

RAJYA SABHA

Thursday, the 31st January, 1985/11
Magha, 1906 (Saka)

The House met at eleven of the clock, Mr. Chairman in the Chair.

MEMBER SWORN

Shri Achchhey Lal Balmik (Uttar Pia-

PAPERS LAID ON THE TABLE

Notifications of the Ministry of Defence

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI MARGARET ALVA): Sir, on behalf of SHRI P. V. NARASIMHA RAO, I beg to lay on the Table:—

I. A copy each of the following Notifications of the Ministry of Defence, under sub-section (3) of section 281 of the Cantonments Act, 1924, together with Explanatory Memoranda on the Notifications:—

(i) S. R. O. No. 284, dated the 29th October, 1983, publishing the Cantonment Fund Servants (Second 7th January, 1984, 1983 (in English and Hindi) .

(ii) S. R. O. No. 11, dated the 7th January, 1984 and S.R. O No. 126, dated the 2nd June, 1984, publishing Corrigenda to the Notification mentioned at (i) above, (in English Hindi) respectively.

(iii) S. R. O. No. 24(E), dated the 28th February, 1984, specifying such powers or duties of an Executive Officer which a Cantonment Board can authorise any of its Members or Officers to exercise or perform in the absence of the Executive officer,
[Placed in Library. See No. LT—3011 85 for (i) to (iii).]

II. A copy each (in English and Hindi) of the following Notifications of the Ministry of Defence, under nth

section (3) of section 13 of the National Cadet Corps Act, 1984:—

(i) S. R. O. No. 2, dated the 19th January, 1985, publishing the National Cadet Corps Amendment Rules, 1985.

(ii) S. R. O. No. 3, dated the 19th January, 1985, publishing the National Cadet Corps (Girls Division) Amendment Rules, 1985. [Placed in Library. See No. LT—348/85 for (i) and (ii).]

Report of Law Commission of India

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H. R. BHARDWAJ):

Sir, I beg to lay on the Table a copy (in English and Hindi) of the One Hundred and Sixth Report of Law Commission of India on Section 103A of the Motor Vehicles Act, 1939. Effect of Transfer of a Motor Vehicle on Insurance. [Placed in Library. See No. LT—349/85.]

I. Report and Accounts (1983-84) of the North Eastern Electric Power Corporation Limited, Shillong and related papers

II. Report and Accounts 1983-84) of the Water and Power Consultancy Services (India) Limited, New Delhi and related papers

THE MINISTER OF IRRIGATION AND POWER (SHRI B. SHANKARA-NAND):
Sir. I beg to lay on the Table:—

I. A copy each (in English and Hindi) of the following papers, under sub-section (!) of section 619A of the Companies Act, 1956: —

(i) (a) Eighth Annual Report and Accounts of the North Eastern Electric Power Corporation Limited, Shillong, for the year 1983-84, together with the Auditors' Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.

(b) Review by Government on the working of the Corporation.

[Placed in Library. See No. LT—352] 58 for (a) and (b)].

(ii) (a) Fifteenth Annual Report and Accounts of the Water and Power Consultancy Services (India) Limited, New Delhi, for the year 1983-84, together with the Auditors' Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.

(b) Review by Government on the working of Company.

II. Statement (in English and Hindi) giving reasons for the delay in laying the papers mentioned at (i) above.

[Placed in Library. See No. LT—354/85 for (ii) and II]

I. Report (1983-84) of the University Grants Commission

III. Report and Accounts (1983-84) of Kendriya Hindi Shikshan Mandal, Agra and related papers

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI MARGARET ALVA): Sir, on behalf of SHRI K. C. PANT, I beg to lay on the Table a copy each (in English and Hindi) of the following papers:—

I. (a) Annual Report of the University Grants Commission, for the year 1983-84 and Review by Government on the working of the Commission, under section 18 of the University Grants Commission Act, 1956.

(b) Statement giving reasons for the delay in laying the papers mentioned at (i) above.

[Placed in Library. See No. LT—414/85 for (a) and (b)].

II. Statement giving reasons for the delay in laying the Annual Report and Accounts along with Audit Report thereon, of the Kendriya Hindi Shikshan Mandal, Agra, for the year 1983-84, within the stipulated period. [Placed in Library. See No. LT—321/85].

I. Report and Accounts (1983-84) of the Hospital Services Consultancy Corpora-

tion (India) Limited, New Delhi and related papers

II. Report and Audited Accounts 0983-84) of the Central Council for Research] in Unani Medicine, New Delhi

III. Report and Accounts (1983-84) of the Central Council of Indian Medicine, New Delhi and related papers

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRIMATI MOHSINA KIDWAI): Sir, I beg to lay on Table:—

I. A copy each (in English and Hindi) of the following papers, under sub-section (!) of section 619A of the Companies Act, 1956:—

(i) First Annual Report and Accounts of the Hospital Services Consultancy Corporation (India) Limited, New Delhi, for the year 1983-84, together with the Auditors' Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.

(ii) Review by Government working of the Corporation.

[Placed in Library. See No. LT—415/85 for (i) and (ii).]

II. A copy each (in English and Hindi) of the following papers:—

(i) (a) Annual Report and Audited Accounts of the Central Council for Research in Unani Medicine, New Delhi, for the year 1983-84.

(b) Review by Government on the Annual Report.

[Placed in Library. See No. LT—360/85 for (a) and (b)].

III. (a) Annual Report and Accounts of the Central Council of Indian Medicine, New Delhi, for the year 1983-84, together with the Audit Report on the Accounts.

(b) Review by Government on the working of the Council. [Placed in Library. See No. LT—361/85 for (a) and (b)].

I. Report (1983-84 of the Indian Council of Medical Research, New Delhi

II. Report and Audited Accounts (1983-84 of the Central Research Institute for Yoga, New Delhi.

SHRIMATI MOHSINA KIDWAI; Sir, I also beg to lay on the Table a copy each (in English and Hindi) of the following papers:

I. (a) Annual Report of the Indian Council of Medical Research, New Delhi, for the year 1983-84.

(b) Review by Government on the working of the Council. [Placed in Library. See No. LT—182] . 85 for (a) (b)].

II. Statement (in English and Hindi) giving reasons for not laying the Annual Report and Audited Accounts of the Central Research Institute for Yoga, New Delhi for the year 1983- 84, with in the stipulated period. [Placed in Library. See No. LT—362; . 85.]

I..Report and Accounts (1983-84) of the Paradeep Phosphates Limited, Bhubaneswtr and related papers

II.Report and Accounts (1983-84) of the Smith Stanistreet Pharmaceuticals Limited, Calcutta and related papers

III. Report and Accounts (1983-84) of the National Fertilizers Limited, New Delhi and related papers

V. Reports and Accounts (1983-84) of the Pyrites, Phosphates and Chemicals Limited, Dehri-on-Sone (Bihar) and re lated papers

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY AND COMPANY AFFAIRS (SHRI ARIF MOHD. KHAN); Sir, on behalf of SHRI VEERENDRA PATIL, I beg to lay on the Table:—

I. A copy each (in English and Hindi) of the following papers, under subsection (1) of section 619A of the Companies Act, 1956: —

1. (a) Second Annual Report and Accounts of the Paradeep Phosphates

Limited, Bhubaneswar for the year 1983-84, together with the Auditors' Report on the Accounts and the comments of the Comptroller and Auditor General of. India thereon.

(b) Review by Government on the working of the Company.

[Placed in Library. See No. LT—I 371(85 for (a) and (b)].

II. (a) Sixth Annual Report and Accounts of the Smith Stanistreet Pharmaceuticals Limited, Calcutta, for the year 1983-84, together with the Auditors' Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.

(b) Review by Government on the working of the Company.

[Placed in Library. See No. LT—370] 85 for (a) and (b).]

[II (a) Tenth Annual Report and Accounts of the National Fertilizers Limited, New Delhi, for the year 1983-84, together with the Auditor's Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.

(b) Review by Government on the working of the Company.

[Placed in Library. See No. LT—416j 85 for (a) and (b) above.]

(iv) (a) Twenty-fourth Annual Report and Accounts of the Pyrites. Phosphates and Chemicals Limited, Dehri-cn-Sone (Bihar), for the year 1983-84, together with the Auditors' Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon

(b) Review by Government on the working of the Company.

[Placed in Library. See No. LT—417] 85 for (a) and <b)]

I. Report and Accounts (1983-84) of the Bengal Chemicals and Pharmaceuticals Limited

II..Drugs (Prices Control) Eleventh Amendment Order, 1984

SHRI ARIF MOHD. KHAN: Sir, on behalf of SHRI VEERENDRA

PATIL, I also beg to lay on the Table .1 copy each (in English and Hindi) of the following papers.

I. Statement (in English and Hindi) giving reasons for not laying the Annual Reports of the Bengal Chemicals and Pharmaceuticals Limited, for the years 1982-83 and 1983-84 and Government's Review thereon, within the stipulated period. [Placed in Library. See No. LT—418/85.]

II. A copy (in English and Hindi) of the Ministry of Chemicals and Fertilizers, [Office of the Development Commissioner (Drugs)], Notification S.O. No. 343(E), dated the 26th April, 1984, publishing the Drugs (Prices Control) (Eleventh Amendment) Order, 1984, under sub-section (6) of section 3 of the Essential Commodities Act, 1955. [Placed in Library. See No. LT—119/85.]

Notifications of the Ministry of Chemicals and Fertilizers

SHRI ARIF MOHD. KHAN: Sir, on behalf of SHRI VEERENDRA PATIL, I also beg to lay on the Table a copy each (in English and Hindi) of the following Notifications of the Ministry of Chemicals and Fertilizers, under sub-section (3) of section 31 of the Bengal Immunity Company Limited (Acquisition and Transfer of Undertakings) Act, 1984.

(i) S. O. No. 732(E), dated the 22nd September, 1984, appointing 1st October, 1984 as the date on which the said Act shall come into force.

(ii) S. O. No. 744(E), dated the 28th September, 1984, regarding vesting of the Undertakings of the Bengal Immunity Company Limited in Smith Stanistreet Pharmaceuticals Limited Calcutta.

(iii) S. O. No. 768(E) dated the 5th October, 1984, specifying the 10th day of October, 1984 as the date for the purposes of sub-section (1) of Section 16 of the said Act.

(iv) S. O. No. 769(E), dated the 5th October, 1984 regarding vesting of the undertakings of Bengal Immunity

Company Limited in Bengal Immunity Limited.

iv; S.O. No. 805(E), dated the 25th October, 1984, regarding appointment of Commissioner of Payments with effect from the forenoon of 1st November, 1984.

(vi) S. O. No. 949(E), dated the 20th December, 1984, regarding appointment of Commissioner of Payments with effect from the forenoon of 19th December, 1984.

[Placed in Library. See No. LT—420/85 for (i) to (vi)].

(. Administration Report (1983-84) of the Paradip Port Trust

II. Report and Accounts (1983-84) of the Shipping Development Fund Committee

II. Notifications of the Ministry of Shipping and Transport (Ports Wing)

THE MINISTER OF STATE OF THE MINISTRY OF SHIPPING AND TRANSPORT (SHRI Z. R. ANSARI):

Sir, I beg to lay on the Table—

I. A copy (in English and Hindi) of the Annual Accounts of the Paradip Port Trust for the year 1983-84, together with the Audit Report thereon, under sub-section (2) of section 103 of the Major Port Trusts Act, 1963.

A copy each (in English and Hindi) of the following papers:—

(i) Annual Administration Report of the Paradip Port Trust for the year 1983-84. [Placed in Library. See No. LT—421/85.]

(ii) Statement giving reasons for not laying the Twenty-fifth Annual Report and Accounts of the Shipping Development Fund Committee for the year 1983-84, within the stipulated period. [Placed in Library. See No. LT—422(85),

(iii) A copy each (in English and Hindi) of the following Notifications of the Ministry of Shipping and Transport (Ports Wing), under subsection (4) of section 124 of the Major Port Trusts Act, 1963:—

(a) G.S.R. No. 831(E), dated the 29th December, 1984, approving the Kandla Port Employees (Recruitment, Seniority and Promotion) Amendment Regulations, 1984.

(b) G.S.R. No. 831(E), dated the 29th December, 1984, approving the Kandla Port Employees (Classification, Control and Appeal) Amendment Regulations, 1984.

(c) G.S.R. No. 74, dated the 19th approving me Bombay

Port Trusts Docks (Amendment) Bye-laws, 1981. [Placed in library. See No-LT—423/85 for (a) to (c)J.

Report and Account (1983-84) of the National Industrial Development Corporation Limited, New Delhi and related papers.

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY AND COMPANY AFFAIRS (SHRI ARIF MOHD. KHAN): Sir, I beg to lay on the Table, subsection 1) of section 619A of the Companies Act, 1956, a copy each (in English and Hindi) of the following papers:—

(i) Twenty-ninth Annual Report and Accounts of the National Industrial Development Corporation Limited, New Delhi for the year 1983-84, together with the Auditors' Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.

(ii) Review by Government on the working of the Corporation

[Placed in Library. See No. LT—423, 85 for (i) and (ii)]

I. Report and Audited Accounts (1982-83) of the Central Government Employees Consumer Co-operative Society Limited, New Delhi

II. Report and Accounts 1983-84 of the Central Civil Services Sports Central Board, New Delhi and related papers.

III. Report and Accounts 1983-84) of Grih Kalyai Kendra, New Delhi and related papers.

THE MINISTER OF STATE IN THE DEPARTMENTS OF PERSONNEL AND ADMINISTRATIVE REFORMS AND CULTURE (SHRI K. P. SINGH DEO): Sir, I beg to lay on the Table:—

I, A copy each (in English and If of the following papers:—

(a) Annual Report and Audited Accounts of the Central Government Employees Consumer Co-operative Society Limited, New Delhi, for the year 1982-83.

(b) Statement by Government acting the above Report.

(c; Statement giving reasons for the delay in laying the Report mentioned at (i) above.

[Placed in Library. See No. LT—424| 85 for (a) to (c)].

II. (a) Annual Report and Accounts of the Central Civil Services Spoils Control Board, New Delhi, for the year 1983-84, together with the Auditors' Report on the Accounts.

(b) Review by Government on the working of the Board.

I Placed in Library. See No. LT—425| 185 for (a) and (b) above].

III. (a) Annual Reports and Accounts of Grih Kalyan Kendra, New Delhi, for the year 1983-84, together with the Auditors' Report on the Accounts.

(b) Review by Government on the working of the Kendra.

[Placed in Library. See No. LT—426| Si for (a) and (b)]

I. Khanda Bakhsh Oriental Public Library Administration Regulation, 1984.

II. Khuda Bakhsh Oriental Public Library Board Meetings Regulations, 1984

III. Khuda Bakhsh Oriental Public Library Board Delegation of Financial Powers) Regulations, 1984

SHRI K. P. SINGH DEO: Sir, I also beg to lay on the Table a copy each (in

English and Hindi) of the following Notifications of the Khuda Bakhsh Oriental Public Library Board, under sub-section (4) of section 28 of the Khuda Bakhsh Oriental Public Library Act, 1969:—

I. Notification No. II-XBL,Reg, (Admn)/84, dated the 19th August 1984, publishing the Khuda Bakda Oriental Public Library (Administration) Regulations, 1984.

II. Notification No. II-KBL/Reg. (Bd. Meeting)84 dated the 19th August, 1984, publishing the Khuda Baksb Oriental Public Library (Board Meetings) Regulations, 1984.

III. Notification No. II-KBL,Reg. (DFP)84, dated the 5th December, 1984, publishing the Khuda Bakhshi Oriental Public Library (Board Meetings) Regulations, 1984. [Placed in Library. See No. LT—398 85 for I to 111.]

I. Report and Accounts (for the year ended the 31st March, 1984) of the IISCO Ujjain Pipe and Foundry Company Limited, Calcutta and related papers.

II. Report and Accounts (1983-84) of the Visakhapatnam Steel Project Rashtriyaspat Nigam Limited, Visakhapatnam and related papers

III. Report and Accounts (1983-84) of the Bharat Refractories Limited, Dhanbad and related papers.

THE MINISTER OF STATE IN THE DEPARTMENT OF STEEL (SHRI K. NATWAR SINGH): Sir, I beg to lay on the Table:—

I. A copy each (in English and Hindi) of the following papers, under sub-section (1) of the section 619A of the Companies Act, 1956:—

I. (a) Annual Report and Accounts of *the* IISCO Ujjain Pipe and Foundry Company Limited Calcutta, for the year ended the 31st March, 1984, together with the Auditor's Report on the Accounts and the comments of

the Comptroller and Auditor General of India thereon.

(b) Review by Government on the working of the Company.

[Placed in Library. See No. LT—427/ 85 for (a) and (b).]

II (a) Second Annual Report Accounts of the Visakhapatnam Sisel Project Rashtriyaspat Nigam Limited, Visakhapatnam, for the year 1983-84, together with the Auditors' Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.

(b) Review by Government on the working of the Company.

[Placed in Library. See No. LT—400 85 for (a) and (b) above].

III (a) Tenth Annual Report and Accounts of the Bharat Refractories Limited, Dhanbad, for the year 1983-84, together, with the Auditors' Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.

(b) Review by Government on the working of the Company.

[Placed in Library. See No. LT—401/85 for (a) and (b).]

I. Report and Accounts 1983-84) of the Steel Authority of India Limited, New Delhi and related papers

II. Report and Accounts 1983-84) of the Manganese Ore India) Limited and related papers

III. Report and Accounts 1983-84 of the National Mineral Development Corporation Limited, Hyderabad and related papers

IV. Report and Audited Accounts 1983-84 of the Mineral Development Board, New Delhi

SHRI K. NATWAR SINGH: Sir, I also beg to lay on the Table a copy each (in English and Hindi) of the following papers.

I. (a) Twelfth Annual Report and Accounts of the Steel Authority of India Limited, New Delhi, for the year 1983-

84, together with the Auditors' Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon

(b) Review by Government on the working of th2 Company.

[Placed in Library. See No. LT—402; 85 for (a) and (b).]

II. (a) Twenty-second Annual Report and Accounts of the Manganese Ore (India) Limited, for the year 1983-84, together with the Auditors' Report on the Accounts and the comments of the (j.nptroller and Auditor General of India thereon.

(b) Review by Government on the working of the Company.

[Placed in Library. See No. LT— 428/85 for (a) and (b).]

III. (a) Twenty-sixth Annual Report and Accounts of the National Mineral Development Corporation Limited. Hyderabad, for the year 1983-84, together with the Auditors' Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.

(b) Review by Government on the working of Corporation.

[Placed in Library. See No. LT—399] 85 for (..) and (b).]

IV. A copy (in English and Hindi) of the following papers:—

(i) Annual Report and Audited Accounts of the Mineral Development Board, New Delhi, for the year 1983-84.

(ii) Review by Government on the Annual Report.

[Placed in Library. See No. LT— 429/85 for (i) and (ii).]

Report and Accounts (1982-83) of the Rehabilitation Plantations limited, Punalur and related papers

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MATI RAM DULARI SINHA): Sir, I beg to lay on the Table:—

I. A copy each (in English and Hindi) of the following papers, under

sub-section (1) of Section 619A of the Companies Act, 1956:—

(i) Seventh Annual Report and Accounts of the Rehabilitation Plantations Limited, Punalur, for the year 1982-83, together with the Auditors' Report on the Accounts and the comments of the Comptroller and Auditor General of India thereon.

(ii) Review by Government on the working of the Company.

II. Statement (in English and Hindi) giving reasons for the delay in laying the papers mentioned at 1 above.

[Placed in Library. See No. LT—411/ 85 for I and II.]

Report and Audited Accounts (1983-84) of the Pharmacy Council of India, New Delhi

THE MINISTER OF STATE IN THE DEPARTMENT OF HEALTH (SHRI YOGENDRA MAKWANA): Sir, I beg to lay on the Table a copy each (in English and Hindi) of the following papers:—

(i) Annual Report and Audited Accounts of the Pharmacy Council of India, New Delhi for the year 1983-84.

(ii) Review by Government on the working of the Council.

[Placed in Library. See No. LT—412] 85 for (i) and (ii)]

MESSAGE FROM THE PRESIDENT

MR. CHAIRMAN: I have to inform Members that the following Message, dated the 28th Tanuary, 1985, has been received from the President:

"I have received with great satisfaction the expression of thanks by the Members of the Rajya Sabha for the Address which I delivered to both Houses of Parliament assembled together on 17th January, 1985."

REFERENCE TO THE RETRENCHMENT OF WORKERS IN DELHI MILK SCHEME

श्री लक्ष्मी नारायण (दिल्ली) : सभापति महोदय, दिल्ली दूध योजना में वित्त

(श्री लक्ष्मी नारायण-कमलः)

मंत्रालय ने एक स्टडी की आर्बिटलरनी, जिसमें बरकरव का कोई पार्टिसिपेशन नहीं हुआ, नेशनल प्रोडक्टिविटी काउंसिल का नहीं किसी और एजेंसी का नहीं किसी और का नहीं और एक तरफ फंसला करके 830 कर्मचारियों को रिट्रेन्च करने के आदेश दे दिये गये। सभापति महोदय, अगर यह रिट्रेन्चमेंट हुआ तो इससे बड़े पैमाने पर डिस्सैटिस्फेक्शन है और इससे हड़ताल की नाँवत आ सकती है। अगर हड़ताल हुई तो दिल्ली में दूध की बोतलों का वही हाल हो जायेगा जो लोकसभा में विपक्ष दल का हुआ है, डंड से कोई मुश्किल से मिलता है। इसी प्रकार से दिल्ली में भी... (व्यवधान)... सब रखा करे आप लोग... (व्यवधान)...

मैं यह निवेदन करने जा रहा हूँ कि दिल्ली के अंदर दूध की बोतलों का बिल्कुल वही हाल होगा जो लोकसभा में विपक्ष के लोग का हुआ है, डंड कर मुश्किल से मिल पाते हैं। इसी प्रकार से अगर दिल्ली में स्टाइक हो गई, इस रिट्रेन्चमेंट के कारण, तो वहाँ दूध की बोतलें मिलनी मुश्किल हो जायेगी। इसलिए मैं आपके माध्यम से सरकार से निवेदन करना चाहता हूँ कि इस पर पुनः विचार किया जाय और रिट्रेन्चमेंट की नाँवत न जाने दी जाय। धन्यवाद।

REFERENCE TO THE REPORT INCREASE IN INCIDENTS OF ESPIONAGE IN THE COUNTRY

श्री सत्य प्रकाश मालवीय (उत्तर प्रदेश) : मान्यवर, आप सारे राष्ट्र में तो गुप्तचर संस्थाओं या जासूसी के माध्यम से एक बड़ा संकट है, इस मिलिटल में जहाँ एक ओर जासूसी करने का पर्याप्त हुआ है जिसके लिए जांच चल रहा है वहीं दूसरी ओर से सरकार का ध्यान नवभारत टाइम्स दिनांक 24 जनवरी, 1985 को प्रकाशित प्रथम पृष्ठ पर समाचार की ओर आकर्षित करना चाहता हूँ। इसमें इस रहस्य का उद्घाटन किया गया है कि भारत में जो संकट है उसके मिलिटल में जासूसी का रास्ता खुल गया

है और इसलिए मेरा यह निवेदन है कि अमरीका से सम्बन्धित वहाँ पर हल्की गुड पर किसी संस्था के बारे में समाचार में स्पष्ट रूप से दिया गया है। मेरा सरकार से यह अनुरोध है इस सब के माध्यम से कि इस मिलिटल में जो कुछ भी अभी तक कार्यवाही हुई है उसके लिए इस देश की अज्ञानता को जानकारों से और इस तरीके से सवा कदम उठाए जाएं कि इस तरह का चीज भविष्य में इन देश में न होने पावे।

REFERENCE TO THE SHORTAGE OF COOKING GAS IN WEST BENGAL

SHRI SUKOMAL SEN (West Bengal): Mr. Chairman, Sir, I would like to draw the attention of the Government to the acute shortage of cooking gas supply in Calcutta and other areas of West Bengal resulting in much hardship to the domestic consumers in those areas. The domestic consumer has to wait even upto three months for replacement of a cylinder. Not only that thousands of applications are still pending with the authorities for clearance. It is reported that 54,000 applications are pending for getting a second cylinder. In Indian Oil authorities are failing to clear the backlog resulting in much hardship to the consumers or to the applicants who are expecting gas connections for domestic use. I feel that mismanagement of the oil companies is leading to such an acute shortage. I would like the Government to look into the matter so that the backlog is cleared immediately, the pending applications are cleared immediately and the third bottling plant which is necessary and is to be installed in West Bengal should be expedited. An adequate buffer stock of cylinders has to be arranged if the mismanagement of the oil companies is to be eradicated. I hope the Government will look into the matter.

REFERENCE TO THE FINDINGS OF ICAR ON LONGTERM EFFECT OF GAS LEAKAGE OF BHOPAL

SHRI IASWANT SINGH (Rajasthan): Mr. Chairman, Sir, I rise to make a Special Mention of the findings of ICAR on

the effects of the gas leakages at Bhopal. In the course of the clarifications that we had sought from the Minister in this House when he had made a Statement in Bhopal gas tragedy, we did raise this issue but we did not then receive a satisfactory reply.

I would like to mention, first that both the ICAR and ICMR have come out with some very disturbing findings about the long-term effects of this gas on plant and vegetable life, on cereals as also on human beings. However, it has been revealed that the ICAR and ICMR, for whatever reasons, are keeping their reports secret. The disturbing aspect is that by keeping them secret such remedial measure? as have to be taken, both in respect of agricultural products as also human beings, will not be taken.

ICAR has come out with finding that specific categories of plants and vegetables have been badly affected by the gas. These include particularly vegetables like meli,

brinjal, tomato etc. Investigations into the gas stored in the closed homes of those living near the plant have shown that same has also been affected.

Likewise the findings of ICMR are also disturbing, I would like to very briefly put across that the immediate tasks facing the Government, about which there is conflicting disquiet, are five. First and the most important is intensifying and spreading out medical care to treat fresh cases—a spate of them—besides those who are now reluming after having been earlier hospitalised and treated, That is of utmost priority.

Secondly, the effects of the gas on vegetables, plants, etc., must be disclosed so that agriculturists are able to take remedial measures. Thirdly, disbursement of monetary compensation by the Government will have to be monitored very closely. Fourthly the task of uniting separated members of families remains to be completed and the issue of rehabilitating those who have been deprived of their livelihood has to be tackled. Finally, Sir, now that the Government has come forward and announced that the Union Carbide factory at Bhopal is

going to be closed down the task of rehabilitating or providing alternative employment to about 1,200 persons who would be rendered unemployed should also be taken up. I therefore request through you that the Government give some kind of an assurance on all the points that I have raised.

REFERENCE TO THE CLEARANCE OF A.P. GOVERNMENT PROJECTS FOR SUPPLY OF DRINKING WATER TO PROBLEM VILLAGES

SHRI B. KRISHNA MOHAN (Andhra Pradesh): Sir, in Andhra Pradesh the Government has taken up an ambitious programme of providing drinking water to some of the problem villages as also protected water supply to some other villages. The Government, to supply protected water to nearly 226 villages, has drawn up four projects. The Netherlands Government has pledged to assist the Government with financial assistance to the tune of Rs. 22.30 crores and, recently a Dutch team also visited the State for rendering some assistance for taking up projects for supply of protected water. I am told the Government of Andhra Pradesh has addressed a letter to the Ministry of Finance (Economic Affairs) for clearance to get the financial assistance from the Netherlands Government. So, Sir, through you I request the honourable Finance Minister kindly to see that immediate clearance is given so that Andhra Pradesh can go ahead with their programme to provide protected water to 226 villages.

REFERENCE TO THE REQUEST FOR A HIGH-POWER TV RELAY CENTRE IN MIZORAM

DR. C. S. SILVERA (Mizoram): Sir, I would like to bring to the notice of the Government in general and the honourable Minister of Information and Broadcasting in particular, the situation in Mizoram regarding TV programmes. We have one TV relay centre at Aizawl which is the capital of the Union territory of Mizoram and this TV relay

[Dr. C. S. Silvera]

centre is not able to cater to even one-third of the population of Mizoram. The Union territory of Mizoram is situated in between Burma on the eastern side and Bangladesh on the western side, and these neighbouring countries have very powerful TV centres. The whole of Mizoram can view the TV programmes of Bangladesh. Even though the people of South Mizoram want to see the Door-darshan programmes and to see the President and the Prime Minister of India on TV and also our national programmes, they are not able to do so because of a very weak TV relay centre in the Union territory. I would request the Government to look into the matter and take suitable action and open a relay 0] at Lunglei so that the whole of Mizoram could see the Doordarshan programmes. As I have already said, though the people there want to see the Doordarshan programmes, they are not able to do so in the absence of a powerful TV relay centre. I would request the Government particularly the hon. Minis- [ter for Information and Broadcasting, to look into the matter and take this up as an urgent matter. Thank you.

**THE SUGAR UNDERTAKINGS
(TAKING OVER OF MANAGEMENT)
AMENDMENT BILL, 1985**

THE MINISTER OF FOOD AND CIVIL SUPPLIES (RAO BIRENDRA SINGH): Sir, I beg to move:

"That the following amendment made by the Lok Sabha in the Sugar Undertakings (Taking Over of Management) Amendment Bill, 1985, be taken into consideration, namely:—

Enacting Formula

That at page 1, line 1, for Thirty-fifth substitute "Thirty-sixth"

Sir, this amendment has become necessary because the Bill was passed in the 35th year of the Republic and by the time it went to the Lok Sabha we had entered the 36th year of the Republic.

The question was put and the motion was adopted.

RAO BIRENDRA SINGH; Sir I beg to move:

"That the amendment made by the Lok Sabha in the Bill be agreed to."

The question was put and the motion adopted.

THE GANGTOK MUNICIPAL CORPORATION (AMENDMENT) BILL, 1985

THE MINISTER OF WORKS AND HOUSING (SHRI ABDUL GAFOOR): Sir, I beg to move:

"That the following amendment made by the Lok Sabha in the Gangtok Municipal Corporation (Amendment) Bill, 1985 be taken into consideration, namely:—

Enacting Formula

That at page 1, line 1, for "Mryt-fifth" substitute "Thirty-sixth".

The question was put and the motion was adopted.

SHRI ABDUL GAFOOR; Sir, I beg to move:

"That the amendment made by the Lok Sabha in the Bill be agreed to."

The question was put and the motion was adopted.

THE CONSTITUTION (FIFTY-SECOND AMENDMENT) BILL, 1985

MR. CHAIRMAN. Mr. Asoke Sen. Before you proceed, I want to inform the Members about the procedure.

Hon. Members, are aware, the Constitution (Fifty-second Amendments Bill, 1985, as passed by the Lok Sabha, will be taken in this House today for consideration and passing. The Bill has to be passed by a special majority as required by article 358 of the Constitution. To enable the Members to be present at the

time of division at various stages of the Bill, the first division on the Bill will be called at 5 p.m.

THE MINISTER OF LAW AND JUSTICE (SHRI ASOKE KUMAR SEN):
Mr, Chairman, Sir, I beg to move;

"That the Bill further amend the Constitution of India, as passed by the Lok Sabha, be taken into consideration."

Sir, this Bill has been publicised liberally, and the contents are well-known not merely to the Members of the House of Parliament but also to the public at large. It is a matter of great cheer that its provisions have been welcomed by every section of the people, leaving alone this House as also the Lok Sabha. It has a historic measure, and the Prime Minister says very rightly on the floor of the other House that it marked the beginning of our journey for a clean political life. Not that our political life is not clean; in fact, we are very proud of it. But nevertheless, the fissures which have appeared in the course of our development during the last three-and-a-half decades, have exposed certain weaknesses in the working of our Constitution and of our Legislatures, one of which is this phenomenon of defection which became more apparent from the Fourth Lok Sabha, that is, from 1967 onward. This really happened when the Congress Party suffered reverse- in some of the States in the elections of 1961 and the majority in the Lok Sabha of the Congress Party got reduced in that election. The coincidence is rather remarkable because one is apt to ask; why suddenly in the year 1967 this phenomenon became rather more acute. We had the phenomenon of members leaving parties and joining other parties before. But the motivation for leaving parties and joining other parties became rather suspect from the Fourth General Elections. It was an open secret that many people threw off their mantle and their party labels and joined other parties for motives which were not always very admirable and in some cases quite questionable. We need not go into the details because they are sometimes sordid and some times un-

welcome. But suffice it to say, that this phenomenon was frowned upon by every section of the public, by all reasonable and responsible Legislators everywhere and by all political parties worth their name. It is felt that this must be curbed if proper and healthy functioning of our democratic system was to develop on lines which would be not merely a matter of pride but would be a matter for admiration for the outside world. There is no doubt that our democracy and our functioning of the Parliamentary system which the Constitution gave us in 1950 had evoked admiration not merely from the

democratic people of our country but also from the outside world. It is a matter of pride to us- The entire colonial world emerged after our independence and set up Parliamentary systems on the pattern of the Westminster system, some on our

pattern and some on the pattern of the Federation of the Nigeria. One after another, we found those democratic systems floundering and collapsing. Without mentioning the names of the countries, it is enough to state that all over Africa today one would like to see if there is any democracy functioning on a multiple party system where freedom of the individual is guaranteed and the courts function without fear or favour and the people elect their representatives freely and without interference. Nearer home, in Pakistan and Bangladesh, which started their Parliamentary systems almost simultaneously with us excepting that Bangladesh got it after a civil war separately, but, nevertheless, as a part of the whole of Pakistan, undivided Pakistan it did inherit a Parliamentary system almost at the same time as ourselves. They had got one Constitution after another. But each time the Constitution came into force and elected representatives were sitting in their Parliaments and Governments responsible to the elected Legislatures came to function were overthrown by military dictatorship. And today in the whole of Asia we remain like an oasis in the desert where democracy is still cherished and where Fundamental Rights of life and liberty and all representatives of Government are still regarded as a necessary minimum for an honourable existence. It is, therefore, a matter

[Shri Asoke Kumar Sen]

of pride for us that shortly after the massive mandate that the Congress Party got in the Last elections, we pledged through the President's speech that we shall bring about a proper law outlawing defections so that representatives elected on certain principles and on certain party labels, would not be allowed to betray the trust which was reposed in them at the time of their elections and they would not be free to change their mentle and move wherever they want betraying patently and blatantly the trust, on the basis of which they had come to be elected. It is the very essence of our system t'nat we regarj a party system as a necessary ingredient of our democratic functioning, that our parliamentary system functions through parties, through the parly mechanism and through the interplay of party rivalries and hostilities our system flourishes in arriving at decisions freely given through opposition in a freely elected legislature at the Centre and in the States, which is accepted by the people as a proper verdict of the people. This is the very essence of our

system. Now the proposed law tries to maintain the sanctity of that system by

outlawing individuals who come on party tickets, on certain principles and on certain programmes of parties and would overnight like to throw off all that on the basis of which they had come and change their party affiliations andi group affiliations, because we have seen from experience in the past that frequently, though not invariably, this change is motivated by unhealthy considerations, considerations of office, considerations of profit or other considerations which are not regarded as healthy in a democratic system like ours. We want to clean t'ne political life. We want a verdict of the constituent authority, which is Parliament, exercising its power with a two-thirds

majority of both Houses. We want a clear verdict that hereafter these motivations will not he allowd to operate in our body politic. And it is heartening that when this call came—and the call was transcending barriers of our legislatures; it came from the very heart of our people—that our legislators must be

healthy, must be decent and they must not work on motivations which are questionable, every section of the House in the Lok Sabha had responded unanimously. And I have no doubt that every section of this House would do the same. I recall th'at whenever crises had come in our national life in the past and the call of the nation came, when all the barriers

of parties must vanish and our actions must cut across party barriers for national interests, this august body, Parliament, in both the Houses, had risen to the occasion I recall, Sir, and you will recall also, that when the Chinese attack c'ame in October, 1962, an^ t'ne proclamation of Emergency was made in November and our great leader, Jawahar-lal Nehru, moved the proclamation of Emergency in the Lok Sabha first—it was moved in this House later; I happened to be a Member then; you were a Minister in Madras State which took an equal share in the national burden, and soon after you had left Parliament—I remember the words which came out of that great leader and enthused the entire people far beyond the four walls of the two Houses. He said, "This is our finest hour, in a national emergency, we must forget our party affiliations and party differences. The national cause is a supreme one and all of us must dedicate ourselves to th'at cause." Anj every man rose to the occasion; every man here and outside answered the call. I remember, on that Republic Day in that year, the parade was led by Panditji himself walking himself followed by 'all the leaders of opposition, all the Members of Parliament and the public. That was a great demonstration of our national solidarity when the people responded to the call of national duty irrespective of a party barriers. The same call came when Pakistan attacked us in 1965 and again in 1971 and then indiraji gave the call to the nation to rise to the last man to meet this challenge on our frontiers and the nation did do so and overcame that great challenge which was thrown at-us and we were victorious. This democracy then showed its strength innate in every democracy derived through voice Of opposition, interplay of opposition, dissent ary assent...

AN HON'BLE MEMBER; In 1965 at the time of Pakistani war Shastriji was the Prime Minister.

SHRI ASOKE KUMAR SEN; It is in the heart of every one of us. Am I mentioning the name of Mahatma Gandhi? He is in the heart of everyone of us.

SHRI PUTTAPAGA RADHAKRISHNA (Andhra Pradesh); When in 1965 there was war between Pakistan and India Shastriji was the Prime Minister... (Interruptions).

SHRI ASOKE KUMAR SEN; I am very glad that the Hon'ble Members are so devoted to Shastriji. But I can tell you that we all share in the devotion to him. He need not be over-enthusiastic. Let the lady not protest too much. There saying in English like that

SHRI PARVATHANENI UPENDRA (Andhra Pradesh). We are not pro! We are only reminding you.

SHRI ASOKE KUMAR SEN; Sir was in 1965, everybody knows who the leader. I was a member of this Government then.

MR. CHAIRMAN: The Hon'ble Minister will kindly address the Chair.

SHRI ASOKE KUMAR SEN; I am very grateful, sir, that the Hon'ble members are remembering a great name in our history. We all remember that great name with veneration which is equal to that of everybody.

Great names are always not to be bandied about, I mentioned Pandit Jawaharlal's name because that was a great call which was followed by Shastriji and others. He was a great successor of Panditji,

Hon'ble Members have criticised Shastriji very bitterly. I remember, on many occasions. I am very happy to know that they have forgotten their old role. I remember those days when Shastriji had also a rough time. I may, tell them that we are equal to them in our veneration to that great leader.

I was saying that this country has again demonstrated unfalteringly that for a national cause we bury our hatchets and we close our ranks and we gather together in a common battle. As I said yesterday, amidst the clash of arms and bickering of parties national call is not silenced. And when the national call does come, this Parliament has proved more than once that it is equal to the task. That is why Bill has come and I have no doubt that when it is considered and passed, it will be with the unanimous vote of this House as it was passed by the other House.

Will these words commend this Bill for the consideration of the House.

The question was proposed.

MR. CHAIRMAN.. There will be a general discussion on the Bill up to 4.30 P.M. when (he Minister will reply. The voting will take place from 5 P.M.

SHRI ASOKE KUMAR SEN: The Prime Minister may come to intervene

MR. CHAIRMAN: I am informed that the Prime Minister will intervene at 3.30 P.M. Shri Dipen Ghosh.

SHRI PARVATHANENI UPENDRA: What about amendments?

MR. CHAIRMAN; Are there amendments?

SHRI PARVATHANENI UPENDRA: There are many

MR. CHAIRMAN; Amendments may be moved just now.

SHRI ASOKE KUMAR SEN; Why great respect, amendments have to be moved after the motion for consideration is accepted. And, Sir, the motion for consideration will have to be a division.

MR. CHAIRMAN; Quite right I have mentioned it.

SHRI PARVATHANENI UPENDRA: Sir, I want to move my amendments.

MR. CHAIRMAN; If you want to move all the amendments, you can move them

SHRI PARVATHANENI UPENDRA;
Sir. I beg to move.

MR. CHAIRMAN: All right. You move your amendments,

SHRI PARVATHANENI UPENDRA:
Sir. I beg to move;

1. "That in paragraph 1 (b) of the Tenth Schedule in line 4, the words 'for the time being' be *deleted*."

2. "That *after* paragraph 1 (e) of the Tenth Schedule, the following lie *inserted, namely*:—

(cc) political party means a recognised political party which, under the provisions of the Representation of People Act, further undertakes regular enrolment of its members, duly electing, as required under its Constitution and rules, its officebearers including various committees, besides clearly denning the authority empowered to take disciplinary action against its members."

3. "That in paragraph 2(a) of the Tenth Schedule, *after* the words, 'political party with or without formally namely:—

"in writing or joins, any other political party with or without formally resigning from the original party to which he belongs

4. "That in paragraph 2(b) of the Tenth Schedule, in line 4 *after* the words 'person or authority' the words 'and he has been expelled from such political party within fifteen days of such voting on the grounds that he so voted or abstained from voting be *inserted*'"

11. "That paragraph 3 be deleted"

12. "That *after* paragraph 3(b) of the Tenth Schedule the following be *inserted, namely*:—

'(c) if and when the Chief Minister of a State or the Prime Minister, as the case may be, loses majority in the Legislature as a result of such a split, he shall seek a vote of confidence in the Legislature within three days and shall have the right to ask for the dissolution of the Le-

gislature and to seek a fresh mandate of the people and the Governor or President, as the case may be, shall comply with the recommendation of the Chief Minister or Prime Minister'."

13. "That in paragraph 3 line 6, *after* the word 'party' the following words be *inserted, namely*:—

"and such a split in the legislature partly follows a corresponding split in the original political party outside the House'."

14. "That in para 4(b) line 2, *after* the word 'group' the following words be *inserted, namely*:—

"and have submitted a list of such members duly signed by all of them"

16. "That in paragraph 4 sub-paragraph (2), *after* the word merger the following words be *inserted, namely*:—

"Provided that a corresponding merger of the Organisational Wings of the parties takes place outside the House'."

17. "That in paragraph 5(a) of the Tenth Schedule in lines 1-2 *for* the words "Voluntarily gives up the membership of the political party" the words 'cases to be a member of the political party' be *substituted*."

26. "That *after* paragraph 8 of the Tenth Schedule the following new paragraph be *inserted, namely*:—

9. 'Power to make orders: (1) the Chairman, or as the case may be, the Speaker, of a House may, by one or more orders, provide for the recognition of political parties for the purposes of this Schedule, the maintenance of a register or other records as to the political parties, if any, to which different members of the House belong and for such other matters as he may deem necessary for the discharge of his function under this schedule. (2) The Election Commission may, by one or more orders, provide for the registration of political parties for the purposes of this Schedule, the maintenance of regis-

ters or other records as to the political parties, if any, to which different members of various Houses belong, the procedure for taking disciplinary action against members of the House and for such other matters as may appear to it to be necessary for the purposes of this Schedule."

PROF. C. LAKSHMANNA (Andhra Pradesh); Sir, I beg to move:

28. "That *alter* paragraph 2(1)(b) of the Tenth Schedule, the following subparagraph be *inserted*, namely:—

'(c) if he has been expelled from such political party in accordance with the procedure established by the Constitution, rules or regulations of such political party:

Provided that the person aggrieved by the expulsion has a right to appeal to the House Committee, constituted for the purpose, and the Committee taking into consideration all the circumstances, holds that the expulsion of the appellant is a *bona fide*

one, the appellant shall stand disqualified, but if the Committee holds that the expulsion is only a measure of harassment, the appellant shall not be disqualified and such a finding of the Committee shall be final and its decision shall not be questioned in any court".

SHRI K. MOHANAN (Kerala): Sir, I beg to move;

27. "That in paragraph 2(1) of the Tenth Schedule in line 3, *after* the words 'shall be' the words 'liable to be' be *inserted*."

29. That after paragraph 2(2) of the Tenth Schedule the following be inserted, namely:—

'(2A) A member who has become liable to be disqualified shall become disqualified to continue as a member on his being recalled by a margin of not less than one-tenth or the electorate vote of recall which shall be taken within three months of the date on which he became so liable."

30. "That, in paragraph 2(3) of the Tenth Schedule lines 14 to 16, words 'after the expiry of six months from the date on which he takes his seat after complying with the requirements of article 99 or, as the case may be, article 188.' be *deleted*."

31. "That in paragraph 3 of the Tenth Schedule in line 5, *after* the word "party" the following be *inserted*, namely:—

'and none of the said group takes any office as Minister or Chairman or Vice-Chairman or any important post in any Government organisation or public institution for a period of one year from the date of split'."

32. "That in paragraph 6(1) of the Tenth Schedule, lines 3-4 *for* the words the Chairman or, as the case may be the Speaker of such House and his decision shall be final' the following be *substituted*, namely:—

'a committee of not less than ten members to be constituted for such purpose by the Chairman or the Speaker as the case may be, reflecting the party-wise composition of the House with himself as the Chairman of such committee and its decision shall be final' "

33. "That in paragraph 6(1) of the Tenth Schedule, in the Proviso, lines 3-4 for the words 'such member of the House and his decision may elect in this behalf and his decision shall be final' the following words be substituted, namely:—

'a Committee constituted for the purpose by the Chairman or the Speaker, as the case may be, and its decision shall be final;

Provided further that the Chairman or the Speaker shall not be present during the deliberations of the Committee'."

[The amendment Nos. 27, 29, 30, 31, 32 and 33 also stood in the names of SIS Nihal Chatterjee, Debendra Nath Barman, Mostafabim Quasem Sukhmal Sen, Depen Ghosh, Shrimati Kanak Mukher-

[Shri R. Mohanan]
jee, B'adrinarayan Pradhan, Amarprasad
Chakraborty and Ram Krishna Mazumder.]

SHRI SUSHIL CHAND MOHUNTA
(Haryana): Sir, I beg to move:

"That after paragraph 2(1) (b) of the Tenth Schedule, the following be inserted, namely;—

'(c) if he has been expelled from such political party in accordance with the procedure established by the constitution, rules and regulations of such political party with respect to acts of indiscipline and disobedience committed by such member against the official whip or directions issued by the party in relation to any matter arising in the House:

Provided that expulsion from such political party on any other ground especially in relation to the acts of omission or commission outside House shall not disqualify him from continuing as a member of the House."

7. "That in para 2(1) for Explanation (b) the following be substituted, namely:—

"(b) a nominated member of a House shall not be deemed to be a member of any political party.

9. "That in paragraph 2(3) of the Tenth Schedule lines 2 to 4 the words 'after the expiry of six months from the date on which he takes his seat after complying with the requirement of article 99 or, as the case may be, article 1883' be deleted"

[Amendment No. 7 and 9 also stood in the name of Shri Shantj G. Patel]

10. "That in paragraph 2(4) of the Tenth Schedule lines 3-4 for the words 'a member of a House (whether elected or nominated as such) shall, the words 'an elected member of a House shall', be substituted." . .

18. "That for paragraph 6(1) the following be substituted, namely:—

'(1) If any question arises as to whether a member of a House has

become subject to disqualification under this Schedule, the question shall be referred by a resolution passed by majority of members of the Parliamentary Party to which the member belongs for the decision of a Joint Committee of the two Houses and the decision of the Joint Committee shall be final.

Provided that the question as to whether the Chairman or the Speaker of a House has become subject to such disqualification shall be referred to the same Joint Committee but the Speaker or the Chairman as the case may be, shall not participate in the proceedings of the Joint Committee and the decision of the Joint Committee shall be final."

SHRI BISWA GOSWAMI (Assam):
Sir, I beg to move:

20. "That in paragraph 6(1), of the Tenth Schedule lines 3-4 for the words

'Chairman or, as the case may be, the Speaker of such House and his decision shall be final, the following be substituted, namely:—

"Joint Committee of two Houses with not less than four members to be elected from Lok Sabha and three members to be elected from Rajya Sabha, with not less than two members from Lok Sabha and one member from Rajya Sabha belonging to the Opposition and the Chairman to be appointed by the Speaker from among the members of such Committee and all members of the Committee shall be elected without appeal in any whip by the members of the respective Houses to be known as 'Judicial Committee on Disqualifications' and their decision shall be final."

22. "That in paragraph 8(1) of the Tenth Schedule in line 2 for the words 'Chairman or the Speaker of a House' the words 'Judicial Committee on Disqualifications' be substituted."

23. "That in paragraph 8(2) of the Tenth Schedule line 1, for the words 'Chairman or the Speaker of a House'

the wards 'Judicial Committee on disqualification' be *substituted*."

24. "That in paragraph 8(3) of the Tenth Schedule line 1 *for the* words 'Chairman or the Speaker of a House' the words 'Judicial Committee on disqualification' be *substituted*."

25. "That in paragraph 8(3) of the Tenth Schedule in line 3 for word 'he' the word 'it' be *substituted*."

SHRI SATYA PRAKASH MALA VIYA (Uttar Pradesh): Sir, I beg to move:

19. "That *for* paragraph 6 of the Tenth Schedule the following be *substituted*, namely:—

"6 *Decision on question as to disqualification on ground of defection*.— (1) If any question arises as to whether a member of a House has become subject to disqualification under this Schedule, the question shall be referred for the decision of the Chief Justice of India and his decision shall be final."

21. "That paragraph 8 of the Tenth Schedule be *deleted*".

DR. SHANTI G. PATEL (Maharashtra): Sir, I beg to move:

1. "That in para 2(1) *for Explanation* (b) the following be *substituted*, namely:—

(b) a nominated member of a House shall not be deemed to be a member of any political party*."

9. "That in paragraph 2(3) of the Tenth Schedule lines 2 to 4 the words . after the expiry of six months from the date *on* which he takes his seat after complying with the requirements of article 99 or as the case may be, article 188' be *deleted*."

[The amendments No. 7 and 9 also stood in the name of Shri St/shil Chand Mohunta

SHRI JAWANT SINGH (Rajasthan): Sir, I am not moving my Amendments.

MR. CHAIRMAN: Now, Mr. Dipen Ghosh to speak.

SHRI DIPEN GHOSH (West Bengal): Mr. Chairman, Sir, one good feature of the last Lok Sabha election results is that the ruling party which secured 80 per cent of the seats obtaining only 50 per cent of the votes is now required to guard its frontier which the Opposition parties have nothing to lose except their chains.-...

AN HON. MEMBER: Except what?

SHRI DIPEN GHOSH: Except their chains. However, I do not grodge it, but I welcome it. I say this because what has come to be known as defection is a serious malady, which is eating into the ftals of our system of parliamentary democracy. That is why, Sir, there was and their is still universal demand for an effective legislation against it. As far as we can recall, there were,, in the past, similar demands and similar exercises were also undertaken, once in 1973 and again in 1978. But, in the past, Sir there were merely loud assertions with little action. Happily, there does not appear to be any dithering this time. However, let us look to the problem of defection more deeply, because still there are some grey areas that need to be trodden.

Sir, you will admit, there are two types of defections. One, the elected representatives of the people are induced to change their political affiliations by the offering monetary or other benefits, particualrly in the shape of accommodating them in the new Ministry after topping the existing one. Secondly there is a case of genuine dissent or revolt against the leadership of the political party, particularly the ruling party, for failure to act up to their commitment or promises made in the programmes or manifestoes.

Sir, in the lcey-notes address on election reforms, delivered by the Chief Election Commissioner in 1983 it was pointed out that between 1967 and 1983 there were as many as 2700 recorded cases of defections, and of that 212 defectors had become Ministers and 15 Chief Ministers. Earlier also, there were cases of this type of 'ayaram' and 'gayaram' We know how in 1952 in Madras the Prakasam Ministry was unseated and Shri Rajagopalacharl having been nominated to the Legislative

Council was asked to form the government. We know the case of installing a minority government headed by Patton Thanu Pillai in Kerala and also headed by Dr. P. C. Ghosh in West Bengal. But the trend has been accelerated particularly since 1967 as the hon. Minister, Mr. Sen has pointed out. There is the classic case of Mr. Bhajan Lai joining the Congress Party with his whole group to become the Chief Minister. And again he did it by wooing members from other parties by dangling callots of ministership (*Interruptions*) There is the case of Mr. G. M. Shah and his followers who ditched Dr. Farooq Abdullah and formed the Government with the support of Congress (I). There is also the case of Mr. Bhaskara Rao of Andhra Pradesh who ditched Mr. N. T. Rama Rao and formed a government with the support of Congress (I). True, Congress (I) failed in Andhra Pradesh, but still it is basking in the shine of Mr. G. M. Shah in Jammu and Kashmir.

SHRI VITHALRAO MADHAVRAO JADHAV (Maharashtra): What about Sharad Pawar? (*Interruptions*)

MR. CHAIRMAN. You will get your chance and you can say whatever you like.

MISS SAROJ KHAPARDE ((Maharashtra): What about Chiaudhuri Charara Singh?

SHRI DIPEN GHOSH: I leave it for you to say. You will get a chance.

Sir, the new Prime Minister's initiative in bringing forward this piece of legislation would further be appreciated if what was done in Jammu and Kashmir is undone now and the Government of Andhra Pradesh is pulled up for whatever he doing now in Andhra Pradesh. Sir, this also underlines the necessity of restricting the powers of Ministers in entertaining the conduct of legislators outside the legislative houses, that is, by parading the legislators at his own chamber in the Raj Bhavan. So, Sir, I would hope the Prime Minister would look into this aspect and bring forward further amendments to the Constitution so as to restrict the Government power in taking cognizance of the legis-

Instead, the majority of the party would be tested hence forward on the floor of the House or the Legislature. Similarly, the proposal for making the Presiding Officers all powerful in deciding the question of defections: split and merger need further scrutiny. As is well known to everybody, the presiding Officers are appointed by the Ruling Party in reality although in theory they are elected and naturally it may not be unlikely that the bosses of the ruling party, in collaboration with the Presiding Officers, may try to ride rough shod over the voice of dissent in their own party against their failure to act up to the promises made to the people. The distinction made in the Bill between defection and split needs a little more scrutiny and clarity. The question is not whether the dissenters are in a particular proportion to the total number of the Members in the Legislature. The question is whether the dissention pertains to genuine grievance or difference of opinion on questions of policy or whether that dissent is caused for usurping power by dangling carrots of Ministership. I think that there should be distinction between the two. The ideological split and the immoral defection need clear defining. The defection for self, aggrandizement and self-opportunity is different. Take the case of G.M. Shah. All the splitting members were given berths in the Cabinet. Similarly, take the case of Mr. Bhaskara Rao in Andhra Pradesh. The Presiding Officer himself went over to the other side to become a Minister. Naturally, there should be a reasonable restriction or bar on the members of the splitting group about holding a post in a Government organisation or ministership at least for a certain period of time so that even the split is discouraged for immoral purposes.

One of the positive features of this Bill is that the organised political parties are given an important role in the functioning of the parliamentary institutions. For the first time, the political party is given recognition in the Constitution of the country. It is good. But such a recognition of a political party in the Constitution should have logically led the Government to bring forward another

amendment to remedy the existing distortions of the electoral law of our country. The distortions inherent in the present electoral system have enabled the Congress party in all the General Elections, excepting the General Elections in 1977, to secure a majority of the seats on a minority of votes. This distortion was evident even in the last Lok Sabha Elections which our hon. Law Minister has stated as having given a massive mandate to the ruling party that the ruling party had secured 80 per cent of the total seats obtaining only about 50 per cent of the total votes. So, naturally, in order to remove this distortion, proportionate representation with the list system needs to be adopted. Since under the system of proportionate representation with list system the electorate will be choosing the political parties rather than individual candidates, it will be possible to provide for removal of those who act in an opportunistic manner to change their political affiliations. And naturally, with what I started this general discussion, I would again say that still there are lots of

grey areas that need to be trodden. But, however, let this piece of legislation augur a beginning and I hope the further intendment would be brought forward by the Government in the next session to have a through overhaul of the present electoral law because much broomsticking is still necessary to cleanse the Augean stables of Indian body politic since created by the ruling party. Thank you, Sir.

SHRI MURLIDHAR CHANDRAKANT BHANDARE (Maharashtra); Mr. Chairman, Sir, never had I felt more happy and more proud than when I rise this morning to support this very significant, very important very auspicious Constitution (Amendment) Bill.

Sir, there is one very auspicious feature and a very happy augury so far as this Bill is concerned that it has been passed with complete unanimity by the Lok Sabha. That is how all Constitutional Amendments should be passed with unanimity or near unanimity. And such a warm response from all sections of the House in the Lok Sabha is well as in this House is really welcome, and it is a very happy augury for the strengthening of our very strong demo-

cracy further.

Now, there are several points which arise and they are ready inter-connected. Complicated issues are involved because any anti-defection law must deal with very fundamental principles. The first is the freedom of conscience which is contained in the freedom of expression and speech, the second is the mandate of the voters, and the third is the party discipline. This Bill which is really the synthesis of all these principles will take our country towards a very vibrant and towards a very strong democracy. These principles also explain the *raison d'être* for this very welcome measure. One of the first criticisms has been that this Bill is being passed hastily. But at least the hon. Members of this House are aware that as early as in 1967 a Committee was constituted under the chairmanship of late Shri Y.B. Chavan and a Bill was framed by the Congress Party itself in 1974. I have got the details of previous defections but they are totally unnecessary now because we have learnt the lessons of the past. Having learnt the lessons of the past, we have brought this Bill to restore a certain honour dignity and stature to the politician and a sense of steadfastness and loyalty to the people who have elected them and to the party on whose label they have been elected.

First, I will come to the question of the mandate of the people. If you realise how a party system functions, it will be recognised that a candidate is really elected because he is a member of a party and not on his own virtues or on his own merit, I quote from Ivor Jennings. In his book on "Cabinet Government" under this chapter 'Strength of the Government' he says:

"The successful candidate is almost invariably returned to Parliament not because of his personality nor because of his judgment and capacity, but because of his party label. His personality and his capacity are alike unknown to the great mass of his constituents. A good candidate can secure a number of votes because he is good; a bad candidate can lose a few because he is bad. Party organisations therefore do their best to secure a candidate of force and character. But his appeal is an appeal

1 on his Party's policy. He

[Shri Murlidhar Chandrakant Bhandare] asks his constituents to support the fundamental ideas which his party accepts. His own electioneering is far less important than the impression which his party creates in the minds of the electors. They vote for or against the Government or for or against the party to which he belongs. The "national" speaker who comes into a constituency to urge electors to support the candidate probably knows nothing of him. He commends the candidate because he supports the party; he would condemn him with equal pleasure if he did not. Many of the posters are prepared and circulated by party headquarters. The candidate's own posters emphasise his party affiliation. He possesses an organisation because the party supporters in the locality—stimulated, if necessary, by the party headquarters—believe in the party policy sufficiently strongly to give time and trouble to its work.

The member of Parliament is thus returned to support a party."

If this fundamental principle of the election of a Member is understood, *i.e.* he is elected because of his party, then the loyalty which is expected of him is obvious and the breach of loyalty to the party automatically becomes a breach of the mandate which the party has received and which the member himself has received through his party. I think no man of honour, no man of character, should be easily allowed to go back on this mandate without any consequences whatsoever. This is the first aspect of the matter.

Then there is the question of freedom of conscience which is really very important. In fact, that is why we have a constitutional amendment because without the constitutional amendment if we are merely to amend the Representation of the people Act, we would have come into conflict with the fundamental rights of freedom of expression and of freedom of association. I welcome that this has been brought in as a measure of constitutional amendment so that this fundamental objection is taken care of.

[The Deputy Chairman in the Chair.]

What is more important is that there is a provision that permission can be taken from the party to vote in favour or against a Bill as a member chooses. This is where the freedom of conscience comes in. (*Interruptions*) It depends upon what the 'whip' is. As I have said, excepting three instances, which I have known, one of late Mr. CD. Deshmukh, when he resigned on a very fundamental issue of linguistic States in regard to my 12 NOON State, the State of Maharashtra,

Mr. Lai Bahadur Shastri and the Leader of our House, Mr. Vishwanath Pratap Singh, there are very rare occasions when a Member of a House really has a conflict between party discipline and freedom of conscience. Unfortunately and regrettably what we have seen is really a conflict between self-interest and dictates of the party. All cases which we have known in regard to defections in our country and there are hundreds of them, are cases of self-interest and opportunism only without any question of freedom of conscience. To the extent this sort of opportunism, this era of Aya Rams and Gaya Rams, is put an end to by this amendment one must welcome this Bill.

Before I come, to the next issue, I would like to dwell upon certain historical aspects of defections. The national political parties which we have in our country are all descendants of the Indian National Congress, except, the B.J.P. and the Communists. When you take a look at the Janata Party almost every one of them. (*Interruptions*).

SHRI ALADI ARUNA *alias* V. ARUNACHALAM (Tamil Nadu): AIADMK is not. (*Interruptions*)

SHRI MURLIDHAR CHANDRAKANT BHANDARE: I am not talking about regional parties. I will come to the regional parties later on. When I talk about this. I do not talk about Bharat Desam, I do not talk of the All India Anna DMK. They do not have a sign-board outside Tamil Nadu, outside Andhra Pradesh.

SHRI PARVATHANENI UPENDRA: Even in Karnataka, they have got a unit in Andhra Pradesh, they have got.

SHRI ALADI ARUN *alias* V. ARU-NACHALAM; We have an MLA in the Karnataka Assembly, do you know?

SHRI PARVATHANENI UPENDRA: We will open our account later.

SHRI MURLIDHAR CHANDRAKANT BHANDARE; I am not going into the question of how many branches they have. But I know that in my part of the country. I do not find any branch which

really can be called as having any political base.

SHRI PARVATHANENI UPENDRA: We are very backward.

SHRI MURLIDHAR CHANDRAKANT BHANDARE; I think, we are backward. We will continue to be backward and I wish you all luck in your progress ahead and ahead, with your ideas. Maharashtra will remain what it is. The Congress (I) will remain what it is. It will not change merely by hon. Members wishing ill of us. I think the more ill you wish of us, the stronger we will become and further we will progress. (*Interruptions*). I do not know why my friends are feeling agitated when I am making the point that most of the national parties are descendants of the Congress and there has not been sufficient polarisation. In fact the programmes are the same except that they were not accepted when they were introduced by the late Mrs. Gandhi or by the Congress(I) Government. I think, along with this, along with the Anti-Defection Bill, we will begin an era of a Government of national consensus so that good programmes are continued by succeeding Governments no matter to

whichever party the Government belongs. I feel, a common measure of agreement, a common measure of consensus on the major policies and programme will take the country forward.

SHRI INDRADEEP SINHA (Bihar): Like abolition of capitalism.

SHRI MURLIDHAR CHANDRAKANT BHANDARE; In fact, there are no real differences in the policies and programmes. It is only a question of clash of personalities. We have instances

where a person has been expelled for twelve years on the same day. In the morning he was expelled for six years and in the evening he was expelled for another six years. That is why though I originally support the original clause 2(c), I think it will have to be brought in sometime later. The time is not ripe to bring in this clause now. But I firmly believe that those leaders who indulge in such an arbitrary manner of expelling their members for their personal

whims, for their personal dislikes, for their personal ends, will also be thrown out by the people themselves in due course of time. I do believe that we have to move in these matters by inches. Everybody is not expected to stick to a very high standard of etiquette or fair-play or justice. There would be cases of gross injustice and I am glad that at least some of our members in this House are saved from this fear of losing a seat because of arbitrary expulsion. So, the point which I have made will have to be considered later, but I do wish to draw the attention of the hon. Law Minister to one important feature. There are many other areas where a Member of Parliament functions as a legislator, where

he is obliged to follow the whip of the party, but he can flout that whip with impunity and there is no penalty provided for it I know of some of the difficulties. I will give one instance. When there are elections to the Rajya Sabha,

there is a definite whip that every member of the party should vote for the official candidate of that party. And yet we find that there is a cross voting. One party loses its official candidate and candidate of another party or an independent gets elected. This is also crossing of the floor. This is also going against the mandate. This is also performing the duties as a legislator. Just because it is not inside the House and it is outside

board, I do not see any reason why action should not be taken for a breach of party discipline. (*Interruptions*) You put up a rebel capital nothing will happen, you will not be disqualified.

SHRI M. S. GURUPADASWAMY (Karnataka): But it is a secret ballot.

SHRI MURLIDHAR CHANDRAKANT BHANDARE; But when you propose a rebel candidate against the official candidate, what happens?

SHRI M. S. GURUPADASWAMY: If a person votes for different candidate in secret ballot....

SHRI MURLIDHAR CHANDRAKANT BHANDARE: That is all right but I cannot understand the members of a party, who are obliged to vote for the party candidate, supporting or sponsoring a rebel candidate. This is even worse than voting. For an open act of rebellion against the party there is no remedy left. I do not think that the freedom of conscience can go so far as to say that you can even propose a rebel candidate. Anyway, I will leave it to that, to be taken up at the proper time, but I do hope that we will develop democratic norms in course of time where expulsions, will be rare. (*Interruptions*) I am on the second point. There are difficulties in that. Probably you cannot disclose the secret ballot. you cannot take action for voting, but if a man has openly proposed or seconded a rebel candidate on goes round convass-i'v.i for him there is nothing in the Bill

which can take care of this rebellion, (*Interruptions*). Don't worry about the defection on our side. But what I find is that for this measure all the national parties are opposed and all the regional parties in favour. That really has put me on guard because then I felt that in today's circumstances, may be the expulsions are purely arbitrary, the expulsions are not really for breach of party discipline but for incurring the wrath or displeasure of the coterie of politicians or syndicates or whatever you may call them.

To that extent we have differed. But I am quite sure that democracy will become mature among our parties and it will to a large extent help in building up considerable discipline within the party and the situation which was there a little before the elections, namely we did not know where the man was, will not be there. We know that then a man was in the Janata Party in the morning, in the

evening he was expelled and before he was expelled he had already joined the Lok Dal or DMKP or whatever it was. There were automatic slots. You remove a man from one slot, he got into the

other slot, you remove him from that slot, he got into the original slot. I went out like that. It was very difficult for the Secretary of any party to say whether a member was of his party or of the other party. I hope there will be an end to this opportunistic politics or the part of the members of the Opposition parties.

One other feature of this Bill which has been somewhat criticised by the hon-Member is that the Speaker is made the arbiter. Now this is really not understanding the problem at all. The clauses which now remain are—voluntary resignation, or voting 'against or abstaining from voting. We have here a system by which we know who has voted and how. I am told there are X-ray plates available of the voting.

SHRI SANKAR PRASAD MITRA (West Bengal): The system sometimes goes wrong.

SHRI MURLIDHAR CHANDRAKANT BHANDARE; I think these are not only technical but frivolous objections, because whenever it goes wrong, I think the Secretary-General goes round to find out whether there

is any correction. I know sometimes late in the night people are sleepy and suddenly they press the wrong button, instead of pressing the green button they press the red one and the voting does go wrong. But corrections are made, corrections are noted and there is no possibility of these things going wrong.

Therefore we have an objective fact of a whip being issued on a particular item, on a particular Bill. We have an objective fact of a Member having voted or abstained on that Bill in a particular manner. We have an objective fact whether a Member has resigned his seat, has resigned from his party. All those objective facts make it very easy for the Speaker to determine immediately whether he incurs disqualification under the provisions which we are enacting today. I therefore

see no force at all in the objection. If it were the third clause namely expulsion, then many other considerations would have arisen—whether here was a compliance with due procedure of law, whether the expulsion was vindictive. Then it would have created many complications. But short of that as the Bill stands and as it has been enacted by the Lok Sabha, I think it is one of the easiest jobs for the Speaker to decide whether a member has defected within the parameters of this Bill and uphold the disqualification. A provision has also been made and 15 days' time has been given for condoning the absence.

Then there is the question of merger and split. Now really it has become very easy for the Opposition parties because what is required for a split is one third of the members. With the number of two or three—BJP has two and DMKP has three—I do not know whether there is really any difficulty. But we do hope that in times to come they will grow in number and splits and mergers will be far more difficult than they are today, because what is necessary for our vibrant democracy today is strong national parties, definite alternatives before the public. When Janata came to power, nobody other than me prayed fervently that they continued for five years and became a very strong party. But it was a matter of great regret that at the end of two and a half years they broke under the weight of their inconsistencies, under the weight of their opportunism, under the weight of their running and hankering after power and positions, and a great dream of a great democracy for India was at that moment shattered. Luckily for us, the Congress (I) is a party which thrives on democracy—it not only thrives on democracy but it boosts up democracy it takes democracy, it gives democracy, and there can be no greater measure of satisfaction that a controversial clause like clause (c) was given up because of the internal pressure. After ascertaining the wishes of its own members at an open meeting, when there was a resistance to the clause the clause was given up. That shows how a party must function effectively, that shows how the party must

preserve its internal democracy and, in addition, we have got an excellent record of not expelling. In fact, I would appeal to my friends from the other parties to develop that little culture of tolerance which our party at all times* exhibits. In fact, sometimes we get exasperated by the way some of our members show gross indiscipline, but we are to not rush to expell people as the opposition parties do. And, therefore, I can understand their measure of opposition to this clause. But, as I said, maybe later, when there is a real democracy within the parties—and fortunately there is a great model before all of them of the Congress Party—we will have to bring that measure again.

There is one more aspect of the matter to which I will refer, and that is the inclusion of Independents. I think that is also a march of democracy, that is also a process of maturing of democracy whereby Independents have no place now in the political life of our country. But, at least in the late sixties, the Independents, particularly in Orissa and Haryana, had become a great menace and they could topple the Government one way or the other. And ultimately what happens? There is an Independent who is supported by the opposition party; he gets elected as an Independent and joins hands with the ruling party so that he can become a Minister. I am glad that these Independents are brought within the fold of this Bill so that the mandate of the masses in electing him as an Independent and defeating a candidate of another party is preserved.

Then, as I said, this is on-fulfilment, and a very early fulfilment, of the promise which our leader Rajiv Ji has made to the country during the elections. There cannot be a clean Government without clean politicians, and defectors can never be clean politicians. I think suffering while out of power and waiting in the wings is a necessary process of democracy. Those who are not ready to go through that process, those who want to get out of the wings and jump on the stage even without having any part to play, have no place in the political life

[Shri Murlidhar Chandrakant Bhandare] of our country. Our country, as I have said, is the largest democracy. The election has shown that negative politics, politics devoid of principles, politics devoid of programmes, politics devoid of policies, have no place in the heart of the average voter. I completely disagree with the suggestion of proportional representation which has been put forward here. Member because, if anything it will lead to instability in our country, has been rejected outright by the people today. If there is one mandate, if there is one decision, if there is one opinion which has been expressed by the great people of this country, the sagacious voter, may be illiterate but not ignorant, of this country at the most critical time in the history of this nation, it is this, that we will not suffer any instability, we will not affect our unity, we will not affect our integrity.

It is very easy to make suggestions. I realise why the suggestions are given. The suggestions are really mischievous because the suggestions are made not in order that democracy may be strengthened, but the suggestions are made because there may be a weakening of the national government.

SHRI DIPEN GHOSH; Party system will be there.

SHRI MURLIDHAR CHANDRAKANT BHANDARE; The whole process will be the same. You know how it has worked everywhere. You work out on the basis of the votes which parties have got. You work out and find out whether there will be a stable government or not. You know it too well. As I said, and I repeat, the suggestion is both motivated and mischievous. I think, what has really stood the test of time, what has really been proved efficacious is this parliamentary system, based on adult franchise and a single majority vote which should be continued, and there is no question of any electoral reform changing the basic structure of our universal franchise.

SHRI DIPEN GHOSH: How to secure majority of seats on minority of votes.

THE DEPUTY CHAIRMAN; How much time will you, take?

SHRI MURLIDHAR CHANDRAKANT BHANDARE; About four or five minutes.

At this stage, I must also point out what it means to vote against your own party. I have already indicated that one gets elected on one's party label because of the party machinery, because of the party resources, because of the party programme and because of the party popularity and the party policies. Now I come to what it means to vote against one's own party. And I again refer to Ivor Jennings. He says, and I quote;

"The Government's control over its majority is substantial. To vote against the Government is to vote against the party. To rebel against the Government is to leave the party. To leave the party is to lose party support at the next election; and, since the average elector votes for the party label, this means, probably, that the member will not be re-elected. Membership of the House and accession to office alike depend on party service and party support. Self-interest dictates support even when reason suggests opposition. Moreover, to vote against the Government is, to vote with the enemy. To assist in defeating the Government is to risk the coming into office of the Opposition—a result which is, *ex-hypothesi*, worse than keeping the Government in office."

This is really what happens; when somebody votes against his party, he really votes with his enemy. If this be the serious implications of the action of a member, I see no reason why he should not be disqualified from being a Member of this House.

In England the threat is the other way. The Prime Minister or the leader of the party exercises his control by putting the Members under a threat of dissolution of the House. But I think that the threat of dissolution is not available to us for the simple reason that the dissolution and the consequent election is far too an expensive affair for a country which has to use

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its resources for its development and for the welfare of the people. I feel that this is a measure which ushers in a new era. In the Lok Sabha it has been rightly described as a new era, an era of dignity, an era of honour, era of character in the public life and particularly among the politicians. There is nothing more for me to add.

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir): What about nominated Members please?

SHRI MURLIDHAR CHANDRAKANT BHANDARE; Well, I do not think once we agree that this Bill will make not only the party democracy very strong but also democracy here strong because there is a provision as I said earlier, on leaving up the whip and in fact we also realised when we came in such a large majority of 401 seats—some of us here will have to act as a cheek on the Government. I think the Government will take notice of it and the spirit behind it because we do it to mirror the urges and aspirations of the people. We do not do it to attack the Government. But we do it to see that the Government is responsive to the will, aspirations and hopes of the people. Therefore, I don't think that the point which has been raised is wrong because if as a Member of the Congress (I) can fee independent, - in my view, I do not See why an independent Member nominated cannot join our party or another party if he chooses to do so. Because we know that independent Members have been speaking against the party which has nominated them. It is again a freedom of conscience. I see nothing dishonourable, nothing immoral in his opting for one party or another party. Because ultimately h_e must have freedom of expression in this. But he should make his choice early. He must have that self-respect. He must do it on surer foundation of conviction an⁴ on certain fundamental principles. In fact for the last 4 1/2 years I have been a member of this House, very rarely the conflict between party discipline and conscience-on a single Bill did arise.

SHRI DIPEN GHOSH; You have party discipline or....

SHRI MURLIDHAR CHANDRAKANT BHANDARE: I have both- disciplines. I think if I can claim anything I

am proud to claim a bit of loyalty under the most adverse circumstances. I have never basked under the shining sun, I have never tried to make a hay when the sun is shining. I know how to lead a cheerless life when the sun is clouded.

SHRI DIPEN GHOSH; You are basking in the sun-shine of Mr. G. M. Shah in Kashmir.

SHRI MURLIDHAR CHANDRAKANT BHANDARE. Mr. G. M. Shah is not my brother-in law. In this connection, I want to cite an example because we are dealing with morality.

THE DEPUTY CHAIRMAN; Please conclude. There are number of speakers.

SHRI MURLIDHAR CHANDRAKANT BHANDARE; Madam, we are discussing an important subject. I will take 3 or 4 minutes. We are dealing with character. This is what is more important. I quote what Mr. David Hume once said:

"To balance a large State of Society whether monarchical or Republican, on general law^s is a work of so great difficulty that no human genius, however, comprehensive is able by the mere dint of reason and reflection, to effect it. The judgment of many must unite in the work; experience must guide their labour, time must bring it to perfection; and the feeling of inconvenience must correct the mistakes which they inevitably fall into in their first trials and experiments. 'Monarchy lives by honour and Republic by virtue'. It is our virtuous men and workmen who constitute our electorate who will ultimately determine the political future of the country."

And it. is in response to the wishes, to the mandate, to die will of these virtuous . men and women that we, the Members of Parliament, must be equally virtuous and righteous. All in all, this is a measure which was long overdue. It will strenguien democracy in our country, not only inside the House, but it will also strengthen

[Shri Murlidhar Chandrakant Bhandare]
 democracy within every party. It will put an end to the era of "Aya Ram " and "Gaya Rams" and it will remove ho disillusionment of the people about the politicians. Henceforward people will start looking upon politicians as men of honour, as men of integrity, as respon ible representatives whom they can elct without fear of their defecting after they have been elected, and seeking office. With acceptance of the House unanimously,

SHRI VALAMPURI JOHN (Tamil Nadu): Mil m Denty Chairman. I am indeed indebted to you for giving me this opprunity to say on behlf of my party, the All India Anna-DMK, a few words on the Constitution (52nd) Amendment Bill, 1985. The magnift to move of the gov- ernment in conceding to remove clause 2(1)(c) has taken the wind out of the sail of criticism. There is not much to comment on this Bill, except saying thai this is an epoch-making legislative endeavour. On behalf of AIA-DMK, I extend my party's wholehearted support to this legislation, which has become a land-mark in the democratic history of our country.

We remember every Mahatma Gandhi's Death Anniversary which is honoured as Martyr's Day. The leaders of the nation have been paying their floral tributes to the memory of the father of the nation year after year at Ravehat. The homage to the Father of the Nation in 1985 has assumed special significance because our beloved Prime Minister has given legislative shape to the ideal, long cherished by Mahatma Gandhi. Mahatmaji lived and died for a clean polity. Thirty-five years after his death, our Prime Minis'er Shri Rajiv Gandhi has ensured clean polity through this Bill. The Constitution (52nd) | Amendment Bill is the real monument for Mahatma Gandhi, whose dream has become a reality. Shri Rajiv Gandhi has now become the beacon-light for all democracies in the world by agreeing to remove 2(i) (c) in due deference to the wishes of Opposition, which has shrunk to a size

•English translation of the original speech delivered in Tamil.

beyond recognition. This amply proves our Prim.: Minister's keen desire that democracy should really blossom into a grant flower in our country. The lillipu tian Opposition's views could have boon brushed a ide by the Leader of the Congress Party which has secured massive mandate from the people and Clause 2(0) (c) could have been retained.

But our Prime Minister with his instinctive response for democratic ideals has carried with him the Opposition by removing Clause 2 (1) (c). He deserves kudos for this great act of compromising his ideals with those of Opposition Parlies for the sake of establishing democratic ethos.

Inside and outside the House, we have been asked why AIA-DMK has not objected to Clause 2(i) (c). The party is. the fundamental unit in a democ which ensures how a Member belonging to that Party behaves within the legislature and how he should outside the legislature. The Party has the authority to take action against an erring member. So far as we are concened, we all have unshakable and abiding faith in the leadership of our party. That is why we have not objected to Clause 2(i) (c).

Two weeks before the death of Mahatma Gandhi, Shri Konda. Venkatappiah. an eminent Andhra Leader had sent an epistle to Mahatma Gandhi. This is quoted by historians as the last letter received by Mahatmaji, whose soul-breath was purity of public life. The objective of this Bill Is not an ideal of today or yesterday. This was the ideal of Mahatma Gandhi 35 years ago and this letter is proof positive for

my claim. Shrimati Indira Gandhi in spit* of her ceaseless striving could not succeed in getting such an enactment passed by Parliament. But her son has fulfilled her desire through this Bill. He has ensured ttiat in him here is no gap between word and deed.

We cannot get a clear-cut answer whether the electorate votes for a party or for the individual. Neville Chamberlain, a renowned political commentator of Britain, has researched for 25 years to probe this riddle He has, after his 25 years of fruitful work, declared that Indian electorate is the best in the world.

In 1967 Elections the electorate voted a political party to power, but sent its leaders into oblivion. So far as India is concerned, the people vote a party to power after assessing the performance of the party's members inside the legislature. The member may be well within his rights to ventilate his views inside the Party Forums, but he should abide by the Partyship within the legislature. Then only democracy can take deep roots in the country. If the votes against the Whip of his party, he deserves to be punished.

Some modalities have been formulated in this Bill for splits and mergers. You will agree that murder and an attempt to murder are both crimes. Similarly, saving a life and an attempt to murder are both crimes. Similarly, saving a life and an attempt to save life are both deeds of valour. There is a saying that legality leads to illegality. In the background of growing democratic norms and conventions, one should not be punished for split or merger. Split should not be a deed for punishment; and an endeavour to split should also be punished. That is why the elimination of Clause 2(1) (c) needs no further comment.

In the other House, our Prime Minister has assured that besides this Constitutional Amendment Bill many more electoral reforms are on the anvil. My revered and venerable leader Dr M. G. R. has been repeatedly laying emphasis on Lok Nayak Jayanarayan's concept of "Right to Recall" being vested with the people. The people who vote us to authority should have the power to veto our authority by exercising their right to recall. However cumbersome and confusing the procedure for exercising this "Right to Recall" might be, yet in the over all interests of the nation, this concept must become a part and parcel of our Constitution. I am sure that our Prime Minister Shri Rajiv Gandhi will bestow his personal attention on this problem also.

For more than two decades, the political pundit have been commenting upon the role of money power in elections. I need not dilate on the point how money power leads to manipulations, manoeuvres,

ings, leg pullings and back-stabbings during elections. I demand that our Prime Minister should ponder over this also and do the needful to reduce the impact of money influence in Elections.

Those two reforms are essential for fostering democracy in the country. These two reforms are necessary to avert derailment of democracy.

I repeat that there could not have been more befitting homage to the memory of the Father of the Nation than this Bill which has enlisted encomium from all over the world. I extend my support of this Bill and resume my seat.

श्री सुधाकर पाण्डेय (उत्तर प्रदेश) :
 उपसभापति जी, दो-तीन दशकों में जारा राष्ट्र इस बात के लिये चिन्तित था कि दल बदल के माध्यम से राष्ट्र की उर्जा का ही नाश नहीं हो रहा है अपितु उसकी गति और प्रगति का भी नाश हो रहा है। यह रोग, अगर देखा जाय तो भारतवर्ष में गत तीन दशकों से नहीं है, बल्कि हजारों वर्षों से इतिहास इस देश में इन दल-बदलों का भी रहा है। सल्तनतों का इतिहास देखिये, मुगलों का इतिहास देखिये, बगीरों ने और भाइयों के टट्टरों ने दल बदल कर राष्ट्र को क्षति पहुँचाई है और राष्ट्र का जब जब पराभव हुआ वह इन दल-बदलों के माध्यम से हुआ है। राष्ट्र की प्रगति के लिये संकल्पबद्ध होकर नयी दल काम करते हैं किन्तु कुछ का ज्ञान कुछ भिन्न है और क्रियायें कुछ भिन्न हैं उसका परिणाम यह होता है। दल बदल कृत् की भूख है अन्त अधिकार का सूख बड़ा मादक होता है और उस सूख के लिये व्यक्ति अपने स्व को तिलांजलि देता है और इसके माध्यम से वह क्षणिक स्वार्थ की पूर्ति करता है। संविधान में यह संशोधन इस दिशा में बड़ा प्रश्नान बिन्दु है। या यों कह सकते हैं कि जनतंत्र की प्रायोगिक भूमिका जो इस देश में हो रही है उस किताने की यह प्रस्तावना मात्र है। इसके बहुत आगे ले जाना पड़ेगा, तब कहीं जाकर यह काम पूर्णरूप से सफल होगा। किन्तु यह बड़े हर्ष और उल्लास की बात है। कि जिस नव-युवक ने राष्ट्र की एकता के लिए वोट मांगा

(श्री सुधाकर पाण्डेय)

उस दिशा में उसने यह पहल की। आचार्य नरेन्द्र देव ने एक आदर्श राष्ट्र के सभन रखे थे सब से पहले दल छोड़ा तो उन्होंने विधान सभा से भी इस्तीफा दिया और फिर चुनाव लड़े, हार गये वह तो अलग बात थी। आज सब लोग सत्ता में आना चाहते हैं। साधन को पवित्रता पर किसी का ध्यान नहीं है। अगर ध्यान है तो बहुत कम लोगों को साधन की पवित्रता के ऊपर है जिसका परिणाम यह हो रहा है कि सब अपने में इस प्रकार डूब गये हैं कि राष्ट्र का भूल गये हैं। यह संशोधन उस दिशा में एक प्रस्थानबिन्दु है जहाँ से हम निरंतर आगे बढ़ेंगे। व्यक्ति का चित्त जब तक लोकचित्त नहीं बनेगा तब तक जनतंत्र की स्थापना ठीक ढंग से नहीं हो सकती है। जनतंत्र वीरों के पुरुषार्थ की कहानी है यह कार्यों के राज्य प्राप्ति का इतिहास नहीं है और आज कुछ ऐसा हो रहा है कि सब लोग सत्ता का सुख लूटना चाहते हैं चाहे किसी भी प्रकार से उन्हें वह सुख मिल जाए आदर्शों की बलि पर जीवना का सुखयापन करने वालों की कमी संसार में कभी नहीं रही है किन्तु जयगान उसका होता है जो आदर्शों के ऊपर बलि चढ़ते हैं। जनतंत्र आदर्शों पर बलिदान की कहानी है, अपने चित्त पर लोकचित्त के अंकुश के विकास और मननयन की कहानी है लोकतंत्र को रक्षा के लिये उस दिशा में यह जो कार्र किया है निश्चित रूप से साधुवाद का पात्र है और सारे दल भी इसे मान्यता दे रहे हैं और इसकी प्रशंसा कर रहे हैं। समझना है कि बहुत दिनों के बाद ऐसी स्थिति आई है क्योंकि सारी जनता यह अनुभव कर रही थी. सारे लोग यह अनुभव कर रहे थे और राजनीति की जो सेवा का माध्यम समझते हैं वे भी इसका हृदय से अनुभव कर रहे थे/इसके लिए राजीव जी और उनके परिषद को भी बधाई देता हूँ और सारा सदन इसके लिए उन्हें बधाई देता है। जब ऐसा कानून आता है, संशोधन आता है तो राजनीतिक दलों का उत्तरदायित्व बहुत बढ़ जाता है और वह उत्तरदायित्व इसलिए बढ़ जाता है क्योंकि बहुत से राजनीतिक दल केवल

सत्ता प्राप्ति के लिए राजनीति में है सेवा के लिए नहीं है। आज सारा देश संविधान के माध्यम से सामाजवादों. हो गया है और सब लोग समाजवाद की चर्चा करते हैं किन्तु यह अन्तर शायद ही नेता अपने दल के लोगों को बताते हैं कि कांग्रेस के समाजवाद में, भारतीय जनता पार्टी के समाजवाद में, जनता पार्टी के समाजवाद में क्या अंतर है। तो इन राजनीतिक दलों को भी चाहे वे किसी भी विचारधारा के हों अपनी रीति-नीति अपने कार्यकर्ताओं में स्पष्ट करनी होगी क्योंकि आज एक प्रकार का द्वन्द्व चारों तरफ है। आदर्शों की बात हम केवल करते हैं आदर्शों को न तो हम पहचानते हैं और न उन्हें समझने की कोशिश करते हैं। हम सब लोग इस बात की चर्चा करते हैं कि जनतंत्र होना चाहिए और इस देश में संविधान के अनुसार जनतंत्र होना चाहिये। जब हमें टिकट मिलता है तो पार्टी हमें टिकट देती है, पार्टी के प्रति वफादारी की सांगंध हम लेते हैं और फिर जब चुनाव लड़ने जाते हैं संविधान के प्रति हम सांगंध लेते हैं। आश्चर्य की बात है कि बहुत से दल इस देश में हैं जिनका हमारे संविधान में विश्वास नहीं है हमारे संविधान को वे नहीं मानते हैं हृदय से किन्तु वे कसम खा लेते हैं कि हम संविधान का पालन करेंगे। दो कसमों के बीच में कैसे वे जीवित रहेंगे। यह राजनीतिक दलों को सांचना है और उन लोगों को जो (संकुलरिज्म में) धर्म निरपेक्षता में विश्वास नहीं करते उन दलों को कस्तई चुनाव लड़ने की इजाजत नहीं होनी चाहिये क्योंकि बहुत से दल इस देश में ऐसे हैं जो केवल एक ही जाति के हैं जिन में केवल एक ही जाति या सम्प्रदाय के लोग सदस्य होने सकते हैं दूसरे दल और दूसरी जाति के लोग उसका सदस्य नहीं हो सकते। जैसे अकाली दल का नाम लिया जा सकता है और उसका परिणाम भी आपने देखा कि क्या हुआ। धर्म निरपेक्ष जो दल नहीं है उन्हें भी चुनाव न लड़ने दिया जाए और मैं समझता हूँ कि धर्म निरपेक्ष सिद्धान्त को न मानने वाला दल अगर चुनाव नहीं लड़ता है तो देश की ओर डेमोक्रेसी का ज्यादा लाभ होगा और जनतंत्र को अधिक

लाभ होगा। क्योंकि संविधान में परिवर्तन करने से यह आकांक्षा पूरी नहीं होगी जिस आकांक्षा के लिए यह बिल आ रहा है।

पार्टी का अनुशासन सर्वांगपरि है लेकिन आत्मा की पुकार भी कोई वस्तु है। आत्मा की पुकार वाला कभी भी इस बात की परवाह नहीं करता कि वह संसद का सदस्य होगा, विधान सभा का सदस्य होगा, वह कहीं का सदस्य होगा कि नहीं होगा। उसकी उस चिन्ता नहीं होती है। उसे आदर्शों की चिन्ता होती है। वह आदर्शों का दीवाना होता है वह संसद को सदस्यता की महत्व नहीं देता है।

जब पार्टी बनती है तो उसके आदर्श सामूहिक होते हैं। और उन आदर्शों में जो तथ्य हो जाता है उसका पालन पोषण सबके करना चाहिए। जो पालन पोषण नहीं करता है उस दल से निकाल देना चाहिए और जहाँ पर वह दल के माध्यम से आना चाहता है उस स्थान पर भी उसे नहीं रहना चाहिए। यह एक सार्वभौम सिद्धान्त है और इस सिद्धान्त का पालन इस संविधान संशोधन के माध्यम से हो सकेगा, ऐसा मेरा विश्वास है।

हमारा राष्ट्र में चरित्र सबसे बड़ी चीज है। किन्तु चरित्र का रखरखाव हो रहा है क्योंकि राजनीति ही सारे गुणों के उदभव का माध्यम बन गई है। जो तीर्थ स्थल थे, सगुणापासना के तीर्थ स्थान थे वहाँ गुणों की पूजा होती थी। उन तीर्थ स्थलों की स्थापना जब तक राष्ट्र के भीतर नहीं हो पायेगी तब तक जगतंत्र की सही स्थापना नहीं होगी। वकील का सम्मान अपने स्थान पर बहुत ऊँचा है, जज का सम्मान अपनी जगह पर बहुत ऊँचा है, साहित्यकार का सम्मान अपनी जगह पर बहुत ऊँचा है किन्तु बिना संसद सदस्य हुए उस सम्मान की रक्षा वह आज के युग में कर सकेगा कि नहीं कर सकेगा, यह प्रश्नवाचक चिन्ह है क्योंकि जो चरित्रवान है, बड़ा साहित्यकार है उसको कोई पछने कर्तव्य नहीं है किन्तु अगर एक साहित्यकार अपनी संसद का सदस्य हो जाता है तो उसकी मान्यता बढ़ जाती है यद्यपि जनता उसे मानती है जिसमें गुण अधिक होते हैं। तो गुणों की उपासना की ओर राजनीतिक दल नहीं जाते हैं, निगुण

उपासना की ओर जाते हैं तो निगुणियों का राज्य होगा। अगर गुण की उपासना की ओर जाये तो सुगुण लोगों का राज्य होगा। जो गौरव के और स्थान है, राजनीतिक दलों को उनको भी प्रोत्साहन देना चाहिए तभी यह दलबदल की भावना कम होगी क्योंकि यह देश गुणों का उपासक रहा है, गुणियों का पूजक रहा है। निगुणियों का नहीं रहा है लेकिन गुण की उपासना है लेकिन गुण की उपासना में अब धीरे धीरे समाप्त हो रही है और यह एक दल का नाम नहीं है कि वह गुण की उपासना करे सभी दलों को सामूहिक रूप से गुणवत्ता की ओर जाना है। वे अपने दल को अपने दल के लोगों को तथा और लोगों को उस ओर ले जाने का यत्न करें जो कि ईमानदारी बरतते हैं। आज ऐसा हो गया है कि जो संसद सदस्य ईमानदारी से संसद का काम करता है, पैदल धर जाता है वह छोटा संसद सदस्य है, जो बड़ी मोटर पर आता है जो अन्य साधनों से अपने को विलसित करता है वह बड़ा संसद सदस्य माना जाता है लेकिन जो ईमानदारी से रहता है वह छोटा माना जाता है। तो राजनीतिक दलों को गुणवत्ता की उपासना की तरफ भी जाना होगा तभी जनतंत्र की सही माने में स्थापना हो सकती है और ऐसे संविधान संशोधन विधेयक कारगर साबित हो सकते हैं।

दलबदलों का इतिहास इतना अधिक है, उसकी संख्या इतनी अधिक है कि 18, 18 बार दल बदल कर भी लोप तृप्ति का अनुभव नहीं कर रहे हैं। राजनीतिक दल अपना दरवाजा इस प्रकार के लोगों के लिए खोले हुए हैं कि जो हमारे यहाँ से गया तो तुरंत टिकट पा जाता है और सब दलों की गह स्थिति हो गयी है कि अपना टिकट अंतिम दिन घोषित करते हैं इस डर के मारे कि कहीं कोई दूसरे दल में न चला जाये। इन राजनीतिक दलों को कुछ आचार संहिता बनानी पड़ेगी जो कि सर्वमान्य होनी चाहिए। लेकिन वह इस हाउस में नहीं बनेगी जो जीवन की पाठशाला है उसमें, जनता के बीच बनेगी और जब ऐसा होगा तो हम ऐसे व्यक्ति को न टिकट देंगे और न दल में लेंगे।

(श्री सुधाकर पाण्डेय)

दलों में बहुत से महन्त भी आ जाते हैं और वे महन्त लोग क्या करते हैं कि दल से प्राप्त ऊर्जा के माध्यम से उन शक्तियों को रोकने का प्रयत्न करते हैं जिनमें तरुणाई होती है या जीवन का ज्यगान करने की क्षमता होती है। मैं उन राजनीतिक दलों के महन्तों से कहना चाहता हूँ चाहे वे किसी भी पक्ष के हों कि वे रंग के सहज प्रवाह को न रोकें। जो आने वाली शक्ति है उसके तंज का बद्धन करे। आज ही यह रहा है कि राजनीतिक दलों में भी जो छोटे लोग हैं जो नीचे से ऊपर बढ़ना चाहते हैं उनके तंज को बंध कर दिया जाता है जिसका परिणाम यह हो रहा है कि गुप्त तंज और अज्ञ राजनीतिक दलों का बहू नहीं रहा है और अधिकांश में अगर आप जनता के बीच में बात करें तो राजनीतिक दलों को बहुत से लोग लोलुप जमात मानते हैं। और आज की राजनीति में मंधरावाद में जो अपना स्थान बना लिया है, उससे भी नयी राजनीतिक लोंगों को मिल कर लड़ना होगा कान में किसी को चिन्तायत किसी ने का और वह काट दिया गया, उसको यह भी नहीं मालूम कि उसने क्या अपराध किया है। अगर राजनीतिक दल के लोग किसी भी पार्टी के हों, क्योंकि आज जो यह बिल है, वह किसी एक पार्टी का नहीं है, यह राजीव जी के पूरुषार्थ का प्रतीक तो जरूर है, परन्तु सबके स्नेह और सहयोग से यह गठित और पारित हुआ है। उन लोगों को भी निश्चित रूप से जो तंज का प्रवाह है, जो बड़े हैं, वह नीचे आने वाले लोगों के तंज के प्रवाह को भी देखें और उनको जीवित रहने की शक्ति और क्षमता दें और पोषण दें। तो शायद जनतंत्र अधिक सबल और मजबूत होगा।

राजनीतिक पार्टियां पहले कांडर बनाया करती थी। आज राजनीतिक पार्टियों के पास कांडर नहीं है। आप यह देखेंगे कि एम.एल.ए. का चुनाव दंगे में हो रहा है, लाखों-लाखों लोगों ने प्रार्थना पत्र दे रखे हैं। बहुत से प्रार्थियों ने प्रार्थना-पत्र दे रखे हैं। कहीं करोड़ों रुपया आ रहा है एप्लीकेशन पर, कहीं लाखों में आ रहा है, जिनके पास लाखों में आ रहा है उनके पास

भी कभी करोड़ों में आ सकता है, किन्तु ऐसे लोग इसमें आ रहे हैं कि जिन्होंने यह सोचा है कि एम.एल.ए. हो जाना या एम.पी. हो जाना एक रामगाट मिलना है दुनिया के सारे धरुध धंधवे के लिए। ऐसे लोगों को अगर राजनीतिक दल अपने में लते हैं, तो कोई भी राजनीतिक दल हो, निश्चित रूप से वह अपना ही सर्वनाश नहीं करते, बल्कि राष्ट्र का भी सर्वनाश करने का आयाजन करते हैं।

राजनीतिक दल जितने ही उत्तरदायी होंगे, जनतंत्र उतना ही मजबूत होगा। सभी राजनीतिक दल यह चाहते हैं कि राष्ट्र का कल्याण हो, सभी राजनीतिक दल यह चाहते हैं कि राष्ट्र आगे बढ़े, किन्तु एकता को तडित का यत्न भी उन्हीं के माध्यम से होता है क्योंकि व्यक्ति का ही स्वार्थ नहीं है, जनतंत्र में दल का भी स्वार्थ होता है। अगर वह स्वार्थ से युक्त नहीं होते हैं, तो निश्चित रूप से यह सर्वधानिक संशोधन कल्ल चीगा तब बूके तो बन सकता है, किन्तु ऐसा बूके बनेगा जो स्वार्थवश कभी भी ढाल पर टूट सकता है।

इन्हीं शब्दों के साथ मैं इसका समर्थन करता हूँ और अंत में यह कहना चाहता हूँ कि:-----

यह नीड मनोहर कृतियों का। यह विश्व कर्म रंगस्थल है; है परमग लग रही यहाँ ठहरा जिसमें जितना बल है।

और यह बल जनतंत्र के पास है कि वह बराबर ठहरे और देश को एकता दे।

THE DEPUTY CHAIRMAN: Now, Dr. Shanti Patel. We would be adjourning at 1 o'clock. Would you like to speak for two minutes now and continue later or would you like to start after lunch? All right, you speak for two minutes now and continue later.

DR. SHANTI G. PATEL: Should I say Madam Deputy Chairman, and then close?

THE DEPUTY CHAIRMAN: My names is not that long that you will take two minutes to speak.

Madam, I welcome this measure. While doing so, I would like to reciprocate the sentiments expressed by the Mover of this Bill, the hon. Labour Minister. I would...

AN HON. MEMBER: Law Minister.

DR. SHANTI G. PATEL: Yes, Law Minister. It is a force of habit and long association with labour.

Madam while doing so, I would also like to appreciate the sentiments that have been expressed both during the discussions with the Opposition leaders and in the other House and elsewhere by the Prime Minister. I think, this is a good beginning. If we go on the same track, probably we will be able to make democracy stronger, deep-rooted in this country.

This particular Bill is in the background of the defections in political field which have been taking place for quite some time. It is both at the Central level and at the State level, they increased to such an extent that many Governments

were brought down and several Governments were installed. Not only that. A new phrase was added to the vocabulary

in the form of 'Ayaram and 00 P.M, Gayaram*. The worst was that the public particularly the conscious public of this country looked down with disgust and contempt towards this tactics of defection which only meant lure for power, to get into some seat of power, or to have something for one's own self, and which was not based or which was not motivated for any principle or a particular policy.

THE DEPUTY CHAIRMAN: We continue the debate after lunch. The House stands adjourned till 12 P.M.

The House then adjourned for lunch at one minute past one of the clock.

The House reassembled after lunch at three minutes past two of the clock. The Vice-Chairman, Shri Syed Rahmat AS) in the Chair.

THE VICE-CHAIRMAN (SHRI SYED RAHMAT ALI): We shall continue with

me discussion on the Constitution (Fifty-second Amendment) Bill. Dr. Shani Patel to continue his speech.

DR. SHANTI G. PATEL: Mr Vice-Chairman, Sir. I was submitting in the forenoon session that political defections have become a normal feature of our political and public life. I hope, after this Constitution (Amendment) Bill is adopted, we will get rid of this obnoxious thing which has been happening in our public life. I was also saying that a good move has been made by the Party in power. After all, a democratic Government is not a Government by majority. It is not a majority rule which operates. In the real sense—this is the real truth behind democratic functioning—the Party in power should take the parties in Opposition into confidence. Not merely take them into confidence, but they should also try to meet their point of view to the fullest extent possible. This is the way democracy operates. This is the system which we have inherited from our ancestors, which used to be in the form of Panchayat system. We need to preserve, nurture and see that it flowers further so that we can take all advantages through this system. The only alternative to this system is, as is well-known, dictatorship where a person, a human being, cannot flower into his own and to the full. Basic freedoms which are very necessary for an advancement of the society and for achieving various objectives are not available.

This defection has raised a matter of principle because it is a matter of morality in public life, in political life, which needs to be gone into. I know, Sir, that this is something which has been happening in all countries, of course, democratic countries, and we have witnessed a number of incidents of this type. But would submit along with that that it is just not right to defect. I think there is something more than that which also we should try to understand. A person leaves a party for two reasons. One is that it is a matter of principle or certain basic policy or a programme against which the party is trying to go. It might have been enshrined in the constitution, in the policies and programmes, but still the occasions do arise when they go against their very principles and policies. It is only under

[Dr. Shanli G. Patel] these circumstances that there are certain persons, members, who are more loyal to the basic principles rather than to the institution or a party, who raise the question of freedom of conscience. After all, political party is an instrument to achieve something, it is not an end by itself. If you look from this point of view, the right to dissent or even to leave is a basic right which should exist in any democratic society. But the point that is relevant is, how this is going to be exercised. Is it going to be exercised for personal advancement, aggrandisement, personal benefit, selfish interest or some national or social interest? That is the dividing line and this should be kept in mind. I am, therefore, happy that the particular clause, which used to be in the original Bill that was sought to be introduced, that a person who could be expelled from a party outside the House not connected with the voting in this House also would disqualify from the membership of the House, has been given a go-by unanimously. That is a very welcome feature of this particular Bill.

Again, as I was saying, there are a number of situations wherein the people are required to operate, to work and vote according to the policies that are laid down. It is true that the members are elected on the basis of certain policies and programmes of a political party. It is therefore, their bounden duty to see that these policies and programmes are properly implemented, and the issues that come up before the House are accordingly voted upon. Any person or member who tries to transgress these limits needs to be punished, but it is in this context that it becomes a matter of very serious concern. That is, when a person defects because he wants to get into power or get something in return either in installing or pulling down the Government. This is something which is more condemnable and that is why it has become a matter of contempt as far as the public is concerned.

But sometime, I do wonder, Sir, that if defection is given a go by for all the time to come and in all the countries probab-

ly, the great! men who have appeared on the scene in history might not appear any more. As my one friend put it, the charms of defection also may not be there. I would like to submit that there was a great man who defected not once but thrice. He is one of the greatest men of this century. He is none else a person other than Mr. Winston Churchill. As we see it, he started his career as a Conservative party member, became a Liberal party member, became an independent member, and later on again reverted to the Conservative party. In the recent times also we have another man who has defected from one party to another, occupying the highest post in that country. He is none other than the President Reagan who started his career as a Democratic Party member and became a Republican Party member. With all respect and in all humility, I may say probably our great national leader would not have got that opportunity of becoming a national leader. I am referring to Shrimati Indira Gandhi. Sometimes this particular defection helps certain individuals. But whatever that may be, we have to have a certain general law by which we can go and determine the standards of public behaviour, or good behaviour in political life. A good beginning has been made and I have no doubt that the present party in power would like to pursue this. If this is to be done, it is very necessary that some changes are made in the present electoral system. One aspect that I would like to certainly emphasise is money power, which is playing such a role that democracy is not able to operate in a manner in which it should operate. We have to adopt some system like the one which is prevalent in Germany, where, the elections are financed by the Government and the political parties are provided with the funds. This is one aspect to which I would like to draw attention of the persons concerned so that they may deliberate on it and come to a concrete decision on this aspect.

Another aspect of our electoral system is the muscle power wherein rigging goes on. This needs to be controlled so that we are able to have really free and fair elections.

The third point to which a reference has been made by the previous speaker, Mipenda, is regarding proportional representation system. That needs to be given certain thought and consideration. But even more important than this is the Election Commission itself. It is no use our calling it an independent body conducting free and fair polls unless the people concerned should feel that it is really independent. It is not that Justice is to be done; the others should feel that justice is being done. This is very important and the composition of the Election Commission is a matter which requires thought and which needs to be considered in this particular context so that we are able to have really free and fair elections. In this connection I might also refer—I am sure we have learnt our lessons from the past as my friend, Mr. Bhandare submitted—to the fact that if we are to complete the picture it is very necessary that what has been done in Jammu and Kashmir is also undone. How it is to be undone is something which *the* people concerned can think over. But it is something which is agitating the minds of the people of this country and needs to be set right so that the whole path is very clear and nobody need doubt anybody's bonafides as far as this matter is concerned.

It is a matter of pride for all of us, as has very rightly been emphasised by the Law Minister, that if we look at the whole world, particularly the developing world, India is one country where democracy has been able to survive inspite of all difficulties and obstacles. It has not only been able to survive but, if I may submit, has also been able to make progress economically and in other directions. May be it may not be to the desired extent that we want or what I or you may like to have. But all this has happened because of the democratic system which is a matter of basic importance. That is why we should do everything to see that people's faith in this particular system is sustained and strengthened. Democracy is not something which can be preserved or operated through laws or Constitution. This is something for

which every individual must have a deep conviction and full faith in its democratic working. It is only then that we can operate in a democratic manner. Any amount of legislation or constitutional amendment is not going to help us in this direction. Anybody can probably find out some excuse to circumvent and distort the whole thing. I do not know even after this constitutional amendment what is going to be the shape of things and what things are going to operate. We are trying to do something good, but then there are people who are able to circumvent, who have other ways of seeing things so that they can achieve their selfish objective. Again this has also to be taken care of. We must operate in such a manner that the main thing is served,

that is, in the real sense of it, we are able to serve democracy properly. I hope that this amendment will go a long way in preserving the faith of the people in democratic working and of all the parties also. With these words I commend the Amendment Bill.

SHRI DEBA PRASAD RAY (West Bengal). Honourable Vice-Chairman, Sir, I rise to support the Constitution (Fifty-second Amendment) Bill as introduced by the hon. Law Minister on the floor of the House today. With the introduction of this Bill We hope that a new

era will begin an era of morality, an era of integrity, an era of clean political culture. This act will ensure that Indian political life which has been polluted to a great extent would be purified and people would be able to live in political life with dignity and respect. This is going to be a landmark in the history of Indian democracy, and for this act alone our hon. Prime Minister, Shri Rajiv Gandhi, would be remembered for all times to come. I hope that this Bill will actually help the younger generation to develop more respect for political life, to feel attracted towards political life and to participate in democracy which is being looked down upon by them to a certain extent.

Sir, defection has created a lot of confusion and controversy in the political life today, but the history of defections is not new nor is it a new phenomenon,

[Shri Deba Prasad Ray] may tell the House that if mythology is seen that the first defector in India was considered to be a part of history, then it was Vibhishatfa who deserted his brother and defected from Ravana's camp to Rama's camp. If you look at western democracy, in the 18th century the grand old man, Gladstone, also defected on more than one occasion. As Dr. Patel has rightly put it, Sir Winston Churchill also defected thrice in his lifetime. Sir Ramsay Mac-Donald, the famous politician of British history, had also defected, if you look at the history of British democracy. If you look at the history of Australia, there also, in 1916, in 1919, in 1927 and in 1929 the Governments were dissolved because of mass defections. Defections had been a problem in France also before the Fifth Republic. During the Fourth Republic, one very interesting incident happened. One Minister, while sitting in the House, fell asleep. When he woke up, his colleague told him that in the meantime he was thrice appointed and thrice removed. The situation there was stabilized after the Fifth Republic came into being and De Gaulle took over the leadership.

Defection has been a problem in countries like Sri Lanka. It was a problem in countries like Pakistan also. So, it is a world phenomenon and it has created problems for almost all the democracies. But we are going to create history, we are going to set an example before world democracy that we are trying to stop it, we are trying to put a check on his particular evil and we are trying to purify our political life by way of introducing this Bill today.

Sir, with the introduction of this Bill, some popular terminology which we often used, will no longer be used by us. *Aya Ram* and *Goya Ram* would not be required to be quoted by us, horse traders would be a part of history and people would not be required to discuss all these concepts while dealing with political life.

If I come back to the Indian democratic system and the history of defections, then it could be said that defection first took place in Indian history after the at-

tainment of Independence. That was in 1952 when the Congress Socialist Party members defected from the Congress party *en masse* and founded a separate political party. But the greener pasture of that particular episode was this. When they defected, they resigned from the House also, and sanity was there when that decision was taken.

But the decision for sheer power took place at a subsequent stage when we witnessed it in 1967. 1st April is being celebrated by us in a different way. We enjoy the right to fool our friends on 1st April. And that day was chosen by Mr. Charan Singh in 1967 to fool the Indian electorate by crossing the floor in the U. P. Assembly and by announcing that he was resigning from the Government and that he was withdrawing his support to the government and that he was going from the SVD Ministry. By fooling the electorate on the 1st April, 1967, in the process, he fooled himself. And the Indian democracy had to pay a heavy price when we had to have him as the Prime Minister for some time in the recent history.

I would like to point out that our friends have been making some references to the incidents pertaining to Congress Party. Something has been said by hon. Member, Mr. Dipen Ghosh. Something has been said by Dr. Shantj Patel also about Congress Party, about the leadership. I would appeal to them to remember the difference, to accept the difference, between defection and split. What took place on other occasions, what took place in Jammu and Kashmir and what took place in Haryana would be called as splits, and not as defections. About Mrs. Gandhi, our hon. leader, the leader of our great country, the leader of the third world, something has been said by Dr. Patel. I would feel pity on him for his poor perception about the history of Congress Party. The split that took place in 1969, was not the first split. If he studies the history of Congress Party, he will find that the first split that took place in Congress Party was in 1907 when Swaraj Mehta was the President of Congress Party. Lala Lajpat

Raj, Bipin Chandra Pal, Lai Bal Pal, the three stalwarts, were expelled from Congress Party for nine years. That happened in those days. Maybe, Dr. Shanti Patel will call them as defectors. But the history proved that they represented the real freedom struggle, they represented the real party and then the people who expelled them were not remembered by the country at a subsequent stage. In 1969, when the split took place in Congress Party, it was a conflict of ideology. That conflict ultimately led the people of India to accept the leadership of Mrs. Indira Gandhi. And ultimately the people of India substantiated the fact that the Congress led by Mrs. Gandhi was the real Congress, and the Election Commission had also to give the verdict in favour of the Congress Party led by Shrimati Indira Gandhi. In 1978 also the clash was between the progressive forces and the reactionary forces inside the country, as a result of which the split took place, and afterwards the people of India demonstrated this fact again that the party which was led by Mrs. Gandhi was the real Congress Party, and the Election Commission also stood by the same verdict. So, while making reference to Shrimati Indira Gandhi, the great Personality the country has ever produced,

the hon. Member should have understood this particular problem and should have understood this particular aspect of the history of Indian National Congress as well as the history of the Indian political life.

I would like to tell you that the effort which is being made by our hon. Prime Minister today is now a new effort that is being made by Congress Party. In 1963 there was a resolution in the AICC to stop defections and to make it a point that the people who were willing to join Congress should resign first and that then only would he accepted. In 1967 in December, a member of Congress Party and Member of Parliament, Shri Venka-tasubbaiah, moved a resolution inside the House asking for formation of a high-powered committee to probe into the affairs of defection and to organise and to evolve a formula so that defection could be permanently stopped. Subsequently,

a committee was formed under the leadership of Mr. Y. B. Chavan. The Chavan Committee also dealt with the subject. Eighteen members were there. One of them, Mr. Madhu Limaye, differed and did not agree with the findings of the committee. And ultimately it did not see the light. So, Congress has been trying to contain this phenomenon. Congress has been trying to create a situation in the country. Congress has been trying to stop defection by way of enacting some laws, and finally it has translated it into action by the leader of the country, by the Prime Minister of the country, by the leader of the younger generation, who could display the courage and guts to introduce this Bill on the floor of Parliament. I would like to say that this particular Bill when passed by the House today would be creating a new history in the country. I would also like to tell you that people like us who are born after independence, who have not witnessed the freedom struggle and who have not participated in the political struggle—should now work for the people and try to identify ourselves with the people. We have gone through the persecutions. We tried to distinguish ourselves as social workers. But even after that still the people have not been able to repose their confidence in us. They call us political purchasable commodities who are to be deprecated. If such a situation persists then the people would look upon us down. They will not show any respect towards us. They will not accept us with confidence or willingness. I do not hold the people responsible for that. I hold the generations responsible for that. After 37 years of independence we have created a society which is the saga of defection and manipulation—which is the story of bribery and saga of desertion. I would like to tell here that the people who belong to the age group of 35—40 or 30—35 should ensure clean public life. It is not very important for us that we should remain in Parliament for all the years to come. But what is more important for us is to act as a political worker with credibility, what is more important for us is to ensure that the people accept us, and believe us for workers who are working for the cause and betterment of the nation. Then only

[Shri Deba Prasad Ray]

we will be entitled to be their spokesmen. I hope with the introduction of this Bill there will be stoppage to the defections and credibility would be unveiled not only by us but by politicians belonging to various political parties. Their credibility would be restored. People would no longer have indignation towards the political personalities. People would definitely develop respect for them which should be the basic ambition for every politician to experience in his life. With the introduction of this Bill that aspect would be ensured and the people for the country would also find democracy to be purified, would also see the democracy in a different way. The people who are basically democratic and who are believers of democracy would also be able to live with dignity and prestige. One of

OUT hon. Members has said that defection takes place on another ground also when a person feels that the manifesto of a particular party is not properly implemented and that the policies and programmes of the party are not properly pursued or implemented. Then, I think, that person who deserts the party should resign and go to the people again to seek their verdict. He should also adduce the

reasons to the people for his deserting the party and should seek a fresh mandate. This should be the criteria for a person to establish himself as a genuine believer of the party. This Bill has been accepted by almost all sections of both the Houses. This is a very healthy development. Although We had differences *bt* opinion on different occasions but on tWs issue we have been able to accept this together for the proper implementation of the Bill. I hope the same spirit 'would be displayed by all the political parties on the floor of Parliament in future also. Being a Bengali. I would like to conclude wffh a Bengali poem which was written *hv* one of the revolutionary poets in Bengal during the days of the freedom struggle, who staged writing at the age of 17 and died at the age of 21. His writing* are always remembered by the political workers who believe in revolution. He is Sukanta Bhattacharya. He wrote in one poem at one place which means-

Friends, the world is in great turmoil today, but we are determined to create a new world order, and this is the beginning of that process. Comrades, accept our revolutionary salute today. Thank you.

SHRI JASWANT SINGH: Mr. Vice-Chairman, Sir, on behalf of the B.J.P., I welcome the Constitution (Fifty-second Amendment) Bill. I would, at the very outset, congratulate the Prime Minister and the Government for taking this step. I would also like to take this opportunity of thanking the Prime Minister for the courtesy that he has shown to the opposition by consulting with us. I had, on a previous occasion, talked about cooperation and I had then said that the Opposition would be willing and forthcoming with its cooperation provided the measure that we were asked to cooperate with deserved our cooperation. Our cooperation, Sir, is not the birthright of the ruling party. Our cooperation is a measure that we arrive at by our own understanding, of what is good or what is bad in our public life. In like terms, the confidence that the Prime Minister has demonstrated by going through the process of consulting with us, has also to be earned by us in the Opposition. Just as you have to earn our cooperation, we have to earn your confidence. It is in that context that I would like to mention that when we voiced our sense of grievance, when my esteemed colleague Shri Advani expressed his un-happiness with the manner in which the leader of the Government had gone about arriving at a consensus on this measure, our grievance did not arise out of a shallow sense of pique. Our grievances was on substantial grounds. We have certainly lost an election, but we are not defeated. If you treat us as defeated, you cannot simultaneously ask us for cooperation. And it was in that context that my esteemed colleague Shri Lalji Advani, quite rightly, pointed out that in this path that we are now chartering, of seeking cooperation, this kind of qualitatively, ill-thought statements are stumbling blocks against which we must guard ourselves. I shall not labour too long on this point. Sir, I do believe that it is my intention to echo some of the sentiments that have been

expressed earlier. There are certain singular distinctions of this particular measure that the two Houses of Parliament are now adopting.

The first, to my mind, is that this is the first self-adopting measure that we, as political activities, are taking in cleaning that environs that we inhabit. What ifce are the distinctive features of the environs that we politicians inhabit? Our environment is a raucous, rowdy, chaotically, cheerful confusion. It is extremely combative.

The form to which we subscribe is participatory form of Government for which the establishment and maintenance of a minimum consensus is vital. That minimum consensus is, in fact, displayed in the day-to-day working of the Parliament whenever we are sitting. All that we are trying to do is to transfer some of this consensus, without converting the essential cheerful confusion, to outside precincts of this House also. In this participatory form of Government, to which we all subscribe, the reality in which we are working is extremely combative and extremely adverse. This consensus, a working together, with an adversary attitude between the Treasury and Opposition does not result in harmony. This process that the Treasury Benches initiated in consulting with us, and I do not say it merely to get the empty satisfaction of 'we told you so'. Was it after all not the very process of consultation with the opposition that resulted in the combined initiative of pointing out that clause 2(c) had inherent difficulties and that in going ahead with clause 2(c) there would be pit-falls. We cautioned the Government about it. That cooperation was possible only because you consulted us. You could have, of course, not consulted us and you could have brought the measure in an adversary attitude and then there would have been the same expression of dissent and difficulties. So, this process was both welcome and useful.

I was talking of the distinctive features of our environs in which we are working. We are in that, in a manner, reflecting on Indian society large. Lot of people

say that our Parliament is very noisy, we are not orderly in our conduct. If the Parliament is noisy, it is because Indian society at large is noisy. If we are not orderly within the House it is because Indian society outside this House is disorderly. We cannot simultaneously claim to be representatives of the people and yet set ourselves apart from the people in our conduct or behaviour.

It is a queer paradox in which the country is today finding itself. Today is politics determining the conduct of society? Or, is it society which is transferring its conduct to the politicians? If we claim to be the leaders of society, then it is our bounden duty, by our conduct, to attempt to determine the shape and conduct of the society outside the House also. This uappc.is, ..his dilemma arise, in the nation's life, politics has become the prime activity. Everything centres around politics and politics has become the prime activity and politics has acquired enormous economic power. Now, I am reflecting on this issue, because it is vital to the step that we are taking. Politics has taken such a primacy in our nations life and politics has acquired so much economic clout and, therefore, as politick determines our leadership and convey a message to thp society at large, in that context also, this single measure that we are adopting for ourselves is perhaps the beginning of a long journey.

Sir, the honourable Law' Minister and, indeed, the Prime Minister, in the consultations that they had with the Opposition, which I had the privilege of attending on behalf of ray party, had said, and numerous other speakers also have said, that this measure is aimed at cleansing our public life. We all agree. Simultaneously, there are voices raised inside this House, in the other House, and also , in print—of course, it is aimed at cleansing public life—as to why there is such a desperate hurry. There are learned articles which talk about this and say that perhaps the real purpose behind this measure is not entirely altruistic, that the real purpose is perhaps motivated by some inner fear somewhere.

SHRI ASOKE KUMAR SEN: On this side?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, AND JUSTICE (SHRI H. R. BHARDWAJ;: Most unfounded . . . *(Interruptions)*).

SHRI ANAND SHARMA (Himachal Pradesh): Mr. Jaswant Singh, appreciate a good thing. *(Interruptions)* .

SHRI JASWANT SINGH; Sir, it is always such pleasure to listen to such comments. *(Interruptions)*, Sir, these arc comments which arc teing made in the press and these are comments which are made in the editorials, that this hurry is on account of some kind of an unspecified, unspelt, gnawing, fear within the ruling party. *(Interruptions)*.

SOME HON. MEMBERS: No, No. *(Interruptions)*.

SHRI JASWANT SINGH; Why are these comments made, Sir? *(Interruptions)* Why are these comments being made? That brings me to another thing. Anyway, I do 0°t subscribe to these theories.

SHRI H. R. BHARDWAJ; Thank you, thank you.

SHRI JASWANT SINGH; I da not subscribe to them.

SHRI VTSHVAJIT PRITHVIjrr SINGH (Maharashtra): Sir, I have mentioned it on many previous occasions. I know Jaswant Singhji very well. These! are not his own comments that he is voicing. These are not his own views which he is voicing; he is voicing ihe comments Of his masters. *(Interruptions)* .

SHM JASWANT SINGH: I will come to du* later. Sir, and I will attempt to a wwv that in a minute.

The quntion is this if such a good measure is adopted, then why do these *fairs* get expressed? Tt is because of the importance of two things. One is the importance of example in public life and the other is the importance of harmony between means

and ends. I *will* elaborate on the question of harmony between means and ends in just a moment, But as regards the importance of example in public life, I would like to give an illustration of what happened just last evening. Much, against my own judgment and upon the persuasion of the honourable Minister of Parliamentary Affairs, on the occasion of moving of a resolution from the Chair about the Six-Nation Summit, I gave an assurance that I would not speak. But a reference is there in that resolution to a particular matter. Please reflect very deeply over what I am saying, because I have got a substantial point to make on. this. There was a reference, Sir, in that Resolution to the leadership provided by the Prime Minister. I am appalled at the historical inaccuracy of it. I am guilty of having kept silent against my better judgment purely on the persuasion of the Minister of Parliamentary Affairs because the hour was late, etc.

There was a reference made to the present leadership, which is not an absolute fact. Which in reality this Resolution is silent about the one person who was the main motivating power behind the-Six Nations' Summit. And that was the late Prime Minister. *(Interruptions)*. The late Prime Minister's name is absent. It was the late Prime Minister whose' initiative resulted in the Six Nations' Summit here in New Delhi. It was the late Prime Minister who first took the. initiative at the United Nations Conference for such a summit. And we were made a party to the passing of a Resolution, here in the two Houses, without reference to late Mrs Gandhi whose initiative in fact it was that has resulted in this Conference.

SHRIMATI USHA MALHOTRA (Himachal Pradesh): On a point of order. I was present in that inaugural function, anj her name was specifically mentioned by our hon. Prime Minister. *(Interruptions)* And it is recorded. And throughout the speeches it was there. This is the point which T wanted to place before my hon. colleague. *(Interruptions)* Resolution, of course.

SHRI JASWANT SINGH; Sir, your silence is the ruling that point of order, I assume. *(Interruptions)* .

Sir, what I am trying to make out is, why did such an occasion arise when in a Resolution which the two Houses of Parliament wished to adopt unanimously that we miss out—not only miss out but we, in fact, land ourselves in a situation where we have passed a Resolution which is historically incorrect? Why do we do it?

That brings me to the factor which I would like to emphasize; the factor of the debilitating effect of sycophancy in public life. (Interruptions) I would like, Sir, with your permission, to state that just by coincidence, yesterday, while reflecting on this Bill, I happened to find the latest issue of Yale Quarterly Journal, and there is an extremely enlightening article in that about Elizabeth I. I would like to quote just two or three lines from that article in the context of sycophancy, in the context of the whole atmosphere of public life, in the context of what happens, how public life gets vitiated when independent opinion is not expressed, of which I have just given you an example. I quote:—

"The (Her) court of the 1530s and 1540s..
..Please reflect On the choice of words;

.. was coarse in passion, refined in appearance, ablaze with the hunger for power. Wyatt said it was where men cloaked vice with the nearest virtue. She learned at court how to see, how to avoid, how to choose
die public show over the private need

Sir, on the debilitating consequences of sycophancy the ruling party with its new leadership must effect very deeply. It is my misfortune that the leader of the Government is not here. I am very glad, however, that my esteemed friend and colleague Mr. Arun Singh is here. I have no doubt that he will communicate faithfully what I am saying. I cannot express a similar sense of confidence about the entire treasury benches. (Interruptions)

AN HON. MEMBER: This is sycophancy. (Interruptions).

SHRI LAL K. ADVANI (Madhya Pradesh); This is not sycophancy, this is awmcnt. (Interruptions)

SHRI JASWANT SINGH; Sir, I would like to tell my esteemed friend, in the hope that he will communicate, that there is a Sanskrit *shloka*, which I will not inflict but of which I give the sense. The essence

is: धन, यौवन, प्रभता, अद्वैतक ।

It is the combination of these four. It is a very wise ancient saying, as old as India. Please understand the debilitating effect of sycophancy in public life. If we have taken the first step towards strengthening our public life, please recognise what I am saying and what is that we need in our public life. In our public life, we need primarily freedom from fear and we do need that freedom which enables us in the words of a great poet to "when the head is held high and the mind is without fear". We need to re-emphasise that.

श्री सीताराम केसरी (बिहार): साइकोफंसी का अर्थ है। यह शब्द बहुत प्रचलित है। हम गढ़े-लिखे कम हैं, हम वक्ता महोदय से जानना चाहते हैं कि साइकोफंसी का क्या अर्थ है।

श्री पर्वतनॉन उपेन्द्र : चमचागीरी ।

श्री सीताराम केसरी : चमचागीरी किसको कहते हैं ? बड़ा कामन शब्द हो गया है सारे देश में। कोई डिसिप्लिन्ड साल्वर है तो साइकोफंटे हो गया, कोई अपने लीडर के समर्थन में बोलता है तो साइकोफंटे हो गया। क्या अपने नेता के विरोध में बोलें? क्या बेकार की बात है। दो-तीन ऐसी बातें हैं जो आज सारे देश में प्रवलेंट हो गयी हैं। तो मैं आप से रिक्वेस्ट करूंगा कि साइकोफंसी शब्द को बढ़िया तरह से एक्सप्लेन कर दीजिए। चमचागीरी किसको कहते हैं—यह तो सीधे एक्ज्यूज करता है।

श्री जसवंत सिंह : जनाव आपकी इजाजत है...

SHRI H. R. BHARDWAJ: There is no presumption of wisdom on either side. Neither he can claim that he is a wise man, nor can we do so. There should be a limit on him. We are taking exception to his advising us.

श्री सीताराम केसरी : अभी इन्होंने एक श्लोक पढ़ा है। हम आप से कहते हैं दूसरा श्लोक भी है। वैदिक धर्म में गायत्री मंत्र है।

श्री जसवन्त सिंह : वह आप कहिए ।

उपसभाध्यक्ष (श्री सय्यद रहमत अली) : इनका बालन दाखिए ।

श्री जसवन्त सिंह : जनाब, आप मुझे बक्त दग नहो । मुझे थोड़े बक्त का इजाजत हो । बाबू गीनाराम जो न बहुत महतन की बात नहो । पिछली बार जब मुझे माया मिला था तो मैंने रामायण के सुन्दर वंश का एक पद कहा था--'सचिव, बंद मुरु तीन जो प्रिय बालीह भय बास . . . । बाको आप जानते ह, सीता राम जी

I was talking about purity in public life. I was talking about the importance . of dissent. I was talking about the importance, of example for cleansing our public life. But I would not like to call it, in the words of the hon. the Law Minister, "as the dawning of a new era". He is free to use tme adjectives he choose.. I hold him in great esteem and regard for his legal skill. I treat it as one single step towards cleansing public life. Even Mao-tse-Tung said; "Even a journey of 1000 miles can start with but one single step provided that the first step is in the right direction".

I do not want to go into the details of why we disagreed with Clause 2(c) be cause it is now a matter of public record. I would like to take this opportunity to say that we are very grateful that the Treasury Benches and the Prime Minister have accepted it. He took the trouble of consulting his own party on the issue, and took the decision which we all feel was necessary. On the question of dissent, on the question of split, which is in the Bill, let it be recognised . that we have curbed dissent and free choice by a factor of one-third. Already that much dilution of dissent is there. We accept it for the greater benefit.

Sir, I would like to put across a minimum 7-point programme because this too is the first step. I think, what is very necessary to be taken now. what steos are very necessary to be taken now, ao

as to convey a right message, so as to convey that example which I highlighted are in this 7-point programme. First point in my 7-point programme is that before the forthcoming State Assembly elections with which we are all faced please make audit of accounts of political parties mandatory. Please reduce the costs of elections. The Parliamentary elections which we witnessed saw the ruling party display an amount of expenditure which is mind-boggling . Rightly questions are asked... (Interruptions) that wherefrom did that money comes, where did that money come from. (Interruptions)

SHRIMATI MONIKA DAS (Karnataka) . There is no account of how much they spent in the elections. They don't give any account. (Interruptions)

श्री रामानन्द यादव (बिहार) : सिवान पार्लियामेन्टरी कांस्टीट्यूसी में 24 जीप चल रही थी और बड़े बड़े पूजोपति वहां बैठे थे । यह सब पैसा कहां से आया था ?

THE VICE-CHAIRMAN (SHRI SYED RAHMAT ALI); Please resume your seats.

SHRI JASWANT SINGH: Therefore, Sir, put reasonable limits on expenses; provide for State-funding, made all elections simultaneous—Parliamentarya State Assembly, municipal and panchayat. That is one very big way of cutting down expenditure. Make the Code of conduct which has been laid down by the Chief. Election Commission mandatory. Provide it with legal teeth. Examine the role of Governors. See how much they contribute to the pollution of our public life. Set right the wrong done in Jammu and Kashmir. (Time bell rings)

I would like to conclude, Sir, that as far as cleansing public life is concerned, we cannot do it substantially unless simultaneously anti-corruption laws are also introduced TV Tok Pa1, the Lok Ayukut are the measures which we have to serio-uslv think about. (Time bell rings) I am concluding. Sir. You have been very patient with me. I appeal to the treasury benches....

SHRT H. R. BHARDWAJ. Why have you forgotten the foreign contributions?

SHRI JASWANT SINGH: Indeed, foreign contributions also without any doubt. So, I would appeal to the treasury benches — (Interruptions) I would appeal to the treasury benches to please recognise the limitations of legislated authority. Please understand the true nature of power which currently rests in your hands. Public power, Sir, is a pure derivative of some over-mastering idea to which all people agree; it is the force that accrues from some transcendent principle. Power derived from such an over-arching idea can only be held if one becomes the impediment of the ideal one self. Only by complete self-absorption can, therefore, that grand principle be contained. And to understand that power and wield it, you have to learn how to first deny yourself. The prime example, therefore, Sir, in public life in cleansing our public life is the understanding of the limitations of power and denying yourselves that which you think is yours. For that, one concluding sentence. Sir. What is absolutely vital for the treasury benches is to reestablish re-understand the difference between party, government, state and nation.

These are separate entities. Do not confuse between party and Government. Do not equate the party with me Government. Don't equate Government to the nation. It has been my privilege —it 3.00 P.M. is my privilege—to have participated in the negotiations and talks leading to the arrival of this consensus and it is my privilege on behalf of the BJP to support the Constitution (Fiftysecond Amendment) Bill 1985. Thank you.

श्री सुलतान सिंह (हरियाणा): उपसभाध्यक्ष महोदय, यह कांस्टीट्यूशन अमेंडमेंट बिल जो हाउस के सामने ला मिनिस्टर साहब ने पेश किया है, मैं समझता हूँ कि यह हिन्दुस्तानी की राजनीति में एक बहुत सफाई लाने के लिए पेश किया गया है। जितना भी आप दुनिया का इतिहास पढ़ें, डेमोक्रेसी तब तक नहीं चल सकती जब तक पॉलिटिकल पवित्रता न हो। जहाँ जहाँ भी संसार में कुछ हुए हैं वह उस हालात में हुए जब कि लोगों के रिप्रेजेंटेटिव, पब्लिक के नुमाइदों लोगों की नजरों में

गिर गए, पॉलिटिशियंस पर आस्था उठ गई और हर जगह इसके परिणामस्वरूप कूप हुए। जो हमारा सब-कांटिनेंट है, हमारे अर्बंस-पडोस में जो कुछ हुआ वह हमारी आंखों के सामने है और मैं समझता हूँ कि आज इस संसार की सबसे बड़ी डेमोक्रेसी हिन्दुस्तान में है और यह फल भी हमको जाता है कि हमारे पडोस में गाँवियों से सरकारें बदली हैं, हमारे यहाँ सरकार जितनी बार बदली वह प्रजातांत्रिक तरीके से बदली। एक नई चीज का आगाज किया है हमारे प्रधान मंत्री जी ने और वह नई चीज यह है कि टकरावों की राजनीति को प्यार की राजनीति में वह बदलना चाह रहे हैं और यह बिल इस बात का सबूत है कि टकरावों की राजनीति कुछ कुछ कन्वर्ट होने लगी है प्यार की राजनीति में। जसवंतसिंह जी का पुरानी आदत पड़ गई है, जरा देर में छूटेंगी वरना इस बिल के बाद जो ग्रंटेंस हमारे प्रधान मंत्री ने दिखलाई हैं, विरोधी पक्ष की साइनिस्टी की राय थी जिसका प्रधान मंत्री ने स्वीकार किया है और वह इसलिए स्वीकार किया कि एक दफे हम संसार को दिखा दें कि हिन्दुस्तान कुछ बातों में ऐसा देश है जो राष्ट्रीय इश्यूज के ऊपर दकमत हो सकता है जिसका एक प्रोम्बर भी खिलाफ नहीं हो सकता है और इस बिल के द्वारा यह चीज संसार के सामने हमने रखी है।

उपसभाध्यक्ष महोदय, मैं एक ऐसे स्टेट से आता हूँ कि जब कोई मेरी पगड़ी देखता है तो सुलतान सिंह कहने के बजाय आयाराम गयाराम कह देता है और मुझे बड़ी शर्म भी आती है क्योंकि दुर्भाग्य से यह आगाज हमारे प्रदेश से हुई थी और बाद में तो प्राची उत्तर प्रदेश ले गया था लेकिन इनसे पहले हरियाणा में 1967 में यह शुरू हुआ। उसके दस दिन बाद उत्तर प्रदेश की सरकार गई, चौधरी चरण सिंह आये फिर गोविन्द नारायण सिंह आये और फिर महामाया प्रसाद जी आये और फिर यह सिलसिला शुरू हुआ लेकिन एक बात में उत्तर प्रदेश ने अपना बड़ा होने का सबूत दिया जैसे साइज में बड़ा है, वह डिफेंसन में भी बड़ा है। हमारे यहाँ तो रिटेल में भी डिफेंशन हुए और होलसेल

[श्री सुलतान सिंह]

में भी हुए, लेकिन कभी डिफेक्टर नेता को हगने राष्ट्रीय नेता नहीं माना। यह बात उत्तर प्रदेश में हुई। चौधरी चरण सिंह कांग्रेस छोड़ कर 1967 में जन कांग्रेस में आए। जन-कांग्रेस को छोड़ कर बी.के.डी. में आए और बी.के.डी. से चुनाव जीत कर बी.एल.डी. में आए और बी.एल.डी. से चुनाव जीत कर जनता पार्टी में आए और जनता पार्टी से चुनाव जीत कर जनता (एस) में आए और जनता (एस) से चुनाव जीत कर लोक दल में आए और लोक दल से जीत कर दमकिया में आए। यह मिसाल हिन्दुस्तान में और कहीं नहीं मिलेगी। इसलिए उत्तर प्रदेश में हमारी बारी जरूर काटी है। मैं यह समझता हूँ कि यह जो बिल अभी लाया गया है, प्रधान मंत्री बनते ही कहा कि हमने हिन्दुस्तान को क्लीन एडमिनिस्ट्रेशन देना है, यह उसकी एक मिसाल है। चैरिटी बिगेन्स एट होम। जब तक हम पार्लिटिमेंट अपने आप को क्लियर नहीं कर लेंगे तब तक नाँकरशाही पर हमारा कोई अधिकार नहीं है उनके साफ करने का। इस बिल के द्वारा सबसे पहले हिन्दुस्तान की जो पार्लिटिकल लाइफ है उसमें सफाई आयेगी। मैं ज्यादा न कहते हुए इतना अर्ज करता हूँ कि अगर एक काम हम सब मिल कर विरोधी दल तथा ट्रेजरी बैचेंज भी हमारे प्रधान मंत्री जी की अगुवाई में मिल जाएं तो यह नेशन की बहुत बड़ी सेवा होगी। जिस तरह आज हम एक राय के हैं उसी तरह से हमें एक राय और बनानी होगी और वह राय क्या है कि आज हमारे देश का नाम सैक्यूलर सोशलिस्ट गणतंत्र आफ इंडिया है, जब भी हम कसम खाते हैं तो हम उस भारत की कसम खाते हैं, सैक्यूलर सोशलिस्ट गणतंत्र भारत की खाते हैं लेकिन उसी कंस्टिट्यूशन के तहत लोग धार्मिक स्थानों का प्रयोग कर राजनीति के लिये, लोग धर्म का प्रयोग कर राजनीति के लिये, लोग धर्म के आधार पर पार्टियां बनाएँ तो हमारे कंस्टिट्यूशन को सैक्यूलर करेक्टर खत्म हो जाता है। आज क्या हमारे देश में हालत है कि रीजनल स्लोगन, कम्प्यूनल स्लोगन बोट कॉचिंग मीडिया बन गया है। जिस तरह पर्सनल इंजेक्शन इमीडियटली असर करता

है जिसमें पर उसी तरीके से राजनीति की बात और फिरकी की बात बोट कॉचिंग के लिये फॉरन असर करती है और उसका अल्टीमेट रिजल्ट क्या होता है कि रीजनल पार्टियां राष्ट्रीय पार्टियों को खा जाती हैं, जिसको मिसाल हमारे सामने है। मैं यह चाहूंगा कि किसी भी तरीके से हम सब मिलकर, इंडिया के सारे पार्लिटिमेंट मिल कर अगर ऐसा सिस्टम पैदा कर सकें कि दो पार्टी सिस्टम हो सके तो हमारी डेमोक्रेसी मजबूत और हल्दी हो सकेगी। 1977 में कांग्रेस हार गई थी और हम उन बैचेंज पर बैठे थे। उसी हार के बाद मैंने इसी हाउस में कहा था 4 अप्रैल, 1977 को कि इसमें कोई शक नहीं है कि हमारी पार्टी हारी है लेकिन मैं यह सुशिक्षित समझता हूँ कि कम से कम दो पार्टी सिस्टम तो आया है देश में। लेकिन इस दो पार्टी सिस्टम को भंग किया हमारे विरोधी दोस्तों ने। 15 दिन की कूची के लिये राष्ट्रीय पार्टी को तोड़ कर रख दिया दो पार्टी सिस्टम टूट गया और उसके बाद सारा देश रीजनल पार्टियों में बट गया। तो मैं अपने विरोधी दल के दोस्तों से, खास तौर पर श्री जसवन्त सिंह जी से और श्री अडवाणी जी से एक ही दर्शास्त करना चाहता हूँ। आप तो उपभोक्ता हैं इस बात के कि आपने कांग्रेस के द्वेष में अपनी पार्टी को खत्म कर दिया। गन् 1967 में उत्तर प्रदेश में जनसंघ के 90 एम. एल. एज. थे और चौधरी चरण सिंह 17 मॅम्बर्स लेकर गये थे। इन लोगों ने मुख्य मंत्री चौधरी चरण सिंह को बनाया और हुआ यह कि चौधरी चरण सिंह की तो एक पार्टी बन गई, लेकिन इनकी पार्टी खत्म हो गई। इन्होंने ऐसा कांग्रेस के द्वेष में किया था। हमारे यहाँ भी इसी प्रकार की बात थी। 80 सदस्यों में से 13 सदस्य जनसंघ के थे और 5 डिफेक्टर्स जा गये थे। ये हमारे तरफ से गये थे उनको आपने मुख्यमंत्री और मंत्री का पद दे दिया। इसके बाद चुनावों में क्या हुआ। आप तो 13 के बजाय 6 रहे गये और वे जो 5 लेकर गये थे। 14 हो गये थे। यही हालत मध्य प्रदेश में भी हुई। राजमाता जी वहाँ पर बैठी हुई हैं। मध्य प्रदेश में आपने गोविन्द नारायण सिंह को मुख्य मंत्री बनाया। हाउस

(श्री सुलतान सिंह)

मे नेता तो आप ही बनी रहें, भाता जी नेता बनी रहें, लोकन गाविन्द नारायण सिंह को मुख्य मंत्री बना दिया। इसका नतीजा क्या निकला? गुरू तो गूड़ रहा, चेला चीनी बन गया। आप लोगों ने कांग्रेस के दबोच में डिफेंशन को इतना प्रोत्साहित किया, इतना आपने उसके सलाह दिया कि आज जी.जे.पी. खतम होकर रह गई है। अभी अभी क्या हुआ है? जो राष्ट्रीय पार्टियां थी वे रीजनल पार्टियां बन गई हैं और जो रीजनल पार्टियां थी वे राष्ट्रीय पार्टियां बन गई हैं। आल इंडिया द्रविड़ मुन्नेत्र कक्षम और अखिल भारतीय जनता पार्टी आज दो दो मمبر लंकर बैठे हुई है। एक रीजनल पार्टी इन पर डाभिनट कर रही है। इसलिए मैं अपने विरोधी पक्ष के दोस्तों से यह दख्खत करूंगा कि वे कुछ दिनों के लिए अपना वह दवेश छोड़ दें जिसकी सजा उनको इतनी मिल चुकी है। इनका एक ही उद्देश्य था कि कांग्रेस की सरकार नहीं रहनी चाहिए, इसलिए ये मुख्य मंत्री किसी को भी बनाने के लिए तैयार हो जाते थे। उसका नतीजा क्या हुआ है? ये लोग स्वयं बने खा बैठे हैं। आप लोग एक काम कीजिए। जो विरोधी पार्टियां यहां पर बैठे हुई हैं वे किसी न किसी तरीके से एक अच्छी पार्टी बना लें। देश में टूटी पार्टियां सिस्टम हो। इंग्लैंड में प्रजातंत्र इसलिए जिन्दा है कि वहां पर दो पार्टियां, लेबर और कांजरवेटिव पार्टियां हैं। लेबर पार्टी जाती है तो कांजरवेटिव पार्टी आ जाती है तो और कांजरवेटिव पार्टी जाती है तो लेबर पार्टी आ जाती है। इसी तरीके से अमेरिका के अन्दर प्रजातंत्र इसीलिए जिन्दा है कि रिपब्लिकन पार्टी जाती है तो डेमोक्रेटिक पार्टी आ जाती है और डेमोक्रेटिक पार्टी जाती है कि रिपब्लिकन पार्टी आ जाती है। इसी प्रकार की व्यवस्था हम अपने देश में भी कर सकें तो यह प्रजातंत्र के लिए अच्छा होगा। हम लोगों को गाली देने के बजाय या हमको कोसने के बजाय आप लोग आपस में प्यार-प्रति से एक पार्टी बना लें तो यह प्रजातंत्र के लिए और इस देश में होल्दी राजनीतिक व्यवस्था के लिए अच्छा होगा। इससे डेमोक्रेसी मजबूत होगी। हमारे देश में

डेमोक्रेसी को मजबूत करना आज एक नसे-सिटी है। आज अगर हिन्दुस्तान में डेमोक्रेसी नहीं रहेगी तो एशिया में डेमोक्रेसी नहीं रह जाएगा। अगर इंडिया में डेमोक्रेसी नहीं रहेगी तो इस सब-कॉन्टिनेंट में तबाही आ जाएगी। आज हमें डेमोक्रेसी से मानवता की रक्षा करनी है, मानवता का बचाना है। आज मानव अधिकारों की आवाज को इस सारे सब-कॉन्टिनेंट में कोई व्यक्ति आजादी के साथ उठा सकता है? यह हमारा देश भारत ही है जहां पर हर व्यक्ति को, हर नागरिक को आजादी के साथ अपनी आवाज बुलन्द करने की स्वतंत्रता है।

(उपसभापति महोदय। पीठासीन हुईं)

यह इसलिए है कि हमारे देश में प्रजातंत्र की जड़ें बहुत गहरी हैं। इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ और यह कहना चाहता हूँ कि श्री राजीव गांधी ने एक नये एरा की शुरुआत की है। हम लोगों को आगाह किया है।

मैं विरोधी दल के लोगों से कहना चाहता हूँ कि आवाज तो अच्छा है, अब अंजाम आपके हाथ में है। जो प्यार उन्होंने दिखाया है, जो टकराव की राजनीति से मूहब्बत की राजनीति वह देश में चलाना चाहते हैं इसके लिए वे हर तरह से सहयोग दें और सरकार किसी न किसी तरीके से एक बार फिर ऐसा बिल लाये जिसमें जो पार्टियां आज कम्युनल हैं, रीजनल हैं या तो वे राजीखुशी से मर्ज हो जाय आपस में, नहीं तो किसी न किसी कानून के जरिये उन पर पाबंदी लगानी पड़ेगी क्योंकि एक बार तो बड़ा असर पड़ता है पेंसलोन के इन्वेक्शन का, लोकल वह वाद में एलजी करता है। इनसे मुल्क को खतरा है। मैं फिर ला मिनिस्टर साहब का बहुत धन्यवाद करता हूँ, वे बड़े भारी जरिस्ट हैं और जब वे इस दिल को लाये हैं तो इस बिल में कोई सामी कोई कमी हो नहीं सकती। मैं समझता हूँ इसके बाद इसके इम्प्लीमेंटेशन में कोई कमी नहीं पड़ेगी। धन्यवाद।

श्री सत्य प्रकाश मालवीय: माननीय उपसभापति जी, सबसे पहले मैं वर्तमान सरकार को इस बात के लिए बधाई देना चाहता हूँ कि राष्ट्रपति ने अपने अभिभाषण में जो

(श्री सत्य प्रकाश मालवीय)

देश की जनता को आश्वासन दिया था, उसको पूरा करने का उन्होंने प्रयास किया है। मैं सरकार को इसके लिये भी बधाई देना चाहता हूँ कि जो आमतौर से लोगों की राय थी कि अगर किसी व्यक्ति को किसी पार्टी से निकाल दिया जाय तो भी उसकी सदन की सदस्यता समाप्त हो जायेगी या विधान मंडलों में उसकी सदस्यता समाप्त हो जायेगी, वह प्रावधान जो वर्तमान विधेयक से हटा दिया गया है, इसके लिए भी वे

सभापति महोदय पीछाहीन हुए।

बधाई के पात्र हैं। 1973 में जब विधेयक लाया गया था तो उसमें इस बात का प्रावधान था और उस पर अपनी प्रतिक्रिया व्यक्त करते हुए लोकनायक जयप्रकाश नारायण ने कहा था कि इससे तो पार्टी में जालिमों का शासन स्थापित हो जाएगा और इससे लोकतंत्र की कार्य व्यवस्था में बाधा उत्पन्न होगी। मान्यवर, इस विधेयक को जो उद्देश्य और कारण हैं, उसमें इस बात को स्वीकार किया गया है कि दल बदल एक राष्ट्रीय अभिशाप है और इतका समाप्त होना राष्ट्र के हित में अतिआवश्यक है। मान्यवर, इलव्शन कमीशन की 1983 की वार्षिक रिपोर्ट में कहा गया है कि 1967 से 1983 के बीच में विधान मंडलों और संसद में दलबदल के 27 सौ मामले हुए और चौथे आम चुनाव के बाद मार्च 1967-68 के बीच में 438 दलबदल के मामले हुए। लेकिन मान्यवर मैं अपने विचारों से अपने तर्कों से यह दर्शाने का प्रयास करूँगा कि सबसे पहले इस दलबदल के पाप को रोकने के लिए समाजवाद के पिता आचार्य नरेन्द्र देव ने एक बहुत सख्त परिपटी कायम की थी। 1946 में आचार्य नरेन्द्र देव, उत्तर प्रदेश की विधानसभा के सदस्य थे, कांग्रेस पार्टी के प्रतिनिधि के रूप में। लेकिन जब उन्होंने कांग्रेस पार्टी छोड़ी और कांग्रेस सोशलिस्ट पार्टी की सदस्यता स्वीकार की तो उन्होंने कहा कि चूंकि मैं कांग्रेस की ओर से विधान सभा में जनता का प्रतिनिधि हूँ इसलिए मैं अपनी विधान सभा की सदस्यता का त्याग करता हूँ और न केवल आचार्य नरेन्द्र देव ने बल्कि उनके साथ 12 अन्य सदस्यों, जिनमें सर जीतलाल वर्मा और रघुकुल तिलक, जो कि आज भी जीवित हैं, उन्होंने विधान

सभा की सदस्यता से त्यागपत्र देकर पूरा चुनाव लड़ा। लेकिन मान्यवर, कांग्रेस पार्टी ने इन लोगों का विरोध किया और ये तोरह के तोरह व्यक्ति विधान सभा का चुनाव हार गये थे। उसके बाद मान्यवर, इस देश के पहले प्रधानमंत्री पंडित जवाहरलाल नेहरू ने दलबदल का बीज बोया था और उस दलबदल की उपज की श्रीमती इंदिरा गांधी ने पोसा पाला था और बढ़ा किया था और इसका संरक्षण वर्तमान प्रधानमंत्री, जब इस पार्टी के महासचिव थे, उन्होंने किया और आज भी बराबर दे रहे हैं। मैं इस चीज को अपने तर्कों से साबित करने की कोशिश करूँगा...

(व्यवधान)... मान्यवर, 1952 में जब मध्य प्रदेश में चुनाव हुए, तो मध्य प्रदेश में 1952 के चुनाव के बाद मध्य प्रदेश विधान सभा की कुल संख्या थी 375 लेकिन कांग्रेस पार्टी के विधायक चुनकर आये केवल 152। उत्तर प्रदेश के ही श्री प्रकाश जी उस समय मद्रास के राज्यपाल थे और माननीय चक्रवर्ती राजा जी को बुलाया गया वहाँ का मुख्य मंत्री बनने के लिए। राजा जी ने तो विधान परिषद् के सदस्य थे और न ही विधान सभा के सदस्य थे लेकिन एक बाहर के व्यक्ति को मुख्य मंत्री बनाया गया और उनको राज्यपाल ने विधान परिषद् का सदस्य नामांकित किया था और जब कांग्रेस पार्टी के नेता जो प्रधानमंत्री थे ने मद्रास विधान सभा के अल्पमत को बहुमत करने की साजिश को उसके बाद मान्यवर, आंध्र प्रदेश बना... (व्यवधान)

श्री लीताराम कोसरी: आपको इतिहास मालूम है? (व्यवधान)

श्री सत्य प्रकाश मालवीय: सुन लीजिये। मान्यवर, जब आन्ध्र प्रदेश बना उस समय टी. प्रकाशम को मुख्य मंत्री बनाया गया और टी. प्रकाशम अल्पमत के मुख्य मंत्री थे और उसके बाद ठीक कुछ दिन के बाद हम लोग उस वक्त प्रजा सोशलिस्ट पार्टी में थे, टी. प्रकाशम का 12 सदस्यों के साथ वहाँ पर मन्त्रिमण्डल बना और कांग्रेस ने टी. प्रकाशम को समर्थन दिया। न केवल टी. प्रकाशम श्री विश्वनाथन और उनके साथ 11 आदमी सभी ने प्रजा सोशलिस्ट पार्टी से इस्तीफा दिया क्योंकि जवाहरलाल जी ने कहा था कि यह लोग जब प्रजा सोशलिस्ट

पार्टी से इस्तीफा दंगे तब सरकार बनाएंगे और इसके बाद मान्यवर वहाँ पर टी. प्रकाशम ने अल्पमत की सरकार को बहुमत में बदलने का प्रयास किया। हमारा एक केरल सुबा है जिसमें थान पिल्ले साहब जो अल्पमत में थे उन्होंने अल्पमत की सरकार बनाई। उसको कांग्रेस पार्टी ने समर्थन दिया और समर्थन देने के बाद थानु पिल्ले साहब को आन्ध्र प्रदेश का गवर्नर बना दिया गया। मान्यवर, यहाँ पर चौधरी चरण सिंह की चर्चा की गई। इसी सभा में मान्यवर, एक मन्त्री केन्द्र के हैं श्री राव वीरन्द्र सिंह उनका सन 1967 में दल बदल कर के वहाँ पर मुख्य मन्त्री बनाया गया था (व्यवधान) मान्यवर, यहाँ पर चर्चा आई है चौधरी चरण सिंह जी की... (व्यवधान) आपको सुनना चाहिए (व्यवधान) मैं यह निवेदन कर रहा था कि आज भी जम्मू काश्मीर में दल-बदलानों की सरकार जी. एम. शाह की सरकार चल रही है और वर्तमान कांग्रेस पार्टी के जो नेता हैं वहाँ पर वे उस सरकार का समर्थन दे रहे हैं। मान्यवर, मैं यह कहना चाहूंगा कि राव सन् 1969 में तत्कालीन प्रधानमन्त्री श्रीमती इन्दिरा गांधी ने उस वक्त के राष्ट्रपति के चुनाव में श्री संजीव रेड्डी का समर्थन किया जो नामांकन पत्र प्रस्तुत किया था उस नामांकन पत्र में श्रीमती इन्दिरा गांधी ने न केवल अपने हस्ताक्षर किये... (व्यवधान) दुनिया के किसी भी लोकतान्त्रिक मुल्क में इस बात का प्रमाण नहीं मिलेगा, कोई भी ऐसी परिपाटी नहीं मिलेगी जहाँ उस देश की एक पार्टी के नेता और देश का प्रधानमन्त्री अपनी पार्टी के प्रत्याशी को लिखित रूप में समर्थित करें और उसके बाद उस उम्मीदवार के खिलाफ न केवल प्रचार करें बल्कि अपनी पार्टी के विरोधी उम्मीदवार को जिताने का प्रयास करें। मान्यवर, मैं यह कह रहा हूँ कि जो लोग इस देश में... (व्यवधान)

श्री जे. के. जैन (मध्य प्रदेश): श्रीमान् मेरा प्वाइंट आफ आर्डर है। (व्यवधान)

MR. CHAIRMAN: Mr. Jain, I want first to understand
... (Interruptions)... ^ will have to hear his point of order.
... (Interruptions)... Please sit down.
There is a point of order.

श्री जे. के. जैन: सभापति महोदय, इस सदन की परम्परा रही है कि इस सदन के अन्दर कोई भी जो ऐतिहासिक बातें होती हैं उसको तोड़-मरोड़ कर के नहीं रखा जाता है। यदि इतिहास की बात को यहाँ तोड़-मरोड़ कर के रखा जाता है तो चेंबरमैन की तरफ से यह रुलिंग आती है कि उस चीज को तुरंत कार्यवाही से निकाल दिया जाए। मैं आपके माध्यम से अपने आदरणीय श्री मालवी जी से निवेदन करता हूँ कि जो बातें यहाँ पर वे रख रहे हैं कि संजीव रेड्डी के नामांकन का स्वर्गीय श्रीमती इन्दिरा गांधी ने भरा, यह इतिहास की बात बन चुकी है कि कांग्रेस कमेन ची है और कांग्रेस कौन सी नहीं थी। इसलिए मेरा आपसे निवेदन है कि जो इन्होंने यहाँ पर ऐसी बातें कही हैं इतिहास को तोड़ मरोड़ कर के कही हैं उनको आप सदन की कार्यवाही से तुरन्त निकाल दें।

MR. CHAIRMAN: It is nothing. You go on.

श्री सत्य प्रकाश माँवीय : मान्यवर, मैं निवेदन करना चाहूंगा कि जो ऐतिहासिक सत्य है, हो सकता है वह कटु हो लेकिन जो लोग सत्ता पक्ष में उस तरफ बैठे हुए हैं उनको भी ऐसे सत्य को सुनना चाहिए और धैर्य से सुनना चाहिए। जो लोग सत्ता में होते हैं उनके हाथ में ज्यादा जिम्मेदारी होती है कि जो लोकतंत्र को खराब चीजें हैं जो लोकतंत्र की परम्पराएं बिगड़ती हैं उनको सुधारने का काम करें मुझे प्रसन्नता है कि हमारे देश के प्रधान मंत्री इस समय सदन में मौजूद हैं। मुझे अभी तीन दिन पहले अखबारों में यह समाचार पढ़ने को मिला कि मध्य प्रदेश में दलित मजदूर किसान पार्टी के एक मात्र विधायक, जो इसके अध्यक्ष भी हैं श्री रमा शंकर सिंह, ये वहाँ के मुख्य मंत्री श्री अजुन सिंह से मिली, वहाँ की कांग्रेस पार्टी के जो अध्यक्ष हैं उनसे मिले और इनको वहाँ इस बात का आश्वासन दिया गया कि वे कांग्रेस पार्टी की सदस्यता में स्वीकार कर लिये जायेंगे। यह बात मान्यवर तब हुई है जबकि वर्तमान विधायक इस सदन में

(श्री सत्य प्रकाश मालवीय)

प्रस्तुत किया जा चुका है . . . (व्यवधान)
वर्तमान प्रधान मंत्री जी को मैंने पत्र लिखा है मुझे आशा है कि उनकी कथनी और उनकी सरकार की करनी में कोई अंतर या फर्क नहीं होगा. . . (व्यवधान)

मान्यवर, यह देश कभी नहीं भूलेंगा कि यहां पर रामा राव की सरकार गिरायी गयी, उनकी बहुमत की सरकार गिरायी गयी और भास्कर राव एसे दल बदलने वाले मुख्य मंत्री को कांग्रेस पार्टी ने समर्थन दिया . . . (व्यवधान) आज भी मान्यवर, जम्मू और काश्मीर में गुल शाह की सरकार चल रही है। गुल शाह अल्पमत में है। वहां जितने 13 या 14 लोगों ने दल बदल किया था उन सबको वहां पर मंत्री बना दिया गया है और मुझे यह कहते हुए बहुत ही दुःख हो रहा है कि वर्तमान कांग्रेस पार्टी . . .

सभा के नेता (श्री विश्वनाथ प्रताप सिंह): सभापति जी, माननीय सदस्य, सरकारों को गिराने की बात कह रहे हैं लेकिन जितनी सरकारें गिरी हैं उससे ज्यादा विरोध पक्ष गिरता चला हुआ हम लोगों ने देखा है पिछले 6 महीने के अन्दर।

MR. CHAIRMAN: Your time is up. You finish it in two minutes.

श्री सत्य प्रकाश मालवीय: मैं निवेदन कर रहा था कि मैं चार लोगों को बधाई देना चाहता हूँ। शुरू में जैसा मैंने निवेदन किया कि 1937 में उत्तर प्रदेश में हाफिज मुहम्मद इवाहिम ने अपने दल को छोड़ा और कांग्रेस पार्टी के पक्ष को स्वीकार किया। उन्होंने विधान सभा को त्याग, पुनः चुनाव लड़ा। फिर हरियाणा के हरद्वारी लाल थे और दो वर्ष पूर्व श्री हेमवती नन्दन बहगुणा ने जब कांग्रेस पार्टी से त्यागपत्र दिया तो लोकसभा की सदस्यता से भी उन्होंने इस्तीफा दिया और पुनः चुनाव लड़ा, तथा वे जीते भी। इसके अतिरिक्त मान्यवर, मेरा सुझाव है . . . (व्यवधान) मान्यवर, मेरा ऐसा कहना है कि बिना संविधान के संशोधन के भी यह काम चल सकता था क्योंकि संविधान में धारा 102 है, 191 है। इनमें इस बात का प्रावधान है कि सांसद या विधायक किस प्रकार से

योग्य रहता है या अयोग्य हो सकता है। तो जो यह रिप्रेजेंटेशन आफ पीपुल एक्ट है इसमें ही संशोधन कर लिया जाता तो यह काम हो सकता था लेकिन फिर भी जो संशोधन लाया गया है इसका मैं स्वागत करता हूँ।

दूसरा मान्यवर, मेरा यह सुझाव है कि इस संशोधन में जो इस बात का प्रावधान है कि . . . (व्यवधान) "अयोग्यता के संबंध में यह अधिकार पीठासीन अधिकारी को दिया जाएगा" तो इसके लिए मेरा संशोधन भी है और सुझाव भी है कि क्योंकि पीठासीन अधिकारी जो विधान मंडलों के हैं उनका आचरण अच्छा नहीं रहा है पूर्व में और उनका अधिकतर किसी न किसी दल से और जो सत्ता दल होता है, उससे संबंध रहता है इसलिए इन मामलों में निर्णय लेने के लिए इसका भारत के जो मुख्य न्यायाधीश हैं उनके पास भेजा जाय . . . (व्यवधान)

एक माननीय सदस्य: भाई, आप इसे लंदन भेज दीजिए।

श्री सत्य प्रकाश मालवीय: मान्यवर, . . .

MR. CHAIRMAN: No more.

SHRI SATYA PRAKASH MALAVIYA: I am concluding, Sir.

MR. CHAIRMAN. The Prime Ministers.

THE PRIME MINISTER (SHRI RA-TIV GANDHI): Mr. Chairman, Sir, yesterday, the 30th January, we had all gone to Gandhiji's Samadhi to pay our respects and homage. On Gandhiji's Samadhi in very large letters are written what Gandhiji called "seven social steps". The first one written there is "politics without principles" and it was only appropriate that we took up this Bill in the Lok Sabha on the same day. Sir, this Bill covers new ground in our country's history. And whenever we take such a step we cannot even admit that it will be complete and perfect in every way. There may be some shortcomings in it. These will be still differences of opinion. But after spending a long time with leaders from all sections of both Houses we have produced a paper which, I think, meets the requirements of every opinion with

these two Houses. There were still some parties who wanted a much stronger Bill— not the Congress Party, but definitely three parties from amongst the Opposition groups. But because of rest of the opinion we have produced a Bill slightly softer than they would have liked. The Bill for the first time recognises a political party as an entity. It recognises the factual position on the ground that one wins one's seat on the ticket of a political party. We try to start with the moral question that the voter is voting for a particular ideology, some principles, a programmes and all that is represented in the election symbol of the party on whose symbol he stands. AND WHEN he comes to the House to be sworn in, he brings a certificate on which is written the name of the party on whose symbol he has won. If "we accept the starting point that the voter has voted for a particular ideology, and a particular programme, then there are very few questions that can be raised on this Bill. (Interruptions)

SHRI SATYA PRAKASH MALAVIYA: Sir, I am On a poim of order.

MR. CHAIRMAN: No point of order.

SHRI SATYA PRAKASH MALAVIYA:*

MR. CHAIRMAN: Nothing will be recorded of this intervention.

SHRI RAJIV GANDHI: Sir, I think the Member has just finished speaking. If he really had something to say, he could have said it while he was speaking earlier.

Sir, this Bill has provisions for dissent. We have among us decided on one-third as the minimum to show dissent. This has to be an arbitrary figure . There were groups, specially one or two groups, which wanted over 50 per cent—again not from our party, but from one of the opposition parties. There were other groups that wanted it lower, at 25 per cent. But unanimously, we decided that 33 per cent would be a good starting point. We can watch what experience shows us and

*Not recorded.

then if necessary, take corrective action at a suitable date.

.This Bill also has provisions for a merger. The hon. Member who was speaking as I came into the House, mentioned a party joining the Congress Party. We are not opposed to parties getting together. We are not opposed to people dissenting. We are not opposed to a change in viewpoint. But it should not look as if we .are cheating the voter. The voter elects us on a particular platform. If we change our platform, then we are cheating the voter and we should go back to the voter and let the voter send us backt on our new platform. That is roughly what this Bill does.

There are a few points which have repeatedly come up for discussion. One of the points is that the decision to determine a defection should not have been left to the Speaker or the Chairman. It should have gone to a group or the Supreme Court or the Election Commission. There were all sorts of suggestions. What we "have tried to do in this Bill is to make it as black and white as possible so that there are no grey areas where somebody has to take a decision. The decision should be automatic, backed up by a sequence of events which are on record, so that there is no debate about it. We also thought that the operation of the Bill should be quick so that there is no time for horse-trading to take place or any other problem to arise. That is why we left this to the Chairman or the Speaker. If it had gone out, outside the realm of the House, it would have ended up with a long debate. We have seen how long it took us to get our party recognised as t'ae true Congress Party. Every case would entail a three -or four or five year debate whether in the Supreme Court or in a High Court or before the Election Commission. But the fact is that it would have made this Bill totally redundant and this is what has happened to one anti-defection Act which we have in Jammu and Kashmir. It has not worked because there was an opening to go to the High Court and to the Supreme Court, and it keeps on being debated. And any Member who wants such a delay is only showing

[Shri Rajiv Gandhi] what his true intentions are and he should spend a little time in introspection and try to think about what he really Wants.

Some Member, I believe, has said that the Congress wants this Bill because the Congress is scared that the party is going to break up. I have not heard anything so ridiculous.

If you look at the history of defections, the number of people that have left the Congress is insignificant. I am not talking of splits because splits are different. I am talking of defection. The number of people who have left the Congress is insignificant. On the contrary the people who have joined the Congress are numerous. This applies to the number of people who want to join the Congress specially today, and I am not talking of only workers, I am talking of some of your very senior leaders also.

So, this Bill is not to stop the Congress from breaking up. The Congress has lived and gained strength for a hundred years. We are not going to break up in a few years. If opposition members look at the parties and see which parties are breaking up, they will see the shattered remains in their own part of the House.

One member from the DMK Party has just been complaining about some parts of this Bill. But a member from his party was present when everything was discussed and when we came to a unanimous conclusion. I wish he will discuss this with that particular gentleman who sat with us in the meeting.

This Bill is only a first step towards cleaning up our political life and removing some of the defects. It cannot attempt or claim to do everything. But, as I said it is the starting point.

We have got other ideas. We will be discussing time with the member of the opposition and I hope we will be able to come to a unanimous Bill on each step. But I would request them, when we have meetings, that they should send the same members to each meeting so that we do not have to start from a scratch every time.

I would like to thank the opposition for all the cooperation they have given us in this Bill and as I said while answering the debate on the Presidential Address we will be seeking their help in everything that we do. We will be open to suggestions; we will be open to ideas and we will be open to criticisms. We will try to carry the whole House with us on every major step we take.

SHRI SHANKARRAO NARAYANRAO DESHMUKH (Maharashtra): Mr. Chairman, I rise to support this Bill. In fact, the malady of the disease with which our political parties were infested was very serious. Just like Tuberculosis it was spreading from one party to another and it was very necessary that this should have been arrested somewhere. For that purpose only the present Bill known as the Constitution (Fifty-Second Amendment) Bill, 1985 is introduced. The political parties were so much engulfed in so many things such as money power, manipulation self-seeking leaders, horse-trading, kidnapping and everything. In order to do away with all these the country was thinking over how, this should be arrested at some point. It was the general consensus in the country that this should be stopped somewhere and, as desired by the people this measure was introduced in this House. I will not mention so many other things regarding the political parties and other things, but will confine myself only to the provisions of the Bill.

There are three things in the Bill: Elected members, nominated members and independent members. Regarding the elected members, certain restrictions are there which have been imposed. Regarding the nominated members and independent members also, certain limitations and restrictions have been put. These restrictions and limitations are just within the ambit of the Constitution. In clause 6, the decision-making power is given to the Speaker or the Chairman. This is really a good thing because matters regarding the movements in the House changes in the party or changes in the House are very well known to the Speaker or the Chairman as the case may be and, therefore, the person who is well conversant with the matter must be entrusted with the decision-

making power. Therefore, I welcome this Provision.

Then, regarding split and merger certainly, there must be some latitude given to the party regarding their free movement's to some extent. As has been rightly pointed out, mergers and splits really place sometimes on a large scale. Even then, if there are in the interests of party, should not be discarded and welcome those provisions.

Regarding the deletion of clause 21 (1) I welcome that deletion because, otherwise, it would have been an arbitrary power with the party heads. All those legislators would have the mercy of the bosses of the party and examples are not uncommon in our country of how these parties are being controlled and how these parties are being managed by all these persons. There remains one thing to which I would like to draw the attention of the House, because, in this Bill we have given the political parties a special position. But the question that remains is this: Under the Constitution political parties are neither statutory bodies nor constitutional bodies and when we are creating power or giving them power, these powers are extra-constitutional powers nested in them. We are empowering them to disqualify a person, to disqualify a member, who is a sitting member of the House. Certainly these powers are always with the Government and the Government has to decide under the Constitution whether this person should be disqualified or not.

Regarding disqualification, Sir, the provision in our Constitution is under section 103 and, when that provision is there, even if a person resigns from the House, his resignation is very carefully scrutinised by the Governor or the President as the case may be and again, he considers the Election Commission. Therefore, whenever a person sends in his resignation to the Chairman or the Speaker, it should be done with an affidavit. Otherwise, it would be only a loophole to just argue over it of to give some latitude. Therefore, my suggestion is that whenever such powers are created in favour of a private party to disqualify a person, those powers are necessarily to be under the control of the

Government and these extra-constitutional powers cannot be created in favour of a private party and, therefore, these provisions need to be examined. Lastly, Sir, I would submit that when we are accepting adult franchise when we have accepted article 14, equality before the law, and when we say that the law will protect all persons equally and punish, all equally, and in this particular context when an elected representative who is elected by the people at large, and not by the party alone, and when he is thrown out in the recommendation of the party, then will not be in consonance with the law that we have adopted. I welcome this time. We are trying to do away with it with a commercial commodity. I just whole-heartedly congratulate our Prime Minister for having taken up a supersonic step by bringing forward this measure before the House. (*Time Bell rings*).

Thank you, Sir.

MR. CHAIRMAN; Shri Indradeep Sinha.

SHRI INDRADEEP SINHA: Mr. Chairman, Sir, I rise to support this Bill as a step forward in the direction of preserving and strengthening our system of parliamentary democracy.

[The Deputy Chairman in the Chair. J

Now, I am quite conscious of the fact. Sir—rather Madam, that

THE DEPUTY CHAIRMAN: No deflection. (*Interruptions*)

SHRI INDRADEEP SINHA. The Bill is not ideal and we would have preferred to have a more comprehensive Bill. But so far as it goes, it is a bold and welcome measure and we fully support it. I also thank the Prime Minister for the spirit of accommodation shown by him in arriving at a consensus with the leaders of the Opposition parties. And it was because of that consensus and that spirit of the Prime Minister that the Bill is having a smooth and almost unanimous passage.

Now, before coming to the Bill itself, I feel tempted to make some comments on the speech of my dear friend. Shri Sultan Singh, who is unfortunately not.

AN HON. MEMBER: He has defected.
(Interruptions)

SHRI INDRADEEP SINHA: Now, Sir, while listening to Chaudhury Saheb, my feeling was that although the British departed on the 15th August, 1947, the British influence has not yet departed. Many of our friends are still very much under the influence of British ideas and British practices. Now, the two-party system is supposed to be the highest forum of parliamentary democracy or the highest ingredient of parliamentary democracy. 'Madam, this is not a fact. The two-party system is characteristic of some of the English speaking countries, particularly of Britain and USA. On the Continent we have a multi-party system, and nobody can say that France or Germany or other countries on the Continent have not made economic, social or cultural progress because they do not have the two-party system.

SHRI HANSRAJ BHARDWAJ: We have one also. (Interruptions)

SHRI INDRADEEP SINHA: Now, Sir, coming to the desire of some hon. Members that there should be a two party system in India as well, well, one is free to hope and I have no quarrel with that. But *may* I submit in all humility, that in the social and political conditions prevailing in India, the emergence of a two-party system in the near future is not possible. It is not going to happen because India is not a mature developed capitalist country which is suitable for a two-party system—that also not everywhere. India is still a developing country. We still carry many of the burdens left by the British colonialists and our planning ailing, despite certain successes, to eliminate all the vestiges of the two centuries of British colonial rule. In society where the overwhelming majority of the people are subjected to ruthless exploitation at the hands of multi-nationals, monopolists, landlords, hoarders, profiteers, usurpers and black money operators, to hope for a consensus on every issue or a two-party system, I think, is wishful thinking. It is not going to happen. Can there be consensus on all issues? On certain issues, yes. On the

issue of a foreign policy of peace, non-alignment and friendship with the Soviet Union, other Socialist countries and the newly developing countries, there can be a consensus; there can be a consensus on the issue of secularism; on the issue of preservation and strengthening of parliamentary democracy too. there can be a consensus. On the question of national development through radical land reforms, there can be a smaller consensus, not as *Je* as on the former. But in many areas, consensus is simply not possible and consensus on every issue is necessarily not good. On some issues, let there be differences. Let the people know which party is taking which stand on a particular issue. For example, on a question like the Union Carbide plant at Bhopal, on a problem like the sabotage of land reforms and on a problem like giving all types of encouragement to communal, separatist and fissiparous forces, there can be no consensus.

I do not agree with Chaudhary Sahrb when says that if a two-party system has not emerged, the responsibility is that of the people sitting in the opposition.

[The Vice-Chairman (Dr. Shrinati Sarojini Mahishi) in the Chair.]

There are deeper causes which we should try to analyse even now.

Coming to the question of defections, I was surprised at the Prime Minister's remark that there have been more defections towards the Congress than from the Congress. May be, it is true. Then it only shows that the ruling party has pursued a systematic policy of instigating defections to its side or of abducting persons elected on the tickets of other parties.

SHRI HANSRAJ BHARDWAJ. We were not in power in 1977.

SHRI INDRADEEP SINHA. I have got the official report of a working group of the Home Ministry which was prepared in 1968. According to this report, In 1967, 139 Members had defected from other parties to the Congress and 175 Members had defected from the Congress to other parties.

SHRI HANSRAJ BHARDWAJ: *Mow* it is 1985.

SHRI INDRADEEP SINHA: I am coming to 1985 also. Before 1967, the total number of defections was 542, an overwhelming majority of which was from the opposition parties to the Congress. In that year, the total number of defections was 438. It was a two way traffic. I have given the break-up. And after 1971, the total number of defections are 2,700. And a qualitative change has taken place. Now it is no longer a defection of member by member. Now whole Legislature parties are made to defect. There are wholesale defectors. So, it is very good that Bill has been brought to ban defections. I would not call it a Bill to ban defections: I would call it a Bill to curb defections. As far as it goes, it is very good. But I would like to say that this Bill by itself will not be able to put a stop to the unhealthy practice of defection. Why? It is because there are loopholes in the form of exemptions for splits and mergers. Defectors can very well manage to give the appearance of a split or the semblance of a split and still it will really be a defection. Similarly, merger can be just a trick to bring defectors to the ruling party. So, even this Bill will not be able to completely put a stop to defections.

Madam, how can defections be stopped? It is a big problem that our country is facing. And we have to devise foolproof methods as far as possible. So, that fundamental remedy for curing our parliamentary democracy of this malady of defections is to change the electoral system, to change the electoral system patterned on the British system of single-member constituency and decision by the smallest chunk of votes polled by a candidate. From this system we have to go over to a system of proportional representation based on the list system where votes are cast, not for individuals but for parties, that in that case, it is the policies, the programmes and the ideologies that will be the dominant, the decisive factors and people will vote according to their preference for different policies and programmes, More

over, if that system is introduced, then what my friend Chowdhury Sultan Singh was lamenting about, what our Congress friends used to call some time back—linguism, regionalism, casteism, communalism—all these can be curbed if the vote is for policies and programmes. Then, naturally caste appeal does not work or will not work very much. Similarly, the great evil booth-capturing, which

seems to have baffled even the Election Commission, can be reduced, immediately eliminated. If the personal interest of a particular candidate in a particular constituency is eliminated and all votes are cast for parties, in such a case, many of the present day evils can be removed. And then if a member leaves the party he also forfeits his seat. Then it is very simple. Unless that is also done, this Bill is at best a partial measure. But even as a partial measure, I stand to welcome it because it is a big departure since last year when certain hon. Ministers of the then Government were pleading for replacement of the present system of parliamentary democracy by some form of Presidential Rule. So, the present Bill is a big advance, and we welcome it.

Now, coming to the Bill itself, still not able to understand why this Bill after it becomes an Act should come into force on such date as the Central Government may by notification in the official gazette so appoint. Why not immediately? Why not at once? Why not as soon as the legal formalities of its passage and the Rashtrapati's signature are completed? As soon as that process is complete, let it become effective at once, otherwise, the Bill will go on and defections will also go on. Rather, the process will be speeded up because now the feeling will be, have all the defections completed before the law is enforced. I cannot understand the provision.

Secondly, a word about nominated Members. According to article 60 of our Constitution, the Members Who are nominated to Rajya Sabha are persons who are having special knowledge or experience in fields like literature, sciences, art and social service. Roughly, this is the wording of the Constitution. So, such persons who have acquired a certain eminence

[Shri Indradeep Sinha] these fields, are nominated on the ground of their eminence. If they have already joined a political party, that is all right. No member of any political party can be debarred from being nominated if he has risen to that necessary eminence. But after they are nominated, why should they be allowed to join some party within six months? After six months if they join a political party, their membership becomes invalid. That is something which I cannot understand. It seems the ruling party is interested in persuading them to join the ruling party within six months because if they join after six months, their membership of the House becomes invalid and their seats become vacant.

SHRI HANSRAJ BHARDWAJ: They are more or less our members. How do you claim them?

SHRI INDRADEEP SINHA: That is why I say you should nominate just not your members but people who have really acquired certain eminence. according to our Constitution.

SHRI HANSRAJ BHARDWAJ: Do you think we have no eminent Members?

SHRI INDRADEEP SINHA: I never said that. I only said, whether the nominated members who are in your party are the most eminent in that field? That is the question.

Finally, I would conclude by saying that this is a measure for strengthening democracy and my hon. friends from the ruling party are now waxing eloquent on the virtues of democracy. May I make a humble request. For the last ten years there has been no 4-anna membership of your party. no enrolment of primary members has taken place, no committees have been set up...

SHRI HANSRAJ BHARDWAJ: On a point of order. We are not living in an authoritarian system because his party has no roots in India. I must correct him.

THE VICE-CHAIRMAN (DR. (SHRI-MATI) SAROJINI MAHISHI). Where is

the necessity of it elude his speech.

SHRI INDRADEEP SINHA: If a ruling party has no membership, no election of committees and everybody is nominated from the top, and if such a ruling party claims to be the model of democracy.--

SHRI HANSRAJ BHARDWAJ: No doubt.

SHRI INDRADEEP SINHA: It is our duty to say that we differ. Even while differing from the Government on the type of democracy that they are having, we extend our support to this Bill. Thank you..

SHRI THANGABAALU (Tamil Nadu): The Constitution (Fifty-second Amendment) Bill, 1985 is the harbinger of clean politics in the country. By introducing this Bill, our hon. Prime Minister, Shri Rajiv Gandhi has convincingly established that so far as his Government is concerned, there is no hiatus between profession and practice. He is keen to establish not only democratic ethics but also democratic ethos. Our Prime Minister has proved to be the personification of all traditions of the Congress Party which has not only got independence for the country but also given democratic Government to this country.

There is no exaggeration to say that the Congress Party "is the mother of all political parties in this great country which are existing today. The founders of the Opposition parties like Lok Nayak Jai-prakash Narayan, Shri A. K. Gopalan, Shri Acharya Narendra Dev, Shri Ram Manohar Lohia, Shri Shyama Prasad Mukherjee, Shri Rajgopalachari, Shri E. V. Ramaswamy Naicker

Kripalani were all active leaders of the Congress Party in the past. Madam Vice-Chairman, the Kisan Mazdoor Socialist Party, the Samyukt Socialist Party, the Praja Socialist Party, the B.K.D., the Jana Sangh, the Janata Party and so many such political parties have come and gone in this land. The latest one is the great Janata Party today.

Madam, our Prime Minister is very particular to strengthen the opposition parties in this country which is an essential prerequisite for the effective function-

ing of the democratic system in this country. He knows that assent and dissent are the two sides of the coin of democracy. That's why, the Congress Party continues to be the only national party and the recent general elections have proved conclusively that the people of India have re-inforced their faith and confidence in the leadership of Shri Rajiv Gandhi and in the Congress I. Now, it has become his bounden duty to bring forward this Bill for giving sustenance to the opposition parties. Every day, members of the opposition parties are wanting to desert, as our Prime Minister said just now. If the opposition parties are allowed to continue in this way, then there will be no opposition parties. Such a danger should not arise in this country. That is why, our beloved Prime Minister does not want such one-party rule in this country. He symbolises the aspirations, the hopes and the ambitions of the people of this great land.

He has brought forward this Bill, a comprehensive legislation which has no precedence anywhere else in the world. Shri Rajiv Gandhi means business. He indicates what he says and he has shown respect towards the hon. Members of the opposition parties by removing clause 2(J)(c) of the Bill, though he considered this to be an essential ingredient for ensuring democratic norms. He has assured the other House yesterday as well as this House just now that he will formulate some other proposal in place of 2(1)(c) so that political horse-trading in this country is totally eradicated. It goes to the credit of our dynamic Prime Minister, Shri Rajiv Gandhi, that he has achieved this objective within three months of his tenure in office, which Shri Morarji Desai, who parades himself as the paragon of political virtues could not achieve, during his four decades of political life. He had to withdraw his own Bill, when he was the Prime Minister. The world has hailed that it is Rajiv's India, it is the freest in the true sense of the term. I am happy, the opposition parties of this House as well as the other House have extended unanimous support to this effective Bill. This augurs well for the Country and

its development. Madam Indira Gandhi laid the strong democratic foundations in this country and Shri Rajiv Gandhi today has ensured a strong super-structure of democracy by having this Bill enacted in the first Session of the Eighth Lok Sabha and that too in the centenary year of the Congress Party. Shri Rajiv has translated into a legislation the Gandhian thoughts. By this enactment he has proved himself to be the beacon-light for democracy all over the world, particularly in the matter of accommodating the views of opposition leaders and members.

Madam, we can be rest assured that whatever shortcomings are there in the Bill—as our leader just now said very categorically—will be removed in the course of time by our experience. Through this Bill we can stop all horse-flading and *ayarams and gayarams*. We

can also stop the mushroom growth of regional political parties as well as the parties at the national level. Through this Bill our leader, Shri Rajiv Gandhi, is ushering in a new life to this country's polity which will be for the betterment and prosperity of the Indian community.

With these words, I conclude and extend my wholehearted support to this forward-looking Bill.

SHRI PARVATHANENI UPENDRA:
Madam Vice-Chairman, I rise to support the spirit of this Bill though not every detail of it. I particularly congratulate the Prime Minister on three counts. The one is for his sincerity in trying to clean the political atmosphere in the country which has been plagued long with unscrupulous defections and political actions. Secondly, he has shown his earnestness in arriving at a consensus among all the political parties. He has an open mind and he has tried to evolve as much agreement as possible among the parties which attended the three meetings convened by him. Thirdly and which is most important, he has decided to depart from the policy of the ruling party which has so long been in favour of encouraging defections. Though the Prime Minister has thrown the blame on the politicians who are eager to nnr-

[Shri Parvathaneni Upendra]

lure their respective parties, it is of common knowledge that the ruling party itself very often has engineered defections in various States to topple governments or to help in toppling of the governments. Therefore, I particularly welcome the present stand of the Prime Minister in departing from that past practice and trying to remove the stigma of encouraging defections from the Congress party side.

Madam, I am, however, disappointed at the dropping of clause 2(1)(c) which was incorporated in the original Bill. It was thoughtfully conceived by the experience of the Law Minister and approved by the Prime Minister. But unfortunately, there was no agreement in his own party as well as among the parties on this side of the House. The Prime Minister has taken the democratic step of consulting his own party colleagues on a vital matter like this. It is a very good thing. He has proved his democratic spirit, but in a measure like this where every member considers himself to be a potential victim of this clause, I hardly believe that they would agree for the inclusion of such a clause.

I am also disappointed that my friends on this side, who are aware of the pernicious effects of the dissident activities of the people outside the House have also such reservations about retaining this clause. It is needless to point out that much of the mischief is done outside the House rather than inside the House. There are many contingencies which will arise which will not be covered by the Bill in its present form.

We all know how members who are so docile in the House go out and campaign against their own party and act in an undisciplined manner, lead agitations some times go on hunger strike some times, issue press statements. This is happening day in and day out in various political parties. If such activities are not curbed I wonder what you can control through this Bill because if a member is prepared to resign from his party on any ground, all right he should be prepared to leave his membership also. We are not forcing him if

he goes to that extent. We know that the very few people defy the whip on the floor of the House. It hardly occurs. Therefore we are leaving a much wider ground uncovered by deleting that clause, which is very unfortunate.

Madam, several grounds were advanced for deleting that clause. I need not go into all of them, but one or two should be mentioned. One is the apprehension that the leadership of any political party can turn autocratic and despotic and innocent members might suffer. We all know that in the present scheme of democracy in this country, there is hardly any political party which is not benefited by the charisma of its leader. Probably excepting the two Communist Parties, every other party, I dare say, is today trying to take benefit of the charisma of its leader and is projecting the leader as the supreme leader of the party. But after winning the elections, you mistrust your leader, you apprehend that he will be arbitrary, you apprehend that he will become arbitrary and you may be subjected to arbitrary action is a theory which I can hardly understand, because having won the election on the ticket given by him, having taken the benefit of his campaigning in your favour, if you lose his confidence, if you lose confidence of the party then why are you trying to retain your membership? Why should he retain membership when he goes to that extent and when the leader who campaigned for him so vigorously and gave him the ticket loses his confidence in that member? Therefore it is a very peculiar situation.

Similarly, I can quote another example. There are lakhs and lakhs of members in a political party who are workers, M.L.As, M.L.Cs or M.Ps. Suppose the leader is really despotic, what will happen to other members? Is there any protection for them? And here also, the M.L.As, M.L.Cs or M.Ps cannot escape the political action of the leader, if he is bent upon expelling him from the party. But only thing is he is going to retain his membership in spite of being expelled from the political party. It means whereas a member is going,

to be expelled from his party, he is going to retain his membership of the House which is quite inconsistent with the pledge he has taken from the party. So the deletion of this clause is really unfortunate and it is only based on misapprehension and miscalculation.

Another ground given is that it will stifle inner party democracy has some limitations. When we join a political party, we are surrendering a part of our freedom to the dictates and discipline of the party. To a certain extent it is all right, I can express my opinion freely, I can differ with the leadership. But once a decision is taken by the party and the party leadership by a majority opinion, you are bound to accept that. You cannot cover it in the name of split or anything. If two thirds of the members of a political party decide on a particular course of action, why should one-t'nird say "We differ and we will go for a split?" Then where is democracy at all? The basic tenet of democracy is prevalence of the majority opinion. If a minority can go to the extent of splitting the party because its word has not prevailed, then it will be leading to a very dangerous situation. Therefore, that theory also is not correct.

SHRI SHRIKANT VERMA (Madhya Pradesh): Mr. Upendra, I want to say only one thing. Do you mean to say that the members should suppress themselves only to please the leader.

SHRI PARVATHANENI UPENDRA: I am not saying that. You are free to talk. And there was no instance in the history of any political party where a member has been expelled for expressing his views. I can hardly remember, any instance like that.

Madam, there is another clause relating to split—and this is another very peculiar thing. You punish one or two individuals if they go wrong, if they misbehave. But if 70 or 80 of them collectively conspire against the party and the leadership, you give it a decent colour of split and condone them. Which is the bigger mischief? You are condoning a collective mischief while punishing

individual indiscretion. I can't follow this theory. That is really the difference between a theft and a dacoity. Theft is punishable but dacoity is pardonable ! Therefore, the retention of this clause is dangerous because today Mr. Bhajan Lai will claim, "Yes, it was a split and "simultaneous merger—a split from the Janata Party arid merger with the Congress Party simultaneously. Mr. Nadendra Bhaskara Rao will say-he has already issued a statement-"Mine was a split and not defection." Mr. G- M. Shah will also give the same argument. Then whom will you term as a defector? If a group of the party defects from the parent party, betrays the party, betrays the leadership 'and leads to fall of the Government, you give a decent colour to it, you give it the decent name of split and condone it. Therefore, this is a inconsistency which, I hope, the Law Minister will take note of.

During our discussions the Prime Minister had kindly agreed that in case of a real split, if at all it is retained in fie Bill, and if that split leads to the fall of a Government, or the Chief Minister or the Prime Minister loses his majority following a split, the Chief Minister or the Prime Minister will face the House' within three days to test his majority on the floor of the House so that defectors will not be rewarded with ministerial positions. But I do not know whether he forgot today to give that assurance. I hope the Law Minister will clarify the position. In fact, the Prime Minister assured that he will bring out a Con^Ou-tion amendment¹ to Cover this aspect also because retention¹ of this clause relating to split will be offset by the Constitution amendment which the Government proposes to bring out.

THE VICE CHAIRMAN (DR. (SHRI-MATI) SAROJINI MAHISHI): The hon. Member may please conclude.

SHRI PARVATHANENI UPENDRA: I have stated my points. I have given notice of several 'amendments also and I would request the hon. Law Minister to consider them. I have given them in the best spirit so that the Bill becomes fool-

[Shri Parvathaneni Upendra] proof because for the first time we are trying to plug a big loophole in the political life and political behaviour of people in this country and we should not lose this opportunity. In fact, it is a good opportunity to stabilize political behaviour, in this country, but I am afraid by diluting the Bill the very essence or the Bill is being lost and only minor culprits will be caught and bigger culprits will escape. I hope the Law Minister will take cues from these to plug the loopholes also in another subsequent amendment which he may be bringing in course of time.

THE VICE-CHAIRMAN [DR. (SHRIMATI) SAROJINI MAHISHI]; It was mentioned in the morning that the hon. Minister will reply by 4.30. There are a few speakers more.

SHRI ASOKE KUMAR SEN: It has to be replied now. Otherwise, passing of the Bill tonight shall not be finished.

SHRI GULAM MOHI-UD-DIN SHAWL (Jammu and Kashmir); We are yet to speak. I think the hon. Law Minister may reply after we finish our cases. We have to make our submissions and it is essential. We are not going to oppose the Bill; in fact, we are supporting it. But, as far as our viewpoints are concerned, if they are coming it is all right.

THE VICE-CHAIRMAN [DR. (SHRI MATI) SAROJINI MAHISHI]; Is the hon. Minister agreeable?

SHRI ASOKE KUMAR SEN; If you, Madam Vice-Chairman, fix the time limit for each speaker and allow me to reply at 5 O'clock because then we will have to go clause by clause—it is all right.

THE VICE-CHAIRMAN [DR. (SHRI MATI) SAROJINI MAHISHI]; I would like the time to be fixed and I would request hon. Members to speak only for five minutes.

SHRI GULAM MOHI-UD-DIN SHAWL; Time is already given.

THE VICE-CHAIRMAN [DR. (SHRI MATI) SAROJINI MAHISHI]; Shrimati

Usha Malhotra. I would request her to conclude her speech in five minutes.

SHRIMATI USHA MALHOTRA: Madam Vice Chairman, thank you so much for giving me this opportunity. I rise to support this Bill wholeheartedly, that has been brought in by our Government. Shri Rajiv Gandhi, our hon. Prime Minister has taken the initiative of steering it through the present session.

At the very outset, I would like to congratulate our Law Minister also for having brought this Bill in this form. But I hope certain amendments, as and when needed, could be brought in later, as just some time ago our hon. Prime Minister has stated.

Actually, to honour and to keep the commitments that the party has made to the electorate to the effect, keeping these commitments uppermost in our minds, we have given enough proof and ample proof that we are respecting their views, we are respecting their verdict. The voter is uppermost in our minds. The speed and the promptness and the seriousness with which it has been pursued and brought about, I would like to say, again proves the intentions of the Government given in the Address of the President, which mentioned about the anti defection Bill to be brought in this session, having been pursued with this vigour.

This Bill seeks to cleanse the political atmosphere, to cleanse the political arena which has been, I would say, plagued with certain evils we have witnessed over the years. The evil of defection has been our national concern, and steps and measures have to be brought into combat these evils. Otherwise, the very foundations of democracy would be eroded. They and also the principles which sustain democracy would be undermined. With this object, I think, the Government did very well. I would also like to congratulate the Opposition Members in the other House as well as this House that they have provided us the unanimity which was needed for such a resolute step which our leader took.

It is also a fact that just legislations or legislative measures do not or cannot eradicate political evils. There has to be a will. There has to be inculcation of certain Values. Ethics have to be brought into the political life as well.

I would say that inspite of the best efforts of our earlier Government—the Janata Government, I would like to name in particular—it was not passed, or it was not even drafted because of the sharp differences amongst them. The most vociferous supporters of this Bill, who were earlier on the constituents of the Janata Party, had such vast differences that it could not take a concrete shape, and hence it was dropped. Moreover, the general feeling is that they were never serious about it. They just paid a lip-sympathy to the voters, to the people, the people who voted them to power.

My hon. colleague, Shri Jaswant Singh Ji, mentioned that we were in a desperate hurry. There are some unspelt sort of fears. I think, his fears have been put to rest. Our hon. Prime Minister has made the statement, and I would not go into the details of it. Let me go on record by saying that there was a serious need felt when a large scale of defection started showing up. And in 1967 and 1969 our late Prime Minister had set up a Committee comprising of Jurists. Parliamentarians and representatives from political parties and also others to study this outrageous phenomenon and suggest suitable measures to eradicate this evil. The Committee made its recommendations and actually it was referred to a Joint Select Committee and the report of that Joint Select Committee never saw the light which is really regrettable. Subsequently the Janata Government prepared and introduced a similar Bill, but it was withdrawn for reasons best known to that party leaders. The credit would go to our Hon'ble Prime Minister, Shri Rajiv Gandhi who in spite of the massive mandate that came to him through the electorate In the recent Lok Sabha elections, he has thought of steering this Bill through. I would say that the smaller parties are the who would gain by it. And bigger parties, of course, are there. But I think, the

smaller parties if they are further split there will be nothing left out of them. The recent BJP's performance. I would say as it is before you it was a national party at one stage but; today we hardly find one or two Members representing that party and it is because of this one can see that the interests of the political parties which serve the nation, are protected.

THE VICE-CHAIRMAN [DR. (SHRIMATI SAROJINI MAHISHI): I would request the Hon. Member to conclude now.

SHRIMATI USHA MALHOTRA: Just two minutes more. We have to see that henceforward instead of political immorality it brings in the political morality. There are certain conventions which are written and some which are unwritten and certain conventions which are not being followed and they have to be codified and hence they are codified. Therefore, I would say that this Anti-defection. Bill which has been brought out and the various measures which are being taken under various clause? which are there pertain to cleansing of political life of what we have been in the recent past. To create a healthy and a vibrant democracy I would say this would be very conducive. I would also like to say that we have to continuously be responsive to the mood of the public opinion by which the people really wanted that after what they had seen should be done away with and some sort of crystallised form of programme and policy, which they had voted for should be there. And this was a promise made by the Government to the people during the elections and what is being actually implemented is the Government's endeavour towards his goal. And having brought this Bill before the Parliament they have shown ample proof of it—once again congratulate our young and dynamic Prime Minister who has taken this initiative. With this I lend my unstinted support to this Bill.

THE VICE-CHAIRMAN [DR. (SHRIMATI SAROJINI MAHISHI): Mr. S. P. Mitra. But I would request you to conclude in 5 minutes so that other hon Members can also be accommodated.

SHRI SANKAR PRASAD MITRA: Madam, Vice-Chairman, our national leaders who led the struggle for

[Shri Sankar Prasad Mitra]

freedom repeatedly gave us the assurance that the Government of Free India would be run by people who are selfless, unegoistic, scrupulously honest and capable. Mahatma Gandhi aimed at spiritualisation of politics above caste, creed, religion, prejudices and superstitions. It had its impact on his immediate followers. But (unfortunately we have deviated from the high principles he had laid before the country. It is on record that between 1967 and 1983 there have been 2,700 cases of defections. Two hundred and thirteen defectors have become Ministers and 15 defectors have become Chief Ministers. The right to dissent is a valuable right, but if the right to dissent constitutes an attack on democracy itself, it is the sacred task of democracy to defeat this right for its own survival. Therefore, purely from the standpoint of decency, morality and high principles in public life, this Bill deserves support. I would, however, seek a few clarifications from the hon. Law Minister. I agree with sub-clause (2) of clause in the proposed Tenth Schedule that an independent Member should not be allowed to join any political party on grounds of morality, decency, dignity, integrity and self-respect. I do not know why a nominated Member similarly placed, that is, not belonging to any political party, has been given the right to join a political party within six months. A Member is nominated under article 80 (1) (a) read with article 80(3) of the Constitution for outstanding contributions to literature, science, art and social service. If the nominated Member is not a member of a political party on the date of nomination, why this relaxation has been made in favour of the nominated Member, I have not been able to follow.

Two other points have been raised by hon. Members who have spoken before me. Those points are that the expulsion clause should have been there and the presiding officer should not have been given the power of coming to a final decision. So far as the expulsion clause is concerned, I can advance ten grounds as to why it should not have been within the purview of this Bill. The presiding officer cannot have extra-territorial jurisdiction to take

notice of what is happening outside the House. The presiding officer having jurisdiction is not creating any difficulty either, because he is exercising his powers on objective considerations with regard to the disqualifications laid down in the Bill. But, Madam, I do not know why in the proviso to clause 6 of the proposed Tenth Schedule, the Chairman of the Rajya Sabha has been included. The Vice-President under article 89(1) of the Constitution is the *ex-officio* Chairman of the Rajya Sabha. How can the Vice-President of India as *ex-officio* Chairman of the Rajya Sabha come within the purview of this Bill? The hon. Law Minister would be pleased to explain it. It appears to me, on the whole, that this Bill contains realistic and pragmatic provisions and as such, I give my support to the Bill.

SHRI KRISHNA KUMAR BIRLA (Rajasthan): Madam Vice-Chairman. I am grateful to you for giving me this opportunity to speak on this Bill. I would like to compliment our young Prime Minister for the initiative taken by him so soon after the elections, in having this anti-defection Bill moved and approved yesterday in the Lok Sabha and hopefully today in the Rajya Sabha. That there was unanimity about this Bill is again a matter of great satisfaction and, I would say, a matter of great statesmanship on the part of the Prime Minister.

Before this, I understand two efforts had been made for having similar Bills passed. But for some reason or the other, they could not be approved. All the same, in spite of that, it is very hearty to find that this Bill has been moved and it is very commendable.

I also heard the Prime Minister stating earlier that this is the first step and that there will be more measures to clean up public life. That is highly satisfactory.

Side by side, I would also like to pay compliments to the opposition parties for this uniformity which has been achieved.

The Bill needs welcome from every possible angle and a new era, in my opinion, has been ushered in and the philosophy of 'Aya-rams' and 'Gaya-rams' has been given a decent burial. The Bill will

end unwarranted efforts on the part of several political parties in toppling of Governments. The Bill is good in any opinion both for the ruling party and for the opposition because with stability assured, the ruling party would always try and divert its energy towards developmental work and the opposition parties would always try towards constructive Criticism. In my opinion this Bill enhances the respect and dignity of the Houses and it will enhance the prestige of the country as one of the best administered democracies throughout the world. The Bill, therefore, needs to be greeted from all sections and. I have no doubt in my mind! that Mr. Rajiv Gandhi's image as Mr. Clean will be further brightened up as a result of this.

While talking of the Bill which has been passed by the Lok Sabha, I am very happy that accommodation has also been made as onscientious objectors are concerned. But frankly speaking, I have not been able to understand the logic in deleting the earlier clause 2(1)(c). This is very clear and it says "if he has been expelled from such political party in accordance with the procedure established by the constitution, rules or regulations of such political party". By deleting this it really means that a man may, if necessary, adopt two standards and by deleting this we are in fact encouraging hypocrisy. A man may carry out anti-party activities and may work against the official candidate put up by his party and he may even be expelled and yet in case he has to vote for the party either in the Parliament or in the legislative assembly, he can do so simultaneously. To me it appears of be a ridiculous situation.

.Madam. I very carefully read clause 2(b) also and I find that this is not adequate. It does not provide any safeguard. The party is helpless in case of extreme indiscipline outside the Parliament, I would, therefore say that though it is very late now since the Bill has already been passed! by the Lok Sabha which conclude its session yesterday, at least in the next session, this may be reviewed and the clause restored, if necessary. With these remarks, I offer my whole-hearted cooperation and support to this Bill.

THE VICE-CHAIRMAN [DR. (SHRI-MATI) SAROJINI MAHISHI]: Now.

Mr. Maran. I would request you to take only five minutes.

SHRI MURASOLI MARAN (Tamil Nadu): Madam Vice-Chairman, detection for a consideration is anathema to parliamentary democracy and it violates the will of the defectors. India, the biggest democracy in the world is afflicted by the canker of defections. The Hon'ble Prime Minister has described the Bill as somewhat softer one. He has also accepted that it is not a complete one of a perfect one. Yet, Madam, we would welcome it in spite of its shortcomings. Hand loopholes because, after all, it is a step, it is the first step towards cleaner politics and this has been evolved out of consensus politics—Madam, if you remember, it was in my part of the country. Tamil Nadu, which was then called Madras State, that defections were launched on a very large scale during the first General Elections. Then, Madam, the great Rajaji formed the Congress Governments with massive defections and defectors. From then onwards, there were defections which were going on on a very large scale. During the year 1967, the Opposition parties turned the tables on the Congress (I) and now, the Opposition parties and the Congress (I) have to say they are quits and agree on a viable anti-defection Bill and that is why I think the House is faced with this Bill now.

Madam, you may remember correctly that, during the time of the 'Moily tapes' episode in Karnataka—it was not long ago—the late Mr. C. M. Stephen even asserted this party's right to induce defections to bring down the Opposition Governments. When such a party bring forward the anti-defection Bill, we are reminded of the old saying: "Beware of the Greek who brings gifts." That is why some people significantly say that the Bill is for self-preservation. My colleagues have said that in the note sent by the Government, there is no mention about the Bill being sent to the State Legislatures for ratification. As the Bill is connected with or impinges on the powers, privileges and immunities of the State Legislatures and their members and this power is given to the State Legislatures in terms of article 194 of the Constitution, read with Entry 39 in the States list, I think, at least for the sake of abua-

[Shri Murasoli Maran] dant caution, even admitting that Parliament has powers, it should be sent for the ratification by the State (Legislatures. Of course we have got the legal luminary here Asoke Sen, who is the Law Minister, and I hope he will clarify the position.

Madam, Mr. Indradeep Sinha said that, defections cannot be prevented by this Bill. It would be naive to think that there won't be any defection at all after this Bill is passed. I am very sorry to note that there are certain loopholes by using which defections can be managed. For example, it is wrong to give blanket exemption to splits and mergers. My feeling is that it would defeat the very objective of the Bill. Madam, a disqualification will be cleverly circumvented by staging splits one after another in quick succession taking advantage of the protective exemption given to splits and, moreover, the difference between split and merger is so thin that with prior understanding one can manipulate the provisions. Suppose there are thirty members. Ten Members can have a split and, after some time, they can merge with another party with the result that may not require the two third membership. This is one of the drawbacks of the Bill. Then, they have deleted clause 2(1)(c) which says that if any member is expelled from the party, it would not invite disqualification. I think the House will agree that it would create a lot of problems. Imagine a situation in which an hon. Member physically stabs the leader of his party in the back, physically and literally. Suppose that party expels him for this criminal act. But inside the Legislature, the same member will have to sit along with the party members. He cannot become an independent member. So he disobeys the whip he disqualification. It is just like asking one to live with an unwanted and a murderous spouse and share the same house without any provision of divorce. (Time bell rings) I think this is a very horrible situation. Secondly, you have new provision 3(a)(ii), which says;

he has voted or abstained from voting in such house contrary to any direction issued by such party or by any person or authority authorised by

it in their behalf *without obtaining* the prior permission of such party, person or authority and such votes or abstention has not been condoned by such party, person or authority, within fifteen days...."

This provision for condonation within 15 days also creates an awmalous situation. Imagine the position where there is a No Confidence, motion before the House and the fate of the Ministry hangs on one single vote. Supposing a Member does not vote against the Motion and disobeys the whip, what happens? The Government fails. The Ministry has to resign immediately. Then, it means that you are giving 15 days for the presiding officer to take action against the erring Member. So by that time, much water would go down the bridge. Government has also come down. Nothing can be undone at that point of time. I think this is a very serious loophole. I think this should be plugged, otherwise it is no use.

Then, you are giving the power to disqualify a Member to the presiding officer contrary to the scheme of the Constitution. (Time bell rings).

Two more minutes. The decision on questions as to disqualifications of Members is given to the President or the Governor, as the case may be, who in turn shall obtain the opinion of the Election Commission and shall act according to that opinion. That is the scheme of the Constitution. This presiding officer is a representative of the ruling party. So the presiding officer cannot always do the right thing. (Time bell rings)

One minute. We have, seen in the Lok Sabha how Mrs. Gandhi was removed for alleged acts which had no connection with the then exiting Lok, Sabha. So the majority may not always be right and it may create a lot of mischief. There I object to this.

(The Deputy Chairman in the Chair)

Madam, another point. This Bill is connected with the actions of the hon. Members within the House only. What happens if an hon. Member does not vote according to the party wishes and in... the

President's election during the Vice-President's election, during the elections to the Rajya Sabha or Council elections. Such defiances have happened. We have seen this, with our own eyes in the year 1969 when Mrs. Gandhi was there. She proposed, the name of Mr. Sanjiva Reddy for the post of the President of India. Then she said to her party members, according to your conscience. It created a

historical event. Can anybody do like this now? If such a thing happens against the wishes of the party in the Presidential election, in the Vice-President's election or in the

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elections or Council elections what is the remedy? I think, this Bill has not addressed itself to this serious problem..

(*Time bell rings*), So far, Madam, the method was: engineer individual defection now and then topple the Government. Here after, the mischief makers, potential defectors, would adopt a new method, and the new method would be: Engineer defections *en masse* or mass defections, defection in groups, particular number, in the name of 'splits' and 'mergers', avoid disqualifications and topple the Government. (*Time bell rings*).

The toppling game could be played even after this Bill. Therefore, as I have put it, because it is the first step towards a cleaner political life, we support it. At the same time, if you want to assure us that you are very honest about it, restore *status quo ante* in Jammu and Kashmir and dismiss the G. M. Shah Ministry, the Ministry of defectors.

5 P.M.

THE DEPUTY CHAIRMAN: Mr. Shawl. Please be brief because the Minister has to reply.

SHRI GULAM MOHI-UD-DIN SHAWL: Madam, it is not for the first time that there is short time for me. I always suffer because of this.

I, on behalf of Jammu and Kashmir National Conference, whole-heartedly support this Bill. It was for the first time in our country that my State of Jammu and Kashmir had passed the anti-defection Act under the towering leadership of Sheikh Mohammad Abdullah in 1979. That was September, 1979. Afterwards,

in January 1980, he had asked the Central Government to take some positive steps, in this connection to curb this defection in parties so that the political parties and the Government get stabilisation. Nothing was done as it was always under consideration. We are happy that the Bill is before us. There was the most important question of consensus among all political parties and the consensus is there. On behalf of the National Conference I congratulate the Prime Minister when he took the opposition into confidence and discussed the matter with them. On behalf of the National Conference, I submit that this spirit, of cooperation, coordination and seeking consensus and getting the opinion of the opposition parties must continue henceforth also.

As far as the Bill itself is concerned, there are certain lacunae and certain flaws. But ours is a dynamic society and this not the end of all. I hope that it is the beginning. By trial and error, we shall come to know that the defects and flaws the Bill can be removed and should be removed by further legislation when need arises,

I am perturbed about some points, in the Bill. Of course, I have to make this observation. I hope that the Law Minister will kindly reply to it or see to it. My first point is with regard to split. While in the case of merger it is two-thirds majority, in the case of split it is only one-third. Why should there be this distinction? I do not suspect the bona fides of the ruling party. But a feeling arises that this is encouraging split in parties. One-third of the party splits and defects to the other side, because in case of split only one third is required.

My second point is with regard to the nominated members. The word is: "If he joins a party after six months". That means that within six months he must join a party. Now the apprehension is that since these nominations are made on the basis of special knowledge, practical experience in respect of such matters as literature, science, art and social welfare

[Shri Gulam Mohi-ud-Din Shawl]

fare, these nominations should not be on the basis of party politics. Now, these gentlemen are nominated to the Legislatures and we wish them to continue as independence and help us in sorting out things whenever there is any debate or discussion. As independents they can contribute better.

Madam with regard to the Speaker's power or the Chairman's powers in the Upper Houses in States, the question is that nobody who is elected as a Speaker or Chairman or even the Deputy Chairman of this House comes directly or unopposed or with out a party's ticket. So the apprehension is there that he or she may be inclined or amenable to the discipline of that party which, elected him or gave him the ticket or which still support him or her. So, a way out can be found or there may be some further legislation that the Speaker of the Lok Sabha, the Deputy Chairman of this House and the Chairman of the State Legislatures be elected unopposed or without party tickets.

Now, Madam, seeing as I said the spirit behind this legislation and the welfare suggestions and, of course, the speech of our hon. Prime Minister, I am encouraged to submit on the floor of this House one thing. We have our own Constitution for the Jammu and Kashmir State; we have

own Representation of People in which we had amended and an anti-defection Bill was passed. And that Act has certain flaws and that is before a court of law. What I am concerned here is that though this Bill will not apply to us, but the spirit behind it is all pervading Peo-

ask us earnestly and I hope you too must have heard it that when the ruling party, the Central Government prepares this Bill, passes this Bill, that too in the year 1985 when the centenary of the Indian National Congress is to be celebrated making a land-mark in the history of the political democracy here, people ask us is to why should the Congress itself

have double standards? Unfortunately, and we do not know for what crime they have committed, the people of Kashmir were punished on 2nd July, 1984. Out of 47 Members of the National Conference only ten Members defected and formed the Government, the present Chief Minister is a Member of the Upper House. Again even Deputy Chief Minister is a Member of the Upper House, (*interrupt thus*) You say, as per the Bill, that when the split takes place, it must be one-third. There were, I repeat, 47 Members in that Legislature. And it was only ten who defected and the Congress supported these defectors. An anomaly was created; a blot was cast on the fair image of the Congress. And what was the result? They formed the Government. The Electorate was helpless. They cried, protested and demonstrated. And their protest, demonstrations and demands were met by the imposition of curfews, lathi-charges and firing. And tens of people were killed in the State or Jammu and Kashmir because they had protested and rightly protested against the defection and the Congress lending support to this defection. Madam Chairperson, our problem is this. The Congress is doing such a nice job by presenting this Bill. The Father of the Nation laid down his life not for personal property, not for personal wealth—he had no property or wealth—but for high principles. On the day when we were celebrating the Martyrs' Day, this Bill was presented in the Lok Sabha and passed. And we naturally say that this event is historic. And this greatness goes to the Congress. And we the Members here too share some part of it when we support this Bill. But kindly see the spirit behind this legislation. Make clear your *bona fides* and tell the whole world that you are not encouraging defections. We do not say that the Government be *niven* to us because you are nobody to give the Government to us. It is the people who can elect their Government. We want in the present circumstances, when the electo-

rate, the people of aKshmir have lost confidence in that Assembly, let it be dissolved. And we will seek the mandate from the people. We will ask them to vote. If they vote us on our own performance, our policies and our programmes, well we come to power. If they do not vote us to power, well, we would only thank our stars. What I want to say is, in the spirit of this Bill,, kindly withdraw

your support to that defectors' Government which does not deserve any respect from any side and henceforth all such defections must be curbed and must be discourage, and in the ame of justice and fairplay, we crave or justice and fairplay. Accept our oe-mand and prove your *bona fides* by your

actions. Thank you.

THE DEPUTY CHAIRMAN; Mr. Minister.

SHRI AMARPROSAD CHAKRABORTY (West Bengal): My name is also there, Madam.

THE DEPUTY CHAIRMAN; There is no chance. Minister has to reply.

SHRI GHULAM RASOOL MATTO: Oily three minutes, Madam.

THE DEPUTY CHAIRMAN: Please use me. i' am sorry.

SHRI ASOKE KUMAR SEN: Madam Deputy Chairman, I am obliged to the House for the unanimous support given to the Bill, though there has been a difference of opinion as to whether the Bill might have been harsher or softer. But the spirit of the Bill has found¹ universal acceptance here as in the Lok Sabha and as outside the House. This has underlined the every character of our politics ever-since we started our war of independence under the leadership of Gandhiji. It was he who taught us that politics has to be spiritual, has to be moral and not only the ends, but also the means, and that no good ends can be achieved with bad means. And, therefore, the morality which he introduced into politics, the great spiri-

tual force which he gave to the nation, shock the mightest of em-pires that ever was built in history. We fought not with arms; we had no arms; nobody gave us arms to support our .struggle but we fought with a moral force which is only given because of the character of the move-ment which was ushered in. And on the very day, as the Prime Minister said and I said so yesterday in the other House, when we remember the martyrs—Gandhiji and the thousands who laid down their lives so that we and our children can live free hereafter—it was appropriate and proper that that moral tone was restored with emphasis and unequivocally and unfalteringly by focussing the voice of the people to the House of the People and now to the Council of States. Therefore, it will be a memorable day in the history of our country when our politics of the future remains underlined with that very moral force, without which no nation can survive and no democracy can continue and without which ail nations must perish. Therefore, I am deeply obliged to the hon. Members on both sides of the House for the support extended to us, though many Member* had tried to wash dirty linen here in this House, much of the dirty linen does not belong to us but to those who sit on the other side who have been engaged in the art of washing dirty linen in public. But it is true that it is for the purpose of seeing that there are no dirty linen in the future at least so far as Par liamentary politics is concerned, and there are *no* horse-tradings allowed for the purposes of tempting people to change their alliance that this BiU is aimed at. Let it be quite clear that hereafter nobody shall be entitled to change his party, excepting on a mo-ral around where he can carry at least one-third of the party with him. Somebody interrupted when the Prime Minister spoke about our filing the name of the party at the time when we file nominations or file our inde-

pendent status if we ire independent. We take a level for the electorate to choose us and the moment the ele^-

[Shri Ashok Kumar Sen]

nooses us on that label, there is a trust created between, the electorate and us, which interdicts any of us from breaking that trust, except on the peril of being expelled from, the House of Parliament or from the Houses of the State Legislatures.

This is the penalty now which will visit the breaker of the trust, who after getting elected, treats this trust as if it was like a rubbish and changes as if sides can be changed for the asking, throwing to the winds the whole morality of politics, throwing to the winds the very purpose which democracy has to survive destroying the very foundations which our bedrock must be founded.

Now, Sir., Madam, I am happy now to reply to the debate, only on minor points on which several Members have expressed their apprehensions. Mr. Bhandare has said very rightly that while bringing forward such a Bill, we must harmonise the rival priorities of freedom of conscience, the mandate of the people and the necessity to preserve party discipline so that this mandate of the people is preserved. Now, Sir. . . . Madam, this is what happens when a Madam takes the Chair. Madam, I was a member of the Labour League of Youth in my student days in London and also a member of the Left Whig Club. I think, many of my friends at that time are here. Mr. Victor Gollancz, who belonged to the Jewish community, was the founder of the Left Whig Club, which was, at that time, the handmaid of the Labour Party. When Panditji addressed us in 1938, after Czechoslovakia was overrun by the Nazis he called for contributions for the Spanish cause. This took place at Queen's Hall, in 1938, in which, he called on us, to give the utmost aid while the Spanish Republicans. When Mr. Gollancz auctioned Panditji's cap, before he did so, he said 'When I was young, as a JEWISH BOY I used to pray every

morning thanking God for making me a man'. But he said 'Today, when I am asking for contributions, I am asking God to make me Mrs. Brown', who was the chief fund raiser of the Labour Party. Now., Sir.....Madam, when a Madam adorns the Chair we forget our pledge to God to thank him for making us men because, we forget that this country is based on equality between the sexes and the Constitution forbids any discrimination on grounds of sex alone, as on the ground of religion. Therefore, you will excuse me, Sir..... Madam, when due to habit we address you as Sir. But the General Clauses Act says 'a male includes a female', Eve was born out of the very flesh of Adam; this is; what the old Testament teaches us.

Now Madam coming back to the more mundane clauses of the Bill, may I deal with some of the provisions? Now, it is because we wanted to ensure harmony between the scheme of freedom of conscience and at the same time, the deprivation of the right to leave a party that we have provided for splits and mergers. And there is a provision for condonation in case of a party allowing its members to vote according to their own conscience. The Congress Party has done it on many occasions in the past. During the time of Panditji, on many occasions he allowed individuals to vote according to the conscience on certain issues on which a particular member felt very strongly. Therefore, we have left enough scope for the freedom of conscience; yet freedom of conscience, as somebody said, must yield to the primary necessity of preserving the fabric of our democracy. We cannot allow people, in the name of conscience, to flout the mandate of the people, to flout the electorate and change sides. Therefore this is the best way. We have tried to compromise and harmonise the rival claims of the freedom of conscience and the necessity to preserve our democracy and the necessity to give a touch of morality to politics.

Madam, there have been various criticisms, particularly from Mr. Jas-

want Singh whose speech was remarkably clear, precise and good. But in Bengali, Madam, we have a saying that a bucket of good milk is spoiled by one drop of urine. I am very sorry that he chose to do so. He spoiled the otherwise admirable speech by injecting a bit of urine in it when he said that this Bill is motivated by our hidden desire possibly to encourage de-lections in the future. Well, such a hidden desire is very difficult to find excepting through myopic eyes, which unfortunately I do not want Mr Jas-want Singh to possess in the future because he is otherwise such a remarkable speaker. Now, Madam, there has been a talk about two-party system, one-party system and our party not really following the principles of democracy. There is really no virtue either in a two-party system or in a one-party system or a multiple-party system. One-party system is alien to democracy. Mr. Sinha, sitting there, may have allegiance to one-party government but we are pledged to the principles of dissent.

SHRI INDRADEEP SINHA: You have one-party government.

SHRI ASOKE KUMAR SEN: We have one-party that runs the Government. We did not run the Government in 1977 but we came back because of your mismanagement. Now, Madam, we are wedded to parliamentary democracy which is based on a multiple-party system, on the acknowledgment of the right to dissent. We do not believe in totalitarianism where people are trained from their very birth to speak only one language. The voice of dissent is embedded in the very doctrine of parliamentary democracy. This article 19 of our Constitution gives freedom of conscience, freedom of speech, freedom of assembly. Freedom to assemble by defecting is curbed by this particular constitutional amendment for public morality and for public good. We are not, therefore, votaries of one-party system. I do not know why this talk has arisen at all. The Constitution outlaws a one-party system. 1433 RS—5.

tem. I must quote Madam, the remarkable judgment of an American Judge in a flag salutation case delivered during the war-time in the year 1944 when American was engaged in the thross of one of the bitterest wars fought against Nazi Germany and Japan. Some of the States had thought that they would encourage patriotism by making flag salutation compulsory in school. Very few people objected to saluting one's own flag, but there is a community, who are regarded as eccentrics by many in America, called Ku Klux Klan. They did not believe in saluting any ethereal authority, mundane authority or any flag, apart from the flag of God. Their children refused to salute on the command of the parents. These parents were prosecuted for disobeying the law directing compulsory flag salutation. This remarkable Judge, while acquitting them and declaring the law as conflicting with freedom of conscience guaranteed under the Constitution, said these few memorable words as far as I remember—I cannot quote word by word: "If we are to believe that we are fighting the armies of Hitler to preserve the values of democracy and the freedom of conscience and freedom of religion, then we must allow a few maniacs and* eccentrics to dissent. By allowing dissent we show the power of democracy and with that power we shall undoubtedly defeat the totalitarian armies in Europe". That is the strength of Indian democracy. How have we fought Pakistan? How have we fought other enemies in the past with the multiple party system? We fought because at the hour of need, everybody came under the Flag and fought together shoulder to shoulder to defend the Motherland and to defend our vital rights. That is the strength of our democracy. That is shown today. That was shown yesterday in the Lok Sabha. When the hour of need comes, as I said in the morning—and that call of the nation is never silent in war as in peace—we rally to that call and do our very best* in the name of our great departed lea-

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ders, those who died for us and laid down their lives to see that our values are upheld and that we preserve the dearly won freedom of ours and to preserve our democracy to the last drop of our blood. That is our strength. But while preserving the voice of dissent, whether by two party system or multiple party system—if people want multiple parties, they will have multiple parties—but multiple parties cannot run a government like ours when we need a strong party, when we need a strong government to defend the country to make the country strong.

About splits and mergers, it has been said by M. Maran that these should not have been provided— This is again a compromise with the right of dissent and the primary necessity for preserving party discipline. You must allow a split to occur. There have been genuine splits in the past. The congress Party itself has split on principle. In 1969 we split. Mr. A. P. Sharma and many of us had split and we had worked against a particular domination which did not believe in certain progressive policies. That is why the party split. If we do not allow a split, then we will be binding people to the chains of what I may say obscurantism and of orthodox politics which will never allow progress to be achieved—

Now, Madam, Mr. Maran also said that we have provided for stabbing the leader. Well, stabbing is a very theoretical concept. You may stab with a dagger you may stab by deserting him, or by throwing him off. Stabbing is equally bad when you throw him off without stabbing physically and stabbing is equally bad when you stab him with dagger, because it is always very very pernicious, as Caesar said 'to Brutus; "Et tii Brutus"—"You too Brutus" when the dagger came on him and the spot through which the dagger can be displayed to the Roman crowds by that great orator, Mark Antony who roused the mob. Therefore, whether you stab with your tongue or

stab with your desertion, or stab with your dagger, it is equally reprehensible. We have tried to forbid such a contingency as best we can. These are the areas which have been covered. There are many uncharted areas which may have to be covered in future, as and when experience shows failures and more loopholes. Mr. Uperdra has asked for the assurance which was extended to the 'Other House by the Prime Minister. That I have every authority to give, namely, that we shall think in the future how to provide for the necessity to call the Legislature where there has been a split in the ruling party and the time limit within which it has to be done. We are thinking of doing it by rules to be framed by the Legislatures concerned. It is very difficult to provide by constitutional provision, and all contingencies cannot be provided by a constitutional provision because every change that will be needed will require a two-thirds majority. Therefore, I think it will be best done by framing model rules to be adopted by every legislature where it will be necessary, compulsorily under the Rules of Procedure, for the ruling party to test its majority immediately, there is a split, within a specified period. I think that assurance can be given, and it was given by the Prime Minister himself. This is all that I have to say. Madam, I thank the House once more and express my gratitude.

"SHRI MURASOLI MARAN: Is it necessary to send the Bill to State Legislatures?"

SHRI ASOKB KUMAR SEN: No. It does not touch the entrenched clauses.

THE DEPUTY CHAIRMAN; The question is:

"That the Bill further to amend the Constitution of India, as passed* by the Lok Sabha, be taken into consideration."

The House divided.

THE DEPUTY CHAIRMAN:: Ayess 191; Noes: Nil.

Ayes—191

Advani, Shri Lai K.
 Akarte, Shri Jagannath Sitaram
 Aladi Aruna, Shri *alias*
 V. Arunachalam Aii, Shri Syed Rahmat
 Allahabadi, Shri Hashmi Raza Abidi Alva,
 Shrimati Margaret Amarjit Kaur, Shrimati
 Anand Sharma, Shri Ansari, Shri Hayat Ulla
 Arif, Shri Mohammed Usman Arun Singh, Shri
 Ashvvunl Kumar, Shri Balnflk, Shri Achchhey
 Lai SanamalV Babu, Shri Bansal, Shri Pawan
 Kumar Barman, Shri Debendra Nath
 Basavarju, Shri M. Sasumatari, Shri
 Dharanidhar
 Bharadwaj, Shri Ramchanora
 Bhardwai, Shri Hansraj 3hatia, Shri
 Madan Bhatt, Shri Naud Kishore
 Bhattacharjee, Shri Kamalendu
 Bhattacharjee, Shri Nepaldev Bhim Raj,
 Shri Bhuyan, Shri Gaya Chand Birla,
 Shri Krishna Kumar Chakraborty, Shri
 Amarprosad Chatterjte, Prof. (Mrs.)
 Asima Chatterjie, Shri Nirmal
 Chaturv«ii, Shri Bhuvnesh Chowdhu,
 Shri A. S. Chowdnrery, Ram Sewak
 Darbaia Singh, Shri Das, Siiimati
 Monika Deori, gtirimati Omem Moyong
 Desai, Shri Jagesh
 DeghmiUh, Shri Shankararao
 Narayanrao
 Dhusiy . Shri Sohan Lal D'Souzi
 Dr. Joseph Leon. Ganesui, Shri V.
 C

Ganesli. far Kusum, Shri
 Gautaif, Shri Anand Prakash
 Ghan thyam Singh, Shri
 Ghosh, Shri Dipen
 Gopalai, Shri K.
 Goswayu, Shri Biswa
 Gupta, Shri Vishwa Bandhu
 Gurup; daswamy, Shri M. S.
 Handicue, Shri Bijoy Krishna
 Hanspal ,Shri Harvendra Singh
 Hanuif anthappa, Shri H.
 Haq, Shri (Molana) Asrarul
 Haridas. Shri C.
 Islam, Shri Baharul
 Jacob, Shri M. M.
 Jadhav., Shri Vithalrao Madhavrao
 Jain, Shri J. K.
 Jamuda, Shri Durga Prasad
 Jani, Shri Jagadish
 Jaswant Singh, Shri
 John, Shri Valampuri
 Joshi, Shri Krishna Nand
 Joshi, Miss Kumudben M.
 Joshi, Shrimati Sudha Vijay
 Kadharsha, Shri M.
 Kailashpati, Shrimati
 Kakodkar, Shri Puroshottam
 Kaljta, Shri Bhubaneswar
 Kalmadi, Shri Suresh
 Kalyanasundaram, Shri M.
 Kamble, Prof. N. M.
 Kapur, Shri H. L.
 Kar, Shri Ghulam Rasool
 Kaul, Shrimati Krishna
 Kaushik, Shri M. P.
 Khandelwal, Shri Pyarelal
 Khaparde, Miss Saroj
 Kidwai, Dr. Mohd. Hashim
 Kollur, Shri M- L.
 Krishna Mohan, Shri B.
 Kushnoor, Shri Veershetty Moglsppa
 Lakshmana, Prof. C.
 Laxmi Narain, Shri Lokesh
 Chandra, Dr.

Maddanna, Shri M. Mahida, Shri Harisinh Bhagubava Mahishi, Dr. (Shrimati) Sarojini Mahto, Shri Bahdhu Majhi, Shri Prithibi Makwana, Shri Yogendra Malaviya, Shri Radhakrishnan Malaviya, Shri Satya Prakash Malhotra, Shrimati Usha Malik, Shri Mukhtiar Singh Malik, Satya Pal Manhar, Shri Bhagatram Maran, Shri Murasoli Matto, Shri Ghulam Rasool Mazumder, Shri Ramkrishna Meena, Shri Dhuleshwar Mehta, Shri Chimanbhai Mirza, Irshadbaig, Shri Mishra, Shri Mahendra Mohan Mishra, Shri Sheo Kumar Mitra, Shri Sankar Prasad Mittal, Shri Sat Paul Mohanan, Shri K. Mohanarangam, Shri R. Mohunta, Shri Sushil Chand Mohanty, Shri Subas Moopnar, Shri G. K- Mukherjee, Shrimati Kanak Mukherjee, Shri Pranab Naik, Shri G. Swamy Nalwa, Shri Jfari Singh Natha Singh, Shri Pacbouri, Shri Suresh Pahadia, Shrimati Shanti Panda, Shri Akshay Pandey, Shrimati Manorama Pandey, Shri Sudhakar Quicker, Shri K. Vasudeva fttel, Dr. Shanti G. Patel, Shri Vithalbhai Motiram Pattf, Shri Dinkarrao Govindrao Pattnaik, Shri Sunil Kumar Prasad, Shri K. L. N. Quasem, Shri Mostafa Bin Eadhakrishna, Shri Puttapaga

Rafique Alam., Shri Rai, Shri Kalpnath

Rajagopal, Shri M. Rajangam, Shri N. Ramachandran, Shri M. S. Eamakrishnan, Shri R. Ramamurthy, Shri Thindivanam K. IRamanathan, Shri V. Ramesh Babu, Shri S. B. Rao, Prof. B. Ramachandra Rao, Shri R. Sambasira Rao, Shri V. C Kesa.va Rao, Shri Yalla Sesi Bhushana Ratan Kumari, Shrimati Rathvakoli, Shri Ramsingbhai

Pataliyabhai Ray, Shri Deba Prasad Razi, Shri Syed Sibtey Reddy, Shri Adinara|rana Reddy, Shri B. Satyanarayan Reddy, Shri P. Babijl Reddy, Shri T. Chardrasekhar Richhariya, Dr. Govind Das Rohatgi, Shrimati Sushila Roshan Lai, Shri Sateu, Rajni Ranjan Safcu, Shri Santosh Kumar Salve, Shri N. K. P. Saring, Shri Leonard Soloman. Sen, Shri Sukomal Sharma, Shri A. P. Shawl, Shri Gulam Mohi-ur-din Shukla, Shri Keshavprasad Syidiqi, Shri Shamim Ahmed Silvera, Dr. C. Singh, Shri Bir Bhadra Pratap Singh, Shrimati Pratibha Singh, Shri R. K. Jaichandra Singh, Dr. Rudra Pratap Singh, Thakur Kamakhya Prasad Singh, Shri Vishvajit Prithvijit Singh, Vishwanath Pratap Sinha, Shri Indradeep Sukul, Shri P. N.

Sultan, Shrimati Maimoona
 Sultan Singh, Shri
 Suraj Prasad, Shri
 Swu, Shri Sacto
 Tariang, Shri Jerli, E.
 Thakur, Jagatpal Singh
 Thakur, Shri Rameshwar
 Thangabalu, Shri
 Tripathi, Shri Chandrika Prasad
 Tripathi, Shri Kamlapati
 Tyagi, Shri Shanti
 Upendra, Shri Parvathaneni
 Valiullah, Shri Raoof
 Verma, Shri Kapil
 Verma, Shri Shrikant
 Verma, Shri Virendra
 Vikal, Shri Ram Chandra
 Yadav, Shri Ramanand

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

THE DEPUTY CHAIRMAN: We shall now taken up clause-by-clause consideration. The question is:

"That clause 2 stand part of the Bill."

The House divided

THE DEPUTY CHAIRMAN: Ayes: 191; Noes; Nil.

AYES—191

Advani, Shri Lal K.
 Akarte, Shri Jagannath Sitaram
 Aladi, Aruna Shri *alias* V. Aruna-chalam
 Aii, Shri Syed Rahmat
 Allahabadi, Shri Hashim Raza Abidi
 Alva, Shrimati Margaret
 Amarjit Kaur, Shrimati
 Anand Sharma, Shri
 Ansarf, Sri Hayat Ulla
 Arif, Shri Mohammed Usman
 Arun Singh, Shri

Ashwani Kumar, Shri Balmik, Shri
 Achchhey Lai Banamali Babu, Shri
 Bansal, Shri Pawan Kumar Barman,
 Shri Debendra Nath Basavaraju, Shri M.
 Basumatari, Shri Dharanidhar
 Bharadwaj, Shri Ramchandra
 Bhardwaj, Shri Hansraj, Bhatia, Shri
 Madan Bhatt, Shri Nand Kishore
 Bhattacharjee, Shri Kamalendu
 Bhattacharjee, Shri Nepaldev
 Bhim Raj, Shri
 Bhuyan, Shri Gaya Chand
 Birla, Shri Krishna Kumar
 Chakraborty, Shri Amarprosad
 Chatterjee, Prof. (Mrs.) Ashima
 Chatterjee, Shri Nirmal
 Chaturvedi, Shri Bhuvnesh
 Chowdhuri, Shri A. S.
 Chowdhary, Ram Sewak
 Darbara Singh, Shri
 Das, Shrimati Monika
 Deori, Shrimati Omem Moyong
 Desai, Shri Jagesh
 Deshmukh, Shri Shankarrao
 Narayanrao
 Dhusiya, Shri Sohan Lai
 D'Souza, Dr. Joseph Leon
 Ganesan, Shri V. C.
 Ganeshwar Kusum, Shri
 Gautam, Shri Anand Prakash
 Ghan Shyam Singh, Shri
 Ghosh, Shri Dipen
 Gopalan, Shri K.
 Goswami, Shri Biswa
 Gupta, Shri Vishwa Bandh'u
 Gurupadaswamy, Shri M. S.
 Handique, Shri Bijoy Krishna
 Hanspal, Shri Harvendra Singh
 Hanumanthappa, Shri H.
 Haq, Shri (Molana) Asrarul
 Haridas, Shri C

Islam, Shri Baharul
 Jacob, Shri M. M.
 Jadhav, Shri Vithalrao Madhavrao
 Jain, Shri J.K.
 Jamuda, Shri Durga Prasad
 Jani, Shri Jagadish
 Jaswant Singh, Shri
 John, Shri Valampuri
 Joshi, Shri Krishna Nand
 Joshi, Miss Kumudben M¹.
 Joshi, Shrimati Sudha Vijay
 Kadharsa, Shri M.
 Kailashpati, Shrimati
 Kakodkar, Shri Puroshottam
 Kalita, Shri Bhubaneshwar
 Kalmadi, Shri Suresh
 Kalyanasundaram, Shri M.
 Kamhle, Prof. N. M.
 Kaour, Shri H. L.
 Kar, Shri Ghulam Rasool
 Kaul, Shrimati Krishna
 Kaushik, Shri M. P.
 Khandelwal, Shri Pyarelal
 Khaparde, Miss Saroj
 Kidwai, Dr. Mohd. Hashim
 rtollur, Shri M. L.
 Krishna Mohan, Shri B.
 Kushnoor, Shri Veershetty Moglappa
 Lakshmana, Prof. C.
 Laxml Narain, Shri
 Lokesh Chandra, Dr.
 Maddanna, Shri M.
 Mahida, Shri Harisinh Bhagubava
 Mahishl, Dr. (Shrimati) Sarojini
 Mahto, Shri Bandhu
 Majhl, Shri Prithibi
 Makwana, Shri Yogendra
 Malayiya, Shri Radhakrishan
 Malaviya, Shri Satya Prakash
 Malhotra, Shrimati Usha
 Malik, Shri Mukhtiar Singh
 Malik, Satya Pal
 Manhar, Shri Shagatram
 Maran, Shri Murasoli

Matto, Shri Ghulam Rasool
 Mazumder, Shri Ramakrishna
 Meena, Shri Dhuleshwar
 Mehta, Shri Chimanbhai
 Mirza, Irshadbaig, Shri
 Mishra, Shri Mahendran Mohan
 IVlishra, Shri Sheo Kumar
 Mitra, Shri Sankar Prasad
 Mittal, Shri Sat Paul
 Mohanan, Shri K.
 Mohanarangam, Shri R.
 Mohunta, Shri Sushil Chand
 Mohanty, Shri Subas
 Moopnar, Shri G. K.
 Mukherjee, Shrimati Kanak
 Mukherjee, Shri Pranab
 Naik, Shri G. Swamy
 Nalwa, Shri Hari Singh
 Natha Singh, Shri
 Pachouri, Shri Sureslk
 Pahadia, Shrimati Shanti
 Panda, Shri Akshay
 Pandey, Shrimati Manorama
 Pandey, Shri Sudhakar
 Panicker, Shri K. Vapudeva
 Patel, Dr. Shanti G.
 Patel, Shri Vithalbhai Motiram
 Patil, Shri Dinkarrao Govindrao
 Pattniak, Shri Sunil Kumar
 Prasad, Shri K. L. N.
 Quasem, Shri Mostafa Bin
 jRadhakrishna, Shri Futtapaga
 Rafique Alam, Shri
 Eai, Shri Kalpnath
 ISajagopal, Shri M.
 Rajangam, Shri N.
 :Ramachandran, Shri M. S.
 Ramakrishnan, Shri R.
 Ramamurfhy, Shri Thindivanam K.
 Ramanathan, Shri V.
 Ramesh Babu, Shri SI. B.
 Rao, Prof. B. Ramachandra
 Rao, Shri R. Sambastva
 Rao, Shri V. C. Kesatva

Rao, Shri Yalla Sesi Bhushana Rattan
Kumari, Shrimati
Rathvakoli, Shri Ramsingbhai
Pataliyabhai Ray, Shri Deba Prasad
Razi, Shri Syed Sibtey Reddy, Shri
Adinarayana Reddy, Shri B.
Satyanarayan Reddy, Shri P. Babul
Reddy, Shri T. Chandrasekhar'
Riehhariya, Dr. Govind Das Rohatgi,
Shrimati Sushila Roshan Lai, Shri Sahu,
Shri Rajni Ranjan Sahu, Shri Santosh
Kumar Salve, Shri N. K. P. Saring, Shri
Leonard Soloman Sen, Shri Sukomal
Sharma, Shri A. P. Shawl, Shri Gulam
Mohi-ud-din Shukla, Shri Keshavprasad
Siddiqui, Shri Shamim Ahmed Silvera,
Dr. C. Singh, Shri Bir Bhadra Pratap
Singh, Shrimati Pratibha Singh, Shri R.
K. Jaichandra Singh, Dr. Rudra Pratap
Singh, Thakur Kamakhya Prasad Singh,
Shri Vishvajit Prithvijit Singh, Shri
Vishwanath Pratap Sinha, Shri Indradeep
Sukul, Shri P. N. Sultan, Shrimati
Maimoona Sultan Singh, Shri Suraj
Prasad, Shri Swu, Shri Scato Tariang,
Shri Jerlie E. Thakur, Jagatpal Singh
TTxakur, Shri Rameshwar Thangabalu,
Shri Tripathi, Shri Chandrika Prasad
Tripathi, Shri Kamlapati Tyagi, Shri
Shanti TJPendra, Shri Parvathaneni

Valiullah, Shri Raoof Verma,
Shri Kapil Verma, Shri
Shrikant Verma, Shri Virendra
Vikal, Shri Ram Chandra
Yadav, Shri Ramanand

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting. Yadav, Shri Ramanand

Clauses T was added to the Bill.

THE DEPUTY CHAIRMAN: If the House agrees, we can take clauses 3 to 5 together. There are no amendments.

HON. MEMBERS: Yes.

THE DEPUTY CHAIRMAN: The question is:

That clauses 3 to 5 stand part of the Bill.

The House divided.

THE DEPUTY CHAIRMAN: Ayes: 1M:
Noes: Nil.

Ayes—191

Advani, Shri Lai K.
Akarte, Shri Jagannath Sitaram
Aladi. Aruna, Shri alias V.
Arunachalam
Ali. Shri Syed Rahmat
Allahahadi, Shri Hashim Raza Abidi
Alva, Shrimati Margaret
Amarjit Kaur, Shrimati
Anand Sharma, Shri
Ansari, Shri Hayat Ulla
Arif, Shri Mohammad Usman
Aran Singh, Shri
Ashwani Kumar, Shri
Balmik. Shri Achchhey Lai,
Banamali Babu, Shri
Bansal, Shri Pawan Kumar
Barman, Shri Debendra Nath
Basavaraju, Shri M.

Basumatari, Shri Dharanidhar Bharadwaj,
Shri Ramchandra Bhardwaj, Shri Hansraj
Bhatia, Shri Madan Bhatt, Shri Nand
Kishore Bhattacharjee, Shri Kamalendu
Bhattacharjee, Shri Nepaldev Bhim Raj,
Shri Bhuyan, Shri Gaya Chand Birla, Shri
Krishna Kumar Chakraborty, Shri
Amarprosad Chatterjee, Prof. (Mrs.)
Asirna Chatterjee, Shri Nirmal
Chaturvedi, Shri Bhuvnesh Chowdhuri,
Shri A. S. Chowdhary-j Ram Sewak
Darbara Singh, Shri Das, Shrimati
Monika Deori, Shrimati Omem Moyong
Desai, Shri Jagesh Desmukh, Shri
Shankarrao

Narayanrao Dhusiya, Shri Sohan Lai
D'Souza, Dr. Joseph Leon Ganesan, Shri
V. C. Ganeshwar Kusum, Shri Gautam,
Shri Anand Prakash Ghan Shyam Singh,
Shri Ghosh, Shri Dipen Gopalan, Shri K.
Goswami, Shri Biswa Gupta, Shri Vishwa
Bandhu Gurupadaswamy, Shri M. S.
Handique, Shri Bijoy Krishna Ifanspal,
Shri Harvendra Singh Hanumanthappa,
Shri H. Haq. Shri (Molana) Asrarul
Haridas, Shri C. Islam, Shri Baharul
Jacob, Shri M. M. Jadhav, Shri Vithalrao
Madhavrao Jain, Shri J. K. Jamuda, Shri
Durga Prasad Jani, Shri Jagadish

Jaswant Singh, Shri John, Shri
Valampuri Joshi, Shri Krishna Nand
Joshi, Miss Kumudbun M. Joshi,
Shrimati Sudha Vijay Kadharsha,
Shri M Kailashpati, Shrimati,
Kakodkar, Shri Purushottam Kalita,
Shri Bhubaneshwar Kalmadi, Shri
Sureshji Kalyanasundaram, Shri M.
Kamble, Prof. N. M. Kapur, Shri H.
L. Kar, Shri Ghulam Rasool Kaul,
Shrimati Krishna Kaushik, Shri M.
P.

Khandelwal, Shri Pyarelal
Khaparde, Miss Saroj
Kidwai, Dr. Mohd. Hashim
Kollur, Shri M. L.
Krishna Mohan, Shri B.
Kushnoor, Shri Veeshetty Mglappa
, Lakshmana, Prof. C.
Laxmi Narain, Shri
Lokesh Chandra, Dr.
Maddanna, Shri M.
Mahida, Shri Harisioh Bhaguba'ya
Mahishi, Dr. (Shrimati) Sarojini
Mahto, Shri Bandhu
Majhi, Shri Prithibi .
Makwana, Shri Yogendra'
Malaviya, Shri Radhakrishan
Malaviya, Shri Satya Prakash
Malhotra, Shrimati irsha
Malik, Shri Mukhtiar Singh
Mnlik, Satya Pal
Manhar, Shri Bhagatram
Maran, Shri Murasoli
Matto, Shri Ghulam Rasool
Mazumder, Shri Rarnakrishna
Meena, Shri Dhuleshwar
Mehta, Shri Chimanbhai
Mirza, Irshadbaig, Shri

Mishra, Shri Mahendra Mohan
 Mishra, Shri Sheo Kumar
 Mitra, Shri Sankar Prasad
 Mittal, Shri Sat Paul
 Mohanan, Shri K.
 Mohanarangam, Shri R'.
 Mohunta, Shri Sushil Chand
 Mohanty, Shri Subas
 Moopnar, Shri G. K.
 Mukherjee, Shrimati Kanak
 Mukherjee, Shri Pranab
 Naik, Shri G. Swamy
 Nalwa, Shri Hari Singh
 Natha Singh, Shri
 Pachouri, Shri Suresh
 Pahadia, Shrimati Shanti
 Panda, Shri Akshay
 Pandey, Shrimati, Manorama
 Pandey, Shri Sudhakar
 Panicker, \Shri K. Vasudeva
 Patel, Dr. Shanti G.
 Patel, Shri Vithalbhar Motiram
 Patil, Shri Dinkarrao Govindrao
 Pattnaik, Shri Sunii Kumar
 Prasad, Shri K. L. N.
 Quasem, Shri Mostafa Bin
 Radhaltrishna, Shri Puttapaga
 Raflque Alam, Shri
 Rai, Shri Kalpnath
 Rajagopal, Shri M.
 Rajangam, Shri N.
 Ramachandran, Shri M.S.
 Ramakrishnan, Shri, R.
 Ramamurthy, Shri Thindivanam K.
 Ramanathan, Shri V.
 Ramesh Babu, Shri S. B.
 Rao, Prof. B. R'amachandra
 Rao, Shr R. Sambasiva
 Rao, Shri V. C. K«sava
 Rao, Shri Yalla Sesi Bhushana
 Ratan Kumari, Shrimati
 Rathvakoli, Shri Ramsingbhai Pata-
 liyabhai pay, Shri Deba
 Prasad

Razi, Shri Syed Sibtey
 Reddy, Shri Adinarayana
 Reddy, Shri B. Satyanarayan
 Reddy, Shri P. Babul
 Reddy, Shri T. Chandrasekhar
 Richhariya, Dr. Govind Das
 Rohatgi, Shrimati Sushila
 Roshan Lai, Shri
 Sahu, Shri Rajni Ranjan
 Sahu, Shri Santosh Kumar
 Salve, Shri N. K. P.
 Saring, Shri Leonard Soloman
 Sen, Shri Sukomal
 Sharma, Shri A. P.
 Shawl, Shri Gulam Mohi-ud-din
 Shukla, Shri Keshavprasad
 Siddiqi, Shri Shamjm Ahmed
 Silvera, Dr. C.
 Singh, Shri Bir Bhadra Pratap
 Singh Shrimati Pratibha
 Singh, Shri R. K. Jaichandra
 Singh, Dr. Rudra Pratap
 Singh, Thakur Kamakhya Prasad
 Singh, Shri Vishvajit Prithvijit
 Singh, Shri Vishwanath Pratap
 Sinha, Shri Indradeep Sukul, Shri P.
 N. Sultan, Shrimati Maimoona
 Sultan Singh, Shri
 Suraj Prasad, Shri
 Swu, Shri Scato
 Tariang, Shri Jerlie B.
 Thakur, Jagatpal Singh
 Thakur, Shri Rameshwar
 Thangabaaalu, Shri
 Tripathi, Shri Chandrika Prasad
 Tripathi, Shri Kamlapati
 Tyagi, Shri Shanti
 Upendra, Shri Parvathaneni
 Valiullah, Shri Raof
 Verma, Shri Kapil
 Verma, Shri Shrilcant
 Verma, Shri Virendra

Vikal, Shri Ram Chandra Yadav,
Shri Ramanand

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

Clauses 3 to 5 were added to the Bill.

Clause 6 (Addition of Tenth Schedule)

THE DEPUTY CHAIRMAN: Clause 6. I shall now put the amendments to clause 6 that have been moved to vote. Amendments Nos. 1 to 4, 11 to 14, 16, 17 and 26 by Shri Upendra.

SHRI PARVATHANENI UPENDRA: Madam, let me say a few words. *(Interruptions)*

THE DEPUTY CHAIRMAN: You have already spoken.

SHRI PARVATHANENI UPENDRA: I will just say a few words.

Madam, I am as anxious as our friends to get the Bill passed. But there are certain snags which I found. I discussed them with the Law Minister, which I will explain, if he agrees to incorporate them in the rules, I would not press my amendments. That is why I wanted to draw his attention.

SHRI ASOKE KUMAR SEN: We shall consider them.

SHRI PARVATHANENI UPENDRA: Particularly about the second amendment, I want to say that for the first time we are incorporating a reference to political parties in the Constitution. Unless you define what a political party is, there may be some situations in which anybody may call anybody a political party. That is why I gave the amendment. The amendment is:

"(c) political party" means a recognised political party which, under the provisions of the Representation of People Act, further undertakes regular enrolment of its

members, duly electing, as required under its constitution and rules, its officebearers, including various committees, besides clearly defining the authority empowered to take disciplinary action against its members."

Sir, it is a very harmless thing.

SHRI ASOKE KUMAR SEN: We cannot accept it because this is a result of the consensus. We have to find a party on whose nomination a Member comes to the House. There is no other definition possible or feasible.

SHRI PARVATHANENI UPENDRA: My third amendment is this. You have mentioned, "only if he has voluntarily given up the membership of such a political party." That is resignation. Suppose, tomorrow a President or a General Secretary sends a communication to the presiding¹ officer that so and so has resigned, even though, in fact, the member has not resigned, or that he has orally expressed his desire or that he gives a press statement that he has resigned. Nothing on record! Will you take cognizance of that? He has not given his resignation in writing. Therefore, there must be some document in the possession of the presiding officer to act upon.

SHRI ASOKE KUMAR SEN: We have provided for the Speaker or the presiding officer to decide the matter. And the matter has been left to the rule-making power. You will find the rule-making power in clause 8.

THE DEPUTY CHAIRMAN: Mr. Upendra, you have already spoken, on the amendment.

SHRI PARVATHANENI UPENDRA: About 12, the Minister has already assured that a constitutional amendment would be brought.

SHRI ASOKE KUMAR SEN: No.

SHRI PARVATHANENI UPENDRA: This one seeking confidence vote within three days.

SHRI ASOKE KUMAR SEN: That will be provided for in the rules.

THE DEPUTY CHAIRMAN: Will you withdraw the amendment?

SHRI PARVATHANENI UPENDRA: The last one, Madam, amendment No. 26. I have suggested about powers to make orders. That also the Minister can provide for in the rules.

SHRI ASOKE KUMAR SEN: We will consider. Will you withdraw that?

SHRI PARVATHANENI UPENDRA: I withdraw.

Amendment No. 1 to 4, 11 to 14, 16, 17 and 26 were, by leave, withdrawn.

THE DEPUTY CHAIRMAN: Now amendment Nos. 5, 7, 9, 10 and 18 by Shri Sushil Chand Mohunta.

SHRI SUSHIL CHAND MOHUNTA: I want to say a few things about it because it is important.

Madam, I am second to none in expressing the feeling, the necessity of the passage of this Bill. This Bill should become an Act. But, at the same time, I want to point out this. If they think it proper, they may do it. If they do not, it does not matter. I am prepared to withdraw my amendment. But the point is that in clause 6(i) of the Tenth Schedule it reads like this.

THE DEPUTY CHAIRMAN: Be brief please.

SHRI SUSHIL CHAND MOHUNTA: I am withdrawing all other amendments. I am speaking only about this particular amendment. That is about clause 6. It reads like this:

"If any question arises as to whether a member of a House has become subject to disqualification under this Schedule, the question shall be referred for the decision of the Chairman or, as the case may be, the Speaker of such House and his decision shall be final."

Now the question is who shall refer this matter to the Speaker or the Chairman. So, I have moved:

"...the question shall be referred by a resolution passed by majority of members of the Parliamentary Party to which the member belongs. ..."

A whip is issued. If a particular member is absent, who is the proper person to refer the matter to the Chairman? It is that particular political party to which this Member belongs, which can move the Chairman. Nobody else is concerned. Otherwise, you will be opening the Pandora's Box. If at any time a Member is absent, anybody can come forward and refer the matter to the Chairman or the Speaker, and every time an enquiry will have to be held. Every time the party will have to come for condonation. I mean, there will be difficulties which are likely to arise. Fifteen days may elapse. A move may be made after a lapse of fifteen days that such and such a Member was not present. Now the period of condonation is also over, if the period of condonation is also over, then it means that a Member gets automatically disqualified on the asking of a person who "is not affected by his absence or by his not voting for the party to which he belongs or by his not obeying the party whip. Therefore, I have said that this action can be taken only on a reference by the party to which that Member belongs and that also by a majority of the members of that Parliamentary party. It is not that any person can get up and refer the matter to the Chairman or the Speaker. This matter is to be taken up only when referred by a resolution of the majority of members of the Parliamentary Party. Then only it should be considered. Otherwise it should be beyond their consideration.

SHRI ASOKE KUMAR SEN: Madam, under article 103 of the Constitution, matters of disqualification are to be referred to the President. The procedure by which it has

(Shr Sushil chand Mohunta) to be referred is always left to the rules. It is never done by a Constitutional amendment. This will be taken care of by the rules. Article 103 says:

"If any question arises as to whether a member of either House of Parliament has become subject to any of the disqualifications mentioned in clause (1) of article 102, the question shall be referred for the decision of the President and his decision shall be final."

Now this particular disqualification will be referred to the Speaker and the Chairman and the procedure will be provided for by the rules.

THE DEPUTY CHAIRMAN: Are You withdrawing your amendments?

SHRI SUSHIL CHAND MOHUNTA: I am withdrawing my amendments.

Amendments No. 5, 7, 9, 10 and 18 were, by leave, withdrawn.

THE DEPUTY CHAIRMAN: Now, amendments No. 19 and 21 by Shri Satya Prakash Malaviya.

Amendments No. 19 and 21 were, by leave, withdrawn.

THE DEPUTY CHAIRMAN: Now

श्री सत्य प्रकाश मालवीय : मेरा संशोधन इस सम्बन्ध में था कि अयोग्यता के प्रश्न का निर्णय पीठासीन अधिकारी के बजाय भारत के मुख्य न्यायाधीश को दे दिया जाए। लेकिन चूंकि यह नये प्रकार का विषयक है और उस दिन किस प्रकार से प्रभावी होगा माननीय कानून मंत्री जी ने आश्वासन दिया है कि जब यह कानून वास्तविक रूप में लगेगा और प्रभावी हो जाएगा तब भविष्य में इस पर विचार किया जाएगा, इसलिए मैं अपने संशोधन को वापिस लेता हूँ।

amendments No. 20 and 22 to 25 by Shri Biswa Goswami.

SHRI BISWA GOSWAMI: Madam, I am withdrawing my amendments.

Amendments No. 20 and 22 to 25 were, by leave, withdrawn.

THE DEPUTY CHAIRMAN: Amendments No. 27, 29 to 33 by Shri K. Mohanan.

SHRI NIRMAL CHATTERJEE (West Bengal): Madam _____ "

THE DEPUTY CHAIRMAN: They have been moved by Shri K. Mohanan.

SHRI NIRMAL CHATTERJEE: My name is also there in the list.

THE DEPUTY CHAIRMAN: They are given in the name of Shri Mohanan on my paper.

SHRI NIRMAL CHATTERJEE: I Can also speak. Madam, i am not a student of law, although listening to the eminent Law, Minister, I was tempted to become a student of law at least in order to understand what to project. But right now the amendment that I want to commend before the House is the one which says that a defector, instead of being disqualified, will be liable to disqualification and the actual disqualification would be incurred in a different process. Let me say why. Now if asked—I am not a student of law I have said—where lies the sovereignty in our 'Constitution., the usual answer is in terms of checks and balances. Checks and balances between whom? Between the legislature, the judiciary and the executive. Only one thing is missing and that is, this sovereignty rests with the people. Now just not being a legal luminary and yet being permitted in the House which makes law; I have proposed an amendment which is simply this, that in case somebody has defied a whip and has not been condoned by, the party which issued the whip, whether or not he should be disqualified should be left to the people. This manner has an additional virtue, let me submit before the House.

The question of split, the question of merger, which have been elaborately argued and! for whSch. some! steps have been taken in this Constitution (Amendment) Bill need not have been there if we could have left

the whole thing to the people. If ten people consider that he has resigned on grounds of principle and not on grounds which are considered to be immoral, then, the people will not recall him. The people will say that he stands on principle. Let him be there, iff it is monetary lure, the people. Would be the supreme judge. Through my amendment, Madam, I wanted to draw the attention of the House, particularly so when I heard the P.M. He said so many things, but only he forgot to mention the authority of the people. I heard him very keenly. Therefore, Madam, I wanted to draw the attention of the House. If the hon. Law Minister promises that along this line, as the Prime Minister has also promised, on the way there may be many corrections. I consider this to be an improvement, referring back to the people what belongs to them. If the hon. Minister promises to look into this kind of amendment, I am prepared to withdraw the amendment and save the time of the House.

Thank you, Madam.

SHRI ASOKE KUMAR SEN: Madam, I am afraid, this amendment will completely frustrate the very object of this Bill because we have followed the language of article 102 which is, "shall be disqualified." And if there is any dispute, it will be referred, in this case, instead to the President, to the Speaker or to the Chairman. If we leave it to the people to decide, then, it will be worse than Kashmir where the dispute is to be taken to the court, and it will never be decided. We have to oppose it because this Bill is going to be very..... ;

SHRI K. GOPALAN (Kerala):
Right of recall

SHRIMATI KANAK MUKHERJEE (West Bengal): The question is of right of recall.

SHRI ASOKE KUMAR SEN: We are opposing.

SHRI DIPEN GHOSH: Right of recall

SHRf NIRMAL CHATTERJEE: I do not want to press because of the impatience of the House. I withdraw it.

Amendment No. 27 and 29 to 33 were, by leave, withdrawn.

THE DEPUTY CHAIRMAN: Now amendment No. 28 by Prof. C. Lakshanna.

PROF. C. LAKSHMANNA: Madam Deputy Chairman, while I am second to none in this House and elsewhere in standing for the internal party democracy and such things, however, I must make my submission on this amendment. I stand for freedom but not for licence. I stand for dissent but not for disorder. I stand for pro-test but not for defiance. In the light of that, Madam, my amendment will look after the internal democracy, about which all of us are very interested. Therefore, if there is an expulsion and if the expulsion is not in accordance with the rules that have been laid down by the party concern'ed, then, there should be an appeal, a chance for appeal and that chance for appeal should rest in the House to which the Member belongs. Therefore, my amendment says that there shall be a committee of the House which can look into the expulsion order and if it is in order the disqualification stand, and if it is not in order the disqualification does not stand. Therefore Madam, I request the hon. Law Minister kindly to look into this. I want to make it clear that I am also equally worried about the internal party democracy anywhere.

SHRf ASOKE KUMAR SEN: Madam, the matter was agreed in the meeting presided over by the hon. Prime Minister. This is the difficulty. The Telueu Desam sent a representative. Mr. Upendra was there. Ultimately the hon. Member should withdraw this.

THE DEPUTY CHAIRMAN: Are you withdrawing your amendment?

SHRI PARVATHANENI UPENDRA; Madam, I have made the position of my party clear in my speech. So, I request my colleague to withdraw the amendment.

PROF. C. LAKSHMANNA: *i* am myself saying that I am not pressing it. (*Interruptions*) Madam Deputy Chairman, is this dissent? Is this {he voice of 'the House? I do not agree with this. (*Interruptions*)

SHRI PARVATHANENI UPENDRA: Let him finish. (*Interruptions*) 6.00 P.M.

PROF. C. LAKSHMANNA: Do you want to stifle the voice of a Member (*Interruptions*) I agree with the mood of the House and I have said I am not pressing the amendment. But, at the same time, If I am not given an opportunity to express my views, what is this democracy that you are talking about?

THE DEPUTY CHAIRMAN: You have made your point.

SHRI PARVATHANENI UPENDRA: Let him finish.

THE DEPUTY CHAIRMAN: He has finished. Are you pressing your amendment or withdrawing it?

PROF. C. LAKSHMANNA: I am withdrawing it.

Amendment No. 28 was, by leave, withdrawn.

THE DEPUTY CHAIRMAN; I shall now put clause 6 to vote. The question is:

"That clause 6 stand part of the Bill."

The House divided.

THE DEPUTY CHAIRMAN: Ayes 189; Noes : Nil.

Ayes—189

Advani, Shri Lai K
Akarte, Shri Jagannath Sitaram

Aladi Aruna, Shri allias V. Aruria-chalam

Aii, Shri Syed Rahmat

Allahabadi, Shri Hashim Raza ..

Alva, Shrimati Margaret

Amarjit Kaur, Shrinlati

Anand Sharma, Shri

Ansari, Shri Hayat Ullik

Arif, Shri Mohammed Usman

Arun Singh, Shri

Ashwani Kumar, Shiri

Balmik, Shri Achchhley Lai

Banamaii Babu, Shri

Bansal, Shri Pawan Kumar Barman, Shri

Debendra Nath Basavaraju, Shri M.

Basumatari, Shri Dltiaranidhar

Bharadwaj, Shri Ramchandra Bhardwaj,

Shri Hanstaj Bhatia, Shri Madan

Bhatt, Shri Nand Kishore

Bhattacharjee, Shri Kamalendu

Bhattacharjee, Shri Nepaldev Bhim

Raj, Shri Bhuyan, Shri Gaya Chand

Birla, Shri Krishna Kumar Chakraborty,

Shri Amarprosad Ghattejee, Prof.

(Mrs.) Asima Chatterjee, Shri Nirmal

Chaturvedi, Shri Bhuvnesh

Chowdhri, Shri A. S.

Chowdhary, Ram Sewak

Darbara Singh, Shri .

Das, Shrimati Monilsa

Deori, Shrimati Oimai Moyong

Desai, Shri Jagesh

Deshmukh, Shri Shankarrao Narayanrao

Dhusiya, Shri Sohan Lai D'Souza, Dr.

Joseph Leon Ganesan, Shri V C.

Ganeshwar Kusum, Shri Gautam, Shri

Anand, Prakash

Ghan Shyam Singh, Shri
 Ghosh, Shri Dipen
 Gopalan, Shri K.
 Goswami, Shri Biswa
 Gupta, Shri Vishwa Bandhu
 Gurupadaswamy, Shri M. S.
 Handique, Shri Bijoy Krishna
 Hanspal, Shri Harvendra Singh
 Hanumanthappa, Shri H.
 Haq, Shri (Molana) Asrarul
 Haridas, Shri C.
 Islam, Shri Baharul
 Jacob, Shri M. M.
 Jadhav, Shri Vithalrao Madhavrao
 Jain, Shri J. K.
 Jamuda, Shri D.urga Prasad
 Jani, Shri Jagadish Jaswant Singh,
 Shri John, Shri Valampuri Joshi,
 Shri Krishna Nand Joshi, Miss
 Kumudben M. Joshi, Shrimati
 Sudha Vijay Kadharsha, Shri M.
 Kailashpati, Shrimati Kakodkar,
 Shri Puroshottam
 Kahta, Shri Bhubaneshwar
 Kalmadi, Shri Suresh
 Kalyanasundaram, Shri M.
 Kamble, Prof. N. M, Kapur, Shri
 H. L. Kar, Shri Ghulam Rasool
 Kaul, Shrimati Krishna Kaushik,
 Shri M. P. Khandelwal, Shri
 Pyarelal
 Khaparde, Miss Saroj
 Kidwai, Dr. Mohd. Hashim
 Kollur, Shri M. L.,
 Krishna Mohan, Shri B.
 Kushnoor, Shri Veershetty Moglappa
 Lakshmana, Prof. C.
 Laxmi Narain, Shri
 Lokesh Chandra, Dr.
 Maddanna, Shri M.

Mahida, Shri Harisinh Bhagubava
 Mahishi, Dr. (Shrimati) Sarojjai
 Mahto, Shri Bandhu
 Majhi, Shri Prithibi
 Makwana, Shri Yogendra
 Maiaviya, Shri Radhakrishan
 Malhotra, Shrimati Usha
 Malik, Shri Mukhtiar Singh
 Malik, Shri Satya Pal
 Manhar, Shri Bhagatram
 Maran, Shri Murasoli
 Matto, Shri Ghulam Rasool
 Mbumder, Shri Ramkrishna
 Meena, Shri Dhuleshwar
 Mehta, Shri Chimanbhai
 Mirza Xrshadbaig, Shri
 Mishra, Shri Mahendra Mohan
 Mishra, Shri Sheo Kumar
 Mitra, Shri Sankar Prasad
 Mittal, Shri Sat Paul
 Mohanan, Shri K.
 Mohanarangam, Shri R.
 Mohunta, Shri Sushil Chand
 Mohanty, Shri Subas
 Moopnar, Shri G. K.
 Mukherjee, Shrimati Kanak
 Mukherjee, Shri Pranab Naik,
 Shri G. Swamy
 Nalwa, Shri Hari Singh
 Natha Singh, Shri
 Pachouri, Shri Suresh
 Pahadia, Shrimati Shanti
 Panda, Shri Akshay
 Pandey, Shrimati Manorama
 Pandey, Shri Sudhakar
 Panicker, Shri K. Vasudeva
 Patel, Dr. Shanti G.
 Patel, Shri Vithalbhai Motiram
 Patil, Shri Dinkarrao Govindrao
 Pattnaik, Shri Sunil Kumar
 Prasad, Shri K. L. N.
 Quasem, Shri Mostafa Bin
 Radhakrishna, Shri Puttapaga
 Raflque Alam, Shri

Rai, Shri Kalpnath
Rajagopal, Shri M.
Rajangam, Shri N.
Ramachandran, Shri M. S.
Ramakrishnan, Shri R.
Ramamurthy, Shri Thinduvanam K.
Ramanathan, Shri V.
ftamesh Babu, Shri S. B.
Rao, Prof. B. R'amachandra
Rao, Shri R. Sambasiva
Rao, Shri V. Ci Kesava
Rao, Shri Yalla Sesi Bhushana
Ratan Kumari, Shrimati
Rathvakoli, Shri Ramsingbhai Pata-
liyabhai Ray, Shri Deba Prasad
R'azi, Shri Syed Sibtey Reddy, Shri
Adinarayana Reddy, Shri B.
Satyanarayan Reddy, Shri P. Babul
Reddy, Shri T. Chandrasekhar
Richhariya, Dr. Govind Das
Rohatgi, shrimati Sushila
Roshan Lai, Shri
Sahu, Shri Rajni Ranjan
Sahu, Shri Santosh Kumar
Salve, Shri N. K. P.
Saring, Shri Leonard Soloman
Sen, Shri Sukomal
Sharma, Shri A. P.
Shawl, Shri Gulam M'ohi-ud-din
Shukla, Shri Keshavprasad
Siddiqi, Shri Shamim Ahmed
Silvera, Dr. C.
Singh, Shri Bir Bhadra Pratap
Singh, Shrimati Pratibha
Singh, Shri R. K. Jaichandra
Singh, Dr. Rudra Pratap
Singh, Thakur Kamkhya Prasad
Singh, Shri Vishvajit Prithvijit
Singh, Shri Vishwanath Pratap
Sinha, Shri Indradeep
Sukul, Shri P. N.
Sultan, Shrimati Maimoona

Sultan Singh, Shri Suraj Prasad,
Shri Swu, Shri Scato Tariang,
Shri Jerlie E. Thakur, Jagatpal
Singh Thakur, Shri Rameshwar
Thangabaalu, Shri Tripathi, Shri
Chaodrika Prasad Tripathi, Shri
Kamlapati Tyagi, Shri Shanti
Upendra, Shri Parvathaneni
Valiullah, Shri Raoofjl Verma,
Shri Kapil Verma, Shri Shrikant
Verma, Shri Virendra Yadav,
Shri Ramansmd

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

Clause 6 was added to the Bill.

THE DEPUTY CHAIRMAN: Now the question is:

That clause 1» the Enacting Formula and the Title stand part of the Bill.

The House divided.

THE DEPUTY CHAIRMAN:¹

Ayes : 192 ; Noes: Ntt

Ayes-192

Advani, Shri Lai K,
Akarte, Shri Jagannath Sitaram
Aladi Aruna, Shri alias V. Aruna-
chalam
Ali, Shri Syed Rahmat
Allahabadi, Shri Hashim Raza Abidi
Alva, Shrimati Margaret
Amarjit Kaur, Shrimati
Anand Sharma, Shri
Ansari, Shri Hayat Ulla
Arif, Shri Mohammed Usman
Arun Singh, Shri

Ashwani Kumar, Shri Balmik, Shri
Achchhey Lal Banamali Babu, Shri
BansaL, Shri Pawan Kumar Barman,
Shri Debendra Nath Basavaraju, Shri M.

Basumatari, Shri Dharanidhar Bhandare,
Shri Murlidhar Chandra-kant

Bharadwaj, Shri Ramchandra

Bhardwaj, Shri Hansraj

Bbatia, Shri Madan Bhatt, Shri Nand
Kishore Bhattacharjee, Shri Kamalendu
Bhattacharjee, Shri Nepaldev Bhim Raj,
Shri Bhuyan, Shri Gaya Chand Birla,
Shri Krishna Kumar Chakrabortjr,
Shri Amarprosod Chatterjee, Prof.
(Mrs.) Asirna Chatterjee, Shri Nirmal
Chaturvedi, Shri Bhuvnesh
Chowdhary, Ram Sewak Barbara
Singh, Shri Baa, Shrimati Monika
Beori, Shrimati Omem Moyong Besai,
Shri Jagesh

Besmukh, Shri Shankarrao
Narayanrao

Bhusiya, Shri Sohan Lai

B'Sbuza, Dr. Joseph Leon

Ganesan, Shri V. C.

Ganeshwar Kusum, Shri

Gautam, Shri Anand Prakash

Ghan Shyam Singh, Shri

Ghosh, Shrf Dipen

Gopalan, Shri K.

Goswami, Shri Biswa

Goyal, Shri J. P.

Gupta, Shri Vishwa Bandhu

Gurupadaswamy, Shri M. S.

Handique, Shri Bijoy Krishna

Hanspal, Shri Harvendra Singh 1433
RS—6

Hanumanthappa, Shri H. Haq, Shri (Molana)
Asrarul Haridas, Shri C. Islam, Shri Baharul
Jacob, Shri M. M. Jadhav, Shri Vithalrao
Madhavrao Jain, Shri J. K. Jamuda, Shri Durga
Prasad Jani, Shri Jagadish Jaswant Singh, Shri
John, Shri Valampuri Joshi, Shri Krishna
Nand. Joshi, Miss Kumudben M. Joshi,
Shrimati Sudha Vijay Kadharsha, Shri M.
Kailashpati, Shrimati Kakodkar, Shri
Puroshottam Kalita, Shri Bhubaneswar
Kalmadi, Shri Suresh Kalyanasundaram, Shri
M. Kamble, Prof. N. M. Kapur, Shri H. L. Kar,
Shri Ghulam Rasool Kaul, Shrimati Krishna
Kaushik, Shri M. P. Kesri, Shri Sitaram
Khaparde, Miss Saroj Kidwai, Dr. Mohd.
Hashim Kollue, Shri M. L. Krishna Mohan,
Shri B. Kushnoor, Shri Veershetty Moglappa
Lakshmana, Prof. C. Laxmi Narain, Shri
Lokesh Chandra, Dr. Maddanna, Shri M.
Mahida, Shri Harisinh Bhagubava Mahishi, Dr.
(Shrimati) Sarojini Mahto, Shri Bandhu Majhi,
Shri Prithibi Makwana, Shri Yogendra
Malaviya, Shri Radhakishan Malhotra, Shrimati
Usha Malik, Shri Mukhtiar Singh Malik, Shri
Satya Pal.

Manhar, Shri Bhagatram
 Maran, Shri Murasoli
 Matto, Shri Ghulam Rasool
 Mazumder, Shri Ramkrishna
 Meena, Shri Dhuleshwar
 Mehta, Shri Chimanbhai
 Mirza Irshadbaig, Shri
 Mishra, Shri Mahendra Mohan
 Mishra, Shri Sheo Kumar
 Mitra, Shri Sankar Prasad
 Mittal, Shri Sat Paul
 Mohanan, Shri K.
 Mohanarangam, Shri R.
 Mohunta, Shri Sushil Chand
 Mohanty, Shri Subas
 Moopnar, Shri G. K.
 Mukherjee, Shrimati Kanak
 Mukherjee, Shri Pranab
 Naik, Shri G. Swamy
 Nalwa, Shri Hart Singh
 Natha Singh, Shri
 Pachouri, Shri Suresh
 Pahadia, Shrimati Shanti
 Panda, Shri Akshay
 Pandey, Shrimati Manorama
 Pandey, Shri Sudhakwr
 Panicker, Shri K. Vasudava
 Patel, Dr. Shanti G.
 Patel, Shri Vithalbhai Motiram
 Patil, Shri Dinkarrao Govindrao
 Pattnaik, Shri Sunil Kumar
 Prasad, Shri K. L. N.
 Quasem, Shri Mostafa Bin
 Radhakrishna, Shri Puttapaga
 Rafique Alam, Shri
 Rai, Shri Kalpnath
 Rajagopal, Shri M.
 Rajangam, Shri N.
 Ramachandran, Shri M. S.
 Ramakrishnan, Shri R.
 Ramamurthy, Shri Thinduvanam K.
 Ramanathan, Shri V.
 Ramesh Babu, Shri S. B.

Rao, Prof. B. Ramachandra
 Rao, Shri R'. Sambasiv
 Rao, Shri V. C. Kesava
 Rao, Shri Yalla Sesi Bhushana
 Ratan Kumari, Shrimati
 Rathvakoli, Shri Ramsingbhai
 Pataliyabhai
 Ray, Shri Deba Prasad
 Rszi, Shri Syed Sibtej
 Reddy, Shri Adinarayana
 Reddy, Shri B. Satyanarayan
 Reddy, Shri P. Babul
 Reddy, Shri T. Chandrasekhar
 Richhariy?, Dr. Govind Das
 Rohatgi, Shrimati Sushila
 Roshan Lai, Shri
 Sahu, Shri Rajni Ranjan
 Sahu, Shri Santosh Kumar
 Salve, Shri N. K. P.
 Saring, Shri Leonard iSoloman
 Scindia, Shrimati Vijaya Raje
 Sen, Shri Sukomal
 Sharma, Shri A. P. Shawl, Shri
 Gulam Mohi-ud-din Shukla, Shri
 Keshavprasad Siddiqi, Shri Shamim
 Ahmed Silvera, Dr. C.
 Singh, Shri Bir Bhadra Pratap
 Singh, Shrimati Pratibha Singh,
 Shri R. K. Jakhandra Singh, Dr.
 Rudra Pratap Singh, Thakur
 Kamakhya Prasad Singh, Shri
 Vishvajit Prithvijit Singh, Shri
 Vishwanath Pratap-Sinha, Shri
 Indradeep Sukul, Shri P. N. Sultan,
 Shrimati Maimoona Sultan Singh,
 Shri Suraj Prasad, Shri Swu, Shri
 Scato Tariang, Shri Jerlie E.
 Thakur, Jagatpal Singh Thakur, Shri
 Rameshwar

Thangabaaalu, Shri
 Tripathi, Shri Chandrika Prasad
 Tripathi, Shri Kamlapati
 Tyagi, Shri Shanti
 Upendra, Shri Parvathaneni
 Valiuliah, Shri Raoof
 Verma, Shri Kapil
 Verma, Shri Shrikant
 Verma, Shri Virendra
 Vikal, Shri Ramchandra
 Yadav, Shri Ramanand

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

Clauses 1, the Enacting Formula and the Title were added to the Bill.

SHRI ASOKE KUMAR SEN: "I move that the Bill be passed."

THE DEPUTY CHAIRMAN: The question is:

"That the Bill be passed."

The House divided.

THE DEPUTY CHAIRMAN :

Ayes: 192; Noes: Nil

Ayes—192 Advani,

Shri Lai K. Akarte, Shri Jagannath Sitaram
 Aladi Aruna, Shri alias V. Aruna-chalani Aii, Shri Syed Rahmat Allahabadi, Shri Hashim Raza Abidi Alva, Shrimati Margaret Amarjit Kaur, Shrimati Anand Sharma, Shri Ansari, Shri Hayat Ulla Arif, Shri Mohammed Usman Arun Singh, Shri Ashwani Kumar, Shri Balmik, Shri Achchhey Lai Banamali Babu, Shri Bansal, Shri Pawan Kumar

Barman, Shri Debendra Nath
 Basavaraju, Shri M.
 Basumatari, Shri Dharanidhar Bhandaie, Shri Murlidhar Chandra-kant
 Bharadwaj, Shri Ramchandra
 Bhardwaj, Shri Hansraj
 Bhatia, Shri Madan
 Bhatt, Shri Nand Kishore
 Bhattachajee, Shri Kamalendu
 Bhattacharjee, Shri Nepaldev
 Bhim Raj, Shri
 Bhuyan, Shri Gaya Chand
 Birla, Shri Krishna Kumar
 Chakraborty, Shri Amarprosad
 Chatterjee, Prof. (Mrs.) Asima
 Chatterjee, Shri Nirmal
 Chaturvedi, Shri Bhuvnesh
 Chowdhary, Ram Sewak
 Darbara Singh, Shri
 Das, Shrimati Monika
 Deori, Shrimati Omem Moyong
 Desai, Shri Jagesh
 Desmukh, Shri Shankarrao I Narayanrao
 Dhusiya, Shri Sohan Lai
 D'Souza, Dr. Joseph Leon
 Ganesan, Shri V. C.
 Ganeshwar Kusum, Shri
 Gautam, Shri Anand Prakash
 Ghan Shyam Singh, Shri
 Ghosh, Shri Dipen
 Gopalan, Shri K.
 Goswami, Shri Biswa
 Goyal, Shri J. P.
 Gupta, Shri Vishwa Bandhu
 Gurupadaswamy, Shri M. S-Handique, Shri Bijoy Krishna
 Hanspal, Shri Harvendra Singh
 Hanumanthappa, Shri H.
 Haq, Shri (Molana) Asrarul
 Haridas, Shri C.
 Islam, Shri Baharul
 Jacob, Shri M. Ml

Jadhav, Shri Vithalrao Madhavrao
 Jain, Shri J. K.
 Jamuda, Shri Durga Prasad
 Jani, Shri Jagadish
 Jaswant Singh, Shri
 John, Shri Valampuri
 Joshi, Shri Krishna Nand
 Joshi, Miss Kumudben M.
 Joshi, Shrimati Sudha Vijay
 Kadharsha, Shri M.
 Kailashpati, Shrimati
 Kakodkar, Shri Puroshottam
 Kalita, Shri Bhubaneshwar
 Kalamadi, Shri Suresh
 Kalyanasundaram, Shri M.
 Kamble, Prof. N. M.
 Kapur, Shri H. L.
 Kar, Shri Ghulam Rasool
 Kaul, Shrimati Krishna
 Kaushik, Shri M. P.
 Kesri, Shri Sitaram
 Khaparde, Miss Saroj
 Kidwai, Dr. Mohd. Hashim
 Kollur, Shri M. L.
 Krishna Mohan, Shri B.
 Kushnoor, Shri Veershetty Moglappa
 Lakshman, Prof. C.
 Laxmi Narain, Shri Lokesh Chandra,
 Dr. Maddanna, Shri M. Mahida, Shri
 Harishinh Bhagubava Mahishi, Dr.
 (Shrimati) Sarojini Mahto, Shri Bandhu
 Majhi, Shri Prithibi Makwana, Shri
 Yogendra Malaviya, Shri Radhakrishan
 Malhotra, Shrimati Usha
 Malik, Shri Mukhtiar Singh Malik, Shri
 Satya Pal Manhar, Shri Bhagatram
 Maran, Shri Murasoli Matto, Shri
 Ghulam Rasool Mazumder, Shri
 Ramkrishna

Meena, Shri Dhuleshwar Mehta, Shri
 Chimanbhai Mirza Irshadbig, Shri
 Mishra, Shri Mahendra Mohan
 Mishra, Shri Sheo Kumar Mitra, Shri
 Sankar Prasad Mittal, Shri Sat Paul
 Mohanan, Shri K. Mohanarangam,
 Shri R. Mohunta, Shri Sushil Chand
 Mohanty, Shri Subas Moopan ar, Shr
 G. K. Mukherjee, Shrimati Kanak
 Mukherjee, Shri Pranab Naik, Shri G.
 Swamy Nalwa, Shri Hari Singh
 Natha Singh, Shri Pachourj, Shri
 Suresh Pahadia, Shrimati Shanti
 Panda, Shri Akshay
 Pandey, Shrimati Mamorama
 Pandey, Shri Sudhakar
 Panicker, Shri K. Vasudieva
 PateL Dr. Shanti G.
 Patel, Shri Vithalbai Motiram
 Patil, Shri Dinkarrao Govindrao
 Pattnaik, Shri Sunil Kumar
 Prasad, Shri K. L. N.
 Quasem, Shri Mostafa, Bin
 Radhakrishna, Shri. Puttapaga
 Raflque Alam, Shri
 Rai, Shri Kalpnath
 Rajagopal, Shri M.
 Rajangam, Shri N.
 Ram^bandran, Shri M. S.
 Ramakrishnan, Shri, R.
 Iflamamurthy, Shri Thinduvanam K.
 Ramanathan, Shri V.
 Ramesh Babu, Shri 9. B.
 Ro, Prof. B. Ramachandra
 Rao, Shri R. Sambasiva
 Rao, Shri V. C. Kesava
 Rao, Shri Yalla Sesi Bhushana
 Ratan Kumari, Shrimati

Rathvakoli, Shri Ramsinghbhai
 Pataliyabhai Ray, Shri Deba Prasad
 Razi, Shri Syed Sibtey Reddy, Shri
 Adinarayana Reddy, Shri B.
 Satyanarayan Reddy, Shri P. Babul
 Reddy, Shri T. Chandrasekhar
 Riehhariya, Dr. Govind Das Rohatgi,
 Shrimati Susfila Roshan Lai, Shri
 Sahu, Rajni Ranjan Sahu, Shri Santosh
 Kumar Salve, Shri N. K. P. Saring, Shri
 Leonard Solomon Scindia, Shrimati
 Vijay Raje Sen, Shri Sukomal Sharma,
 Shri A. P. Shawl, Shri Gulam Mohi-ud-
 din Shukla, Shri Keshavprasad SiUdqi,
 Shri Shamm Ahmed Silvera, Dr. C.
 Singh, Shri Bir Bhadra Pratap Singh,
 Shrimati Pratibha Singh, Shri R. K.
 Jaichandra Singh Dr. Rudra Pratap
 Singh, Thakur Kamakhya Prasad Singh,
 Shri Vishvajit Prithvijit
 Singh, Shri Vishwanath Pratap
 Sinha, Shri Indradeep
 Sukul, Shri P. N.
 Sultan, Shrimati Maimoona
 Sultan Singh, Shri
 Suraj Prasad, Shri
 Swu, Shri Scato
 Tariang, Shri Jerlie E.
 Thakur, Jagatpal Singh Thakur, Shri
 Rameshwar Thangabaalu, Shri
 Tripathi, Shri Cnandrika Prasad
 Tripathi, Shri Kamlapati Tyagi, Shri
 Shanti

Upendra, Shri Parvathaneni
 Valiullah, Shri Raof Verma, Shri
 Kapil Verma, Shri Shrikant Verma,
 Shri Virendra Vikal, Shri Ram
 Chandra Yadav, Shri Ramanand

The motion was carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting,

OBITUARY REFERENCE

THE DEPUTY CHAIRMAN: I have a very sad announcement which I have to make from the Chair about a colleague of ours who expired today afternoon.

It is with a sense of great shock, profound sorrow and grief that I am breaking the sad news of the passing away of one of our colleagues, Shri Kalyan Roy, at a Calcutta Nursing Home this after-noon.

He was hospitalised at Calcutta a few days ago because of jaundice and Stomach ulcer and we had wished that he would join us soon. But God willed otherwise. His sudden and untimely death has snatched away from our midst a staunch champion of a poor and the downtrodden.

Shri Kalyan Roy was a Veteran the trade union leader and was chiefly engaged in the welfare of the coalmine workers. His main field of activity was in the coal-producing belt of Bihar and West Bengal and he was leading several organisations engaged in the welfare of labour.

Shri Roy was born at Calcutta on 29th December, 1929 and got his education at the Presidency College, Calcutta and then in Syracuse University, USA. Apart from his trade union activities, Shri Roy also worked as a journalist for a few years. From April 1982 he was serving his third

term in this House, having been earlier elected in July 1969 and July 1975.

A young and agile person, Shri Kalyan Roy espoused the cause of the poor and labour class with force and vigour in this House. When he spoke in the House, which he did very often, he spoke with conviction he spoke with a forceful voice, but without the least acrimony. He was as much loved by Members in the ruling party by Members from the other side of the House.

It is unfortunate that a person of his ability and sincerity should have passed away at a comparatively young age of 55.

We deeply mourn the passing away of Shri Kalyan Roy.

I request Members to rise in their places and observe a minute's silence as a mark of respect to the memory of the departed.

Hon Members then stood in silence for one minute.

THE DEPUTY CHAIRMAN: The Secretary-General will convey to the members of the bereaved family our sense of profound sorrow and deep sympathy.

SHRI DIPEN GHOSH (West Bengal): Madam Deputy Chairman, I want to make one submission. Just now we have passed the condolence resolution paying homage to our colleague, Shri Kalyan Roy. Since he was a sitting Member of this House and also since this Bill, which is supposed to be taken up now, can also be taken up during the next session. I suggest that you adjourn the House *sine die* in memory of our colleague, Shri Kalyan Roy.

THE DEPUTY CHAIRMAN: I wish I could do that in memory of the departed colleague. But, since this Bill has already come back to us from the Lok Sabha, it cannot be done now and it would not be proper. We

had passed this Bill earlier and everybody had spoken on this. I will take leave of the House. Should we discuss it or should we pass it? We have already discussed it. (Interruptions)

SHRI DIPEN GHOSH: In that case, showing of our respect and paying homage to the departed colleague would not take place.

THE DEPUTY CHAIRMAN: We wanted to pass the obituary at the end of the deliberations on this Bill. But we wanted to have most of our Members present. So Mr. Advani requested that we should do it now. We thus did it. Now, if the House agrees, as this Bill has already been discussed and passed and it went to the Lok Sabha and it has come back, shall we send it back?

AN HON. MEMBER: We cannot agree to it.

SHRI DIPEN GHOSH: What is wrong in having it in the next session? (interruptions)

THE ADMINISTRATIVE TRIBUNALS BILL, 1985

(Shri K. P. Singh Deo")

THE MINISTER OF STATE IN THE DEPARTMENTS OF PERSONNEL AND ADMINISTRATIVE REFORMS AND CULTURE (SHRI K. P. SINGH DEO): Sir, I beg to move

"That the Bill to provide for the adjudication or trial by Administrative Tribunals of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of any corporation owned or controlled by the Government and for matters connected therewith or incidental

thereto, as passed by the Lok Sabha be taken into consideration."

Madam, the Members may be aware that this House had already passed the same Bill; that is, the Administrative Tribunals Bill, 1984, on 23rd of August, 1984. It was pending before the Lok Sabha. It could be passed owing to its dissolution. Consequently, a fresh Bill had to be introduced and passed in the Lok Sabha on the 29th January 1985, and it is before this august House for being considered and passed. Madam, the bill has already been passed. There is only one change, and that is also in deference to the wishes of the Members who had made certain suggestions, and that is apart from the retired High Court Judges, persons who are eligible to become High Court Judges, can also be considered for appointment to the Tribunal. This is in keeping with the suggestions which the hon. Members have made.

The question was proposed.

THE DEPUTY CHAIRMAN: We have already passed it. Should we discuss it or.

SHRI SUKOMAL SEN (West Ben-: It is a fresh Bill

SHRI R. RAMAKRISHNAN (Tamil Nadu): There is a change. We may discuss it.

THE DEPUTY CHAIRMAN: Mr. Sukomal Sen.

SHRI SUKOMAL SEN: I will be very brief. I want to discuss this Bill. The Bill is a very important one, and it covers not less than two crores of our people who are either Central Government employees, State Government employees, employees of Boards and Corporations under the Central and State Governments. Madam, we know that the legal proceedings in the courts on the service conditions of the employees of the Central and State Governments. Boards and Corporations are time-consuming, and this Bill seeks to re-

medy that trouble, and if this Bill is enacted and these tribunals are set up then I feel these legal proceedings will be easier and the employees will get remedy very quickly. But this Bill seeks to replace the courts, High Courts and to a certain extent the Supreme Court also except in respect of article 136 of the Constitution, But even in regard to that we have.... (Interruptions)

Should I continue?

THE DEPUTY CHAIRMAN: The Minister is in attendance. He is listening to you.

SHRI SUKOMAL SEN: I am to address you,

THE DEPUTY CHAIRMAN: You will address through me, but not exactly to me.

SHRI SUKOMAL SEN: The reason for going to the court by the aggrieved employees is mainly because of the independence of the judiciary. They feel that whenever they feel aggrieved and their appeals are set aside by the Government Departments, they can seek remedy in a court of law. They feel that a court of law is an independent body which will go into their cases judiciously and give an impartial verdict. This is the main logic behind the employees' motivation to seek legal redress. I find that the formation of the Tribunals has been envisaged in such a manner that the very impartiality or independence of these Tribunals will be jeopardised, although it has been mentioned that the High Court Judges will preside over these Tribunals or the Vice-Chairman of these Tribunals will be High Court Judges. It is important that the membership

of

these Tribunals is open to Government officials of the rank of a Secretary for the Central Tribunals or an officer of the rank of a Joint Secretary for a State Tribunal and they can be appointed as Members of these Tribunals. This means that the employees will be subjected to the whims and caprices of the same bureaucrats

[Shri Sukomal Sen]

against those orders they want legal redress in a court of law. I feel that these Tribunals should not be formed by these officers of the Government Departments against whose injustices the employees want legal redress. That is why if we want to form these Tribunals as independent judicial bodies, then all the members of the Tribunals should be drawn from the High Court Judges, whether he is the Chairman or Vice-Chairman or even an ordinary member. If the bureaucrats enter the tribunals as members, then I feel that the employees case will be seriously jeopardised and prejudiced. That is why I would seek a clarification from the Government that instead of maintaining the independence of the Tribunals, why they have sought to induct officers into these Tribunals. I feel that this is wrong and should be withdrawn so that the Tribunals can be formed with the High Court Judges.

The age limit of these officers who are members of the Tribunals has been raised to 65 years. It means that after the age of 58 years, the highest officers of the Government of India or of the State Governments will be inducted into these Tribunals. It means that the Tribunals will become a hunting ground for the retired officials. This is another wrong done to the Tribunals as well as to the employees. I hope this will be reconsidered by the Government so that the retired officers are not inducted into them taking advantage of the age limit. The very concept of inducting a retired officer into the Tribunals is wrong.

Another point is about the procedure, for appealing to the Tribunals. It has been mentioned that after the existing procedures for getting remedy of their grievances have been exhausted, one can appeal to the Tribunal. What are the procedures? There are appellate authorities in the Department. Suppose an employee is aggrieved by an Executive Engineer, he can appeal to the superintending

Engineer, to the Chief Engineer, to the Secretary and to the Minister. In this Scheme of things, a lot of time will be wasted and the employees will be deprived of going to Tribunals. So, I feel that the employees, after having his appeal rejected by the immediate appellate authority, should be eligible to go to the Tribunal for seeking redress of his grievances. Otherwise, if you say that he should exhaust all the remedies inside the Department, then it will take years and years to get the replies from the Appellate authorities from all the hierarchies of the Department. That is: why, Madam, after getting the reply from the immediate appellate authority, he should be allowed to apply to the Tribunal for seeking redress of their grievances. These are the main points. Since this is applicable to about two crores of people, my objection is to the passage of this Bill in such a hurry.

THE DEPUTY CHAIRMAN: No, it is not hurried. It is being discussed.

SHRI SUKOMAL SEN: I would appeal that this Bill should have a wider circulation and it should have a wider consultation. That is why I propose that instead of passing this Bill, we should send it to a Select Committee. And they should consult five service organisations. Lakhs of employees are members of the service organisations. What is their opinion? What is the opinion of the employees' unions in the Central Government, in the State Governments in the local boards and corporations? The unions are not being consulted and we are getting it passed. It means that we are evading the opinion of the employees and their unions. I may remind you that in the JCM of the Central Government employees, this question was raised. At that time, the then Government assured that before the enactment, will be circulated in a wide manner and the opinions of the Service organisations will be taken into consideration. But, I think, it has been taken up in a hurried manner without any consultation with the ser-

vice organisations, without going through a Select Committee. I feel that this is a lacuna of the Bill and it is a serious matter. I hope the Government will have a serious consideration of what I have stated here. And instead of passing the Bill in this manner, they should refer it to a Select Committee for a wider circulation and for a wider opinion. Thank you, Madam.

SHRI P. N. SUKUL (Uttar Pradesh) : Madam Deputy Chairman, last time when this Bill was before this House for our consideration, we already spoke in such details that in fact there is no need of this discussion. But since you have allowed the Members to speak, I will just say a few words.

Madam, indeed it is a very welcome thing that we are going to provide for the expeditious redressal of the grievances of our employees. We know that today 60,000 to 70,000 cases of Government employees pertaining to their service conditions, etc. are pending in various High Courts. And it is indeed good that for the exclusive trial of the grievances of Government employees and other public servants including local bodies and corporations, these tribunals are being set up. There is, however, one thing which is not very clear as to whether this Tribunal will also look after the cases that are already pending in various High Courts, whether with retrospective effect will allow its jurisdiction in such cases or not. Personally

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feel that all these cases that hanging fire in various High Courts must be brought for the consideration of those very Tribunals. Madam, now the Navy, the Army and the Air Force are excluded from the purview of these Tribunals. Even the officers and employees of the Supreme Court and the High Courts are also not going to be covered under the purview of this enactment. Similarly, Madam, the secretariat staff of the Parliament—Rajya Sabha and the Lok Sabha—and the State Legislatures are also not

going to be benefited by this legislation. Madam, it is a very serious thing. Personally I know that there is no other machinery to secure justice to them, to make the ends of justice meet in their case. I personally know that in the State Legislatures, at least in my own State, there is wide and rampant dissatisfaction amongst the staff on so many counts. Since I am a trade unionist, during the last five years, here also so many employees of the Lok Sabha and the Rajya Sabha have come to me and told me about their grievances. There is no machinery. And these employees also deserve justice which we are extending to lakhs and lakhs of Government employees and public servants. So, I very strongly feel that either they must be covered under this legislation or there must be a suitable machinery to look after the grievances of the secretariat employees of the Lok Sabha, the Rajya Sabha and the State Legislatures, High Courts, etc. As far as I know, not even the facility of JCM—Joint Consultative Machinery*—is available to them, which facility is available to other trade union organisations of government servants, State employees and Central employees. This facility will also not be available to employees of High Courts, Supreme Court, Parliament and State Legislatures. I request the Minister to be kind to these sections and provide some kind of machinery for redressal of their grievances.

My friend, Mr. Sukomal Sen, spoke about appointment of Government officers on these Tribunals. I am inclined to agree with him although I do not agree with the observation that retired judges should not be appointed and only active judges should be appointed. Retired judges can also be appointed as under section 11 of this Bill it has been stated that those officers will now in future not be entitled to any other employment under the Central or State Governments. So the judges can act. Of course, with officers, things are different. Officers having remained in office for 30-35-

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[Shri P. N. Sukul] years, develop a sort of character and may be, at least those employees who have worked under them and who had been victimised under them in the Ministries, may not be getting proper justice from them. So, it will be better to have only these retired judges or the like and not Government officers unnecessarily on these Tribunals. Or, if you just keep these officers on the Tribunals, then you must also include in the Tribunals accredited leaders of various trade union organisation which are registered and which are recognised. Why do you give representation only to one party and not to the other party? Before the Tribunals, Government will be one party; employees will be the other party and therefore you must also give representation to both parties.

I entirely disagree with the discrimination that is contemplated in the Bill regarding the retirement age of the Chairman, the Vice-Chairman and members. In the case of Chairman and Vice-Chairman, it is 65 years and in the case of members, it is 62 years. Why? The members are eligible to become Chairman or Vice-Chairman, and that being so, why not make the retirement age as 65 years in all cases. There is no plausible reason for this discrimination and I hope the hon. Minister will look into it and set things right.

"in the end I would say that if from the High Courts and Supreme Court you are bringing cases pertaining to public servants to the Tribunals, then you must also provide for grant of stay by the Tribunals, which is not there. Suppose an employee is going to be dismissed on certain grounds—' false or vindictive—and that employee may go before the Tribunal to ask for stay so that his case could be first examined and only if he is found guilty, should he be dismissed. So, in the interest of justice: and the best kind of justice available to the employees, provision of stay must also be

made in the case of these Tribunals. Thank you.

SHRI R. RAMAKRISHNAN: Madam Deputy Chairman, it is a sail commentary on our Parliamentary democracy that many important pieces of legislation! tare road^rolled through in both Houses at the fag end at heavy day's proceedings. I have been watching this phenomenon with lot of regret for the last 4-1/2 years. It is for this reason, perhaps, that business hours of both. Rajya Sabha and Lok Sabha were fixed; but more often than not, under the convenient excuse of recommendations of Business Advisory Committee that House should sit upto and beyond 6, as and when necessary, Members who are tired, want to rush through legislation. Madam, I am very happy that, better counsel prevailed with you and you permitted discussion on this Bill.

THE DEPUTY CHAIRMAN: I am not tired. You can speak the whole night.

SHRI R. RAMAKRISHNAN: When this Bill was first moved in the Rajya Sabha on August 13, 1984, I moved a Motion for reference of this Bill to a Select Committee, which received wide support from sections of the House. Now, I find that that reference was, in fact, necessary because the Government itself has had a rethinking and they have changed, as Mr. Singh Deo has mentioned, at least one, saying ' a person who is or has been or is qualified to be a judge of the High Court.' Therefore, some persons with good legal experience, who would have normally made it to the High Court the Government thinks that it would be useful to put them here—could be included as Chairman or Vice-Chairman or Members of the Tribunals.

Now, Madam, I will come to the more important thing. The background to the Bill is the Swaran Singh Committee which recommended the setting up of administrative tribunals in our country. Consequent to tills, the

•Government, after considerable study, passed the 42nd Amendment, which introduced articles 323A and 323B into the Constitution and these Administrative Tribunals are sought to be set up under article 323A. The hon. Minister" himself has given in his explanatory note, the reasons for the setting up of these tribunals.

There are more than 65,000 cases as of today pending in the Supreme Court, the High Courts and various other courts, which relate to service matters. It is a good thing that when the Government of India thinks that they cannot fill as many as 76 vacancies in the High Courts, they do not add to the burden of the High Courts because as know, justice delayed is justice denied.

Madam, coming to the Bill itself, you may, perhaps, be aware that in three States of India, U.P., Rajasthan and Andhra Pradesh, there are administrative tribunals set up. I would like to know from the hon. Minister whether the Government and his Ministry have studied as to what has happened to these tribunals and how many cases are pending before those tribunals. This is because I have a lurking fear in my mind that instead of cases pending in the High Courts, cases will start pending with these , tribunals. Madam, in this connection I would like you to be reminded of a famous quotation of a poet which says :

"Ill
fares the land, to hastening ills a prey,
Where wealth accumulates and men decay;"

I will only make a small change in this famous quotation and say.

"Ill fares the land, to hastening ills a prey,
where files accumulate and men delay;"

This is because, the difficulty with these kinds of tribunals and courts is that they take things on record, more than what they like, or there are more i cases on record than there are tribunals and what happens is that UwhGs

get begged down in one place or the other.

I would request the hon. Minister to see whether they could provide at least in the rules or by some sort of an executive order under the Act a timebound programme before which the cases could be disposed of. After all, Madam, a person goes to a tribunal or a court to get some redressal and if he cannot get any redressal in time, what is the use of his going to a court or a tribunal? Therefore, I would earnestly insist that there should be some direction or provision by which these cases could be disposed of in time.

Now, coming to the points made by my esteemed colleague on this side. Mr. Sukomal Sen and by Mr. Sukul on the other side, I cannot agree with both of them that retired members of the bureaucracy should not be members of these tribunals. In fact, I think, this very provision is necessary because it is the retired members of the bureaucracy, who have held ranks as Secretary or Additional Secretary, who have rich experience—I am sure the Government will choose only those men with high integrity and known record of service during their tenure to be members of these tribunals—who know many of the difficulties experienced by the various employees. After all, they are only members there. Officers with such proven track record will definitely do justice at the end of their career. Therefore, I cannot agree with Mr. Sen and Mr. Sukul that they should not be made members. In fact, the Bill itself provides a very balanced provision that there should be a judicial mind, a judge of a High Court sitting or retired and members of the bureaucracy. The only suggestion I will make is that as you have provided three members—Bench and as my learned friend, Mr. Sukul, on the other side mentioned. You can also consider as the third Member outstanding public men, trade union leaders or even retired Government employees if VBH are satisfied with this so that the

(Shri R. Ramakrishnan)

balance will be very equitably maintained. Each one of them can apply his judicial and fair mind and give proper justice. I strongly request the Minister to consider this suggestion.

Today the plight of the Government pensioners is really miserable. This Bill, I think, provides for such cases also. Some speakers earlier said that this Bill will become a sort of paradise for pensioners. It is not so. The case of a person who had put in long years of service and who at the end of his service finds that he is not given proper pension is rather sad. Therefore it is good that this also has been included.

No doubt the Bill has excluded persons who are in the armed forces, or those in the High Courts or Parliament or even Border Roads Organisation. They are neither treated as civilians nor as defence personnel. I understand that the Minister himself has replied in the Lok Sabha saying that the Government is actively considering setting up Tribunals for them under the respective Acts. I think it is a good move if he can assure the House that Government will set up such Tribunals for such people also, because nowadays a lot of army people also are going to the courts. Before, they could not go to the court; only court martial procedure was there. But now so many supersessions and other things are there, and they are going to the courts. I do not want to bring in the controversial things, but I hope this will be considered by the Government.

Then there is only a possibility of reference to Supreme Court under Art. 136 and for this Special Leave of the Court will be required. For poor people particularly, some sort of appeal before that stage has not been contemplated here, excepting where the Tribunal constitutes a Single Member Bench and then refers it to an Appeal Bench. So some sort of safety safeguard should be there.

Finally I would only conclude by saying that there is a provision in this Bill under clause 19(a) (3) which says:

"On receipt of an application under subsection (1), the Tribunal be accompanied by such documents or other evidence and by such fee (if any, not exceeding one hundred rupees) as may be prescribed by the Central Government."

Now there are several cases in which the people are so poor that it is not fair to charge Rs. 100. This is not going to get much revenue to the Government. So I will request the Minister that while fixing the fee under this clause when the Bill becomes an Act, he should see that in a nominal or token fee of one rupee or some such thing.

With these few words, I support the Bill.

SHRI M. S. RAMACHANDRAN (Tamil Nadu): I rise to support the Administrative Tribunals Bill 1985. My colleague, Shri Sukul, has already pointed out the suggestions for improvement in the Bill. At this stage I do not propose to suggest that the Bill should be amended, but I would like to submit certain suggestions for improvement which can be considered at the time of framing the rules.

As a trade unionist, at the outset I wish to offer our congratulations and grateful thanks to our Prime Minister for bringing this Bill, (interruptions). For bringing it back now; that is what I am saying. Some of the Members have suggested that we should have a leisurely discussion. But thousands of cases are pending before the various High Courts and other courts for decades. For them this is really a great relief that all those pending cases will be transferred under clause 25¹ to the Tribunals to be set up. I only wish that after passing this Bill the Government will not take more time, in framing the rules and notifying the dates for implementing this Bill.

Various suggestions have been made by my colleague, Mr. Sukul. I do not want to repeat them; I am entirely in agreement with Mr. Sukul.

I would submit that at least one of the members should be an elected *i* representative of the Government employees, if do not think that the JCM has already been consulted in this matter. At least under the rules some provision should be made to associate the JCM in the working of these Tribunals.

Another suggestion I would like to make is that when employees are referring any dispute or evidence to these Tribunals, no fee should be charged. In these cases the Government departments will be at liberty to spend any amount in the conduct of any case but, as far as the poor employees are concerned, they are expected to bear the whole burden of the litigation. I would suggest that in appropriate cases legal aid should be given to the concerned employees.

With these words I commend the Bill for acceptance.

THE DEPUTY CHAIRMAN: We will have the Oath or Affirmation first and then continue with the debate.

MEMBER SWORN

Shri Mahendra Prasad (Bihar)

THE ADMINISTRATIVE TRIBUNALS BILL, 1985—Contd.

THE DEPUTY CHAIRMAN: Mr. Jaswant Singh. Now you have one more Member to listen to your * speech.

SHRI JASWANT SINGH (Rajasthan) :
How encouraging! Madam Deputy Chairman, my intervention will be very brief. I spoke on this particular Bill on the previous occasion

also. So, I shall not repeat what I said then.

In as much as the particular Bill would result in the establishment of Tribunals which would reduce burden on the courts, this is a welcome measure. And in as much as it is binding on the Government as also on the employees, this is a welcome measure. The institution of the Ministry which calls itself "The Departments of Personnel, Administrative Reforms and Culture" is a recognition of the honourable Minister's distinct service to the previous portfolio that he had held with the kind of dedication and willingness that is capable of being brought to a task only by a Serviceman. Now, along with that recognition, there are some expectations which, very briefly, are:

Please do something about the Police Commission Report; please do something about Administrative Reforms. There is a third leg, so to speak, on which the Ministry stands, and it is a Culture. My wife has often informed me that the two most frustrating tasks which she faces in her life are (a) to fill in Government of India forms, and (b) to wake up our teen-age son and get him out of bed. Now, would the honourable Minister please do something about the first part of our difficulty?

THE DEPUTY CHAIRMAN: Or you want the second one also to be taken up?

SHRI JASWANT SINGH: If you do something about the first part of it

THE DEPUTY CHAIRMAN: You will be satisfied?

SHRI JASWANT SINGH; ... it would improve the administrative climate of the country and, perhaps, improve my domestic life also.

Thank you very much.

THE DEPUTY CHAIRMAN: Mr. Madan Bhatia.

SHRI MADAN BHATIA (Nominated.): Madam, Deputy Chairman, seeing the sense of this honourable house, I would not like to speak for more than one or two minutes. I rise to support and welcome this Bill. It has not come a bit too soon. In fact the Constitution was amended in 1976 to make a provision for such Tribunals and this Bill is coming up 8 years thereafter. Of course, there was a time when this adjudication of matters by Tribunals was looked down upon as an aberration from the rule of law. In fact, this system had been introduced by Napoleon Bonaparte which came to be known as "*Regime Administratif*". He created for the first time a Tribunal known as "*Conseil d'Etat*" for adjudication among other things of status of civil servants. But in the 20th century because of the tremendous development of complex problems and the increased control of the State over the activities of the citizens even the reluctance of Britain broke down and the Tribunals became an order of the day. England established a committee which is known as the Frank Committee in 1957, to consider the desirability of establishment of Tribunals. And what the Frank Committee reported and commented in regard to the establishment of the Tribunals applies equally to this particular Bill. These were the words that the Tribunals provided for which I quote:

"cheapness, accessibility, freedom from technicality, expedition and expert knowledge of a particular subject."

Madam, Deputy Chairman, just at the close, I would like to sound a note of caution which has been provided in the Bill that the Members of the Tribunal can also be the officers of the Government having the ranks of the Joint Secretary, Additional Secretary or the Secretary. On this I would like to make only three submissions.

The first submission is that the service law has become extremely com-

plex in this country with the gradual development of the Constitutional law new dimensions have been given to Article 16 of the Constitution as a result of which it has now been held that any action of the executive *vis-a-vis* the Government servants as in fact *vis-a-vis* others is liable to be struck down if it is not just, if it is not fair and if it is not reasonable. So, all the service rules have to be interpreted under the omnipotent and brooding presence of the Constitution. Every action of the Government with regard to the Government service has to be checked with the yardstick of the Constitution. So, this requires a trained legal mind and a judicial approach. And my submission, Madam, Deputy Chairman, is that this cannot possibly be expected of the officers who have spent their years of service under the Government and who have had no legal training and no experience of judicial approach.

The second submission is that the Tribunals which were commended by the Frank Committee that very committee also noted a word of caution namely that the Tribunals should not be treated as an appendage of the Government. And I just want to read those three or four lines from the report of the Frank Committee. It said:

"Tribunals are not ordinary courts, but neither are they appendages of Government Departments....."

Much of the official evidence including that of the Joint Permanent Secretary to the Treasury appeared to reflect the view that Tribunals should appropriately be regarded as part of the machinery of administration for which the Government must retain a close and continuing responsibility. Thus, for example, Tribunals in the social services field would be regarded as appendages to the administration of the services themselves. We do not accept this view. We consider that Tribunals should appropriately be regarded as machinery provided by Parliament for adjudication rather than as part of the machinery for administration.

Of course there are so many checks. I respectfully submit that if these Tribunals are manned by the Government officials who had been Government officials, they are likely to create an impression of being appendages of the Government.

Thirdly, madam, I respectfully submit that if the courts have been cluttered with services law litigation cases it is primarily because of the lack of understanding of the services law by these very officials. In these circumstances it is my strong plea to the Hon'ble Minister of State that although the provision has been made in the Act that the Secretaries, Additional Secretaries and Joint Secretaries can be appointed to the Tribunals, in practice they shall not be appointed.

SHRI K. P. SINGH DEO: Madam, Deputy Chairman, first and foremost I would like to thank the Hon'ble Members for their participation and for their weighingly suggestions as well as their impressive home work and in depth knowledge.

Madam, as I mentioned earlier, this Bill had been passed in this very House on the 23rd August, 1984 and had been debated for more than two hours and some of the Hon'ble Members who have participated today had also participated in that debate and my distinguished predecessor had answered all these points before the Bill was passed. Even then since the Bill has been again discussed, I would like to reply to those points as well as give the rationale for bringing this legislation.

As I mentioned in my opening remarks, this House had already passed a similar Bill which was pending before the Lok Sabha, but could not be passed owing to its dissolution. Consequently a fresh Bill had to be introduced and passed in the Lok Sabha on 29.1.1985 and it is now be-

fore this august House for being considered and passed. It is essentially the same as was passed by this august House earlier except the mi-lowing.

Serving or retired Judges of the Supreme Court will not be in the field of selection for appointment to the Administrative Tribunals as Chairman and Vice-Chairman. As the age of retirement of the Supreme Court Judge is 65, the same age limit has been fixed for the Chairman and Vice-Chairman and appointment in the Tribunal is not attractive enough to the Supreme Court Judges. Apart from serving or retired High Court Judges, persons who are eligible to be appointed as High Court Judges can also be considered for appointment as Members of the Tribunals. This is in keeping with the suggestions already made by some Members in this House when the Bill was discussed earlier. The Administrative Tribunals Bill, 1985, is intended to give practical shape to the provisions of article 323A of the Constitution. The Bill provides for setting up a Central Administrative Tribunal for dealing with the grievances relating to service matters of the members of All India Service and other Central Government employees.

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Likewise, there is a provision for setting up of Administrative Tribunals for dealing with the grievances relating to the service matters of the State Government employees. There is also a provision to extend the jurisdiction of the Tribunals to the employees of the *local* bodies, corporations etc. which are under the control of the Govt. The Bill provides for the setting up of State Administrative Tribunals by the Central Government on receipt of a request in this regard from the State Governments

..... (Interruptions) ..Madam, can this running commentary be stopped?

THE DEPUTY CHAIRMAN: Please do not disturb the proceedings. He is

[The Deputy Chairman—Contd.]

replying. This is a very important Bill. Before we make administrative reforms, we should reform ourselves.

SHRI K. P. SINGH DEO: There is also a provision for setting up of a Joint Administrative Tribunal for two or more States if they so desire.

As mentioned in article 323A. of the Constitution on the setting up of such Tribunals the jurisdiction of all Courts, except the jurisdiction of the Supreme Court under article 136, would be excluded with respect to matters relating to the recruitment and service conditions of members of the All-India Services, the Central Government employees and the State Government employees.

It is estimated that there are at present 63,000 cases 63,808, to be exact-relating to the Central and State Government employees which are pending in the various courts all over the country. The setting up of the Administrative Tribunals to deal exclusive[^] with service matters would not ofily reduce the present burden on the courts, thereby enabling them to devote more time to other cases; but would also provide speedier relief to the Government employees for the redressal of their grievances relating to service matters.

It is proposed that every Tribunal will consist of a Principal Bench and such number of Additional Benches as may be necessary. The Principal Bench is to be presided over by the Chairman and is to consist[!]; of a Vice-Chairman and at least two other Members. The Additional Bench will be presided over by the Vice-Chairman and will also consist of at least two other Members. Provision has been made for the three member Bench to ensure objectivity in dealing with cases that come up before the Tribunal 1 and to ensure that all aspects of the grievances are looked into adeauatety before a decision is laken. However, provision has also

been made for constituting single member Benches to (ileal with routine cases of a simple character.

The Bill provides that serving or retired Judges of the High Courts or those who are holding or held posts at the level of Secretary to the Government of India or posts under the Central other State Government carrying a scale of pay Hot less then that of a Secretary to the Government of India for two years can be appointed as Chairman or Vice-Chairman. Similarly, persons who Are or who have been or are qualified to be Judges of High Courts and those who have held posts of the level of Additional Secretary to the Government of India for two years or post of Joint Secretary to the Government of India for three years or a post under the Central or State Government carrying a scale of pay not less than that of an Additional Secretary to the Goyernment of India for two years or Joint Secretary to the Government of India for three years are eligible to be appointed as Members of the Tribunal-

The term of office of the Chairman, Vice-Chairman and Members of the Tribunal will be five years subject to the limit of 65 years in the case of Chairman and Vice-Chairman and 62 years in the cases of Members.

I will come latter to the questions raised by the Members on this question regarding age etc. and also their apprehensions. I would like to take the Members into confidence. la order to ensure objectivity and impartiality of the Tribunals, it has been provided that the Chairman, Vice-Chairman and Members are debarred from holding any other post under the Central or State Governments and on their ceasing to held such office, they cannot also appear or plead before a Tribunal in which they have held office.

With the establishment of the Administrative Tribunals, all the cases pending before the courts, *except* the appeal cases pendme; before any of

the High Courts or the Supreme Court, would get transferred to the Tribunals. This is in accordance with the provisions contained in article 32o of the Constitution.

The final orders of the Tribunal will be binding on both the parties and every party, aggrieved by any order of the Tribunal, can go and appeal to the Supreme Court as provided for under article 136 of the Constitution.

Madam, now I come to some of the points which have been raised by the hon. Members.

Firstly, as I said earlier, I am extremely thankful for the support given by the Members from all Sections of the House to the Bill. But they have made certain observations and comments.

Hon. Members Shri Sukomal Sen although he agreed that the Bill was important, admitted that it seeks to remedy and make it easier for employees for redressal of their grievances, yet he questioned the composition of the Tribunal by saying that it would jeopardize the cases of the employees that their independence will be in jeopardy, that this was a hurried ground for retired officials and that it was brought in a hurried manner. He suggested that it be given to a Joint Select Committee, that the employees' unions were not consulted and that the Government is evading and avoiding. Madam nothing can be far from the truth. His leader, Mr. Dipen Ghosh, who has been a Central Government employee himself for the, 28 years before coming to the legislature or Parliament had himself spoken on this Bill, and in fact he had questioned that it has taken 8 years to come. In 1976 when an amendment was brought in my distinguished predecessor had explained that after 1976, for three years this Government was not in power and time had elapsed, but the Government had on its earliest opportunity brought the legis-

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lation. it had been passed by the Rajya Sabha in August 1984. It would have come to the Lok Sabha but the Lok Sabha was dissolved, and therefore it has come now. So there is no question of bringing it in a hurried manner.

This legislation has been discussed with the Joint Consultative Machinery and the staff in 1976 and 1977. But consultation does not mean that whatever suggestions are given have to be incorporated. But at the same time, of the two suggestions given by the staff, one has been accepted. In 1976 the National Council and the Joint Consultative Machinery was consulted at their request. After a detailed discussion with them, two suggestions were made to the Government. They related to having representative of the staff as members of the Tribunal and bringing premature retirement cases also within the purview of the Tribunal. The suggestion of staff representatives could not be accepted as the Tribunal has no arbitration power but will function like a court. In fact, this is no parallel High Court but will take service matters out of the High Courts and act like the High Courts. The other suggestion regarding premature retirement cases has, however, been accepted by the Government. Thus the views of the staff side have been duly considered by the Government before formulating the Bill.

Now, Madam, after consulting the Staff associations and the Joint Consultative Machinery it has been deliberated by the Law Ministry before it was brought to Parliament. It was discussed in this very House only last year before being returned to the Rajya Sabha. So the charge that the Government is evading or avoiding or brought it in a hurried manner has no basis whatsoever. Neither the charge that the employees' unions were not consulted has any basis.

About the independence being in jeopardy. I would like to submit that

[Shri K. P. Singh Deo]

the Tribunal seeks to bring in objective blend between the administrative and judicial people, and therefore in stead of jeopardizing the cases of employees it is to safeguard their interests. I would like to mention that it is the Supreme Court itself which had given its ruling on the setting up of the Administrative Tribunals. Even the Court had appreciated that the Administrative Tribunals proposed to be set up under the provisions of the Administrative Tribunals Bill are intended to deal exclusively with cases relating to service matters of Government employees. These Tribunals are intended to deal exclusively with cases relating to service matters of Government employees. This is a major difference between the Tribunal and the High Court. The examination of Service Rules which are fairly complex require a high degree of proficiency in the Service Rules on the part of the Members/Vice-Chairman/Chairman of the Administrative Tribunal. Even the Supreme Court had appreciated this point and the following observations of the supreme Court in a case are worth quoting.

"So much of our time is taken up in discovering the precise facts of these intricate problems that we wonder whether the constitution of a fact-finding administrative tribunal who should invariably be approached in the first instance will not better serve the cause of successful administration. An administrative tribunal possessing the necessary expertise and familiarity with administrative procedure and rules may be able to deal with the problems in a satisfactory way. At least the facts will be found and the relevant rules will be known."

Officers of the rank of Joint Secretary and above have behind them a long and varied service career in which they would have acquired a thorough understanding of service rules and administrative procedures. Such

persons will be in a better position to understand the nuances of the service rules as also the problems of the aggrieved government servants. Hence the appointment of such officers along with other persons with judicial background will result in a happy blend of administrative experience with judicial outlook. This is exactly what the hon. Members wish. If one goes through the Bill, it seems that it is the President who is the appointing authority and it is to be done in consultation with the Government. As has been mentioned by an hon. Member, I think it was Mr. Ramakrishnan who said that men of high integrity with good public record should be included in it, people of standing will be appointed. I am sure that the views expressed by the hon. Members will be taken into consideration and given due consideration when the Tribunals are set up.

Mr. P. N. Sukul, while welcoming the Bill, said that there were 60,000 to 65,000 cases pending in the High Courts. This is exactly the reason for setting up these Tribunals so that the cases which are in the High Courts will be transferred to the Tribunals for speedy and swifter disposal. The Administrative Tribunals proposed cases which are in appeal will remain with the High Courts.

Regarding redressal of grievances, the hon. Member has mentioned the Armed Forces Lok Sabha, Rajya Sabha and High Courts. The Bill is absolutely clear. The Armed Forces, Lok Sabha, Rajya Sabha, High Courts and the legislatures are outside the jurisdiction of the purview of this Bill. The Armed Forces have their own Acts of Parliament—Army, Navy and Air Force Acts. There is a debate going on in the Armed Forces regarding the establishment of a Court of Appeal. I am sure the Armed Forces are competent to look after their personnel. But the views of the hon. Member, Shri Sukul, will be conveyed to the Ministry of Defence and they will be given due consideration by the

Government. Regarding the Lok Sabha and Rajya Sabha, they are under the Presiding Officers of both the Houses. I am sure the Presiding Officers of Lok Sabha and Rajya Sabha are competent to look after the cases of their employees and to redress their grievances. The Supreme Court and the High Courts are also under their Presiding Officers and therefore these are also outside the purview of this legislation. Then he has given a suggestion of having a Joint Consultative Machinery in this. This will be given due consideration. Then he has agreed with Mr. Sukomal Sen that officers should not be kept in this because proper justice will not be done. Madam, I have just explained that it is only for this to bring in objectivity, to bring

in their expertise ----- (*Interruptions*).

I did not interrupt you when you spoke. It is a matter of opinion. You cannot generalise and say that every officer is bad. To say that justice will not be given, I think, is an unfair remark on the administrative service or the judicial service or any service who *are* not Here to defend them-selves- But if there is any specific case and if you give it to me, that will certainly be looked into. Regarding the induction of trade union leaders. I have already mentioned that the Tribunals are in a way like the High Courts. And, therefore, this cannot be acceptable. He has mentioned about the discrimination! between the Chairman and the Vice-Chairman who are 65 and the Members who are 62. This is to give an opportunity for Members who bring in distinguished record and give them an opportunity of becoming a Vice-Chairman or a Chairman. There is no discrimination and this is more or less on the pattern of the High Courts.

THE DEPUTY CHAIRMAN: Thank God that age limit does not apply to this Chair—the Deputy Chairman or the Vice-Chairman.

SHRI K. P. SINGH DEO: Not at the moment, Madam.

Then, he said about bringing in a stay. There is no stay provision. I think this will defeat the very purpose for which it is framed—that is speedier and swifter justice is to be given.

Then, I come to Mr. Ramakrishnan. He also made some very good points, He has done on impressive home work. He gave us the history of the Administrative Tribunals from Swaran Singh Committee onwards. But one thing which he said is that it is being road-rolled in Parliament. I think, that is a rather unkind remark as far this Bill is concerned. We are discussing this very Bill. And to bring in all extraneous matters is not fair. In fact, it is the sense of urgency and we would like to do it in a business-like manner because it is this very august House which had passed this in August last year. And I am sure they had passed it with the intention that it should be passed in Lok Sabha. This is exactly what we did on the 29th and within two days we have brought it here. I do not think that it is being steam-rolled. He has also enquired about the Administrative Tribunals in three States and how they are functioning. I would like to submit that we do not have the records readily available here at the moment. But the Administrative Tribunals, which have been set up in Andhra Pradesh and in other states under article 371(D) of the Constitution, have not excluded the jurisdiction of their High Courts. But once this Administrative Tribunals Bill is passed and becomes an Act, all the State Tribunals will also come under its purview, and then the President in consultation with the Governor of that State can set up the Administrative Tribunal there. He had also wanted a balanced provision. I am sure he will agree now that there is a balanced provision. We would like to bring in objectivity, expertise of the administrators as well as judicial outlook. He had also referred to the Armed Forces. I think, I have answered that and I need not repeat. Regarding poor people

(Shri K. P. Singh Deo

getting special leave, Rs 100 is the maximum which one has to pay and this will be kept in view depending on the income of the employee. And Rs. 100 is the outer limit. I thank you for your support for the Bill.

THE DEPUTY CHAIRMAN: You did not answer Mr. Jaswant Singh's question taking the burden off his wife's shoulders.

SHRI K. P. SINGH DEO: I am coming to that. He comes after Mr. Ramakrishnani has said that we should not take more time for framing the rules. I could not agree with him more. We have all the sense of urgency. But I cannot give an exact time-frame here at the moment. We shall keep the sense of urgency and the hon. Members intention in view and I can assure you that we shall not waste any time in framing rules.

He also said that JCM had not been consulted. It is not a fact. JCM had been consulted and I want to set the records straight.

I now come to my distinguished cavalier friend and hon. colleague, Shri Jaswant Singhji who always brings in impressive array of facts and does impressive homework in which ever subject he speaks. Today also he impressed the Law Minister and I am glad he has welcomed this legislation. He is very right that expectations have been risen. People have great expectations and it is their expectation which is making us have the sense of urgency to live up to the expectations of the people for which they have given the confidence and that is why we would like to have the cooperation of the entire House as has been done by our Prime Minister as far as anti-defection Bill is concerned and in most of the legislations or in fact in all the legislations. He has referred to Police Commission, the administrative reforms, culture and this is exactly the exercise which is going on with all the sense of urgency and admini-

strative reforms and culture will be the instruments of national integration and will be meeting the aspirations of the people as well as gear itself to meet the aspirations of the people. I can assure him about it.

Regarding Government of India forms which he said have multiplicity, and waking up the teenage sons and daughters, it is really becoming difficult for parents. Teenage sons and daughters do not like to get up early; they like to get up late. But as far as Government of India forms are concerned, I agree with him; there is a lot of merit in his suggestion, that it should be simplified. This exercise is on and I can assure him that it will be our endeavour to simplify and rationalise and reduce the paper work and red-tapism.

I am extremely grateful to Mr. Bhatia for his very impressive and historical aspect which he has given to the Tribunals right from Napoleon, the Great Governor General, till Sate, He has given three aspects. He has observed that service law is very complex and it has to be interpreted properly. This is exactly what the Supreme Court has said that you must associate senior administrators and bureaucrats to interpret who know the nuances of the complex laws of the day. He has mentioned about the comments of the Tribunal by the Frank Committee I would not less agree with him. They should be as objective as possible. Not the appendages of the Government. It would be a judicious and an effective body which should redress the grievances and problems arising out of the matters as quickly as possible. He has mentioned about lack of service laws. I really did not get him clearly. That has been his third point. If he can elaborate later on, I may be able to give him an answer as to what the Government intends.

Madam, I have met all the points raised by the hon. Members and I thank them for their contribution and I commend the Bill that it be passed.

THE DEPUTY CHAIRMAN: The question is that;

"That the Bill to provide for the adjudication or trial by Administrative Tribunals of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the* control of the Government of India or of any corporation owned or controlled by the Government and for matters connected therewith or incidental thereto, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE DEPUTY CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill

Clauses 2 to 37 were added to the Bill.

Clause 1 the enacting Formula and Title were added to the Bill.

SHRI K. P. SINGH DEO: Madam, I beg to move:

"That the Bill be passed"

The question was put and the motion was adopted.

MESSAGES FROM THE LOK SABHA

1. **The Appropriation (Railways) Bill, 1985.**
2. **The Appropriation (Railways) No. 2 Bill, 1985.**
3. **The Appropriation Bill, 1985.**
4. **The Appropriation (No. 2) Bill, 1985; and**
5. **The Punjab Appropriation Bill, 1985.**

SECRETARY-GENERAL : Madam, I have to report to the House the following messages received from the

Lok Sabha, signed by the Secretary-General of the Lok Sabha.

(1) "In accordance with the provisions of rule 107 of the Rules of Procedure and Conduct of Business in Lok Sabha I am directed to inform you that the following amendment recommended by Rajya Sabha in the Appropriation (Railway) Bill, 1985, at its sitting held on the 30th January, 1985, was taken *into consideration and accepted by Lok Sabha at its sitting held on the 30th January, 1985.*

Enacting Formula

That at page 1, line 1, for the word "Thirty-fifth" the word "Thirty-sixth" be substituted.

(2)

"In accordance with the provisions of rule 107 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to inform you that the following amendment recommended by Rajya Sabha in the Appropriation (Railways) No. 2, Bill 1985, at its sitting held on the 30th January 1985 was taken into consideration and accented by Lok Sabha at its sitting held on the 30th January, 1985: — *Enacting Formula*

That at page 1, line 1 for the Word "Thirty-fifth" the word "Thirty-sixth" be substituted.

(3)

"In accordance with the provisions of rule 107 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to inform you that the following amendment recommended by Rajya Sabha at its sitting held on the 30th January, 1985 was in the appropriation Bill, 1985. taken into consideration and accepted by Lok Sabha at its sitting held on the 30th January, 1985: —

Enacting Formula

That at page 1, line 1, for the word "thirty-fifth" the word "TfhirtyJsixth*" be substituted.

(5)

"In accordance with the provisions of rule 107 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to inform you that the following amendment recommended by Rajya Sabha in the Appropriation (No. 2 Bill, 1985, at its sitting held on the 30th January, 1985, was taken into consideration and accepted by Lok Sabha at its sitting held on the 30th January, 1985: —

Enacting Formula

That at page 1, line 1, for the word "thirty-fifth" the word "Thirty-sixth" be substituted.

(5)

"In accordance with the provisions of rule 107 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to inform you that the following amendment recommended by Rajya Sabha in the Punjab Appropriation Bill, 1985, at its sitting held on the 30th January, 1985, was taken into consideration and accepted by Lok Sabha at its sitting held on the 30th January, 1985: —

Enacting Formula

That at page 1, line 3, for the word "thirty-fifth" the word "Thirty-sixth" be substituted.

ANNOUNCEMENT RE: PANEL OF VICE-CHAIRMAN

THE DEPUTY CHAIRMAN: I have an announcement to make. The Chairman has nominated the following Members on the panel of Vice-Chairman :

1. Shri Chimanbhai Mehta
2. Shri Pawan Kumar Bansal
3. Shri Santosh Kumar Sahu
4. Shri R. Ramakrishnan
5. Shrimati Kanak Mukherjee
6. Dr. (Shrimati) Sarojini Mahishi.

Before I adjourn the House *sine die* I would like to say that this is my seventh day in the Chair. You have elected me. I have had good deal of tooiperation from all of you. We have done a lot of hard work on both the sides. We have performed, we have done, a lot good work. We have passed a number of very important Bills like today's Constitution (Fifty-second Amendment) Bill, in regard to banning defections. I think all my colleagues. Members from both sides of the House who have extended their hand of friendship and cooperation, listening to the request from the Chair to reduce or to shorten the deliberations. I thank all of you. I am not going to speak long, Mr. Kalp Nath Rai. You need not thank me.

If this is going to be the spirit of the House, I am sure, we will do much better and¹ we will conduct much more Business through the cooperation of the Members from both sides of the House. Thank you.

SHRI DIPEN GHOSH (West Bengal): Though your tenure during this Session as Deputy Chairman is the shortest, only seven days, I must congratulate you for handling the Session very coolly and very alppre-ciably. While thanking you, I would like to say that when on the 25th January, you were . elected to the august office of Deputy Chairman, we in the Opposition, could not associate ourstelves with the inlcidence of election. This was because we were not consulted by the Leader of the House. But at thati time also, we made it clear that it was not a display of any discourtesy to the incumbent and I think, had the Opposition... (*Interruptions*)'.

SHRI J.K. JAIN (Madhya Pradesh): Madam, I am on a point of order. (*Interruptions*).

SHRI RAOOF VIALIULLAH (Gujarat) : He is trying to put it on record again.

श्री जे. के. जैन: महोदय, हमारे अपोजीशन के साथी यह कहकर हाउस का

समय इस्तेमाल नहीं कर सकते हैं कि हमारे लीडर ने कन्सल्ट नहीं किया। मैं उनके इस बयान का सख्त विरोध करता हूँ और कहना चाहता हूँ कि उन्हें इस तरह की बातें यहाँ नहीं करनी चाहिए। ऐसी बात करने के लिए यहाँ इस समय कोई मौका नहीं था।

This is not the occasion to mention all these things.

(Interruptions)

THE DEPUTY CHAIRMAN: Mr. Ghosh as we are adjourning *sine die, lei us go. ..* (Interruptions).

श्री जे. के. जैन: हमारे लीडर के ऊपर खड़े होकर आरोप लगाया जाएगा तो हम इसको सुनने के लिए तैयार नहीं। हम इस तरह की बातें यहाँ नहीं होने देंगे।

THE DEPUTY CHAIRMAN: I beg all you. (Interruptions) Mr. Jain.

I thank all of you, for the co-operation.

SHRI J. K. JAIN: please do not allow these people to say all these things.

THE DEPUTY CHAIRMAN: If you did not associate yourself with the election, it does not make any difference. But if you associate yourself in the conduct of Business of the House, I would be thankful and everybody else would be thankful.

Thank you all.

The House is now adjourned *sine die*.

The House then adjourned *sine die* at thirty minutes past seven of the clock.