towards which the majority of the countrymen are attracted, is being liquidated. It is not legal. Therefore, the permission should not be granted to bring this Bill. If a electoral reforms Bill is to be brought then a comprehensive Bill should be brought. The list system should be introduced under proportionate representation and there should also be the provision for bringing an end to muscle power. Even after making such proposals during 1990-94, the necessity, to pass these was not felt. Now it is being withdrawn. If some sort of new Bill is to be brought, there should be more provisions for electoral reforms in it. These should be in accordance with the law. My submission is that the Bill should not be brought with the intention to maintain the dominance of Government on the Election Commission and to cut the rights of Mr. Sheshan.

[English]

MR. SPEAKER: Mr. Rao, you have to be very brief, relevant and only on the point as to why it should not be allowed to be introduced.

SHRI SOBHANADREESWARA RAO VADDE (Vijayawada): Mr. Speaker, Sir, I thank you for giving me the opportunity. You will recollect when you had convened the meeting of Party Leaders in your Chamber on 10th of last month...

MR. SPEAKER: We do not discuss those things here. Please come to the merits.

SHRI SOBHANADREESWARA RAO VADDE: Sir, you are aware of the move by the Government to introduce both Constitution Amendment Bill and the Representation of the People Amendment Bill on 10th of last month which could not be introduced for some valid reasons. The Government had circulated the Bills on 11th morning. The House adjourned on 13th of last month. The Government had not included in the List of Business its intention to introduce those two Bills on the floor of the House. So, the Opposition Parties had raised the objection and the Government could not introduce those Bills. Today, the Government has come forward with Representation of the People (Second Amendment) Bill even before it could introduce the previous Representation of the People (Amendment) Bill, 1994 (Bill No. 52 of 1994). Here, why I am objecting is, Sir, actually when a later Bill is brought forward it must be an improvement over the previous proposal. In fact, the present (Second Amendment) Bill is a retrograde step because it has altogether withdrawn the provisions relating to State funding of elections which were there in the previous Amendment Bill and it is one of the crucial recommendations made by Dinesh Goswami Committee. Unlike the Ruling Party which has got an enormous money power with them because of being in power, the plight of the other political parties is not so to meet the election expenses. The Committee has recommended that the Government should help the candidates of recognised political parties in meeting some requirements such as microphones or diesel for the vehicles to move and identity slips.

[Shri Sobhanadreeswara Rao Vadde]

Some more items were yet to be added to that, but the Government has withdrawn that Bill.

In the previous Amendment Bill, which was earlier circulated, the Committee had also recommended removal of non-serious candidates and to prevent some candidates contesting from more than one constituency when bye-elections are necessitated. In your previous Amendment Bill, you had proposed that a candidate should not contest from more than one constituency, whether for the House of the People or for the Legislative Assembly elections. But in this second Amendment Bill, you have given scope for the candidates to... *(Interruptions)*

MR. SPEAKER: Mr. Rao, these are matters which you can discuss when we consider the Bill or at the stage of clause-by-clause consideration. Moreover, you can give the amendment if you want.

(Interruptions)

SHRI SOBHANADREESWARA RAO VADDE: Sir, I am telling why I am objecting to it. Anyway, I am completing. I shall not take more than one minute.

What I mean to say is that you have not improved upon your previous proposal. So, our suggestion is that you come forward with a comprehensive Amendment Bill to amend the Representation of People's Act, fully incorporating the recommendations made by the Dinesh Goswami Committee, and not in a piecemeal manner like this. It appears that the Government has no clear thinking and clear stand on the amendments. In the previous Bill they had provided that a candidate contesting

election to Lok Sabha can be an elector from any constituency in the country but later, for some reasons, they have withdrawn that clause from this Bill. It appears that the Government is not at all serious or sincere in its intentions to bring forward the electoral reforms. That is why we oppose this Bill and demand, through you, from this Government to come forward with a comprehensive electoral reforms Bill. Thank you, Sir.

SHRI E. AHMED (Manjeri): Mr. Speaker, Sir, I feel it will be a dereliction of my duty if I were not to oppose or not point out certain infirmities in the Bill which, according to me, are not Constitutional. I am not mentioning only the unconstitutional provisions but also some other provisions which have been incorporated in this Bill.

We are all committed for the electoral reforms and we all want this reforms Bill to be passed by the House. But there is a certain provision which has the Constitutional infirmity and I am duty bound to bring that to the notice of this House as well as of the Government. In the Statement of Objects and Reasons, it is mentioned in para 4... *(Interruptions)*

MR. SPEAKER: Please, Mr. Ahmed.

SHRI E. AHMED: I am not going into it, Sir, I am just mentioning about one of the provisions which the Government has incorporated in the Bill, which I could see is very much against the essence and the letter and spirit of the Constitution. Article 19(1)(c) of the Constitution has given freedom of association, subject to three reasonable restrictions - security of the country, public order, and morality or decency. Any party which can stand the test of these reasonable restrictions provided in the Constitution, has every right to function

and to stay in the country. But here, one of the provisions which has been made is... (Interruptions)

MR. SPEAKER: Please, Mr. Ahamed, it is not necessary at this stage.

15.00 hrs.

SHRI E. AHMED: I shall take only two minutes, Sir. A party which bears a religious name even if it can function under the Constitution, will be banned or de-recognised but a party which is based on caste can contest. I cannot understand what is wrong in the religion. Is the name of caste more holier than religion? A party with any other name can contest but a party which bears a religious name will be de-recognised. I cannot understand why. If a party with religious name cannot contest or will be de-recognised, then would a candidate who has a religious name, also be banned?

We have an hon. friend of mine here, Mr. Nurul Islam. If he contests in the election and says, "vote for Islam" would you ban him also? It is a ridiculous proposition, according to me and so, it is not fair. I want the Government only to correct this. I am supporting the other provisions of the Bill. But this provision is really unconstitutional, arbitrary and misuse of the democratic and parliamentary process. You have to see not just the name, but the activities of the party. But unfortunately, anywhere in the Bill you have not put a provision for the scrutiny of the activities of the party. You have kept a provision only to see the rules and regulations, memoranda and the nomenclature, the name. Therefore, that will be hit by the article 19(1) (c) of the Constitution. So, it shall not have a place in this piece of legislation. I am not worried because my party the

Muslim League which has not got a religious name. I am mentioning it as a matter of general principle. But it is the right of every party and every citizen to contest the election. If there is any opposition, we have to fight on the political track. Therefore, this provision is unconstitutional and it will be *ultra vires* of the Constitution. So, on this point I say there is a legal and constitutional infirmity. The Government may reconsider this provision.

SHRI VIDYACHARAN SHUKLA: Mr. Speaker, Sir, we have actually heard the views of the hon. Members and when the Bill is taken up for consideration we will deal with those points.

With your permission, on behalf of my colleague Shri H.R. Bhardwaj, I beg to move for leave to introduce a Bill further to amend the Representation of the People Act, 1950 and the Representation of the People Act, 1951.

MR. SPEAKER: He is seeking the leave of the House.

SHRI LAL K. ADVANI: Is there no reply to the debate?

SHRI VIDYACHARAN SHUKLA: I have given the reply. I said that I have taken note of the points that the hon. Members have made and we will deal with them at the time of the consideration of the Bill, mainly because they have gone into the merits and various clauses of the Bill. So, I do not think that we should deal with them at the stage of introduction.

SHRI LAL K. ADVANI: It is not merely merit. There are other things also. You should have replied to what Mr. Ahamed said just now.

SHRI VIDYACHARAN SHUKLA:
The reply need not be given at this time.

SHRI LAL K. ADVANI: The whole thing seems to be a farce. He is not ready even to reply to the debate.

SHRI VIDYACHARAN SHUKLA: It is not a farce. If we do not act according to your wishes, it become a farce.

[Translation]

SHRI LAL K. ADVANI (Gandhi Nagar): Please give the reply. If the intention is to pass it, then pass it. Please ask for voting on it. Let the hon. members play the game of Answer the points, which the hon. Members have raised.

[English]

MR. SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Representation of the People Act, 1950 and the Representation of the People Act, 1951.

The motion was adopted.

SHRI VIDYACHARAN SHUKLA: Sir, I introduce the Bill.

15.05 hrs.

MANIPUR MUNICIPALITIES BILL*

[English]

THE MINISTER OF URBAN DEVELOPMENT (SHRIMATI SHEILA KAUL): Mr. Speaker, Sir, I beg to move

for leave to introduce a Bill to provide for constitution and organisation of municipalities in the Urban areas of Manipur and for matters connected therewith and incidental thereto.

MR. SPEAKER: Motion moved:

"That leave be granted to introduce a Bill to provide for constitution and organisation of municipalities in the Urban areas of Manipur and for matters connected therewith and incidental thereto.

[Translation]

SHRI MOHAN SINGH (Deoria): Mr. Speaker, Sir, this Government is showing utter disregard for the House at every step. There can be no such big glaring example of blatant disregard. The House was prorogued only for a few hours. The House was prorogued for a few hours to issue the ordinance. Three ordinances were issued during this short period of prorogation. We had received the information and we had given notices of questions also. There can be no other big misuse of the provision of the Constitution than that the House was first prorogued and then summoned in such a way. Article 123 says that if at any time, except when both the Houses of the Parliament are in session, hon. President is satisfied that circumstances exist which render it necessary for him to take immediate action he may promulgate the ordinance. If these three ordinances were not promulgated Government would not have stopped functioning at all... (Interruptions)

MR. SPEAKER: It was a Constitutional requirement.