

MOHAN JAIN



अपर महा - सॉलिसिटर

भारत

ADDITIONAL SOLICITOR-GENERAL
INDIA

Dated: 1st March, 2011

Dear Bhasinji,

As you are aware that 5th Regional Consultation on Electoral Reforms was held at Chandigarh on 5th February, 2011 at Chandigarh Judicial Academy. I am glad to inform you that we received overwhelming response from the politicians, journalists, senior lawyers, academicians including Vice Chancellors, bureaucrats and law students. Apart from other distinguished guests His Excellency Shri Shivraj V. Patil, Governor of Punjab, Dr. M. Veerappa Moily, Hon'ble Union Minister for Law and Justice, Shri Pawan Bansal, Hon'ble Union Minister for Parliamentary Affairs, Shri Salman Khurshid Hon'ble Union Minister for Minority Affairs, Shri Bhupinder Singh Hooda, Hon'ble Chief Minister of Haryana, Shri S. Y. Quraishi, Chief Election Commissioner of India and Shri Manish Tewari, National Spokesperson, All India Congress Committee, shared their vision on Electoral Reforms. High Court Judges had also enriched us with their invaluable thoughts on the subject.

Further, Shri Satya Pal Jain, Former Member of Parliament Chandigarh, and Shri G. C. Gupta represented Bhartiya Janta Party, Shri O. P. Bakshi, Nationalist Congress Party, Shri R. S. Chaudhary and Shri S. S. Badsham, Indian National Lok Dal, Shri A. S. Brahmputra, Minister, Government of Punjab represented Shiromani Akali Dal, Ms. Vidya Stokes, Leader of Opposition, Himachal Pradesh Legislative Assembly, Ms. Rajnoor Kaur Bhattal, Leader of Opposition, Punjab Legislative Assembly were also present.

I am hereby submitting a detailed report of the Regional Consultation which includes the summary of recommendations and proceedings of the sessions for your kind perusal.

With Regards,

Yours sincerely,

Encl: Detailed report

संचिव कार्यालय

Secty, L.D. Office

क्र. नं. / D. No. 723-6

दिनांक / Date. 1/3/2011

Shri V. K. Bhasin,
Secretary,
Legislative Department,
Ministry of Law & Justice,
Room No. 405, A Wing,
4th floor Shastri Bhawan,
New Delhi 110001.

M. Jain
(MOHAN JAIN)

W. B. 7/3/11
AS M. Jain 7/3/2011
JS 7/3/2011



MINISTRY OF LAW AND JUSTICE
GOVERNMENT OF INDIA

REGIONAL CONSULTATION FOR ELECTORAL REFORMS

February 5, 2011

CHANDIGARH JUDICIAL ACADEMY
SECTOR 43
CHANDIGARH

5th REGIONAL CONSULTATION FOR ELECTORAL REFORMS Programme

Saturday, February 5th, 2011

Inaugural Session

Venue: Chandigarh Judicial Academy, Sector – 43, Chandigarh.

Compere : Ms. Reeta Kohli, Addl. Advocate General, Punjab

09.00 AM- 10.00 AM	<i>Registration</i>
10.00 AM- 10.05 AM	<i>Lighting of Lamp</i>
10.05 AM- 10.10 AM	<i>Welcome Address by Prof. G.S. Sandhu, Rajiv Gandhi National University of Law, Patiala</i>
10.10 AM- 10.20 AM	<i>Introduction on Electoral Reforms by:</i> Sh. Vivek K. Tankha, Additional Solicitor General of India.
10.20 AM- 10.30 AM	<i>The Need for Electoral Reforms in India by:</i> Sh. S.Y. Quraishi, Chief Election Commissioner of India
10.30 AM- 10.40 AM	<i>Thoughts on Electoral Reforms by:</i> Sh. Shiv Raj Patil, H.E. Governor of Punjab and Administrator, U.T., Chandigarh
10.40 AM- 10.50 AM	<i>Agenda for Electoral Reforms by:</i> Dr. M. Veerappa Moily, Hon'ble Union Minister for Law & Justice
10.50 AM- 11.00 AM	<i>Thoughts on Electoral Reforms by:</i> Sh. Bhupinder Singh Hooda, Chief Minister, Haryana.
11.00 AM- 11.10 AM	<i>Thoughts on Electoral Reforms by:</i> Sh. Pawan Bansal, Union Minister for Parliamentary Affairs
11.10 AM- 11.20 AM	<i>Thoughts on Electoral Reforms by:</i> Sh. Salman Khurshid, Union Minister for Minority Affairs and Water Resources
11.20 AM- 11.30 AM	<i>Thoughts on Electoral Reforms by:</i> Sh. Manish Tewari, National Spokes Person, All India Congress Committee
11.30 AM- 11.35 AM	<i>Vote of Thanks by:</i> Sh. Mohan Jain, Additional Solicitor General of India
11.35 AM- 12.00 Noon	Tea Break

Panel Session – I at Convention Hall

12.00 Noon – 01.30 PM

Topic I Conduct and Better Management of Elections

Moderator – Chairperson Sh. S.N. Mendiratta, Election Commission of India
Hon'ble Mr. Justice K. Kannan, Judge, Punjab and Haryana High Court,

Coordinator Panelists Hawa Singh Hooda, Advocate General, Haryana

- a) Prof B.S. Ghuman, Dean Faculty of Arts, Panjab University, Chandigarh,
- b) Sh. R.S. Mittal, Senior Advocate
- c) Sh. Kanwar Sandhu, Managing Editor, Day & Night News Channel
- d) Dr. Balram K. Gupta, Senior Advocate
- e) Sh. R.S. Chaudhary, [I.A.S (Rtd.) Former Vice Chancellor Kurukshetra University]
Indian National Lok Dal
- f) Sh. Om Prakash Bakshi, Nationalist Congress Party
- g) Sh. Gyan Chand Gupta, Bhartiya Janta Party

Suggestion: Observation session
(Time to be allocated accordingly with Time Keeper)

Panel Session – II at Lecture Theatre - 2

12.00 Noon – 01.30 PM

Topic II Shaping Public Opinion; Role & Responsibility of the Media; Advertising; Exit Polls; Opinion Polls etc.

Moderator – Chairperson Chief Electoral Officer, Haryana/Punjab
Hon'ble Mr. Justice V.K. Ahuja, Judge, Himachal Pradesh High Court

Coordinator Panelists Prof. B.S. Brar, Department of Political Science, Panjab University, Chandigarh,

- a) Dr. Shruti Bedi, Asstt. Prof. University Institute of Legal Studies, Chandigarh
- b) Sh. K.K. Khandelwal, IAS, Additional Principal Secretary to Chief Minister, Haryana,
- c) Sh. Mandeep Randhawa, Special Correspondent, Hindustan Times
- d) Sh. Ashok Malik, Sub Editor Haryana Samyav
- e) Sh. Eshwar Anand, Asst. Editor, Tribune

Suggestion: Observation session
(Time to be allocated accordingly with Time Keeper)

Panel Session – III at Lecture Theatre - 3

12.00 Noon – 01:30 PM

Topic III Criminalisation and Money Power in Politics

Moderator

Sh. K.F. Wilfred, Election Commission of India

Chairperson

Mr. Atul Lakhpal, Senior Advocate, Punjab and Haryana High Court, Former President Punjab and Haryana High Court Bar Association Chandigarh.

Coordinator

Prof. Rajesh Gill, Department of Sociology, Panjab University, Chandigarh.

Panelists –

- Ms. Rupam Jagota, Asstt. Prof., Guru Nanak Dev University, Amritsar.
- Sh. S. S. Virk, IPS, former Director General of Police, Punjab and Maharashtra.
- Sh. Daljit Singh, Principal Khalsa College, Amritsar
- Ms. Shama Dogra, Member (Judicial), CAT, Chandigarh.
- Mr. M.I.S. Sethi, Senior Advocate
- Sh. S.S. Badsami, Indian National Lok Dal

Suggestion – Observation session

(Time to be allocated accordingly with Time Keeper)

Valedictory Session - Auditorium

1:35 PM – 1:40 PM

Opening Remarks

1:40 PM to 1:50 PM

Prize distribution to the participants who contributed by submitting Research papers

1:50 PM – 1:55 PM

Panel Chairperson's Presentation

1:55 PM – 2:00 PM

Panel Chairperson's Presentation

2:00 PM -2:05 PM

Panel Chairperson's Presentation

2:05 PM -2:10 PM

Reflections by Dr. M. Veerappa Moily, Hon'ble Union Minister for Law & Justice

2:10 PM onwards

Lunch

5th REGIONAL CONSULTATION FOR ELECTORAL REFORMS

INAUGURAL SESSION

Welcome Address by

Prof. G.I.S Sandhu, Registrar, Rajiv Gandhi National University of Law, Patiala.

He welcomed the Speaker and expressed hope that the consultation would bring great results. He also expressed belief that there must exist transparency in the Government system and that there should be no denial of access to criminal justice system. He stated that there must not exist a band-aid solution to the problem which is only an interim measure but the solution must be permanent.

Introduction - Shri Vivek Tankha, ASG

As regards the funding of elections, it was said that more amount is being spent than what is legally required. It was also said that the election commissioner should be given the right to disqualify in case the onus is found on the accused.

Shri Manish Tewari, National Spokesperson, All India Congress Committee.

He said that only India has remained and sustained as a democracy and has maintained the integrity. He examined the

question as to why criminals want to enter the democratic system and stated the likely objectives as:-

- (i) Exercise of power over the criminal justice system
- (ii) Enjoying patronage of the government.

Regarding finance of election, he stated that the political party files returns with IT Department and also files report with Election Commissioner. He stated that the Election Commission should be asked whether the political parties are following the aims and objectives of their constitution or not. He stated that the non-serious parties should be weeded out.

He stated that the Companies Act allows 2% donation to political parties and suggested before the house that we need to remove this ceiling of 2%. He believed that such a limit is arbitrary and there is a need for it to be updated.

Regarding anti defection, he stated that the legislative space should be feed up and the anti defection law should be made applicable only to those instruments that cause collapse of the Government. He stated that the quorum during the Government Bill is incubated and when the Bill comes to the House as an invariable process, there is no time for resolution. He stated that the rigors of anti defection law should be amended. He further stated that the power of whip should be limited as done in case of Money Bills.

As regard paid news, he stated that there should be brought a legislation with respect to the Corporate sector entering into wikis with the press.

Shri S.Y. Quraishi, Chief Election Commissioner of India.

He stated that Government officials must not be transferred and protection must be given to the Commissioners not only to the Election Commission. He stated that the Zila Parishad and Gram Parishad must also be discussed while considering the Electoral Reforms. That is because large number of people are elected to these bodies. He stated that if the Trial Court convicts a candidate, he must not be allowed to contest election and one must not wait for the final disposal of the case. He stated that the modern methods could be relied upon during campaign.

Shri Bhupinder Singh Hooda, Hon'ble Chief Minister of Haryana

He suggested that poll expenses be indexed to inflation, Model Code of Conduct be reviewed as not to hamper development and canvassing period be reduced. He also called for imposing a complete ban on surrogate advertisements and publication of exit and opinion polls before the close of the last phase of elections.

Shri Salman Khurshid, Hon'ble Union Minister for Minority Affairs & Water Resources.

He stated that the caste system effects on the electoral system. He further stated that the element of corporate sector funding and corporate governance should be introduced and maintained. He stated that there should exist a system for private contributions made to the political parties. He stated that there could be different models of donating which included the existence of a provision of donation upto 20% or 30% to be given to the opposite party.

He stated that the election disputes in the courts get rejected on technical ground which we usually ignore. He also stated that Election Commission is not made a party before the court in such dispute. He believed that this was necessary as the information regarding the misuse of the system and EVM and violation of law remains with the Election Commission. He stated that EC is friend of the Court and for the best disposal of the dispute, which is a continuing process, it should remain a party. No names should be deleted without bringing to the notice of the E.C.

Shri Pawan Bansal, Hon'ble Union Minister for Parliamentary Affairs.

He analysed whether the present system is the will of the majority and rendered thoughts on the proliferation of the political parties. He stated that the agendas of the Electoral Reforms must be based on the touch stone of constitution of India and the parties must adhere to their objectives stated at the time

of registration. He stated that there should a check on a misuse and abuse of religion in politics.

Dr. M.Veerappa Moily, Hon'ble Union Minister for Law & Justice.

He stated that while carrying out the Electoral Reforms the lessons learnt from the various civilization across the globe must be kept in mind. He laid emphasis on character building in politics. He also stated that the constitution principles must find expression and reflection in the Electoral Reforms.

Shri Shivraj V. Patil, H.E. Governor of Punjab & Administrator, U.T., Chandigarh,

He believed that the Election Commission had performed a great role in the midst of the Government, Corporates and the ones holding opposing views. He believed that organizing of elections was a big and complicated task which has been carried out with great efficiency by the E.C. He opined that the suggestions of the Election Commission must be accepted.

Shri Mohan Jain, Additional Solicitor General of India

He expressed his thanks to the speakers and conveyed his best wishes to the consultation.