

THE DEPUTY CHAIRMAN: Now, that matter is closed. Now, I have statutory Resolution on the Presidential and the Vice-Presidential...
 ...(Interruptions)...

PROF. VIJAY KUMAR MALHOTRA: We don't accept his proposal.

प्रो० विजय कुमार मल्होत्रा : मैडम, क्या हुआ?

उपसभापति : हो गया न।

PROF. VIJAY KUMAR MALHOTRA : We don't accept his proposal.

यह हमने पहली ही कहा है कि अगर इनको बिल लाना है तो पहला बिल विदझा हुए बिना नया कैसे आएगा? इन्होंने सिम्पली कह दिया कि मैं अमेंड करके ले आऊंगा। Amended Bill doesn't mean anything, this is no amendment.

THE DEPUTY CHAIRMAN: He is deferring the Bill. ...(Interruptions).*

PROF. VIJAY KUMAR

MALHOTRA: no, there cannot be any deferment. It cannot be deferred.

यह बिल जो है, इसको आप विदझा करके नया बिल ले आइए।

We have agreed to it. It cannot be.

यह तरीका ही बड़ा गलत है, मैडम, यह प्रोसिजर बड़ा गलत है कि यह कहें कि मैं अमेंडिड बिल ले आऊंगा। अमेंडमेंट गवर्नमेंट को करना है तो वह इस बिल को विदझा करके नई अमेंडमेंट ले आए। Why are they standing on prestige? कोई प्रोस्टिज का सवाल नहीं है, कोई बात नहीं है। आपने तीन दिन में कहा, तीन दिन में ले आइए, हम इसे पास कर देंगे भले ही रात के 12.00 बजे तक बैठना पड़े। एक गलती हुई है, उसको विदझा कर लें। And if you don't withdraw, it, then finish it... (Interruptions)...

SHRI SIKANDER BAKHT: What is the technicality about withdrawing this Bill?

AN HON. MEMBER: Let us have the debate.

THE DEPUTY CHAIRMAN: No, I cannot. The time is over for the debate. I cannot allow it.

श्री सिकन्दर बख्त : सदर साहिबा, जो करना है आपको कर दीजिए

SHRI RAMAKANT D. KHALAP: There are three stages involved in it. the first stage is the introduction of the Bill. That is over. The second stage is consideration. That is what we are doing. If the Bill is now withdrawn, we will have to start all over again.

SHRI SIKANDER BAKHT: Let it be. Whatever it is. Put it to vote.

PROF. VIJAY KUMAR MALHOTRA: Madam...

THE DEPUTY CHAIRMAN: Malhotraji, please sit down.

SHRI RAMAKANT D. KHALAP: Exactly. That is the consideration stage. That is what we are saying ... (Interruptions)...

THE DEPUTY CHAIRMAN: You see, I have presided over many Bills. In this Kind of circumstance, sometimes under pressure of time, we have allowed many Bills to go without discussion and the repercussions have been very serious. I think it may look to be a very small Bill, if you look at the Private Security Guards and Agencies (Regulation) Bill, 1994, but it has its own repercussions. I still request the hon. Members who are objecting to it to reconsider it. there is no time lost. Three days are not going to make much of a difference. Please take a decision. ... (Interruptions)... The Chair never interfered with it. But, I feel defer it, defer it Okay.

I. STATUTORY RESOLUTION SEEKING

DISAPPROVAL OF THE

PRESIDENTIAL AND VICE-PRESIDENTIAL ELECTIONS (AMENDMENT) ORDINANCE, 1997

II. THE PRESIDENTIAL AND VICE-PRESIDENTIAL ELECTIONS (AMENDMENT) BILL, 1997

THE DEPUTY CHAIRMAN:

Statutory Resolution and the Presidential and Vice-Presidential Elections

(Amendment) Bill, 1997, Shri Ram

Jethmaiani, not here. Shri Satish Aganval.

SHRI SATISH AGARWAL (RAJASTHAN): With your permission, I beg to move the following Resolution:

"That this House disapproves of the Presidential and Vice-Presidential Elections (Amendment) Ordinance, 1997 (No. 13 of 1997) promulgated by the President on the 5th Jiine, 1997."

Without making an elaborate speech, I wish to register my protest. Number one, I am totally against Government Ordinances which this Government has been unfortunately resorting to during the last 14-15 months. Number two, this recommendation made by the Election Commission was received by the Government in February, 1997 and I am sorry to say that the Government could have very well brought this piece of legislation before the House somewhere in the month of February, March, April or May, till the time this House was in Session. But, it failed to do so and it takes things for granted. I register my protest. Number three, the total set of electoral reforms have not been incorporated, the Government has not given any thought to it while bringing forward this Bill. So, with these main objections, without making any elaborate speech, I request you. Madam Chairperson, that this Resolution, if carried through and passed by the House disapproving the Ordinance under article 123 of the Constitution, here should be no further consideration of the Bill. So, I would request you humbly that my Resolution disapproving the Ordinance on these valid grounds be passed. I have been raising from time to time regarding Government Ordinances, delay, not taking the Opposition into confidence before making such a provision, taking us for granted and so on. I strongly protest on behalf of the Opposition against this practice in a democratic society. I would

request you to put my Resolution (o vote first and then go further to other legislative business.

प्र० विजय कुमार मल्होत्रा (दिल्ली) : महोदया, मैं यह कहना चाहता हूँ कि ये आर्डिनेंस के तरीके से सरकार चला रहे हैं और आर्डिनेंस का तरीका बिल्कुल गलत है। आर्डिनेंस का तरीका बिल्कुल इस्तेमाल नहीं किया जाना चाहिए। हम इस तरीके बिल्कुल इस्तेमाल नहीं किया जाना चाहिए। हम इस तरीके के खिलाफ हैं। यह गवर्नमेंट ऐसे मामलों पर भी आर्डिनेंस लाती है जिसके लिए सालों-साल इनके पास होते हैं। तो एक तो हम यह आर्डिनेंस लाने का विरोध करते हैं। दूसरी बात यह है कि ये इलेक्टोरल रिफार्म्स बिल अभी तक नहीं लाए हैं। यह सारा सिस्टम खराब है, गलत है। इसलिए मैं चाहूंगा कि पहले इस इशु पर तुरंत वोटिंग करा ली जाए।

THE DEPUTY CHAIRMAN: Mr. Ramakant Khalap, you better go to your place to move your motion.

SHRI SATISH AGARWAL: As a matter of fact, if my motion is carried through under article 123 of the Constitution, nothing else can be done.

THE DEPUTY CHAIRMAN: Let the Minister move his motion.

THE MINISTER OF STATE OF THE MINISTRY OF LAW AND JUSTICE (SHRI RAMAKANT D. KHALAP): Madam, first I will move my motion. (Interruption.i)

I move:

"That the Bill further to amend the Presidential and Vice-Presidential Elections Act, 1952, be taken into consideration."

SHRI SATISH AGARWAL: Madam, I am requesting you, if the motion disapproving the Ordinance is carried through, nothing else will remain. There is no question of consideration of the Bill. First put my motion to vote and let it be rejected by the House and then only consideration of the Bill arises. (Interruptions)

SHRI TRILOKI NATH CHATURVEDI (Uttar Pradesh): This is an unconstitutional Ordinance. (Interruptions)

THE DEPUTY CHAIRMAN: Let the Minister give his reply to his Resolution.

SHRI RAMAKANT D. KHALAP: Madam, I respect Shri Agarwal from the bottom of my heart. Some of the points he raised are certainly very valid and serious. The Government should not rule with ordinances. I accept that proposition. However, sometimes it is not possible despite all our good intentions to come before the House with every Bill that should be first brought to the House instead of coming in the form of ordinances. Now, in this case. Madam, what happened was that the proposals came from the Election Commission, and thereafter not only this proposal but a set of electoral reforms were considered in the meetings of all party-leaders, not once but for almost three times, different aspects were taken up. Madam, it was our desire and we have also set in our Common Minimum Programme that we must go in for electoral reforms across the board and that included Presidential election, Vice-Presidential election and that included the normal elections to the Houses, the Rajya Sabha, the Lok Sabha and legislative assemblies. We considered all these aspects. At least four meetings have been held so far. In all these meetings it was our finding that we could not come down to a definite conclusion because different political parties had different views. Originally it was thought that we would come before the House with a consolidated Bill, a comprehensive Bill consolidating all different view points. We came once with one set of electoral reforms depending on a very small portion of the entire spectrum of electoral reforms. We came before the Hou.se. It was considered and passed by this august House, by the Parliament. Then came the dates of elections to the Presidential election. Madam, we have already changed the requirement of the number of proposers and seconders and the security deposits in case of candidates contesting the Assembly elections and Parliament elections. It was thought that keeping in consonance with those amendments, the

election to the President and the Vice-President should also be similarly amended. That is why there was not time left between the dates of elections and the possibility of holding any Session. It was thought advisable to come before the House with an Ordinance. And that has been done. Subsequent to this ordinance, elections have taken place. Now, one more election, for Vice-President "is going to take place on the 6th of this month. Are we going to create a situation whereby we will all be a laughing stock before the world. ...*(Interruptions)*...

PROF. VIJAY KUMAR

MALHOTRA: We are not responsible for it. ...*(Interruptions)*...

SHRI RAMAKANT D. KHALAP:

There may be lapses.

...*(Interruptions)*... But, we cannot, this House cannot into a one-upmanship in positions of this nature. Let us consider the gravity of the situation. It is not that we come before the House first with an Ordinance and then with a Bill. These are some exceptional cases which for unavoidable reasons have to be resorted to. This is what has been done. There was no intention whatsoever and that shall never be our intention in future that we would everytime go with Ordinances. No, we will not do that. In this case, it has happened. An Ordinance was issued because the elections were on the threshold. And accordingly it has been done.

PROF. VIJAY KUMAR

MALHOTRA: Why did you not consult the Opposition? ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: There is a very strong commitment. ...*(Interruptions)*...

SHRI RAMAKANT D. KHALAP: If fact, the issue of electoral reforms has been discussed with the leaders of all political parties, including your party. They have been consulted.

...*(Interruptions)*... There have been four meetings. ...*(Interruptions)*...

SHRI SATISH AGARWAL: So far as this Ordinance is concerned, you never consulted the Opposition. ...*(Interruptions)*... This recommendation was made by the Election Commission in February 1997 — February, March, April and May, the Session was there up to May. But, you did not bring forward any Bill.

SHRI RAMAKANT D. KHALAP: It is true that the Election Commission made these proposals. But, then these proposals of the Election Commission and of everybody else, I prepared a whole set of proposals for the electoral reforms and gave it to all the political parties and then included the proposals regarding election to the President and Vice-President also. These consultations have taken place at various stages. It was agreed in principle that across the board amendments should be made. ...*(Interruptions)*...

SHRI TRILOKI NATH CHATURVEDI: I have great respect for the Law Minister. ...*(Interruptions)*... Now, did he not consider it proper to consult the Opposition? This is such an important issue that it also restricts the right of the people really who can stand for election or not, Rs. 550, Rs. 500 and so on. ...*(Interruptions)*...

SHRI RAMAKANT D. KHALAP: Madam, this is a very valid point. These aspects of amending the electoral roll or enhancing the security deposit and also enhancing the number of electors in all elections were considered by all party leaders in the meeting held under the chairmanship of the hon. Home Minister. I was present there. The Parliamentary Affairs Minister was present there. Different types of elections were not taken up separately. But, the elections were considered as a whole and it was proposed and everybody said that frivolous candidates were coming up not only for Panchayat election, they were even coming up for Presidential election.

Therefore, with one voice all party leaders, at various meetings which have been held, have stated that the time has come that we must amend our laws ...*(Interruptions)*...

PROF. RAM KAPSE (Maharashtra): Our basic objection is ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: Please, let the Minister speak. He has a right to move his motion and speak on it. I gave permission to Mr. Agarwal and Mr. Malhotra, to make their points as movers of the Resolution. Let him make his point. Whether you agree or disagree, it is your view-point. He has a right to put his view-point.

LEADER OF THE OPPOSITION (SHRI SINKANDER BAKHT): What is he appealing for?

SHRI RAMAKANT D. KHALAP: Madam, my appeal is very, very clear. We considered in the All-Party Meeting, a Set of amendments of laws relating to filling of nominations, about security deposits and all other aspects of electoral laws. We have not so far been able to come to a consensus on all these different issues. But, we did come to the conclusion that the time has come for us to curb frivolous and non-serious candidates coming into the election fray and thereby, affecting the entire electoral process. It was agreed. Madam, not, of course, with particular refer.:-cc to Presidential and Vice-Presidential elections, but about elections as a whole, that we must amend the laws and accordingly, we first came to the House, to the Parliament, with one set of^ amendments. Those amendments have been sanctioned. In tho.se amendments also, henceforward, more deposit has to be deposited, the number of elector have to be decreased, and so on. This is only a consequential aspect of that and it is one step further. We have taken one step further. This was taken in the form of an Ordinance because the elections were on the threshold. One aspect of it was, the Presidential election was over. What Is remaining is the Vice-Presidential

election. There twenty electors have signed a proposal, twenty electors have signed as seconders and Rs. 50,000 has been paid as deposit. All this has been done under an Ordinance and we are going in for the election on the 16th. At this stage, should we sit on a technicality? I accept, as I said earlier, that Ordinance should not be the normal way of functioning. I accept this I accept the proposal and if they say, I even apologise for coming with this Bill. Madam, what happened was, we did not go forward, it was not possible for us. After 15th February, things did come to us. On 15th February, the Election Commission gave us these proposals after that, you know how the Governmental machinery functions. Things go through various aspects. They go through a mill at various stages, various strata, and then this came as an Ordinance because there was no further time left for us to consider it. Therefore, I would appeal to all of you, kindly accept this aspect of the entire case. We are faced with a *fait-accompli* today. The Presidential election is over and the Vice-Presidential election is due. In the Vice-Presidential election we have gone by the Ordinance. Imagine what would be the situation if this Ordinance is thrown out. Therefore, I request you, if it is an ordinary election or any other election, I would have said, 'Come on. If that is the case, all right, let us go back and come back to pass this Bill.' Now, you have every opportunity to discuss the merits of the case. I am assuring you that we shall not, as a rule, except in exceptional circumstances when things force us to come, come forward with any ordinance. Let us consider this, perhaps, as the last in such a series. Of course, circumstances may always vary and at that time, as far as possible, we would also make it a point to consult you ... (Interruptions)...

THE DEPUTY CHAIRMAN: Do not give an assurance to the House that you would never bring an Ordinance because you may come back to the next session

with an Ordinance, then you would be holed up for it.

SHRI RAMAKANT D. KHALAP: Madam, these are the aspects.

THE DEPUTY CHAIRMAN: Do not give a categorical assurance. You will have difficulty later on ... (Interruptions)...

SHRI RAMAKANT D. KHALAP: Madam, now, just consider what is happening. The Presidential Election was over. The whole world saw that this greatest democracy in the world went for election. We elected the former Chairman of the Rajya Sabha as the President of this great country. ... (Interruptions)... Now, we are going to elect...

श्री सिकन्दर बख्त : मैडम, मेरा ख्याल यह है कि मिनिस्टर साहब को अभी बहुत कुछ कहना है इसलिए हाउस की सिटिंग का टाइम एकसटेंड कर दिया जाए।

† شری سکندر بخت: میڈم - میرا خیال یہ ہے کہ منسٹر صاحب کو ابھی بہت کچھ کہنا ہے اسلئے ہاؤس کی سیٹنگ کا ٹائم ایکسٹنڈ کر دیا

श्री वसीम अहमद (उत्तर प्रदेश) : नहीं, नहीं ... (व्यवधान)...

श्री विष्णु कान्त शास्त्री (उत्तर प्रदेश) : हाउस सुप्रीम है। ... (व्यवधान)...

श्री सतीश प्रधान : मैडम, आज हाउस का टाइम बढ़ा दीजिए... (व्यवधान)...

श्री सतीश अग्रवाल : आप अपील करिए ... (व्यवधान)...

श्री सिकन्दर बख्त : सदर साहिबा, मैंने गुजारिश की है कि हाउस की कंसेन्स ले ली जाए प्लीज ... (व्यवधान)...

† [] Transliteration in Arabic Script

† شری سکندر بخت: صدر صاحبہ میں نے گزارش
کی ہے کہ ہاؤس کی کنسینس لے لی جائے پلیز
..."مداخلت"...

SHRI RAMAKANT D. KHALAP:
Madam, there is a certain gentleman
called 'Dharti Pakad'..
...(Interruptions)...

SHRI SIKANDER BAKHT: Madam,
what happened to my suggestion?
...(Interruptions)...

SHRI SATISH AGARWAL: With mala
fide intention, you are trying to delay the
debate beyond 5 o'clock.
...(Interruption. ';)')...

श्री सिकन्दर बख्त : मैंने एक सबमिशन किया है
try to find out the intention of the House.
...(Interruptions)...

THE MINISTER OF STATE IN THE
MINISTRY OF HEALTH AND FAMILY
WELFARE (SHRIMATI RENUKA
CHOWDHURY): We all have come.
...(Interruptions)...

THE MINISTER OF
INFORMATION AND
BROADCASTING (SHRI S. JAIPAL
REDDY): Madam, generally, the
decision whether we should sit beyond 5
o'clock is a decision taken by the
Business Advisory Committee. We have
not taken any such decision. Therefore a
snap decision on the issue in the House
would not be appropriate.
...(Interruptions)...

SHRI SIKANDER BAKHT: We have
always done it. (Interruptions)

SHRI SATISH AGARWAL: Madam,
the hon. Minister, with a mala fide
intention, is delaying the debate.
(Interruptions)

SHRI SIKANDER BAKHT: Madam,
please take the sense of the House and
extend the time of the House.
(Interruptions)

†[]Transliteration in Arabic Script

श्री वसीम अहमद : उन्होंने टेक्नीकल बात कहीं
है...(व्यवधान)... बिजनेस एडवाइजरी कमेटी अगर
अलाऊ करती है या अगर किसी मेम्बर ने एतराज
किया है ...(व्यवधान)... यहां जयपाल रेड्डी जी ने
एक टेक्नीकल बात उठाई है ...(व्यवधान)... वह
टेक्नीकल बात है...(व्यवधान)...

श्री सतीश अग्रवाल : आप जान-बूझकर डिले कर
रहे हैं और मैं आपकी अपील रिजेक्ट करता
हूँ...(व्यवधान)... आप वोट कराइये ...(व्यवधान)...

SHRI SATISH AGARWAL: Madam,
either you take the sense of the House about
extending the time of the sitting, or, you put
my Statutory Resolution to the vote of the
House immediately. ... (Interruptions)...

SHRI SIKANDER BAKHT: My proposal
may be put to vote. (Interruptions)

THE DEPUTY CHAIRMAN: Just now,
we peacefully decided about one thing. We
got out of one very difficult situation. I
received a note from someone saying 'Thank
you'. I thank him in return. Yesterday, what
time we adjourned?

SHRI SATISH AGARWAL: At about 7
O'clock, Madam. We have always co-
operated with the Government. But he is
unnecessarily delaying the debate, just to
take it beyond 5 O'clock. (Interruptions)

श्री वसीम अहमद : मैडम मैं...

उपसभापति : वसीम साहब, आप पहले तो अपनी
जगह पर जाइये आप अपनी जगह से बोलिए, क्योंकि
कोई मेम्बर उस पर भी एतराज करेगा। जब
टेक्नीकलटीज की बात होती है तो सब को
टेक्नीकलटीज को पूरा करना चाहिए। जयपाल रेड्डी
साहब ने यह कहा है कि बिजनेस एडवाइजरी कमेटी
में यह नहीं हुआ। मगर कल भी हाउस देर तक बैठा
और परसों भी काफी देर तक बैठा रहा है और कभी
लंच आवर भी नहीं होता है।
Therefore, let us not bring in the
Business Advisory Committee.
(Interruptions) Let us not sit on these
technicalities. We will request the Members
to defer it till tomorrow. Otherwise, we can
...(Interruptions)

SHRI SATISH AGARWAL: No, Madam. We cannot defer it. *(Interruptions)* Earlier, a suggestion was made by the Leader of the Opposition to take the sense of the House on sitting beyond 5 O'clock, till this is over. *(Interruptions)*

THE DEPUTY CHAIRMAN: I would put the motion to vote. I won't get involved. *(Interruptions)* I do not want to get involved in these controversies. I did it in one case today. I made the Opposition agree for withdrawal of the Bill. Similarly, there was one case earlier where we did that. We did it today. Otherwise, it would have been an embarrassing situation. I do not want the Government to be embarrassed, therefore, I said: 'Please go back'. We waived the rule. We allowed the Government to come back after three days.

Now, if you want me to adjourn the House, I would adjourn the House. If you want to continue, I have no problem. It is for the House to decide. I am in your hands. *(Interruptions)*

SHRI SATISH AGARWAL: Madam, you put the Statutory Resolution to vote. *(Interruptions)*

THE DEPUTY CHAIRMAN: I will put the motion to vote. *(Interruptions)*

श्री जयपाल जी बोलना चाहते हैं, उनको बोल लेने दीजिए ।...*(व्यवधान)*... मेरे पास इस पर बोलने वालों का कोई नाम नहीं है । चार-पांच मिनट में यह खत्म हो जाएगा ।

SHRI RAMAKANT D. KHALAP: Madam, may I request you and, through you, the House, particularly the worthy Members of the Opposition and also the Leader of the Opposition? I have explained in detail the circumstances leading....

THE DEPUTY CHAIRMAN: Rarely I understand them.

SHRI RAMAKANT D. KHALAP: I have requested the hon. Members in this House to consider the peculiarity of this

Bill, to consider that the election of Vice-President is being held on the 16th of August,...

THE DEPUTY CHAIRMAN: Yes, I agree with you.

SHRI RAMAKANT D. KHALAP: ...to consider the im'portance of this phenomenon that is going to take place and to consider the adverse publicity and the adverse impact that a situation of this nature will have on the nation in the whole world. Do we want to tell the whole world that on a technicality of this nature, the House wants to throw away the Bill?

SHRI TRILOKI NATH CHATURVEDI: Propriety, not technicality.

SHRI RAMAKANT D. KHALAP: Exactly. The greatest propriety. Madam, I want to say with all the humbleness at my command would be to elect Vice-President in the manner laid down in the law. The Ordinance is the law today. We did not do it frivolously. We did it because everybody demanded that we should not entertain frivolous candidates. Please listen, we brought this Ordinance because there was a consensus in the whole country.

SOME HON. MEMBERS: No.

SHRI RAMAKANT D. KHALAP: Yes, there was a consensus that frivolous candidates should not be allowed to contest. ...*(Interruptions)* People in the whole world have been discussing about it. I would not take names. They have been contesting these elections for the purpose of record. ...*(Interruptions)*

SHRI TRILOKI NATH CHATURVEDI: You are talking about this propriety. You did not go in for consensus. If you now appeal to us for consensus ...*(Interruptions)*

SHRI RAMAKANT D. KHALAP: I will dispute this statement.

SHRI TRILOKI NATH CHATURVEDI: You should have thought of it earlier.

SHRI RAMAKANT D. KHALAP:
There was a consensus. May I appeal to you...

श्री सिकन्दर बख्त : सदर साहिबा, मेरी गुजारिश सुन लीजिये। हम बहुत देर से सुन रहे हैं आपको। सदर, साहिबा मैं आपसे यह कहना चाहता हूँ कि ये जो बात कह रहे हैं कोई नई नहीं है। इसी बात को आप 50 दफा दोहरा चुके हैं। हमारा कहना यह है कि वी आर हर्ट और आपने एक बार नहीं किया, बार-बार किया है। हमने हर वक्त सेन्सेस की तलाश की, हर चीज के मौके पर आप मुसलसलकर कर रहे हैं ये हमारी तौहीन है। और आज भी आपने इरादातन इतना हाउस का वक्त लगाया है एक बात को दोहरा-दोहराकर बढ़ाया है। आप उसको हद से ज्यादा आगे ले जा चुके हैं और ले जाना चाहते हैं। आप कोई नई बात नहीं कर रहे हैं, अगर कोई नई बात है तो जरूरत इरसाद कराई, हम सुनेंगे आपकी बात। ये बात क्या हुई? नहीं-नहीं ये बार-बार ये तौहीन हमारे साथ होती है, यह बात क्या है?

† شری سکندر بخت: صدر صاحبہ میری گزارش سن

لیجئے۔ ہم بہت دیر سے سن رہے ہیں آپ کو۔ صدر

صاحبہ میں آپ سے یہ جاننا چاہتا ہوں کہ یہ جو بات کہہ

رہے ہیں کوئی نئی نہیں ہے اسی بات کو آپ پچاس دفعہ

دوہرا چکے ہیں۔ ہمارا کہنا یہ ہے کہ "وی آر ہرٹ" اور

آپ نے ایک بار نہیں کیا۔ بار بار کیا ہے۔ ہم نے ہر وقت

سینس کی تلاش کی۔ ہر چیز کے موقع پر آپ مسلسل کر

رہے ہیں یہ ہماری توہین ہے۔ اور آج بھی آپ نے ادا تا

اتنا ہاؤس کا وقت لگا یا ہے ایک بات کو دوہرا دوہرا

کر بڑا یا ہے آپ اس کو حد سے زیادہ آگے لے جا

چکے ہیں اور لے جانا چاہتے ہیں آپ کوئی نئی بات نہیں

کہہ رہے ہیں تو ضرور ارشاد کرائیں۔ ہم سنیں گے آپ

کی بات۔ یہ بات کیا ہوئی۔ نہیں نہیں یہ بار بار یہ توہین

ہمارے ساتھ ہوتی ہے یہ بات کیا ہے۔

SHRIMATI RENUKA CHOW-
DHURY: Madam, I request through you...

SHRI TRILOKI NATH CHATUR-
VEDI: The motions have been moved. Let
there be voting on them. ... (Interruptions)

SHRI RAMAKANT D. KHALAP:
Madam, I am once again saying that I have
not hurt anybody's feelings. If at all you
feel that I have hurt anybody's feelings. I
am prepared to apologise for it. I am a
junior Member of this House. It was never
my intention to hurt any of you; never. The
only thing that I have said is that this
aspect has been considered at different
stages at different times. It has been
considered in the all-party leaders' meeting
also.

PROF. VIJAY KUMAR MALHOT-RA:
It was not.

SHRI RAMAKANT D. KHALAP: Not
this specific issue.

PROF. RAM KAPSE: The question is
that no consensus was taken on the
Ordinance. You have brought the Ordinance
without consulting us. You never
consulted us on this.

SHRI RAMAKANT D. KHALAP: I do
not know whether a consensus is obtained
for the purpose of an ordinance. A
consensus is obtained on the substance

of law. We bring it before the House in one form or the other, it is a different matter. There has been a consensus about that substance. We may not have discussed with you whether the number of proposers and seconders should be raised to 50 in the case of President's election and that to 20 in the case of Vice-President's election. But it was agreed that in all elections the number of proposers and that of seconders must be increased and that the security deposit must be increased. This was considered not once but on so many occasions. This is what I am saying.

SHRI TRILOKI NATH CHATUR-VEDI:
 We have heard this. ...*(Interruptions)*

SHRI RAMAKANT D. KHATAP:
 Therefore, I once again appeal to the hon. Leader of the Opposition and to each and every Member considering the importance of this Bill: Kindly co-operate. Kindly co-operate.

SOME HON. MEMBERS: No, no.

SHRI K. R. MALKANI (Delhi): You did not co-operate with us. Why should we co-operate with you?

SHRI RAMAKANT D. KHALAP: We always co-operate with you.

The questions were proposed.

THE DEPUTY CHAIRMAN: Now, the Statutory Resolution and the Motion for consideration of the Bill are open for discussion. Any Member desiring to speak may do so.

SHRI SATISH AGARWAL: Madam, at the initial stage I had moved my Resolution. The reply to my resolution was a short one, but my reply was a lengthy one. Therefore, my Resolution has to be disposed of first. If my Resolution is rejected, then we can go to the second item— motion for consideration of the Bill. If my Resolution disapproving the ordinance is adopted by the House, then the question of consideration of the Bill does not arise. Under Article 123 of

the Constitution I made that request in the beginning itself. That is why I moved my Resolution. He has replied to my Resolution. The hon. Minister's motion for consideration of the Bill will come later on.

THE DEPUTY CHAIRMAN: Agar-wal ji, I will explain the procedure. You moved Your Statutory Resolution. He has moved his motion. Now, both the motions have been moved and both are for consideration in the House. Any Member desiring to speak can speak. After that there is one amendment by Shri Jethmalani. Since he is not here and he has not moved it, it will not be considered. Now, whoever wants to speak can speak. After that the Minister will reply. Then I will put your Resolution to vote. If you withdraw, it would be all right. If you don't, I will put your Resolution to vote. Depending on whatever the situation at that time, I will put the motion to vote. That is the procedure, which we always follow in the case of a Resolution disapproving the ordinance and in the case of the motion. This is the correct procedure.

There are no names from the Congress party. I have no names from your party also. Do you want to speak?

SHRI SATISH AGARWAL: No.

THE DEPUTY CHAIRMAN: I do not know if anyone from the Janata Dal wants to speak. Shri Ashok Mitra, Your name is here.

SHRI ASHOK MITRA (West Bengal): Madam, it is a very distressing situation. I have no hesitation in saying that much of this embarrassment that we are facing today is the contribution of the Government itself. There should have been consultations at all levels; there should have been consultations even when the Government in collaboration with the Election Commission was thinking about this Ordinance, because an ordinance leaves a very bad taste in the mind. This is not the way to proceed on a matter which affects the election of the highest dignitary in our country. Now, I

am just trying to draw the implications of what has been done. We are a democratic republic and we have a President, who has been elected through the democratic process of the country. You go to the out-going President on the eve of his retirement and force him to sign an arbitrary pronouncement about how his successor should be elected. If I had been in his position, I too would have been in no different embarrassing situation. Consider the other situation to which the Law Minister has invited the attention. If per chance this Resolution goes through, we would be in a total vacuum and we would not know what to do with the system of the Vice-Presidential election. So, the Government is now begging forgiveness and regret. But the Government should have thought about this matter before it rushed through the Ordinance. Now, I will go back a little further. There are three Election Commissioners. They should have given themselves enough chance. And if they thought that it could not be a total electoral reform it was extremely unwise on the part of the Commission. Let me repeat it. It was extremely unwise for the Government to suggest that only for the purpose of the Presidential election and the Vice-President election we should have this procedure. In any case this should not have been done through an Ordinance. Before I come to my final part, I would like to mention something else. Now, I certainly do not subscribe to the point of view that in order to deter frivolous candidates we should go on increasing the amount of security deposit. I thought that it was not only a democratic republic, but it was also a democratic socialist republic. I thought that in this country the criterion of judging a person's worth should not be his past history. I would say that even as a matter of principle I found this whole thing disgusting that you try to shut down some because he has no money, he has no business to stand for the Presidential election. and for the Vice-Presidential election. This is a frightening attitude which we as practising democrats should stay away from. But then again I have

my full sympathies for the Law Minister; maybe he is the only victim. It is the totality of the Government, it is the Election Commission as a whole which is responsible for developing this situation. I fully agree with the Law Minister when he says that we have to cooperate because the Vice-Presidential election is impending and, therefore, there has to be a certain amount of give and take between the Government and those who do not agree with the Government. This particular issue has been allowed to develop. Therefore, let us do one thing. In any case, we have to go along with the Government and support this Bill. Otherwise, we will be creating a constitutional crisis for ourselves. I would also demand of my friends across the Benches that we were also a party to a consensus which led to the election of the President. By implication, if you were a party to the consensus, you were also a party to the contents of the Ordinance and the substitute -legislation. You cannot disown the burden. In principle, if you had a strong objection against this piece of legislation, then, you should not have agreed to the consensus because, as was said, the whole thing had to be discussed at length. Therefore, I would say that even your position is not very strong. Probably even your position is compromised. In that context I would appeal to you that taking the totality of the circumstances, let us agree to you pass the Bill, but with some proviso. What is the proviso? That from now on each and every issue of electoral reform, whether brought forward in piecemeal or as a total package should be discussed at all levels with all recognised political parties. The Government should have absolutely no excuse to say that it was between sessions and we thought that we had already agreed in principle by doing this or doing that. Therefore, let us try to extract from the Government a commitment that from now, all suggestions and proposals about electoral reforms have to be discussed threadbare with all the political parties before any

legislation is brought before Parliament.

Secondly, we should also agree that as far as electoral reforms are concerned, there should be no scope for an Ordinance, that whatever the circumstances, we should not try to run through some re-arrangements of the electoral procedures by suddenly announcing an Ordinance. This must be pursued by the Government.

My final point is this. I do not want to now try to mess up a legislation which is already messed up. But I would like to request the Government that after a reasonable interval of time, they should bring forward an amendment which would exclude, take out, the provision about a security deposit. Once you have allowed for a minimum number of M.P. proposers and a minimum number of M.P. supporters, there is absolutely no need for this fiction of a security deposit which goes against the spirit of a democratic system.

That is all. Thank you.

श्री सोलीपेटा रामचन्द्रा रेड्डी (आंध्र प्रदेश) : मैडम, मैं इस प्रेसीडेंशियल एंड वाइस-प्रेसीडेंशियल इलेक्शन अमेन्डमेंट बिल की पूरी-पूरी तारीफ करता हूँ

मैं इस बात से मुत्तफिक हूँ कि ऑर्डिनेंस से राज नहीं चलाना चाहिए। हम डेमोक्रेसी कंट्री हैं और जहाँ तक हो सके पूरी तरह से डेमोक्रेसी को फॉलो करना हमारा फर्ज है क्योंकि आवाम ने हमको ऑर्डिनेंस से राज चलाने के लिए नहीं भेजा है बल्कि सभी पार्टियाँ बैठकर, सोच-समझकर कुछ निर्णय लें और कानून बनाएं, इस के लिए हमें यहाँ भेजा है। मैं इस ऑर्डिनेंस से राज की मुखालफत करते हुए निवेदन करना चाहता हूँ कि जिन खास हालात का हमारे मंत्री महोदय ने जिक्र किया है उन को भी हमें कंसीडर करना चाहिए। पिछले कई महीनों में मुझे कई मीटिंग्स में पार्टिसिपेट करने का मौका मिला है और आज भी पूरी मामलात पर एक मुत्तफिक राय नहीं बन पाती है जिस की वजह से लेटेस्ट मीटिंग में यह सुझाव आया कि...

THE DEPUTY CHAIRMAN: I would suggest that anyone who wants to have consultations can go to the Lobby and have consultations there because the

Member is making a valid point. Let him be heard. If anybody wants to have any consultation, he may go out and talk about it. Let the member finish his speech. We cannot wait here forever.

श्री सोलीपेटा रामचन्द्रा रेड्डी : मैडम, एक मुत्तफिक राय पर नहीं पहुँचने के कारण एक सुझाव यह भी आया है कि गवर्नमेंट जो चाहती है, वह बिल लाने दिया जाए और हम अलग-अलग पार्टीज के पार्टि आफ व्यु से पार्लियामेंट में अमेन्डमेंट्स मूव करेंगे और वहाँ पास करेंगे ऐसी बात भी गुजिश्ता मीटिंग्स में की गयी। इसलिए मैं इन खास हालात की वजह से इस ऑर्डिनेंस को एक्ट बनाए जाने की तारीफ करता हूँ। इस के साथ-ही-साथ हुकूमत से दख्ता करूंगा और उन को वार्न करूंगा कि हमें इस तरह की कोशिश नहीं करनी चाहिए।

फिर मैडम इस बिल में ऐसी कौन सी बात है जिस के लिए हम कुछ घंटे खर्च करें और पूरी एनर्जी वेस्ट करें। वर्ष 1952 में राष्ट्रपति/उपराष्ट्रपति के इलेक्शन के लिए एक एक्ट लाया गया जिस में एक प्रपोजर और एक सेकंडर रखा गया। बस, नतीजन क्या हुआ कि कोई भी रास्ता चलते एक-दो एमपीज को पकड़ लेता तो वह कैडीडेट बन जाता। भले ही उस को एक-दो लोग भी वोट नहीं डालते थे, लेकिन अखबार में उस का नाम आता था जिस से कि ऐसे लोग खुश होते थे। इसे रोकने के लिए 1974 में एक अमेन्डमेंट लाया गया जिस में 10-10 प्रपोजर्स और सेकंडर्स की बात प्रेसीडेंट के लिए वाइस-प्रेसीडेंट के लिए 5 प्रपोजर्स और 5 सेकंडर्स की बात कही गयी। इस के साथ-साथ एक एसंबली का चुनाव लड़ने वालों, लोक सभा का चुनाव लड़ने वालों के लिए जो डिपजिट है तो राष्ट्रपति और उपराष्ट्रपति का चुनाव लड़ने वाले का डिपजिट रहना चाहिए। इसलिए 2500 रुपए डिपजिट रखने के लिए 1974 में एक अमेन्डमेंट लाया गया। उसके बाद भी दस-दस लोगों को पकड़कर लोग तैयार हो जाएंगे और 2,500 रुपए तो कोई बड़ी बात नहीं है, इसलिए इसको मदेनजर रखते हुए इलेक्शन कमीशन ने बहुत सोच-विचार करके हुकूमत को यह मश्विरा दिया कि इसे और बढ़ाया जाना चाहिए ताकि ऐसे लोगों को रोका जा सके जो केवल रेडियो में और अखबारों में अपना नाम लाने के लिए नामिनेशन डालते हैं। यह बात इलेक्शन कमीशन ने कही और न सिर्फ कही बल्कि एक सुझाव भी दिया कि डिपजिट को 2,500 से बढ़ाकर 15,000 कर दिया जाए और प्रपोजर्स और सेकंडर्स को 10-10 की बजाए 50-50 कर दिया जाए। इसी तरह से वाइस प्रेजिडेंट के लिए भी 20-20 प्रपोजर्स और सेकंडर्स रखने चाहिए। इस सुझाव के

मुताबिक हुकूमत ने इलेक्शन भी करे और हम सब जानते हैं कि राष्ट्रपति के इलेक्शन हो गए। अब उपराष्ट्रपति का इलेक्शन होने वाला है। इन हालात में मैं अपने साथियों से रिक्वेस्ट करना चाहूंगा कि इन खास हालात को और प्रत्येक परिस्थिति को दृष्टि में रखते हुए इस बिल को पास करने के लिए उन्हें पूरी-पूरी मदद करनी चाहिए।

आप सब जानते हैं कि हम अपनी आजादी की गोल्डन जुबली मना रहे हैं। इस वक्त इस पीरियड में इस बिल को रोककर इस प्रकार का एक मैसैज हिन्दुस्तान और दुनिया के आवाम का देना बहुत नामुनासिब रहेगा। इस वास्ते मैं अपने साथियों से रिक्वेस्ट करूंगा, प्रार्थना करूंगा कि किसी और ईशू को आप बहुत बड़ा ईशू बना सकते हैं, लेकिन इसे एक ईशू बनाने की कोशिश न करें और खुसूसी हालात को मद्देनजर रखते हुए इस बिल की टाईड में अपने मोशन को विदझा करके इस बिल की टाईड में वोट दें। हिन्दुस्तानी आवाम को, जिन्होंने हमें इलेक्ट करके भेजा है, उनको और दुनिया के आवाम का हम यह मैसैज दें कि 50 साल के बाद भी हम सब एक हैं। राष्ट्रपति, उपराष्ट्रपति और अहम-अहम मसलों में पूरा नेशन एक है, हममें कोई डिफरेंसिस नहीं हैं, दूसरी कुछ चीजों में डिफरेंसिस हो सकते हैं लेकिन इनमें नहीं है।

इन बातों के साथ और एक मर्तबा मैं खुसूसन अपने बी०जे०पी० के साथियों से इस बिल को पास करने की प्रार्थना करते हुए अपनी बात खत्म करता हूं। शुक्रिया।

† اشری سولی پیٹارام چندر ریڈی

"آندھرا پردیش": میڈم - میں اسی "پریسیڈینشل اینڈ وائس پریسیڈینشل الیکشن امینڈمنٹ بل" کی پوری تائید کرتا ہوں۔

میں اس بل سے متفق ہوں کہ آرڈینینس سے راج نہیں چلانا چاہئے ہم ڈیموکریٹ کنٹری ہیں اور جہاں تک ہو سکے پوری طرح سے ڈیموکریسی کو فالو کرنا ہمارا

فرض ہے کیونکہ عوام نے ہم کو آرڈینینس

سے راج چلانے کیلئے نہیں بھیجا ہے بلکہ سبھی

پارٹیاں بیٹھ کر سوچ سمجھ کر کچھ فیصلہ لیں اور قانون

بنائیں اس کیلئے ہمیں یہاں بھیجا ہے۔ میں اس آرڈی

نینس راج مخالفت کرتے ہوئے نویدن کرنا چاہتا ہوں کہ

جن خاص حالات کا ہمارے منتری مہودے نے ذکر کیا

ہے۔ انکو بھی ہمیں کنسیڈر کرنا چاہئے۔ پچھلے کئی

مہینوں میں مجھے کئی میٹنگز میں پارٹیسپیٹ کرنے کا

موقعہ ملا ہے۔ اور آج بھی یورے معاملات پر ایک

متفق رائے نہیں بن پاتی ہے جس کی وجہ سے لیٹیسٹ

میٹنگ میں یہ سچھاؤ آیا کہ ...

THE DEPUTY CHAIRMAN: I would suggest that anyone who wants to have consultations can go to the Lobby and have consultations there because the Member is making a valid point. Let him be heard. If anybody wants to have any consultation, he may go out and talk about it. Let the Member finish his speech. We cannot wait here forever.

† آشری سوی پیٹا رامچندر ریڈی: میڈم۔

ایک متفق رائے پر نہیں پہنچنے کے کارن ایک سچھاؤ یہ

بھی آیا ہے کہ گورنمنٹ جو چاہتی ہے وہ بل لانے دیا

جائے اور ہم الگ الگ پارٹیز کے

†[]Transliteration in Arabic Script

پوائنٹ آف ویو سے پارلیمنٹ میں
امنڈمنٹس موو کرینگے اور وہاں پاس کرینگے۔ ایسی بات بھی
گزرشتہ میٹنگس میں کہی گئی۔ اسلئے میں ان خاص حالات
کی وجہ سے اس آرڈیننس کو ایکٹ بنائے جانے کی تائید کرتا
ہوں۔ اسکے ساتھ ہی ساتھ حکومت سے درخواست کرونگا
اور انکو "وارن" کروں گا کہ ہمیں اس طرح کی کوشش نہیں
کرنی چاہئے۔

پھر میڈم۔ اس بل میں ایسی کون سی بات ہے
جسکے لئے ہم کچھ گھنٹے خرچ کریں اور پوری انرجی ویسٹ
کریں۔ سال ۱۹۵۲ میں راشٹریتی اپ راشٹریتی کے الیکشن
کے لئے ایک ایکٹ لایا گیا جس میں ایک پریپوزل اور ایک
سیکڈر رکھا گیا۔ بس، نتیجتاً کیا ہوا کی کوئی بھی راستہ
چلتے ایک دو ایم پیز کو پکڑ لیتا تو وہ کنڈیڈٹ بن جاتا۔ پہلے
ہی اسکو ایک دو لوگ بھی ووٹ نہیں ڈالتے تھے۔ لیکن اخبار
میں اسکا نام آتا تھا جس سے کہ ایسے لوگ خوش ہوتے تھے
ا سے روکنے کیلئے ۱۹۴۴ میں ایک امنڈمنٹ لایا گیا
جسمیں ۱۰۔۱۰ پریپوزرس اور سیکڈرس کی بات پریزیڈنٹ
کیلئے اور وائس پریزیڈنٹ کیلئے ۵ پریپوزرس اور ۵
سیکڈرس کی بات کہی گئی اس کے ساتھ ساتھ ایک اسمبلی
کا چناؤ لڑنے

والوں۔ لوک سبھا کا چناؤ لڑنے والوں کے لئے جو
ڈیپازٹ ہے تو راشٹریتی اور اپ راشٹریتی کا چناؤ لڑنے والوں
کا ڈیپازٹ رہنا چاہئے۔ اسلئے ۲۵۰۰ روپے ڈیپازٹ رکھنے
کیلئے ۱۹۴۴ میں امنڈمنٹ لایا گیا۔ اسکے بعد بھی ۱۰۔۱۰ لوگوں
کو پکڑ کر لوگ تیار ہو جائینگے اور ۲۵۰۰ روپے تو کوئی بڑی بات
نہیں ہے، اسلئے اسکو مدنظر رکھتے ہوئے الیکشن کمیشن نے
بہت سوچ و چار کر کے حکومت کو یہ مشورہ دیا کی ا سے اور
بڑھایا جانا چاہئے۔ تاکہ ایسے لوگوں کو روکا جاسکے جو صرف
ریڈیو اور اخباروں میں اپنا نام لانے کیلئے نامینیشن ڈالتے
ہیں۔ یہ بات الیکشن کمیشن نے کہی اور نہ صرف کہی بلکہ ایک
سجھاؤ بھی دیا کہ ڈیپازٹ کو ۲۵۰۰ سے بڑھا کر ۱۵۰۰۰ ہزار کر
دیا جائے اور پریپوزرس اور سیکڈرس کو ۱۰۔۱۰ کے بجائے
۵۰۔۵۰ کر دیا جائے۔ اسی طرح سے وائس پریزیڈنٹ کیلئے بھی
بیس بیس پریپوزرس اور سیکڈرس رکھنے چاہیئیں اس
مشورہ کے مطابق۔ اس سجھاؤ کے مطابق حکومت نے
الیکشن بھی کرے اور ہم سب جانتے ہیں کہ راشٹریتی کے
الیکشن ہو گئے۔ اب اپ راشٹریتی کا الیکشن ہونے والا ہے۔ ان
حالات

ان باتوں کے ساتھ اور ایک مرتبہ میں خصوصاً

اپنے بی۔ جے۔ پی۔ کے ساتھیوں سے اس بل کے پاس کرنے کی
پرارتھنا کرتے ہوئے اپنی بات ختم کرنا چاہتا ہوں۔ شکریہ۔

"ختم شد"

SHRI R. MARGABANDU (Tamil Nadu): Madam, I rise to oppose this Bill. The reason is that during the pre-independence days when any person wanted to contest the election to any office there used to be property qualification, educational qualification, as a result of which a commonman was deprived of contesting the election. Now, that lacuna has been set right. As per the Constitution of India, any person can contest the election provided he has got the necessary qualification in respect of age and citizenship. As per 1952 Act, two proposers and two seconders were sufficient for election to the office of the President and the Vice-President. According to the 1974 Act, to discourage the frivolous candidates to contest the election to the office of the President and the Vice-President, ten proposers and ten seconders were required to contest the election of President and five proposers and five seconders were required to contest the election to the office of the Vice-President. This provision itself was against the democratic principles. As per the 1997 Bill also, the reason given to deter and discourage non-serious candidates to contest the election is not sufficient. For this reason, fifty electors have to propose and second to contest the election to the office of the President and twenty electors have to propose and second in respect of the Vice-President election. The result is that those who are having lesser number of electors, cannot contest this election. For example, the AIADMK party, which is having a lesser number of electors, is deprived of contesting this election. Is it democratic?

میں میں اپنے ساتھیوں سے درخواست کرنا
چاہوں گا کہ ان خاص حالات کو اور پرتی ایک پرستھتی کو
درشتی میں رکھتے ہوئے اس بل کو پاس کرنے کیلئے انہیں
پوری پوری مدد کرنی چاہئے۔

آپ سب جانتے ہیں کہ ہم اپنی آزادی کی
سلورجیلی منا رہے ہیں اس وقت اس پیریڈ میں اس بل
کو روک کر اس پر کارکا ایک میسیج ہندوستان اور دنیا کی
عوام کو دینا بہت نامناسب رہے گا۔ اس واسطے میں اپنے
ساتھیوں سے رکویسٹ کروں گا۔ پرارتھنا کروں گا کہ کسی اور
ایشو کو آپ بہت بڑا ایشو بنا سکتے ہیں لیکن اسے ایک
ایشو بنانے کی کوشش نہ کریں اور خصوصی حالات کو
مدنظر رکھتے ہوئے اس بل کی تائید میں اپنے موشن کو
ودڈرا کر کے اس بل کی تائید میں ووٹ دیں۔ ہندوستانی
عوام کو جنہوں نے ہمیں الیکٹ کر کے بھیجا ہے ان کو اور
دنیا کی عوام کو ہم یہ میسیج دیں کہ ۵۰ سال کے بعد بھی ہم
سب ایک ہیں۔ راشنریٹی اپ راشنریٹی اور ایم ایم مسئلوں
میں پورا نیشن ایک ہے۔ ہم میں کوئی ڈیفرنسز نہیں ہیں۔
دوسری کچھ چیزوں میں ڈفرنسز ہو سکتے ہیں لیکن ان

میں نہیں ہیں۔

Is it fair? According to law, any person, who has the requisite qualification, can contest the election. That right has been given to a citizen of this country. But due to the method adopted here, the democratic spirit of the whole process has been throttled. So, I oppose this Bill on this count. This is also the stand of my party.

[उपसभाध्यक्ष (श्री त्रिलोकी नाथ चतुर्वेदी)
पीठासीन हुए]]

श्री गया सिंह (बिहार) : माननीय उपसभाध्यक्ष महोदय, आज हम लोग एक बहुत ही महत्वपूर्ण विषय पर चर्चा कर रहे हैं और इस अध्यादेश पर हमें अपने विचार प्रकट करने हैं। इस सिलसिले में मैं आपको बताना चाहता हूँ कि मैं भी उस स्टैंडिंग कमेटी में था और आज से 3 साल पहले उस कमेटी के सामने इस बिल का पूरा ड्राफ्ट आया था जिसमें हमें विचार करना था पूरी चुनाव प्रक्रिया पर जो असेंबली, पार्लियामेंट, राष्ट्रपति और उपराष्ट्रपति के चुनाव के रूप में हमारे सामने है। महोदय, कमेटी में सभी इस बात पर एकमत थे कि आज प्रत्याशियों की इतनी भरमार हो गई है कि कई जगहों पर तो बैलट पेपर छापना मुश्किल हो जाता है। केवल असेंबली के इलेक्शन में ही एक सीट के लिए 80-90 उम्मीदवार खड़े हो जाते हैं। उस समय सभी पार्टियों के लोगों ने यह विचार प्रकट किया था कि किसी तरह उम्मीदवारों की संख्या को कम किया जाना चाहिए। जैनुइन उम्मीदवारों को कम करने का सवाल नहीं है लेकिन असेंबली के इलेक्शन में हमने देखा है कि जिनके पास बाहुबल होता है वे कैंडीडेट बन जाते हैं। आम तौर से स्टैंडिंग कमेटी में लोगों ने कहा कि इसमें परिवर्तन करना चाहिए।

महोदय, इसी तरह आप देखिए कि राष्ट्रपति के चुनाव में भी एक-दो ऐसे उम्मीदवार होते हैं जो पंचायत से लेकर राष्ट्रपति तक के चुनाव में खड़े हो जाते हैं। ऐसे लोग भी खड़े हो जाते हैं जिनको कभी एक वोट तक नहीं मिला और कई बार नहीं मिला। इसको रोकने के क्या रास्ते हो सकते हैं, इस पर उस कमेटी में कई बार विचार हुआ। अभी ला-मिनिस्टर साहब ने भी इस बात को कहा है और हाऊस के अंदर पहले भी इस तरह के सकलों पर चर्चा होती रही है। आज हमारे सामने एक अध्यादेश का सवाल है और उसी के माध्यम से राष्ट्रपति का चुनाव किया गया। राष्ट्रपति जी के चुनाव में लगभग सभी पार्टियों ने उसको वोट दिया और सर्वसम्मति से उनको राष्ट्रपति बनाया। इसलिए आज जिस अध्यादेश

को बिल के रूप में लॉ-मिनिस्टर साहब हाऊस के सामने लाए हैं, उस पर सभी लोग आम तौर से सहमति दे चुके हैं क्योंकि उसी के आधार पर राष्ट्रपति का निर्वाचन हुआ और अपोजीशन से लेकर सत्तारूढ़ दल, सभी ने उसका समर्थन किया। इसलिए इस अध्यादेश को नैतिक समर्थन तो मिल चुका है। अब इसे कानून रूप देने के लिए इसे हाऊस के सामने लाया गया है। हमारे मंत्री महोदय भी कहते हैं कि इस पर बहस होनी चाहिए। अपना-अपना व्यू-प्वाइंट होना तो ठीक है। स्टैंडिंग कमेटी में सबसे इस बारे में राय ली गई थी। अगर उसमें कुछ कमियाँ रह गई हैं तो मॅम्बर्स लोग अमेंडमेंट ला सकते हैं।

इसलिए मैं समझता हूँ कि इस स्थिति में इस अध्यादेश को डिसएप्रूव करने का जो प्रस्ताव है, वह उचित नहीं है, मैं उसका विरोध करता हूँ। इस अध्यादेश को हमने अपना नैतिक समर्थन दिया है और इसके आधार पर राष्ट्रपति का चुनाव किया है। अगर हम इसका विरोध करेंगे तो हमें सारी दुनिया के सामने जवाब देना पड़ेगा कि इसके आधार पर हमने एक कैंडीडेट का सेलेक्शन किया और अब हाऊस में हम ही उसको डिसएप्रूव कर रहे हैं। यह बात लोगों को समझ में नहीं आएगी। वैसे हमारे प्रस्तावक महोदय को समझाने की जरूरत नहीं है। उन्होंने कुछ सोच-समझकर ही यह प्रस्ताव रखा होगा। मैंने कई बार उनका भाषण सुना है। बड़े जोर के साथ प्रस्ताव भी रखते हैं और फिर उसमें अमेंडमेंट भी उसी हिसाब से रखते रहे हैं। इसी भरोसे के साथ मुझे आशा है कि जिस उम्मीद के साथ राष्ट्रपति के चुनाव में इस अध्यादेश का समर्थन जो लोग पहले कर चुके हैं इस हाऊस में भी कानून बनाने के लिए इसका समर्थन करेंगे और अब उपराष्ट्रपति का चुनाव भी 16 तारीख को होने जा रहा है इसलिए कोई तर्क नहीं है कि इस अध्यादेश को डिस-एप्रूव किया जाए। लॉ-मिनिस्टर साहब जो बिल लाए हैं हम उनके साथ हैं क्योंकि हम तो राष्ट्रपति जी के उसी अध्यादेश के आधार पर वोट दे चुके हैं और जब वोट दे दिया है खुशी-खुशी तो अगर हाऊस में अपोज करेंगे तो हिन्दुस्तान की जनता, दुनिया की जनत मेरे बारे में सोचेगी कि इसका स्टैंडर्ड क्या है। हमको भरोसा है कि अपोजीशन का स्टैंडर्ड ठीक है। अपोज करना, विरोध करना सही है। अमेंडमेंट के साथ, कुछ सुझाव के साथ ही साथ इस अध्यादेश को एप्रूव करते हुए जो नया बिल लाए हैं, उसका भी समर्थन करेंगे। इसी अपील के साथ और इसी भावना के साथ मैं इस बिल का समर्थन करते हुए आपको बहुत-बहुत धन्यवाद देते हुए अपनी बात समाप्त करता हूँ।

श्री सतीश प्रधान (महाराष्ट्र) : महोदय, मंत्री महोदय यह जो बिल लाए हैं मैं उसका विरोध करने के लिए खड़ा हुआ हूँ। मैंने माननीय मंत्री जी को भी चार दिन पहले बता दिया था कि मैं इस बिल को कभी भी हाँ नहीं कर सकता हूँ, शिवसेना कभी भी हाँ नहीं कर सकती है। इसकी प्रमुख वजह यह है कि इस बिल में 50 लोगों का सपोर्ट करने का और 50 लोगों का अनुमोदन करने का प्रावधान रखा गया है। यह 50 का आंकड़ा किधर से लाए हैं, मुझे नहीं मालूम। समझ में नहीं आता कि यह क्या है। किसी को भी जिसको चुनाव लड़ना है तो वह 50 एम0एल0ए0 या 50 एम0पी0 को-इतने लोगों को कैसे इकट्ठा करेगा, क्योंकि हर आदमी अलग-अलग जगह पर रहता है। यह जो आर्डिनंस निकाला है इसको 7 जून से इम्प्लीमेंट किया है। 17 जून को नामिनेशन फार्म भरना था और 7 जून को यह अध्यादेश निकाल दिया। यह बहुत गलत है इसमें बहुत जल्दबाजी की गई है और इस ढंग से जो किया गया है इसलिए मैं इसका विरोध करता हूँ। इतना ही कहकर मैं अपनी बात समाप्त करता हूँ।

श्री ईश दत्त यादव (उत्तर प्रदेश) : माननीय उपसभाध्यक्ष जी, दि प्रेजीडेंशियल एंड वाईस प्रेजीडेंशियल इलेक्शन अमेंडमेंट बिल, 1997 का मैं समर्थन कर रहा हूँ। मान्यवर, जो संशोधन किया जा रहा है। जो अमेंडमेंट बिल लाया गया है यह संशोधन साधारण है लेकिन इस साधारण संशोधन से काम बहुत बड़ा और बहुत महत्वपूर्ण हो रहा है। क्योंकि मान्यवर, राष्ट्रपति और उपराष्ट्रपति का पद बहुत बड़ा होता है, देश का सर्वोच्च पद होता है, देश की गरिमा का पद होता है और इस पद पर जो चाहे नान-सीरिक्स कैंडीडेट आकर के ढाई हजार रुपया जमा करके 10 प्रस्तावक देकर के चुनाव लड़ जाए तो यह अच्छा नहीं था। जो चुनाव निर्विरोध होना चाहिए या महत्वपूर्ण व्यक्तियों के बीच में होना चाहिए तो इस तरह का चुनाव नहीं हो पाता। कानून मंत्री जी कह भी रहे थे कि पूरे देश के लोगों की एक राय थी, सभी राजनीतिक दलों की एक राय थी और सभी लोग और विपक्ष के लोग भारतीय जनता पार्टी के लोग बराबर चुनाव सुधारों में मांग करते रहे हैं। चुनाव सुधारों पर बराबर बहस चलती रही है कि चुनाव निष्पक्ष हों, चुनाव में भ्रष्टाचार न हो, चुनाव में विलम्ब न हो और निष्पक्ष व स्वतंत्र रूप से चुनाव होना चाहिए। हम समझते हैं कि यह संशोधन उसी के क्रम में एक कड़ी है। मैं आपके माध्यम से माननीय विपक्ष के लोगों से निवेदन करना चाहूँगा कि आपके मन में भी इन संशोधन का स्वागत है। आप भी इस संशोधन को चाहते हैं। यह

बहुत महत्वपूर्ण संशोधन है जिसका संबंध राष्ट्रपति और उपराष्ट्रपति के चुनाव से है। कानून मंत्री जी ने सारे तर्क दिये। आपकी केवल एक व्यथा हो सकती है और यह सही भी है। मैं भी आपकी बात से सहमत हूँ, विपक्ष के लोगों से, भारतीय जनता पार्टी के लोगों से कि आर्डिनंस, अध्यादेश बार-बार नहीं आने चाहिए। सरकार का अध्यादेश लाने के लिए रूटीन हो गया है और इसके लिए कानून मंत्री जी ने वायदा भी किया है कि अपरिहार्य परिस्थितियों को छोड़कर हम अध्यादेश नहीं लाएंगे। सरकार को और कानून मंत्री जी को एक चेतावनी दी गयी है और उन्होंने प्रामिस भी कर दिया है, वायदा भी कर दिया है कि अपरिहार्य और विकट परिस्थितियों के अलावा इस अध्यादेश नहीं लाएंगे। मान्यवर, इसलिए मैं निवेदन करना चाहता हूँ कि इसको पास कर दिया जाए। अभी मैं आपको एक उदाहरण देना चाहता हूँ। पता नहीं उनका नाम सदन में लेना ठीक होगा कि नहीं होगा एक धरतीपकड़ है। मान्यवर, सभी उन्हें जानते होंगे धरतीपकड़ जी तीन सौ से ज्यादा चुनाव लड़ चुके हैं और अभी राष्ट्रपति और उपराष्ट्रपति के चुनाव में वह टहल रहे थे। मेरी उनसे मुलाकात हुई क्योंकि वह उत्तर प्रदेश के रहने वाले हैं।

श्री गोविन्दराम मिरी (मध्य प्रदेश) : वह किसी का नाम नहीं ले सकते हैं।...(व्यवधान)...

उपसभाध्यक्ष (श्री त्रिलोकी नाथ चतुर्वेदी) : नहीं ऐसी कोई बात नहीं है क्योंकि धरतीपकड़ ऐसा नाम है जो किसी का भी हो सकता है। सभी धरती पर चलते हैं।...(व्यवधान).... मिरी जी आप उन्हें बोलने दीजिए।

श्री ईश दत्त यादव : मान्यवर, उनका केवल एक उद्देश्य रहता है कि उनका नामिनेशन पेपर वैध हो जाए और वह चुनाव में अंत तक अड़े रहे। वह एक भी वोट नहीं मांगते हैं। वह कहते हैं कि केवल हमारा नामिनेशन रहना चाहिए। कुछ वर्षों पहले बात मैं बता रहा हूँ। उत्तर प्रदेश में 13 जगह विधान सभा के उप-चुनाव हुए और 13 जगह वह कैंडीडेट बने, नामिनेशन पेपर उन्होंने फाइल कर दिये। तब पीपल्स रीप्रेजेंटेशन ऐक्ट में यह अमेंडमेंट नहीं था। पहले पीपल्स रीप्रेजेंटेशन ऐक्ट में और हमारे संविधान में यह व्यवस्था थी कि चुनाव के बीच में अगर कोई कैंडीडेट मर जाता है तो पूरा चुनाव निरस्त हो जाएगा। अब उसमें संशोधन हो गया है कि कोई कैंडीडेट अगर मरता है, निर्दलीय कैंडीडेट मरता है तो उसका कोई प्रभाव नहीं होगा। तो उस वक्त जो चुनाव धरतीपकड़ जी 13 विधानसभा सीटों पर चुनाव

लड़ रहे थे, 13 उप चुनाव हुए थे तो उत्तर प्रदेश सरकार को सारी व्यवस्था रोक करके उनकी सिक्कोरिटी के लिए पूरी फोर्स लगाना पड़ा कि कहीं यह मर न जाएं। मरना तो सरकार नहीं रोक सकती थी परन्तु यह खतरा था कि कहीं बाई चांस उनकी किसी ने शरारतवश, मजाकवश या 13 चुनावों को निरस्त करने के लिए हत्या कर दी तो 13 के 13 चुनाव रद्द हो जाएंगे इसलिए उत्तर प्रदेश की सारी शक्ति, सारी फोर्स धरतीपकड़ साहब की रक्षा के लिए लगी हुई थी। खैर, किसी तरह से चुनाव हो गये। कई दलों के लोग उसमें जीते, मैं उसके विवरण में नहीं जाना चाहता। इसलिए इस अमेंडमेंट का, इस संशोधन का बड़ा पुनीत अभिप्राय है। वह पुनीत अभिप्राय इसलिए है कि अगर कोई व्यक्ति-पहले कानून में यह था कि केवल दस मतदाता जो राष्ट्रपति चुनाव की मतदाता सूची बनती है, उपराष्ट्रपति चुनाव की मतदाता सूची बनती है, केवल दस व्यक्ति अगर प्रस्तावक हो जाते थे, दस सदस्य प्रस्तावक हो जाते थे तो उनका नॉमीनेशन पेपर वैध मान लिया जाता था अब 50 की शर्त लगा दी गयी है। पहले पांच समर्थक होते थे, अब 20 की शर्त लगा दी गयी है।

उपसभाध्यक्ष (श्री त्रिलोकी नाथ चतुर्वेदी) : अब तो आप खत्म करिए। धरतीपकड़ के पहले ही आप खत्म कर रहे थे।

श्री ईश दत्त यादव : महोदय, पहले ढाई हजार रुपये जमानत होती थी, अब 15 हजार जमानत कर दी गयी है। मैं समझता हूँ कि यह कोई कठिन शर्त नहीं लगायी गयी है। जो व्यक्ति राष्ट्रपति या उपराष्ट्रपति का चुनाव लड़ना चाहता है, अगर वह पचास व्यक्तियों के नॉमीनेशन फार्म पर हस्ताक्षर नहीं करा सकता है। अगर 15 हजार रुपये की वह जमानत जमा नहीं कर सकता है तो ऐसे व्यक्ति का चुनाव में बाधा बनना या चुनाव को लिंगर करना या चुनाव में पेचीदगी पैदा करना या चुनाव के लिए मतदान करना, मैं समझता हूँ कि यह कोई उसका वैधानिक अधिकार नहीं है। श्री अग्रवाल जी सही कह रहे थे कि हर व्यक्ति को इस देश के संविधान में अधिकार हैं कि वह किसी भी पद के लिए चुनाव लड़े। लेकिन मैं अनुरोध कर रहा हूँ कि जो व्यक्ति 15 हजार रुपये जमानत के इकट्ठा नहीं कर सकता है, पचास सदस्यों के नामिनेशन पर हस्ताक्षर नहीं करा सकता है...(व्यवधान)...

श्री महेश्वर सिंह (हिमाचल प्रदेश) : आप खत्म करिए...(व्यवधान)...

उपसभाध्यक्ष (श्री त्रिलोकी नाथ चतुर्वेदी) : वह खत्म कर रहे हैं।...(व्यवधान)...

श्री ईश दत्त यादव : आप लोग तो बोल नहीं रहे हैं और हमको भी बोलने नहीं दे रहे हैं।...(व्यवधान)...

श्री महेश्वर सिंह : महोदय, इनकी पार्टी का समय खत्म हो गया है...(व्यवधान)...

श्री वसीम अहमद (उत्तर प्रदेश) : महोदय, मैं...(व्यवधान)...

उपसभाध्यक्ष (श्री त्रिलोकी नाथ चतुर्वेदी) : वसीम साहब, आप बैठिए। आप उनको बोलने दीजिए।...(व्यवधान).... उनका समय मैं देख रहा हूँ।...(व्यवधान)...

श्री ईश दत्त यादव : महोदय, मैं यह निवेदन कर रहा था कि अगर कोई राष्ट्रपति और उपराष्ट्रपति जैसे बड़े पद के लिए अपने दिल में कामना रखता है, लालसा रखता है और 15 हजार रुपये इकट्ठे नहीं कर सकता है तो वह चुनाव को मजाक बनाना चाहता है, चुनाव को लिंगर करना चाहता है और जो चुनाव की प्रक्रिया है, जो चुनाव की प्रणाली है, जो इसमें शुद्धता है, जो इसमें पवित्रता है, तो वह उस गरिमा को नष्ट करने का प्रयास करता है इसलिए यह संशोधन महत्वपूर्ण है।

मान्यवर, अगर माननीय अग्रवाल जी की बातों को, उनके प्रस्तावों को मान लिया जाता है तो इससे विषमता होगी। कानून मंत्री जी ने जो कहा है मैं उसके विस्तार में नहीं जाना चाहता क्योंकि राष्ट्रपति का चुनाव हो चुका है और उपराष्ट्रपति चुनाव नौ दिन बाद होने वाला है। इसका पूरे देश के अन्दर क्या संदेश जाएगा, इसका पूरी दुनिया में क्या संदेश जाएगा?

हम आजादी की स्वर्ण जयन्ती का वर्ष मना रहे हैं और हम पूरी दुनिया को क्या संदेश देने जा रहे हैं?...(व्यवधान)...

उपसभाध्यक्ष (श्री त्रिलोकी नाथ चतुर्वेदी) : प्लीज डॉन्ट डिस्टर्ब। आप समाप्त करिए। समय हो गया है।

श्री ईश दत्त यादव : मान्यवर, यह ठीक है कि विपक्ष का काम सरकार की आलोचना करने का है, विरोध करने का है और सरकार को सही रास्ते पर लाने का है।...(व्यवधान)...

एक माननीय सदस्य : यही तो कर रहे हैं।...

उपसभाध्यक्ष (श्री त्रिलोकी नाथ चतुर्वेदी) : आप हस्तक्षेप मत करिए डिस्टर्ब, मत करिए।

श्री ईश दत्त यादव : लेकिन इसी के साथ देश की एकता, देश की अखण्डता, देश के गौरव और देश के सम्मान का भी ख्याल रखना चाहिए और इस बारे में पूरे सदन की एक राय होनी चाहिए, ऐसी मेरी मान्यता है और आपकी भी मान्यता होनी चाहिए। इसीलिए मैं अनुरोध करना चाहता हूँ कि इस अमेंडमेंट बिल को सर्वसम्मति से पास किया जाना चाहिए। महोदय, मैं आपके माध्यम से अग्रवाल जी से पुनः प्रार्थना करता हूँ कि उन्होंने जो रिजोल्यूशन दिया है उस रिजोल्यूशन को वह वापस ले लें। आपने मुझे बोलने के लिए समय दिया इसके लिए मैं आपका आभार प्रकट करता हूँ।

उपसभाध्यक्ष (श्री त्रिलोकी नाथ चतुर्वेदी) : यादव जी, आपका धन्यवाद। श्री वी०पी० दुर्गसामी।

SHRI V.P. DURASAMY (Tamil Nadu): Thank you very much, Sir. The Presidential and Vice-Presidential Elections (Amendment) Bill, 1997 is a very clear Bill. The purpose of introducing the Bill is to increase the number of proposers and seconders In respect of both the Presidential and Vice-Presidential elections and to enhance the deposit amount of both the elections. There was a Half-an-Hour discussion in this House. I watched my elders who took part in that discussion very keenly. Agarwajji had put forth his own arguments.

Sir, I don't understand how the interests of the common man are going to be affected by the increase in the number of proposers and seconders in the case of the election of Vice-President and by the enhancement of the nomination deposit amount for the election of the President and the Vice-President. I don't equally understand how the interests of the political parties would be affected by these amendments. I don't understand. Nobody has advanced any convincing arguments before this House. I feel hon. Members are agitated only to embarrass the Government. Last month, we had the Presidential election and Shri Narayananji was elected as the President of our Republic. I am very happy that a great party, the BJP, has not objected to anything with regard to the Presidential election. I am very happy for that. At the

same time, we have to take into consideration the country's interests also. We are going to conduct the Vice-Presidential election on the 16th of this month. My hon. Members from Tamil Nadu know it very well that two gentlemen from Salem district, Mr. Anganna Chettiyar and Mr. Veerappa Gounder, who migrated from Tamil Nadu to Bihar, have contested the Vice-Presidential and the Presidential elections for more than five times. People like me wanted to know why they were contesting every election. We asked them: "You don't have even one MP or MLA to vote for you. Then, why are you contesting these elections?" They told us: "We want to print our visiting cards with the qualifying words after our names 'defeated Presidential candidate'". This route is being adopted by some people to raise their social status. Yadavji has given some example in UP. In Tamil Nadu also, there is a place called Madhuran-takam. It is a suburban of the Chennai city. There is another place, Modakurchi, which comes under Erode Periyar district. There, one agricuhural sangam fielded more than 1,300 candidates.

THE VICE-CHAIRMAN (SHRI TRILOKI NATH CHATURVEDI): You have made a very good survey.

SHRI V.P. DURASAMY: Because of the huge number of candidates the State Government could not conduct the election in that place. It had to be postponed. It was only after two months that the people of Modakurchi could elect their representative. We don't know how many lakhs must have been spent for this purpose. Likewise, in Madhuran-takam also, people were put to hardships. I request my friends sitting on the other side to take into consideration these points also. If the amount is very less, non-serious candidates... (interruptions)...

THE VICE-CHAIRMAN: (SHRI TRILOKI NATH CHATURVEDI): You have made that point already. You have given so many examples. Please conclude. Mr. Nilotpal Basu has to speak.

SHRI V.P. DURAISAMY: I would like to know from my elders, from Agar-walji, how the proposed amendments are going to affect anybody's personal interest or party interest.

That is why I would request the Members to take into account the fact that the country is greater than us. Duraisamy or Mukherjee are not greater than the law. The country's interests should be protected. Otherwise, the common people will think otherwise. They will think that such a great country could not conduct the election of its Vice-President. We will also become smaller in the eyes of other countries. So, great leaders like Shri Ag-rawalji should join us. (*Interruptions*)

SHRI SATISH AGARWAL: Today I have become great! Thank you very much.

SHRI V.P. DURAISAMY: We are thankful. We are very grateful that you joined us in the Presidential election. Likewise you follow the same principle now.

SHRI NILOTPAL BASU: (West Bengal): Mr. Vice-Chairman, Sir, I am not going to take very long time. I will come straight to the point.

Sir, the question is not of embarrassment. It is very well known in this House what our approach towards governance through Ordinances is. Dr. Ashok Mitra has made this point adequately. But the nature of the Ordinance this time, and the procedure as the Law Minister has explained, I think, is slightly different from the Ordinances that we have had normally. Earlier also we have pointed it out time and again, especially in regard to Ordinances relating to economic issues. We have seen how Ordinances have been brought with undue haste and all that.

Sir, I think there cannot be two opinions in this House, and also in the country as a whole, about the need for electoral reforms. So, a process of consultation on electoral reforms is rightly on.

All the political parties across the spectrum are involved in that process. Unfortunately there are big differences on electoral reforms and there is no consensus on a number of issues. As a result of that it was decided that the process of electoral reforms should be split up. So far as the candidature and the eligibility of candidature is concerned, it was the only area where some agreement was there and there was an agreement in principle. So, the process started.

I think Gaya Singhji has made a very valid point. I have never faced this kind of a situation in the three and a half years of my life in Parliament, when we have actualised certain aspects of a particular ordinance and acted on the basis of that and after it come to the House for approval, we rejected it. A statement against governance through Ordinances had to be made and I think it has been very adequately and very relevantly made. But I think it is not a question of political embarrassment of the Government. Of course, we support this Government. And if the mover of the Statutory Resolution presses it, it will definitely be a political embarrassment for the Government. But I am not so much concerned about that. What I am more concerned about is the collective wisdom that this House will be exercising.

Now, will it be fair on our part to take a position that all of us, having physically participated in the implementation of an Ordinance, now disapprove of our own action? I think, this will not set a good precedent for the House and for the nation. I have been making, for the last three days, in all the debates, this basic point that as political parties when we are taking a particular role, we have to take into consideration the perception of the people about the political process. In the light of that, in the fitness of the things, I think it would be right and proper that we pass this Bill which has been moved by the Government with the stricture to the Government that *per se* we are not going to allow the country to be ruled

through Ordinances. But at the same time, let this Bill be passed since we have acted on the basis of the Ordinance already. So, it will be very, very ridiculous if we now try to reverse and turn the clock back. Thank you.

श्री नरेश यादव (बिहार) : उपसभाध्यक्ष महोदय, मैं अपने आदरणीय इस सदन के अग्रज साथी श्री सतीश अग्रवाल जी का बहुत आदर करता हूँ।...**(व्यवधान)**... इसलिए कि सतीश अग्रवाल जी को मैं इस रूप में मानता हूँ कि पार्टी लाइन से ऊपर उठ कर भी देश हित में वे बराबर सोचते हैं, अर्थात् देश हित की बात को श्री अग्रवाल जी ज्यादा महत्व देकर के उन्हें पार्टी से ऊपर जाना पड़ता है। जाते तो हम सभी भी हैं सभी सदस्यों की देश हित प्रथम प्राथमिकता है, लेकिन आज इस बिल को लाने के पहले एक निजी रक्षक बिल आया। उससे देश में, कोई उसके आने न आने से अगर आज ड्राप भी हो जाता तो उससे कोई फर्क नहीं पड़ने वाला था। अभी आपने उसमें हमारा साथ दिया, सरकार का साथ दिया और अभी जो माननीय विधि मंत्री के द्वारा लाया गया है राष्ट्रपति, उपराष्ट्रपति के चुनाव के जो समर्थक होने चाहिए, प्रस्तावक होने चाहिए और उसकी सैक्योरिटी डिफाजिट जो थी उसे बढ़ाया गया है, यह राष्ट्रपति महोदय के मान और सम्मान का सवाल है। संविधान के निर्माताओं ने महामहिम राष्ट्रपति महोदय के लिए विशेष व्यवस्था की है, लेकिन इस देश में 1952 से लेकर आज तक के चुनाव में, 1997 के चुनाव में हमने जो देखा है, देश ने जो देखा है इसका यह मतलब है निश्चित तौर से इस राष्ट्रपति जैसे सम्मानित पद को भी 20-20, 25-25 उम्मीदवारों को खड़ा कर-कर के इस पद के सम्मान को घटाने का प्रयास किया गया। लेकिन हमारा लोकतंत्र महान है। यहाँ दोनों सदन और जो हमारे माननीय विधायक हैं पूरे देश से उनकी महानता है कि आज तक उन्होंने जो निर्णय लिया है, बहुत अच्छा निर्णय लिया है। महोदय, मैं आपके माध्यम से यह आग्रह करना चाहता हूँ कि जैसा श्री ईश दत्त जी ने कहा कि कुछ ऐसे आदमी परमानेंट हैं, जो राष्ट्रपति के चुनाव में...**(व्यवधान)**...

उपसभाध्यक्ष (श्री त्रिलोकी नाथ चतुर्वेदी) : जरा संक्षेप में कहिए।

श्री नरेश यादव : मैं संक्षेप में बोल रहा हूँ। राष्ट्रपति के चुनाव में निश्चित तौर से उसकी हार होगी फिर भी वह राष्ट्रपति के पद के लिये खड़ा होना स्वाभिमान का सवाल समझ रहा है कि हमारा नाम हो जाए, पूरे देश में

नाम आएगा, पूरे मीडिया में नाम आएगा। इस तरह से कुछ खर्च ज्यादा दिखा देंगे और अपनी काली संपत्ति को व्हाइट कर देंगे। इस तरह से कुछ लोग यह भी साजिश इस देश में करने का प्रयास कर रहे थे। इसके लिए हमने, हमारी सरकार ने और चुनाव आयोग ने सुझाव दिया, आग्रह किया ...।

6.00 P.M.

इस तरह से हो रहा है, इसलिए सैक्योरिटी डिफाजिट को और जो प्रस्ताव/समर्थक है उन की संख्या को बढ़ाया जाए। इस कारण महा-महिम राष्ट्रपति जी के चुनाव में 50 और उप-राष्ट्रपति जी के चुनाव में 20 मेंबर्स तक बढ़ाया गया है जो कि पहले 10 व 5 हुआ करते थे।

उपसभाध्यक्ष महोदय, मैं आप से यह कहना चाहता हूँ कि यह देश के लिए गौरव का विषय है और हमारी सरकार ने इस प्रतिष्ठित पद का मान-सम्मान किया है, इसलिए मैं अपने आदरणीय साथियों से आग्रह करना चाहता हूँ कि यह जो बिल सरकार के द्वारा लाया गया है, यह बहुत महत्वपूर्ण है। पहले भी माननीय सदस्यों ने पार्टी—लाइन से ऊपर उठकर देश हित में पूरी दुनिया में यह संदेश दिया है कि यह जो एल्डर्स हाउस है, उस के हमारे ही हाउस के आदरणीय चैयरमेन साहब को राष्ट्रपति बनाया गया है। इस तरह देश का सम्मान बढ़ाया गया है। देश में उसी प्रोसेस से, ऑर्डिनेंस से चुनाव हुए और उस के बाद जो बिल लाया गया है, उस में हम “हिच” कर रहे हैं जोकि एक अच्छी परंपरा नहीं हो सकती। इसलिए प्रतिपक्ष के नेता आदरणीय सिकन्दर बख्त साहब, हमारे सम्मानित साथी श्री सतीश अग्रवाल और सारे सदन के साथियों से मैं आग्रह करूंगा कि यह बिल देश के मान-सम्मान का सवाल है, देश की प्रतिष्ठा का प्रश्न है, इसे ध्वनिमत से पारित किया जाए। इस में कोई वोटिंग का सवाल नहीं है, इसे ध्वनिमत से पारित किया जाए जिस से कि पूरे देश में और दुनिया में यह मैसेज जाए कि हम अपने राष्ट्रपति और उप-राष्ट्रपति के पद के सम्मान को बरकारार रखना चाहते हैं वरना आज यह कहा जाएगा कि आप ने और हम ने वोटिंग की। हमारे वोटिंग के 95 प्रतिशत वोट से हमारे आदरणीय राष्ट्रपति महोदय निर्वाचित होकर गए और जिन के 5 प्रतिशत वोट थे, उन की जग हंसाई हुई। इसलिए मेरा पूरे सदन से आग्रह है कि इस विधेयक को ध्वनिमत से पारित किया जाए।

आप ने मुझे बोलने का समय दिया, आप का बहुत-बहुत धन्यवाद।

(उपसभापति महोदया पीठासीन हुई) ।

श्री ईश दत्त यादव : मैडम, 6 बज गए हैं, हाउस को एडजर्न कर दीजिए । इसे कल के लिए कंटीन्यू रखा जाए । ... (व्यवधान) ...

SHRIMATI RENUKA CHOWDHURY: Madam, with a request to you may I say a few words?

THE DEPUTY CHAIRMAN: As a *mantri*?

SMT. RENUKA CHOWDHURY: I definitely miss my privilege to speak as a Member, Madam, *(Interruptions)*

THE DEPUTY CHAIRMAN: She wants to say something. ऐऐऐ ... (व्यवधान) ... मुझे उन की बात तो सुनने दीजिए ।

SHRIMATI RENUKA CHOWDHURY: If the hon. Members and everybody agree we can adjourn for the day and carry on this discussion on Monday because we have consultative committee meetings to attend. *(Interruptions)* We appeal to the better sense of the House. *(Interruptions)* Please, I request you. How can you be so hard-hearted? As a lady I am requesting you. Can't you agree?

THE DEPUTY CHAIRMAN: Shri Satish Agarwal, do you want to speak?

SHRIMATI RENUKA CHOWDHURY: There is no consensus to continue to sit late. 6 बजे हम ने मान लिया है There is no consensus.

THE DEPUTY CHAIRMAN: Shri Arya...

SHRIMATI RENUKA CHOWDHURY: Are we going to sit beyond six o'clock? *(Interruptions)* Here is no consensus. *(Interruptions)*

उपसभापति : 6 बज गए हैं, कल ले लें? कल कर लें? ... (व्यवधान) ... अच्छा, जयपाल रेड्डी जी को तो सुन लीजिए न ।

प्र० विजय कुमार मल्होत्रा : मैडम, दस बार सुन चुके हैं... (व्यवधान) ...

उपसभापति : मैं एक बात क्लियर कर दूँ कि न मैं किसी को बचा रही हूँ, न मैं किसी को पकड़वा रही हूँ, मैं अपनी छूट्टी निभा रही हूँ । ... (व्यवधान) ...

श्रीमती रेणुका चौधरी : गलत बात है, आप चेयर के बारे में ऐसा कैसे बोल सकते हैं? ... (व्यवधान) ...

THE DEPUTY CHAIRMAN: I am doing my duty. I will go according to the will of the House. I run the House according to the wish of the Members. It is not my intention to either adjourn without permission or to continue without permission. I take the House into confidence. ... *(Interruptions)* ...

SHRIMATI RENUKA CHOWDHURY: Madam, they are saying that the Chair is trying to save the Government. ... *(Interruptions)* ... I find it very objectionable. ... *(Interruptions)* ... They are casting aspersions on the Chair. ... *(Interruptions)* ...

उपसभापति : अच्छा, इतना गुस्सा नहीं करते । प्लीज । It is all right. ... *(Interruptions)* ... All right. ... *(Interruptions)* ...

SHRI TRILOKI NATH CHATURVEDI: She has been a Minister for only for two months. ... *(Interruptions)* ... She has our full sympathy ... *(Interruptions)* ...

SHRIMATI RENUKA CHOWDHURY: I am a Member of this House. ... *(Interruptions)* ... How can you say that? ... *(Interruptions)* ...

THE DEPUTY CHAIRMAN: At the far end of the day, when it is six o'clock, I do not know where from you get the energy to get angry. ... *(Interruptions)* ... I did not have the energy even to speak. ... *(Interruptions)* ... I had asked for a glass of water. ... *(Interruptions)* ... I went in and had a cup of tea because my head was aching. ... *(Interruptions)* ... CFoss-fire Should be stopped. ... *(Interruptions)* ...

SHRI S. JAIPAL REDDY: Madam, I would like to appeal to the Leader of the Opposition that we never in the past extended the time of the House through majority in the House. We always did it by taking the sense of the House. ... *(Interruptions)* ...

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

SHRI S. JAIPAL REDDY: I am appealing to you both, Malkaniji and Sikander Bakhtji, that you are much old to get angry. ...*(Interruptions)*... Nor I am too young to get angry with you. ...*(Interruptions)*... Tha; is «he problem. ...*(Interruptions)*...

SrtRI K.R. MALKANI: This is true. ...*(Interruptions)*... But the sense of the House always means majority. It is not that somebody says something in the air. ...*(Interruptions)*... When majority wants it, we adjourn it. ...*(Interruptions)*... This is the position. ...*(Interruptions)*...

SHRI S. JAIPAL REDDY: Malkaniji, we share common platform outside and inside together. I know your semantic skills. I am not getting into debate on semantics. To the best of my knowledge, the House is generally extended by obtaining the sense of the House. The sense of the House, you will kindly appreciate, is not the same as literal majority. It is a general consensus. Therefore, one side of the House is of the view that the time must be extended^ The other side of the House is of the view that the time need not be extended. Even so, we extended the time by one hour. ...*(Interruptions)*...

प्र० विजय कुमार मल्होत्रा : कितनी बार कहेंगे, जयपाल जी, आपने कह दी, कितनी बार कहेंगे, बात खत्म हो गई अब वोटिंग कराइए,...*(व्यवधान)*...

SHRI S. JAIPAL REDDY: I say from the best of my knowledge that it did not happen. If I am wrong, I can be corrected. You are all very experienced Members. I am appealing, through the Deputy Chairperson, please do not insist on voting when the House is extended and when a decision to that effect had not been taken...*(Interruptions)*...

THE DEPUTY CHAIRMAN: Jaipalji, please do not give that argument. If you give that argument on the floor of the House, then all the work which was done yesterday, the day before yesterday and of all the five days will be null and void.

So, please do not bring in that argument. You should take the House into confidence. Please, let me finish ...*(Interruptions)*...

SHRI SUNDER SINGH BHANDARI (Rajasthan): The extend House has the same status as the original House. There is no question about it. ...*(Interruptions)*

THE DEPUTY CHAIRMAN: See, Jaipalji, if you go into the technicalities, you will be in difficulty because all work which was done yesterday and all these days, becomes null and void and you would be in a very difficult situation. Let us not go into those technicalities. Let us request the Members that we have always run the House on consensus *(Interruptions)* ...

SHRI S. JAIPAL REDDY: Madam, I am only requesting.

THE DEPUTY CHAIRMAN: We do not go by books, we do not go by traditions but we just go by consensus. Let us go by that. I feel like that. Let us go into that. Otherwise, all the five or ten days' work is going to be null and void.

श्री सिकन्दर बख्त : सदर साहिबा । मैंने अपने अजीज साथी जयपाल रेड्डी साहब की बात सुनी । उन्होंने यह कहा कि — We have already extend the House by one hour. मैं और आप दोनों यह बात जानते हैं कि सिर्फ हाऊस को एक्सटेंड रखने के लिए सामने की बेंचेज से बेमानी तकरीरे हो रही थी । दिक्कत यह है कि अनफॉरचुनेटली आज एक मुश्किल में आप फंसे हुए हैं । मैं उसको समझता हूं । दिक्कत यह है कि इस मुश्किल में आप हमें सारी उम्र डाले रहे हैं और आज इत्तफाकन आप फंस गए हैं तो आपने इसको हाउस के टाईम को बढ़ाना कहा । हम नहीं चाहते थे बढ़ाना । हमारी तरफ से तो कोई बोला नहीं । हम नहीं चाहते थे इस हाऊस का वक्त जाया करना । सिर्फ हाऊस का वक्त जाया करने के लिए आपकी तरफ से तकरीरे होती रही । उसको रोकना चाहिए था और मकसद की बात पर आ जाना चाहिए था । इस तरफ जो लोग बैठे हुए हैं वे आपका मकसद समझ रहे हैं । उसका इन दलीलों से कोई ताल्लुक नहीं है...*(व्यवधान)*...

SHRI S. JAIPAL REDDY: I made an appeal to you. I did not argued.

श्री सिकन्दर बख्त : आप तो मुझ से फरमा रहे थे कि हमने एक घंटे का टाईम बढ़ा दिया है...(व्यवधान)... हिन्दुस्तानी में तो इसका तर्जुमा यही होता है। मेरा कहना यह है कि इस किस्से को खत्म करने की कोशिश कीजिए, बेकार की बहस में मत पडिए।

मौलाना अबैदुल्ला खान आजमी बिहार : आज जुममेरात है, इसलिए औरो का ख्याल तो कर लीजिए,...(व्यवधान)...

†**शरी स्कंदर बخت:** صدر صاحبہ میں نے اپنے عزیز ساتھی جے پال ریڈی صاحب کی بات سنی۔ انہوں نے یہ کہا کہ:

We have already extended the House by one hour.

†**آپ** دونوں یہ بات جانتے ہیں کہ صرف

هاؤس کو ایکسٹنڈ رکھنے کیلئے سامنے کی بینچیز سے بے

معنی تقریریں ہو رہی تھیں۔ دقت یہ ہے کہ

انفورچونٹی آج ایک مشکل میں آپ پہنچے ہوئے ہیں

میں اسکو سمجھتا ہوں۔ دقت یہ ہے کہ اس مشکل میں

آپ ہمیں ساری عمر ڈالے رہے ہیں اور آج اتفاقاً آپ

پہنچ گئے ہیں تو آپ نے اسکو هاؤس کے ٹائم کو بڑھانا

چاہا ہم نہیں چاہتے تھے بڑھانا۔ ہماری طرف سے تو

کوئی بدلا نہیں۔ ہم نہیں چاہتے تھے اس هاؤس کا وقت

ضائع کرنا۔ صرف هاؤس کا وقت ضائع کرنے کیلئے آپکی

طرف سے تقریریں ہوتی رہیں۔ اسکو

روکنا چاہئے تھا اور مقصد کی بات پر آجانا چاہئے تھا۔

اس طرف جو لوگ بیٹھے ہوئے ہیں وہ آپکا مقصد سمجھ

رہے ہیں۔ اسکا ان دلیلوں سے کوئی تعلق نہیں ہے

..."مداخلت"...

SHRI S. JAIPAL REDDY: I made an appeal to you. I did not argue

†**شری سکندر بخت:** آپ تو مجھ سے

فرما رہے تھے کہ ہم نے ایک گھنٹہ کا ٹائم بڑھا دیا ہے

..."مداخلت"... ہندوستانی میں تو اسکا ترجمہ یہی

ہوتا ہے۔ میرا کہنا یہ ہے کہ اس قصہ کو ختم کرنے کی

کوشش کیجئے۔ بے کاری بحث میں مت پڑئے۔

مौलانا अबैदुल्ला खान आजमी : आज जुममेरात है, इसलिए औरो का ख्याल तो कर लीजिए ... (व्यवधान)...

†**مولانا عبیداللہ جان اعظمی:** آج

جمعرات ہے اسلئے اوروں کا خیال تو کر لیجئے

..."مداخلت"...

श्री आर०एन०आर्य (उत्तर प्रदेश) : महोदय, राष्ट्रपति के इलेक्शन की प्रक्रिया का अहम मसला आज हमारे सामने है। हमारे राष्ट्र में इस तरह से कभी भी राष्ट्रपति के चुनाव में गंभीर व्यक्तियों के अतिरिक्त किसी ने पहल नहीं की है और न ऐसा कोई अंदेशा किया गया है और न कभी शंका थी कि राष्ट्रपति के इलेक्शन में कोई आदमी गलत तरीके से एकाएक आ जाएगा और उस पर तौहीन हो जाएगी। आजादी के 50 वर्ष बाद ऐसा विधेयक लाकर राष्ट्रपति पर और राष्ट्रपति के पद की

इच्छा रखने वाले व्यक्ति पर शंका व्यक्त करके हमने गिरती हुई नैतिकता को एक्सपोज़ किया है। बिल पास हो या रुके, ऐसी मेरी कोई मांग नहीं है लेकिन जो दलील दी गई है बिल के लिए, वह तो उचित दलील नहीं है।

महोदय, बहुजन समाज पार्टी की ओर से मैं अपना मत व्यक्त कर रहा हूँ कि किसी भी नागरिक को कम से कम पैसा खर्च करने पर, कम से कम मेंबर्स की संस्तुति पर चुनाव लड़ने की सहूलियत बनी रहनी चाहिए, और इस बिल में इस प्रकार की मंशा होनी चाहिए थी जिस पर कभी भी शक नहीं किया गया।

महोदय, माननीय सतीश अग्रवाल जी ने जो बिल रखा है, उसमें प्रजातंत्र के प्रति खास तौर से गंभीर पद के प्रति हमारी शंकालु प्रवृत्ति एक्सपोज़ करने का मौका मिला है, इसके लिए मैं उनको धन्यवाद देता हूँ। यही मैं अर्ज करना चाहता था। धन्यवाद।

उपसभापति : श्री वसीम अहमद, संक्षेप में बोलिए, अभी बहुत लेट हो रहा है।

श्री वसीम अहमद : मैडम डिप्टी चैयरमैन, आज प्रेजीडेंट और वाईस प्रेजीडेंट इलेक्शन अमेंडमेंट बिल-1997 जो आया है उस पर मेंबर्स ने अपने विचार रखते हैं। मैं इसमें इतना जरूर कहना चाहूंगा कि आज हाऊस का माहौल बहुत मुखलिफाना और दोस्ताना दोनों है। इस बिल में जाहिर है कि गवर्नमेंट की यह कोशिश रही कि प्रेजीडेंट का इलेक्शन और वाईस प्रेजीडेंट का इलेक्शन जरा सियासत से ऊपर हटकर हो और आम तौर पर यहां मैं सतीश अग्रवाल साहब की पहली बार तारीफ नहीं कर रहा हूँ उससे पहले भी कर चुका हूँ, कहीं उसको यह न समझा जाए कि मैं उनकी तारीफ पहली बार कर रहा हूँ। सिकन्दर बख्त साहब से मुखातिब थे मौलाना ओबेदुल्ला आजमी साहब, तो उसमें जुमेरात तक का जिक्र आ चुका है। मैं इस बिल की तफसील में नहीं जाऊंगा। जो बातें यहां हो रही हैं मैं सिर्फ इतना ही कहूंगा कि 1952 में जो कैंडीडेट खड़े हुए उस वक्त इस मुल्क में किसी ऐसे आदमी की हिम्मत नहीं होती थी जो जरा नान-सीरियस हुआ करती। 1957 के इलेक्शन में भी काम लोगों की यह हिम्मत हो पाई। लेकिन उसके बाद प्रेजीडेंट और वाईस प्रेजीडेंट के जो इलेक्शन हुए उसमें लोगो की यह हिम्मत बढ़ी कि धरती पकड़ जैसा आदमी इस मुल्क में ... (व्यवधान)...

श्रीमती रेणुका चौधरी : नाम नहीं ले।

श्री वसीम अहमद : मैं नाम नहीं ले रहा हूँ। आज दूसरी मुखालिफ पार्टी की तरह से हमारी जो खासी पकड़ हो रही है इसलिए यह जिक्र आ गया वरना मैं जिक्र नहीं

55 करता। जाहिर है कि गवर्नमेंट की यह इंटेंशन रही कि एक ऐसा आर्डिनेंस लाया जाए जो आर्डिनेंस इस मुल्क में बेहतर कैंडीडेट खड़ा करने में मदद कर सके और उस वक्त मैं यह आर्डिनेंस लगाया गया जब यह हाऊस नहीं था। जाहिर है कि इससे पहले जो इलेक्शन होते थे लोग ढाई हजार रुपया जमा करने के बाद और एम0पीज0 और एम0एल0एज0 के पास जाने के बाद अपना नॉमिनेशन प्रपोज कराने और सेक्रेण्डर बनवाने के बाद 10-10 लोग इसमें अपना नॉमिनेशन भर दिया करते थे और वह लोग यहां कैंडीडेट हो जाया करते थे। ... (व्यवधान) ... मल्होत्रा साहब, हाथ मत जोड़िए, हम तो आपको जोड़ रहे हैं। जो बिल इस हाऊस के अंदर मौजूद है, मैं ऑपोजिशन के लोगों से, खास तौर से सिकन्दर बख्त साहब और सतीश अग्रवाल साहब से दरखास्त करूंगा क्योंकि आप दोनों हमेशा सियासत से हटकर बात कहते हैं।

यह एक नेक काम और बेहतर काम हो रहा है और आप इस केस की मेरिट को भी जानते हैं और समझते हैं। अगर यह रोक नहीं लगाई गई जो इस बिल में लगाई जा रही है तो फिर प्रेजीडेंट और वाईस प्रेजीडेंट के इलेक्शन जो फ्री, फेयर एंड ट्रांसपेरेंट होने चाहिए, हम उसको उस तरह से नहीं कर पाएंगे। मैं यहां धरती पकड़ का जिक्र नहीं करूंगा।

उपसभापति : नाम मत लीजिए। वसीम साहब, मैं आपको एक बात से कॉशन करूं। आप अगर नाम लेंगे तो यह इंप्रेशन जाएगा कि कुछ लोगों को हटाने के लिए आप यह लाए हैं। यह गलत बात है। इस कन्ट्री के हर आदमी को हक है इलेक्शन लड़ने का। किसी का नाम मत लीजिए आप अपना भाषण करिए।

श्री वसीम अहमद : आपने सही फरमाया। मैं अपनी इस सलाह करते हुए और अपने आपको करवट करते हुए मैं यह कहना चाहता हूँ कि अगर नान-सीरियस कैंडीडेट प्रेजीडेंट के इलेक्शन में खड़े होंगे तो फिर हम इस इलेक्शन को उम्दा तरीके से नहीं लड़ सकते हैं। इसी लिहाज से, इसी वजह से यह बिल आया है। मैं अपने साथियों से दरखास्त करूंगा कि आज सियासत से ऊपर हटकर इस बिल को हम सब पास करें ताकि ईमानदारी के साथ इस मुल्क में प्रेजीडेंट और वाईस प्रेजीडेंट के इलेक्शन को हम करा सकें। यही बात कह कर मैं आपके बीच से हटता हूँ। बहुत-बहुत शुक्रिया।

THE DEPUTY CHAIRMAN: Mr. Jethmalani is not there. Dr. Biplob Dasgupta.

Presidential Elections

DR. BIPLAB DASGUPTA (West Bengal):
Madam, this evening I am in a schizophrenic mood.

SHRIMATI RENUKA
CHOWDHURY: I am here to look after him.

THE DEPUTY CHAIRMAN: She is your personal security guard.

SHRIMATI RENUKA
CHOWDHURY: Madam, I am looking after his health.

DR. BIPLAB DASGUPTA: I will be privileged to have a guard like her.

I am in a schizophrenic mood because I am fully in agreement with the Resolution moved by Shri Satish Agarwal, but, on the other hand, if it comes to voting, I will vote against it. So, that is the schizophrenia.

If you look at our record for the last two years, we have always been consistently against rule by ordinances. It should never be done. In most cases, ordinances were issued even when they were not necessary. There was no emergency. Only if the Government could organise its work properly and only if it could plan in advance, most of the ordinances could be taken care of and there would be no need for ordinances. It is not an emergency situation. All the discussion which have been reported, have been going on for many, many months now. The government should have brought in the Bill long, long back, there was no need for the Ordinance. So, if this is the issue, I am entirely in agreement with what Shri Satish Agarwal is saying, that the Ordinance should not have been there.

I also agree that when such a Bill which has some constitutional implications, a Bill which deals with the post of President or Vice-President comes, there has to be a consensus. Whatever may be differences with the BJP, the BJP is the leading Opposition party both in this House and in the other House. It should have been proper for the Government to have consulted the

BJP also on this issue of the Presidential and the Vice-Presidential elections. I think, if the feelings of the BJP have been hurt on this issue, I think, they have ample justification for having been hurt. I have no doubt about it. So, on these two points I am entirely in agreement with some of the points which have been raised by the other side.

As far as the substantive part is concerned, I think truly that there is a consensus on whether we should get rid of frivolous candidates or not. I have been attending for the last two years many, many meetings of leaders on electoral reform. Leaders of all the political parties have been present in those meetings. Generally speaking, we are all opposed to frivolous candidates. How to get rid of them is a different question. On that, there may be some differences here and some differences there. But, certainly, there is a consensus that we should not have candidates who only want to project themselves and have other motives than contesting for the election and that we should confuse the electorate by having so many candidates who are standing for the election. So, on this issue, I do think that there is a consensus. One may not agree on the form in which the amendment has come or on whether the deposit should have been so much or more than that or less than that. That is a different question. But we have arrived at a consensus on this particular issue that frivolous candidates should not be there.

I think, this is not a question of this particular election only. Genuinely speaking, we have to take a stand on this. I think, my friend, Shri Wasim Ahmed was mentioning this point.

If I have your indulgence, I was involved in an electoral study a long time back. We studied the elections from 1952 to 1967.

In all these elections, you will find something very consistent. In the first election there were a large number of

Presidential Elections independent candidates. In the second elections, their number came down. In the third election, their number came down still further. Whereas in the earlier elections the Independents used to get a large number of votes, the share of their votes continued to decline. This was labelled as the process of institutionalisation. As the Parliamentary democracy becomes matures, any candidates who is not Sponsored by a party would have few votes. That is the sign of the maturity of the Parliamentary democratic system. If there is an Independent, who gets a high proportion of votes, that is largely because some other major parties support him. No other candidates without the support of an established recognised party should get a large share of votes. That is a particular feature of a mature. Parliamentary democratic system. Whether it is the United States of America or the United Kingdom or any place in Europe, you will find the same feature that Independents never get votes. In such a situation, should the Independents be permitted to contest in these elections?

प्रो० विजय कुमार मल्होत्रा : महोदय, क्या इनके लिए टाइम की लिमिट नहीं है? क्या सीपीएम के मेम्बर बोलते रहेंगे? कोई लिमिट होनी चाहिए।

DASGUPTA: This is part of the issue

DR. BIPLAB the substantive (*Interruptions*)

THE DEPUTY CHAIRMAN: The matter is serious. If the member wants to say whatever he wants to say, he should be allowed to say. Why should anybody project to it?

प्रो० विजय कुमार मल्होत्रा : मैडम, कितना टाइम है?

THE DEPUTY CHAIRMAN: We have not allocated any time. I know many members from his party have spoken, but I do not want him to feel that his voice was suppressed. So, let him put his point of view.

SHRI SIKANDER BAKHT: Madam, it is just to bring to your notice that Dr. Biplob Dasgupta is the fourth or fifth person speaking from the same party. Please continue.

THE DEPUTY CHAIRMAN: He is the last speaker. I have no other name. He is giving his arguments. Kindly listen to his arguments.

DR. BIPLAB DASGUPTA: I can see three or four reasons as to why such frivolous candidates should not be permitted. Firstly it will entail an expenditure on the public exchequer. Secondly it would mean that the taxpayer has to pay more money either for printing of the stationery or for other things. The third part is that this will confuse the voter. A voter is confronted with 400 names. What will he do with it? In fact, that is one of the reasons why when we discussed it in various meetings, we agreed on these points that the names of the recognised party candidates...

SHRIMATI RENUKA CHOWDHURY: Madam, I have to chair a Consulative Committee meeting. Can we carry this over to Monday or any other day?

SOME HON. MEMBERS: No.

SHRI K.R. MALKANI: Madam, they want to deliberately delay the proceedings of the House. (*Interruptions*)

SHRIMATI RENUKA CHOWDHURY: There should be sense of the House also.

SHRI SATISH AGARWAL: Is this way to appeal to our conscience that you are trying to force an adjournment (*Interruptions*)

उपसभापति : विप्लब बाबू पूरा कर दीजिये...(व्यवधान)...

एक माननीय सदस्य : बिप्लव जी का भाषण तो होने दीजिये...(व्यवधान)...

PROF VIJAY KUMAR MALHOTRA: You are creating disorder.

DR. BIPLAB DASGUPTA: Madam, what I was saying was quite simple. If you have any frivolous candidates, then, there will be frivolous candidates in the ballot papers. It increases the expenditure from the public fund. Should we allow this thing to happen? This is number one. Number two..(Interruptions)...

उपसभापति : पार्लियामेन्टरी अफेयर्स मिनस्टिर कभी-कभी तो आते हैं, जरा बोलने दीजिये। खुदा न करे ऐसे हालात हों कि इनको दोबारा आना पड़े। आज आये हैं तो अच्छा है, इनको बोलने दीजिये।

THE MINISTER OF PARLIAMENARY AFFAIRS AND MINISTER OF TOURISM (SHRI SRIKANTA KUMAR JENA): Madam, it is already 6.30, I appeal to you to adjourn the House. We can take up this Bill tomorrow. (Interruptions)...

SHRI SATISH AGARWAL: You are not appealing. You are bent upon creating a scene. The whole world is watching you. You are creating a scene in the House.

उपसभापति : वेल में नहीं आना...(व्यवधान)...

SHRI SATISH AGARWAL: Madam, they are creating a scene. They cannot force an adjournment. The whole world is watching them. We are sitting quiet.

SHRI SUNDER SINGH BHANDARI: To avoid voting on the Bill, they cannot force an adjournment of the House.

SHRI SATISH AGARWAL: Yesterday, you know what happened in the Lok Sabha. The Speaker did not allow the adjournment of the House. (Interruptions)...

उपसभापति : अगर आपको शोर ही मचाना है तो जरा हल्का मचाइये, मेरा सिर दुख रहा है। अभी Kamla Sinha ji gave some ointment for application on my forehead. So, I cannot bear any more interruptions. I have been sitting in the Chair from 3 o'clock or even before that. You should understand even my endurance power. I am sitting here right from 3.00 P.M. to 6.30 P.M. I

am listening to everything very patiently with a lot of tolerance. ...(Interruptions)

श्री गया सिंह : मैडम, कल करिये या मंडे को...(व्यवधान)... कल तक करिये...(व्यवधान)...

उपसभापति : खत्म करिये इस बिल को और जाइये...(व्यवधान)...

श्री सतीश अग्रवाल : "सत्यमेव जयते" कहते हैं...(व्यवधान)... साफ-साफ कहिये क्यों चाहते हैं एडजोर्नमेंट?... (व्यवधान)...

श्रीमती रेणुका चौधरी : हम चाहते हैं एडजोर्नमेंट करना...(व्यवधान)...

SHRI SUNDER SINGH BHANDARI: This is only to avoid voting.

उपसभापति : अग्रवाल जी, आपको रेप्लाई करना है, अभी मेरे पास बोलने वालों के नाम नहीं हैं।

श्रीमती रेणुका चौधरी : रेप्लाई जरूर करना पर इतना नहीं कि वह टूट जाये...(व्यवधान)...

SHRI SATISH AGARWAL: Madam, I have heard with rapt attention the various speeches made by the hon. Members on this side as well as on the opposite side. ...(Interruptions)...

DR. BIPLAB DASGUPTA: Madam, I have not yet finished my speech.

THE DEPUTY CHAIRMAN: I do not know because everybody was asked to sit down. Agarwalji, let him complete. Let us not create a scene in the House. Let him speak. आप बैठ जाइये, ...(व्यवधान)... गया सिंह जी आप बैठ जाइये। ये भी कुछ बोलना चाह रहे हैं, आपकी पार्टी के हैं।

श्री जीवन राय (पश्चिमी बंगाल) : हाउस एडजोर्न करा दीजिये...(व्यवधान)...

उपसभापति : खाना खाकर आ जाइये, उनको बोलने दीजिये।

श्री गया सिंह : मंडे के लिए रखिये...(व्यवधान)...

THE DEPUTY CHAIRMAN: He will again complain that the Chair is not giving him time. If you argue very much we may not be able to finish it. Let him finish in two minutes. Let us give him two minutes. Let him finish.

श्री रमाकांत डी० खलप : मैडम, एक बात में माननीय सदस्य श्री सतीश अग्रवाल जी से कहना चाहूंगा...(व्यवधान)...

DR. BIPLAB DASGUPTA: Madam, I was saying this. Maybe most of you have forgotten what I have said earlier. *(Interruptions)*.

THE DEPUTY CHAIRMAN: Biplab Babu, one thing I must say. If some Member keeps on repeating the same thing again and again, the Chair can tell him. *...(Interruption)*. So, please do not repeat. Make whatever valid points you have. I am here to hear you and the House would like to hear you. It is an important issue and it should not be taken on the strength of Members, if there are 20 here or 20 there. This is not an issue which should be decided by the number game. This is an issue which concerns two very important positions of our country. If you have some points, please raise them. And I assure you that you will have my protection. I can tell this to you that you will have my protection. But please let us not present a kind of picture that we are making filibusters over here in the House. Please put the points.

DR. BIPLAB DASGUPTA: I am not repeating. Madam. I will make three or four quick points. Firstly, as we have already discussed in the various meetings of leaders, in the ballot paper, there should be precedence for the candidate of recognised parties. Secondly, if electoral expenses are paid from the exchequer, they should go to the recognised parties and not to the candidates who are not attached to recognised parties. Thirdly, to weed out frivolous candidates—there were also discussions—the amount of deposit should be raised. An hon. colleague from my party has raised a very vital point that if you raise the deposit up to, say, Rs. 50,000/-, rich men will be able to afford. What about poor men? It is a valid point. The deposit would be beyond the reach of the poor man. There

would still be frivolous candidates who are rich. By raising this, a substantial number would be reduced. There may not be everyone. But, still, some frivolous candidates who have got sufficient money—whether it is Rs. 15,000 or Rs. 50,000. Even if it is Rs. 2 lakhs or Rs. 5 lakhs, there would be some who are in a position to pay. But yet, you reduce the list to some extent and make it easy to comprehend to the ordinary voters. The advantage is that by raising the deposit in this way, you can reduce the number. Fourthly, you can make a provision that a person will forfeit the deposit if he does not obtain a certain percentage of votes. *(Interruptions)*.

THE DEPUTY CHAIRMAN: If he feels it is a valid point, let him make it.

DR. BIPLAB DASGUPTA: Madam, am I saying anything irrelevant?

THE DEPUTY CHAIRMAN: I am not saying that. I am telling them that if you feel it is a valid point, you have a right to make it.

DR. BIPLAB DASGUPTA: My point is specific to the legislation we are discussing. I am not saying anything which is not in tune with the legislation which, is being *discuss,ed*. *(Interruptions)*. Please do not be impatient.

What I am saying is this. All these issues are being discussed not only by us, I think, by the media, by the people at large. And these are important issues because if there are too many frivolous candidates who confuse the choices, who confuse the issues, is it going to be good for our country? Now in this case, whether it is the Presidential election or the vice-Presidential election, it is even more serious. Somebody, who is not at all qualified, also wants to become the President. Once his name is put in the ballot paper, immediately people come to know of him and some publicity is given to the candidate concerned. I remember, when the Presidential election was taking place, I got a large number of letters

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from various people—candidate-X, candidate-Y, candidate-Z whom I have not heard of they wanted to be the President of India. Later on, most of them were weeded out. That is a different thing. But at least, quite a number of people wanted to be the President of India. May be, they knew that they would 'never become the President of India. But they thought that through that action, their name would come to the knowledge of a large number of people. They wanted to have a cheap publicity. You are allowing the public money to be spent for cheap advertising, cheap publicity, by candidates who are not worthy to be considered for the Presidential election.

SHRI SIKANDER BAKHT: I am thankful to him for saying so.

THE DEPUTY CHAIRMAN: Have you finished. Dr. Biplab Dasgupta?

DR. BIPLAB DASGUPTA: I am just finishing. Taking all these factors into account, there is a strong case to support the Bill which has been brought before the House. We may or not agree with a particular figure. (Interruptions) I agree with Satish Ji that they should not have ruled by Ordinances. But I request my friends in the BJP to withdraw this Motion. Thank you.

श्री गया सिंह : अभी पौने सात हो गए, मैडम अभी कहां तक चलते-चलते जाएगा?... (व्यवधान)...

श्री वसीम अहमद : यह कोई चीज़ नहीं है ... (व्यवधान)...

श्री सिकन्दर बख्त : कोई हद होती है... (व्यवधान)...

THE DEPUTY CHAIRMAN: It is very late now. The matter was thoroughly discussed. More names had come and we accommodated everybody. Still, the Minister has to reply. But I do not know how he will reply and to what he will reply because the mover has to first reply and then it has to be replied by the Minister. (Interruptions) But it is very late. (Interruptions)

SHRI SATISH AGARWAL: This House has sat for very, very long hours. (Interruptions)

SHRI S.-. JAIPAL REDDY: Satish Ji, you are a very senior Member. This House never sat like this for confrontation. (Interruptions)

SHRI TRILOKI NATH CHATURVEDI: Madam, I do not know why Mr. Reddy is losing his temper. He talks of confrontation. We have not talked of confrontation. We have talked of consensus. The Prime Minister talks of consensus. We talk of conciliation. (Interruptions) Is this democratic politics? You cannot give sermons to us. (Interruptions)

SHRI SATISH AGARWAL: How do they presume that I am not going to give them a positive response? If you insist on this attitude, and if you, on this basis, try to force the Chair to adjourn the House on the eve of *voXxng*... (Interruptions)

SHRIMATI RENUKA CHOWDHURY:

Madam, you should object to his having said so. (Interruptions)

.. बहुत शर्म की बात है कि ऐसे बोल रहे हैं ... (व्यवधान)...

THE DEPUTY CHAIRMAN: I also want to have a consensus on such an important issue. Let us not make it, as I said earlier, a number game. Mr. Satish Agarwal may withdraw his Resolution. Let him withdraw his Resolution.

श्री ईश दत्त यादव : मैडम, कब तक हम लोग बैठेंगे? आप परसों इस पर वोटिंग करा लीजिए या कल करा लीजिए। ... (व्यवधान) ... 14 तक हाउस चलने वाला है। ... (व्यवधान)...

श्री सतीश अग्रवाल : यह गलत परंपरा होगी ... (व्यवधान) ... दुनिया के सामने गलत परंपरा होगी कि सरकार ने जोर-जबर्दस्ती से हाउस में ... (व्यवधान) ... हालात बना दिए ... (व्यवधान) ... पैदा कर दिए कि ... (व्यवधान) ... से डर करके ... (व्यवधान)...

श्री ईश दत्त यादव : मैडम, 11.00 बजे से लगातार बैठे हुए हैं। ... (व्यवधान)...

श्री सतीश अग्रवाल : आपने हाउस में जो रोजिज्म पैदा किया।...(व्यवधान)...

उपसभापति : ऐसा नहीं लगना चाहिए।
...(व्यवधान)...

The Law Minister has requested and everybody has requested.'
(Interruption)...

SHRI SATISH AGARWAL: Madam, you give me five minutes.

THE DEPUTY CHAIRMAN: You can speak for five minutes. Whatever you want you can speak. It is your right. I am only saying this. If you agree that it should be passed with consensus, fine.
(Interruptions)...

SHRI SATISH AGARWAL: No.
(Interruptions)...

श्री नरेन्द्र मोहन (उत्तर प्रदेश) : मैडम, क्या इस तरह हम लोकतंत्र को भीड़ तंत्र में बदल देंगे?

THE DEPUTY CHAIRMAN: I am just making an appeal. If you agree, we will pass it. (Interruptions)...

SHRI SATISH AGARWAL: What will we pass? The Resolution? (Interruptions)...

THE DEPUTY CHAIRMAN: It is not the Resolution, the Bill. You will withdraw your Resolution.

SHRI SATISH AGARWAL: No, unless I reply to it...(Interruptions)...

THE DEPUTY CHAIRMAN: You can reply to it. I cannot stop you from replying to it. I always request Members to withdraw their Resolution. I have always requested Members, whenever they brought in Resolutions disapproving the motions, to withdraw their Resolutions. I have always got my reservations about the Ordinances. I have never co-operated with such things. This has been recorded on the floor of the House. The Members who are sitting on this side had also raised this point.
(Interruptions)...

I am trying to bring a consensus. (Interruptions)...

अगर आप कोई और तरीका इस्तेमाल करना चाहते हैं तो कर सकते हैं?

श्रीमती रेणुका चौधरी : नहीं मैडम, सवाल ही नहीं उठता।

THE DEPUTY CHAIRMAN: I am trying to bring a consensus. This is not for the first time that an Ordinance has come before the House. Ordinances have been brought in by every Government, by the Government of those who are in Opposition today and by the Government of those who are in Government today. We have always objected that Ordinances should not be brought in. The Government should try to bring them in the form of Bills and not in the form of Ordinances. As the Law Minister has said in his opening remarks that there was a compulsion, I feel, if you agree to withdraw your Resolution, it would be fine.
(Interruptions)...

SHRI SATISH AGARWAL: No.
(Interruptions)...

THE DEPUTY CHAIRMAN: I have given them enough time to speak. I have given you enough time to put your arguments. I can only request the Members. I can't do anything beyond that. (Interruptions)...

I am just making a request.

SHRI SATISH AGARWAL: Madam, I wish to clear one misgiving and that is with regard to the two positions being disturbed. So far as the Presidential election is concerned, that was already over on 14th July, 1997. So, accepting my Resolution or rejecting it doesn't affect it at all. So far as the Vice-Presidential election is concerned, I wish to bring to the kind notice of this House the provisions of clause 6 of the General Clauses Act, 1897. The Law Minister is very well aware of it. He must have applied it on many occasions. This clause says:—

"Where this Act, or any Central Act or Regulation made after the commencement of this Act, repeals any enactment hitherto made or hereafter to be made, then, unless

a different intention appears, the repeal shall not—

- (a) revive anything not in force or existing at the time at which the repeal takes effect; or
- (b) affect the previous operation of any enactment so repealed or anything duly done or suffered thereunder; or
- (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed; or
- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed; or
- (e) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid.

Now the position is abundantly clear under clause 6 of the General Clauses Act, 1897. The nominations have been accepted. The scrutiny has been done. The names of contesting candidates have been announced. So, the acceptance of my Resolution or the repeal of the Ordinance is not going to adversely affect the previous position. I don't want to quote authorities of the High Courts or the Supreme Court. The Law Minister is well aware of it. Anything done, suffered or operation repealed, rights, privileges, obligations, liabilities, everything is saved under clause 6 of the General Clauses Act. So there is no cause for any apprehension that whatever nominations have been filed, all these steps come into effect retrospectively, that is not the legal position. This will have a prospective application. This will be only for voting purposes. Nothing is to be done now. Nominations have been filed under a law which stands repealed and scrutiny has taken place. The names of contesting candidates have already been announced. So there is absolutely nothing so far as

election of the Vice-President is concerned. The President's election was already over on 14th July and the result has already been announced. The oath has already been administered. That is not at all affected. This is with regard to the legal position.

My second point is this. My esteemed colleagues, Shri Ashok Mitra, Shri Nilotpal Basu, Dr. Biplab Dasgupta, Shri Gay- Singh, Shri Naresh Yadav, etc. made a fervent appeal that we should not embarrass the Government. Right so. Why did this not occur to them yesterday? Why did this not occur to my Left friends yesterday when they embarrassed the Government like anything and the Prime Minister was forced to announce the withdrawal of the Insurance Regulatory Authority Bill? They were bent upon it.

The privatisation or the opening up of the insurance sector was a part of the Common Minimum Programme to which you are a party. Since your conscience did not allow you to support that Bill, you went so far that you embarrassed the Government like anything. I saw the Prime Minister on the TV in a very helpless position. He then announced, "We withdraw the Bill". Actually the Bill was to be withdrawn by the Finance Minister. Then he asked the Finance Minister to get up and withdraw the Bill. The Finance Minister got up and reluctantly withdrew the Bill. That is the position. You did it yesterday. Now you are appealing to me. I would like to say that nothing is going to adversely affect the outcome of the President's election held on the 14th of July. With 45 years legal experience I say that Section 6 of the General Clauses Act is there to take care of anything and everything that has been done prior to the rejection of this Ordinance on 7th of August. Whatever has been done up to the 6th of August is valid in the eyes of law. It is not liable to be challenged. That is the legal position.

So far as assurances are concerned, they have been assuring us since last year. One day the former Prime Minister, Shri H. D. Deve Gowda, came to the House in the morning and Renukaji, Jayanthiji and Kamalaji, all came into the Well of the House. Did he not announce in the House, "Bring the Bill and I will get it passed right now?" What has happened to that? Many Members demanded it. He immediately responded to it. What happened to that assurance? What happened to the electoral reforms? What happened to the Lok Pal Bill? What happened to the 10 crore landless labourers in this country? Have you brought any law for the landless labourers or agricultural labourers? There are so many promises.

Madam, you were telling Mr. Jena, "You seldom come". But with what face can he come to the House? He promised everything in your Chamber. He committed it in the April meeting. He was present in the meeting. I don't want to refer to that. Three months have already passed. With what face can he come to the House and appeal to our conscience? They promised it, so far as arrogant attitude is concerned, Shri Gunidas Das Gupta said on the TV yesterday, "The arrogant attitude of the Finance Minister". You were hurt by the arrogant attitude of the Finance Minister. Now see the arrogant attitude of the whole Government. Did you talk to Shri Atal Bihari Vajpayee regarding the Presidential candidate? We were not opposed to that. We also supported him. You did not take him into confidence. You simply take him into confidence when somebody has to go to UNO. You simply take him into confidence only when you are in trouble with regard to Pakistan or any other country. He is your good friend. He is the Leader of the Opposition. Yesterday also he tried to bail you out. But because of the Leftist friends he could not do anything. You could have shown some mercy. Because they were adamant, we were also adamant on our amendment. Then

naturally we colluded or corroborated or collaborated or whatever you may say. You had to bite the dust yesterday. You had no face on the Insurance Regulatory Authority Bill. Forty MoUs have already been signed in this country without the authority of Parliament. You are trying to befool the whole country and Parliament. Why don't you come out openly before the House? I say this not with a sense of vengeance. Your Government is absolutely non-functional. It is dysfunctional. It is malfunctioning. That is why, we have been protesting against it.

Since last year there were 12 Ordinances and we protested. You assured, 'no more'. Here also you are assuring us. On the fifth of February, the Election Commission advised you. Till February end, March, April, May—the House adjourned in May—what did you do? For four months, why did you sit tight on this recommendation of the Election Commission? I am not on merit, whether Rs. 15,000 should be there or whether 50 voters should be there. I am not touching upon its merit. I have not said anything on the contents or the merit of the Bill as such. I am only on this point. Number one, that this tendency to govern this country through Ordinances has to be decried for all times to come and I am happy that the Leftist friends have joined me on this issue. So far as the other aspect is concerned, that is with regard to consensus, you never consult the Opposition. You consult them only when you are in trouble, when you have a predicament. Only then you consult them. You then appeal to our good sense. But you see, good sense cannot be unilateral as you have adopted towards Pakistan. We are not Pakistan. After all, we are your friends. You have taken a unilateral decision of extending visa facilities to Pakistan. We are not Pakistan. We are your colleagues here. Some time ago, you were sitting here and God knows, for how long you will be there because the other old man is in a

hurry to occupy that chair and you are being guided by him. You have contempt for the Left. You don't consult them also. That is the grievance with them also. I do not know why you have followed this policy of divide and rule. Anyway, that is your look out and I have nothing to say. So far as the legal position is concerned, it does not affect the President's position. The elections were completed last month. So far as the Vice-President's elections are concerned, under clause 6, everything done prior to 7th of August is valid in the eyes of law. That cannot be challenged on the ground that the Ordinance has fallen. So, I think in order to bring this Government, which has derailed, on to the rails—you are derailed, your Government had derailed this is necessary. You say, "I am like Droupadi. She had five husbands and I have 15 husbands. My predicament is this: While those five husbands had their turns in a disciplined way, one by one, here, it is I who have to go to all the 15". They don't come to you. You go to them, sometimes twice, sometimes thrice. That is your predicament. But I can't help it. I cannot help you. So, Mr. Prime Minister, I do not know, you say Atalji is your good friend. Sikanderji is your good friend. You have been saying so. Did you consult anyone before deciding upon the Presidential candidate or the Vice-Presidential candidate? We supported that even the second time. You simply say consensus. But you do not carry out your intentions into actions. That is the sorry state of affairs. That is why we do have a right to censor you. We will avail ourselves of this opportunity without any legal complications. So far as the two positions are concerned, I have made it abundantly clear. I stress, I am not prepared to withdraw this motion. I am not prepared to accede to your request because it has no logic. It is only because you are in peril, you are in a predicament that you are appealing to our good sense. Otherwise, you do not talk to us. You don't take us into confidence. I am sorry. I am sorry, my friends. Without any sense of vengeance I am saying this. I am

saying this with a sense of hurt because democracy works on consensus and we have always believed in consensus. I have seen it in the Lok Sabha from 1977 to 1984. I have also seen, in these 3½ years how you work with consensus. Today you are taking legal objection with regard to technical matters -- the House has already been extended for one hour so, the House cannot be extended further. We have sat here a whole night. Just an hour before, we conceded the request of the Chair with regard to the Security Guards Bill. We gave in. We gave in willingly. Whenever there is logic, whenever there is reason, we have given in. But there is no logic. There is no reason. Simply, by just brute majority or numbers or authority, you want to create a scene in this House. You want to force an adjournment on the House and avoid a vote. This will give a very, very bad signal not only to this country, but to the whole world that this is how the Gujral Government is functioning, that they do not permit the House to cast their vote, to exercise their right to vote when they are in a predicament. If you have to face a defeat, face it boldly. That is my request to you. Thank you very much.

THE PRIME MINISTER (SHRI I.K. GUJARAL): Madam, I respect my learned friend, Shri Satish Agarwal. I had the privilege of sitting next to him for several years. I am very persuaded by his eloquence. I am equally persuaded by his logic. But a few things I think I am called upon to explain. One point which my learned friend has made is, why we did not consult the Opposition regarding the nomination of the Vice-president. I think we should. I have explained to my worthy friend, Mr. Atal Bihari Vajpayee, for whom I have great respect, as you know, that the entire process of evolution of a candidate on the United Front side was very delayed and it was perhaps inevitable. It was obviously to evolve* a consensus in a large number of parties. Now one can be cynical about it as to why we a large number of parties. I did not create a large number of parties the

Presidential Elections electorate did it. Therefore, large number of parties are there. And again for compulsions of reality these parties got together and therefore, they have formed a Government in a democratic, open way. It is not something that has been done behind this House, it has not been done behind the democratic processes. Openly, parties got together, found a common economic programme and therefore, on that basis they presented themselves before the Lok Sabha, got their vote of confidence and then they occupied the seats. Therefore, I would only say this thing. It is, of course, a very healthy practice. I am a great votary of evolving consensus and I think if at all I have earned repute or disrepute it is that I am a great practitioner of consensus building. In this case also I would have loved to do it. But what happened was let us not mix up facts—the Opposition candidate was announced before even the Steering Committee of the United Front met. This is a matter of fact and dates can be checked and I am not blaming you for that. I am also conscious of the fact that the candidate was not announced here. The candidate was imposed upon you by the Akali Party. (Interruptions) One minute. Now please give me a chance also.

I have beared you with great respect and in silence and I expect that.

THE DEPUTY CHAIRMAN: Let him speak. Listen to him with patience.

SHRI I.K. GUJRAL: Therefore, the main point is, again I am not blaming because ultimately we are all coalescing. You are having a coalition with the Akali Party in Punjab. That coalition has its own compulsions. We are having a coalition on this side. It has also got its own compulsions. Therefore, evolution of a candidate on that side or this side was a process by itself. Well, I am not going to give a value judgment whether the process is right or whether the process is wrong. But it is a reality of politics; which we are facing. Therefore, on this fact I must clarify that it was not lack of

respect nor lack of will that we were not able to consult the Opposition about the candidate.

श्री सिकन्दर बख्त : मैं सिर्फ एक बात जानना चाहता हूँ। राष्ट्रपति के चुनाव के मौके पर किसी बरनाला का नाम प्रपोज नहीं हुआ था?

† شری سکندر بخت: میں صرف ایک بات جانتا چاہتا ہوں۔ راشٹری کے چناؤ کے موقع پر کسی برنالہ کا نام پروپوز نہیں ہوا تھا۔

श्री इन्द्र कुमार गुजराल : हो चुका था, राष्ट्रपति के चुनाव के वक्त भी जो बात थी वह थी कि आपस में करली गई थी।

But I will not again go into details because Rashtrapati is Rashtrapati so let us not go into the details. Anyhow, this is what happened.

SHRI R.K. MALKANI: The Congress spokesman said, "There is no question of our discussing this matter with the BJP." He is your biggest supporter, publicly. This is the way you have been treating us.

उपसभापति : मलकानी साहब, प्राईम मिनिस्टर बोल रहे हैं।

SHRI K.R. MALKANI: I know but we are also equal Members of this House.

THE DEPUTY CHAIRMAN: I know you are. If you want to clarify you can do it later on. I will permit you but please let him make his point. Please don't disturb anybody.

SHRI I.K. GUJRAL: Again what I am submitting, Madam, is basically these are the facts that I know. Maybe my facts are not right, maybe I can be corrected. But these are the facts known to me which I

† [] Transliteration in Arabic Script

am trying to submit to you. I mean no disrespect to Barnalaji, he is a very old friend of mine perhaps older than most of the Members of the House here. Therefore, it is not a question of friendship. I do not want to refer to other possible very much valid candidates because one of the very worthy candidates who could possibly be considered is occupying the seat of presiding officer here. So, I do not want to get into those details. Therefore, when the parties evolved a candidate it does not in any way mean disrespect to, or any denigration of those who have not been selected.

It is a one-party system, things perhaps are easier. But if it is a multi-party system, things sometimes are not that simple. They get more complicated, unfortunately, I happen to be occupying a seat where I get flak for the sins which are not committed by me. The sins are many more. But naturally I cannot possibly say that I did not commit them because I am not in a position to say so. The issue is not that. Whatever happens to the fate of the Bill, it is a separate thing. Thanks to you. Madam, this House has won a very rich tradition and I think we can take pride in that. Most of us have sat here for several years. I am also one of those who have sat here for nearly three decades. The tradition is the type of relationship that exists between us, the harmonious relationship that exists between this side and that side—or when I was there, between that side and this side—which has always been a great asset to this House. And that is the main ethos of this House which I think all of us are proud of. All of us have contributed to this. We differed several times. We are meant here to differ because after all if the differences of opinion are not there the multi-party democratic system would not function. It functions because of that. It functions because despite differing sometimes, we remain very good friends. Despite differing, we respect each other. As I said in my opening remarks in the

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Lok Sabha when I assumed office, we oppose each other's views, but we are not enemies of each other. And I repeat that. Ultimately, the harmony of the system runs on that particular basis. I need not recount what is the quality of relationship between me and Mr. Sikander Bakht, what is the quality of relationship between me and Mr. Agarwal, what is the age of the relationship between me and Mr. Malkani. I can go on counting each one. That is something which I respect and I am not appealing on that basis. I am only saying this, you are naturally within your democratic right. At the moment, the situation is such that most of the benches are empty. Therefore, you can throw it out if you so wish. Naturally, we will have to resort to repetition and come back and bother you, take your time again next week. This is a different thing altogether. Maybe I am technically right, maybe I am technically wrong. I am not claiming anything. The main point is that each one of us, in the past, all these years, have learnt to accommodate each other. If my friend, Mr. Agarwal, feels that this is something which he can concede, welcome. If he is very firm, welcome. I cannot force him because this is something where I can only appeal.

So far as Ordinances are concerned, this is a fact, a fact of life, that ever since this House assembled in 1952, there have been Ordinances and Ordinances. There have been Ordinances in the past issued by several Governments sitting on this side and those included all my friends in the Opposition who were also occupying these benches. No party, no party in India can claim that it never passed Ordinances, either at the Centre or in the States. This is something which is a reality. Of course, I am a strong votary for minimising them. But it is not possible for me to give an undertaking that we shall never pass an Ordinance. No, I will not. I will not take you up the garden path only to get your vote today. I will not do that. I would only say one thing. Madam, the Opposition is

definitely well within its right to assert. It is well within its right to pull us up. It is well within its right to tell us where we have slipped. It is well within its right to say that we should have followed the due procedure. I respect that because I respect democratic functioning. Having said that, if you think my appeal has validity, if it still falls on the ears of those I am used to hearing sweet words from, I would suggest, if you so wish, that voting on the Bill may be postponed. But if you must, kindly do it. But it will not help; it only creates an impression that sometimes we get worked up which we need not. My friend has talked about the Insurance Bill. Now, I hope I am not expected to reveal as to what happened in private because as the Prime Minister I should not. I should not reveal the talks that had gone on between us and the Opposition. By Opposition, I mean the BJP in the other House. I should not discuss that here. I should not discuss the type of understanding that we arrived at. I should not discuss also the type of differences of opinion that emerged within the Opposition itself. It will be unfair on my part to do it because ultimately we have to again deal with each other. What my friend...(Interruptions)...No, I will not. And I think I will not be provoked into doing that. What my friends on the right and the left do is something which one is used to, which anybody who lives in democratic life is used to. One is used to it even without entering politics — one who runs a big family. One, whose relationship with the family and the wife and the children is democratic, is used to it because these things do happen in life. Isn't it? We differ, we disagree and then ultimately we find a way out.

And I think, Madam, I must thank you a great deal. Thanks to your sagacity, thanks to your vision, thanks to your remarkable experience, you have always found a way out for all of us. But if we do not want to cooperate, what will you do? This is something with which I

sympathise and I have no complaint of any type against you.

In the end — and I sit down after saying this — if Mr. Satish Agarwal, my dear old friend, thinks that my appeal is worth responding to, I hope he will at least consider it.

THE DEPUTY CHAIRMAN: Thank you, Mr. Prime Minister, for appreciating my effort because I have been sitting here from 3 o'clock continuously with headache and fever trying to bring a consensus in the House. Thank you. At least you realised it.

श्री सतीश अग्रवाल : इसका जवाब आने दीजिए

उपसभापति : अब इसका क्या जवाब होगा? ...**(व्यवधान)**... प्राइम मिनिस्टर ने जवाब तो दे दिया । ...**(व्यवधान)**... जवाब आपको चाहिए तो दे देंगे, प्राइम मिनिस्टर से ज्यादा क्या जवाब देंगे । प्राइम मिनिस्टर से ज्यादा वे थोड़े ही कोई जवाब दे सकते हैं । ...**(व्यवधान)**...

SHRI SATISH AGARWAL I am not withdrawing.

THE DEPUTY CHAIRMAN: Are you withdrawing, Satish Agarwalji?

SHRI SATISH AGARWAL: No.

उपसभापति : विदझा कर लीजिए ना ।

SHRI SATISH AGARWAL: No.

उपसभापति : आप भी कर लीजिए ना, मल्होत्रा जी ।

PROF. VIJAY KUMAR MALHOTRA: No.

THE DEPUTY CHAIRMAN: It is good that I have to persuade only two people because Jethmalaniji is not here. It would have been more difficult for me to persuade him.

SHRI SATISH AGARWAL : No.

PROF. VIJAY KUMAR MALHOTRA : No.

उपसभापति : विदझा कर लीजिए ।

SHRI SATISH AGARWAL: No. Madam, you exercised your good offices on the Private Security Guards Bill. We gave in. We submitted to your wishes. On the Maharashtra and Bihar debates we submitted to the wishes of the ruling party and your wishes. Why do you make us a prey every time for everything? I mean this is not our monopoly.

THE DEPUTY CHAIRMAN: I am not. I am not.

SHRI SATISH AGARWAL: Please, for God's sake!

THE DEPUTY CHAIRMAN: On the Private Security Guards Bill, Agarwalji...

SHRI SATISH AGARWAL: We gave in.

THE DEPUTY CHAIRMAN: I am thankful to you because I myself was not convinced with it and you knew that it was a very weak Bill, there were a lot of lacunae in it. The Law Minister also felt it that way. That is why we gave all kinds of permission to withdraw it and to bring it again.

Now, on this I feel now that everybody has expressed his conscience, let us withdraw' it.

SHRI SATISH AGARWAL: You put it to vote. There is no other option. *(Interruptions)*

AN HON. MEMBER: You put it to vote on Monday,- Madam.

SHRI SATISH AGARWAL: You have to put it to vote. Otherwise, there will be wrong signals. *(Interruptions)*

THE DEPUTY CHAIRMAN: Let me explain. You see, after the Prime Minister's...

SHRI SATISH AGARWAL: No harm is going to take place.

THE DEPUTY CHAIRMAN: Nothing is going to take place. Nothing can happen. As you yourself have said, the position of the hon. President and the position of the future Vice-President, who would be elected on the 16th, is not going to be altered. I am not a lawyer. So, I don't know about it. But because you say it as a lawyer, I take it that it must be so and you have quoted.

SHRI SATISH AGARWAL: I have read provisions. I have quoted provisions. And I will not misquote!

THE DEPUTY CHAIRMAN: I know you won't, because you have to come back to this House. But in the light of all that has happened here, the dignity of the House and... I request कर दीजिए ना। विदग्धा करेंगे?

SHRI SATISH AGARWAL: No. **उपसभापति** : नहीं करेंगे?

SHRI SATISH AGARWAL: No.

SHRIMATI RENUKA CHOWDHURY: Madam, may I say something?

उपसभापति : नहीं, आप कुछ नहीं कहिए। मेहरबानी करके अगर आप खामोश रहेंगी तो हालात बेहतर रहेंगे। आप दूसरों की हैल्थ का तो ख्याल कर लीजिए। नहीं तो, I will put it to vote. There is no other alternative.

SHRI SATISH AGARWAL: Yes, put it to vote.

THE DEPUTY CHAIRMAN: Because, after all democracy is nothing but numbers. And I can see. You don't need a calculator to know that you are more in number and they are less in number

But, it is only an appeal... *(Interruptions)*

SHRI TRILOKI NATH CHATURVEDI: Madam, we have all respect for you, but we find it difficult to accede to this submission.

THE DEPUTY CHAIRMAN: I will finally agree to whatever the House makes me do because I am bound by the House. But, may I suggest that for 10 minutes the leaders should come to my Chamber?

SHRI SATISH AGARWAL: No, no.

SOME HON. MEMBERS: No, no.

SHRI TRILOKI NATH CHATURVEDI: Madam, we have all respect for you, but I think...

SHRI SATISH AGARWAL: Madam, when the Prime Minister was speaking, I was not looking towards him. क्योंकि कहते हैं कि जब आंखें चार होती हैं, मोहब्बत हो ही जाती है। मैंने देखा ही नहीं आपकी तरफ...(व्यवधान)...

उपसभापति : अग्रवाल जी, मैं आपको आश्वासन देती हूँ...(व्यवधान)... मेरे चैम्बर...(व्यवधान)...

श्री सतीश अग्रवाल : नहीं-नहीं आपके चैम्बर में नहीं जायेंगे।...(व्यवधान)...

श्री इन्द्र कुमार गुजराल : आपने क्या नहीं देखा?

उपसभापति : अग्रवाल जी, मेरे चैम्बर में भी आप उनकी तरफ मत देखिये, मेरी तरफ ही देखते रहियेगा।

श्री इन्द्र कुमार गुजराल : सिकन्दर बख्त साहब जरा ख्याल करना, एक बड़ा अच्छा शेर है, सुना नहीं होगा।

कि तेरी दुरजीदा निसबे निगाही के तरसददुख ऐ दोस्त, लोग कहते हैं कि तूने देखा ही नहीं।

श्री एस० जयपाल रेड्डी : सिकन्दर बख्त साहब, क्राउन्टर शायरी होनी चाहिये।

THE DEPUTY CHAIRMAN: Just for ten minutes...(Interruptions)...

SHRI SATISH AGARWAL: Yesterday, the hon. Speaker despite so much predicament to the Government made things abundantly dear that there were three courses to the Government-one, two, three, choose whatever you like. And they choose.

SHRI I.K. GUJRAL: What are the three? What are the three...(Interruptions)...

SHRI SATISH AGARWAL: So, in that way, please don't use your good offices. Please for God's sake, put it to vote.

SHRI I.K. GUJRAL : Which are the three? तीन कौन-कौन से इश्युज है?

SHRI SATISH AGARWAL: Not now, yesterday...(Interruptions)... Madam, there is no other option except to put it to vote. Otherwise...(Interruptions)...

उपसभापति : अच्छा मैं प्रोमिस करती हूँ कि मेरे कमरे में पांच-दस मिनट के लिए आप आयेंगे, उसके बाद आप कहेंगे मैं वोट करा दूंगी।

कुछ माननीय सदस्या : नहीं-नहीं...(व्यवधान)...

श्री नरेन्द्र मोहन (उत्तर प्रदेश) : सदन की अपनी भी कोई मर्यादा होती है और मर्यादा का आपको ध्यान रखना...(व्यवधान)...

श्री सुन्दर सिंह भन्डारी (राजस्थान) : सदन में ऐसे मौके कई बार आये हैं और हमेशा उन पर वोटिंग हुई है।...(व्यवधान)... ऐसी सिचुएशन पहले भी आई है तकलीफ वाली लेकिन वोटिंग हुआ है।...(व्यवधान)...

THE DEPUTY CHAIRMAN: Let us be very honest साढ़े तीन घंटे कितने लोग आ सकते थे वे आ गये ठीक बात है कि यहा कांग्रेस के लोग नहीं है वे सब बाहर गये हुए हैं। आज नहीं है अगर कोशिश भी करेंगे तो नहीं ला सकेगे

There are no two opinions about it. We are not fools. I don't know whether it is unparliamentary or not, I mean, we are not ignorant that we don't know the situation. I am only requesting because in the light of what has been said...

SOME HON. MEMBERS: No, no.

श्री के०आर० मलकानी : आप कितनी बार रिक्वेस्टा करेंगी?...(व्यवधान)...

उपसभापति : जितनी बार मेरी ताकत होगी, मेरे सिर को दर्द बर्दाश्त करने की...(व्यवधान)... 5 मिनट भी नहीं पीयेंगे?

SHRI SATISH AGARWAL: In the process of voting, nothing else...*(Interruptions)*... In the process of voting, nothing else.

SHRI S. JAIPAL REDDY: Let them reject the Prime Minister's appeal ...*(Interruptions)*... Let them take the responsibility, Madam.

THE DEPUTY CHAIRMAN: I will now officially request and ask Shri Satish Agarwal to withdraw his resolution.

SHRI SATISH AGARWAL: Madam, I would have loved to bow down to your wishes and to the wishes of the Prime Minister....

THE DEPUTY CHAIRMAN: Now, I am officially requesting...

SHRI SATISH AGARWAL: But, I am extremely sorry that in view of the present circumstances, I am sorry not to accede to this request. Please put my resolution to vote.

THE DEPUTY CHAIRMAN: I shall now put the Resolution to vote.

The question is:

"That this House disapproves of the Presidential and Vice-Presidential Elections (Amendment) Ordinance, 1997 (No. 13 of 1997) promulgated by the President on the 5th June, 1997."

The motion was adopted.

THE DEPUTY CHAIRMAN: The House is adjourned till 11 o'clock tomorrow.

The House, then, adjourned at twentyone minutes past seven of the clock till eleven of the clock on Friday, the 8th August, 1997.