

BJP leader shot at, injured

Ravi Shankar was campaigning in Bihar; assailant overpowered

SASARAM: The former Union Minister, Ravi Shankar Prasad, was shot at and injured on Thursday at an election rally in Nokha village, near here. The assailant was immediately overpowered and severely beaten up by Bharatiya Janata Party supporters.

Mr. Prasad, who was sharing the dais with senior BJP leader Pramod Mahajan and party candidate Rameshwar Parasad Chaurasia, received bullet injuries in his left arm. He was rushed to a clinic in Sasaram, where the pellets were removed. Both Mr. Mahajan and Mr. Chaurasia escaped unhurt.

The assailant was presumed dead and taken by the police to a Government Hospital in Sasaram for post-mortem examination. However, doctors discovered that he was still breathing.

Multiple fractures

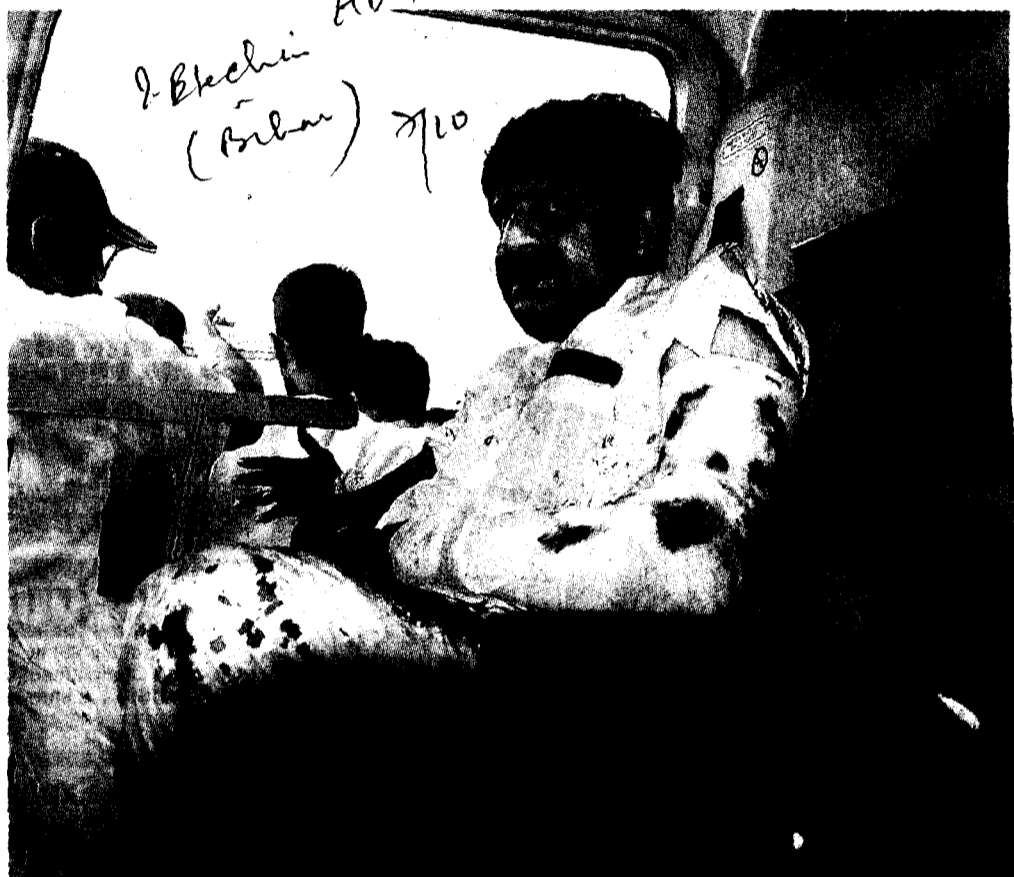
The former Information and Broadcasting Minister was later flown to Patna by helicopter and admitted to a nursing home, where he was said to be out of danger. An x-ray showed multiple fractures in his arm, a doctor attending on him said.

In an apparent breach of security, the assailant climbed the dais carrying country-made pistols in both hands and fired a couple of shots when Mr. Prasad finished his address.

In Patna, Home Secretary H.C. Sirohi said the assailant's target was Mr. Chaurasia, who ducked on seeing him. The bullet hit Mr. Prasad. Mr. Chaurasia caught hold of the gunman and snatched one of his pistols.

Mr. Sirohi said though the area was affected by naxalite violence, only a detailed investigation would bring out the truth.

Mr. Mahajan said he noticed the gunman coming from the rear, but he was pushed to the



VICTIM OF VIOLENCE: The former Union Minister, Ravi Shankar Prasad, being taken to hospital for further treatment after getting first aid on Thursday at Patna airport. -

PHOTO: RANJEET KUMAR

ground by partymen present on the dais.

Since Sasaram was nearby, he decided to take Mr. Prasad to a hospital there. "Mr. Prasad's shirt and trouser were covered with blood, but thank God, he is now out of danger."

Mr. Chaurasia recently filed a complaint with the police alleging that an attempt was made on his life in Sasaram on September 25. Expressing displeasure over the security arrangements at the meeting venue, Mr. Mahajan told reporters at the Patna airport that "there seems to be a conspiracy ... Either Mr. Prasad,

Mr. Chaurasia or myself were the target." Security was "very lax" during election meetings.

Additional security

Bihar Governor Buta Singh said he would get the incident thoroughly inquired into and that the perpetrators of the attack would be sternly dealt with.

"The Governor has taken a serious note of the incident and will book all those responsible," a Raj Bhavan spokesman said. Additional security would be provided to Mr. Prasad.

Rashtriya Janata Dal president and Railway Minister Lalu

Prasad condemned the attack and demanded a thorough probe.

"Use of violence in politics cannot be tolerated. The guilty should be punished," he said.

Saying that the attack reflected the "poor" law and order situation in the State, Janata Dal (United) leader Nitish Kumar demanded that the Election Commission and the State Government beef up security arrangements - PTI.

See also Page 13

No mid-term elections: Manmohan

Avoid confrontation on Iran

Sarabjit Pandher

CHANDIGARH: Prime Minister Manmohan Singh said on Saturday that the issue of Iran's nuclear programme should be dealt with in the spirit of finding a constructive solution and unnecessary confrontation should be avoided.

Dr. Singh was responding to newsmen's questions after addressing a function at the Chandigarh Press Club, which is celebrating its silver jubilee. He said Iran should adhere to its obligations and enjoy the rights under the Non-Proliferation Treaty (NPT), of which it is a signatory. "Now there are question marks about whether Iran is in infringement of its obligations? Whether what it is doing is within its rights? All these questions are being discussed in the International Atomic Energy Agency," Dr. Singh added.

Asked about the possibility of reviewing the proposed gas pipeline project with Iran in view of the persistence of the U.S. and India's campaign for a permanent membership in the United Nations Security Council, Dr. Singh said there was no reason to suspend the ongoing discussions between the two countries. However, the feasibility of the project and other related issues were being worked out at various levels bilaterally, he said.

He admitted that there were occasional hiccups in the functioning of a coalition Govern-

• Iran should adhere to its obligations

• All partners committed to CMP implementation

ment, but categorically ruled out any possibility of a mid-term poll. He said the United Progressive Alliance (UPA) Government would positively complete its tenure as all partners were committed to the total implementation of the Common Minimum Programme.

Dr. Singh said India would continue to insist on the early release of the 54 Prisoners of War who were languishing in Pakistani jails since the 1971 India-Pakistan war. He added that while he had discussed the matter with Pakistan President Pervez Musharraf, the foreign office and the External Affairs Minister had been instructed to negotiate with their counterparts.

Dr. Singh said the declining number of those below the poverty line refuted the axiom that the "poor were getting poorer" after India involved itself in the changing global order. While there was a need to equip the nation with skills to fully utilise the opportunities available, systems were required to protect the weak from the inherent risks of the new order.

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Manmohan Singh defends Election Commission

Sanctity, autonomy of constitutional bodies must be respected

Amit Baruah

NEW DELHI: Mounting a strong defence of the Election Commission as a national institution, Prime Minister Manmohan Singh said on Tuesday that persons outside and inside constitutional bodies should respect their sanctity and maintain their autonomy.

Speaking to presspersons on board his special aircraft en route to New Delhi from Moscow, Dr. Singh said, "Nothing should be done which can lead to unwanted weakening of our democratic institutional fabric."

Saying that he had "learnt from the media" about a "letter" [said to have been written by se-

nior bureaucrat L.V. Saptarishi to Law Minister H.R. Bhardwaj] regarding the conduct of Election Commissioners during the last Lok Sabha elections, he pointed out that the Law Minister had stated he had not received any such letter.

Reading from a prepared statement, the Prime Minister said the entire nation had to understand the importance of constitutional institutions such as the Election Commission. "It is incumbent on all to ensure that the essential institutions of a democratic framework are respected, their sanctity maintained and their autonomy preserved... this responsibility vests in those within the institu-

tions and in those outside," he said in a message to the "parties" to the current controversy.

"It is in this perspective that all issues should be examined," he said, pointing out that the Commission had played a positive role in the successful functioning of India's democracy. "Since independence, it has had an impeccable track record of conducting elections and is widely respected for its work."

NDA boycott

Stressing that he was "truly disappointed" by the NDA's decision to boycott Parliament, Dr. Singh said though the BJP-led coalition had lost power almost a year ago, it was not reconciled to

being out of power.

Dr. Singh said the Government had repeatedly offered to discuss all outstanding issues, including the question of "tainted" Ministers, in Parliament. Despite all these offers, the NDA had chosen to keep away.

Rejecting the NDA contention that the Government was not keen to permit visiting Pakistan President Pervez Musharraf meet the former Prime Minister, Atal Bihari Vajpayee, Dr. Singh said there was no truth in the charge. "I was very happy that Gen. Musharraf was going to meet not only [BJP chief] Advani, but Vajpayeeji. It was never in our thought processes that we should play such a role."

11 MAY 2005

THE HINDU

EC sanctions videography inside booths

Jan 24/1
New Delhi: Keeping with supreme court suggestions, the election commission on Sunday asked the chief electoral officers of Bihar, Jharkhand and Haryana to do videography of proceedings inside polling stations without violating the secrecy of the vote.

"In deference to the suggestion of the supreme court, the commission directs that videography of poll proceedings may be carried out inside polling stations also," EC secretary A K Majumdar said on Sunday. However, considering practical difficulties in covering all polling stations, the commission said videography might be done only in those stations considered necessary by election observers.

The commission made it clear that the same should not violate the secrecy of the vote and that mediapersons or any other unauthorised person would not be allowed to take photos or make videos inside polling stations.

The EC also directed that one central paramilitary force personnel shall be stationed at the polling station entrance in such manner that he can have an unrestricted view of the polling procedure inside. PTI

MONDAY, JANUARY 17, 2005

CONVICTIONS AND ELECTION LAW

CONVICTED LEGISLATORS WILL now stand on the same footing as all other convicted persons when it comes to contesting elections. Thanks to the Supreme Court, incumbent legislators have been effectively prevented from exploiting a notorious provision in the election law to exempt themselves from the disqualification provisions that apply to non-legislators. While Sections 8 (1) (2) and (3) of the Representation of the People Act, 1951 lay down various conditions under which a convicted person is disqualified from contesting elections, the controversial Section 8 (4) states that none of these will apply automatically if someone is either an MP or an MLA on the date of conviction. Disqualification for parliamentarians and State legislators will take effect only after three months have elapsed since the date of conviction. Where an appeal has been lodged with respect to the conviction or the sentence, the disqualification will not take effect "until that appeal or application is disposed of by court." Until the latest Supreme Court judgment, Section 8 (4) was interpreted in a manner that gave convicted legislators the immunity they required to contest fresh elections.

The utterly discriminatory and iniquitous nature of such an interpretation was highlighted most starkly in April 2001 in the case relating to Balakrishna Pillai. The sitting Congress MLA was permitted to contest a fresh Assembly election in Kerala after being convicted for corruption and sentenced to five years' imprisonment. In the same week his nomination papers were accepted, those of the AIADMK chief Ms. Jayalithaa were rejected on the ground that she had been convicted and sentenced to more than two years of imprisonment (in the TANSI and Pleasant Stay Hotel cases in which she was later acquitted). Both had appeals pending against their

convictions. The difference lay in the totally irrelevant fact that unlike Ms. Jayalithaa, Mr. Pillai was convicted when he was a member of the Legislative Assembly; the Returning Officer held that Mr. Pillai could avail himself of the immunity offered by Section 8 (4) — an opinion that was later endorsed by the Election Commission. Unfortunately, there were legal precedents to support this view. The Calcutta High Court, for instance, refused to annul the re-election in the 1996 Assembly election of a West Bengal candidate who was convicted of murder by a sessions court and later released on bail. The Court held that Section 8 (4) was enacted specifically to "benefit" legislators and that the convicted MLA was permitted to take advantage of it.

The Supreme Court has now made it clear that the immunity offered to legislators is much more limited. While convicted legislators do not have to give up their seats (provided appeals are pending against their conviction), the immunity from disqualification cannot be extended to permit them to contest fresh elections after the expiry of their term. The object of Section 8 (4), as the Court has implied, is pragmatic. It is to avoid needless vacancies in the legislature ("the disqualification of even one member may have a deleterious effect on the functioning of the Government") and precipitating unnecessary by-elections (which may result "in complications in the event of the convicted member being acquitted by a superior criminal court"). Disqualification provisions in election laws are meant to inhibit the criminalisation of politics and foster probity in public life. They were never meant to discriminate between legislators and non-legislators. By interpreting Section 8 (4) in the manner it has, the Supreme Court has ensured that it will no longer be discriminatory, inequitable or open to misuse.