

'Nasty' campaign

9/11/02 5/18 15/11
Election commission says no VHP yatra

The Chief Election Commissioner JM Lyngdoh cannot be faulted for describing the atmosphere in Gujarat as 'nasty'. Not dangerous but plain 'nasty' — and it is being made nastier by Narendra Modi with his speeches during his 'Gaurav yatra'. Standing atop his van-turned rath, Modi told the majority community of Godhra that 'a fire burned inside of him, the same fire that he knew burned inside of them' and in the next breath blamed the Muslims for the train carnage. His vicious message was certainly not lost on the crowd of the persuaded who raised a cheer in agreement. What fire, Mr Modi? The fire of the burning train which is a mystery still to be solved, or the fires consuming homes, factories, shops and men women and children, during the post-Godhra pogrom? His speech was provocative to say the least pointing at the 'enemy' (read: Muslims) and urging 'revenge'. If all this is not nasty, what is?

To make the situation worse the VHP announced its *Jan Jagruti yatra*. Working in tandem with the BJP as it does, the VHP would start their yatra from Godhra and end it at Akshardham on 6 December, the 10th anniversary of demolition of the Barbari Masjid. To rub salt further into the wound, 6 December would be celebrated as victory day. The reasons why the VHP are doing it is crystal clear. The BJP hope to win Gujarat riding piggy back on the Godhra carnage, the subsequent pogrom and communal polarisation. With the Election Commission's strict eye focussed on the campaign, it suits the BJP to get the VHP to do its dirty work while it escapes the strict letter of the election code. The two have always worked in tandem. The VHP yatra was to carry cardboard cut outs of the Godhra train carnage and old offenders of the Ayodhya movement — Sadhvi Ritambara, Acharya Dharmendra and Ashok Singhal, among others — give vituperative speeches against minorities as they did in the run up to 6 December 1992, protesting all the while that it is a 'cultural and religious body'. But the CEC has shown that he is made of sterner stuff. The Election Commission have already and rightly directed the state government to ban the VHP yatra. This must set the cat among the pigeons. The decision follows cognizance taken by the Commission of the state chief secretary's own report which categorically states that there is every likelihood of communal tensions being exacerbated by the yatra. Allegations by BJP and VHP of the EC being anti-Hindu and biased are baseless. A stray thought. If the ban to be imposed in obedience to the EC's order to the Modi Government is challenged, it suits the BJP whichever way the judicial verdict goes. Even if the ban is confirmed it lets the BJP off the hook. Farfetched it may be but we are dealing with a rare breed of intriguers; also that it is an objective fervently to be desired that the breed becomes extinct. Amen!

Before any decision is taken to go to Court, those concerned would profit by a careful study of the Supreme Court's answer to the Presidential Reference on the powers of the Election Commission under the Constitution.

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NANDA: M/11

(Continued from page 1)

-tion to the President, Prime Minister, Deputy Prime Minister, Chief Justice and CEC seeking their intervention saying his life was under threat.

He also asked the EC to suspend the Returning Officer and replace him with a Commission official. He also sought suspension of the Ghaziabad DM. Mr Nanda said that withdrawal before scrutiny was not permissible under law.

Rebels soften stand: There was a softening of stand by the rebel MLAs saying that they were willing to meet the central leadership to present their grievances, adds SNS from Lucknow.

In another development, UP BJP chief Mr Vinay Katiyar termed as "serious offence" the rebel MLAs' proposing Mr Nanda's candidature. He said he has submitted to the party high command a report on the issue. "Those who supported the nomination have committed a serious offence. I have left the matter to the party high command and will act per its decision," he said.

1 1 NOV 2002

THE STATESMAN

EC ASKED NOT TO ACT ON WITHDRAWAL

I was forced to quit: Nanda

Statesman News Service

NEW DELHI/LUCKNOW, Nov. 10. — Mr Suresh Nanda, sponsored by UP BJP rebel legislators for the Rajya Sabha polls, today alleged that he was forced to withdraw from the fray “under duress” and asked the Election Commission not to act upon his withdrawal letter. Mr Nanda’s petition comes a day after the EC’s inquiry cleared his name in the voter’s list as “correct” and the deletion as “wrong”.

Sources said the EC was looking into Mr Nanda’s complaint and would take a final decision on his withdrawal of candidature after the scrutiny of nomination papers tomorrow by the returning officer, Mr RP Pandey. The Commission might also consider providing security to Mr Nanda as he has also complained of threats to his life, they said.

In Lucknow, the Returning Officer today said if Mr Nanda’s withdrawal was found in order, then there would not be any polls on 18 November and all 10 candidates for the biennial elections and one for the bye-election would be declared elected unopposed.

In his petition to the EC, Mr Nanda has reportedly named the UP chief minister, Miss Mayawati, and others as respondents. He demanded that the whole election to the Rajya Sabha from the state should be countermanded followed by inquiry into how his original affidavit was removed from the records.

He wanted registration of FIR against the Returning Officer on charges of forgery and against state BJP leaders — Mr Lalji Tandon, Mr Pramod Tiwari, Mr Mukhtar Abbas Naqvi, Mr Rajendra Prasad Pandey and others — for “assault and

kidnapping” him.

“I was threatened with dire consequences over the phone if I filed my nomination paper from UP. Later, I was told that I would be arrested if I went ahead with the nomination,” Mr Nanda said in his communication. “Since I have filed my nomination paper, the chief minister used the state machinery and forced Ghaziabad’s district magistrate to cancel my voter registration and a false FIR for forgery in the electoral roll was registered against me.”

He alleged that he was made to sign the withdrawal form “under duress” and then taken to the chief minister where he was made to sign a ready press statement on his withdrawal from the fray.

Mr Nanda claimed to have also sent a communica-

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Deletion of Nanda's name from voters' list wrong: EC

NEW DELHI, NOV. 9. The Election Commission today said the deletion of the name of Suresh Nanda — arms dealer and Rajya Sabha nominee of the Bharatiya Janata Party rebels in Uttar Pradesh — from the voters list in Ghaziabad was wrong and cleared the way for taking cognisance of the withdrawal of his nomination papers.

Sources said that following a complaint from Mr. Nanda, a Secretary of the Election Commission was sent to Ghaziabad to make an inquiry, which found that his entry in the electoral roll was "correct" and its subsequent cancellation "wrong." The findings were being passed on to the Returning Officer to go ahead with the scrutiny of papers, which had been stayed pending the inquiry.

Earlier, reports from Lucknow said that Mr. Nanda had complained to the Election Commission saying that there was a design by "vested interests" to get his nomination papers rejected by getting his name deleted from the voters list in Ghaziabad, the Secretary to the Uttar Pradesh Assembly, R. P. Pandey, told newsmen.

Mr. Nanda, who was allegedly roughed up by the legislators in the Secretary's cabin earlier, also submitted in writing that he was withdrawing his nomination papers, Mr. Pandey said adding

that the cognisance of the withdrawal would be taken only after the Election Commission completed its inquiry.

Mr. Nanda, while submitting his withdrawal papers, said that since he was withdrawing from the contest there was no need to reply to the objections raised over his nomination papers. He denied reports that some persons had manhandled him and said that he was, in fact, taken to a secure place by the Urban Development Minister, Lalji Tandon, and the Congress leader, Pramod Tewari.

Sources, however, said that Mr. Nanda was roughed up by BJP leader, Mukhtar Abbas Naqvi, also a Rajya Sabha nominee, and his supporters. The incident allegedly took place when Mr. Nanda was submitting documents to Mr. Pandey in connection with objections raised over his nomination filed on Friday.

It was alleged that the voters list submitted by Mr. Nanda with his papers was "fake" and that he was not a resident of Uttar Pradesh. And that his name was still in the voters list of Delhi.

Mr. Nanda claimed that his jumping into the electoral fray had vitiated the atmosphere. He was withdrawing in the "best interest of peace and tranquillity." — PTI

THE HINDU

1 0 NOV 2002

Money power to decide RS polls

Our Political Bureau
NEW DELHI 8 NOVEMBER

FROM a party with a difference to a party of money-bags: In what is seen as a demonstration of the crisis of morality facing the party, the BJP on Friday quietly adopted Delhi hotelier and Congressman Lalit Suri as its candidate for the Rajya Sabha byelection from Uttar Pradesh. The BJP rebels, too, at-

tempted to out-smart the party leadership by endorsing the candidature of arms dealer and moneybag Suresh Nanda as their nominee for the election.

All the 10 proposers for the candidature of Mr Nanda, son of Admiral (ret'd) S.M. Nanda, are rebel BJP MLAs — Kovid Kumar Singh, Ravinder Singh Pundir, Dayashankar Verma, Narendra Verma, Ganga Bhakt Singh, Chandramani Kant Singh, Mayankeshwar Singh, Ram Prat-

ap Singh, Anil Verma and Badshah Singh — who have already raised the banner of revolt against the party. Mr Kovid Kumar Singh said the BJP rebels decided to nominate Suresh Nanda after receiving the "green signal" from Samajwadi Party which is the largest single group with 144 MLAs in the 403-member state assembly.

Mr Nanda's jumping into fray has added to the headaches of both the BSP and the BJP which were keen on avoiding putting up a candidate for the seat for fear of cross-voting by their MLAs. The byelection was forced by resignation of Bhartiya Janata Party member T.N. Chaturvedi following his appointment as Karnataka governor. Some technical objections were raised against Mr Nanda's nomination papers on which a decision will be taken on Saturday during scrutiny.

MOOLAH-CRACY

SC notice to Centre, EC on poll reforms

Press Trust of India

NEW DELHI, Sept. 20. — The Supreme Court today issued notices to the Centre and the Election Commission on a bunch of petitions challenging the 24 August Ordinance on electoral reforms which made some changes in the EC's guidelines on furnishing details by a candidate about his criminal background, liabilities and assets.

A Division Bench, comprising Mr Justice MB Shah and Mr Justice DM Dharadhikari, however, declined to consider the prayer by petitioners for interim stay at this stage while asking the Centre and the EC to file replies within 10 days.

Fixing the matter for final hearing on 8 October, the court sought to know from the Centre whether the Ordinance was violative of the Constitution and overruled the court's 2 May order on the basis of which the EC had issued the guidelines on 28 June.

The People's Union for Civil Liberties and Lok Satta challenged the Ordinance on the ground that it overrides the Supreme Court's 2 May order giving directions to the EC regarding furnishing details about the criminal background, conviction, assets and liabilities and educational qualifications by a candidate at the time of filing nominations.

The court declined to consider the plea for interim stay on the Ordinance after the Solicitor-General, Mr Harish Salve, appearing for the Centre, stated that since there were no elections immediately in any state, the order wouldn't have any adverse effect.

He said the matter be heard before the Gujarat polls likely to be held in

November-December.

Former Delhi High Court Chief Justice Mr Rajinder Sachhar and senior advocate Mr PP Rao, appearing for the PUCL and Lok Satta, respectively, made a strong plea for stay saying that "Section 33B" inserted by the Ordinance in the People Representation Act (RPA) "overrides the Supreme Court order which was issued under Article 19 giving citizens the right to information." Since Article 19 forms a part of the basic feature of the Constitution, the government has no power to override any order by the court issued under it. No changes could be made in the basic structure of the Constitution, they added.

The President had promulgated the Ordinance on 24 August substituting the EC's guidelines issued following the Supreme Court order making it mandatory for a candidate to furnish the information at time of filing his nominations.

Both Mr Rao and Mr Sachhar said that when the court had laid

down clear guidelines for furnishing such information so that the voter could make a right choice, the Ordinance sought to "dilute" the court's order.

Agreeing with the contentions of the petitioner's counsel that various advanced countries like the USA had laws making such declaration compulsory before elections, the court sought to know from the Centre how effective declaration of assets by MPs and MLAs to the Speaker of the House would be.

Mr Salve said the Ordinance has "filled up the lacunae" in the RPA as pointed out by the court and those convicted for a one-year jail term and facing charges in a case where punishment is more than two years, had been covered by it.

- Supreme Court asks Centre, poll panel to file replies within 10 days
- Declines to consider plea for interim stay
- Final hearing fixed for 8 October

SC sends queries to govt on poll candidates

Press Trust of India

5-1 1999

NEW DELHI, Sept. 16. — The presidential Ordinance neutralising an Election Commission order on candidates' background was today challenged in the Supreme Court, which asked the government if it has the power to supersede the court's directions on the issue.

The court's poser came on a petition filed by the People's Union of Civil Liberties (PUCL) challenging the Ordinance which negated the EC guidelines issued in pursuance of the court's directions on the issue of criminalisation of politics.

A Bench of Mr Justice MB Shah and Mr Justice DM Dharmadhikari, without issuing notice on the petition, asked the government to clarify if it has the power to supersede the court's order asking candidates to furnish details about their antecedents, including criminal background, when such an order was issued under the Constitution.

The court asked Solicitor-General Mr Harish Salve to make the government stand clear on this aspect as well as Section 33B inserted in the Representation of People's Act by the Ordinance.

After Mr Salve sought more time to study the matter, the court posted further hearing on the petition till 20 September.

The court, in its 2 May order, had made it mandatory for a candidate to furnish details about his criminal background if any, conviction in a criminal case, assets held by him and his dependent family members and the educational qualifications at the time of filing of nominations.

The Ordinance, promulgated by the President on 24 August after the government had consulted all parties, was challenged on the ground that the EC guidelines were in pursuance to the court order which could not be altered as it was issued under Article 19 (Right to information), which forms part of the basic structure of the Constitution.

SC orders Pepsi, Coke to pay damages, page 6

17 SEP 2003

J. Steel

FOCUS ON SECOND PHASE / MINOR INCIDENTS

EC satisfied with voter turnout

By J. Venkatesan

10-11
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NEW DELHI, SEPT. 16. The Election Commission today said that barring minor incidents, the first phase of polling in Jammu and Kashmir for the 23 Assembly constituencies went off peacefully and an approximate 44 per cent of the 14.89 lakh voters exercised their franchise.

Briefing presspersons, the Deputy Election Commissioner, Sayan Chatterjee said, "taking all factors into consideration and the arrangements made for the polls, we are satisfied with the turnout in the first phase. We are now focussing on the second phase to be held on September 24."

Giving the district-wise figures, he said in Poonch it was 48 per cent; Rajouri 47 per

cent; Kargil 67 per cent; Baramullah 37 per cent and Kupwara 40 per cent. But in Sopore in Baramulla, only three to five per cent of the electorate cast their votes.

On incidents of violence, he said there was a blast around 11.45 a.m. outside a polling station in Shelal constituency and another in Kupwara. But polling was not affected.

Asked whether there was any attempt of booth-capturing, he said in Mendhar constituency some miscreants had damaged the electronic voting machines (EVM) and re-polling had been ordered. Asked whether the Kashmir migrants voted, he said in Delhi out of the 55 persons registered, 14 had voted. In Jammu, out of the 4,189 per-

sons registered, 1,643 voted and in Udam-pur out of the 321 registered, 135 voted through the EVMs. About the role of the 16 foreign diplomats, he said they were here to witness the polls and were satisfied.

Meanwhile the Commission has announced that it had provided more than 600 passes to the mediapersons covering the polls and 358 passes were provided to the Chief Electoral Officer. Of this 72 were issued to the mediapersons in Jammu region alone. Initially some delay was reported in receipt of election card to the mediapersons in Jammu, to avoid that later passes were directly delivered. Delhi-based media and foreign journalists were issued 260 passes so far through the Press Information Bureau.

Cong, BJP spar over Ordinance

Statesman News Service

NEW DELHI, Aug. 27. – The Congress president, Mrs Sonia Gandhi, today dismissed the NDA government's claims about consensus on the electoral reforms Ordinance and asserted that the Congress "never approved it".

Alleging that the Congress was trying to fool the people, Mr Vijay Kumar Malhotra, BJP parliamentary party spokesperson, said: "I appeal to the Prime Minister to take this issue seriously". Even on the issue of inviting Pakistan President Gen. Pervez Musharraf for talks, Opposition leaders had supported the move at an all-party meeting but opposed it outside, he alleged.

Mr Malhotra said the Congress leaders, who attended the meeting, had supported the move and Mr Priya Ranjan Das Munshi had even said the government could bring an Ordinance on the Bill as there was a political consensus.

Mrs Gandhi's statement said the Congress "is fully in concurrence with the orders of the Supreme Court that candidates must disclose all relevant information called for, particularly regarding convictions, assets and bank balances and liabilities and over dues."

She clarified that the Congress merely opposed "vesting returning officers with the powers" to investigate information furnished and reject nominations. "We condemn the government's move to willfully pass an Ordinance that defies the will of a vast majority of the people, the letter and spirit of the order of the Supreme Court and the basic tenets of transparency and accountability in politics." She was distressed that sections of media continued to club the Congress with other parties in projecting the impression that all parties were united in opposing the implementation of Supreme Court order. "This erroneous reporting has been further encouraged by the misleading statements by the NDA government and BJP functionaries."

Mr Malhotra alleged the Congress' new stand was "an attempt to gain political mileage". The BJP leader said the party's stand that persons with two charge-sheets on "heinous crimes" be debarred from contesting polls was dropped due to the Opposition's insistence on conviction. On the other hand, the suggestions of the Congress were incorporated into the Bill, he added.

28 AUG 2002

Sonia attacks poll reforms ordinance

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By Anita Joshua

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J. Steelman

NEW DELHI, AUG. 27. After distancing itself from the much-touted consensus on electoral reforms, the Congress today came out in open opposition to the Representation of the People (Amendment) Ordinance on the premise that it bypassed the will of the people and defied the basic tenets of transparency and accountability in politics.

The party president, Sonia Gandhi, today joined issue with the Bharatiya Janata Party, which has been claiming unanimity within political circles on the ordinance. In a statement condemning the Centre's "move to wilfully pass" it, she said the ordinance defied "the will of a vast majority of the people, the letter and spirit of the order of the Supreme Court, and the basic tenets of transparency and accountability in politics".

Now that the Congress has

come out with a categorical statement against the ordinance, the party is expected to introduce an amendment when it is brought up for ratification in the winter session of Parliament. The Congress amendment will favour the disclosure of the assets, the liabilities and the criminal antecedents without disqualification at the time of filing nominations whereas the ordinance provides for the disclosure after a candidate has been elected.

Expressing distress that the Congress was being clubbed with other parties in projecting the impression that all parties were united in opposing the implementation of the Supreme Court order, Ms. Gandhi said her party attached great importance to the apex court verdict on disclosure of information by candidates. The Congress, she said, was "fully in concurrence" with the Supreme Court order that candidates must disclose

all relevant information, particularly the details relating to convictions and charges for offences, assets and bank balances, and liabilities and overdrafts. Further, the party felt that all candidates must disclose such information at the time of filing nominations and prior to the elections.

The point where the Congress differs with the directives drawn up by the EC in the light of the Supreme Court verdict pertains to the powers of the Returning Officers to investigate the authenticity of the information given and to reject the nomination papers on the ground of incomplete or false information.

The Congress position is that the Returning Officer's responsibility should be limited to ensuring that the declaration is made and displayed. As for the authenticity of the declarations, that should be the prerogative of the appropriate court of law.

Poll reforms body vows to fight govt order

TIMES NEWS NETWORK & AGENCIES

New Delhi: Even though President A.P.J. Abdul Kalam has given his assent to the electoral reforms ordinance, the controversy over the issue refuses to die with a group of NGOs and political parties denouncing the Union cabinet's unseemly haste in the matter.

According to official sources, Mr Kalam signed the ordinance after meeting attorney-general Soli J. Sorabjee on Saturday night. It is believed that Mr Sorabjee argued along two lines: One, the bill was formalised after evolving a political consensus and two, the government had no desire for a confrontation with the President. Mr Kalam had returned the ordinance last week on the grounds that it was not in tune with the supreme court's May 2 order and that it infringed

upon the citizen's fundamental right to know the antecedents of a candidate seeking election.

Shocked at the manner in which the Union cabinet returned the ordinance unchanged to the President for his assent, the National Campaign for Electoral Reforms (NCER), a group of NGOs, reiterated on Sunday that it would petition the apex court to strike down the government order.

Jayprakash Narayan of the NCER told TNN from Hyderabad that it would specifically argue against the insertion of section 33A in the Representation of People Act, 1954. The new section proposes that notwithstanding any order, judgment or decree by any court or the Election Commission, no candidate shall be liable to disclose any information in respect of his election.

"This is blatant and unconstitutional,"

bill before parliament at its next session. "Irrespective of the shared views of political parties and the understanding reached by them, our party is of the view that it is not proper to push it through an ordinance," CPI general secretary A.B. Bardhan told reporters here.

Stating that the understanding reached by political parties was to place the bill before parliament and not to push it through an ordinance, he said, "the heavens would not have fallen if the government had waited for the next session".

Criticising the government for returning the ordinance "as it is," despite certain clarifications sought by Mr Kalam, he said, "It amounts to telling him that the government does not care at all about his request for clarification. This does not augur well.

J. B. K. K. K.
"This is blatant and unconstitutional.. the crude response by the political class shows how it is against any idea of reform"

tional," Mr Narayan said. According to him, "The crude response by the political class shows how it is against any idea of reform. But our intention is to improve the level of politics, not malign it, and we will continue to do so."

Disputing the government's claim of consensus among political parties, the Trinamul Congress pointed out on Sunday that it had not attended the all-party meeting to discuss the ordinance.

The CPI, too, criticised the government and said the cabinet should have waited to place the

Govt. claim of consensus on poll reforms misleading: Cong.

By Our Special Correspondent 119-1

NEW DELHI, AUG. 25. While by and large, political parties were not unhappy that the ordinance on electoral reforms had been promulgated, they did take different positions and blame the Government for not showing enough respect to the President, for falsely suggesting that the ordinance had the approval of all the parties, and for not taking the correct course of routing the legislation through Parliament.

On Saturday night, the President, A. P. J. Abdul Kalam, signed the ordinance to give effect to the proposals in the bill to amend the Representation of the People Act (RPA). He had asked the Government for some clarifications, but when the Cabinet decided that the ordinance should be sent back to him "as it is" he had no option but to sign it.

The ordinance will nullify the effect of the Election Commission's order arming Returning Officers with powers to disqualify candidates for giving false or incomplete information on their assets and liabilities, and criminal records.

The Bharatiya Janata Party was naturally happy that the ordinance had been promulgated after the initial shock it suffered when the President asked for some clarifications.

The impression given by the Government that the Congress had endorsed the amended RPA was "incorrect and misleading," the party spokesperson, Anand Sharma, said. The Congress had differed with the Government at the all-party meeting on the subject and on August 16, it had communicated its views. The Congress favoured disclosure of both assets and liabilities and criminal record, if any, of the candidates while filing nomination papers in line with the views of the Supreme Court and the Election Commission. It had only disagreed with the EC's order empowering the Returning Officers to disqualify candidates, as the officers would have no means of ascertaining the truth.

Many party leaders were unhappy that failing to appreciate the impossible "logistics" of the

earlier order of the Commission and the Supreme Court order, the perception among the people was that the politicians had got together to defeat the noble purpose of the court and the Commission to cleanse the political system.

Said the CPI (M) leader, Somnath Chatterjee: "All political parties had agreed to the form of legislation. I take it that the ordinance was drafted on the basis of discussions the Government had with the political parties." However, he felt that if the President had sought certain clarifications, the Government should have certainly responded, for he had every right to ask for information and clarifications.

Mr. Chatterjee also pointed out that somehow a wrong impression had gained ground that all the politicians were crooks and had joined together to prevent the system from being cleansed. He also felt that the "logistics" of every candidate filing numerous affidavits before the Returning Officers relating to their assets and liabilities was not practical.

And that in no way would help the people get information. Also, in a party system, more than 90 per cent of the vote was cast on party lines, and it was for the parties to ensure that the right kind of people were nominated as their candidates. "I resent the assumption that all politicians are crooks," he said, welcoming the ordinance.

The CPI had a slightly different view. Its general secretary, A. B. Bardhan, was against the pushing of the ordinance. Irrespective of the shared views of the political parties on this subject, he felt that the Cabinet should have waited to pass the bill through Parliament.

The party national secretary, D. Raja, felt that the BJP was to blame for the mess as "caught in its own petrol pump scandal it failed to get this important legislation through in the monsoon session."

UNI reports from Kolkata:

The Trinamool Congress chief, Mamata Banerjee, said that the reported consensus on the electoral reforms ordinance was "untrue" as her party had already objected to it.

Advani champions Cabinet's 'no change' stance

Poll Ordinance back to Kalam

SANJAY SINGH & MOHAN SAHAY
STATESMAN NEWS SERVICE

NEW DELHI, Aug. 24. — The Union Cabinet today returned an unchanged electoral reform Ordinance to President APJ Abdul Kalam. Sources said the Deputy Prime Minister was "principally instrumental" in the Cabinet not considering any of the issues raised by the President in his clarification.

Now that the Cabinet has sent the Ordinance back, the President is constitutionally bound to sign it, under Article 74 of the Constitution. A section of the government, sources said, was "willing to incorporate at least one point" — assets of an elected member's spouse be listed in post-election declarations to presiding officers.

Mr LK Advani, however, was said to have argued that since the Ordinance was a product of a "political consensus", the Cabinet should return it to the President. The Deputy Prime Minister, sources said, had observed that presidential reconsideration should be "used in the rarest of circumstances". The Ordinance was returned, sources said, to emphasise the "importance of political consensus".

A clause on the assets of a winning candidate's spouse may be added when the Ordinance comes back

Mulayam criticism

NEW DELHI, Aug. 24. — Mr Mulayam Singh Yadav today criticised the President's decision to seek a clarification on the electoral reform Ordinance. It was wrong on the part of Dr APJ Abdul Kalam to have asked for inclusion of certain clauses on the criminal antecedents and declaration of assets of nominees, he said, calling the President's move a "matter of concern". — SNS

to Parliament as a Bill, sources said. The official decision at the meeting read: "The honourable President may be requested to give his assent to the promulgation of the ordinance on the amendment of the Representation of the People Act 1951, in its present form".

The Cabinet spokesperson said the Ordinance was "a replica of the Representation of People Act (Amendment Bill 2002) which was listed for passage during the monsoon session of Parliament but could not be passed due to the sine die adjournment of Parliament on 12 August". She said the Cabinet also noted the "total political consensus on the amendment of the

Act". The Cabinet's decision was communicated to the President in the evening.

The Attorney-General was present at the meeting. Mr Soli J Sorabjee met the President later to "explain the reasons behind the cabinet's decision", sources said. But Rashtrapati Bhavan termed Mr Sorabjee's visit a courtesy call.

Sources said the Cabinet's communication to the President "gives details of the background of and circumstances leading up to the ordinance". The Cabinet, sources said, "has sought to explain that the government made an 'effort' to accommodate the Supreme Court directives".

The communication, sources said, "explained to the President the discussions held with the Election Commission, which in turn invited leaders of political parties to seek their point of view on the subject".

The government has "explained", sources said, "how political parties took a different point of view and how a consensus was evolved".

Sources said the Cabinet felt that "the President needs to be informed about the evolution of political consensus which took shape much before Dr Kalam assumed the office last month."

■ **Editorial: Not all in vain!**
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NOT ALL IN VAIN! Debate on electoral reforms frustrated

NO political party is finding it possible to take President Kalam for granted and it is all to the good. This newspaper has had occasion to note and deplore the unanimity among politicians of all parties to dodge the law declared by the Supreme Court to help clean the cesspool that is corruption in the electoral process. It will be recalled that the Court wanted tightening of the provisions of the Representation of the People Act to disqualify candidates tainted with the stigma of criminal charges in line with Election Commission's recommendations. In the event, all political parties, BJP, Congress, the two communist parties in particular and those in between combined to dilute the provisions instead of tightening them. The Court had asked that candidates declare their assets in advance of offering themselves for election; political parties watered down the requirement and finally made it nugatory by changing the timing to after the candidate is elected, making a nonsense of the provision. It is certainly more difficult to unseat an elected criminal than to prevent his election and no doubt politicians saw this clearly with their vast and unrivalled experience of the law on the subject without any undue exertion of such intellect as they possess. The Court has also asked for the educational qualifications of candidates to be made available in advance of the poll. Perhaps this is the only provision on which two views are possible. Education is a poor guide to the intelligence of candidates and no guide at all to his integrity and honesty or to his concern for those he wishes to represent; the most important considerations. Further thought on this aspect could, with advantage, have been bestowed but the government was in a tearing hurry otherwise the investment they had made in the mayhem in Gujarat would have gone waste as the law declared by the Supreme Court would have prevailed in the absence of a law passed by Parliament, in the assembly elections, if held as quickly as the BJP and Narendra Modi planned it. Now that the polls will not be held to suit the questionable motives of the Modi government and their bosses in Delhi the matter can be reconsidered.

It is to be hoped that wisdom will now prevail and politicians will move away from the blatant admission that they are all interested in the continued abuse of the electoral process. No words are sufficient to express our admiration of the carefully calibrated action of the President in returning the Bill to the Government for reconsideration, not of any views of the President but to explain why the views expressed by the Supreme Court were set aside. It is a legitimate query and not one that the government can find it easy answer. Dr Kalam was careful to raise the question with the Prime Minister when he called on him a few days ago so government were not taken by surprise when the Bill was returned. The Cabinet however has lost no time in sending back the Bill without comment, because that was difficult, to the President for assent. It must have been confident that not one voice among politicians in any party would wish to dilute their collective addiction to corruption. While condemning this attitude in the strongest terms, we would still wish to salute the President for his support to the Supreme Court in the effort to clean the Augean stables.

This is the place to deal with the despicable personal attack on the respected Chief Election Commissioner by Narendra Modi. At a public rally he said *someone had asked him whether Lyngdoh came from Italy and he said the questioner would have to ask Rajiv Gandhi*. The attempt at humour would only appeal to a demented mind and the effort proclaims to all the world that Modi is not a gentleman. Lyngdoh should have treated the comment with the silent contempt it deserved. By appearing to be provoked by the vulgarity, Lyngdoh gives some satisfaction to Modi who deserved none.

GOVT. TO PROVIDE CLARIFICATIONS ✓

President returns ordinance on poll reforms to Cabinet

Handwritten: H.D. i, J. election (a)

By J. Venkatesan
and Vinay Kumar

NEW DELHI, AUG. 22. The President, A.P.J. Abdul Kalam, is understood to have returned to the Union Cabinet the ordinance to amend the Representation of the People Act, seeking certain clarifications on some of the controversial provisions in the proposed ordinance.

The Government, which is keen on giving effect to the ordinance before the Jammu and Kashmir Assembly elections, finds itself faced with an embarrassment, as the Rashtrapati Bhavan returned the draft ordinance, even as the Election Commission issued the notification for the first phase of the polls.

The Union Law Minister, Janna Krishnamurthy, told *The Hindu*, "the President has sought certain clarifications on

the ordinance (which was sent to the President last week for his approval) and I will be replying to them".

Indications are that the Union Cabinet, scheduled to meet on Saturday, is likely to consider and answer the President's queries before sending the ordinance back to the Rashtrapati Bhavan for approval.

According to highly-placed sources, the President's decision to seek clarification is a sequel to the opposition voiced by a group of eminent citizens from across the country that the ordinance, if approved, would violate the fundamental right of a citizen to know the antecedents of the candidate before electing him to the Legislative Assemblies or Parliament.

The signatories, who included Rajinder Sachar, former Chief Justice of the Delhi High Court, Kuldip Nayar, journalist

and Rajya Sabha member, N. Bhaskar Rao of the Centre for Media Studies, Syed Shahid Mahdi, Jamila Millia Vice-Chancellor, R.H. Tahiliani, former Navy Chief and Kamini Jaiswal, advocate, pleaded with the President not to sign the ordinance. They said the ordinance was unconstitutional and urged the President to exercise his extraordinary powers to refer the matter to the Supreme Court for its opinion.

The ordinance gives effect to the suggestions made at the all-party meetings held by the Government and the provision that candidates chargesheeted for two offences could not contest an election was deleted.

The draft RPA amendment Bill virtually nullifies the Election Commission's June 28 notification giving effect to the Supreme Court directions and dispenses with furnishing of in-

formation in an affidavit by candidates about their criminal antecedents, assets and liabilities and educational qualification.

The draft Bill was initially circulated by Mr. Krishnamurthy to various political parties and leaders for their suggestions and comments and after another round of talks, the controversial clause on "charge sheets" was deleted and sent to the President in the form of an ordinance as the Bill could not be presented in the monsoon session of Parliament. The furnishing of educational qualification of the candidate at the time of filing nomination has also been dispensed with in the Bill, which defines heinous crimes as murder, treason, kidnapping for ransom, rape, dacoity, dacoity with murder, drug smuggling and causing death by terrorist act.

23 AUG 2002

CLARIFICATION SOUGHT ON CRIMINAL CHARGES, ASSETS

Kalam poser raises heat on poll Bill

Mohan Sahay and Sanjay Singh
in New Delhi

Aug. 23. — Electoral reform, diluted by an all-party consensus, is back on the political agenda as the government considers President APJ Abdul Kalam's question why the poll Ordinance could not follow the Supreme Court's directives.

The government is likely to "explain its reasons" to the President. Some additions are possible to the Ordinance, sources said, but "wholesale changes" are unlikely. Tomorrow's Cabinet meeting will take up the issue.

The meeting will decide whether the government should hold another all-party meeting or hold informal discussions with political leaders in view of the President asking for clarifications on the electoral reform Ordinance.

Sources said the government's thinking would "crystallise" once the Prime Minister consulted his deputy. Mr LK Advani is coming back late tonight from his UK trip.

The President reportedly raised his queries when he met the Prime Minister two days back.

The presidential queries, sources said, are "centred around candidate disqualification on criminal antecedents, assets of candidates' family and educational qualifications".

The Ordinance asks candidates to disclose whether in a pending criminal proceeding, charges had been framed where a conviction could be for two years or more. Also, the candidate will have to disclose whether he has been convicted for one year or more.

As for disqualification, sources said the Ordinance did not mention the issue as "the relevant provisions are

already mentioned in Section 8 of the Representation of People Act."

On assets, the President had reportedly asked why assets of candidates' spouses and children should not be included in the declaration to presiding officers.

Sources said the draft Ordinance did

Lyngdoh jibe at Modi

NEW DELHI, Aug. 23. — Mr JM Lyngdoh today criticised people like Mr Narendra Modi who had attacking him on religious grounds. "It is quite despicable and gossip of menials," he said.

Defending the Election Commission's decision to delay Gujarat polls, the Chief Election Commissioner said the decision was based on ground realities and it was unanimous.

In an interview to a private TV channel, the CEC derided those who had tried to malign him. The criticism faced by the poll panel after its Gujarat poll decision is a "reflection of how poor the polity is". But the criticism would not affect his work, Mr Lyngdoh said.

On Mr Modi's reference to his Christian faith, Mr Lyngdoh said: "I have no religion. I feel religion is responsible for many of these problems." — SNS

Details on page 6

not have a provision making it mandatory for candidates' family members to declare their assets, although this requirement was mentioned in the Election Commission guidelines, which were based on Supreme Court order on the issue.

The Ordinance also differs from the

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EC guidelines in that the former asks for asset declaration from winning candidates to presiding officers within 90 days of getting elected. The EC has asked for pre-election disclosure by candidates. Sources said presidential clarification "did not distinguish between pre- and post-election declaration". This could be another complicating factor for the government. However, sources said some additions to the Ordinance on spouses' and children's assets could be considered.

There could be problems, however, in drafting a clause in cases where a candidate and his/her spouse are separated but not divorced, sources said.

The President, sources said, had also asked why educational qualifications of candidates should not be declared. The government is reportedly "not very keen" to give way on this point as "there are widespread feelings among politicians that declaring educational details will put some candidates at unjustified disadvantage". If the government sends the Ordinance, unchanged, back to the President a second time, the head of state is bound by the Constitution to sign it.

The Opposition stands divided on making changes in the draft Ordinance. Mr Anand Sharma (Congress) said it's the President's prerogative to seek clarification on any subject. Should the government want to bring in changes in the Ordinance, it must consult the Opposition, he said.

Mr Prakash Karat (CPI-M) is against any change in the draft Ordinance since an all-party meeting has approved it.

The CPI wants no Ordinance to be promulgated now since the poll process has begun in Jammu & Kashmir.

EC reviews poll arrangements

By Our Special Correspondent

SRINAGAR, AUG. 18. The Election Commission, headed by the Chief Election Commissioner, J.M. Lyngdoh, arrived here on a three-day visit to review the overall arrangements for the polls scheduled to be held from September 16 to October 8.

Accompanied by the Election Commissioners, T.S. Krishnamurthy and B.B. Tandon, Mr. Lyngdoh held informal meetings with the senior civil and police officers. In the evening, the EC interacted with the members of the Unified Headquarters (UH) and discussed the security aspects of the elections in detail.

The meeting, attended by Commanders of the Srinagar

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and Jammu-based 15 and 16 Corps, the Director General of Police, A.K. Suri, the Principal Secretary (Home), C. Phonsog, the Chief Electoral Officer, Pramod Jain, and heads of other security and intelligence agencies, dwelt at length on the threat perception to the candidates intending to participate in the elections.

While the EC asked the State security set up to ensure fool-proof security cover to the candidates and the workers of all political parties, the officials stressed on the speedy deployment of additional forces from the Centre. A number of measures to conduct incident-free elections were discussed threadbare, official sources

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said. The EC will hold meetings with all the Deputy Commissioners and Superintendents of Police here tomorrow and review the arrangements being made for the elections. The progress in the issuance of voter identity cards and voter slips is also being reviewed. The Commission will later visit Jammu.

Earlier, while responding to questions from mediapersons, Mr. Lyngdoh declined to comment on the Union Cabinet's decision to make a Presidential reference to seek the Supreme Court's view on the EC's stand on Assembly elections in Gujarat and its recommendation for imposition of President's rule in the State.

Three cheers for the EC

MISFORTUNE NEVER comes alone. As if the various scams and scandals were not enough, the BJP will now have to cope with what many in the party will regard as a big blow to its political plans. The BJP had reposed its hopes on the Gujarat election as the testing ground of a new, post-NDA political programme. If it emerged with flying colours, the party could then dump the albatross of the 'secular' NDA agenda and adopt the Hindutva line in the run-up to the other state elections next year and then in the general election of 2004. Unfortunately, however, Narendra Modi and his handlers at the Centre faced a formidable obstacle in the shape of J.M. Lyngdoh.

Used as Mr Modi must have become to the bureaucrats in Gujarat meekly following his dictates, even if they ran counter to constitutional norms, he must have come to believe that all officials are similarly submissive. When Mr Lyngdoh showed that he was a person 'with a difference', the BJP's representatives tried to intimidate him by saying that he had no business talking

about relief and rehabilitation. Even outrageous comments about Mr Lyngdoh acting at the behest of the Congress were made. Even now, sections of the Sangh parivar are persisting with their accusations against the chief election commissioner based on his religion. J. Ghel

But none of all this shocking behaviour has had any impact on Mr Lyngdoh. It was evident from his interactions with the Gujarat officials that there hadn't been any change in his belief, expressed earlier in an interview, that only a mad man could think of an election in the state. However, there was method in Mr Modi's madness. It wasn't an act of insanity on the chief minister's part in calling for the elections, but a calculated move to exploit the polarised sentiments in the aftermath of the riots. Now, so far as Mr Modi and his party are concerned, the riots have proved to be a wasted effort. The delay in holding the elections means that the inflamed communal feelings will subside. Mr Lyngdoh has ensured that a normal Gujarat will exercise its franchise, unlike what the BJP had wanted.

19 AUG 2002

Poll Ordinance cleared

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Statesman News Service

NEW DELHI, Aug. 16. — The Cabinet today “cleared” the Ordinance on electoral reforms that attempts to stop the use of “money and muscle-power” in politics.

The Ordinance was necessary because the legislation to amend the Representation of People’s Act, 1954, could not be pushed through Parliament owing to the uproar in the Houses over allotment of petrol pumps. Incidentally, all the parties had approved of the legislation.

Now, a notification would be issued on the changes in the

nomination forms under the Conduct of Election Rules amendment. The Ordinance also approved the issuing of notification for amending nomination forms under the Conduct of Election Rules.

An all-party meeting on 2 August had reached a consensus on tabling a Bill which would disqualify candidates sentenced for two years.

The parties had objected to the proposal to bar candidates charged with two heinous crimes. The amendment had made it mandatory for elected representatives to declare their assets and liabilities either to the Lok

Sabha Speaker or the Rajya Sabha Chairman. A Bill to replace the Ordinance will be placed in the next session of Parliament.

President’s nod for three Bills:

The President has given his assent to three Bills — the General Insurance Business (Nationalisation) Amendment Bill 2002, the Delhi Municipal Corporation (Validation of Electricity Tax) Act and Other Laws (Repeal) Bill 2002 and the Insurance (Amendment) Bill 2002 — passed by Parliament during the just-concluded monsoon session.

17 AUG 2002

THE STATESMAN

BJP goes soft on EC

Statesman News Service

NEW DELHI, Aug. 13. — Dr APJ Kalam's visit to Gujarat has raised hopes among senior BJP leaders that the Election Commission may finally "deliver justice".

The President's visit to the relief camps showed what was needed in the state was a healing touch and not confrontation, senior party leaders said.

A day before the commission is supposed to take a decision on Gujarat, the BJP softened its stand on the EC and asserted that it was merely stressing on the "legal points about the timing" and "not lowering the panel's dignity". The BJP was pointing out the commission's obligation to conduct fair polls, the party general secretary and spokesperson, Mr Arun Jaitley, said.

Party leaders today deferred a deci-

sion on reviving the "Gujarat gaurav yatra/abhiyan". If the EC announcement is positive, a different kind of focus would be needed.

However, if the commission announces delayed elections, the party would have enough time to revive the proposed yatra, a senior BJP leader said.

The yatra is intended to keep the "communal polarisation" intact. A delay in the elections may allow secular values to resurface, a party leader said. According to an internal survey by the BJP, it is expected to corner about 65 per cent of the 282 seats if elections are held in September-October.

At a meeting chaired by Mr LK Advani, Mr Venkaiah Naidu and five general secretaries, it was decided that there was a need for patience before the party launches an attack on the EC if it goes against the party's stated position.

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Parties oppose people's right

By P. P. Rao

THE CONSTITUTION provided for adult suffrage so that the people could govern themselves through their representatives chosen in free and fair elections. Political parties provide democratic choices to the electorate. Democracy functioned well when the country was run by statesmen who identified themselves with, and behaved as servants of, the people. Today, we are governed by politicians who share power with criminals. In the words of Atal Behari Vajpayee (1998), "the electoral system has been almost totally subverted by money power, muscle power and vote bank considerations of castes and communities. Elections are not entirely free and fair; they are not reflecting the true will and aspirations of the people". The Law Commission's Report on Electoral Reforms and the recent Report of the National Commission to Review the Working of the Constitution have noticed the steady deterioration in the standards, practices and pronouncements of the political class which fights the elections. In view of the increasing number of contestants with serious criminal antecedents they suggested measures to check money power, muscle power, corrupt practices and unfair means which are freely employed to win elections. All political parties are aware that electoral reforms are a necessity. The National Democratic Alliance (NDA) in its election manifesto (1999) proclaimed: "We will introduce necessary electoral reforms on the basis of the recommendations of the Goswami Committee, the Inderjit Gupta Committee and the Law Commission so as to deal with the malaise of defections, corruption and criminalisation of politics, and to prevent electoral malpractices." The voters who believed them are totally disillusioned.

The Congress too declared in its manifesto: "The Congress is fully committed to radical electoral reforms to reduce the influence of money and muscle power and to check the criminalisation of politics at all levels." The combined strength of the NDA and the Congress in Parliament is adequate to effectuate all reforms, electoral and constitutional, but they will not sit together and

push through the necessary measures.

In May, the Supreme Court upheld the people's right to know their candidates and directed the Election Commission (E.C.) to call for an affidavit from each candidate seeking election to Parliament or a State Legislature about his criminal antecedents, assets, liabilities and educational qualifications. The E.C.'s order has brought all political parties together; not for ridding politics of

Singh Gill's case (1978). Interpreting Article 324, which confers power of superintendence, direction and control of elections on the E.C., the Court held that the power includes the right to issue binding orders to supplement the provisions of the R.P. Act and the Conduct of Election Rules in the interest of free and fair election. The same view was reiterated in later cases. It is equally futile to contend that the E.C.'s order is contrary to the provisions of the R.P. Act

nomination papers. Without the power of rejection, the entire exercise would be meaningless.

Who is to be blamed if some of the Chief Ministers misuse the official machinery to frame political opponents? This is an in-house problem of politicians as a class. Having allowed the democratic institutions to degenerate to this level, they cannot blame the E.C. Information about criminal antecedents is absolutely necessary to keep out criminals and persons charged with crimes involving moral turpitude and to identify the political parties which field such candidates. To begin with, criminals kept away from politics. In due course when politicians began to rely on them for winning elections, they realised their relevance and started entering politics in a big way and getting elected. If the present trend continues, there is every possibility of criminals capturing political parties, dislodging political leaders. It will be in the interest of survival of the political class itself to accept such judgments and orders which help the people to contain corrupt and criminal elements.

Educational qualifications indicate the equipment of a candidate to effectively participate in the business of the House. Nobody would like to vote for a candidate who can only raise his hands or record his vote or join his flock in rushing to the well of the House or staging a walkout. The Constitution-makers appreciated the need for educational qualification, but considering the massive illiteracy prevailing then, wisely refrained from prescribing in order to make democracy meaningful to the enfranchised masses. The Constitution mandated the state to provide within a period of ten years free and compulsory education to every child until he attained the age of 14 years. Had this directive been implemented, by now there would have been no illiterate person below the age of 60 years. The failure of successive Governments to achieve this constitutional target even after 40 years constrained the Supreme Court to declare in 1993 that children had a fundamental right to education.

The solidarity of the political parties in stalling electoral reforms reveals the extent of the hold over them of corrupt and criminal elements.

The solidarity of the political parties in stalling electoral reforms reveals the extent of the hold over them of corrupt and criminal elements.

criminals or to carry out comprehensive reforms, but to shield candidates with questionable antecedents. Political parties exist for serving people. In their wisdom they have decided to oppose the people's right tooth and nail. Their objections are: (i) The Supreme Court and the E.C. have no power to issue directions to candidates and Returning Officers; (ii) the order notified by the E.C. is contrary to the Representation of the People Act (R.P. Act) which impliedly rules out any new disqualification other than those specified in the Act; (iii) the information sought is irrelevant, unwarranted and cumbersome to furnish; (iv) the Returning Officer cannot be trusted to act fairly; (v) vindictive Chief Ministers can foist cases on political rivals; (vi) political leaders go to jail often for organising or participating in dharnas, bandhs and hartals and it is difficult to give accurate particulars of all those cases; (vii) educational qualifications do not make any difference; and (viii) the prescribed affidavit is too long, running into over 40 pages.

It is too late to question the Supreme Court's power to interpret the Constitution and declare that the right to freedom of speech and expression in Article 19(1)(a) includes the right to information. In the instant case, the Court merely applied the law settled in the Judges' case (1982), Cricket Association case (1995) and Dinesh Trivedi's case (1997). The power of the E.C. to issue statutory orders and directions in virgin areas is also settled in Mohinder

and the Rules. There is no provision either in the R.P. Act or in the Rules which prohibits seeking relevant information from contesting candidates. Moreover, the right to information flows from the Constitution itself and neither the R.P. Act nor the Rules can abridge that right.

Information about assets and liabilities of a candidate, his spouse and dependents is relevant. In fact, the Court should have gone a step further to include two more items, the source of livelihood of the candidate and the extent of his family's assets and liabilities when he entered politics. It is said that to disclose all the assets and liabilities would be too cumbersome and if a candidate omits to mention a small item of jewellery or a pending electricity or telephone bill, his nomination would be liable to be rejected. This specious plea has no merit. Under the Prevention of Corruption Act, possession of assets by public servants disproportionate to their known sources of income is an offence. The public servants know how assets and liabilities are computed for calculating disproportionate assets. No one in his senses would consider a pending telephone/electricity bill an undischarged liability.

Parliament itself has conferred the power of scrutiny of nomination papers on Returning Officers (Sec. 36(2) of the R.P. Act). The E.C. has no option but to use the existing election machinery for deciding objections to the affidavits to be furnished by candidates as a necessary part of their

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Cabinet nod for RP Act Amendment Bill

By Our Legal Correspondent

NEW DELHI, AUG. 7. The Union Cabinet on Tuesday gave its nod for introduction in Parliament of the Representation of the People (Amendment) Bill, 2002, which seeks to nullify the apex court judgment of May 2 and the consequent orders issued by the Election Commission.

Briefing presspersons on the Cabinet decisions, the Union Information and Broadcasting Minister, Sushma Swaraj, said the Cabinet had approved the changes suggested by the political parties in the Bill but declined to mention the provisions.

It might be recalled that at the all-party meeting held on August 2, there was unanimity that the clause "a person against whom charges had been framed in two separate criminal proceedings concerning heinous crimes shall be disqualified" should be deleted and accordingly this clause is being deleted from the draft RP Amendment Bill.

The Cabinet had accepted the suggestion that instead of chargesheet only conviction in cases should be taken into account as there was a possibility of charges being framed even on frivolous grounds which would unnecessarily give room for the Returning Officer to disqualify a person.

Ms. Swaraj said the Cabinet also accepted the recommendations of the Standing Commit-

tee of Parliament in the Freedom of Information Bill and amendments would be introduced incorporating the suggestions.

She also said that the Cabinet approved a proposal to amend the Government of India resolution regarding the Central Vigilance Commission so as to make necessary appointments.

The Cabinet Resolution would enable the Government to fill up the existing vacancy of Vigilance Commissioner and the likely vacancies of Central Vigilance Commissioners in accordance with the procedure laid down by the Supreme Court in the "Vineet Narain" case.

She said a three-member committee comprising the Prime Minister, the Home Minister and the leader of the largest opposition party in the Lok Sabha would select the Chief Vigilance Commissioner, whose term would be for four years or till he attains the age of 65, whichever was lower and the term of the other Commissioners would be three years.

The Cabinet also approved the signing or ratification of various Conventions and Protocols by the Government: the Convention between India and Slovenia for Avoidance of Double Taxation and Prevention of Fiscal Evasion with respect to taxes on income, the Convention on Protection of Children and Cooperation in respect of Inter-country Adoption, 1993, adopted by the Hague Confer-

ence on Private International Law (India has an active inter-country adoption programme and would benefit by the ratification of the convention), and a bilateral agreement between India and Bangladesh on mutual cooperation for preventing illicit trafficking in narcotic drugs and psychotropic substances by drug addicts.

Ms. Swaraj also said the Cabinet decided to ratify the Kyoto Protocol to the United Nations Framework Convention on Climate Change.

Appointed Secretary for Water Resources

By Our Special Correspondent

NEW DELHI, AUG. 7. A.K. Goswami, a 1966-batch IAS officer of the Himachal Pradesh cadre, has taken over as the Secretary, Water Resources. Till recently, he was Secretary, Department of Drinking Water Supply in the Ministry of Rural Development.

With this, B.N. Navalawala, who was holding additional charge as Water Resources Secretary, will now only be attached to the Ministry as a Consultant for two years.

In a career spanning 36 years, Mr. Goswami has held several positions in the Himachal Pradesh Government. He was Chief Secretary for nearly three years. He had also served as Joint Secretary in the Union Commerce Ministry.

Parties unite to dilute poll Bill

Statesman News Service

NEW DELHI, Aug. 2. — An all party meeting today reached a consensus on tabling a Bill which would disqualify poll candidates if they were convicted and sentenced for two years. This provision is virtually not different from Section 8A of the Representation of People Act and negates the draft Bill released by the law

ministry which had recommended disqualification on the basis of charges on two heinous crimes.

Politicians suggested a further "refinement": Only convictions upheld by Supreme Court should be taken as a basis for disqualification. The law ministry, however, said this would not be a part of the Bill but may be incorporated later.

The all party version of the Bill would be passed in this session of Parliament and would therefore supercede the 28 June EC guidelines for all coming elections. This means that the J&K polls, an-

nounced by the EC today, and the Gujarat elections would be held under the auspices of the new "politician-friendly" electoral law.

At today's meet, politicians joined ranks to tone down even the few "positive" changes made

in the draft Representation of People (Amendment) Bill 2002, released a fortnight ago.

The first change that all parties voted down was the "heinous crime" clause. According to the draft

Bill's recommendation, any candidate charged with two heinous crimes, like murder or rape among other things, would be disqualified from contesting an election. But now no one would be disqualified unless he is convicted and sentenced for two years, law minister Mr J Krishnamurthi said. A charge or chargesheet would not be a basis for disqualification, he said.

The meeting also effectively rejected the directives on candidates' assets. An MP or MLA will now give a report on his assets to the LS or Assembly Speaker.

GROUNDS FOR DISQUALIFICATION

RPA SECTION 8A: Conviction, sentenced for 2 years or more
28 JUNE EC GUIDELINES: Accused before 6 months of nomination
15 JULY DRAFT BILL: At least two heinous offences 6 months before nomination
2 AUGUST FINAL BILL: Conviction, sentenced for 2 years or more

NITISH YET TO GIVE NAMES OF GODHRA TRAIN VICTIMS

Mamata calls Bengal bandh on 5 August

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Mamata (Gandhi)

Statesman News Service

KOLKATA/ NEW DELHI, July 31. — Miss Mamata Banerjee today called a 24-hour Bangla bandh on 5 August, and said her party would decide on quitting the NDA on 13 August in Delhi.

In Parliament, a united Opposition kept up the pressure on Mr Nitish Kumar, who again failed to reveal the names of Sabarmati Express passengers who had died in the Godhra train fire. The railways minister didn't even provide the list of passengers who had berths in the ill-fated S6 coach. This, the Opposition said, was "mystifying" since five months have already passed.

Miss Banerjee said the decision on 13 August will be a confirmation of the "mental preparation" that she had taken on severing ties with the NDA. If the Centre fails to redress her grievances this time, she may be forced to snap ties with the NDA for the second time.

The West Bengal government will, however, oppose Miss Banerjee's bandh, acting chief minister Md Amin said today. The Left Front will also oppose the bandh, Mr Jyoti Basu said. The Front will organise a rally at Brigade Parade Ground, and take out a procession from there on 11 August.

In another effort to send a discreet message to New Delhi that she should not be taken for granted, Miss Banerjee said Trinamul MPs will not vote for Mr BS Shekhawat, NDA candidate, at the elections to the post of Vice-President on 12 August. Instead, all Trinamul Congress MPs, MLAs and councillors will stage a *dharna* in front of the Prime Minister's residence that day to protest against his "surprising indifference" to her demands, which have by now been "watered down" to only the retention of Dhanbad division with Eastern Railway and the restoration of Katihar division to North Bengal. This "unanimous" decision was taken at to-

day's meeting of the Trinamul all-India working committee, which was attended by all its MPs. The Trinamul had reportedly demanded an expert committee on the ER division as a face-saver, but this was turned down by BJP strategists who believed such a move will annoy Bihar and Jharkhand MPs.

In the Lok Sabha Mr Kumar said he wanted to release the list of passengers who had purchased tickets on the Sabarmati

Amma out, Didi in

HYDERABAD, July 31. — Miss Mamata Banerjee is likely to replace Miss Jayalalitha as one of the more prominent objects of ridicule in *Oh No! Not Again!!* when the play opens in Chennai on 7 August. With 127 shows, the hard-hitting political satire is the longest-running English play in India.

Kolkata's Ananya Dutta, who plays Miss Jayalalitha, is worried over the reception the play may get in Chennai even with Miss Banerjee filling in as the "whipping girl": "There is no way I'll go to Chennai if we're doing the Jayalalitha bit." Director Bharat Dabholkar laughed away suggestions that he was dropping the satirical bit on Miss Jayalalitha for fear of the AIADMK chief. — SNS

Details on page 6

Express. The ministry had asked the local travelling ticket-checkers (TTCs) to furnish this list, he said, but they had reported back saying since the coach was "overcrowded" the details could not be verified. Railway sources, however, said there has never before been such an inordinate delay in publishing the passenger list after a tragedy.

A former Railway Board chairman said even if the official assumption that many victims were unreserved passengers is correct, this should not prevent Railways from producing the passenger chart of the compartment.

Mr Kumar, however, said only nine persons whose names had figured in the reservation

chart could be identified from among the dead and injured. The coach was packed with rallyists, Mr Kumar said, adding he had ordered inspectors to be sent to the residences of those who were to travel to ascertain the facts.

Miss Banerjee and senior party leaders decided to defer the decision over quitting the NDA after the intervention of two Union ministers and Mr Vijay Goel, MoS in the PMO. Mr Goel telephoned her this afternoon. But she made it categorical that her party's agitation will continue till 12 August.

She did not relent in her criticism of the Prime Minister and the Deputy Prime Minister today, saying she and her party had "grave doubts" if Mr Vajpayee is being "allowed to work independently". The Centre's decision is "illegal, arbitrary, unethical and undemocratic", she said. Her comments yesterday about the "PMO being hijacked" were iterated by Congress MP Mr Kamal Nath in the Lok Sabha today. Mr Nath compared Mr Vajpayee with Shah Jahan at the time of his imprisonment by his son.

Mr Anil Biswas, CPI-M state secretary, criticised Miss Banerjee's decision to abstain from the Vice-Presidential vote, saying the party should vote with the Opposition if it really wanted to oppose the Cabinet decision.

Mr Jyoti Basu said the decision to oppose the bandh was taken as the Left Front considers the division of Eastern Railway not a Bengal-Bihar issue but one of "disintegration" of the country: "A bandh in Bengal will trigger a spate of bandhs in Bihar, Jharkhand ... there will be chaos. The Trinamul is devoid of principles and ideology. A bandh will only give parochialism a fillip. The only way to reverse the disastrous decision is to dislodge the NDA through a nationwide movement," he said.

SUCI in a fix: The SUCI is among the first to feel the pinch of the bandh call. The day of the bandh coincides with the death anniversary of its founder, to commemorate which the SUCI had made plans days in advance.

More reports on page 6

The proposed electoral law

By Rajeev Dhavan

110-10

J. G. G. G.

The proposed bill is a political fraud designed to tease lawyers, frustrate activists, short-change Indian democracy.

RESPONDING TO the Supreme Court granting electors the right to know about prospective candidates, the politicians have struck back. The Election Commission implemented the Supreme Court's order to provide information to the voter about candidates on assets, debts and criminality. The proposed electoral reform bill of 2002 is a halfway house. It is a political fraud designed to tease lawyers, frustrate activists, short-change Indian democracy and create a political divide amongst politicians who still feel that the Supreme Court's changes go too far and come too soon. The bill deals with four inter-related aspects: disqualification, information, penalties and reversing the judicial power. Drafted by politicians for politicians, the bill is a monumental example to persuade Indian democracy to walk in fear of itself. It is a half-baked measure. It takes a tentative step forward; and, then, loses its public purpose to protect politicians rather than strengthen Indian democracy.

The present Indian law on disqualification lists a number of offences which invite disqualification only on the conviction of the candidate. Convictions take a long time. Persons charge-sheeted and whose cases were pending for years became politicians. People accused of murder, rape, socio-economic offences and serious crimes win elections without impediment. The bill of 2002 makes a radical change in India's disqualification law. The Law and Constitution Commissions had suggested that a 'conviction' was not necessary to invite disqualification and that a person accused of disqualifying crimes could also be disqualified from elections. Who is an accused? According to the proposed bill, for electoral purposes a person becomes an accused when a court, having taken everything into account, takes cognisance of the offence and not just when an FIR or police report is filed. Frivolous

FIRs and doctored police reports will not do. The judicial mind will determine the *prima facie* case. The proposed bill takes a leap forward in accepting that charged, and not just convicted, candidates can be disqualified. But after this, Section 8-B in the new law falters.

The first flaw is that disqualification for charged offences is limited to dacoity, murder, kidnapping, waging war, drug and terror-

ist offences which it calls "heinous offences". But, why does the disqualification at the charge stage not extend to all the disqualifying offences mentioned in the existing Section 8. The existing list of disqualifying offences is not limited to the Government's new list of "heinous crimes" but to crimes relating to communal incitement, electoral offences, rape, cruelty to a wife, promoting communal ill-will, untouchability, customs offences, banned organisations, foreign exchange, drugs, terrorism, crimes against places of worship, profiteering, food adulteration, dowry, sati and crimes carrying a punishment for more than two years. Since these are electoral offences inviting disqualification on conviction, why should the disqualification not be made at the charge stage for all these offences? One reason could be that politicians want to be free to commit communal, gender and socio-economic offences.

The second flaw is that the proposed disqualification at the charge stage will be attracted only if there are two separate criminal proceedings going on. Thus, an alleged rapist must commit rape twice to be disqualified? Or, wage war and commit rape, murder or dacoity? Or dacoity and murder? Or, each crime must be committed twice. The logic of "two"

not just "one" is devastatingly absurd. No less illogical is the condition that the charge must exist at least six months before nomination. Suppose a charge of murder or rape is drawn one month before nomination. Why should it not be included as falling within the regime of disqualification? The correct rule should be to include cases where a court has drawn charges one to three days before nomination.

Apart from disqualification, a part of the bill also relates to the information that has to be given to the voter. The proposed bill limits this information to the crimes which carry a conviction of two years or more. Surely, it is more consistent to ensure voter information for all those communal, gender and socio-economic offences for which a person can be disqualified. A small amendment is needed that information be given about all disqualifying offences contained in the existing Section 8 covering all the undesirable offences which invite disqualification. These offences are relevant to elections and the voter has a right to know. But the proposed right to information clause (Section 33B) also suffers because the other information ordered by the Supreme Court and the Election Commission relating to assets, debts and liabilities (including public debts) and education have been struck out. Politicians obviously do not want to declare financial and such assets because they want to earn while in office. Nor do they want to reveal what they owe even by way of taxes or whether they can read the bills and reports laid before Parliament. These are only information provisions. The right to know is rooted in the guaranteed fundamental right to life and liberty (Article 21).

Fundamental rights cannot be so churlishly ignored. The proposed bill invites separate penalties under Section 125A for failing to give and concealing information and giving false information. Failures relating to the "heinous offences" of waging war, dacoity, rape, murder, drugs and terrorism carry a punishment of three years, while other failures to provide information relating to offences (with punishments of two years) carry a punishment of only six months. Why this distinction? Surely the electoral fraud of not supplying information has uniform repercussions and should carry the uniform deterrent punishment of three years. But, the defensive reason for making the punishment less in the so-called 'non-heinous' cases is that if the punishment is more than two years, politicians will be disqualified, if they violate the information law under the existing Section 8. The new proposal is a self-protective device. Politicians who violate the information requirement will be free to violate it again.

Under Section 33A of the proposed bill, the Supreme Court judgment has been reversed. This cannot be taken lightly. Under the doctrine of separation of powers, Parliament cannot usurp the judicial power by sitting in appeal over it. Parliament can change the basis of the law. But, in the new electoral bill, there is a naked usurpation of judicial power. The Supreme Court had declared information for the voter on assets, debts and education and, more widely, for criminal offences as part of Article 21. Parliament cannot defy a fundamental right to know. Nor can it sit in appeal over the Supreme Court. These are not matters to be taken lightly and go to the root of governance.

The proposed amendments are clever but not convincing. They take a small step forward, but are flawed. They are by and for politicians to protect them. India's fragile democracy needs to be strengthened not undermined.

26 JUL 2002

THE HINDU

Gujarat: EC urged to make independent assessment

By Our Special Correspondent

Handwritten: 9. H. D. Deve Gowda

NEW DELHI, JULY 25. Three Opposition parties, CPI (M), CPI and Janata Dal (Secular), today urged the Election Commission to make its own independent assessment and decide on the timing of the Assembly elections in Gujarat to ensure a free and fair poll. Close on the heels of a BJP delegation calling on the EC yesterday, leaders of the three parties submitted a memorandum to the full Commission, stating that the move to dissolve the Gujarat Assembly was to pressurise the EC into holding early elections in the State. The present term of the House expires only in March 2003.

Referring to the prolonged communal violence in the State, the memorandum said that thousands of people had lost their kith and kin in the carnage, their homes were destroyed and there was no possibility of these people pursuing any vocation or occupation whatsoever. "The process of rehabilitation of these victims is very tardy and suffers from the very same communal prejudice that fuelled the carnage in the first place", it said. The leaders said the Constitution enjoins upon the EC to hold free and fair elections, which will ensure that the will of the people is properly reflected. "How can this be possible when the Muslim community has been subjected to the worst forms of violence and terror?"

They said thousands of people were still in relief camps as their houses had been destroyed. "When voters cannot return to their localities, how can they cast their votes? When the fundamental right

to life and liberty cannot be ensured, how can the right of adult franchise be fairly exercised?" the memorandum asked.

The leaders said that in their opinion, Article 174 does not make it mandatory for the elections to be held so that the newly-elected House can meet within six months of the earlier Assembly session. They said the constitutional provision stipulates that the same Assembly is required to meet not later than six months of its earlier session and this could not be interpreted in any other way. The EC, it is understood, would be sending its observers to the State. The delegation included the CPI(M) general secretary, Harkishan Singh Surjeet, his CPI counterpart, A.B. Bardhan, the JD(S) chief, H.D. Deve Gowda, CPI(M) politburo member, Sitaram Yechury, and CPI national secretary, D. Raja.

Congress plea

Concerned by the manner in which the BJP was trying to "intimidate" the Election Commission (EC) vis-à-vis the poll schedule for the Gujarat Assembly, the Congress today urged the EC to exercise its jurisdiction "in a firm and judicious manner in the interest of Indian democracy."

Briefing mediapersons here today, the Congress spokesperson, Anand Sharma, said the BJP has no right to tell the EC that "it is duty bound" to act in a particular manner on the issue of fixing a date of the Gujarat Assembly elections.

All decisions pertaining to the conduct of elections, he underlined, came within the exclusive jurisdiction of the EC.

26 JUL 2002

EC has the final say: Advani

Statesman News Service

NEW DELHI, July 24. — Mr LK Advani today said the Election Commission was empowered by the Constitution to decide when elections should be held in Gujarat and the government could not interfere in the matter.

The Commission would act in accordance with the provisions of the Constitution, Mr Advani said. The BJP today urged the EC to hold early polls in Gujarat, "in accordance with the letter and spirit of the Constitution".

Replying to a short-duration discussion on Gujarat, Mr Advani said the government would request the EC not to insist on voter-identity cards or ration cards for casting a vote. Steps will be taken to ensure that those living in relief camps were able

to vote. Mr Advani disputed reports that the situation in Gujarat was not conducive to polls. "If the question is will the Gujarat elections be held under Mr Narendra Modi, yes, the polls will be held under him," he said. There were loud protests from the Opposition Benches when Mr Advani commended the way Mr Modi had handled the situation in the state. The Deputy Prime Minister said out of the 182 Assembly constituencies in the state, 103 constituencies were not affected by the violence.

The Congress plans to move a privilege motion against Mr Narendra Modi in Parliament for his statement that earlier discussions in the Lok Sabha had added to the trouble in Gujarat. The decision was taken at a strategy session of the party's political affairs committee this morning. Members decided to brush aside the Deputy Prime Minister's reply to the Gujarat discussions.

Reforming the electoral process

By Sanjay Kumar

40-1 25/7

EVER SINCE the Supreme Court's May 2 judgment relating to the right to information of the electors regarding criminal antecedents, assets and liabilities and educational qualifications of candidates and the Election Commission's consequent directives of June 28, there has been discomfort in political circles.

Under the new E.C. rules, every candidate have to furnish in an affidavit, along with the nomination papers, information with regard to whether he/she is convicted/acquitted/discharged of any criminal offence in the past — if any, whether he/she is punished with imprisonment or fine? Prior to six months of filing of nomination, whether the candidate is accused in any pending case, of any offence punishable with imprisonment for two years or more, and in which charges are framed or cognisance is taken by a court of law. Further, the candidate has to declare the assets (immovable, movable, bank balance etc.) of spouse and dependents, liabilities if any, particularly whether there are any dues to any public financial institution or the Government. The candidate is also required to disclose his/her educational qualifications.

At the all-party meeting held on July 8, leaders of 21 political parties unanimously rejected the E.C. directive of June 28. The Government said it would come out with a comprehensive legislation to address the issue of criminalisation of politics.

The discomfort with the new norms is on various grounds. Is Supreme Court exceeding its jurisdiction and intruding into the legislative arena? Are we setting a precedent for the Judiciary to legislate? Is the Election Commission exceeding its jurisdiction? Who has the power to bring such changes in the election rules/laws? Does such disclosure affect the right to privacy of the candidate? There are various other concerns ex-

pressed by different people, but instead of getting into these legal issues it is worth introspecting how these reforms can be operationalised and to what extent they can help make Indian elections more free and fair.

While the spirit of the content of some new electoral laws seems to be all right, there are immense operational difficulties in ascertaining that what the candidate discloses is

While we should aim for free and fair polls, but it may not be appropriate to introduce electoral reforms of far-reaching importance in such haste.

The issue of candidates being required to declare their assets is a noble step. This could bring greater transparency in public life. Now the Government proposes that it should be made mandatory only for the winning candidate, and not for all con-

cent have passed primary school and 20.9 per cent have managed to complete education up to middle school.

The electoral reforms introduced in the recent past are welcome. Further, the new initiatives towards ensuring free and fair elections are also important. But, at the same time, foremost importance in the process of reforming the electoral system should be given to maintaining updated electoral rolls. This is the basic tool in our electoral process, where names of all adult Indian citizens above the age of 18 should be recorded. But in practice, even after so many years of functioning of our democracy, we have not been able to maintain reasonably updated error-free electoral rolls. There are examples, where names of large numbers of people have been left out. While in some cases, it is the result of an error, there have been incidents of the names of people belonging to particular community being systematically deleted. Various studies have highlighted the inadequacies in our electoral rolls.

The first and the foremost initiative in the field of electoral reforms should be to maintain updated, error-free electoral rolls, to make it more people friendly, so that voter registration and its accessibility is made much simpler. Only those who have experienced know how difficult it is at the moment to get enrolled as a voter if left out while revision or updating was carried out. Public access to the electoral rolls of a locality is a cumbersome process. Once we ensure updated and easily accessible electoral rolls, half the battle on electoral reforms is won. Unless we can guarantee this basic political right to all adult citizens of this country, other efforts towards electoral reforms seem to be of very little significance.

(The writer is Associate Fellow, Centre for the Study of Developing Societies, New Delhi.)

Once we ensure updated and easily accessible electoral rolls, half the battle on poll reforms is won.

correct. Criminalisation of politics is an issue of great concern but, at the same time, it should be noted that there are no authentic records about how many MLAs or MPs at present or in the recent past were criminals. There is a tendency to generalise based on a few examples. Further, the law needs to be absolutely clear in its definition of a 'criminal' as there are many grey areas. A person can be criminal in the eyes of the law since he had been involved in public activities defined to be unlawful, but those acts at times are applauded by the common people. Agitations, gheraos, demonstration on issues which concern people at large are a routine thing for those in politics. While the gherao of a power station for demand of regular supply of power is considered absolutely a matter of right by the people, it may be considered unlawful in the eyes of the law. At times such demonstrations also turn violent leading to arrests and police cases are also framed against the people, some of which are even criminal charges. If the law is implemented to the letter, even such people will be debarred from contesting election. Are we aiming to ban politician from participating in demonstrations, dharnas and gheroes, which are basic political activities?

testants. But declaration by all candidates about their movable and immovable assets, before election, is what should be welcomed.

The E.C. has made it mandatory for all candidates to disclose their educational qualifications. Does this mean that the higher the level of education, the lesser the tendency for indulging in electoral malpractices and vice-versa? It is very unclear as to what kind of reform this could bring in our electoral system. In the name of electoral reforms, are we moving towards prescribing educational qualifications for contesting elections in India? The new laws do not suggest this. But asking the candidates to declare their educational qualification could create some kind of a negative bias in the minds of the voters against those who are less educated or are illiterate. In a country where 57.2 per cent of the people still remains illiterate (1991 census figures also includes children between 0-6 years), and even among literates only 5.7 per cent are graduates or more, and only 19.4 per cent have passed matriculation, how reasonable is it to expect people's representatives to be highly educated? Even among those who are literates, 25.2 per cent have attained education below primary level, another 28.7 per

All eyes on the EC

Gujarat poll requires settled times; until then President's rule is the best option

ONCE again the polarisation of debate in the country over Gujarat is near absolute, both within Parliament and outside. On the one hand, is the ruling party with its determined band of legal men advancing all manner of justifications for the holding of assembly elections in Gujarat by September or October, at the latest. On the other, is the Opposition — displaying a rare unity — vociferously arguing that elections are not the priority of the hour and that what the state needs most is to see the back of Narendra Modi and the imposition of President's rule.

As articles are cited and the finer points of constitutional law trotted out, one aspect emerges as clear as daylight. By dissolving the Gujarat assembly eight months before its term was to end, Narendra Modi has attempted to present the nation with a fait accompli — helped of course by his party colleagues in Delhi aggressively citing the paramountcy of Article 174(1) of the Constitution, which stipulates that the gap between two legislative sittings should not exceed six months. The counter-argument to this is that this article does not justify an early election because it applies to two sessions of the same assembly, and not between two sessions of separate assemblies. But it is not so much the legal arguments and counter-arguments that should concern us here but

96.6 24/7
Modi's motivations. Remember, Modi dissolved the House without even bothering to summon a session of the state assembly and gain its concurrence. In other words, he seems to desire nothing more than to steamroller an election through as quickly as possible in order to gain electoral dividends from the sectarian polarisation that his brand of riot politics has assiduously created.

The important question then is, should the nation allow a man who stands discredited for his government's complicity in the worst riot in India's history to get away with this audacious strategy? The answer is no. Not only will this affect the credibility of the election process it could ratchet up the levels of tension in the state. What Gujarat needs most of all is not a hasty election but the healing touch. Despite all its protestations to the contrary, normalcy has not returned to Gujarat in sufficient measure as any number of news reports emanating out of the state testify to. What's more — as this newspaper has argued time and again — normalcy is unlikely to return under Modi's political dispensation. Given this fact of life, given also that the Gujarat assembly today stands dissolved, it would appear that there is no way out apart from imposing President's rule in Gujarat until such time as the state is ready for its tryst with the ballot box.

Poll reforms scuttled?

Too many crooks spoil the broth

The draft bill on electoral reform, prepared by the law ministry and to be "studied" by political parties makes a mockery of the Supreme Court-mandated and Election Commission-executed norms on pre-poll disclosures. This was, of course, expected. But the brazenness still surprises. The bill requires that candidates will be disqualified if they are facing two separate trials for heinous crimes, charges for which would have to be filed at least six months before nomination. Even this will not be enough if a higher court gives a stay on the proceedings. This, the government is arguing, is an improvement on Section 8 A of the Representation of the People Act which disqualifies candidates if they are convicted and sentenced for at least two years. Not so. Financial crimes are not in the heinous offence category. Since most politicians are corrupt rather than murderers, rapists and spies — don't be thankful for small mercies! — the proposed legislation gives most of them a free hand. Note that the bill has also not taken up the financial assets disclosure norm required by the court and EC. It will be taken up later, the law ministry says — a transparent tactic. Worse, even those who have murdered and raped will need to do it at least twice and get caught and be incompetent and/or foolish enough not to get a lawyer who can move a high court to get a stay on lower court proceedings — how many criminals wearing khadi are likely to get disqualified under these rules?

And how many will be disqualified after they have been elected for filing false affidavits? The bill has changed the EC 28 June directive which called for pre-election disqualification of candidates who file false information. Political parties had objected to returning officers being given the power to check affidavits. They had a point. But the proper change would have been to devise a system of better pre-election monitoring, not institute a post-election farce. Once candidates are elected, will the system really permit challenges to affidavits, their proper checking and then disqualification? In any case, post-election disqualification misses — deliberately — the whole point of the court's and the commission's intervention which was to clean up elections by making voters better informed. Sacking MPs and MLAs after they have been elected takes the voter, and his preferences, out of the equation. Which is what political parties want. This dismissal of citizens' right to be better informed about those who seek their support is an extremely worrying aspect in a democracy. It carries within itself not only a contempt of institutions but also of people, especially the millions for whom often the sole proof they are in a democracy comes when they get to vote. Parties have agreed that Indians do not need to know any more than the mixture of lies and rhetoric that accompanies election campaigns. They have also — most dangerously — set a precedent of effectively ignoring Supreme Court directives, which will doubtless come in handy whenever politicians are impeded in their self-imposed privilege to do as they please.

THE STATESMAN

17 JUL 2002

Draft poll bill skirts EC's stipulations

By Akshaya Mukul
TIMES NEWS NETWORK

New Delhi: As if the unanimity with which the political class opposed the supreme court's May 2 order on election rules was not enough, the draft of the Representation of the People (Amendment) Bill circulated to political parties on Monday has gone a step further.

In what is likely to lead to a more or less head-on collision between the judiciary and the executive, the draft bill is silent on the need for candidates to declare their assets, liabilities and educational qualifications.

Candidates accused of certain serious crimes are to be disqualified once a competent court frames charges. But although the bill's definition of "heinous offences" includes three sections of the Prevention of Terrorism Act (Pota), the Union law ministry has deliberately excluded Section 21 of Pota, under which MDMK leader Vaiko has been arrested.

The fact that the bill has been rushed was confirmed by a senior law ministry official, who said, "We were made to take down notes. There was no discussion."

Stating the executive's supremacy in no uncertain terms, the bill mocks the supreme court and the Election Commission's order thus, 'Notwithstanding anything contained in any judgment, decree or order of any court or any direction, order or any other instruction issued by the Election Commission, no candidate shall be liable to disclose or furnish any such information, in respect of his election, which is not required to be disclosed or furnished under this act or the rules made thereunder.'

Official sources maintained that the bill had "gone beyond the SC order as we have included many safeguards". Pointing them out, a senior law ministry official

said, "Only those candidates can be disqualified against whom there are two separate criminal proceedings concerning heinous offences charged by a court at least six months prior to filing the nomination." Heinous offences include murder, rape, dacoity, drug trafficking, etc. However, this will not apply if the proceedings have been stayed by a court order.

The bill also stipulates that a candidate will have to furnish information as to whether he has been accused of any offence punishable with imprisonment for two years or more in a pending case in which a charge has been framed by the court.

Punishment for giving wrong information about

- Draft bill silent on declaration of assets, liabilities, educational qualifications
- It excludes Section 21 of Pota, under which Vaiko has been held

heinous offences is three years' imprisonment or fine or both, and for any other serious offence, it is six months.

The three sections of Pota mentioned in the bill relate to causing death by a terrorist act, possessing bombs, dynamite or weapons of mass destruction and relevant portions of the Explosive Substances Act.

According to Ravi Shankar Prasad, minister of state for law, the bill "is an attempt to take cognisance of the criminalisation of the country's polity and enact a legislative instrument to prevent kidnapers, serial killers and rapists from taking over the polity".

Adding a caveat, he said, "The bill has been circulated to all political parties with a request that they reply by Sunday. It will be followed by an all-party meeting. We hope a consensus emerges and it soon becomes law."

THE TIMES OF INDIA

11/11/2002

WEDNESDAY, JULY 10, 2002

PARTIES AND POLL REFORMS

IT IS A matter of supreme irony that the one thing which has united the country's otherwise fractious and bickering political parties is a move aimed at cleansing the polity of criminal and corrupt elements. The all-party meet which was convened in New Delhi on Monday arrived at two important decisions. It began by unanimously rejecting the Election Commission's order making it mandatory for candidates seeking election to declare their financial assets, their criminal antecedents and their educational background along with their nomination forms. And it ended with a decision to supplant the E.C.'s directive (which was based wholly on the Supreme Court's May 2 judgment) with what is being touted as a comprehensive legislation to address the question of criminalisation and corruption in politics. The right of Parliament to decide on issues relating to electoral reform can hardly be questioned. But the general drift of the discussion at the all-party meet provided sufficient cause to be perturbed. Although the ostensible purpose of the legislation is to implement the Supreme Court judgment, there is reason to worry that the actual object of the proposed law would be to dilute it in a manner which negates its impact.

If this were to happen, it would be truly unfortunate. It is one thing to be concerned about the pragmatic import of a particular detail here or a specific clause there in the E.C.'s directive. But it would be quite another to introduce legislation which is directed at undermining the very spirit of the Supreme Court judgment which, after all, is what the E.C.'s directive is essentially based upon. Ordinarily, it would be unduly alarmist to express apprehension about a legislation even before it is drafted. But the attitude of the Centre (which enjoyed the tacit support of parties across the political spectrum) has left much to be desired ever since the Supreme Court delivered its May 2 judg-

ment. Rather than adopt measures to see that the Court's directive was followed, all the Government seemed interested in doing was to delay its implementation. Its decision to hold an all-party meeting on July 8 — a whole week after the deadline set for implementing the Supreme Court order had lapsed — is the prime example of this.

All the same, the many political apprehensions entertained about the E.C.'s directive deserve to be examined separately and on merit. A couple of specific suggestions made during the all-party meet seem reasonable. For instance, the point that candidates should be exempted from disclosing information about cases booked for political activities (example: demonstrations) is pragmatic and inoffensive. The suggestion that candidates also be exempted from furnishing details about their educational qualifications is also not irrational. The Supreme Court's main concerns, after all, were criminality and corruption; moreover, voting is rarely influenced by a candidate's educational qualifications. The fear that the E.C.'s directive vests returning officers with too much power — namely the power to reject nominations which furnish false or incomplete information — is exaggerated. There is a longstanding convention that when it comes to nomination papers, acceptance rather than rejection is the norm. Moreover, the E.C. has made it clear that a nomination is liable to be rejected only if there are substantial proven defects and not, by implication, merely because of some technical shortcoming. In any case, it is not difficult at all to formulate specific rules which prevent the frivolous rejection of nomination papers on the basis of details furnished about a candidate's financial assets or criminal antecedents. As the legislation is drafted, the fine print is less important than the bold type. The latter must reflect — clearly and in full — the spirit of the Supreme Court's landmark judgment.

THE HINDU

1 JULY 2002

Govt brakes on poll clean-up drive

Statesman News Service

NEW DELHI, July 8. — The Centre today said it didn't want to "confront" the Supreme Court over its directive to the Election Commission on fresh guidelines for filing of nominations, but will draft a Bill within a week's time on the matter.

The Bill will counter the stiff conditions notified by the EC asking all contesting parliamentary or Assembly polls to furnish details of their criminal antecedents, financial status and academic qualifications.

An all-party meeting today also rejected the Election Commission's guidelines for poll candidates at the time of filing of nominations. An MP described the rejection as "unanimous and a rare event".

The leaders at the meet, convened by the government, were

unanimous in their decision that the details of the candidates could be politically misused.

Speaking to reporters, the Union law minister, Mr. Jana Krishnamurthi, said "as for the enactment of laws, the Parliament is supreme," adding that though largely agreeing with the court order, the government was quite ready to do things its own way.

He said the government would send the draft Bill to political leaders for their views. The parties have "appreciated" the Supreme Court's judgement and there was no scope for confrontation, he said.

The law minister said "practical ground realities" could prevent the implementation of the order. Asked what these were, he said: "So many came up... wait for the Bill." The Bill, he said, could be passed in the

monsoon session of Parliament. Both Mr. Krishnamurthy and his junior minister, Mr. Ravi Shankar Prasad, refused to elaborate the provisions agreed upon by parties for inclusion in the draft Bill.

Asked if the EC guidelines were null and void, he said those had been important "because the space was unoccupied. When the law happens, it becomes the judging point."

The MPs said they wanted the disclosures to be made for winning candidates after polls were over.

Mr. Krishnamurthi said that many felt there was no need for the clause on educational qualifications as when someone was fighting a poll battle, "everything comes out," adding there were 25 per cent non-matriculates in the first Lok Sabha. The equivalent figure in the current Lok Sabha is 2.4 per cent.

The BJP said it was "unhappy" with the guidelines but wanted to bring probity in public life. It said Parliament should legislate on the subject. Mr. Pranab Mukherjee said the Congress wanted Parliament to make the law.

Mr. Harkishan Singh Surjeet of the CPI-M said the order was bound to be misused as "we have been organising several protests and demonstrations round the year."

The CPI chief, Mr. AB Bardhan, said the move amounted to "not just judicial activism but judicial interference" in Parliament's domain. "The directive presumes that politicians as a whole are scoundrels and that voters are not fully informed about their candidates. Both are absolutely wrong."

Future tense for MPs? page 6

POLL PANEL GUIDELINES

THE EC'S ORDER OF 28 JUNE HAD ASKED FOR THE

FOLLOWING DETAILS FROM CANDIDATES:

- If he/she has been convicted/ acquitted/ discharged of criminal offence in the past and if so, the sentence/ fine imposed
- If prior to six months of filing of nomination the candidate was accused in any pending case of an offence punishable with imprisonment for two years or more
- Assets (immovable and movable) of candidate and of spouse and dependents
- Liabilities, if any, particularly details of dues to public financial institutions or government
- Educational qualifications of candidate

OBJECTIONS OF MPs:

An all-party meet on 8 July rejected the EC guidelines

on these counts:

- Ground realities are ignored
- Filing of nominations becomes cumbersome
- Detailed information on criminal antecedents has potential for political misuse
- MPs prefer to file details of assets after the elections
- Educational details unnecessary since media publicises it

S-1 9/7 9.8 Edition

Future tense for MPs?

5/16
9/7
Statesman News Service

NEW DELHI, July 8. — MPs spent a larger part of the day today pondering over the problems the Election Commission's guidelines on poll nominations would create for them. A cursory glance of the Supreme Court's order and the EC guidelines, however, indicate that they got it all wrong.

The court order was nowhere close to the judiciary encroaching on the powers of the legislature, as some politicians suggested, but on a simpler note, enforcing the right to information. The court, on its part, made clear that the Election Commission could frame the guidelines as there was a vacuum in the absence of a law. Obviously, the politicians who were crying hoarse today, had not been doing a good job of enacting laws in Parliament.

The MPs said they were prepared to declare their assets once they were elected. But of what use to the electorate would their declaration of assets be unless it is targeted at adding pages to Parliament's Who's Who directory. And if the MPs are actually ready to declare their assets later, what is the harm in doing this earlier.

The politicians opposed declaring assets of their dependents and other kin, saying this should only be limited to them. And just why not, specially when many of the corrupt — politicians or bureaucrats — are known to buy property in the name of their de-

EC TIMELINE

- 2 NOVEMBER 2000: Delhi High Court rules on petition filed by Association for Democratic Reforms, directs EC to make available specific information on candidates
- 2001: Centre moves Supreme Court, contends HC should have directed petitioners to approach Parliament for amendments
- 2 MAY 2002: Supreme Court disposes off Centre's appeal, modifies HC order and directs EC for mandatory furnishing of details on candidates' antecedents
- 14 MAY 2002: EC approaches government to amend nomination forms on basis of court writ
- 19 MAY 2002: Government informs EC it is considering the matter and seeks time
- 21 JUNE 2002: EC writes to Centre saying it is for the Union to seek extension from the court
- 28 JUNE 2002: EC directs candidates for elections must furnish full details on matters referred to apex court or face action
- 8 JULY 2002: All party-meet rejects EC guidelines. Comprehensive Bill on the issue to be brought in monsoon session

pendents. They are also against divulging academic qualifications. Some of them say formal education is no criterion for being a good MP or a minister; others are more brazen. The law minister said it was unnecessary since the media leaves nothing under the wraps on politicians. Point taken. But if their past and present is public knowledge, why scuttle Supreme Court guidelines? Politicians argued that the process will then become too cumbersome.

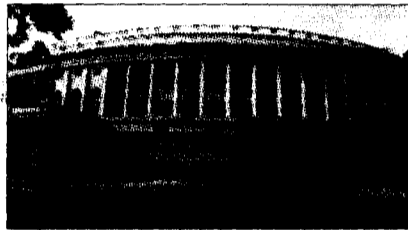
Election panel amends poll nomination rules

TIMES NEWS NETWORK

New Delhi: With the Union government declining to proceed in the matter, the Election Commission on Friday enforced the May 2 order of the supreme court, making it mandatory for anyone contesting a parliament or an assembly election to disclose various personal details, such as pending and previous court cases, convictions, wealth and income of self, spouse and dependents and suchlike.

Anyone wishing to contest a parliament or assembly poll will now have to file an affidavit along with his nomination papers, giving details of his wealth (bank balance, cash, property, jewellery, shares, bonds, loan dues to government bodies, etc), and that of his/her spouse and dependents, too. Besides, details of any prior criminal cases, convictions or acquittals, and any pending cases have to be given, together with educational qualifications.

This information will be made freely available to the media, the public and to rival candidates. The new order, adds the EC, will also apply to Jammu and Kashmir, which has a separate constitu-



tion and is going to the polls shortly.

Friday was the last date the SC had set for enforcing its order. The judges had created an interesting situation in doing so. The authority to prescribe and amend poll contest rules vests, under law, with the government, but the apex court's directive was issued to the EC.

On May 14, after a lengthy discussion with his colleagues, chief election commissioner James Lyngdoh had written to Union law minister Arun Jaitley on a way out.

He sought that the government issue an order amending the Conduct of Election Rules, 1961, which prescribes the format of nomination papers to parliament and assembly seats, to incorporate the SC directive as it was not something the EC could do.

THE TIMES OF INDIA

29 JUN 2002

Poll panel to push SC reforms

Statesman News Service

NEW DELHI, June 28. — In compliance with the Supreme Court deadline, the Election Commission has decided to implement its directives on electoral reforms, including seeking of criminal antecedents of candidates, and prescribed an affidavit to be furnished by candidates with their nomination papers. An all-party meeting is scheduled for 8 July to discuss the court directives and examine what legislative steps should be taken.

According to the EC, it was found to implement the court order of 2 May within two months as the order has the force of law within the ambit of Article 141 of the Constitution and is enforceable throughout the country under Article 142.

To make the electorate aware of a candidate's antecedents, the

29/6 2- Election 57-1
court had asked the EC to frame guidelines within two months to make it mandatory for a person contesting parliamentary and Assembly polls to give an affidavit with details of criminal cases against him, assets of himself, his spouse and dependants, liabilities and educational qualifications.

According to the EC, an affidavit by a candidate should be duly sworn before a First Class magistrate, a notary public officer or a Commissioner of Oaths appointed by the High Court of the state concerned. Non-furnishing of the affidavit will be considered a violation of the Supreme Court order and a candidate's nomination will be liable to be rejected by the returning officer, an EC press note said.

Furnishing of wrong information by a candidate in the affidavit may also result in the rejection of his nomination, apart from inviting

penal consequences under IPC.

The information in the affidavit will be disseminated by a returning officer who will display a copy of the affidavit in his office and make copies available to all candidates and scribes, the EC said.

If a rival candidate furnishes information to the contrary by means of a duly sworn affidavit, then such an affidavit will also be disseminated.

Candidates will not be required to file additional affidavits that were required earlier. As for polls to the J&K Assembly and Legislative Council, the directions of the EC deemed to have been issued under Section 138 of the Constitution of J&K which are akin to Article 324(1) of the Indian Constitution and vest superintendence and control of the conduct of all elections of the state in the EC, will be applicable.

THE STATESMAN

29 JUN 2002

Act on SC judgment on poll candidates, Govt. told

By Our Special Correspondent

BANGALORE, JUNE 20. The Lok Sabha Speaker, Manohar Joshi, has asked the Centre to act on the May 2 judgment of the Supreme Court making it incumbent on those contesting elections to furnish their assets and liabilities, educational qualifications and criminal antecedents.

Inaugurating the 65th All-India Conference of Presiding Officers, he said it was widely felt that criminalisation of politics and entry of criminal elements into the electoral fray were a grave danger to democracy. The Supreme Court had directed the Election Commission to come up with norms for candidates within two months. The commission had asked the Centre to amend the rules and nomination papers for candidates contesting elections to Parliament and the State legislatures. "Action has to be taken by the Government as approved by Parliament to check all forms of electoral malpractices, including criminalisation of politics".

Mr. Joshi warned that if the Government failed to initiate necessary action, the vacuum created would be filled by the judiciary. In the larger interest of harmonious relations among the legislature, the executive and the judiciary, it had become imperative for Parliament to give the lead in respect of electoral reforms as well.

He expressed concern over the increasing voter apathy and called for consideration of compulsory voting which is in force in Australia, Argentina, Belgium, Brazil, Costa Rica, Ecuador and Luxembourg.

The Speaker asked the Legislatures to set up

Ethics Committees expeditiously as had been done in Parliament and the legislatures of Andhra Pradesh, Jammu and Kashmir, Jharkhand, Himachal Pradesh and Orissa. It was at a symposium in Shimla in October 1997, that a resolution was adopted to constitute Ethics Committees in legislative bodies.

It was imperative that the highest standards of probity were maintained by everyone in public life. The Lok Sabha had adopted the first report of the Ethics Committee which had gone into the procedure for lodging complaints about unethical conduct of members in the House or those connected with financial disclosures and declaration of interests.

He was unhappy that although the rule for automatic suspension of members for indecorous behaviour had been adopted by the Lok Sabha (Rule 374A) on the recommendation of the Rules Committee, the House still witnessed such behaviour. The situation was alarming but he favoured voluntary compliance by the members.

Welcoming the gathering, the Speaker of the Karnataka Assembly, M.V. Venkatappa, noted that it was in Mysore that the country's first representative body was set up in 1881 thanks to the initiative of Dewan C. Rangacharlu. Even the British provinces of those days did not enjoy that luxury. Mr. Venkatappa also said that the Houses of Legislature were becoming unmanageable. Sheer lung power had overcome reasoned arguments and the casualty was public interest. A stage in which the marshal of the House became more relevant than the presiding officer should be avoided.

THE HINDU

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Foreign observers to see J&K polls, unofficially

Masood Hussain
SRINAGAR 17 JUNE

THE Election Commission of India will permit diplomats and foreign observers full access to the polling stations, during the Assembly polls of Jammu & Kashmir. However, the Commission will not invite these foreigners of its own accord. After concluding his three-day visit to Jammu & Kashmir, Chief Election Commissioner J.M. Lyngdoh told reporters that law does not mandate ECI to invite foreign observers. Nevertheless, "foreign observers and diplomats can come on their own to monitor the exercise and we will permit them free access to the polling stations."

The Commission's stand on foreign observers is in line with the Centre's determination to conduct the coming Assembly elections in a fair and transparent manner. Starting with his August 15 speech last year, Prime Minister A.B. Vajpayee has repeatedly promised free polls in the state, often to the annoyance of chief minister Farooq Abdullah.

By restricting his invite only to independent observers, Mr Lyngdoh, however, has also taken into account New Delhi's opposition to supervision of polls by other governments. CEC had a series of meetings with the top government officials, deputy commissions, security authorities and also with delegations of various political parties. He said the security situation has improved in the state but has directed the state police chief to calculate the number of security men needed for securing polling stations.

The tenure of the 87-seat state legislature is expiring on October 17 and the dates for the next elections will be announced shortly.

Mr Lyngdoh said uniformed forces in appropriate numbers will be used to sanitise the area. Any voter, he said, can not be coerced to vote against his or her wish. "Security force will not escort the voters. They would not offer transport to the voters. If anybody is seen taking people out against their wishes that will be an offense under the law. If anybody does not

want to cast his vote, he or she can not be compelled. Compulsion or coercion is liable for prosecution", the CEC said.

Overall security and individual security was the main issue which was taken up by the political parties with CEC. "They said there are forces like SOG and NDF which are going to be used by the ruling party against them in addition to renegades," Mr Lyngdoh said. "Some

people even said that they have also received threats from such elements already. We have to examine this carefully, who these people are and what are their hobbies", he said. When asked who these people are, he said: "I do not know who they are".

Special Operations Group is the state run anti-militancy police force and National Defence Force is an association of former militants who work under the command of a sitting NC legislator. All the militants who surrender and work for the security forces are called renegades. Political parties, CEC said, registered their apprehension that the NDA may give a better security cover to its own candidates compared to nominees from the Opposition.



LYNGDOH: OMBUDSMAN

The Economic Times

18 JUN 2002

Mixed bag for NDA allies

By Javed M. Ansari

NEW DELHI, JUNE 2. Ruling party candidates have fared well in the just-concluded by-elections to the Lok Sabha and Assembly seats.

For the NDA allies, it has been a mixed bag. While the ruling Telugu Desam Party retained the Amalapuram Lok Sabha seat in Andhra Pradesh and the BJD managed to wrest the Bhadrak Assembly seat from the Congress in Orissa, it was a different story in West Bengal.

The All-India Forward Bloc, a constituent of the ruling Left front, won the Onda Assembly seat in Bankura district, inflicting a huge defeat on the Trinamool Congress. The AIFB candidate, Tarapada Chakraborty, defeated his Trinamool Congress rival, Sabyasachi Banerjee, by 63,267 votes. The Onda seat fell vacant following the death of the Forward bloc member, Anil Mukherjee.

The TDP managed to retain the Amalapuram Lok Sabha seat that fell vacant following the death of the former Lok Sabha Speaker, G.M.C. Balayogi, in an air crash. Significantly, the main Opposition party in the State, Congress, did not field a candidate against the TDP candidate, G. Vijaykumari, widow of the former Speaker.

In Orissa, the ruling BJD got a boost after wresting the Bha-

drak Assembly seat from its main rival, the Congress. Prafulla Samal of the BJD defeated Naren Palei of the Congress. The seat was held by Mr. Palei's elder brother who died in an accident. Bhadrak was considered a traditional Congress stronghold till 1990. Mr. Samal had won the Bhadrak Lok Sabha seat in 1990 and 1995. With this victory, the strength of the BJD in the 147-member Assembly has gone up to 70.

In Tamil Nadu, the ruling AIADMK won both the Acharapakkam (reserved) and Vaniyambadi seats. In Acharapakkam, the party candidate, A. Bhovaramurthy, defeated his nearest PMK rival, D. Parvendhan, by a margin of 17,917 votes, while in Vaniyambadi, R. Vadivel, also of the AIADMK, defeated the DMK nominee, E.M. Anifa, by 19,721 votes.

In Uttar Pradesh, the new BSP-BJP alliance appears to be working well for the moment. The BSP won 3 of the five Assembly seats and retained the Akbarpur Lok Sabha seat vacated by the Chief Minister, Mayawati. There was bad news for the Samajwadi Party (SP), which not only failed to win any of the seats but also lost the Baheri Assembly seat. The by-election was held following the murder of Manzoor Ahmad who had won the seat on a SP ticket.

The party can, however, draw solace from the victory of the former Chief Minister, Kalyan Singh's son, Rajveer, from the Dibia Assembly constituency. Mr. Yadav and Mr. Singh — bitter rivals till two years ago — contested the recent elections as allies. The victory will provide a boost to the efforts of the two leaders to form a pan-OBC front along with Sonilal Patel's Apna Dal.

The BSP managed not only to retain the Akbarpur parliamentary seat, but also the Jahangirganj Assembly seat, one of the two seats from which Mayawati had contested. The Kunda Assembly seat was retained by Raghuraj Pratap Singh, while the Dibai seat was won by Kalyan Singh's Rashtriya Kranti Dal.

There was something to cheer for the Congress as well. In Karnataka, it retained the Narasimharaja Assembly seat in Mysore with its candidate, Tanveer Sait, defeating the Janata Parivar candidate by a margin of over 11,700 votes.

In Maharashtra, the Nationalist Congress Party won the Jalgaon Assembly seat.

PTI reports:

In Jharkhand, the Jharkhand Mukti Morcha chief, Shibu Soren, won the Dumka Lok Sabha seat defeating his nearest BJP rival, Ramesh Hembrom, by a margin of 94,235 votes, election office sources said.

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THE HINDU

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Parliament approves Delimitation Bill

18/5

NEW DELHI, MAY 15. Parliament today approved the Delimitation Bill 2002, with the Rajya Sabha passing it by a voice vote. The Bill, passed by the Lok Sabha earlier, provides for fresh delimitation of Lok Sabha and Assembly constituencies.

Replying to the debate, the Law Minister, Arun Jaitley, said the readjustment of constituencies would be done on the basis of the 1991 census as the report of 2001 would be made public only in 2004.

Mr. Jaitley also rejected the suggestion to rotate reserved seats, stating it would create further complications.

The Minister opposed granting of voting rights to associate members of the Delimitation Commission. He assured members that the delimitation work would be completed in two years. The job had become much easier as there was no increase in number of seats. Similarly, with the introduction of computers, it would be expedited.

The Bill proposes to constitute a three-member Delimitation Commission, which will recommend readjustment of allocation of seats in the Lok Sabha and Assembly constituencies in two years.

Earlier, moving the Bill for consideration, Mr. Jaitley said the readjustment had become necessary as the last such exercise was taken up on the basis of the 1971 census by the Delimitation Commission constituted in 1977.

Sarla Maheshwari (CPI-M) said the Commission should not confine itself to determining the geographical boundaries but view the challenges

and dangers like corruption and nepotism faced by democratic polity.

Pranab Mukherjee (Congress) took exception to Mrs. Maheshwari raising 30-year-old scandals like the Nagarwala episode that was not relevant for the Delimitation Bill. The issue was debated in Parliament many times in the past and a Judicial Commission had found no substance in the allegation after examining the matter. Repeating the same allegations involving two leaders who were no longer alive was not fair, he said. "I don't think any Indian leader can stoop to the level of accepting a few dollars from the U.S. intelligence agency, irrespective of their political affiliations," he said.

Mr. Mukherjee said that while accommodating the reserved seats by the Commission, it should ensure that no 'serious disturbance' is caused to the general category of seats.

V. Maitteyan (AIADMK) said the Commission should offer a level playing field for all candidates by eliminating anomalies in both Lok Sabha and Assembly constituencies.

The Commission should consider granting additional 'premium seats' for the States carrying out good work in family planning. C.P. Thirumavukkarasu (AIADMK), differed with Mr. Gautam. He said there should be no rotation of reserved seats.

He wanted the Centre to issue directions under Article 256 of the Constitution to Pondicherry to conduct panchayat elections as no elections were held for the last three decades. —UNI

LS passes Cable TV Bill

By Our Special Correspondent

NEW DELHI, MAY 15. The Lok Sabha today passed the Cable Television Networks (Regulation) Amendment Bill, 2002, which seeks to regulate cable operations in the country by making it mandatory to access pay channels through an addressable system.

Replying to the debate on the Bill, the Information and Broadcasting Minister, Sushma Swaraj, refuted the charge that she had initiated the amendment under pressure from manufacturers of set top boxes through which the pay channels can be accessed under the new regime. She said those who made such allegations had a "perverse mentality".

Though Ms. Swaraj described the amendment as an "elixir" of all ills facing the consumer "who is presently being exploited by the cable operators and broadcasters", she was not able to elaborate how it would benefit the viewer and make cable television cheaper.

Participating in the debate, said the consumers should not be made to bear the entire cost of the set top boxes and urged the Government to ensure that no provision of the Bill is counter-productive for any strata of society.

THE HINDU

THE HINDU

EC wants nomination forms amended

Statesman News Service

NEW DELHI, May 15. — For effective enforcement of the Supreme Court directive on mandatory disclosures by candidates for Parliament and Assembly elections, the Election Commission has urged the law ministry to amend nomination forms, 2A to 2E, in the Conduct of Election Rules. The Chief Election Commissioner wrote to the minister in this regard yesterday.

These forms are the nomination papers which candidates fill up under Rule 4 of the Conduct of Elections Rules 1961 and read with Section 33 of the Representation of the

People Act 1951.

Since no Act under the Constitution gives the EC enough teeth to order the governments to make mandatory amendments in various rules, the EC has told the law ministry that the judgment of the Supreme Court is "the law of the land" enforceable under Article 142 of the Constitution, said EC officials.

Article 142 states: (1) "The Supreme Court in the exercise of its jurisdiction may pass such decree or make such order as is necessary for doing complete justice in any cause or matter pending before it, and any decree so passed or order so made shall be enforceable throughout the territory of India in such manner as may be pre-

scribed by or under any law made by Parliament and, until provision in that behalf is so made, in such manner as the President may by order, prescribe.

(2) "Subject to the provisions of law made in this behalf by Parliament, the Supreme Court shall, as respects the whole of the territory of India, have all and every power to make any order for the purpose of securing the attendance of any person, the discovery or production of any documents, or the investigation or punishment of any contempt of itself."

On 2 May, the Supreme Court directed the EC to make available to the electorate information on every candidate's criminal background, if any, his or her assets and the assets

of spouse or dependents, financial liabilities and educational qualifications. The court had given the EC two months to carry out its directive.

The CEC's letter to the law minister mentioned that in the background of the Supreme Court order, the commission was of the view that the "most efficacious manner of implementing the judgment of the court would be by amending the Forms 2A to 2E appended to the Conduct of Elections Rules 1961".

The EC has provided a copy of each of the proposed revised formats of the forms so that the law ministry could take steps to "effectuate" these amendments at the earliest and issue notifications in this regard.

THE STATESMAN

1961

SC upholds strike ban, but says poll panel cannot deregister parties

Press Trust of India

NEW DELHI, May 10. — The Supreme Court today upheld the Kerala High Court order banning strikes forced by political parties or any other organisation, but set aside its direction to the Election Commission to initiate action for deregistering such parties.

A Bench comprising Mr Justice VN Khare and Mr Justice A Bhan said there was no express provision in the Representation of Peoples Act conferring power on the Election Commission for deregistration of a party, except if its registration is based on fraud.

“There being no express provision in the Act or in the Symbol Order to cancel the registration of a political party, and as such no proceedings for deregistration can be taken by the Election Commission for violating the terms of Section 29A(5) of the Act,” the Court ruled.

The Section provides for a political party to give an undertaking to the commission at the time of registration that it would abide by the Constitution and the principles of secularism, socialism and democracy and uphold sovereignty, unity and integrity of the country.

Once a political party was registered, the Commission has no power to review the registration order as such power has not been conferred on it under the Act, the Court said. The power to review the registration was available to the commission only when the party had obtained it with fraud or forgery or where it amended its nomenclature of association, the Court ruled.

The Supreme Court ruling came on the petitions by Congress and CPI-M challenging the High Court order of 1 June 2000, which said enforcement of *hartal* called by force, intimidation, physical or mental coercion is unconstitutional. The Bench said: “We have extensively examined the matter and found Parliament consciously had not chosen to confer any power on the EC to deregister a political party on the premise that it has contravened provisions of Section 29A(v) of the Act.” On the question of whether in the absence of any express or implied power, the Commission could take recourse to Section 21 of the General Clause Act, the Court said: “General Clause Act cannot be invoked to confer power of deregistration after an inquiry by the EC.”

THE STATEMENT

7 1 40 2002

Panel for redrawing constituencies

By Our Legal Correspondent

NEW DELHI, MAY 5. The Delimitation Bill introduced by the Centre in the Lok Sabha on Friday seeks to establish a Delimitation Commission to redraw the boundaries of all constituencies in the country and roughly equalise the voting population in each constituency.

Under the Bill, both the Lok Sabha and Assembly constituencies will be so redrawn without affecting the total number of seats allocated to the States.

The Commission will consist of three members, including the chairperson who shall be a judge or a former judge of the Supreme Court. The other two shall be the Chief Election Commissioner or an Election Commissioner nominated by him and the State Election Commissioner of the concerned State, both of whom shall be ex-officio members. The Commission shall endeavour to complete its work within two years so that the next general elections to the Lok Sabha are conducted under the new Delimitation Order.

The Commission shall associate with itself for the purpose of assisting it in its duties in each State, 10

persons, five of whom shall be members of the Lok Sabha representing the State and five from the Assembly.

The allocation of seats in the Lok Sabha to the States and Assemblies shall remain unaltered. The Commission shall distribute the seats in the Lok Sabha allocated to each State and the seats assigned to the Assembly of each State to single-member territorial constituencies and delimit them on the basis of census figures of 1991.

The constituencies in which seats are reserved for Scheduled Castes shall be distributed in different parts of the State and located as far as practicable, in those areas where the proportion of their population to the total is comparatively large; constituencies in which seats are reserved for Scheduled Tribes, shall as far as practicable be located in areas where the proportion of their population to the total is the largest.

The Commission will have the power to call upon the Registrar General and the Census Commissioner, the Surveyor General of India, or any other officer of the Central or State Government or any other person whose knowledge is considered necessary by the Commission for discharge of its function.

THE HINDU

6 MAY 2012

PEOPLE'S CHOICE

EC has a serious responsibility

THE Supreme Court (coram, Shah, Singh, Sema, JJ) has begun a process that could transform Indian polity, provided the Election Commission rises to the occasion, which includes not taking any nonsense from political parties. If the EC comes up with strict guidelines and enforcement norms on the five mandatory disclosures ordered by the court — a criminal conviction, involvement in a criminal case, personal and family assets, financial liabilities and educational qualifications — parties will have no option but to comply. If they pick shady candidates it will be in the knowledge that their past will become an easily accessible public record and, therefore, risk voter alienation. They have to pick clean candidates. It says something about Indian politics that most political parties will find the second choice difficult — Bihar assembly elections without criminals! They will therefore try to bypass the rules. That is where the EC comes in. The court has given the commission two months: enough time. But all the time in the world will not be enough if the EC does not anticipate the tricks parties will be up to. *Indra, Election*

On asset and liabilities declaration, for example, the EC will need to consult tax and accounting professionals so as to plug as many loopholes a priori, as possible. Otherwise, the Jayalalithas and Sukh Rams and Laloo Yadavs can declare themselves as subsisting on modest government salaries or on handouts from well wishers. The EC's bitter experience with non-compliance of political parties on election accounting should be a lesson here. Disclosure norms on criminal cases, whether disposed off or pending, should be easier to monitor, since court records are public and easily verified.

Here, however, the EC must be careful about not being intimidated by the "stature" of the candidate. Remember Chandrashekhar? If, say, a heavyweight Union minister is a respondent in a case where the crime is demolishing a public monument, the commission must ensure that declaration makes the reference. It will not be the EC's job to distinguish between "political acts" and "crime". Let the voter make the interpretation. Mandatory disclosure of educational qualifications are again, easily checked and should make for depressing, instructive and hilarious reading.

How many criminal, filthy rich, loan defaulting and semi-literate politicians — or those with only some of these qualities — will come under the spotlight as a result of the Supreme Court's directives is a question that has wonderfully positive implications. It is hard to imagine a situation where political parties can get away with endlessly nominating candidates whose detailed curriculum vitae make them fit more for central jails and than the Central Hall. Information is a crucial element in choice, and the Supreme Court, by holding that voters must know more, has increased the possibility of better choices.

But it is crucial that the information reaches everywhere in this continental-sized, badly administered country. Putting up candidates' disclosures in web sites or in booklets may not help the village voter. The EC, therefore, will have to find a way to disseminate the information through its election administrators. Perhaps, the Commission can order that election posters, banners, handbills, etc will have to carry the disclosures, much as cigarette packs carry the statutory warning. The need for disclosure is arguably greater. We can give up a bad habit but we can't give up on democracy.

The ball is in the EC's court. They must prove worthy of the Supreme Court's confidence. And we warmly and respectfully welcome their Lordships' ruling. //

THE STATESMAN

BAR FOR CANDIDATES SUPPRESSING FACTS

EC warms up to SC order

Statesman News Service

NEW DELHI, May 3. — Candidates who fail to furnish the five disclosures as directed by the Supreme Court may be disqualified from contesting elections, Election Commission officials said today.

Following the Court's directives yesterday, which gives the Commission two months to frame guidelines, officials have stepped up preparatory work which began after the Delhi High Court's directives on the issue, EC sources said. The Supreme Court had heard an appeal filed by the Centre against the High Court judgment.

The rejection of nomination papers will be considered under Sec 33 of the Representation of the People Act, 1951. EC officials said since the court had observed that "it is the duty of the executive to fill the vacuum by executive orders", the Commission may consider issuing appropriate orders under its plenary powers under Article 324.

Article 324(i) states: "The superintendence, direction and control of elections to be vested in EC the preparation of electoral rolls for, and the conduct of all elections to Parliament and Legislatures and of elections to offices of President and Vice-President held under this Constitution, shall be vested

Kunda elections countermanded

NEW DELHI, May 3. — The EC today countermanded the elections to Kunda Assembly seat in eastern UP following reports of massive rigging there. Fresh polls will be held there on 31 May. The EC had ordered an inquiry giving an opportunity to all candidates to be heard by it. Former state minister Mr Raghuraj P Singh alias Raja Bhayya contested as an Independent there. — SNS

in a Commission (Election Commission)".

To effectively carry out the court directive might even require amendment of the Representation of the People Act 1951, sources said. "The order has tremendous connotations," officials said, adding the EC would look into all points thoroughly before drawing a composite proposal. They also did not

rule out logistical problems in effective implementation of the order. For instance, in the case of discrepancies in IT declarations filed by a candidate in different seats that is brought to the EC's notice a day before scrutiny.

The EC may come out with certain forms to be provided to candidates along with nomination papers to furnish requisite details. Candidates may even be asked to submit some affidavits. Commission officials say to implement the order effectively, statutory forms will have to be changed and the

rules modified to incorporate guidelines.

Congress and Left reaction: There were mixed reactions from the Congress and the Left to yesterday's SC order. The Congress welcomed the directive without passing any detailed observation. Mr Somnath Chatterjee of the CPI-M said he was not opposed to the Court's directions, while emphasising the need for effective electoral reform to curb money power in polls.

THE STATESMAN

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THE VOTER'S RIGHT TO KNOW *HD-10*

BY DIRECTING THE Election Commission (E.C.) to do the needful to obtain such information (from the candidates themselves at the time of filing nomination) as to whether they face criminal charges is indeed a small step that could help in cleansing the political stable. While the E.C. Commission's measure now in vogue — seeking an affidavit from candidates giving information of any conviction in a criminal case — had its minimal effect, the apex court's direction now could, without doubt, enhance the scope of the campaign against criminalisation of the political discourse. Apart from an interpretation that widens the scope of the E.C.'s powers under Article 324 of the Constitution, the Court has also expanded the scope of Article 19 by placing the onus of letting the people know about the antecedents of their prospective representatives on the Commission. The verdict, in this sense, has not only added a new aspect to freedom of speech and expression (under Article 19) but has also bound the E.C. to the duty of ensuring that the voters are informed of the possibilities of a candidate being sent up to trial and even prosecution.

The E.C.'s task is now no longer restricted to obtaining an affidavit from the candidate. The law on this is clear and the nomination is rejected right then in case of a conviction involving imprisonment for two years or more. There was, however, nothing that the E.C. could do where the case had not reached the conviction stage. The Court's direction assumes significance in this context. While there is no provision in the law that accords powers to the E.C. to reject a nomination where the case against the candidate has not reached the conviction stage, the Court verdict will indeed render necessary for the Commission to publicise among the voters details of the charges faced by the candidate. This is the

implication of the Court's verdict, particularly where it involves the scope of Article 19 (1); it is now a part of freedom of speech and expression and part of the fundamental rights of the citizen to know the antecedents of the candidates at the time of election. It is now possible for the Commission to publish details of charges against candidates and inform the voters of the possibility of their representative getting disqualified in the event of a conviction after he is elected. Such a measure by the E. C. will no longer be seen as an infringement of the rights of the candidates. It remains to be seen as to how the E.C. will go about giving effect to this order and exercise its powers under Article 324.

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The Court has also specified that the E.C. has the powers to set the rules in this area rather than depend on Parliament to legislate. The Union Government's step, in this regard, to challenge the Delhi High Court verdict empowering the E.C. to pass the necessary orders to obtain affidavits from the candidates was indeed strange. There was nothing that prevented Parliament, even otherwise, from amending the Representation of the People Act for this. The Supreme Court's verdict in this case is one more instance where the scope of the E.C.'s powers have been widened only because Parliament failed to do the needful. Be that as it may, the verdict and its fallout are only a small step in the task of cleansing the electoral process of criminal elements. Persons with criminal records manage to get elected not because the voters are unaware of their antecedents. They achieve their ends because they manage to terrorise the voters in many instances or appeal to them on narrow sectarian or populist grounds. This being the reality, the task of cleaning the political stable of criminal elements will be possible only when civil society wakes up to the challenge. The Court's directive can, however, aid such efforts.

THE HINDU

DISCLOSURE OF RECORDS & ASSETS MANDATORY

Voters must know all: SC

Press Trust of India

NEW DELHI, May 2. — In a bid to rid the system of criminals, the Supreme Court today directed the Election Commission to ask candidates contesting parliamentary or Assembly elections to mandatorily furnish details of their criminal antecedents, if any, to allow voters a chance to think before they make their choice.

"The little man may think over before making his choice of electing law-breakers as law-makers," said a three-judge Bench — comprising Mr Justice MB Shah, Mr Justice BP Singh and Mr Justice HK Sema — while directing the Election Commission to pass necessary orders in this regard within the next two months.

The Court has directed that candidates will be required to give details on following five counts:

1. Whether the candidate has been or is convicted or acquitted or discharged of any criminal offence in the past, and if so, whether he has been punished with imprisonment or fine?
2. Whether the candidate — prior to six months of filing of nominations — is accused in any pending case, of any offence punishable with imprisonment for two years or more, and in which charges have been framed or cognisance taken by a Court of Law, and if so, details thereof;
3. The assets, including immovable, moveable and bank balances, among others, of a candidate and of his/her spouse and dependants;
4. The liabilities, if any, and particularly if there are any pending dues to any public financial institution or (state or Central) government;
5. Educational qualifications of the candidate.

The Supreme Court said "the norms and modalities to carry out and give effect to the aforesaid directions should be drawn up properly by the Election Commission as early as possible, and in any case within two months".

The order was issued by the Bench while dis-

posing of an appeal filed by the Centre challenging the sweeping directions of the Delhi High Court on a petition filed by the Association for Democratic Reforms.

Though the Supreme Court modified the High Court order, it justified the same by saying that the High Court's directions cannot be said to be "unjustified or beyond its jurisdiction".

The Bench rejected an argument of the Centre that the Election Commission could not be directed by the Court to fill in the vacuum in the absence of proper legislation.

Mr Justice Shah, writing for the Bench, said: "the Supreme Court would have ample power to direct the Commission to fill the void, in the absence of legislation, covering the field; and the voters are required to be well-informed and educated about their candidates so that they can elect the right aspirant by own assessment.

"It is the duty of the Executive to fill the vacuum by executive orders because its field is coterminous with that of the Legislature, and where there is inaction by the Executive, for whatever reason, the Judiciary must step in," he added.

Mr Justice Shah said the Judiciary, in such situations, should step in to discharge Constitutional obligations in providing a solution till the time the Legislature acts by enacting legislation.

Justifying the directions, Mr Justice Shah said: "The adverse impact of lack of probity in public life leading to a high degree of corruption is manifold. Therefore, if the candidate is directed to declare his immovable and moveable assets ... and that of his spouse and dependents, it would have its effect." For example, the Bench said, if a candidate was required to disclose on affidavit assets held by him, the voter can decide if he or she could be re-elected in cases where he/she is suspected to have made "tonnes of money" during his stint as a public servant.

Turn to page 6

However, counsel Mr Ashwini Kumar said during the arguments that this would not be effective to break the vicious circle of unaccounted money intruding into the democratic framework of the country.

Mr Justice Shah, in the 50-page judgment, said in reply:

SUPREME COURT:

(Continued from page 1)

and voters may not elect law-breakers as lawmakers...."

The court said to maintain purity of the election process, the Commission could ask candidates about expenditures incurred by political parties.

"Maybe... still this would have its own effect as a step-in-aid ..."

THE STATESMAN

133 MAY 2002

PRESIDENTIAL POLL VOTESHARE KEY FACTOR

Modi Cabinet skirts elections

Statesman News Service

GANDHINAGAR/NEW DELHI, April 17. — Pressure from the Telugu Desam against immediate snap polls in Gujarat and the consensus that the "yogya samay" (auspicious hour) has not yet come for Mr Narendra Modi, has made the state BJP defer the decision on recommending dissolution of the Assembly and going in for fresh elections. This, the party feels, will also provide the necessary time to cool frayed tempers. The party, however, categorically refused to yield to demands for the chief minister's removal.

At the Gujarat Cabinet meeting today, the subject was said to be "neither on the agenda (and) nor was it discussed", Mr IK Jadeja, state minister for urban development, said. Similar sentiments were expressed by Mr Modi in his brief interaction with the Press. Mr Jadeja said the BJP national executive has only "advised" Mr Modi to go in for snap polls if he so desired. "The chief minister will decide at an appropriate time," he said.

In New Delhi, BJP sources said the recommendation for dissolution may follow the Presidential elections in July, with September being the likely date for the state to go to polls. It is felt that the party, as an afterthought, realised that dissolution before the elections to Rashtrapati Bhavan will deprive it of the votes of its Gujarat MLAs in the crucial Presidential elections. Furthermore, party leaders said by succumbing to the TDP demand the BJP was only allowing the dust to settle.

The Centre plans to use the intervening peri-

od to launch a massive rehabilitation exercise on all fronts to present a pro-minority image. This is to assuage the TDP and build the BJP's case for an Assembly dissolution some time in July-August, sources added.

(The Election Commission has declined comment on polls. "It is premature...", deputy Election Commissioner Mr AN Jha said, adds PTI.)

A major reshuffle of the state IAS cadre was announced today with 52 bureaucrats transferred by the Modi administration. The list includes 12 collectors, 14 DDOs and four municipal commissioners. This is the first time that such a reshuffle has been effected since Mr Modi took over as chief minister six months back.

Reminded that the Gujarat BJP coordination committee had also left the announcement of fresh polls to Mr Modi, Mr Jadeja offered no comment. And with all the hype and build-up post-Goa, the rather tame deferment of a decision on snap polls has come as a shock for many in the party in Gujarat.

The Cabinet meeting instead sought to focus on relief and rehabilitation of refugees and school board examinations in Ahmedabad and Vadodara. Interestingly, only two days ago state BJP president Mr Rajendrasinh Rana had announced the party was in "full gear" for polls and work to this effect has begun in earnest in all districts.

While the official Cabinet meeting lasted less than two hours and focussed on everything but snap polls, a meeting of senior Cabinet ministers at Mr Modi's residence late last night indicated a

Epidemic alert

NEW DELHI, April 17. — An epidemic outbreak is likely at relief camps in Gujarat, Union health ministry officials warned today. A ministry team which inspected some of these camps recently reported overcrowding and acute paucity of potable water, food and sanitary requirements. Cases of measles are already rampant. Vaccination has been mandatorily ordered at all the camps. Three truck-loads of medicines will be flown into the state tomorrow. But officials say such precautionary measures are unlikely to "prove beneficial", resettlement being the only solution. — SNS

Details on page 6

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THE STATESMAN

A tainted election

Lust for power in Gujarat could grievously harm democracy

PERHAPS it is easier to be principled when you are not in power. And it must be difficult not to be cynical when you do acquire power and start coming close to the risk of losing it. Atal Bihari Vajpayee proudly wrote that the party under him had lost without regrets in an honourable defeat in the 1984 general elections because his party had refused to exploit the "insanity that had gripped India in the immediate aftermath of Indira Gandhi's assassination". But his own party today seems to be happy to promote and exploit the insanity that has gripped Gujarat during the past seven weeks and now plans to betray the democratic principle by seeking to stage an election in a communally polarised in the state. At a time when the situation in the country and plain humanity demand that a balm be applied to heal the wounds caused by the recent riots, the move to exploit the vote bank is nothing short of gross irresponsibility.

Electoral politics and processes, at the best of times, remains basically competitive and normally divisive in a society like ours where the struggle to seek comparative advantage in the midst of rising prosperity gets intense. What can we expect in Gujarat under the present circumstances? Can anyone say that any elections forced on the state by a discredited leadership would be representative of the principles of democracy if it is held in an emotionally surcharged climate where even the state's premier city has not yet returned to normal, and where

over 150,000 displaced people live in refugee camps because their homes and hearths have been destroyed? Or would it not simply thrust a majority decision, excited by communal feelings, on the people in keeping with the most divisive kind of politics? Somewhere we seem to be forgetting that majority rule in a democracy derives its legitimacy from the minority, and upholding the consultative principle in the majority-minority relations is vital to democratic practice. The BJP apparently counts on winning by ordering a snap poll. This represents the most cynical path to power by a political party rapidly losing political support across the country as indeed the recent election results have demonstrated. Will an election in Gujarat at this stage restore the confidence of the people in the ability to govern of a dispensation that failed to protect the lives of innocents?

We live in modern times. But the principles and practices of ancient India's political thought remain valid: the king's dharma — the duty of the ruler — is to ensure the happiness and prosperity of all his subjects, otherwise the king loses the moral right to rule. Narendra Modi had lost that moral right which he now seeks to reclaim. Assuming he were to win, his would be a victory that the Atal Bihari Vajpayee of an earlier time would have considered to be "tainted by the blood of innocent men, women and children". The quality of leadership is really tested in times of great challenge and adversity. The ruling party today faces that test.

Hamstrung, BJP watches Modi strut around

PRADIP KAUSHAL
NEW DELHI, APRIL 15

EVEN Prime Minister Vajpayee would not have bargained for this — trading his own peace for flak along with the Gujarat Chief Minister. Even as he tries to cope with the storm generated by the NDA allies and opponents in Delhi, Narendra Modi, the man at the centre of it all, stays put cushioned by support from his party and the Sangh Parivar.

Senior party leaders said that after positioning itself unequivocally behind Modi, the BJP has no choice left. What sustains Modi now are not his merits or the charges against him but political compulsion.

They said that the BJP could not oblige Opposition leaders by sacking its own chief minister in Gujarat and pleading guilty of the charges levelled as the entire Sangh Parivar too has rallied around Narendra Modi.

A party defeated in 18 elections — 17 to state assemblies and to the municipality in Delhi — can't afford alienation from the RSS and the VHP. Also, the BJP itself is tempted to re-embrace Hindutva to turn the tide of repeated electoral defeats. So a communally-charged Gujarat, under Modi, could be the beginning, they said.

If the BJP national executive gave its unanimous mandate to Modi at Panaji on April 12 to continue in office and hold



Congress president Sonia Gandhi with Delhi Chief Minister Sheila Dikshit during a sit-in to demand the resignation of Gujarat Chief Minister Narendra Modi at Rajghat in New Delhi on Monday. Express photo by Anil Sharma

fresh elections, he had to thank his friends within the party. The Young Brigade — Communications Minister Pramod Mahajan, Rural Development Minister

Even Vajpayee is said to have taken the well-coordinated effort of these leaders for the mood of the party executive and gone along.

BJP parliamentary party spokesman Vijay Kumar Malhotra maintained that the Opposition was setting a "wrong precedent" and "murdering democracy" by demanding Modi's resignation and opposing fresh elections. "It is for the people to decide who should govern them, not the Opposition. This is why the BJP had to turn down the demand of the Opposition," he said.

The Sangh Parivar found its voice in the pracharak-chief minister when Modi said that the Gujarat riots were a reaction to the Godhra attack. Party leaders said the leadership now wants to avoid drawing the "Parivar's ire by touching Modi". Also, having earned the hostility of the Muslims, the BJP cannot afford to annoy the RSS.

VHP senior vice-president Giriraj Kishore yesterday welcomed the BJP's decision on Modi. He said on telephone from Jaipur that the party must "retain its identity and articulate the aspirations of Hindus" and not succumb to pressure tactics.

"The secular atmosphere in the country is being vitiated because only Hindus are being indicted by the NHRC and the Minorities Commission. Those calling for communal amity kept quiet when over three lakh Hindus were ousted from the Kashmir Valley," Kishore said. He called the continuing violence in Gujarat despite police presence the awakening of the long-oppressed Hindu society.

Exit polls: figures on hand; egg on face

96-7 *2672* *9- election*
EXIT POLLS NEVER CEASE TO SURPRISE: they have been consistently wrong in forecasting seats for elections and naturally, this time too, the results were no different. There were three exit polls conducted for the assembly election of three states out of four and except for one exit poll (Doordarshan-C Fore), the rest went horribly wrong. (SEE TABLE)

But DD-C Fore need not pat itself on the back because serious psephologists believe exit polls are a hit and miss game. Accuracy and forecasting is impossible in an exit poll as the sample is self-selecting. In other words, interviewing people as they leave the polling booth may or may not fit into the sample the pollster is seeking to make his prediction.

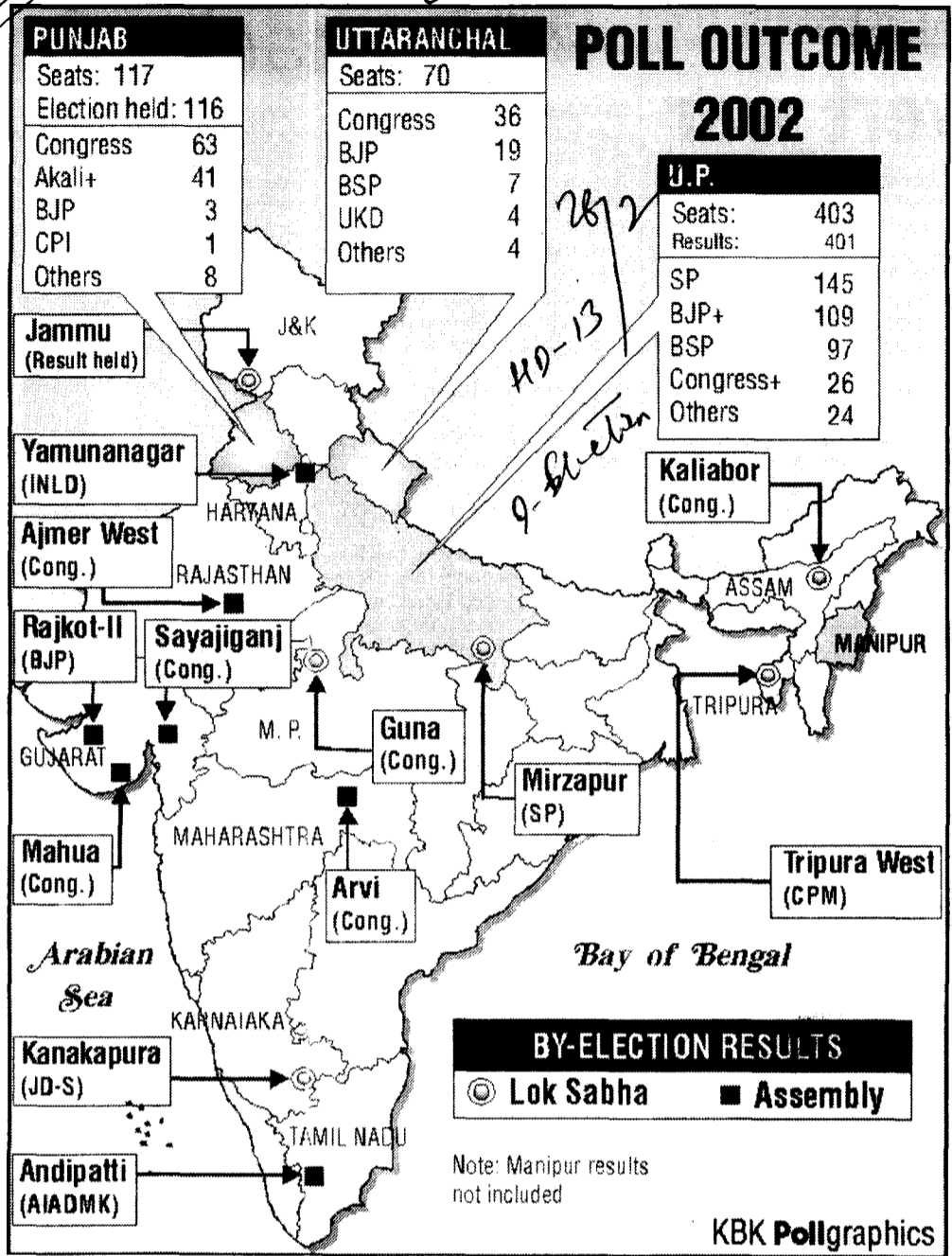
For instance, if the pollster requires a particular kind of interviewee to make a prediction, the person may or may not be at the booth at all. An opinion poll, however, can be accurate as the sample (gender, age, rural, urban, income group etc) is pre-determined and selected before a pollster begins the investigation. Here, as long as the agency is credible, the forecast can be deadly right and there have been more right than wrong predictions.

ASSEMBLY ELECTION RESULTS vs EXIT POLLS

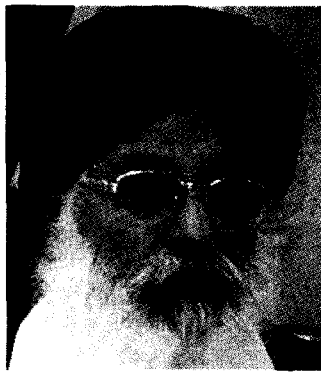
Assembly Elections 2002	PUNJAB (Total seats: 117*)			UTTAR PRADESH (Total seats: 403*)				UTTARANCHAL (Total seats: 70)			MANIPUR (Total seats: 60*) * Results declared: 50 seats	
	Aaj Tak/ C-voter	DD/ C-fore	Final results	Aaj Tak/ C-voter	DD/ C-fore	Zee TV/ CMS	Times/ DRS Poll	Final results	Aaj Tak/ C-voter	Zee TV/ CMS	Final results	Final results
BJP & allies	17	30	44	142	118	131	122-134	107	33	34	19	4
Congress	91	72	62	22	36	24	10-20	25	24	25	36	13
SP & allies				136	156	145	155-170	145				FPM 12
BSP				83	80	84	80-84	98			7	MSCP 6

Note: SAD + BJP in Punjab Others: 10 * Results declared: 401 seats Others: 26 UKD: 4 and Others: 4 CP: 5, MPP: 2 and Others: 8

IE Graphics/B.K. SHARMA



Dislodged in U.P., SP single largest party Congress wrests power in Punjab, Uttaranchal



PROMINENT WINNERS: Rajnath Singh, Mayawati, Kalyan Singh, Parkash Singh Badal, Amrinder Singh and Bhagat Singh Koshiyari; **LOSER:** Radhabinod Koljam.

Stability in Uttar Pradesh

mitted his resignation to the Governor, Vishnu Kanth Shastri, this evening even before the last results had come in. He has been asked to continue till alternative arrangements are made.

The State BJP president, Kalraj Mishra, has also announced to quit accepting the responsibility for the defeat of his party.

While for record BJP leaders stressed that they were ready to sit in the Opposition, they appeared to be weighing the option of forming a government in coalition with the Bahujan Samaj Party, if not now, at least some time later.

The most dangerous aspect of the election results for the BJP was that it was not in a position to prevent the Samajwadi Party from coming to power even with the support of the BSP. This was because the BJP allies in the Government were vulnerable enough to be won over by the SP leader, Mulayam Singh Yadav, without much of an effort. The BJP takes its comfort only in the unending bitterness between the Samajwadi Party and the Bahujan Samaj Party leader, Ms Mayawati. Ms Mayawati can not be expected to pin hands with Mr Yadav in any situation at least for the time being.

accept defeat: Rajnath

Talking to newsmen after submitting his resignation, Rajnath Singh said the Assembly results had been unexpected and he had humbly accepted his defeat. Mr. Singh evaded all

questions regarding his party strategy in the new scenario. "I want that the State gets a stable Government. I expect that the Governor would keep this factor in mind while taking his next decision."

When asked if his party would support the BSP or take the latter's support to form a Government, he said, it was for the single largest party to form a stable Government. The SP has to convince the Governor that it was in a position to give a stable Government. He was not concerned with anything else at the moment. As for the causes for the BJP debacle, he said these would be analyzed after the detailed results were available.

The Governor has also mentioned that stability would be the major criteria for him before accepting the claim of a leader to form the next Government. While academicians were debating the legal and constitutional provisions to be kept in mind by the Governor said in reply to reporters' questions that it was his prerogative to satisfy himself about the stability of a Government before allowing it to take reins of the State.

The political developments were also hinting at imposition of President's rule as was done in 1966 after the last Assembly elections under the governorship of Romesh Bhandari. This would only help the BJP to overcome its humiliation before it decides to take the next move in political manipulations.

Intensify moves

ident

Party chief, Bahujan Samaj in their moves Uttar Pradesh, party a clear

est party, Mr. form the next t the BJP, but port from the e was that "it hink it over",

g to show his king up to the arty is hoping y, Harkishan with the Con- hi. It appears able distance

ad a meeting responsibility Congress, to

support the SP in the formation of next Government.

He said, "The verdict of the people in the State is against communal forces. It is the duty of other parties to ensure that a secular Government is formed."

Mr. Surjeet said the SP's stand, which prevented Ms. Sonia Gandhi from forming a government at the Centre in 1999, was old. "If you want to stay in politics, you have to respect what the people want," he said.

The People's Front comprising the SP and the Left parties is expected to hold a meeting tomorrow and Mr. Surjeet appeared confident that during the next two days there could be a forward movement towards government formation.

Meanwhile, Ms. Mayawati arrived here this evening from Lucknow and declared that her priority was to ensure that the interest of the people of Uttar Pradesh, and the 'Bahujan Samaj' in particular, would be kept in mind before the party took any decision.

The BSP was yet to decide which party it wanted to align with amid reports that efforts were on to open doors with the BJP.

Punjab CLP to meet tomorrow

By Sarabjit Pandher

CHANDIGARH, FEB. 24. The electorate of Punjab gave the Congress party a wafer thin margin of only three seats to form the next Government in the State. While the party bagged 62 seats, the ruling Shiromani Akali Dal (SAD) managed just 41 seats. The results for 116 seats out of the 117 constituencies were declared here this evening.

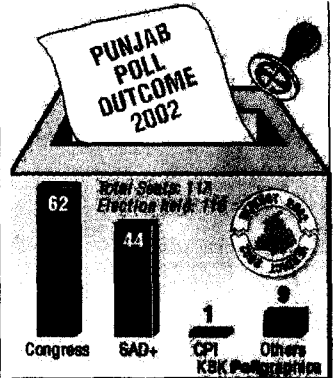
The BJP, which, in alliance with the SAD, had put up 23 candidates, had three surprise

whose sitting legislator, Makhan Singh, had left the former before the 1997 polls. As many as nine Independent candidates have also won.

Meanwhile, the president of the Punjab Pradesh Congress Committee (PPCC), Amarinder Singh, termed the victory as a mandate against corruption.

The Chief Minister, Parkash Singh Badal, tendered his resignation. However, the Governor, J.F.R. Jacob has asked him to continue in office till alternate arrangements were being made. The Congress has convened the meeting of its elected candidates on Tuesday.

The most striking aspect of the elections was the performance of the conglomerate of fringe Akali factions, the Panthic Morcha and the BSP, who were referred to as the "spoilers" for the ruling SAD and the Congress respectively.



winners, while most of their top leaders fell like nine pins giving away massive margins.

On the other hand, the CPI, which had an alliance with the Congress, also suffered heavy losses, when both of its sitting legislators lost. The CPI, which had adopted the Congress aspirant, Gurjant Singh, wrested Pucca Kalan seat from the SAD,

FPM, Cong. in race in Manipur

IMPHAL, FEB. 24. The Federal Party of Manipur (FPM) and the Congress are in a tough race in Manipur winning five and six seats out of the 17 results announced so far for elections held the 60-member Assembly.

While FPM winners were the former Fisheries Minister, N. Bihari Singh, the former Education Minister, L. Tomba Singh, N. Biren, L. Ibomcha Singh and Salam Gopal Singh, those of the Congress were Ngamthan Hao-kip, Brajabidhu Singh, Th. Devendra Singh and Maniruddin Sheikh. For the BJP, the star winner was former Chief Minister, R.K. Dorendra Singh.

The BJP caused a setback to the Samata Party as its State president, Meinam Borhot, defeated the former Chief Minister, Radhabinod Kojiam, of the Samata Party in Thangmeiband by over 1000 votes. — PTI

Sonia to choose CM

By C.K. Chandramohan

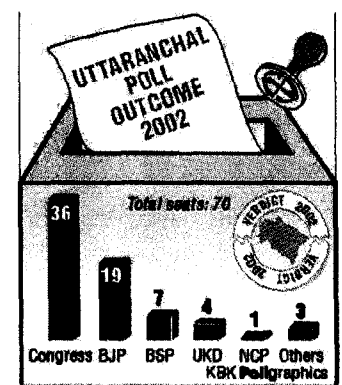
DEHRA DUN, FEB. 24. The Congress romped home in the first elections to the Uttaranchal State Assembly by winning 36 out of the 70 seats. The ruling BJP cut a sorry figure by bagging a mere 19 seats. The Samajwadi Party which had two MCAs in the outgoing interim Assembly failed to open an account while the BSP performed extremely well by cornering 7 seats. The regional outfit — the Uttarakhand Kranti Dal bagged four seats, one went to the LCP while Independents got three seats.

The Congress has returned to power after over a decade in the region and as the first elected Government of Uttaranchal.

The victory, according to senior observers, was a result of a general resentment among the masses against the ruling BJP. The party seems to have lost the confidence of the people when it changed the Chief Minister a few months ago. The non-performing Chief Minister, Nityanand Swami, was replaced by a

rather weak leader — Bhagat Singh Koshiyari. The BJP leadership harped on issues like national security, Kargil and terrorism.

This was countered by the Congress with its slogan of all-round development for all. The



State unit Congress president, Harish Rawat, said he would call a meeting of the Congress Legislature Party in a day or two to elect the leader. The choice of the Chief Minister will be left to Sonia Gandhi.

Jyotiraditya wins in style

By Javed M. Ansari

NEW DELHI, FEB. 24. There was good news for the Congress as the results of the Lok Sabha byelections started pouring in. Of particular satisfaction was the resounding victory of Jyotiraditya Scindia from Guna, by a record margin of over four lakh votes.

The Guna seat fell vacant following the death of Madhavrao Scindia in an air crash on September 30 last year. The Congress nominated his son, Mr. Jyotiraditya, for the seat. Guna has traditionally been a Scindia family stronghold along with Gwalior.

Madhavrao Scindia won his first parliamentary election from Guna and also his last in 1999. Mr. Jyotiraditya led a spirited campaign and appeared to have won the support of all sections of the people. The Congress president, Sonia Gandhi, breaking the tradition, campaigned in the byelection for Mr. Jyotiraditya. Several senior leaders, including the Madhya Pradesh Chief Minister, Digvijay Singh, Arjun Singh, Kamal Nath, and the Chhattisgarh Chief Minister, Ajit Jogi, participated in the campaign.



VIOLENCE, BOOTH-CAPTURING IN FINAL PHASE

Heavy to moderate turnout in Uttar Pradesh, Manipur

NEW DELHI, FEB. 21. The final phase of polling for the Assembly elections in Uttar Pradesh and Manipur ended today amidst violence which killed a BJP activist and saw large-scale booth-capturing as the two States recorded heavy to moderate turnout of voters.

Barring militant attacks on seven polling stations in Jammu, bypoll to six Lok Sabha and seven Assembly constituencies spread across 10 States passed off peacefully registering an average turnout of 55 per cent.

A BJP activist was killed and another seriously injured as supporters of the party traded gunfire with Apna Dal workers near a polling station in Varanasi district, the district magistrate, Alok Tandon, said.

One booth was burnt down and militants took over many booths stuffing ballots in the boxes in many areas of Manipur where an estimated 80 per cent of nearly six lakh voters completed the exercise for the 60-member Assembly in the State rocked by years of political instability.

Election material were taken away from many polling stations in Churhandpur and Tamenglong districts while unidentified militants cast their ballots even before polling started. A booth was set on fire in the Chandel constituency. Polling materials were also set on fire at the Saikul constituency.

Among the 124 candidates in fray for the 20 Assembly constituencies was the former Chief Minister and senior Congress leader, Rishang Keishing, who is locked in an eight-cornered contest in the Ukhrul constituency.

Bypolls for the Lok Sabha seats were held in Kaliabor (Assam), Jammu, Kanakapura (Karnataka), Guna (Madhya Pradesh), Mirzapur (Uttar Pradesh) and Tripura West.

The voting percentage in the Jammu-Poonch Lok Sabha constituency was 43 per cent. The



Women stage a protest on Thursday after they were allegedly prevented from voting by the higher castes at Uttar Pradesh's Belwa village.— AP

urban areas recorded a low voting percentage.

Barring a minor incident of "malfunctioning" of an electronic voting machine in a booth, which necessitated a re-poll by some 70 voters, the by-election in the high-profile Andipatti, where the AIADMK su-

premo, Jayalithaa, is the main contestant, passed off "peacefully," top Government officials said.

About 54 per cent of the estimated 24.98 lakh electorate exercised their franchise today in the Kanakapura Lok Sabha constituency, where polling was by

and large peaceful, with police keeping tight vigil.

The Election Commission today said the trend of the results of the Assembly elections held in four States were expected to be available from the afternoon of February 24. — PTI, UNI

Exit polls predict hung Assembly in U.P.

NEW DELHI, FEB. 21. Exit polls today predicted a hung verdict in Uttar Pradesh with the Samajwadi Party emerging as the largest group in two surveys and the BJP in one at the conclusion of the third and final phase of polling for the State Assembly.

The CMS-ZEE survey and Doordarshan exit poll showed the Samajwadi Party emerging as the single largest party followed by the ruling BJP and its allies and the Aaj Tak poll put the BJP and allies ahead with Samajwadi a close second.

While the CMS exit poll gave the Samajwadi Party 145 seats in the 403-member Assembly, the Aaj Tak forecast 136 seats and the Doordarshan poll gave it 156.

The BJP and its allies were expected to get 131 seats, according to the CMS which gave the BSP

84, the Congress 24 and others 19. However, the Aaj Tak exit poll gave the BJP and allies 142 seats followed by the Samajwadi Party with 136, the BSP 83, the Congress 22 and others 20. The BJP and its allies are predicted to get only 118 seats according to Doordarshan's exit poll followed by the BSP with 80, the Congress 36 and others 13.

For the 166 Assembly seats for which polling was held in the State today, the CMS forecast 49 for the BJP and allies, 63 for Samajwadi Party, 29 for the BSP, 11 for the Congress and others 14.

The Aaj Tak poll also predicted 63 for Samajwadi Party though it showed the BJP and allies getting 59, the BSP 22, the Congress 10 and others 12. Doordarshan's exit poll gave Samajwadi Party 69, the BJP and allies 46, the BSP 32, the Congress 12 and others 7. — PTI

2 FEB 2002

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EXIT POLLS DRAW FLAK IN U.P.

No wave as campaigning ends

By J. P. Shukla

LUCKNOW, FEB. 19. Electioneering failed to create a wave in favour of any of the claimants to power in Uttar Pradesh as the din and bustle subsided this afternoon in the rest of the 166 Assembly constituencies, scheduled to go to the polls in the third and last phase on Thursday. This, despite hectic campaigning by all top leaders of various political parties who addressed more than 500 big and small meetings in the 27 eastern districts in the last three days. About 250 of these meetings were organised by the BJP.

Conflicting claims made about the election results by various exit polls added to the confusion and prompted the political leaders not to rest till the deadline for campaigning came to an end. The very credibility of exit polls was questioned by various leaders who felt that the exercise was an attempt by "interested parties" to demoralise the workers of rival groups.

As no single issue could catch the imagination of the electorate, the campaigners continued to change the tone and tenor of their speeches. A debate on every issue — terrorism, national security, political stability, economic development, dangers of communalism and casteism and the performance of the Rajnath Singh-led Government in the State — was

found legitimate. But that was mostly for the consumption of the mass media. The election management at the ground level was confined to the exploitation of caste combinations.

The Chief Minister and BJP leader, Rajnath Singh, today came down heavily on the exit poll results as aired by Doordarshan which, he said, were far from reality. He claimed that his party would bag 60 per cent of the seats up for election in the third phase. It would give his party an absolute majority in the State. The people were satis-

fied with the performance of his Government, Mr. Singh claimed. It had restored social harmony "which was a historic development."

The people, he said, were also sympathetic to the BJP because they felt Uttar Pradesh was the home State of the Prime Minister, Atal Behari Vajpayee, whose hands should be strengthened in the larger interest of the nation. India's prestige had increased tremendously under the Prime Ministership of Mr. Vajpayee.

The Congress and the Samaj-

wadi Party countered the BJP claims about its prospects. While the SP said it would form its own Government after the elections, the Congress hoped to play a meaningful role in Government formation.

Assembly segments in Amethi and Rae Bareilly, traditional support base of the Congress, will go to the polls in the third phase. So will Hydergarh and Jehangirganj from where Rajnath Singh, and the Bahujan Samajwadi Party leader, Mayawati, are contesting.

BJP can win even without Muslim votes: PM

VARANASI, FEB. 19. The Prime Minister, Atal Behari Vajpayee, today claimed that the Bharatiya Janata Party would win the elections to the Uttar Pradesh Assembly even if the Muslim vote went against it.

Addressing a public meeting here, Mr. Vajpayee assailed the opposition parties which had "appealed to the Muslims not to vote for the BJP," and said his party had not discriminated against the minority community. The Muslims had been treated equally by the NDA Government at the Centre and in all the BJP-run States.

Mr. Vajpayee said it was not proper for the Muslims to adopt an "anti-BJP stance" and claimed that the party would win the elections even if they voted against it.

Appealing to the electorate to give a "clear mandate" to the BJP-led coalition in the State,

he said the Rajnath Singh Government had performed well despite a fractured verdict. "It is necessary to have the same party's Governments at the Centre and the States to ensure a sustained development."

Mr. Vajpayee took a dig at the Samajwadi Party when he asked the SP leadership to explain socialism, which had not succeeded anywhere in the world, including Russia. "Any talk of socialism is out of sync with the changing times, which is governed by the open market economy."

Charging the opposition with entertaining "hopes" of toppling the NDA Government once the results of the Assembly elections in Uttaranchal, Uttar Pradesh, Manipur and Punjab were out, he said it was only wishful thinking.—PTI, UNI

THE HINDU

20 FEB 2002

SECOND PHASE OF POLLS IN U.P. TODAY

*J. B. Ghosh
18/2*

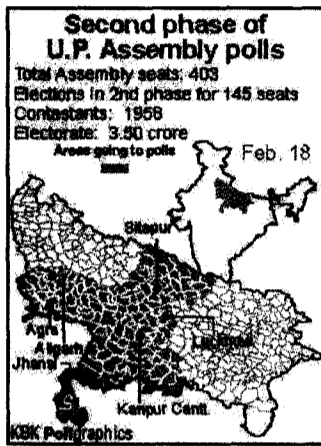
No clear 'winners' in sight

By Javed M. Ansari

LUCKNOW, FEB. 17. As the campaign for the second phase of Uttar Pradesh Assembly elections came to an end, there were no clear winners in sight. This is despite the bold claims of runaway victories made by some political parties. The final round is scheduled for February 21, and it would take a very brave man to predict the final outcome.

Political pundits in the State capital, and highly-placed intelligence sources alike, believe that this election, unlike the previous ones, is too close a contest. It is unique in many ways, there are nearly a 100 seats which could go either way, says a senior member of the State's administration.

According to political observers, one of the main reasons for the present situation is the high level of disillusionment among the people with political parties. The State is in a morass, and none of the parties has demonstrated the ability to arrest the decline. The BJP promised to be different, but it was as bad if not worse than the others, says a retired government servant. The political impulses of voters appear to be guided largely by



their caste predilections, as a result most political parties have become limited in their appeal and reach.

The current uncertainty also appears to be a result of the absence of any major issue that would charge up. The incumbency factor, evident in most of the other States, does not carry the same effect here because the BJP's main challengers, namely the SP and the BSP, have no track records of having done any better when they were in power. The Congress could have taken advantage of this situation, but it is not in the reck-

oning of government formation.

Even the VHP temple deadline does not appear to have charged up people. The issue does not have the same political appeal as it had earlier. People realise that it is being done to help a political party, says a former Advocate-General of the State.

For the BJP, which clearly seemed headed downhill, the Rajnath Singh factor could appear to be a saving grace. The BJP Chief Minister stands out from among the other claimants to the post of the chief ministership.

Cong. lacks coordination

The Congress' fight to regain lost ground in the State appears to be mired in confusion and a lack of coordination. The momentum built up by its early exertions through the 'parivartan yatras' were frittered away by faulty ticket distribution. The party had banked heavily on Brahmins deserting the BJP and Muslims gravitating to it in great numbers.

Brahmins appear to have stuck with the BJP, as a result of which Muslims have supported the Congress only in areas where it is in the fight.

The Congress' campaign in the State did not really take off. The party president, Sonia Gandhi, had to divide time among Punjab, Manipur and Uttaranchal, and could address only a dozen meetings in Uttar Pradesh. Conspicuously, she skipped Lucknow and addressed only one meeting in Amethi.

Those charged with the responsibility of coordination, and planning in the UPCC appeared more keen on settling personal scores. Apart from the meetings addressed by Mrs. Gandhi, the campaign appeared chaotic. The campaign suffered from bad planning and mismanagement. Motilal Vora had to cool his heels for a day in Kanpur as the local unit did not have prior information about his programme. A similar fate awaited Arjun Singh in one of the constituencies in Lucknow, while Salman Khursheed was left to arrange his own transport.

As the campaign came to a stop around Lucknow for the second phase, most parties tried to end it with a bang, putting up a big show in the State capital.

More reports on Page 13

Bullets, ballots both okay for ultras' kin

Here gods have a poll commission

Lightweights may be Maneka's bane

Kumkum Chadha
Pilibhit, February 14



MANEKA GANDHI

THERE IS a ban on the use of plastic bags in the city. There is vigilance to check cows from being transported to Rampur where they are allegedly slaughtered. There is an effective enforcement of the ban on felling trees. So what if Maneka Gandhi is wooing voters? When it comes to issues of environment, she is unlikely to relent.

While the ban on plastics is not a major issue, restrictions on sending cows out and wood cutting can prove counter productive. Given that a number of contractors in the timber business are Muslims and are Maneka's vote bank, this is an issue she needs to handle carefully.

That apart, Maneka Gandhi's newly floated outfit Shakti Dal is unlikely to achieve what she had set it up for: to act as a pressure group in the event of majority eluding any party.

This was based on her calculation that the party would bag a few seats in the Assembly. In her own parliamentary constituency, Pilibhit, of the four candidates fielded for the Assembly, she had expected at least two to win.

But it was soon evident that none of the Shakti Dal candidates were likely to make it, including her OSD and 'right hand man' Ajay Bhardwaj who is contesting from Bisalpur.

Worse, Shakti Dal will not even be able to act as a spoiler for the main parties such as the SP, BJP, Congress and Kalyan Singh's Rashtriya Kranti Dal.

In Barkhera reserved constituency, Maneka's votebank, mainly the Kurmis and Muslims, are likely to avoid her nominee Chandersen Sagar in favour of sitting MLA Peetam Ram. Initially a Maneka-loyalist, Peetam Ram fell through with her and is in the fray as an SP nominee.

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Jaideep Mazumdar
Imphal, February 14



Women check their names on the voters list at a polling station in Imphal on Thursday.

THEY TOO, like other Imphal Valley voters, cast their votes. But, they were no ordinary voters. They were the mothers, fathers, wives, children, brothers and sisters of members of the dozen-odd valley insurgent groups fighting for the State's sovereignty.

Privately, family members of these rebels all support the fight for sovereignty. That, however, didn't stop them from participating in the country's democratic process. And they see no anomaly in this.

"It is my right to vote and I'll definitely exercise this right. Yes, I believe my father has done the right thing by taking up arms against the Indian State. I think there's no conflict in my casting votes since I want to elect my representative to the Assembly or Parliament," said R K Chingkhel (25), son of United National Liberation Front (UNLF) commander-in-chief RK Meghen.

"I want a person who'll defend the State's interests to win. I do believe in democracy," says Meghen's wife Kame. But does her faith in democracy run counter to her husband's ideology? Kame refuses to answer.

A senior People's Liberation Army (PLA) commander's father, who did not want to be named, argues, "My son is fighting a battle against Manipur's exploitation and the stepmotherly treatment handed out by New Delhi. By voting, I participated in an electoral battle that'll, hopefully, improve the State's plight. So, where's the conflict?"

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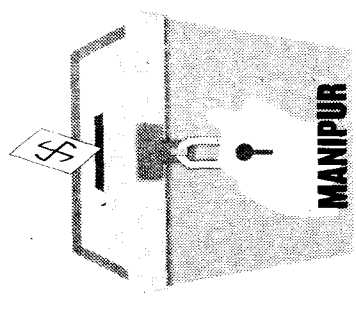
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The old women mark out a spot in front of the camp the evening before the polls and 'purify' it with cow dung and wheat flour. The circular spot is then coated with powdered rice and the formal puja starts.

Offerings are made to the gods in the form of fruits and water and the party flag or a poster of the candidate is kept in front of the offering. Sanskrit shlokas are chanted and the families of the candidates as well as their aides and supporters participate in the pujas.

"This is unique to nearly all the constituencies in Imphal Valley," added Kojiam.

Incidentally, even candidates put up by the communist parties — the CPI and the CPIM — go through this ritual. Not surprising, since people feel the gods' blessings are crucial to win.



MANIPUR

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"I don't want to waste my vote for I want the right person to represent me, my family and the people of this constituency, in the Assembly."

Neither are the police surprised at the apparent paradox. "The militant groups participate in the elections by proxy," says State DGP A A Siddiqui. "They take money from candidates and parties in exchange for their support. They intimidate voters and rival candidates. In fact, we know that many of them indulge in rigging, false voting and booth-capturing."

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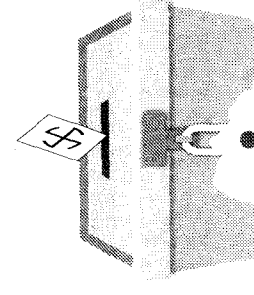
Utpal Parashar
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But after nearly an hour, Singh had to return home disheartened and without casting his ballot as their names were missing from the rolls.

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similar scenes were witnessed at several polling booths in the Dehra Dun, Mussoorie and Rampur constituencies. Like Arvinder, hundreds of voters across several constituencies of Dehra Dun district were unable to cast their ballot as their names were missing from the rolls.



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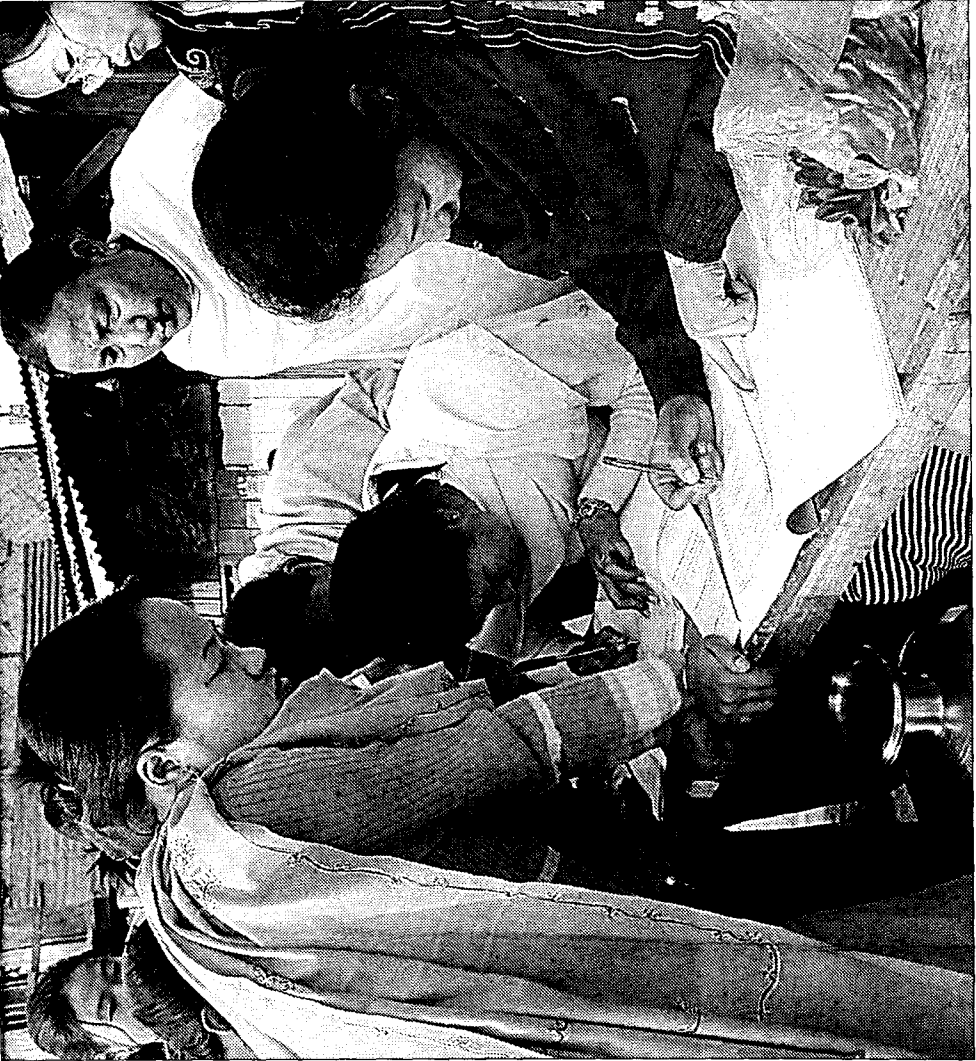
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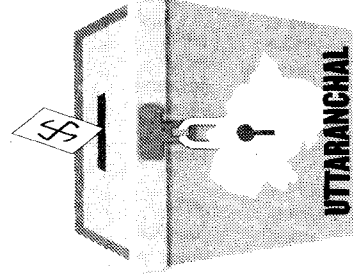
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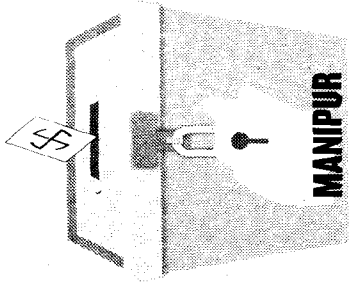
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"People from the Election Commission had noted down our personal details and we were told that our names would be on the list. But it seems there was some mistake," he said.

by EVMs, some had their complaints. "It was a nice feeling, but I wish the names and symbols of the candidates and their parties had been printed more prominently or in colour. I had a tough time distinguishing one candidate from the other," said D S Bisht, a 64-year-old businessman.

Despite clear instructions from the Election Commission not to allow voters to cast their ballot unless they produced some proof of identity, no such measure was put into practice at the Pandit Wadi Primary School booth in Dehra Dun constituency. "It is not our duty to check the voters' identity. The agents of political parties should do it," a poll official explained.

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A bypoll thrust on people & parties

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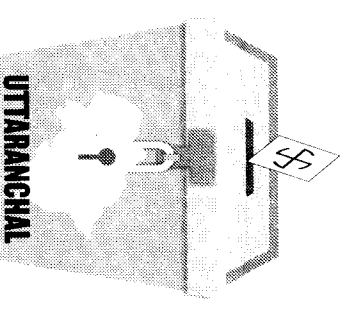
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Arjun Joshi
Jammu, February 14

POLITICAL PARTIES as well as voters in the Jammu-Poonch parliamentary constituency feel next week's by-election has been thrust upon them.

The people are more concerned about the next move of tanks on the Indo-Pak border and the turn of situation in the hinterland. For over two lakh people have been displaced from the border districts of Jammu, Rajouri and Poonch because of troops build-up along the LoC.

Political parties too are grumbling that their meetings are poorly attended. Neither star speakers nor their anti-Pakistan rhetoric and diatribes against the Government seems to interest the voters.

The parties are persisting nev-

ertheless because this by-election shows them their prospects in the Assembly elections scheduled for later this year. Stakes are particularly high for the BJP which won this seat in two previous elections. It wrested the seat from Congress in 1998.

The BJP has chosen the familiar issue of discrimination against Jammu, blaming the ruling National Conference and Congress for neglecting the development of the region.

The people of Jammu are angry because they have been fed on slogans that their share has been "taken to the Kashmir Valley by Kashmiri rulers". The BJP and Jammu-based parties have alleged that the people of the region cannot emerge out of the yoke of slavery unless they throw a serious challenge to Kashmiri rulers.

The ire is particularly directed against National Conference. The parties remind the voters how Jammu has fought many agitations in the last 50 years to get its due, but the "Kashmiri rulers did not implement any of the recommendations to reverse the discrimination trend".

Traditional rivals, the Congress and BJP, are surprised to find that NC, which has never won this seat before, has emerged as a strong challenger this time. The NC is the only party talking about its achievements in holding panchayat polls, opening job opportunities and development and fighting terrorism and threats from across the border.

NC candidate Talib Hussain's nomination remains unchanged in the party. His two strong rivals - BJP's Nirmal

Singh and Congress' Madan Lal Sharma - are not that lucky. The faction leaders are unable to curb their hostility for having been denied the party mandate to contest.

That advantage apart, it is autopsy time for the NC to explain for all the events that have taken place in the past over five years of its rule.

The anti-incumbency factor is also in play. The NC leaders are being asked about the unfulfilled promises and they try to hide under the cover of the Election Commission's code of conduct. But the people are not convinced.

The BJP too has to share the blame because political opponents are quick to point out the two parties are partners in the NDA. And that is not a happy situation for either of them.

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SC bar on poll panel

THE SUPREME Court on Thursday said the Election Commission could not be a necessary party in a petition questioning the election of an elected candidate from a constituency. The court's decision is the reiteration of its earlier ruling.

The Bench dismissed a petition by Michael B Fernandes against a Karnataka High Court judgement. Fernandes had challenged the 1999 election of former Railway Minister CK Jaffer Sharief from Bangalore.

Fall kills official

A PRESIDING officer was killed on Wednesday when he slipped off a snowcapped hill-top and fell into a khud in Puroia area of Uttarakashi. Dr Baldev Singh was on his way to the polling station. He died on the spot.

Behmai bandit still a queen in Mirzapur

Umesh Raghuvanshi
Mirzapur, February 14

IN UTTAR Pradesh's Mirzapur-Bhadohi parliamentary constituency, where a by-election was necessitated by Phoolan Devi's murder, the sympathy factor and caste considerations will play the most decisive role in determining the electoral outcome.

Loyalites to the bandit queen remain sharply split, because of the division between her husband Umed Singh, who is supporting the Samajwadi Party (SP), and her sister Munni Devi, who is contesting on Kalyan Singh's Rashtriya Kranti Party (RKP) ticket.

SP leaders had earlier been

KEY CONSTITUENCY

harping on the sympathy factor. Umed Singh had filed his nomination as an SP candidate. It was rejected when the SP decided to allot its ticket to former minister Ramrati Bind. Umed Singh has, nevertheless, aligned himself with the SP.

Phoolan Devi's name is still a potent force. Voters here talk of the frequent visits she made to the constituency and the development programmes she initiated. Often, it appears, she gets credit for work that has been done by others.

At Tand-Majha, a villager credited Phoolan Devi with building a road, though a sign-board said that a BJP leader had provided the funds for its con-

struction. One villager says that voters are now confused, though in the last elections the support for Phoolan Devi had cut across caste and community.

With Munni Devi's frequent references to her sister's murder and demands for a CBI probe into it, her rivals are trying to play down the issue. SP leaders try to discredit Munni Devi by saying that she has been changing her stand frequently.

Kailash Chaurasia, a local SP

leader who was considered close to the slain bandit queen, says Munni Devi initially made a great show of her respect for SP leaders but later began a mud-slinging campaign against them.

What is likely to hurt Munni Devi's campaign more than this is playing a role in shaping party campaigns. The Congress candidate Rajeshpati Tripathi is banking on Brahmin and other upper-caste votes. Former state party chief Salman Khurshed is also trying to mobilise the minority vote in Tripathi's favour.

A caste organisation representing the Bind community, the Pragatishheel Manav Samaj, has also fielded a candidate - Prem Chand Bind - and could cut into the caste vote-bank of the SP candidate.



AP PHOTO
A man helps an old woman to a polling station in Sainhai, Uttar Pradesh, on Thursday.

PEACEFUL POLLING IN UTTARANCHAL

55 p.c. turnout in U.P. polling

NEW DELHI, FEB. 14. Two BSF personnel were killed in Manipur while an estimated 55 per cent voters cast ballots amid tight security for 92 Assembly seats in Uttar Pradesh and all the 70 constituencies in Uttaranchal which went into the exercise to elect its maiden Assembly today. Two persons received gunshot wounds in Uttar Pradesh while two polling officers died in Uttaranchal during the balloting.

A Home Department spokesman in Lucknow said there were reports of a Samajwadi Party worker being killed in Kairana constituency in Muzaffarnagar district, but this had nothing to do with the election.

State Election Commission sources in Lucknow said nearly 55 per cent voters exercised their franchise in generally peaceful balloting in the first phase in 15 districts of Uttar Pradesh.

Polling in Uttaranchal passed off peacefully with over 50 per cent voters casting ballots.

In Uttar Pradesh, one person was injured when the gunner of a BJP candidate for Sunha seat in Bareilly opened fire. Another person received gunshot

wounds following a clash between rival political groups in Nigohi constituency of Shahjahanpur district. Polling began on a dull note in the State as winter chill kept people indoors, but picked up as the day advanced. Long queues of voters were seen in the afternoon.

The electoral fortunes of 1,242 candidates, including two former Chief Ministers — Kalyan Singh and Mayawati — were sealed in the electronic voting machines which were used for the first time in an Assembly election in Uttar Pradesh. In Uttaranchal, a polling officer was killed when he slipped down a snow-covered hilltop while another died after a heart-attack. Today's polling sealed the fate of 927 candidates including the Chief Minister, Bhagat Singh Koshiyari.

BJP ahead in U.P.: exit polls

LUCKNOW, FEB. 14. Uttaranchal is likely to throw up a fractured verdict with the ruling BJP emerging as the single largest group, while in Uttar Pradesh, the BJP and allies surprisingly

are shown to be ahead in the exit polls conducted for television networks. In Uttar Pradesh, the BJP and its allies were projected to get more than a third of the seats with the SP and the BSP trailing. While the CMS survey on Zee TV predicted 34 seats for the BJP and its allies in Uttaranchal, just one short of a simple majority in the House of 70, C-Voter Exit Poll on Aaj Tak predicted 33 seats for the BJP and allies. The CMS poll showed that the Congress was poised to get 25 seats while the C-Voter survey gave the party 24 seats.

In the first phase in Uttar Pradesh, the ruling BJP and allies could get 46 seats followed by the Samajwadi Party (28) and the BSP (16) with the Congress relegated to the fourth slot with only two seats, it said.

However, the C-Voter predictions showed the BJP and allies getting 37, the BSP 27, the SP 21 and the Congress 5 seats.

According to an exit poll telecast on Doordarshan, the BJP and allies are likely to get 42 seats in the first phase of the polls in Uttar Pradesh, followed by the Samajwadi Party 22, the BSP 16 and the Congress 9. — PTI

70 per cent voting in Manipur

By Our Correspondent

IMPHAL, FEB. 14. Brisk-to-heavy polling was reported in many parts of the 40 Assembly constituencies in Manipur which went to polls today. Armed militants resorted to booth-capturing in several places at the Sugnu constituency in Thoubal district. The Chief Electoral Officer, D.S. Poonia, said action would be taken against the culprits.

The Congress candidate for the Andro constituency, T. Shyamkumar, was kidnapped by militants and polling was immediately postponed. Polling was suspended for some time when the polling officer at Lilong in Thoubal district died following a heart-attack.

Polling began on a dull note in the morning but picked up later. At noon, there was 60 per cent polling and climbed to 70 per cent by

afternoon. There are 244 candidates in the fray for the 40 Assembly constituencies. Three Chief Ministers, R.K. Dorendra, Radhabinod Koijam and W. Nipamacha are seeking re-election. Sixty former Ministers are also in the race. There are 8,88,895 voters. For the first time, electronic voting machines were used in six constituencies. The second and final phase of elections would be held on February 21 for the remaining 20 constituencies.

Two BSF personnel were killed and four wounded when militants ambushed them at Lamali, near Imphal, this morning. There was a clash among the supporters at the Heingang constituency. A bridge was partially burnt. There were reports of impersonation and destruction of vehicles at the Thongju and Langthabal constituencies.

Hung assembly?: Page 11

Cong sweep in Punjab: Exit polls

Statesman News Service

NEW DELHI, Feb. 13. — The Congress appears heading for a two-thirds majority in Punjab where polling for 116 of the 117 Assembly seats took place today. This is a repeat of the 1999 Lok Sabha performance where the party won most of the 13 Lok Sabha seats. All exit polls — "C-Forum" (Doordarshan), "C-Voter" (Aaj Tak) and Zee News-CMS — conducted immediately after polling showed the Congress registering an impressive victory.

The DD poll predicted a comfortable majority for Congress with 72 seats followed by 30 seats for the Shiromani Akali Dal-BJP alliance.

The Aaj Tak poll projected a landslide victory for Congress with 91 seats. It gave the SAD-BJP alliance a mere 17 seats, a loss of 75. It gave two seats to the Panthic Morcha, one to the Bahujan Samaj Party and five to Independents.

The Zee News-CMS exit poll gave 80 seats for Congress, 28 for the SAD-BJP combine and eight for other parties. The Congress is expected to garner 43 per cent votes while the SAD is likely to get 35 per cent. The survey, which covered 2,000 respondents in 13 constituencies, said Congress was

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expected to get 55 per cent of urban and 41 per cent rural votes. SAD is expected to get 40 per cent rural votes and 29 per cent urban votes.

The impressive Congress show is being attributed to the division of the Akali Dal. Both the polls showed it to be headed for a drubbing in Malwa, Doab and Majha regions. The DD polls predicted 41 per cent vote for Congress but only 34 for the SAD-BJP alliance.

Aaj Tak gave 48 per cent to Congress and 36 to the SAD-BJP.

The Panthic Morcha leader, Mr Gurcharan Singh Tohra, said the Congress' expected landslide victory was a verdict against the chief minister, Mr Parkash Singh Badal. He said his differences with Mr Badal were not political.

The BJP said it expected the Congress to win in Punjab but affirmed that the exit poll verdicts would have no bearing on Uttar Pradesh and Uttaranchal. The BJP was certain to win in both states, the senior party leader, Mr JP Mathur, said.

He said the poor show of the alliance would not come in the way of SAD-BJP friendship as it was the greatest cementing force between the two communities.

Punjab polls peaceful: page 6

THE STATESMAN

14 FEB 2004

Hope springs eternal

But the bottom line in the Manipur poll, writes YUMNAM RUPACHANDRA, is that no single party is going to win the assumed majority

Manipur goes to the vote on 14 and 21 February for its 8th Assembly and already there are ominous signs of confusion and instability — the hallmark of politics in the state. There's no gainsaying what could happen given Manipur's claim to infamy in this regard. It has had a Speaker appear before the Supreme Court and its politicians have made a mockery of the Tenth Schedule by switching allegiance at the drop of a hat.

The formation of the first government of the seventh State Assembly saw legislators switch sides before even being sworn in, thereby nearly creating a constitutional crisis. The change in statistics thereafter was dramatic. The once powerful Manipur People's Party lost potential after three of its four legislators defected to the Manipur State Congress Party.

The Nationalist Congress Party, which won five seats, was left with one. The Federal Party of Manipur won six seats but was reduced to two. The Janata Dal (U) and RSD each had one MLA and both switched sides. But the biggest loser was the Congress — reduced to a single member after 10 of its legislators defected to the Samata Party in a move instigated by Radhabinod Kojiam. The BJP bagged six seats and yet claimed the support of as many as 28 members before Manipur was brought under President's Rule and the fight to form a government was on. Before the Kojiam ministry's fall, it briefly enjoyed the support of 59 in the 60-member House.

Following Manipur politics is difficult for even newspaper correspondents, and the forthcoming poll is no easy nut to crack. For instance, of the 59 sitting candidates in contention, 46 are fighting under different banners. Some of them have switched sides as many as four times. Despite the claims of plenty by all parties, it is clear not one of them is going to cross the magic figure of 30.

The Congress is hoping to cash in on the stability and anti-incumbency factor in the belief that people will not vote for the BJP and Samata and instead blame these parties for the 18 June incident which left 18 people dead and several

government buildings, including the State Assembly hall, razed in the aftermath of New Delhi's decision to extend the Nagaland ceasefire to Manipur.

It hopes to win 14 seats from the hills and 16 from the valley. It is also fielding four Muslim candidates, with a view to the burgeoning population of this community caused by the influx from

men happy. The party claims it will sweep the six Bishnupur constituencies and has asked the voters not to send up a fractured mandate.

The BJP hopes to sweep the Naga area, at least seven seats, and claims it will emerge the single largest. Manipur is important for BJP and it has employed the services of several key campaigners, including four



Federal Party of Manipur workers' election rally in Imphal on Thursday against threats to the candidates and workers during the poll. — PTI

Bangladesh. Sonia Gandhi came to campaign, as did Manishanker Aiyer. However, the recent turn of events leading to withdrawal of it's the Congress's Tengnoupal and Chandel aspirants, coupled with attacks on its candidates, have upset calculations.

The FPM, which has absorbed most of the former MSCP ministry members, is counting on winning back 30 legislators — nine in the hills and 21 in the valley. Led by former deputy chief minister L Chandramani Singh, it hopes to become the alternative regional party after MPP's downfall and is also targeting the middle class by promising to undo the current downsizing of the government workforce and implementing the Fifth Pay Commission report.

Kojiam's Samata Party hopes to bag 15 or 16 seats. He's also hoping for a post-poll alliance and predicts a Samata-led coalition. The NCP thinks so too and is sticking to its policy of development-before-peace agenda and hopes at least 20 of its 33 candidates will make it to the assembly. It will also have no problem allying with the Congress, a once sworn enemy, to form a stable government.

The former Union minister of state for food processing Th Chaoba-led MSCP is campaigning for a stable government and hopes to win a minimum 20 seats but sets a maximum of 30 to keep party

to Samata. In Chandel, too, the FPM and INC candidates withdrew, leaving the field open for the BJP contender.

Kuki leaders have begun to talk of the need to align to ensure a Kuki gets elected. In a constituency where a mixed population enjoys equal strength, this could prove volatile and have far-reaching consequences.

Another factor that will effect the election is the overwhelming demands for money. Police reports say almost all candidates have received such demands from the different underground groups. There have been attacks on several candidates, though none of these have been fatal thus far.

The Kanglei Yaol Kanna Lup (Oken), a proscribed underground

organisation which has declared Th. Chaoba its enemy and openly declared it would ensure his brother and former minister Th. Bira do not get elected, is bound to have an affect on the prospects of the MSCP — whose head office, just opposite Raj Bhavan, is already under lock and key, unusual at this time of election.

For all intents and purposes, the indications are that the polling in Manipur, being held under President's Rule as has been so long demanded by candidates, will be neither free nor fair. For his part, the State's Director-General of Police, AA Siddiqui, hopes peace will prevail.

(The author is The Statesman's Manipur-based correspondent.)

Union ministers. It is floating the idea that it alone can salvage Manipur since it heads the government at the Centre. However, the party is at a loss to explain why it failed to form a state government despite having a majority of 26.

The odd ball, however, is the Democratic People's Party, created as an

alternative to so-called "tainted" politicians. Having publicly pledged to put an end to defection, it blames past politicians for the state of affairs and promises a "New Manipur". The party is made up of former journalists, student leaders, advocates, human right activists and even a retired army officer and is sending up 24 uncontested candidates. Though most parties publicly claim they will get the single largest majority and form the next government, each privately concedes the inevitability of a fractured mandate.

In reality, no party is likely to come back with more than 20 seats, and with 15 parties in the fray for the 60 seats another saga of horse-trading is in the offing. However, between now and 14 and 21 February, several factors, including communal alignment and insurgency-related agendas, might change the way things develop.

Already the Congress is accusing the BJP and the Samata Party of being aided by the NSCN(IM) in the hill areas. The recent signing of a pledge supporting the Naga cause, influenced by the UNC, is expected to have an effect in the valley's voting pattern. The ethnic alignment in Tengnoupal is already apparent after former minister Morung Makunga withdrew his candidature — admittedly under pressure — to accommodate another Naga candidate belonging

60 p.c. turnout in Punjab

HD-1 14/2/98 Election

By Our Staff Correspondent

CHANDIGARH, FEB. 13. Moderate polling, with initial estimates indicating 60 to 62 per cent voter turnout, was reported from Punjab today. Except for stray incidents of clashes, the election process in nearly 18,000 polling stations was fairly peaceful.

Reports said there was a higher voter turnout in the rural areas. While curiosity for the electronic voting machines, used all over the State for the first time, and political mobilisation were cited as the main reasons for the higher turnout, the apathy of the urban voters was also a factor.

In the last Assembly elections in 1997, about 69 per cent voters exercised their franchise. This time, 1.56 crore people were expected to vote in 116 constituencies.

(Meanwhile, in New Delhi, the BJP tonight virtually conceded defeat for the ruling Akali Dal-BJP alliance in Punjab saying the exit poll result was on expected lines. "The Punjab results as shown by the exit polls were on expected lines," the senior BJP leader, J.P. Mathur, said. However, he said the Punjab results would have no effect in Uttar Pradesh, Uttaranchal and Manipur as the situation in these States was absolutely different.)

Clashes were reported from Gidderbaha, Jalandhar, Abohar, Ferozepur, Fatehgarh Churian, Dhariwal and Hoshiarpur. In Banur, police registered a case against the Finance Minister, Kanwaljit Singh, for assaulting a Congress worker. In Rajpura, the Congress workers gheraoed Sunil Tandon, son of the Local Bodies Minister, Balramji Das Tandon, for two hours in his house. Tandon junior had been warned against entering any polling station as the authorities had received complaints that he was intimidating the voters.

Another complaint was given by Sunita, daughter-in-law of the Congress candidate, R.K. Gupta, contesting from Jalandhar Central. She alleged that the Health Minister, Manoranjan Kalia, had hit her. And the former MP, Kamal Chaudhary, had a narrow escape when a bottle with inflammable substance was hurled at him. His coat and car seat were extensively damaged.

A presiding officer, Harpal Singh, was arrested after he was found to be in an inebriated condition. As a result, voting at Adda Noor Di polling station in Tarn Taran was delayed.



The Punjab Congress chief, Amarinder Singh, helping a disabled old man to cast his vote, in Patiala on Wednesday. — PTI

The president of the Punjab Congress, Amarinder Singh, expressed overall satisfaction over the conduct of elections in the State. But, he alleged that the authorities had arbitrarily deleted the names of about 6500 voters from the voter list in Patiala, from where he contested. The Shiromani Akali Dal activists' "acts of desperation" had shown that they had accepted defeat, he said.

The Akali Dal general secretary and Rajya Sabha member, Sukhbir Singh Badal, however, said the voters had favoured the

ruling SAD-BJP alliance.

PTI reports:

Many EVMs developed technical snags, necessitating replacement. "The EVMs at 29 polling booths developed technical snag during the tests in the morning," election office sources said.

Badal casts his vote

The Punjab Chief Minister, Parkash Singh Badal, cast his vote at his native village, Badal, in Lambi constituency, a report from Muktsar said.

Landslide for Cong. predicted

NEW DELHI, FEB. 13. The Congress appeared headed for a landslide win in the Punjab Assembly elections and is likely to bag 91 of the 117 seats, according to an exit poll conducted by Aaj Tak TV channel.

The ruling Akali Dal-BJP combine was in for a rout, being given only 17 seats in the poll which says the Panthic Committee will get two seats and the BSP one. Independents are set to win five seats.

The State had a one-day polling today with the turnout being heavy in the rural areas, the survey said.

the Zee News-CMS exit poll predicts 80 seats for the Congress and 28 for the SAD-BJP combine and eight for the other parties. The Congress is expected to garner 43 per cent of the votes while the SAD is likely to get 35 per cent.

The survey, which covered 2000 respondents in 13 constituencies, said the Congress was expected to get 55 per cent of the urban and 41 per cent of the rural votes.

On the other hand, the SAD is expected to get 40 per cent of the rural votes and only 29 per cent of the urban votes. — PTI

SC stays HC order on U.P. polls

By Our Legal Correspondent

NEW DELHI, FEB. 12. The Supreme Court today stayed an order of the Allahabad High Court passed on February 11 permitting an elector, whose name is found in the voters' list, to vote in the polls in Uttar Pradesh even without the 'photo identify card' or any one of the 18 identity documents specified by the Election Commission.

A three-judge Bench comprising Justice B.N. Kirpal, Justice Shivaraj V. Patil and Justice B.P. Singh stayed the High Court order on a special leave petition preferred by the Election Commission seeking to set aside the order.

The Bench observed that photo identity and 18 other alternative identity documents as notified by the Election Commission

on January 23 and February 7 would come into operation and those alone would be given effect to by all the Returning Officers as well as the Presiding Officers during the three-phase polling scheduled for February 14, 18 and 21.

The Bench said its order would be intimated to the Chief Electoral Officer in Uttar Pradesh, who would inform the Presiding Officers. The Bench also issued notices to the State Government and two petitioners who had filed Public Interest Litigation petitions in the High Court challenging the commission's order making the photo identity cards and any of the 18 other identity documents as a prerequisite for voting.

Passing orders on two PIL petitions, the High Court had held the Election Commission's notification specifying 18 identity

documents in addition to the photo identity card which would enable a voter to cast his ballot should not be insisted upon.

The court had directed that an elector would be required to establish his/her identity only when it was challenged and if his/her name was found in the voters' list, he/she should be permitted to exercise his franchise.

Arguing for the commission, senior counsel K.K. Venugopal contended that the High Court had exceeded its jurisdiction and the order had put the commission in an awkward position.

Later, the official spokesperson of the commission, A.N. Jha, said following the stay granted by the apex court, the notifications of January 23 and February 7 would be restored.

THE HINDU

13 FEB 2002

No issues, back to caste politics

HT Correspondent
New Delhi, February 12

IN THE absence of any major issue, it is back to the politics of caste and community in western UP and Rohilkhand, which account for 100-odd Assembly seats. The result: multi-cornered contests in almost all constituencies with many sub-regional chieftains damaging the prospects of the main contenders.

All parties seem to be trying to break fresh ground by courting castes and community outside their traditional vote-banks, which they expect will remain with them anyway. Despite this expectation, no party can take en bloc votes for granted.

"While the BJP-RLD combination appears to be strong on paper, because it is seen to be an alliance between the Jats and upper castes (Brahmins, Vaishyas and Thakurs), at a micro level the combination is vulnerable to threats from Om Prakash Chautala and Kalyan Singh," said Narendra Bansal, a Congress supporter in Moradabad. He said that the ruling party also faced threats to its traditional vote-banks with the Congress, SP and BSP fielding upper-caste candidates in strategic con-

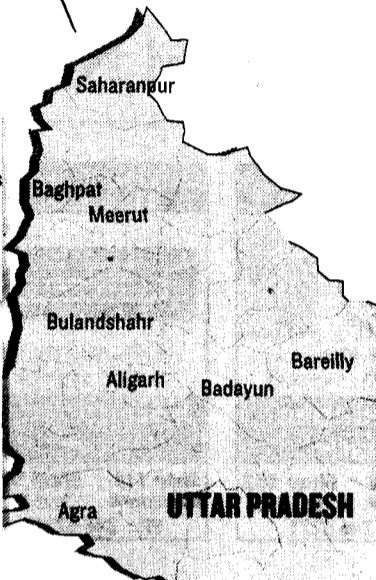
Spoilsport



Rasheed Masood's Indian Ekta Party will hit SP, Congress and BSP chances in Saharanpur because of Muslim votes



D.P. Yadav's Parivartan Party will hit the prospects of the SP and Congress in Bulandshahr and Badayun



O.P. Chautala's Indian National Lok Dal will hit BJP-RLD prospects in Meerut, Agra and Baghpat because of Jat votes



Kalyan Singh's Rashtriya Kranti Party will eat into BJP-RLD votes in Aligarh and Bulandshahr because of Lodh votes



Maneka Gandhi's Shakti Dal will undercut the BJP in Pilibhit and Bareilly

Graphic: SANJAY

stituencies.

Then there are the sitting MLAs and ministers who have been denied tickets. Former ministers Sardar Singh in Gokul, Mandaleshwar Singh in Khera Garh and Laxmi Narain in Chhata could upset the BJP's equations and cut into a sizeable chunk of its votes.

In addition, there are candi-

dates who have switched loyalties after being denied party tickets. Sitting RLD legislator Arya Ram Saran is now an INLD candidate. Sitting SP legislator from Aligarh Abdul Khalid has now become a candidate of Democratic Loktantrik Party.

The BSP too faces a serious threat from half-a-dozen sitting MLAs who had supported the

BJP government in UP after leaving the BSP and are now contesting as independents. Prominent among them is Raja Gajantar Ali Khan, whose influence in Bijnor is likely to affect the chances of the BSP.

A lot would depend on the local caste factor and the ability of a candidate to mobilise his caste votes for the party. In some con-

stituencies, one party has bucked the prevailing trend hoping for a caste windfall.

In Ghaziabad, the Congress has fielded a Vaish though all prominent parties have given tickets to Brahmins. In Agra (East), the BSP has fielded a Muslim candidate while other prominent candidates are from the Vaishya community. In Gokul, all the parties have given tickets to Jats while the BSP has fielded a Brahmin, hoping to forge a Dalit-Brahmin alliance.

The SP, BSP and Congress are all banking on the minority community to further their electoral prospects. Muslims constitute nearly 31 per cent of voters in this region. The SP, which is considered weak in this region, is hoping to forge an alliance between OBCs and Muslims and the BSP is banking on a Dalit-Muslim combination. The Congress is trying to hard to provide a platform for Gujjars, Brahmins and Muslims.

But Muslims too are divided along caste lines. "An Ansari does not see his Qureshi brethren as an equal," said Adil Rasheed, a resident of Hasimpura in Meerut.

(With inputs from Amitabh Shukla, Chetan Chauhan, Rema Nagarajan and S Raju)

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