

EC urges govt to decide fast on reform ideas

Our Political Bureau
NEW DELHI 27 NOVEMBER

ENCOURAGED by all-round praise for its conduct of Bihar polls, the Election Commission (EC) reminded the government of long-pending electoral reforms proposals, including barring criminals from electoral arena and curbing opinion polls and exit polls.

The commission, which took several tough but controversial measures to check irregularities in Bihar, asked the government to decide soon on proposals for electoral reforms, aimed at making the exercise more open, transparent and impartial.

The proposals include disqualifying those accused of offences punishable with five years or more imprisonment and against whom charges have been framed in a court of law, even during pending trials, from contesting.

"Such a step would go a long way in cleansing the political establishment from the influence of criminal elements and protecting the sanctity of the legislative Houses," it said. As a precaution against 'politically motivated' cases, EC has proposed only cases that were filed prior to six months before an election be considered for disqualification.

Though EC has time and again taken up this and other proposals with the government, there has been no response from the latter. Not the one to give up, the commission in a recent letter reiterated all its

electoral reform proposals and sought an early response from the government.

On opinion polls and exit polls, EC has proposed, given that polls now are often staggered over multiple phases, dissemination of their results should be allowed only after the completion of polling for the last phase. This is to prevent



Poll Vault: EC BB Tandon with other commissioners

the such poll results from influencing the voter's mind. "It is understood that in many of the western democracies, there exist such restrictions for various periods," it said.

Suggesting inclusion of annual income and profession columns in the affidavit of candidates over and above information like criminal antecedents and assets, EC said punishment for furnishing wrong information should be made more stringent by providing for imprisonment for minimum of two years and doing away with the alternative clause for fine.

The commission also proposed a clear provision to deal with cases of surrogate advertisement in print media.

Landslide for Rane in Malwan

Priya Dutt ensures that Congress retains North-West Mumbai

Arunkumar Bhatt

MUMBAI: Maharashtra Revenue Minister Narayan Rane dealt a body blow to his former party, the Shiv Sena, in the Malvan-Kankavali Assembly Constituency by-poll. He won by a massive margin of 63,372 votes — almost as much as his total in last year's general election — making his Sena rival lose his deposit, as promised.

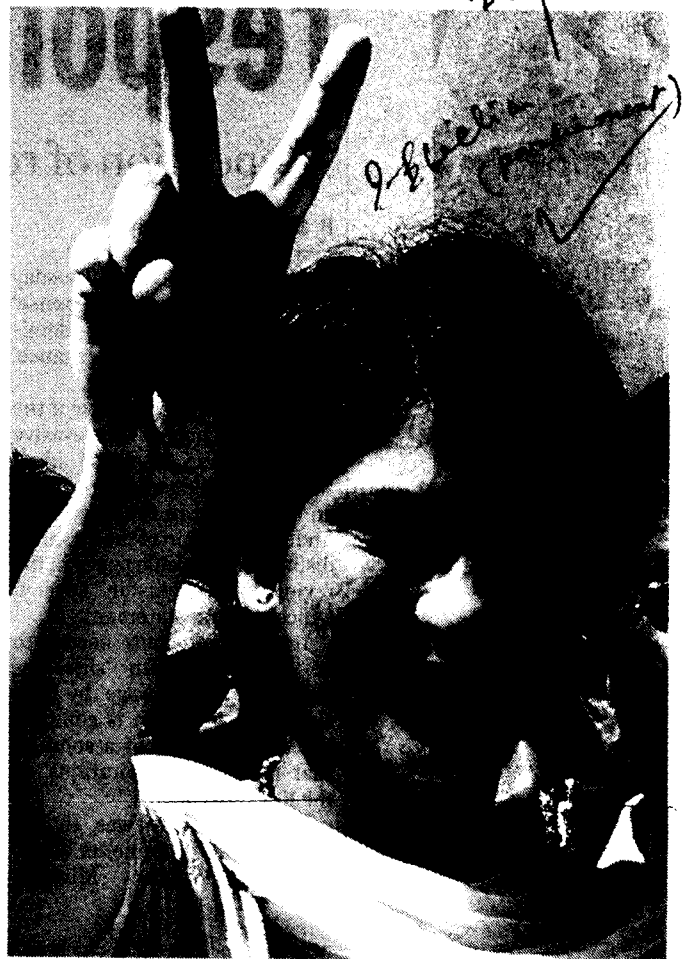
The Congress also retained the North-West Mumbai Lok Sabha seat. Priya Dutt, daughter of the late Sunil Dutt, defeated the Shiv Sena's Madhukar Sarpotdar by 1.72 lakh votes. The by-poll was conducted following the Sunil Dutt's death in May.

Mr. Rane, who was the Leader of the Opposition in the Maharashtra Assembly when he was in the Shiv Sena, polled 78,616 votes as a Congress nominee as against his Sena rival, Parshuram Uparkar's 15,244 votes. The seat fell vacant after Mr. Rane resigned from the Assembly on joining the Congress. Mr. Rane has held the Malvan seat since 1991.

A year ago, Mr. Rane polled 63,784 votes, defeating his Congress rival Vijay Sawant by 34,145 votes. This time, Mr. Sawant was one of Mr. Rane's campaign managers. Mr. Rane joined the Congress after his expulsion from the Shiv Sena following differences with its executive president, Uddhav Thackeray.

Mr. Rane asked Mr. Thackeray to accept defeat and resign on moral grounds. "It is not Mr. Uparkar's defeat but that of Mr. Uddhav Thackeray," he said.

The Konkan region, including Malvan, has been a Shiv Sena stronghold. The Sena, which held 12 of the total of 21 seats in the region, has lost the most im-



ON CLOUD NINE: Supporters of Maharashtra Congress leader Narayan Rane celebrating his victory outside the counting centre at Malwan on Tuesday. (Right) Priya Dutt waving to supporters after winning the Mumbai North-West Lok Sabha Constituency, in Mumbai on Tuesday. — PHOTOS: PTI

portant seat.

Maharashtra Chief Minister Vilasrao Deshmukh said his Congress' target was now the Shiv Sena-Bharatiya Janata Party ruled Mumbai Municipal Corporation, which would go to the polls in 2007.

The Sena will have to face at least three Assembly by-polls in the Konkan shortly. Of the ten

Sena MLAs supporting Mr. Rane, three from the Konkan have resigned and joined the Congress.

While two are from Sangameshwar and Rajapur in the Ratnagiri district, the third is from Vengurla in Sindhudurg district.

In North-West Mumbai, Priya Dutt secured 3,43,933 votes

against Madhukar Sarpotdar's 1,71,890 votes.

Sunil Dutt was elected from the constituency five times and his popularity benefited his daughter. Ms. Dutt's actor-brother Sanjay Dutt, actor Salman Khan, and Congress MP from the neighbouring constituency Govinda campaigned for her.

• Rane polls 78,616 votes, Sena candidate gets 15,244

• "Outcome signifies Uddhav's defeat"

• Priya Dutt benefits from her father's popularity

REMARK ■ Says no communal bias, rejects repoll demand in 3 Bhagalpur booths

EC backs Rao: 'Charges baseless'

SANTIWANA
BHATTACHARYA

NEW DELHI, NOVEMBER 4

WITH officials strongly rallying behind its special observer to Bihar Assembly polls K J Rao, the Election Commission today not only rejected the allegation of communal bias against Rao by the RJD-Congress combine but also turned down the UPAs demand for repolling in three booths of Bhagalpur Assembly constituency.

Reposing full faith on Rao, the Commission, in a written statement, said it has not no doubt about his "integrity, impartiality and unbiased approach" in conducting the elections. "The Commission unanimously rejects the alle-

High alert after Naxal attack on police station

▶ PATNA: A day after four policemen, including an officer, were killed by Naxalites in Banka district, a high alert was sounded on Friday across Bihar ahead of the third phase of Assembly elections scheduled for November 13. Home secretary H. C. Sirohi said all police stations across Bihar were put on high alert as Naxalites, who have called an election boycott, may step up their activities ahead of the polls. State police and central paramilitary forces have intensified patrolling along borders with Nepal to check influx of Maoist rebels, who reportedly have links with their Bihar counterparts, into the state before the polls. — PTI

gations against Rao as totally unwarranted, reckless and baseless and expresses its full faith in his integrity, impartiality and unbiased approach towards all sections of society in discharge of the functions entrusted to him by the Commission," the statement said.

Currently a senior consultant with the EC, "Rao has an unblemished record of 40 years" of conducting and supervising elections in various

defamation suit against one Md Yahya Ali, who brought the allegation that he referred a Muslim-majority locality as "Pakistani mohallah".

"We persuaded him not to take defamation suit route as we all strongly felt that it is not a stray case but indication of a trend of motivated allegation against strict officers of the EC," the officials said.

It was also pointed out that violence and repolling has been low in the first two phases of polls in Bihar due to the constant supervision by Rao. Even defacing of public property, rigging and intimidation of voters and long campaign cavalcades have been absent.

The officials also reportedly told the Commission at the today's meeting that "if benefit of doubt was given to baseless

allegations' it would become difficult for them monitor the polls, to take strict actions against irregular activities or marking a constituency as hypersensitive and even hinder smooth deployment of Central paramilitary forces.

On November 2, an UPA delegation, comprising senior Congress leaders Digvijay Singh and Ranjit Thomas and Union Minister Prem Chand Gupta of RJD, met the EC and demanded Rao's apologise for his alleged remarks against a particular community.

The RC also rejected the UPA demand for repoll in polling booths 46, 47 and 50 of the Bhagalpur seat. It was pointed out that the EC cannot order repoll on the basis of boycott as that "would set a bad precedent".

05 NOV 2005

EC transfers top two cops

CRPF officers visited Rabri house

Ramashankar
Patna, October 17

FOR THE first time, two top CRPF officers — deployed in Bihar to oversee security duty for the Assembly polls — were on Monday transferred at the Election Commission's directive after they reportedly paid a visit to 1, Aney Marg, the official residence of former chief minister Rabri Devi late on Sunday evening.

In an immediate follow-up action, CRPF inspector-general, Bihar sector, Arun Chibber was replaced by Subhash Goswami, while DIG Alok Raj has made way for SLB Saxena. The new incumbents will, as nodal officers, be responsible for the deployment of CPMF across the 57 constituencies going to polls on Tuesday.

Chibber and Raj had gone to 1, Aney Marg, to meet railway minister Lalu Prasad at around 10 pm on Sunday and reportedly had a closed-door meeting with the RJD supremo for about half an hour. What transpired between the officers and the RJD chief remains a secret. The commission took the meeting as a violation of the model code of conduct, said EC sources.

Raj, however, said he and Chibber had gone there to review the security arrangements of the RJD chief in view of the Assembly polls.

"Lalu-ji called me

and asked me to review the security arrangements since he feared a threat to his life", the DIG said. He added that one company of CRPF had already been deployed for the railway minister's security. "We had reviewed his security arrangements earlier, too. There's nothing unusual in it", he claimed. "Moreover, we informed the EC about the visit first thing in the morning", he added.

Raj conceded that he had personal relations with Lalu Prasad. "I'd gone to see former Union minister and BJP leader Ravi Shankar Prasad, too, when

he was admitted to a private nursing home after sustaining bullet injuries at Sasaram recently", he added in his defence. Raj, an IPS officer of the Bihar cadre, is considered close to

Lalu Prasad since the two are associated with the Bihar Cricket Association. While Lalu is president of the BCA, Raj is its secretary. But, coming only about 48 hours ahead of the first phase of polling, the officers' visit has sparked a controversy.

The EC move may have nipped the controversy in the bud, but it remains to be seen how effectively the two people — who have barely hours to settle down to an onerous responsibility — be able to handle the huge logistics involved. The decision is likely to be used by the political parties, mainly the JD(U), which is part of the National Democratic Alliance for their own electoral gains.

SNIPPETS

■ **LALU HURT:** Lalu Prasad escaped with minor injuries when a portion of the dais at a rally crumbled due to overcrowding at Sajangi ground in Bhagalpur on Monday

■ **DRIVER VS RABRI:** Ram Vilas Paswan has fielded his driver, Pramod Kumar Singh, against Rabri Devi from the high-profile Raghapur Assembly seat. Raghapur falls under Hajipur parliamentary constituency held by Paswan

Notice to Pawar on model code

HD-1 14/9

J. Bheekun
(CBE)

Announcement on revival of sugar mills in Bihar a violation

Legal Correspondent

NEW DELHI: The Election Commission on Tuesday slapped a notice on Union Agriculture Minister Sharad Pawar for his announcement on the revival of sugar mills at Motipur in Bihar, at a public meeting on September 8.

Taking a serious view of his announcement, EC sources said that this was made when the Model Code of Conduct was in force. A notice had been issued to him to show cause why action should not be taken for violation of the code. Mr. Pawar has been asked to reply by September 16. The notice stated that the promises made by Mr. Pawar to the electorate of Bihar amounted to violation of the code.

The notice followed a complaint that Mr. Pawar had flouted the code by promising that the Government would start sugar mills in the State to improve the lot of sugarcane farmers in Muzaffarpur district.

Complaint made

The complaint said Mr. Pawar promised that the closed sugar mills would be revived after the elections and that the first to be reopened would be the Motipur Sugar Mill. The notice said: "The Commission has seen a video recording which shows that you did make promises and assurances to the electorate at the political meeting." It said that since

the model code came into force on September 3 prohibiting promises of any new schemes or projects by Union Ministers, "your promises to the electorate of Bihar on September 8 amount to violation of the code."

During his visit to Muzaffarpur last week, Chief Election Commissioner B.B. Tandon had indicated that a thorough probe would be conducted and action initiated if the complaint was found to be true.

Commission's reminder

PTI adds:

The Commission reminded the Centre of the "dos and don'ts" to be observed in the run-up to the Bihar elections.

In a letter to the Cabinet Secretary and the Chief Secretary of Bihar, the Commission said the model code stipulated that Ministers and other authorities shall not announce financial grants in any form, make promises, or lay the foundation for projects or schemes.

The code also bars them from making any promise of construction of roads, provision of drinking water facilities or ad hoc appointments in Government or public undertakings that might influence the voters in favour of the party in power.

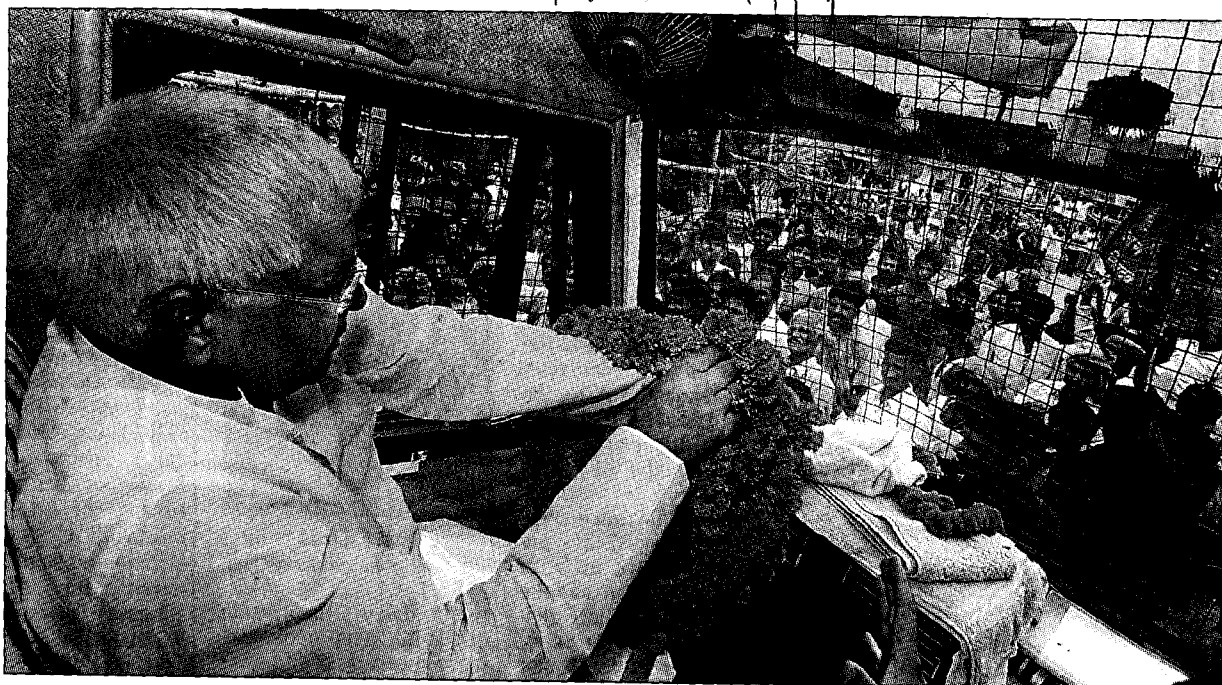
The Commission also directed that there shall be total ban on the transfer of officers connected with the conduct of the election, EC sources said.

14 SEP 2005

THE HINDU

EC whip on code violation

HT-3 14/9



RJD chief Lalu Prasad campaigns in Bihta on Tuesday for the forthcoming Bihar Assembly election.

PTI

Lalu smells caste bias in transfer of officials

PRESS Trust Of India
Bihta, September 13

IN A veiled attack on the Election Commission, RJD supremo Lalu Prasad on Tuesday charged that the officers belonging to the Muslim community and weaker section of the society were being victimised and ridiculed. The NDA charge that he has won the elections on the strength of official machinery.

Kicking off the UPA's campaign for the coming Assembly poll at Bihta, Prasad cautioned the people against the communal and feudal forces represented by the NDA trying to capture power by hook or crook.

Without naming the election commission, Prasad said several IPS and other police officials, particularly those belonging to Muslim community and weaker sections, including the Yadavas, had been shunted out. Even 57 DSPs are being removed on frivolous charge that they had enjoyed bright postings during the RJD rule.

It's unfortunate that transfers and postings reflect the caste and religious bias. Muslims and the Yadavas in the police establishment are being handpicked and shunted, he charged.

In the same vein, Yadav ridiculed the NDA charge that he and his party had been in power for 15 years by manipulation and misusing the official machinery.

"We have been in power not because of IGs or DSPs but because of the people's unflinching faith in social justice and secularism", he asserted and asked the people to cast their ballots on the lantern (symbol of RJD), *ghari* (of NCP), *panja* (of Congress) and hammer and sickle (of CPI-M).

Prasad said he would leave for New Delhi on September 18 to hold talks with the leaders of the Congress, NCP and CPI-M over the seat-adjustment but kept his offer for alliance open with others (apparently the LJP).

Dalit quota a gimmick: Paswan

Terming as an eyewash Lalu Prasad's statement that he would take up the issue of reservations for Dalits in the private sector, his bete-noire LJP president Ram Vilas Paswan said on Tuesday that the RJD president's love for Dalits, when elections were approaching, was farce and politically motivated.

Cabinet secretary apprised of dos & donts

HTC and Agencies
New Delhi, September 13

FOLLOWING REPORTS of violation of the model code of conduct by some Union ministers in Bihar, the Election Commission has written to the Cabinet secretary and Bihar chief secretary of the "dos and don'ts" to be observed in the run-up the Assembly polls.

According to the commission, the code of conduct stipulated ministers and other authorities from announcing any financial grants in any form or promises and lay foundation of projects or schemes.

The code, the EC letter states, also bars them from making promise of construction of roads, provisions of drinking water facilities or even ad-hoc appointments in government and public undertakings which may influence voters in favour of the party in power.

The commission also directed that there should be total ban on the transfer of officers connected with the con-

MODEL CODE OF CONDUCT

duct of the election, EC sources said. These include chief electoral officer and additional, joint, deputy chief electoral officers, divisional commissioners, district election officers, returning officers, officers of the police department connected with the management of elections like range I-Gs and DIGs, SSP and SP, DSP and other police officers.

The transfer orders issued prior to the date of announcement but not implemented till date should not be given effect to without obtaining specific permission from the commission.

Making it clear that the ban shall be effective till the completion of the election, the EC directed that the state government should refrain from transferring senior officers who have a role in election management in the state.

In those cases where transfer of an

officer is necessary on account of administrative exigencies, the state government may, with full justification, approach the commission for prior clearance, the sources added.

The commission asked the Cabinet secretary, chief secretary and state CEO to bring the instructions to the notice of the government, all ministries and departments of the Centre and the Bihar government.

Last week, the BJP had complained to the EC that railway minister Lalu Prasad and another Union minister belonging to his party had used official vehicles to visit commission's headquarters to demand rescheduling the polls.

Meanwhile, the commission has issued a notice to NCP chief and Union agriculture minister Sharad Pawar seeking explanation for violating the model code of conduct by announcing revival of a close sugar mill in Muzaffarpur in Bihar. Pawar has been asked to give his reply latest by September 15.

state would be revived and put into operation soon after the polls and work on this would begin with the reopening of Motipur Sugar Mill. "The EC has seen a video-recording, (which) shows you did make promises and give assurances" to the electorate in the address at the "political meeting", the EC said in its notice. It added that, since the model code of conduct had come into force on September 3, "your promises to the electorate on September 8 amount to violation of the code".

BITTERSWEET REACTION

complaints by representatives of the electronic media that he had flouted the code by promising to the electorate at a public meeting at Motipur, in Muzaffarpur district, that the government would start sugar mills in the state to improve the lot of sugarcane farmers. The complaint also stated the minister had promised the sugar mills lying closed in the

Agencies
New Delhi, September 13

THE ELECTION Commission has pulled up NCP chief and Union agriculture minister Sharad Pawar for announcing certain sops in poll-bound Bihar amounting to violation of the model code of conduct. Asking him to respond to its notice by September 16, the commission held that his "promises to the electorate of Bihar on September 8 amounted to violation of the model code". The notice followed

EC pulls up Pawar for doling out sops in Bihar

POLL ACTION HOTS UP IN COWBEL

EC takes up battle station before Bihar elections

Ashok K Mishra
PATNA 11 SEPTEMBER

THE margin of error will be little this time. Even a wee bit of laxity, on the part of officials engaged in poll related work, could invite action from the Election Commission (EC). Already, the Commission has ordered a large shake-up to the administrative and police officials, sending warning signals to the officialdom that it will brook no laxity or irregularity in election related work.

The fact that the EC is zealously on the job for conducting free and peaceful polls can be judged from the fact that the Chief Election Commissioner (CEC), Mr BB Tandon has twice visited the state in the recent past to review the poll preparedness. The CEC is again arriving here on September 13, which only speaks of the importance the commission is attaching to the upcoming Bihar elections. This apart, the EC teams in batches have already



toured different parts of the state to review the poll preparations. The legal advisor to the EC, Mr KJ Rao, who dealt with the erring officials very sternly during the last Assembly elections, has been virtually camping in the state this time.

Admittedly, the EC is not preoccupied with the rigours of election management in other states, affording the time to concentrate on the Assembly elections in Bihar.

"The EC is keeping a close watch on the minutest detail this time. Hopefully, the ensuing poll should be one of the most orderly elections of Bihar" remarked an

official of the state election office.

In the latest reshuffle effected in view of the elections, the state government appointed Mr Kundan Krishnan as the new SSP of Patna, replacing Naiyer Hasnain Khan who has been asked to join as the commandant of BMP-5. Mr Krishnan has been picked up for this crucial posting by the EC in view of the 'commendable' work done by him during the last Assembly elections.

Another no-nonsense IPS official Mr Ratan Sanjay has been asked to join as the SP of Muzaffarpur. New SPs of Banka, Jamui, Kaimur and Aurangabad have also been posted.

By ordering a poll schedule which will be spread in 4 phases, the EC has taken due consideration to ensure effective deployment of central para-military forces on the polling day.

The EC is concerned over delays in the execution of pending non-bailable warrants and preparation of photo-identity cards.

12 SEP 2005 The Economic Times

EC gets SC 'nod' for Bihar polls

*Dr
CBE 119
G11*

New Delhi: With the November 22 deadline for constituting the Bihar assembly approaching fast, the Election Commission got a virtual go-ahead from the supreme court to announce the poll schedule as it refused to pass any order on the plea for a stay on the election process.

A three-judge bench comprising Chief Justice R C Lahoti, Justice G P Mathur and Justice P K Balasubramanian framed four important questions on the scope and extent of immunity from court proceedings enjoyed by the governors under Article 361 and referred it to a constitution Bench, which would begin hearing from September 6.

It said the plea for stay on the elections as sought by petitioners, including former NDA MLAs, who have challenged the dissolution of the House by presidential proclamation on May 23, could be heard by the constitution bench.

If what S Muralidhar, counsel for the Election Commission, said was an indication, then the commission would come out with the press release announcing the poll schedule within two to three days signalling commencement of the poll process and the coming into force of the model code of conduct.

"The commission usually issues the press release at least three weeks before the proposed dates of election. The commission would issue the release within two to three days," he said.

He also said the elections would be conducted in three or four phases, taking into account the number of holidays falling in the months of October and November.

The former MLAs— Rameshwar Prasad Chaurasia (BJP), Kishore Kumar Munna (Independent), Rampravesh Rai (JD-U) and Anil Kumar (breakaway LJP),



Lalu Prasad



Buta Singh

along with Viplav Sharma and Purnima Yadav had challenged the dissolution of the assembly, which was under suspended animation since March 7.

Sharma and Yadav's counsel P S Narasimha had contended that the commission should be restrained from announcing the poll dates as it would bar any interference in it by the apex court, rendering the petitions challenging the Centre's decision to impose President's rule as infructuous.

The bench, before breaking for lunch, had wanted to know from the commission as to whether it could wait till September 6, when the constitution bench would take up hearing of the matter. While Muralidhar said that on this issue the commission would go by what the apex court said, additional solicitor general Gopal Subramaniam said any such observation would amount to a stay.

Subramaniam said any such order tantamounting to a stay on the impending election process would hit at the root of the presidential proclamation which intended to put in place a popular government through fresh elections. Agencies

01 SEP 2005

THE TIMES OF INDIA

SATURDAY, AUGUST 13, 2005

Election Commission

9/2/05
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does it again

W

hen in doubt omit, could well be the new mantra of the Election Commission of India. The Commission has clearly overreached itself in directing the States and Union Territories to delete the names from the electoral rolls of all those against whom non-bailable warrants have been pending for more than six months. The move, which will result in the disenfranchisement of tens of thousands of people — as many as 23,000 will be struck off the voters' list in Bihar alone — is based on a logic that is deeply flawed. The EC's justification for it goes somewhat like this. Those against whom NBWs were not executed for more than six months are 'absconding' from the law and could not be "ordinarily resident" at their stated addresses. As one of the conditions for registering a person in an electoral roll is that he or she must be "ordinarily resident in a constituency" (Section 19 of the Representation of the People Act, 1950), the names of such 'absconders' may be struck off the electoral rolls. This is unacceptable reasoning. The fact is NBWs are issued all too easily by courts, particularly in States such as Uttar Pradesh and Bihar, and to disenfranchise people on the basis of this is a gross overreaction. Moreover, it is common knowledge that in some cases, non-execution is a result of police apathy in tracing the person against whom the warrant is issued. Also, questions about where a person is ordinarily resident should be determined, as Section 20(7) of the RPA, 1950 states, "with reference to all the [particular] facts about the case." The EC's move amounts to making sweeping assumptions about the residency status of an entire class of people without even going into the particulars of any case.

The declared purpose of this move is to prevent "proclaimed offenders/absconders" from contesting elections and thereby act as a check on the growing criminalisation of politics. But the purge affects many thousands of citizens who have no interest in contesting elections. The issuance of a NBW by a court is not a presumption of guilt and therefore cannot be a ground for barring people from contesting elections. Sections 8 to 10(A) of the RPA, 1951, lay down the various grounds on which a person can be disqualified for being chosen as a Member of Parliament or Legislative Assembly. As for the question of exercising one's franchise, the International Covenant on Civil and Political Rights, adopted by the United Nations General Assembly in 1966, holds that "the right and the opportunity ... to vote and to be elected at genuine periodic elections" is an inherent one. The world over, conflict has sharpened between governments moving to abridge the rights of citizens on the one side and, on the other, rights activists intent on safeguarding citizens from encroachment by the executive. In the United States, prison rights activists have long campaigned for voting rights for felons. The Election Commission has no doubt acted on the proposition that criminalisation of politics is a negation of democracy, and therefore, of free and fair elections. However, its remedy, which has no basis in law, is far worse than the disease.

1 2 AUG 2005 THE HINDU

EC to bar warrant-tainted voters

SNS & PTI

m8
KOLKATA/NEW DELHI, Aug. 11.— A person against whom a court has issued a non-bailable arrest warrant, but has not been arrested for at least six months since its issue will be disqualified as a voter as he or she will be deemed to be evading arrest and hence no longer resident at his or her address on the electoral rolls.

The Election Commission today ordered all state chief electoral officers to delete names from electoral rolls of people who haven't been arrested though a non-bailable arrest

9- Election (CEO)
warrant issued against them by a court has not been executed for six months or more.

Mr Basudeb Banerjee, chief electoral officer of West Bengal, said that if police failed to execute the non-bailable arrest warrant within six months from the date of the court order, it means that the person was not an ordinary citizen, but absconding and his name should be struck off the voters' list. Such a person would lose his/her voting right and cannot contest the election as candidate as per 19B of RP Act of 1950.

The CEO said that the commission has set the deadline till 19 September, 2005 for dele-

37. 2
tion of names from the list.

He said he would ask the home secretary, DGP and Commissioner of Kolkata Police to produce the list. He would send those lists to respective SDOs and election returning officers for deletion from the voters' list.

EC sources in New Delhi said that in a communication to the Chief Electoral Officers (CEOs) of all States and Union Territories, the Commission has asked them to initiate immediate action in this regard.

The Commission's decision comes close on the heels of its directive to Bihar to remove

names of electors declared as absconders by September 19 to ensure fair elections in the sensitive state later this year. The move assumes significance as it comes ahead of assembly elections in key states like West Bengal, Tamil Nadu, Assam, Kerala and Pondicherry due next year. The DGPs from states and union territories have been directed to furnish to CEOs by 10 September full details of residents against whom the NBWs have remained unexecuted for more than six months. The whole exercise should be completed by October 10, the EC said in its order. *1*

AUG 2005

UNEARTH ILLEGAL ARMS, SEND WEEKLY REPORTS'

EC wants warrants executed in Bihar

5/27
2/1/6
Statesman News Service

NEW DELHI, June 23. — The Election Commission today issued a strict directive to the Bihar government to execute all non-bailable warrants (NBWs), conduct special search operations to unearth illegal arms and send district-wise weekly consolidated reports on the compliance of the directions issued by the EC.

This is the first time that the EC has issued such instructions to a state government. The Assembly polls are due in four months' time in Bihar.

The directions, however, did not mention transfers and postings of government employees and implementation of the model code of conduct, which the BJP had demanded alleging that Mr Lalu Prasad would misuse the official machinery to

influence voters.

In its nine-point instruction order to the Bihar government, the EC has said that all NBWs pending against criminals must be executed, special search operations must be conducted to unearth illegal arms and preventive action taken against habitual offenders and anti-social elements across the state. The EC told the state government to provide proper communication facilities — mainly telephones, wireless sets and vehicles — to all police stations and directed the state government to maintain arterial and important roads in "good condition".

Keeping in mind the approaching monsoon and possible floods, the EC called upon the state government to repair damaged roads and related infrastructure immediately.

9/26/05
It also urged the Bihar government to provide necessary funds to the Chief Electoral Officer for issuing voters' photo identity cards.

The EC has also asked the state government to implement the Prevention of Defacement of Property Act "in letter and spirit".

It asked all district collectors to conduct special comprehensive training programmes on the functioning of the electronic voting machines for both the representatives of political parties and state government officials.

A two-member team of the EC, comprising the Deputy Election Commissioner, Mr Anand Kumar, and the Election Commission Adviser, Mr KJ Rao, had visited Patna early this week to oversee the poll preparations in the state.

24 JUN 2005

THE STATESMAN

Tandon takes over as CEC

6/10 1975

New Delhi: Senior most election commissioner B B Tandon on Monday assumed charge as the 14th chief election commissioner and said the recent controversy over allegations levelled by a senior bureaucrat was a "deliberate and calculated attempt to denigrate and undermine the credibility and impartiality" of the poll body.



which wild and baseless allegations have been made against me and my esteemed colleague N Gopalaswami," he said, after taking over the new assignment.

The "scurrilous" allegations that they made certain derogatory remarks against a particular community and wanted to teach a lesson to a particular leader was "most reprehensive," Tandon, a 1965 batch IAS officer, said referring to accusations levelled by bureaucrat L V Sap-

6/10 1975

"I feel this was a deliberate and calculated attempt to denigrate and undermine the credibility, political neutrality and fair-mindedness of the EC, which has already made a niche for itself in the democratic system of our country, a fact widely recognised throughout the country as well as internationally," he said. As CEC for one year till June next year, Tandon would conduct assembly polls in five states, including West Bengal and Tamil Nadu. Navin B Chawla, a 1969 batch IAS officer, also took over as an election commissioner. PT

17 MAY 2005

THE TIMES OF INDIA

Krishnamurthy rules move to 'denigrate' EC



Mr TS Krishnamurthy

NEW DELHI, May 15.

— Outgoing Chief Election Commissioner Mr TS Krishnamurthy today said the recent controversy over senior bureaucrat Mr LV Saptaharishi's remarks on the countermanding of Chappra Lok Sabha polls was aimed at "denigrating" and "weakening" the Election Commission.

"I felt it was sad. It was very unfortunate such things should have happened. My own inference is it is an attempt to denigrate the EC so that its authority gets weakened," he told reporters on the last day in office at the Nirvachan Sadan here.

Mr Krishnamurthy said he was "upset" as the credibility of the EC's decision was being "questioned and politicised" and added he was certain this *agni pariksha* was also good for the EC to come out with flying colours.

Hitting out at political parties, Mr Krishnamurthy said there were attempts by them to find some excuses to criticise the EC's decisions. "Unfortunately, no political party likes to be disciplined. Whenever rules and regulations are required to be enforced, the party concerned does not like it," he said.

Regarding his successor Mr BB Tandon, Mr Krishnamurthy said: "Tandon is a very good person. I am sure he will conduct the elections well. He deserves to be supported and encouraged."

Mr Krishnamurthy plans to write a book on his work and experiences. — PTI/SNS

16 MAY 2005

THE STATESMAN

Bharadwaj reprimands bureaucrat

Says He Has Not Received Any Letter From Saptharishi

New Delhi: In a new twist to the controversy over an IAS officer's attack on Election Commission, Union law minister H R Bharadwaj on Monday criticised the bureaucrat for making disparaging comments against a constitutional authority and said it was for the ministry concerned to examine whether disciplinary action was called for against him.

On the letter of L V Saptharishi, Bharadwaj told reporters, "I have no such letter. I cannot tell you if there is any other minister under whom he is working and he has that letter. He can certainly call for his (the civil servant's) explanation." Indicating that the bureaucrat might have breached disci-

pline by criticising the EC, the law minister said, "It is not proper for a civil servant to criticise any constitutional authority. They come under certain discipline and they should adhere to that."

Bharadwaj's comment fly in the face of his cabinet colleague and railway minister Lalu Prasad, who had demanded that the election commissioners attacked by Saptharishi should resign.

Saptharishi, nearing his retirement, had claimed to have written a letter to Bharadwaj alleging that the repoll in the Chapra constituency from where Lalu Prasad

has been elected, was ordered last year at the behest of BJP leaders and had launched a broadside at the next chief election commissioner over his alleged casteist remarks.

The IAS officer is at present working as director general of the Council for Advancement of People's Action and Rural Technology (CAPART), which comes under the rural development ministry headed by RJD leader Raghuvansh Prasad Singh. The allegations by Saptharishi rocked Parliament on Monday as an unrelenting RJD pressed for an immediate debate leading to abrupt adjournment of the Lok



Sabha shortly before the lunch recess. RJD members, supported by their Congress colleagues in both Houses, raised the issue during Zero Hour waving a piece of paper purported to have been written by Saptharishi to Bharadwaj and wanted to know what action was being taken by the government on it.

As speaker Somnath Chatterjee in the LS and chairman Bhairon Singh Shekhawat in the RS repeatedly maintained that they would not allow the issue concerning constitutional authorities to be raised without proper notice, the RJD members demanded that the government should immediately come up with a response to the letter. ■

Full EC countermanded polls: EC

New Delhi: Mired in a raging controversy over the countermanding of Chapra Lok Sabha polls in Bihar last year, the Election Commission on Sunday said it was beneath its dignity to respond to such "scurrilous and baseless" allegations.

Election commissioners B B Tandon and N Gopaldaswamy on Saturday had been accused of pressuring CEC T S Krishnamurthy to countermand the polls.

But, according to the EC, the full commission—and not just the two ECs—passed a unanimous quasi-judicial order on May 10 last year, setting out in detail the reasons for its order. "The manner in which elections are being conducted in the country, including Bihar, has been seen and widely applauded by the whole country," the full commission said after an emergency meeting here, a day after senior IAS official L V Satharishi, the then special observer for elections in Bihar, pointed finger at the two ECs.

"The commission strongly deplores personal attacks made on



T S Krishnamurthy

CHAPRA ROW

the two election commissioners and K J Rao, advisor, and considers such attacks highly reprehensible," the EC added. The May 10 order countermanding the poll was immediately made public through print and electronic media and put on its website for public scrutiny and was open for judicial review, it said.

Railway minister and RJD

supremo Lalit Prasad on Saturday had also demanded the resignations of Tandon and Gopaldaswamy in the wake of the allegations. "In view of the serious nature of (the) accusations, the two must resign and the EC reconstituted so that the prestige of the organisation is not lowered," Prasad had said.

Meanwhile, the Lok Janshakti Party (LJP) has defended the EC saying it had conducted the Lok Sabha and assembly polls in Bihar "efficiently and impartially".

"The EC is a constitutional body and the LJP is of the opinion that the EC had conducted both the Lok Sabha and Bihar assembly polls in an efficient and impartial manner," LJP president and Union minister Ramvilas Paswan, whose party had fought the parliamentary election in alliance with the RJD and the Congress, told reporters here. However, JD(U) leader Nitish Kumar on Sunday demanded the immediate sacking of Satharishi for violating service conduct rule by pointing finger at the EC.

EC countermanded polls: EC

'Poll panel made anti-Yadav remarks'

New Delhi: Senior IAS officer L V Satharishi, who created a political storm by alleging that election commissioners B B Tandon and N Gopaldaswamy had attempted to countermand LS polls in Chapra constituency in Bihar, on Sunday accused them of making castiest remarks against Yadavs.

At a press conference here, Satharishi, who was special observer in Bihar during the polls, said that after he submitted his report about Chapra, Tandon had asked him who was the superintendent of police of the district and where was he from. "I said he is some Yadav.....May be from Bihar or UP. Then Tandon reacted... No matter where he is from all Yadavs are same," he claimed.

09 MAY 2005

THE TIMES OF INDIA

Laloo raises repoll war cry

8/6

J. Bheem (CEC)

OUR BUREAU

New Delhi/Patna, May 7: Laloo Prasad Yadav today thrust the government in the middle of a storm by demanding that two election commissioners accused of "conspiring" to keep him out of Parliament be asked to step down immediately.

Bengal cadre IAS officer L.V. Saptharishi has accused B.B. Tandon and N. Gopalswamy of partisan conduct and of making "every attempt" to countermand last year's Chhapra Lok Sabha election on "unreasonable demands" from BJP leaders L.K. Advani and Rajiv Pratap Rudy.

The railway minister was the Rashtriya Janata Dal candidate from Chhapra against whom Rudy was contesting.

In a news conference in Patna this morning, Laloo Prasad gunned for the duo's scapels saying they had ordered the May 31 Chhapra repoll by wrongfully dumping the report of Saptharishi, who was the election observer, and confirming large-scale electoral malpractices.

He said the appointment of Tandon as chief election commissioner (CEC) — he is due to take over shortly — and the continuation of Gopalswamy was "extremely undesirable in the interest of fair play, justice and democracy and impartial conduct of future elections in the country".

In his letter to Union law minister H.R. Bhardwaj yesterday, Saptharishi had ques-



Laloo Prasad Yadav at the news conference in Patna.

Picture by Deepak Kumar

tioned the integrity of the election commissioners. Although "there was no particular problem in any constituency", CEC T.S. Krishnamurthy "was not allowed by these two election commissioners to accept my report on the Chhapra affairs on the date of the election", he said.

The CEC was then forced "to go in for re-polling in all the polling stations all over the constituency, mistakenly calling it countermanding", he said.

In a press release on May 10, 2004, the Election Commis-

QUOTE

The Election Commission must be reconstituted and Tandon and Gopalswamy must resign

LALOO PRASAD YADAV

sion had said as the April 26 poll was not "free and fair" and there were "no proper and adequate security arrangements", it was being declared null and void.

A fresh election was held on May 31, which Laloo Prasad won impressively.

Saptharishi, now the director-general of the Council for Advancement of People's Action and Rural Technology, alleged that at a meeting one election commissioner had remarked "they would like to teach a lesson to Laloo Prasad Yadav and all Yadavs". Another time, he had said "something dramatic has to be done to fix Laloo Prasad Yadav and teach him a lesson".

Tandon dismissed the charges as "baseless". He said the Chhapra countermand decision was "unanimous" and was a judicial order subject to judicial review. "Any aggrieved party could have challenged it in the Supreme Court," he said.

The BJP has questioned Saptharishi's "motive" and asked why he had raked up the issue a year after the elections.

Speaking on television, Saptharishi today stood by his allegations.

If Laloo Prasad presses on with his quit call, the Centre will be faced with an unprecedented situation. Article 324 (1) says an election commissioner cannot be removed from office except on the recommendation of the CEC.

CEC Krishnamurthy will demit office next week. Tandon is due to succeed him on May 15.

LEFT TO PROTEST FDI HIKE ON 7 FEB

EC wants EPF sop explained

Statesman News Service

NEW DELHI, Feb. 3. — While the Election Commission today sought an explanation from the Centre on the Employees' Provident Fund sop offered on election-eve, the Left parties decided to observe 7 February as protest day following the government's decision to raise the FDI cap in telecom sector from 49 to 74 per cent.

The Deputy Election Commissioner, Mr AN Jha, said the EC has asked for an explanation from the government and would take action after it received a report.

The decision to increase the EPF interest rate to 9.5 per cent was taken at yesterday's Cabinet meeting. Asked whether the announcement is a violation of the model code of conduct, the Deputy Election Commissioner refused to comment. "The Commission will first go through the explanation of the government, and then take a decision considering all aspects," he said.

Apart from the telecom issue, the Left is unhappy about a number of government policies including the amendment to the Patents Act, allowing foreign banks to purchase up to 74 per cent of shares of private Indian banks, other matters relating to banking reforms and the divestment of profit-making public sector units. As these issues relate to India's 'economic sovereignty', the Left parties felt that the issues should be comprehensively discussed.

CITU has also been critical of the decision to increase the FDI limit in the telecom sector because of reasons related to

No subsidies

NEW DELHI, Feb. 3. — Hours after the labour ministry sought a bailout to meet Rs 927 crore deficit due to the hike in the EPF rate, the finance ministry ruled out any subsidies or hike in Special Deposits Schemes' (SDS) rates. "If we have any reserves in the EPFO, they will be made available. For the rest we will be asking the finance minister to give from his kitty... Anything extra has to be charged under the Consolidated Fund of the government," labour minister Mr K Chandrasekhar Rao told a television channel. However, the expenditure secretary said "there is no plan to give subsidies" and no move to increase the interest rate on SDS in which EPFO invests a bulk or allow it to park funds in high interest yielding postal deposits. — PTI

national security.

The Left parties had other problems as well. The Common Minimum Programme had promised to review the 'liberal' Electricity Act, 2003. They are upset that the new electricity policy, on the basis of the Act, is being formulated.

The Left parties also denied that the increase in the EPF interest rate from 8.5 per cent to 9.5 per cent is a payoff for accepting the FDI hike in telecom. Denying that it was a 'quid pro quo' deal, the Left today said this was long overdue. One Left Front leader said the Prime Minister had said he would take the decision at the appropriate time.

The decision to observe 7 February as protest day was arrived at today after a meeting of CPI-M, CPI and Forward Bloc leaders. Consultations with the RSP had taken place earlier.

The CEC moves

57-8
9/12/2004
Krishnamurthy

But will parties fall in line?

The Chief Election Commissioner's suggestions on electoral reforms for assembly elections is most unflattering and a harsh comment made on a polluted scenario. But it will be a miracle if political parties can enter into a meaningful debate. Mr TS Krishnamurthy asks for the impossible in seeking a national consensus on matters like getting ministers — except for those holding important portfolios, like finance and home — to resign when elections are announced. It would prevent them from taking advantage during election time. Coming from the CEC it confirms the apprehensions in the public mind over a free and fair poll. This fear applies to some states more than others — states that have a notorious reputation for booth capturing, driving out genuine voters or sheer violence by anti-socials. If applied, it deserves to be tried uniformly in all states. This may cause a problem. There are states where the administration is hopelessly politicised and the Election Commission does not get support from the local authorities. The humiliation suffered by election observers in Kolkata during the last parliamentary elections suggests how parties are likely to respond.

Ironically, there are occasions when all parties speak with the same voice. It was evident when the Commission came up with a proposal to bar candidates with charge-sheets against their names; it was simply a means of cleansing the system. But all parties rushed in with a plea that having charge-sheets would not be enough. How many times has a politician charged with murder, extortion, kidnapping and violence been convicted? The same response is likely on the idea of a negative vote which would, first, allow expression of valid dissent and, second, prevent malpractices with votes not cast because the voter is disgusted with the quality of candidates. The Congress has come up with a guarded comment that the issue needs debate, by implication wanting it to be put on hold. Other parties are not likely to take a clear stand either for the simple reason that it could mean a self-inflicted wound. There are occasions like the use of government advertisements to project the "performance" of ministers when parties as far apart as the CPI-M and BJP present similar styles and ambitions. Which is why the CEC may have an uphill task ahead of him — even when his intentions are honest and promising.

26 JAN 2005

THE STATESMAN

Elocution Commission?

P. Seshan
Secretary
Mr Krishnamurthy, concentrate on the job at hand. And leave the rest to politicians *Q*

SINCE T.N. Seshan, all chief election commissioners have flirted with a danger, and mostly succumbed. The danger is of arrogating unto themselves a high-voltage audibility that does their institution little service. Danger lies in assuming the hectoring tone of the irrefutable Inspector of All Electoral Things. Seshan set this trend, among other things. Even as his flamboyant exertions catapulted a once sleepy constitutional body into the national spotlight as a credible conductor and monitor of the poll process, he also left behind a legacy of institutional over-reach. It is this deeply mixed legacy that comes to the fore as Chief Election Commissioner T.S. Krishnamurthy swings into action on the eve of a round of assembly elections, and hands out a quote a day.

Only recently, the CEC had to effect something of a rhetorical rollback after his tough talk about the use of the U.C. Banerjee report during the election campaign in Bihar was roundly mocked by Laloo Prasad Yadav. More than the famed impudence of the RJD chief was on display in this episode. It was clear that the election monitor had strayed into terrain that lies outside its jurisdiction — the CEC was putting out diktat he simply does not have powers to enforce. The model code of conduct is a constraint more normative than legal. Undeterred, the CEC then thought it fit to revive an old idea whose time has never come. Several years ago, then

Q
CEC M.S. Gill actively promoted the proposal that governments in poll-bound states must resign before elections are held. Perhaps the finance minister and home minister could continue, adds Krishnamurthy now, expressing his “personal” views to the media. This is uncalled-for. It is true that incumbent governments have been known to manipulate state resources at their disposal to get a headstart in the electoral race. But in the last five decades and more, the country’s electoral system, its checks and balances, have demonstrated enough resilience to make such proposals seem unnecessary, and actually alarmist. Arguably, India has some distance to cover in order that the rituals of electoral democracy link up with the routines of governance. But that India conducts one of the fairest and free-est polls, on a dauntingly large and complex scale, is undeniable.

MS
The CEC has also railed against independent candidates and spoken of the need to retire politicians beyond a certain age. He has also spoken of preventing those against whom chargesheets have been framed well ahead of polls, from contesting. We do need more accountability from our politicians and yes, fresh ideas, less criminality. But the CEC’s suggestions are beginning to sound like a go-it-alone tirade. The CEC must concentrate on the onerous job at hand. For the rest, there’s political debate.

25 JAN 2005

INDIAN EXPRESS



Our Political Bureau
NEW DELHI 24 JANUARY

THE Election Commission on Monday supported a petition before the Supreme Court seeking a right for the voter to cast a "negative" vote in case he found none of the candidates in the fray suitable. This statement was given by EC counsel S. Muralidhar before a Bench comprising Chief Justice R.C. Lahoti and Justice G.P. Mathur, which also issued a notice to Attorney General Milon Banerjee on Monday. The matter has been posted for further hearing after four weeks.

The EC's endorsement of the petition,

EC backs provision of 'negative' vote

filed by People's Union for Civil Liberties, is not surprising as the commission has already suggested a provision for negative voting to the government twice, once in 2001 and then in 2004. In its proposal of electoral reforms, the commission has sought inclusion of the option "none of the above" after the name of the last candidate to enable an elector to reject all candidates if he so chooses.

The apex court Bench on Monday asked Mr Muralidhar to spell out provisions on negative voting adopted in other countries so as to assist it in forming an opinion on the issue. The petition seeking the right to "negative/neutral" vote filed by advocate Sanjay Parikh pointed out that as per the present laws, an elector could refuse to vote after he has been identified and necessary entries made in the register of electors and marked copy of the electoral roll. However, the secrecy of his ballot was violated in as much as

the polling officials and the polling agents in the polling station got to know about the decision of such a voter.

Keeping this in mind, the Election Commission had written to the Centre, once in 2001 and then 2004, suggesting amendments to the Representation of People Act so that provision could be made in the ballot papers and the electronic voting machines (EVMs) allowing casting of negative vote by a voter. According to the proposal on electoral reforms forwarded by the EC in July 2004 for the government's consideration, "rules 22 and 49B of the Conduct of Election Rules, 1961, may be suitably amended adding a proviso that in the ballot paper in the column relating to names of candidates, after the entry relating to the last candidate, there shall be a column 'none of the above,' to enable a voter to reject all the candidates, if he chooses to."

EC nod to videography in booths

SNS & PTI

NEW DELHI, Jan. 23.—In keeping with Supreme Court suggestions, the Election Commission today asked the chief electoral officers of poll-bound Bihar, Jharkhand and Haryana to videograph the proceedings inside polling stations without violating the secrecy of the vote.

"In deference to the suggestion of the Supreme Court, the EC directs that videography of the poll proceedings may be carried out inside the polling stations also," EC secretary Mr

AK Majumdar said today.

However, considering the practical difficulties in covering all polling stations, the commission said videography may be done only in those stations considered necessary by the election observers.

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

The EC also directed that one Central Paramilitary Force personnel be

stationed at the entrance of the polling booth so that he can have an unrestricted view of the poll procedure inside.

The Supreme Court had, in a recent order, suggested to the EC to post paramilitary personnel and install cameras inside booths "to keep an eye" on the staff conducting the elections.

Among other directions, the commission today asked the CEOs to keep a strict watch over election expenditure by their office and by district election officers, returning officers and other authorities con-

cerned to ensure that election funds were not misutilised, Mr Majumdar said.

Besides, all election observers of the three poll-bound states have been asked to strictly comply with Supreme Court directions not to accept undue hospitality of the state, he said.

The EC also directed police officers in these states to register FIRs in case of violation of provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, which makes it a punishable offence to force any SC or ST member to vote or not to vote in the polls.

THE STATESMAN

24 JAN 2005

Quit before polls, CEC tells ministers

SNS & AGENCIES

NEW DELHI, Jan. 22. — In a far-reaching suggestion aimed at strengthening the electoral system, Election Commission today said ministers, except two or three important ones in each state, should resign as soon as the Assembly election is announced.

The EC also sought a total ban on the publication of photographs of politicians in government advertisements during the election period.

"The current culture of publishing photographs of leaders in government advertisements announcing government policy, schemes and achievements should be totally banned at least during the election period," said the Chief Election Commissioner, Mr TS Krishnamurthy, while inaugurating a workshop on "electoral reforms". He said these announcements are best left to the administrators without the paraphernalia of advertisement of political leaders. "This will no doubt result in huge savings of taxpayers money which can be better utilised for good governance," he said.

Throwing his "personal" suggestions, Mr Krishna Murthy said: "Perhaps the chief minister, finance minister and the home minister could continue in office and all others could resign." Seeking a political consensus on the matter, he said the EC's experience was that the party in power took undue advantage in the state Assembly polls.

"It would be a good convention if all parties agreed to resign when in power in order to ensure that Constitutional obligations are fulfilled during this period."

he said.

Suggesting some urgent steps in the electoral system in order to improve the quality of democracy in future, he said the criminals against whom chargesheets have been framed well ahead of elections, should be prevented from contesting.

"This is not denial of any fundamental right. This is only a suspension of a statutory right until the person is cleared of the charges," he said.

Noting that in some democracies, Independents were not allowed to contest Parliamentary elections, he said it was worthwhile to consider banning Independents from contesting at least in Parliamentary elections.

Petitions filed by the aggrieved persons against the elections should be settled by constituting benches or tribunals within a time-frame of two years if they have to be of any meaningful purpose.

It would be worthwhile to consider granting voting rights to Indian passport holders living outside India, he said adding it could be either by voting in the constituency in which normally they have a permanent residence or by voting one or two representatives in the House to represent their voices in Parliament, he said.

Referring to the politico-criminal nexus in Bihar, Jharkhand and Haryana, the CEC expressed concern over free movement of criminal elements.

The Congress today said the EC suggestion that ministers, except two or three important ones in each state, should resign as soon as the announcement for assembly elections is made, needed to be debated.

THE STATESMAN

23 JAN 2005

Godhra report can be discussed within norms, says CEC

23/1/2001

By Our Legal Correspondent

NEW DELHI, JAN. 22. The Chief Election Commissioner, T.S. Krishnamurthy, today made it clear that the Commission had not asked the Rashtriya Janata Dal president, Lalu Prasad, to avoid raising the U.C. Banerjee Committee report on Godhra as an election issue.

Talking to reporters on the sidelines of a seminar on electoral reforms, he said the Commission was not against a debate or discussion on the Godhra report. Asked about Mr. Lalu Prasad's assertion that the Godhra report would form part of his party's electioneering, he said: "Nobody has been stopped from talking about the report."

But "we have already clearly explained that if anybody is going to communalise the report or make unruly personal attacks violating the model code of con-

duct, then the Commission will intervene."

Asked whether his clarification meant that Mr. Lalu Prasad could use the report while the Bharatiya Janata Party could not, Mr. Krishnamurthy said he would not make any distinctions but "I will interfere when it is absolutely necessary."

Criminals in politics

In his lecture on reforms, the CEC said he wanted the Government to take immediate action on the proposals submitted by the Commission to prevent criminalisation of politics.

He said those against whom charge sheets had been framed well ahead of the elections should be prevented from contesting.

"This is not denial of any fundamental right. This is only a suspension of a statutory right until the person is cleared of the charges."

He said: "As the Commission is now concerned with the elections in three important States, what is worrying me is the impunity with which the criminal elements are moving about freely in some areas in this country, threatening to spread fear in the minds of the voters. Non-bailable warrants are pending execution in large numbers in these States. The nexus between the criminal ele-

ments and political leaders is providing a daunting challenge in the conduct of election."

Mr. Krishnamurthy said: "A number of persons with criminal backgrounds want to become members of the Legislative Assembly and Parliament taking advantage of the loopholes in the law duly strengthened by their money power and muscle power. They are able to vitiate the electoral process in some areas. This is a dangerous trend and unless it is arrested administratively and legislatively, there is serious danger to the future of democracy in this country."

The publishing of photographs of leaders in the Govern-

ment and advertisements announcing Government policies, schemes and achievements should be banned, at least during the election period.

Since the ruling party had an undue advantage during the Assembly polls, it would be a good convention if all the parties in power agreed to resign at least three months ahead of the poll, he said. This required a Constitutional amendment. "Perhaps the Chief Minister, Finance Minister and the Home Minister could continue in office and all others could resign."

He asked the Government to address these issues immediately. "The more we delay, the more is the danger to Indian democracy in the future," he said.

THE HINDU

23 JAN 2005

710-1
DU

Bihar polls: Election Commission talks tough

By K. Balchand

PATNA, JAN. 20. The Election Commission today warned that those seeking to intimidate voters belonging to the weaker sections during the coming three-phase Assembly elections would be arrested under the Scheduled Castes and the Scheduled Tribes Prevention of Atrocities Act. The Commission said it would make the deployment of para-military forces mandatory at all polling booths.

The Chief Election Commissioner, T.S. Krishnamurthy, issued this directive to the Bihar Government after he and his colleagues, B.B. Tandon, and N. Gopalaswamy, reviewed the poll preparedness with top officials of the State.

Mr. Krishnamurthy told newsmen that no electronic voting machine (EVM) would be made available at booths where the deployment of para-military forces was not notified.

In such a case, polling would be postponed.

The Commission would be taking it up with the Union Home Ministry the State Government's request to make available more Central forces than what

had already been agreed upon.

Special security measures were being put in place in naxalite-affected areas. Those areas would be covered with a proper communication system. It would be the responsibility of the State Government to provide tele-

phones at all booths.

The Commission asserted that the election schedule would be adhered to despite the indefinite strike by government employees. It has allowed the State Government to draft members of the panchayat shiksha mitras for

conducting the elections. The strength of the polling team has been reduced from four to three at each booth to cope with the contingency.

Mr. Krishnamurthy said politicians would be punished under the provisions of the model code for violation if they resorted to personal attacks and gave communal colour to the interim report of the Justice Banerjee Committee report on the Godhra tragedy. Mr. Krishnamurthy expressed the hope that political parties would conduct themselves in a fair and reasonable manner.

"If the assurances were only in paper, then the Election Commission would intervene and take serious action. We are giving an opportunity to improve. Our patience should not be tested by repeated violations, lest we initiate extreme actions. I believe parties understand the language and not allow us any such opportunity to take action."

Mr. Krishnamurthy said he had received complaints about the release of the movie 'Padmashree Lal Prasad Yadav' later this month and said the Commission was enquiring into it.

Out of jurisdiction, again:
Editorial on Page 10

Will rake up Godhra report during polls: Lalu

NEW DELHI, JAN. 20. The Rashtriya Janata Dal chief and Railway Minister, Lalu Prasad, has said that he will rake up the report on the Godhra train burning incident during the elections to expose the "fascist agenda" of the BJP-RSS.

"I am not politicising it. I only want the people of the country to know the truth. Let the people decide what is right and what is not. I am only exposing the BJP-RSS and their fascist agenda," he told NDTV India's 'Takkur' programme, according to a press release issued by the channel.

On allegations that he got

the inquiry report "manipulated," he said: "I have never met Justice Banerjee. He is the judge who denied me bail in the fodder scam. How can I influence him? The Cabinet wanted the report at the earliest, what is wrong with that."

Claiming that certain personnel of the Gujarat police had not cooperated with the Justice Banerjee Committee, Mr. Lalu Prasad said the panel had the powers to direct these officers to appear before it.

"If they still do not, then warrants for their arrest will be issued," the release quoted him as saying. — PTI

FRIDAY, JANUARY 21, 2005

*9/11/05
Banerjee
CEC* **OUT OF JURISDICTION, AGAIN** *W* *10*

IN YET ANOTHER act completely out of jurisdiction, the Election Commission has undertaken to examine whether the release and use of the Justice U.C. Banerjee interim report on Godhra amount to a violation of the model code of conduct. It has sought to determine the political content of the coming Assembly elections rather than confine itself to 'supervising' free and fair elections as mandated in Article 324 of the Constitution. T.S. Krishnamurthy's loose talk insinuating that Rashtriya Janata Dal chief Lalu Prasad timed the release of the Godhra report for electoral gain is yet another instance of the Chief Election Commissioner donning the mantle of the nation's conscience-keeper and super policeman. Worse still, the CEC has termed the citing of the Banerjee report as likely use of religion for political exploitation. The Godhra tragedy and the communal carnage that followed had very little to do with religion and everything to do with the politics of communalism. Taking hypocrisy and sanctimoniousness to a new high, the Bharatiya Janata Party has blamed Lalu Prasad for attempting to drive a wedge between Hindus and Muslims through the instrumentality of the Banerjee report. The CEC seems to be unwittingly concurring with the BJP.

The Election Commission's model code of conduct prohibits parties or candidates from indulging in "any activity which may aggravate existing differences or create mutual hatred or cause tension between different castes and communities, religious or linguistic." In principle, this is an admirable ideal, and yet there are complexities that cannot be circumscribed by sheer nobility of intent. The politics of *shilanyas* in Ayodhya, L.K. Advani's rath yatra, and the culmination of the upsurge of so-called Hindu nationalism in the vile and barbaric act of demolition of the Babri Masjid cannot be neatly delineated either as religion or as politics. It is easier, how-

ever, to define communalism of both the majority and the minority; this reveals itself in the disruption of public peace, threatens the rule of law, and undermines the social fabric. The BJP under Narendra Modi's leadership fought and won the Gujarat elections on the plank of the Godhra deaths and their communal fallout. If the Election Commission were honestly and uncompromisingly to adhere to its own guidelines, the entire election process in Gujarat would have to be nullified. Constitutional experts, therefore, have suggested that Article 19 (1) (a) of the Constitution, which guarantees freedom of speech and expression, subject to reasonable restrictions imposed by law, must guide every attempt to regulate public and political activity.

The Election Commission's statement exemplifies a peculiar mindset associated with certain managerial and technocratic tendencies. It leads to a narrow and authoritarian framing of 'real' issues. Constant harping on what it insists should be the rules of the political game directly leads to attempts to sanitise public life and curtail, to use Jawaharlal Nehru's memorable phrase, "the noise and chaos of democracy." This is not to argue that politics and politicians have not shortchanged the people of India over the years. But this cannot be an argument for abandoning democratic politics in favour of managerialism or taking the cut and thrust of politics out of elections. The aftermath of Godhra had profound and disturbing implications for the idea of India. It is only natural for political parties and the democratic process to discuss threadbare these implications — in, and out of, election season. To be part of the idea of India is to be concerned for a larger whole than one's backyard. Voters do not require the patronising gaze or the censoring hand of any constitutional functionary to determine the politics of the country and its future.

Election Commission defers decision on Godhra report

By J. Venkatesan

NEW DELHI, JAN. 20. The Election Commission today deferred its decision on whether the release of the Justice U.C. Banerjee report on the Godhra train tragedy on the eve of the Assembly elections in Bihar, Jharkhand and Haryana violated the model code of conduct.

Sources said that the Chief

Election Commissioner (CEC), T. S. Krishnamurthy, presided over a meeting held this evening to consider the complaints from the Bharatiya Janata Party and others on the release of the report and its use for political purposes. The two Election Commissioners, B.B. Tandon and N. Gopalaswami, also attended the meeting.

Sources said that the meet-

ing reviewed the progress of the preparations for the elections by the three States, as well as the security arrangements for the smooth conduct of the polls.

Regarding the Godhra report, it was said that the CEC had already made the Commission's position clear that it should not be used by the par-

ties for political advantage and no communal colour should be given to the report's findings.

The meeting decided to give sufficient time to the political parties to mend their ways.

It was also decided that the question of taking action would arise only if the parties defied the code and other directions of the Commission.

No directive from EC: RJD

By K. Balchand

PATNA, JAN. 20. The Rashtriya Janata Dal leader, Lalu Prasad, today said his party had not received any directive from the Election Commission (EC) on the use of the U.C. Banerjee report in the poll campaign. Releasing his party's manifesto, he said it was for the Commission "to see" into complaints of violation of the model code of conduct.

Mr. Prasad said he had a

seat-sharing arrangement with the Congress wherein both parties would not field candidates against sitting legislators. He denied knowledge about the Lok Janshakti Party chief, Ramvilas Paswan, entering into a tie-up with the Congress.

In his manifesto, Mr. Prasad said the RJD alone could exploit the conducive atmosphere that had been created for development in the State with the installation of the United Progressive Alliance at

the Centre. He blamed the ills plaguing the State on the Bharatiya Janata Party-led alliance and charged that it had conspired against the State at each step leading to its bifurcation.

The RJD has promised to give employment to one member of each family of farmer or landless labourer besides setting up a new department for employment.

Employment would be provided to at least 1,000 people in each district every year. He al-

so promised subsidies on agricultural inputs.

The manifesto also spoke of free education for girls right from the primary level.

For girls belonging to the minority community, Urdu schools would be opened.

The RJD has given special sops to the minorities. All police stations will have at least one Urdu-speaking employee. Weavers have been promised power subsidies besides action to waive arrears.

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Lalu violated code: Election Commission

18/1 By J. Venkatesan

J. Venkatesan - CEC

NEW DELHI, JAN. 17. The Election Commission today held that the Railways Minister and Rashtriya Janata Dal (RJD) president, Lalu Prasad, had violated the model code of conduct by distributing money to electors in Patna on the eve of elections in Bihar. "The Commission severely condemns this serious violation of the code by Mr. Lalu," it said.

The full Commission, after considering Mr. Prasad's reply to the showcause notice, held that in the matter of violation of the code, "it is not the strict rules of evidence that apply. What matters is the general perception in the minds of the public, particularly the

electorate, political parties and rival candidates as to how they view the acts of commission and omission of other political parties, their leaders and their workers and supporters."

Taking a serious view of Mr. Prasad giving money to some persons from the Dalit community in Patna on December 18, 2004, the Commission had lodged a First Information Report against him for an offence under Section 171-b of the Indian Penal Code, relating to bribery in the conduct of elections. Notice was also issued to show cause why action should not be initiated for derecognition of the party under the provisions of the Election Symbols Order, 1968.

In its order, the Commission said: "It is an undeniable fact that the whole nation's conscience felt disturbed on seeing, in the print and electronic media, Mr. Lalu Prasad openly holding a wad of currency notes in his hand and distributing them to several ladies, which he himself admits. Thus there can be no two opinions that Mr. Lalu did violate the code by distributing money to electors on the eve of elections."

The Commission said that normally a serious violation should invite exemplary punishment to the party. But it had taken note of Mr. Prasad's assurances to strictly abide by the provisions of the code in future. In view of this,

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the Commission "would like to take a lenient view" and would not pursue the matter further.

"Nevertheless, the Commission severely reprimands Mr. Lalu Prasad for his violation of the code," the order said.

The Commission cautioned the RJD and all its leaders, workers and supporters that "this is the last opportunity" to them to honour the code and abide by it, both in letter and in spirit.

It warned that it would not hesitate to take exemplary action against the party in case of further violations of the code or lawful directions of the Commission given from time to time for ensuring free and fair elections.