

Election Commission lodges FIR against Lalu Prasad

By J. Venkatesan

(Election CEC)

NEW DELHI, DEC. 20. Taking suo motu action on the reported incident of the Railway Minister and the Rashtriya Janata Dal (RJD) president, Lalu Prasad, distributing Rs. 100 each to his partymen in Patna, the Election Commission today lodged a First Information Report (FIR) for an offence under Section 171 B of the Indian Penal Code for bribery relating to the conduct of elections.

The Commission also issued a showcause notice to the RJD on why the party should not be de-recognised under the provisions of the Election Symbols Order, 1968 for violating the model code of conduct, which came into force on December 17 with the announcement of the election schedule for Bihar and two other States.

The Full Commission, comprising the Chief Election Com-

missioner, T.S. Krishnamurthy, and the Commissioners, B.B. Tandon and N. Gopalswami, took the decisions after watching the electronic and print media versions showing Mr. Lalu Prasad distributing currency on December 18.

Directive to Railways

Briefing presspersons, the Commission spokesman, A.N. Jha, said the party had been given time till 3 p.m. on December 24, to reply to the showcause notice. The Railway Board Chairman had been directed not to provide special trains or divert any train to Patna for the proposed rally by the RJD on Thursday. The Bihar Chief Secretary had been directed not to provide public transport buses for the rally and not to misuse government machinery for it.

The Commission had also asked the RJD State Government to ensure that no govern-

ment building, including circuit houses and guesthouses, was given to the party. Regulations had been imposed on the official meetings of the Ministers also. Two observers were being sent to Patna to oversee that the model code of conduct was not misused on the day of the rally.

BJP team meets CEC

Earlier in the day, a BJP delegation submitted a memorandum to the Election Commission pleading for a one-day poll in Bihar and Jharkhand. It alleged that taking advantage of the three-phase poll, the ruling party in Bihar would be enabled to press into service its private armies to intimidate voters and rig the polls.

Speaking to reporters later, the BJP leader, Sushma Swaraj, who led the delegation, told the CEC that Bihar and Jharkhand were relatively smaller States and the Commission should

consider holding elections in a single phase. The CEC, according to Ms. Swaraj, told the delegation that he was prepared to consider the demand if the Government provided more paramilitary forces to ensure free and fair elections. The BJP would also take up the issue with the Government.

Replying to a question, she said the delegation was satisfied with the action taken by the Commission against Mr. Lalu Prasad and his party for violating the model code.

RJD team's plea

Within minutes of the BJP meeting the CEC, an RJD delegation met the CEC and denied that Mr. Lalu Prasad had violated the code. It assured the Commission that the code would be strictly followed in letter and in spirit.

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21 DEC 2004

THE HINDU

MINORITY PANEL REJECTED Govt poll bias showing: EC

Statesman News Service

NEW DELHI, Oct. 7. — The Election Commission today rejected the Centre's explanation for its decision to set up a national commission for minorities. It said the timing "gives an impression of influencing some sections of the electorate". The EC had served a notice to the Centre last Friday seeking an explanation within three days about its decision to set up the commission for the welfare of socially and economically backward sections among religious and linguistic minorities.

In a communication to the Cabinet secretary, the EC said: "At this juncture when elections are being held in two states (Maharashtra and Arunachal Pradesh), it gives the impression of being aimed at influencing some sections of the electorate. The Election Commission is emphatically of the view that the decision on the commission's constitution should also have been deferred till the date of poll, 13 October."

The poll panel also criticised the government for not referring the matter to the EC for its views because the issue had the potential for influencing a section of the voters. On the other hand,

the EC observed, the government sought its views on changing the policy on subsidy for Haj pilgrims. "The EC hopes that such lapses would be avoided in future."

Later at a press meet, an EC spokesman denied suggestions that it was a "little softer" on the Centre. Earlier, the EC had threatened to derecognise political parties for violation of the model code of conduct.

The Congress said it would abide by the EC's rejection. "If the EC thinks the proposal to set up the commission is a violation of model code of conduct at this stage, we accept it and will take up the issue only after the completion of polls," AICC spokesperson Ms Jayanti Natarajan said. "The promise to extend reservation to religious and linguistic minorities is included in the UPA's Common Minimum Programme."

The BJP hailed the EC's observation and said the Congress-led government's move on reservation for minorities ahead of polls in Maharashtra and Arunachal Pradesh had exposed its "communal and divisive face", adds PTI. The EC's action had thwarted the UPA's attempts to pursue their "communal agenda under the mask of secularism", BJP spokesman Mr Mukhtar Abbas Naqvi said.

8 NOV 2004

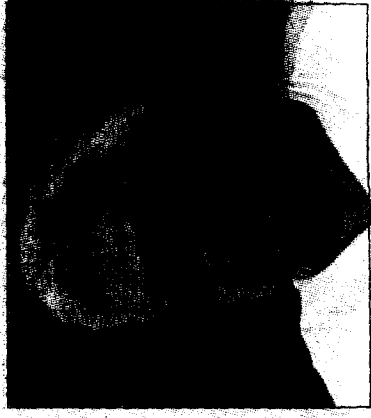
পর্যবেক্ষকদের গায়ে হাত পড়লে রাজ্যেই নির্বাচন বাতিল বিমানের বিরুদ্ধে মামলা, সিপিএম-কে শোকজ

আজকালের প্রতিবেদন: কলকাতা ও দিল্লি— সি পি এম পলিটব্যুরো নেতা বিমান বসুর বিরুদ্ধে মামলা করার নির্দেশ দিল নির্বাচন কমিশন। বিমান বসু শনিবার কয়েকজন পর্যবেক্ষক সম্পর্কে যে বিবৃতি দিয়েছিলেন তা অত্যন্ত উত্তেজনাকর বলে নির্বাচন কমিশন তার নিন্দা করে ৪ দফা সিদ্ধান্ত নিয়েছে। নির্বাচন কমিশন সি পি এম-কে শো-কজ করেছে। শো-কজের জবাবে সস্তুষ্ট না হলে সি পি এমের দলীয় প্রতীক ও স্বীকৃতি বাতিল হয়ে যেতে পারে। নির্বাচন কমিশন রবিবার এক সাংবাদিক সম্মেলনে এ-ও বলেছে, যদি বিমান বসুর প্ররোচনার জন্য আজ দলীয় কর্মীরা নির্বাচনী প্রক্রিয়া বিষয়ে দেন বা পর্যবেক্ষকরা যদি তাদের জন্য কাজে বাধা পান তবে গোটা রাজ্যে নির্বাচন বাতিল করে দেবে কমিশন। আগামী ৭ দিনের মধ্যে সি পি এম-কে এই শো-কজের জবাব দিতে হবে। নির্বাচন কমিশনের সাংবাদিক সম্মেলনের আগেই বিমান বসু রবিবার বলেছেন, 'দু-একজন পর্যবেক্ষককে আমার পছন্দ হয়নি। একটু উত্তেজিত হয়ে বলেছিলাম। কেন্দ্রীয় নির্বাচন কমিশনের বিরুদ্ধে আমার কোনও মন্তব্য ছিল না।' নির্বাচন কমিশনের সাংবাদিক সম্মেলনের পর দিল্লিতে সি পি এমের কেন্দ্রীয় কমিটির পক্ষ

থেকে বলা হয়: সি পি এমের নির্বাচন কমিশনের ওপর পূর্ণ আস্থা রয়েছে। পশ্চিমবঙ্গে সূক্ষ্মভাবে নির্বাচন করার জন্য কমিশন যা করছে তার ওপরও ভরসা আছে সি পি এমের। পল মনে করে রাজ্য সরকারের সাহায্যে এ রাজ্যে অবাধ ও শান্তিপূর্ণ নির্বাচন হবে। শনিবার সি পি এম পলিটব্যুরো নেতা ও বামফ্রন্ট চেয়ারম্যান বিমান বসু বলেন, যেসব পর্যবেক্ষক তাঁদের এজিয়ারম্যান বিমান বসু বলেন, যেসব তাঁদের যাড় ধাক্কা দিয়ে থানায় ধরিয়ে দেওয়া উচিত। রবিবার এই খবরের ক্রিপিং নির্বাচন কমিশনের কাছে চলে যায়। তারপর তা নিয়ে দিল্লিতে নির্বাচন সাদনে বৈঠক হয়। সঙ্গে সাতটায় উপনির্বাচন কমিশনার এ এন ব্যা একটি সাংবাদিক সম্মেলন করেন। তিনি বলেন, বিমান বসু নির্বাচনী প্রক্রিয়ায় হস্তক্ষেপ করে তীব্র উত্তেজক বিবৃতি দিয়েছেন। এতে নির্বাচনী প্রক্রিয়া বিষয়ে যেতে পারে। তাঁর বিবৃতি পর্যবেক্ষকদের হুমকি দেওয়ার নামান্তর। এই কারণে কমিশন ৪ দফা সিদ্ধান্ত নিয়েছে।

(১) রাজ্য মুখ্য নির্বাচন আধিকারিক বাসুদেব ক্যানাজিকে বলা হচ্ছে ভারতীয় দণ্ডবিধির ১৫৩, ১৭১সি (২), ১৮৯, এরপর ৫ পাতায়

কমিশনের বিরুদ্ধে বলিনি,
ক্ষোভ কিছু পর্যবেক্ষকের
আচরণেই : বিমান



Decision on Chapra after studying report: EC

By J. Venkatesan

NEW DELHI, MAY 4: The two Election Commission officials, who visited the Chapra Lok Sabha constituency in Bihar to probe allegations of largescale violence during the April 26 polls, are preparing a report and a decision will be taken after examining it.

The Deputy Election Commissioner, A.N. Jha, said today: "The team returned to Delhi on Monday and was preparing a report. The Commission will take appropriate decision after perusing it," he said. "When asked when the decision would be taken, he said: "No time or date has been decided."

The Commission's Adviser, K.J. Rao, and the Principal Secretary, Ananth

Kumar, went to Chapra after the Bharatiya Janata Party demanded the countermanding of polls in the constituency where the RJD supremo, Laloo Prasad Yadav, and the Union Minister, Rajiv Pratap Rudy, contested.

The BJP had alleged booth-capturing, rigging and violence by supporters of Mr. Yadav during polling. While Mr. Yadav denied any irregularities and violence by his men, the BSP and the Samajwadi Party too joined the BJP on Monday in demanding the countermanding of the polling there.

Shifting of officials

Mr. Jha said the Commission had ordered shifting of the Returning Officer-cum-District Magistrate, Rashid Ahmed

Khan, and the Superintendent of Police, Banka district of Bihar, K.M. Lal, with immediate effect following complaints that they shared the dais with the Chief Minister, Rabri Devi, in violation of the model code of conduct. The Minister of State for External Affairs, Digvijay Singh, contestant was the complainant.

The Commission said that 45,351 polling stations set up for the third phase of polls tomorrow had been declared either 'sensitive' or 'hypersensitive'. Over 1.8 lakh polling stations had been set up for polling in 83 constituencies where 107 million people are expected to cast their votes. Out of the 37,000 polling stations in 30 Lok Sabha constituencies in Uttar Pradesh, 19,800 had been declared either sensitive or hypersensitive.

EC begins its probe in Chapra

PRESS TRUST OF INDIA
CHAPRA, MAY 2

A TWO-member team from the Election Commission on Sunday began its inquiry into complaints of booth capturing and violence allegedly by activists of the ruling RJD, during polling in the Chapra Lok Sabha constituency on April 26. RJD supreme Laloo Yadav crossed swords with Union minister Rajiv Pratap Rudy for this parliamentary constituency.

The team comprising K.J. Rao and Ananth Kumar left Patna for Chapra, stopping at several places in the Sonbhadra constituency to ask villagers about situation during the



Ananth Kumar with Laloo Yadav in Patna on Sunday. PTI

polling. While locals at Gangajal were peaceful, hardly five kilometers away at Bharpura, voters

BJP workers accused in Chapra blast

CHAPRA: Four persons, allegedly BJP workers, have been named accused in the FIR lodged in connection with an explosion in Chapra on April 25.

Bhupendra Singh and Vimesh Singh were killed when bombs they were making allegedly for use during polling in Chapra, exploded at Samkauria village under the Ishwari police station in Bihar's Saran district.

Police said Bhupendra Singh and Vimesh Singh were alleged BJP workers. Jitendra Singh and Jagdish Singh Samkauria have also been named accused.

ers alleged that the district administration attempted to rig the elections in favour of the RJD chief.

The EC officials stopped at Atsitaganj and Dumri too, where a group of RJD supporters sitting on dharna alleged that BJP activists prevented them from voting and also indulged in booth capturing.

RJD chief Laloo Yadav met the EC team on its arrival at the Patna airport and sought to depose before it in Chapra later in the day to explain his position.

The EC had on April 29 ordered a detailed inquiry into complaints of booth capturing in the Chapra constituency, following appeals by the NDA to countermand polls in view of large-scale violence and rigging allegedly by RJD activists.

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EC notice to BJP

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● 'Sari distribution a violation of code'

By J. Venkatesan

NEW DELHI, APRIL 16. The Election Commission today took a serious view of the distribution of saris in Lucknow resulting in a stampede that killed 22 persons, and issued a showcause notice to the Bharatiya Janata Party asking the party to explain why action should not be taken against it for "breaching" the model code of conduct.

The Deputy Election Commissioner, A.N. Jha, told presspersons that the notice would be served on the BJP's central leadership and explanation sought within seven days for "distributing largesse to voters during campaign time."

The stampede occurred when saris were distributed during the birthday celebration of the senior BJP leader, Lalji Tandon, and the major Opposition parties had approached the Commission seeking stern action against Mr. Tandon, the organisers of the function and the BJP.

Mr. Jha said that based on the report and materials sent by the Uttar Pradesh Chief Secretary and the Chief Electoral Officer, "the Commission is *prima facie* satisfied with the evidence before it that there has been violation of the code." Asked to elaborate, Mr. Jha said: "You are distributing largesse when the election process is on and it is a violation of the code and the party has to answer for it."

To a question whether the notice would also go to the Prime Minister, Atal Bihari Vajpayee, he said that in this case there was no bearing on the

candidature of the Prime Minister, the BJP nominee for the Lucknow constituency, as he was not present there and he was not the candidate on that date.

While Mr. Tandon was identified as the key person responsible for the tragedy, the State Government had been asked to find out the other persons involved in organising the function.

Mr. Jha said Mr. Tandon was not notified as the election agent on the day of the incident, but the case clearly related to violation of the code.

The Commission asked the State Government to register a case of bribery and illegal gratification against Mr. Tandon. Cases should be registered against all others involved too, it said. It also ordered the transfer of the District Magistrate and the Senior Superintendent of Police of Lucknow for "failure" to take preventive action against the organisers.

Chennai Collector shifted

The Election Commission ordered the transfer of the Collector of Chennai following complaints against him. Asked what the allegation was, Mr. Jha said: "We have done our inquiry and found there is something amiss."

Further, considering the nature of the complaints received, he said, the Commission had decided to post three additional observers, one each in the South, Central and North Chennai constituencies.

Reactions: Page 13

গণপ্রজাতন্ত্রী বাংলাদেশ
১৫/৪/০১
লক্ষ্মীয়েব পুন্সিসবকর্তা, জেলাশাসক বদলি
১-৪-০১
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শাড়ি : যুযেব দায়ে লালজি, বি জে পি-কে শো-কজ কমিশনের

আজকালের প্রতিবেদন: দিল্লি, ১৬ এপ্রিল— প্রধানমন্ত্রীর নির্বাচনী কেসে ভোটের আগে যুযেব দিল্লি ভোট কেনার চেষ্টার অপরাধে লালজি ট্যান্ডনের বিরুদ্ধে উত্তরপ্রদেশ সরকারকে বিধি অনুযায়ী একে আই আর করার নির্দেশ দিল নির্বাচন কমিশন। লক্ষ্মীয়ে শাড়ি বিতরণের ওই মর্মান্তিক ঘটনায় নির্বাচনী আচরণবিধি ভাঙা হয়েছে বলেই মনে করে কমিশন। তাই বি জে পি-র কেন্দ্রীয় নেতৃত্বকে কমিশন আজ 'শো-কজ' নোটসও ধরিয়েছে। সাত দিনের মধ্যে এর জবাব দিতে হবে। লক্ষ্মীয়েব জেলাশাসক ও সিনিয়র পুলিশ সুপারের বদলির নির্দেশও দিয়েছে কমিশন। কমিশনের এই তিন দফা সিদ্ধান্তে স্পষ্ট, ওই ঘটনার সঙ্গে জড়িত থাকার দায় বি জে পি এড়িয়ে যেতে পারবে না। লালজি ট্যান্ডন এবার বাজপেয়ীর মনোনয়নপত্রের একজন প্রস্তাবক হলেও

কমিশন বাজপেয়ী সম্পর্কে কোনও স্পষ্ট ইঙ্গিত দেয়নি। গতকাল উত্তরপ্রদেশের মুখ্যসচিব ও মুখ্য নির্বাচনী অফিসার ১২ এপ্রিলের ওই ঘটনার দুটি আলোচনা আলোচনা রিপোর্ট পাঠান কমিশন। ওই রিপোর্ট পরীক্ষার পর কমিশন আজ এই তিন দফা সিদ্ধান্ত নিয়েছে। লালজির বিরুদ্ধে ভারতীয় দণ্ডবিধির ১৭১বি ধারা অনুযায়ী একে আই আর দায়ের করার নির্দেশ দেওয়া হয়েছে। ভোটের সময় ভোটারদের প্রলোভন দেখানো এই ধারা অনুযায়ী দণ্ডনীয় অপরাধ। উল্লেখ্য, লক্ষ্মী জেনা প্রশাসন ওই ঘটনার পর একে আই আর-টি দায়ের করেছিল। তাতে লালজির নামই ছিল না। কংগ্রেস প্রথম দিন থেকে লালজির বিরুদ্ধে একে আই আর করার দাবি জানিয়ে আসছিল। মূলতঃ সরকার লালজিকে ছাড় দেওয়ার চেষ্টা করলেও, কমিশন তাতে বাগড়া দিল। প্রথম দিন থেকেই বি

জে পি গোটা ঘটনার দায় এড়াতে নিজেদের হাত ধুয়ে বসে ছিল। বারবারই বলা হচ্ছিল, অনুষ্ঠানটি ছিল লালজির ব্যক্তিগত অনুষ্ঠান। নির্বাচন কমিশন উত্তরপ্রদেশ বা লক্ষ্মীয়েবের বি জে পি নেতৃত্বকে নয়, কেন্দ্রীয় নেতৃত্বকে জবাবদিহির নোটস ধরিয়েছে। লক্ষ্মীয়েবের জেলাশাসক জানিয়েছিলেন, আয়োজকেরা লিখিত অনুমতি চেয়েছিল। কিন্তু ১৪৪ ধারা জারি থাকার দরুন প্রশাসন সেই অনুমতি দেয়নি। এর পরেও কী করে হাজার হাজার মানুষ সেখানে জড়ো হলেন? জেনা প্রশাসনের এই ব্যর্থতার জন্যই কমিশন জেলাশাসক এবং পুলিশ সুপারকে সরানোর নির্দেশ দিয়েছে। কংগ্রেস মুখপাত্র আনন্দ শর্মা বলেন, কমিশনের এই সিদ্ধান্তে এটা স্পষ্ট হল, প্রধানমন্ত্রীর

কেসে ওই দিন নির্বাচনী আচরণবিধি ভাঙা হয়েছিল। প্রধানমন্ত্রী তাই এর দায় এড়িয়ে যেতে পারেন না। তাঁর বিরুদ্ধেও উপযুক্ত ব্যবস্থা নেওয়া উচিত। কমিশন সিদ্ধান্তে এর কারণ ব্যাখ্যা করে বলেন, ভোটের সময় অনেক ক্ষেত্রে দেখা যায় প্রার্থী নিজে অথবা তাঁর এজেন্ট সরাসরি কোনও বিধি ভাঙেন না, কিন্তু প্রার্থীর ঘনিষ্ঠ কেউ এই ধরনের কাজ করেন। দায় কিন্তু প্রার্থীর ঘাড়ই। ৩ বিধায়ক বহিষ্কৃত: উত্তরপ্রদেশে ৩ বিধায়ককে আজ দল থেকে বহিষ্কার করেছে বি জে পি। অভিযোগ, লোকসভা নির্বাচনে এরা দলীয় প্রার্থীর বিরুদ্ধে কাজ করছিলেন। নাম নরেন্দ্র বর্মা, বাদশা সিং, মায়াকেশ্বর শরণ সিং। লক্ষ্মীয়েব রাজ্য বি জে পি-র সভাপতি বিনয় কাটিয়ার আজ একথা জানান।

THURSDAY, APRIL 15, 2004

Vv

ELECTION COMMISSION AS CENSOR

of Election (C&C)
RD-10 15/4

HAVING ASKED THE Election Commission to monitor all political advertising on television channels and cable networks, the Supreme Court has through its April 2, interim order settled a detailed scheme for vetting such advertisements. Under this, the Election Commission has been pitchforked into the extraordinary role of a censor, one that neither the Constitution nor the relevant statute envisaged. The Supreme Court, using its extensive discretionary authority under Article 142 of the Constitution — which empowers the apex body to pass any order necessary for “doing complete justice in any cause or matter pending before it” — has vested the Commission with two broad responsibilities. First, it will be the “sole authority” to decide whether any political advertisement is fit to be aired on television or rejected on the grounds that it offends “morality, decency and religious susceptibility.” Secondly, in the event of such advertisements being telecast without prior clearance, the Commission is empowered to take a number of punitive steps, including seizing the equipment of the offending television channel or cable network.

The Court has made it clear that this is an interim arrangement, that will hold good between April 16 and May 10, that is, during the remains of the 2004 electoral process. Clearly, the immediate focus of the Court’s attention was on putting measures in place to stop advertisements that engage in personalised attacks or mudslinging of the kind that has been aired recently. Of particular concern were surrogate advertisements sponsored by organisations that were formally unconnected with political parties, but clearly fronts for them. A string of advertisements, put out by an obscure trust, portrayed the Prime Minister, Atal Bihari Vajpayee, as a police informer during the Quit India movement of 1942. Another, also released by a trust, obliquely questioned the Congress president, Sonia Gandhi’s commitment to the country by harping on her foreign

origin. These were aired shortly after the Andhra Pradesh High Court had stayed the operation of Rule 7(3) under the Cable Television Networks (Regulation) Act, an obscure provision that both the Centre and the Election Commission were in favour of invoking for rather different reasons.

The Supreme Court has temporarily stayed the Andhra Pradesh High Court’s order but it has not yet taken a final view of the main issue. This relates to the legal validity of Rule 7(3), a sweeping provision that fails to distinguish between legitimate political advertising and that which is, to use the Supreme Court’s phrase, “shocking, disgusting and revolting in nature.” When it became apparent that the Centre was toying with the idea of clamping a ban on all political advertising on the basis of Rule 7(3), its legal validity was challenged by some private television networks, which have advanced the reasonable argument that the Rule is discriminatory and unreasonably restrictive. The Supreme Court’s intervention is in the form of a stopgap measure: aimed at checking the abuse of political advertising during election time. Interim though the Court’s order is, it raises some questions of a worrying nature. Why should political advertisements be subject to severe conditions, above all pre-censorship? Would it not have been enough to have let the Election Commission intervene whenever an objectionable ad was brought to its notice rather than give it the extraordinary powers of Censor-in-chief? What are the implications of giving the Commission, which is constitutionally responsible only for the conduct of free and fair elections, the power to restrict what appears in the news media and even the power to punish them? Fortunately, this extraordinary role will end on the last polling day of this general election. But the basic questions revolving round the constitutional validity of Rule 7(3) and a framework for dealing with offensive ads on television will wait for a final determination by the apex court.

THE HINDU

15 APR 2004

HD-1 8/24

Chautala defies EC order

NEW DELHI, APRIL 7. The Haryana Chief Minister, Om Prakash Chautala, today challenged the Election Commission's directive asking him to shift the State's Director-General of Police, M.S. Malik, to a post not connected with election work on the ground that his wife, Krishna, was the ruling INLD candidate for the Sonapat Lok Sabha seat. Mr. Chautala not only refused to send a panel of names for the post, as directed

by the Commission, but also raised an accusing finger at the Deputy Prime Minister, L.K. Advani, for what he called "influencing" the Commission.

"I will never send a panel in this regard, let me see how the Election Commission appoints one from within the State or from outside," Mr. Chautala said.

Mr. Chautala justified his decision saying that Ms. Krishna's democratic right to contest

elections could not be suppressed by her husband being the police chief. "If the Commission's logic is to be followed then my two sons — one contesting from Bhiwani and other from Kurukshetra — should not be allowed to fight the election since their father is the Chief Minister of the State." — UNI

'Will ensure compliance'

Our Chandigarh Special Correspondent reports:

The Election Commission would ensure that the Haryana Government implemented its directions on Mr. Malik's transfer, the Chief Election Commissioner, T.S. Krishnamurthy, said here today.

Addressing a press conference, Mr. Krishnamurthy said that the Commission had nothing against Mr. Malik as an individual and the transfer was being sought to maintain neutrality.

EC for prior clearance of political ads

● Supreme Court hearing today

By J. Venkatesan

2. Election Commission (EC)

NEW DELHI, APRIL 4. The Election Commission is in favour of the national and recognised political parties and individuals or institutions getting clearance from the Commission before the telecast of any political or surrogate advertisements on television channels or cable networks.

This was among several options decided at the Full Commission meeting on Saturday evening which discussed the Supreme Court's direction to the Commission on April 2 to suggest the modalities and the mechanism to monitor the telecast of political advertisements.

Sources told *The Hindu* that since it would be impossible to monitor every advertisement, it would be better if the political parties or individuals were asked to submit the advertisement to the Commission 10 days prior to the proposed telecast and obtain a certificate of clearance.

It was suggested at the meeting that a committee headed by a Deputy Election Commissioner could be empowered to view every advertisement. On April 2, the Supreme Court banned the telecast of all political or surrogate advertisements on cable networks and television channels which offended "the law of the land, morality, decency and religious susceptibility of viewers, and are shocking, disgusting and revolting." This was done to prevent mudslinging by political par-

ties and individuals through direct or surrogate advertisements. The court has posted the case for further hearing tomorrow. The Commission is expected to submit the above suggestion to the Supreme Court tomorrow for approval.

The suggestion is that all national and recognised political parties submit the proposed advertisements before telecast to the Commission in Delhi. All registered but unrecognised political parties will submit the advertisements to Chief Electoral Officers in the States.

Any violation in the telecast of advertisements after the issuance of the certificate could be brought to the notice of the Commission or its observers for an appropriate action. The advertisements telecast in local cable networks could be brought to the observers' notice. The Commission said the print media could be subjected to such a mechanism, subject to the approval of the apex court.

The Supreme Court is hearing a special leave petition filed by the Centre challenging an interim order of the Andhra Pradesh High Court staying the operation of Rule 7(3) of the Cable Television Network Rules, 1994, under which no advertisements shall be permitted, the objective whereof is of a religious or political nature and advertisements must not be directed towards any religious or political end.

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THE HINDU

5 APR 1994

'Informer' PM target of new attack EC puts ad row ball in govt court

STATESMAN NEWS SERVICE

NEW DELHI, March 27. — Yet another surrogate election advertisement — this time making an oblique reference to the Prime Minister — hit the air waves today even as the Election Commission asked the government to arbitrate on the propriety of "personal attacks".

The new ad being aired on a private TV channel begins with black-and-white clips of the Quit India Movement and ends with a "letter" that has a portion circled. This is purported to have been written by Mr Atal Behari Vajpayee seeking his release from detention.

The ad, which ends with the message "*Mukhibiron (informer) ke haton mein satta! Kabhi nahin,*" has been sponsored by Sajji Virasat Trust, the organisation that had earlier released an ad taking digs at the "India Shining" campaign.

Around the same time the ad was on air, the Election Commission said it did not have any power to take any direct action on complaints such as those by the Congress on the surrogate ad on "foreigners ruling India", and referred the matter to the I&B ministry, the "competent authority" to "examine" them and take "appropriate action under the law" against erring TV channels.

"The EC has asked the I&B secretary to take appropriate action against the TV channels airing the ads," poll panel spokesman Mr AN Jha said. The ministry has been asked to report back to the commis-

sion by 29 March.

The Congress had complained against the ad, sponsored by Kamakshi Educational Society, which speaks of disallowing a foreigner to rule India, a covert reference to the party chief.

Refusing to say whether the ads were prima facie violative of the model code of conduct, Mr Jha said the I&B ministry was the competent authority to take action against TV channels airing the ads. "There are provisions under which the ministry can prevent ads violative of the overall advertisement code."

Section 7(3) of the Act, struck down by Andhra High Court, relates only to ads with a political and religious content, he said. There are other sections that deal with ads violating the overall advertisement code. "Under these, the government can regulate and prohibit transmission of such ads."

Ministry sources said they were yet to receive any official communication in this regard. The ministry, they said, prefers a complete ban on all political ads since it lacks the wherewithal to deal with the matter.

The EC, its spokesman said, has already urged political parties not to indulge in campaigning that attacks individuals. It'll discuss the issue again with all recognised political parties on 6 April.

On the controversy over free passes being offered by IA, Mr Jha said the civil aviation ministry and the airlines had been asked not to do so while the code of conduct is in place.

HC steps in for cable ads, EC in a fix

SANTWANA BHATTACHARYA
NEW DELHI, MARCH 23

THE Election Commission is caught in a peculiar situation with the Andhra Pradesh High Court, in an interim order, suspending Rule 7(3) of the Cable Network Regulation Act, 1995 that bars political advertisements in the electronic media.

Reacting to the HC order, EC spokesperson and Deputy Election Commissioner A.N. Jha said the commission is awaiting a copy of the order and will decide the next course of action only after studying it thoroughly.

What has made matters worse for the EC is the fact that the 'advertising code' of the Cable Network Regulation Act 1995 passed by Parliament — applicable at all times — prohibits advertisements of political and religious nature, but is not related to elections as such.

Ad on Bhagat Singh offends Cong, says it maligns Sonia

NEW DELHI: The Congress on Tuesday complained against an advertisement allegedly released by the Kamakshi Education Society that was being aired on some news channels. Marking Bhagat Singh's martyrdom, the advertisement says that Bhagat Singh, along with other national icons, threw out the *videshi* right to realise self-rule. The advertisement then depicts the atrocities committed by "foreigners." And then, without taking Congress president Sonia Gandhi's name, talks about how some people in India are trying to install a *videshi* in power. The advertisement ends by saying that this will not be allowed at any cost. Reacting to the advertisement, the Congress said it was slanderous and defamatory and it would complain to the EC.



In a letter to the Commission, Congress general secretary Oscar Fernandes said, "The advertisement not only seeks to incite violence but otherwise offends against good taste and decency. It also contains words which are of a slanderous nature and seeks to malign Sonia Gandhi by suggestion." Congress spokesman Kapil Sibal said the advertisement was inciting violence and called it for prosecution.

Just as it prohibits advertisements that derides any race/caste/creed or anything that incites violence, the Act states: "No advertisement shall be permitted the objects whereof are wholly or

mainly of a religious or political nature; advertisements must not be directed towards any religious or political end."

While Gemini Television Network had filed a petition in the wake of a circular sent by the EC to the government, drawing attention to the provision of the Act and asking it to implement it, sources in the EC said: "Parliament and the government should decide the next course of action. How do we (EC) come in the picture? It is not related to elections, the issue addresses basic tenets of the Constitution. Besides, the Andhra Pradesh HC had put a stay on the EC's directive banning political advertisement during the polls way back in November 2003. Today's ruling is on the parliamentary Act."

It was in February this year that the Commission discovered this particular provision of the Act. In fact, it was brought to the EC's notice by the Law Ministry, which di-

rected the government to find ways to implement it.

"The idea is to also provide a level playing ground for all political parties. Not all of them can afford ads on prime time TV," the sources in the EC said.

However, both political parties and TV networks have been crying foul about the revenue lost in the process and saying "the right of the public to know" has been denied.

With the campaign pitch rising, the ball seems to have landed in the EC's court again. "But it is not entirely under our purview. However, the Supreme Court may have to sort out the matter," a source in the EC said.

For the broadcasters who charge anywhere between Rs 10,000 and above for a 30-second political commercial, the court order could not have come at a more appropriate time. Jawahar Goel of Zee said broadcasters with the Indian Broadcasting Foundation stand to make

nearly Rs 60 crore from political advertising.

Television advertisements, broadcasters say, are cheap and reach out to a wider audience whereas print advertisements target only the literate few. Simply put, they add, print media is restricted to the local audience while television reaches out to the widest audience possible.

"Television audience comprises all kinds of people: literate, semi-literate, the old and the young, and political advertisements will target the huge mass not once but through the day," says a broadcaster.

A Congress leader said, "The Congress has been in favour of advertising that is not personal and slanderous and which follows the programme code prescribed by the electronic media." The BJP said it has always been in favour of political advertisements but will wait for a clear directive from the Election Commission.

EC to issue new guidelines

● Concern over 'sustained personal attacks on Sonia'

J. Venkatesan

HD-1 28/3

By J. Venkatesan

NEW DELHI, MARCH 22. The Election Commission plans to issue new guidelines to political parties on the need to conduct a dignified campaign in the backdrop of complaints against the Tamil Nadu Chief Minister, Jayalithaa, for persistently raising the foreign origin of the Congress president, Sonia Gandhi, in the run-up to the general elections.

Highly-placed sources in the Commission indicated to *The Hindu* its thinking on the complaints lodged by the Democratic Progressive Alliance in Tamil Nadu against Ms. Jayalithaa; the AIADMK manifesto includes Ms. Sonia's

foreign origin and the Chief Minister raises it in her election campaign. The sources said: "We have scrutinised the manifesto. Being a political document, foreign origin may be a political issue, which is nothing objectionable. But what is worrying us most is the sustained personal attacks of Ms. Jayalithaa in her public meetings and (the) election campaign against Ms. Sonia Gandhi on the question of foreign origin."

Asked about the proposed action, the sources said the model code of conduct was clear that political parties should avoid personal attacks during election campaign.

Since many leaders and parties were not scrupulously following this, the Commission was likely to issue new guidelines.

Asked about the AIADMK's complaint against the DMK alleging that it was mobilising election funds from aspiring candidates in excess of the prescribed limits per constituency, the sources said the Commission would seek an explanation from the DMK. Action would depend on its explanation.

The Commission clarified that there was no ban on undertaking drought relief works by the State Governments as long as the officials carried out such works without Ministers' participation.

Publish defaulters' names, court tells EC

TIMES NEWS NETWORK

New Delhi: The Delhi high court on Monday directed candidates, including sitting MPs who are contesting elections, to submit an affidavit to the Election Commission (EC) regarding their dues to MTNL, NDMC or ITDC. After taking the affidavits, the high court has asked the EC to publicise the list. Chief Justice B.C. Patel and Justice B.D. Ahmed said, "The EC shall take effective steps to publicise the information furnished by candidates with regard to govern- ment dues in at least two local dailies."

Pay Slip-Up

- ▶ 656 sitting and former MPs owe MTNL Rs 11.18 cr
- ▶ 669 MPs have to pay Rs 6.32 crore to NDMC
- ▶ Ghani Khan Chaudhary owes Rs 41.31 lakh to MTNL, Rs 30 lakh to NDMC
- ▶ Chandra Shekhar owes NDMC Rs 7.1 lakh, Deve Gowda owes Rs 76,772
- ▶ Youth Congress owes MTNL Rs 26.21 lakh

When EC's counsel S.K. Mendiratta said that getting the list published would entail a lot of expenses, the court observed, "When so much can be spent on 'Feel Good', why can't it be spent on informing voters?" With regard to furnishing of no-due certificates, which the candidates were earlier supposed to obtain from the authorities before filing their nomination papers, the court declined to make it mandatory.

The court also issued notices to the secretaries

general of the Lok Sabha and Rajya Sabha.

Publicise candidates' dues, Court tells EC

● 'Commission should play pro-active role'

By Nirnimesh Kumar

NEW DELHI, MARCH 1. The Delhi High Court today directed the Election Commission to widely publicise the information provided by candidates, including the former and present Members of Parliament or Members of Legislative Assemblies, at the time of filing nominations for contesting elections, about their financial liabilities to banks or dues to be paid on the use of public utilities such as telephone, electricity and water.

The Court directed the Commission to play a proactive role in the dissemination of such information to help voters decide on their candidates.

A Division Bench of the Court, comprising the Chief Justice, Justice B.C. Patel, and Justice B.D. Ahmed, issued the orders on a public interest litigation petition, pending since 1998, seeking directions to various Government public utilities to recover the dues from the defaulting former and sitting MPs.

As per the 2003 Supreme Court judgment, it is now mandatory for each candidate contesting the Lok Sabha or Assembly elections to furnish details in an affidavit about his/her criminal background, if any, and the financial liabilities and pending dues to the banks and public service-providers.

The petitioner, Krishak Bharat, had sought directions to the New Delhi Municipal Council, the Mahanagar Telephone Nigam Limited, the Central Public Works Department and the Indian Tourism Development Corporation to recover the dues running into crores of rupees from hundreds of sitting and former MPs, which they owed to the four public utilities.

Counsel for MTNL had last year submitted to the Delhi High Court that Rs. 4.49 crores was to

be recovered from various political parties, and the Congress alone owed Rs. 49 lakhs to it. MTNL also had to recover about Rs. 9.47 crores from 617 former MPs and Rs. 2.2 crores from 83 sitting MPs.

Expressing serious concern over the dues from the MPs, the Bench said that "an informed voter is the foundation of democracy" and that the Commission shall publicise the information provided by the candidates along with their nomination papers in at least two local dailies.

The Bench made it clear that the advertisements to be issued by the Commission would be in addition to the news items to be published and telecast by the print and electronic media.

However, it clarified that the Returning Officers would not insist on the submission of the 'no-dues' certificates by candidates from the departments or the institutions concerned while filing the nomination papers.

The Commission had withdrawn a notification issued in December 2003 at the time of the just-concluded Assembly elections in the five States, making it mandatory for the candidates to submit the 'no-dues' certificates from public institutions or Government departments after they cleared the arrears.

When a suggestion for re-notifying the guideline had come from the High Court, counsel for the Commission submitted that it had no intention of implementing it in the coming Lok Sabha elections but if the Court directed it to do so, it would comply with it.

The Bench issued notices to the Secretaries-General of the Lok Sabha and the Rajya Sabha asking them to explain why the arrears of telephone, power, accommodation and travel bills of the defaulters were not deducted from their salaries, allowances and pension.

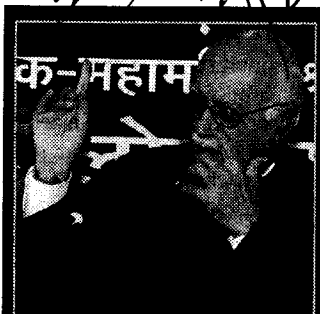
Air Force won't fly DPM: EC

PRESS TRUST OF INDIA
NEW DELHI, FEBRUARY 23

THE Election Commission on Monday rejected the Government's request for use of an IAF aircraft by Deputy Prime Minister L.K. Advani during the election campaign.

"The Commission has said that the existing instruction will continue. (The IAF aircraft) will only be for the PM," EC spokesman A.N. Jha said. Jha, however, refused to say when the EC sent its reply to the Government disapproving the request. The Commission had earlier said it had received the request from the Home Ministry.

Terming as "misleading" reports suggesting that top political leaders could now spend above the limit prescribed by the EC, he said only the travel expenses of desig-



EC turns down Govt request: IAF plane only to be used by the PM for poll campaigning

nated leaders of political parties would not be billed to the candidates. "Guidelines have already been issued during the previous round of Assembly elections last

Meanwhile, Advani slams security as status symbol

NEW DELHI: Deputy Prime Minister L.K. Advani on Monday suggested that the security provided to VVIPs should not be allowed to become a status symbol and it should not cause inconvenience to the common man. "Security should be there. But it should not be allowed to become a status symbol," he said releasing the Hindi translation of a book authored by Governor of Andhra Pradesh S.S. Barnala that speaks of his experiences once without security for 16 days. —PTI

year. The guidelines are clear and unambiguous," Jha said adding this would cover 40 leaders of recognised political parties and 20 leaders of unrecognised but regis-

tered parties. He made it clear that only travel expenses were excluded in the candidates' expenses and all other expenses would be included.

He also said proxy voting facilities would not be available to the wives of armed forces personnel or to the other categories not part of the armed forces. Similarly, embassy staff would not come in the category of proxy voting, Jha said.

To a question, Jha said many candidates have been disqualified for not submitting their statement of poll expenses in the last elections. Observing that the Commission had taken up the rationalisation exercise of polling stations following introduction of EVMs to see the existing polling stations were merged or de-merged, he said the number of polling booths across the country came down from 7.75 lakh in 1999 to seven lakh now.

EC favours four-phase elections

● Seeks information on school exams, festivals

By J. Venkatesan

gokul
EC

NEW DELHI, FEB. 20. The Election Commission indicated today that the Lok Sabha and Assembly polls in a few States would be held in four phases in April-May and the actual poll schedule would be announced at the "appropriate time" after considering factors such as school examinations, harvest, local festivals and weather conditions.

The Deputy Election Com-

missioner, A.N. Jha, told presspersons at the end of an all-party meeting that the Commission was "fine-tuning" the polling arrangements after hearing the views of all State Governments, political parties and the Central Government.

To a question, he said the model code of conduct would come into force only after the poll dates were announced.

In response to queries from the leaders of various political

parties, the Chief Election Commissioner, T.S. Krishnamurthy, cited a Supreme Court judgment, according to which the code would come into force only from the date of announcement of the poll schedule and there must be a minimum of three weeks from the date of notification till the commencement of the polls.

Mr. Jha said the Commission had completed formal consultations with the Chief Secretar-

ies, the Directors-General of Police, the Chief Electoral Officers of the States as well as the Union Home Secretary, Anil Baijal.

Declining to give any date for the announcement of the poll schedule, he said the Commission was working out the modalities and seeking inputs from the States on school examinations, the harvesting season, important festivals and the

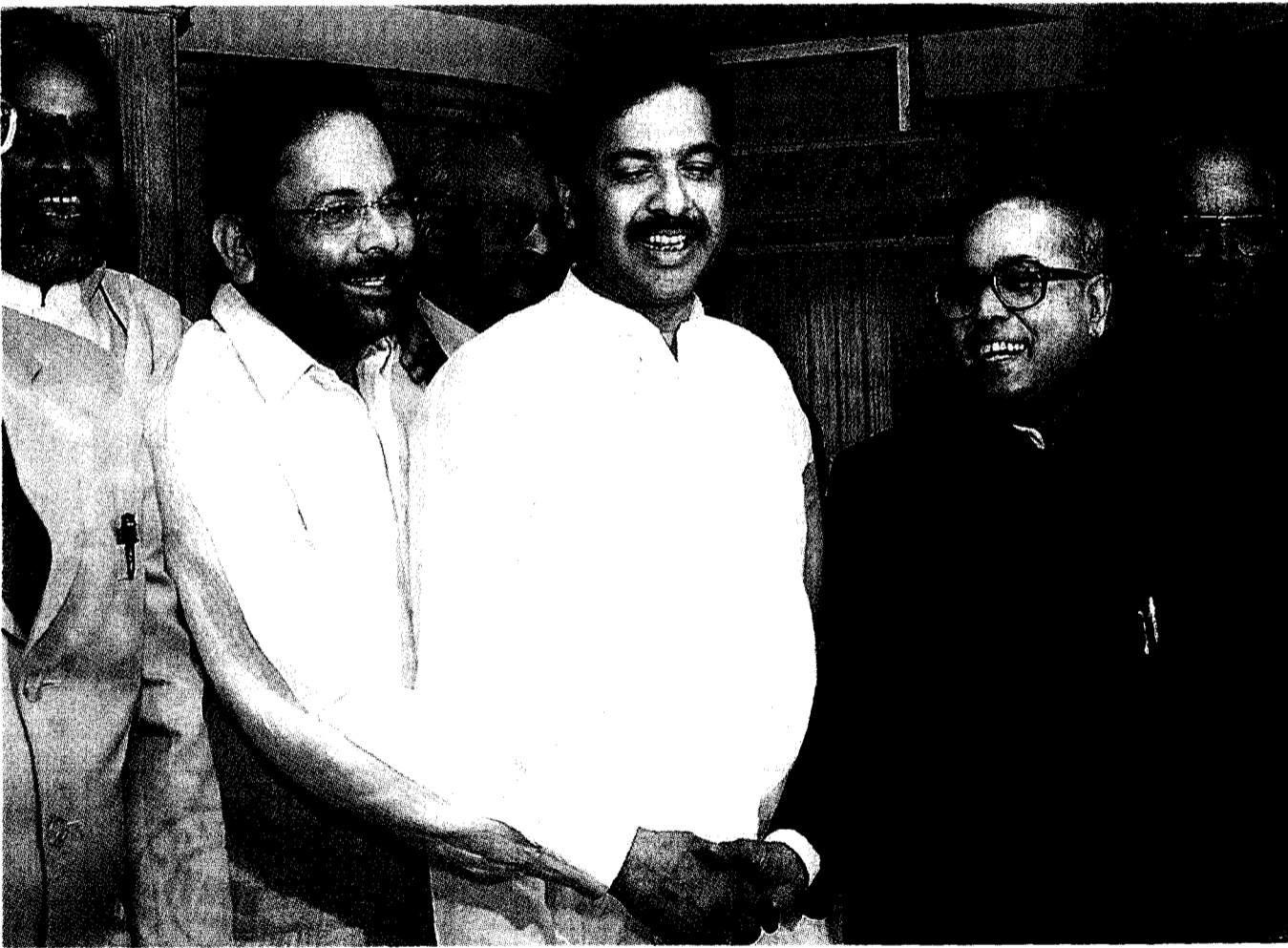
monsoon, and said "all this will be kept in mind before announcing the poll dates."

To a question, Mr. Jha said there would be a four-phase election schedule, similar to the pattern of the 1999 elections. The suggestion of most political parties to have a one-day poll would be considered, taking into account the availability of para-military personnel and the logistics of their deployment. The Assembly elections would be held simultaneously in Andhra Pradesh, Orissa, Sikkim and Karnataka, along with the Lok Sabha polls.

Mr. Jha said the Commission had agreed to look into all problems vis-à-vis, the electoral rolls, including deletion or addition of bogus voters in some States as alleged by political parties. The Commission had rejected the request of some political parties that Central forces alone should be deployed in all constituencies of a particular State, saying that it would not be feasible. Special attention would be paid to the naxalite-affected areas in Andhra Pradesh, Chhattisgarh, Maharashtra and Madhya Pradesh.

Asked whether the Commission had taken a decision on the Government's "request" for allowing the Deputy Prime Minister, L.K. Advani, to use IAF aircraft during electioneering as in the case of the Prime Minister, he said "we will get back to you when the decision is taken." On whether the request was a new one or the earlier letter written in November last, Mr. Jha said, "it is a new request from the Union Ministry of Home Affairs." To another query if the letter was written by previous Home Secretary N. Gopalaswami, who is at present one of the Election Commissioners, he said "no".

Parties for single-day polls in States: Page 11



The Congress leader, Pranab Mukherjee (second from right), greets the BJP leader, Mukhtar Abbas Naqvi, as the Telugu Desam Party leader Yerran Naidu (extreme left) and the BJP leader Pramod Mahajan (centre) look on prior to a meeting of political parties with the Election Commission in New Delhi on Friday. — Photo: V.V. Krishnan

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Statesman News Service 207

EC discusses poll security

NEW DELHI, Feb. 19. — Clearing the decks for the announcement of the poll schedule, the Election Commission today formally sought the government's views on the availability of paramilitary forces to oversee the smooth conduct of the Lok Sabha polls.

Chief Election Commissioner Mr TS Krishnamurthy and the two other Election Commissioners, Mr BB Tandon and Mr N Gopaldaswami, met Union home secretary Mr Anil Bajjal and discussed the law and order situation and requirement of security forces for the polls.

The meeting lasted over 30 minutes. EC sources, however, refused to reveal the exact requirement of security forces needed for the smooth conduct of the exercise.

In the run-up to the announcement of the poll schedule, the EC has already held three rounds of consultations with chief secretaries and top police officers from all states and Union Territories.

Tomorrow, a three-member poll panel will meet leaders of all recognised political parties to seek their views on the elections. The meeting is expected to focus on ways and means to strictly enforce the model code of conduct after the EC announces the poll schedule.

With this, the EC would have completed the entire pre-poll exercise, setting the stage for announcement of the poll dates over the weekend.

Poll publicity: Senior bureaucrats of the information and broadcasting ministry will meet Election Commission officials to discuss issues relating to

9. Election (Case)
publicity in the Lok Sabha polls.

With the electronic media bigger than ever before, such talks are necessary before a final decision regarding campaigning. For all the talks on the code of conduct, there are TV channels owned by political parties or having close links with them. How they'll function is a question.

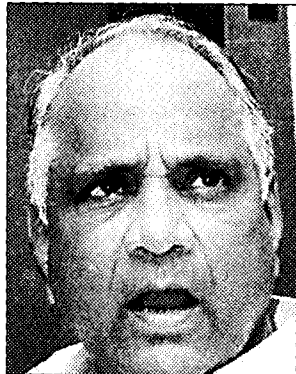
There is also the case of the recent Andhra Pradesh HC judgment, which has been interpreted by people to mean that a more 'liberal' attitude towards media issues is necessary. The government believes all the facts were not available at that time.

The I&B ministry will explain to the EC what the Cable Act says and what the private radio licence agreement is about. Much of this is relevant to the "India Shining" campaign, which I&B minister Mr Ravi Shankar Prasad said has cost less than Rs 500 crore.

EC reserves order in NCP symbol issue

Our Political Bureau
NEW DELHI 13 FEBRUARY

THE Election Commission has reserved its judgement on the dispute between NCP factions headed by Mr Sharad Pawar and Mr P A Sangma over the original party flag and election symbol.



PAWAR AND GLORY

Having heard the claims and contentions of both the parties over three hours today, the full commission led by chief election commissioner T S Krishna Murthy gave time till Thursday to the Sangma group to file additional documents in support of its claim. However, there would be no more hearing and the EC could pronounce its order any-time after Thursday.

During the hearing today, the Sangma faction staked claim to the NCP flag and "clock" symbol arguing that only his group had maintained the party's basic ideology against "foreign-born citizens occupying high offices."

"Our faction is the only true follower of the party ideology and must be allotted the party flag and clock symbol," Supreme Court lawyer Parag Tripathi told the EC on behalf of the Sangma faction.

New CEC wants India Shining ads to fade out

Our Political Bureau
NEW DELHI 8 FEBRUARY

BARELY two hours into his tenure as Chief Election Commissioner (CEC), Mr T.S. Krishnamurthy on Sunday pulled up the government by disapproving of the "India Shining" advertisements on election eve.

"Taxpayers' money should not be used for electoral advantages," he replied when quizzed about the propriety of the government showcasing its achievements on election eve. Although Mr Krishnamurthy qualified his statement saying that it was his personal opinion, it is sure to upset the government's elaborate plans to occupy the voter's mindspace ahead of the enforcement of the model code of conduct through a multi-crore media blitzkrieg tom-tomming its achievements.

It may be recalled that the "India Shining" advertisements had to be taken off the air and withdrawn from national dailies ahead of the Assembly polls in five states last December.

Termining it a violation of the model code of conduct, the EC had then directed the government to discontinue the ad campaign enlisting the Vajpayee government's achievements in all those states where elections were due.

A similar disapproval on Sunday, although the CEC insisted that he would not delve deeper into the issue since the model code was yet to take effect, may not only apply brakes on the free run of the successful "India Shining" series on Doordarshan and in print, but it may also ground efforts to document the Vajpayee government's successes through insertions in the media by autonomous bodies like the Planning Commission.

This was evident from Mr Krishnamurthy's appeal asking political parties, particularly those in power, to observe the model code of conduct "even now." He, however, clarified that the model code of conduct can officially be enforced by the Commission only after it has announced the poll schedule.

'POLL DATES AT APPROPRIATE TIME'

CEC slams NDA media blitz

5/1 9/12

Statesman News Service

NEW DELHI, Feb. 8. — On his very day in office today, chief election commissioner Mr TS Krishnamurthy made his mind known. "My personal view is as far as possible tax payers' money should not be used for electoral advantages."

The reference was to the Centre's advertisement blitz in the media ahead of the Lok Sabha polls. Admitting that the Election Commission's "model code of conduct" will come into effect once the election schedule is announced, Mr Krishnamurthy asked all political parties, particularly those in power, to start "observing the spirit of this code from now".

As for the poll dates, he said those would be declared at an "appropriate" time. He, however, dropped hints that the first phase of the polls could be held following the completion of various school board examinations by the first week of April. The commission, he said, likes to get the entire polling process over in less than five phases.

Flanked by the two election commissioners, Mr BB Tandon and Mr N Gopalaswami, Mr Krishnamurthy (63) was addressing a news conference after taking over as the CEC. Mr Gopalaswami, former Union home secretary, too took charge today.

Making it clear that the commission is in election mode, Mr Krishnamurthy said the poll schedule would be declared after completing "procedural formalities", which would include meetings with the Union home ministry as well as chief secretaries and state DGPs. "We're getting prepared, we've some options, election dates will be finalised keeping in view factors such as deployment of security forces, weather and other local conditions of states, and school exams."

The panel will make efforts to hold



Mr TS Krishnamurthy

elections simultaneous for the Lok Sabha and some state Assemblies. Andhra Pradesh, Orissa, and Sikkim have informed the commission about the dissolution of their Assemblies, he said.

The panel's top priority is to ensure "free and fair" polls. "We're focusing on clean electoral rolls, reduced electoral expenditure, and measures aimed at curbing election violence. The process to verify the accuracy of the rolls and update them is continuing, the arrangement for adequate EVMs is on course." The rolls will be ready in most states by February-end.

Referring to the entry of criminals into electoral politics, Mr Krishnamurthy said those persons should be disqualified from contesting polls against whom charges had been framed attracting a possible punishment of five years and more in prison.

Cong welcomes appeal: The Congress welcomed Mr Krishnamurthy's appeal to parties to start observing the "spirit of the EC's model code of conduct from now".

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20/1

Krishnamurthy is next CEC

● Row over 'move' to bring in outsider ends

By Our Special Correspondent

NEW DELHI, JAN. 19. T.S. Krishnamurthy, the seniormost among the Election Commissioners, will succeed J.M. Lyngdoh as the next Chief Election Commissioner. Mr. Lyngdoh retires on February 6. The decision puts an end to the controversy over the Vajpayee Government's efforts to bring in someone from outside the Election Commission as the next CEC.

A formal announcement was expected to be made on the President's return here late tonight, according to official sources.

The Prime Minister, Atal Bihari Vajpayee, is believed to have overruled his seniormost political and ministerial colleagues who were insisting that the ruling party was within its right to have a chief election commissioner of its choice. Till today, they were in favour of bringing in "an outsider" to head the Commission. The argument was that the ruling party should avoid the risk of another "Lyngdoh" as it prepared for the Lok Sabha election.

However, Mr. Vajpayee had before him the other point of view that there was considerable merit in honouring the tradition of the senior-most Election Commissioner getting promoted to the top slot. The Opposition parties had reacted adversely to the reports that the Government was proposing to bring in an outsider. A controversy over the "outsider" option would have detracted from the so-called "Vajpayee factor."

Also, it was an open secret that the two incumbent Election Commissioners — Mr. Krishnamurthy and B.B. Tandon — did not share all of Mr. Lyngdoh's views and perceptions.

The Vajpayee Government now has to decide who fills the

vacancy caused by the elevation of Mr. Krishnamurthy. For now, three senior Secretaries in key Ministries are deemed to be in the race.

The Government is likely to take a decision well in advance, so that a new and full Commission is in place by February 7 to address the task of organising the general election.

PM postpones visit

The Vajpayee Government has already announced its intention to seek a vote-on-account in the first week of February.

Today, it was officially announced that the Prime Minister had postponed his

scheduled visit to Australia and Thailand, confirming the Government's anxiety to rush the election schedule.

By the time the Election Commission gets reconstituted, Mr. Vajpayee will have advised the President to dissolve the Lok Sabha.

The new Election Commission then will have the responsibility of holding the Lok Sabha elections as soon as feasible. Mr. Vajpayee has already indicated his preference that a new government be in place by the end of April.

It is up to the Election Commission to see how far this political advice can be accommodated.

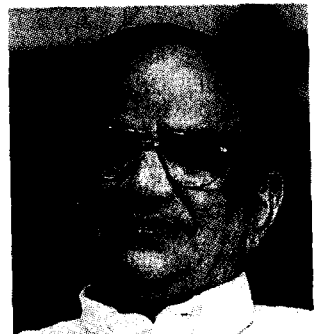
'Free polls my priority'

By Our Special Correspondent

CHENNAI, JAN. 19. "Our anxiety will be to conduct the general elections at the earliest. At the moment, I will not be able to give any commitment as we will have to discuss [the polls] with the Union Home Ministry and the State Governments before announcing the firm dates," said T.S. Krishnamurthy, the newly-appointed Chief Election Commissioner.

In an informal chat with reporters at the Chennai airport before emplaning for New Delhi after receiving the news of his appointment, Mr. Krishnamurthy said his first priority was to conduct free and fair elections.

The Election Commission was a collective organisation, he said and added that "whatever decision we take, we three will take the decision. Unfortunately, it is the media which state that it is the single person's view."



"We will use the electronic voting machines (EVMs) in all the polling stations in India and we will be deploying the Central paramilitary forces for effective monitoring and controlling the law and order situation during the polls," Mr. Krishnamurthy said, expressing happiness over his appointment as the CEC.

Mr. Krishnamurthy was seen off at the Kamaraj Domestic Terminal by the State Chief Electoral Officer, Mru-tyunjay Sarangi.