

energy in Parliament at Delhi. Now, Mr. Subramanian Swamy is trying to have a brief for Mr. Seshan against the Government of India and the Prime Minister. I am one who does not believe that Mr. Subramanian Swamy will be carrying a brief for Mr. Seshan against the Prime Minister because I know his nexus with the Prime Minister. I would say that this is a point of collusion, as it has been already said, between the Government of India, the Prime Minister and Mr. Seshan to avoid all elections, including the elections in the four northern States where they fear that they may lose and the credibility of the Prime Minister may be lost. This is my personal feeling. Perhaps, some of the Congress Members may be genuinely taking up the matter against Mr. Seshan but behind the back, there is a big drama as we could see and as our friends already said. It is a drama enacted by the Prime Minister and Mr. Seshan to postpone the whole elections and it is a shadow fighting. That is what they are doing and I don't think that there is a constitutional crisis by Mr. Seshan. I personally feel that mainly because they wanted to postpone elections in Tamil Nadu and since they had no handle to postpone it, they have enacted this drama to postpone the election in Tamil Nadu and incidentally, all elections in the country till 18th of December so that defeat in the election in the intervening period may not damage the prestige of the Prime Minister. I know about some of the Ministers in the Congress(I) because for a long time, I had been meeting Mr. Rajiv Gandhi. I don't want to name them. One of them is from Maharashtra and another is from West Bengal. They had never been friends of the present Prime Minister or the previous Prime Minister. The present Prime Minister may not be very much aggrieved that they are not able to be elected, to their respective positions. Maybe, there is something behind this drama and I don't believe in this crisis and I stand by the statement of my Chief Minister that it is a collusion between the Government of India and the Election Commission to postpone the elections in Tamil Nadu. Thank you.

THE DEPUTY CHAIRMAN: I have got eight names. After lunch we will continue... (Interruptions)... Your name is there, Mr. Bommai. We will have it after lunch.

SHRI SOMAPPA R. BOMMAI: Thank you, Madam.

THE DEPUTY CHAIRMAN: The House is adjourned for lunch till 2.30 P.M.

The House then adjourned for lunch at thirty-six minutes past one of the clock.

The House reassembled after lunch at thirty-three minutes past two of the clock. The Vice-Chairman (Shri MD. Salim) in the Chair.

#### RE. POSTPONEMENT OF ELECTIONS BY THE CHIEF ELECTION COMMISSIONER—Contd.

SHRI SATYA PRAKASH MALAVIYA: Mr. Vice-Chairman, Sir, I read the concluding portion of the letter which Mr. Seshan has written to the Government that he is stopping work and he has also stated that all the elections will have to be deferred to December. By one stroke of the pen he deferred 31 elections, three to the Lok Sabha, nine to the Rajya Sabha, two to the State Councils and seventeen to different State Assemblies. He says that—

"Accordingly till such time as the present deadlock, which is solely the making of the Government of India, is resolved, the Commission does not find itself in a position to carry out its constitutional obligations in the manner envisaged by the makers of the Constitution, and has accordingly decided that all and every elections under its control, including biennial and bye-elections to the Council of States bye-elections to the State Legislative Councils, bye-elections to the House of the People and bye-elections to the State Legislative Assemblies, as have been announced or notified or are in progress, shall remain postponed until further orders."

Further he says:

"Nor shall the Commission take any action to hold any elections for which it has authority and responsibility until the Government of India accepts and announces its willingness in unequivocal language to abide by the provisions of the Constitution and the law relating to elections, and the entire work will be resumed as soon as the Government of India communicates the same."

According to the concluding portion of this letter, Mr. Seshan, the Chief Election Commissioner, has gone on strike. He has written to the Government that all future work in connection with the impending elections, he will not do. Therefore, according to my opinion he is liable to be hauled up under the Essential Services Maintenance Act, 1981.

That is my contention. This is the Essential Services Maintenance Act, 1981 (Act No. 40 of 1981) to provide for the maintenance of certain essential services and the normal life of the community. Now, clause (xv) of Section 2, says: "any service in connection with elections to Parliament or to the Legislatures of the States."

I would also like to draw your attention to sub-clause (b) of Section 2 which relates to strike. Here strike has been defined as cessation of work. Sir, Mr. Seshan has stopped work.

Now, I would like to draw your attention to Section 5. As there is a different provision for impeachment. I will not go into that. I would like to read Section 5. It says:

"Any person who commences a strike which is illegal under this Act goes or remains on, or otherwise takes part in, any such strike shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees, or with both."

My submission is that since he is a constitutional authority, there may be problems in moving an impeachment motion. Even if the impeachment motion is moved, the Prime Minister may abstain on the motion. Therefore, I would urge the Government to use the provision of this Act and arrest Mr. Seshan and appoint somebody as an Election Commissioner and go ahead with elections. Thank you.

SHRI YASHWANT SINHA: Mr. Vice-Chairman, I think the issue before us is very clear. Various allegations have been made against Mr. Seshan. Some people have even doubted whether he is in his right senses. Indirectly, it has been said that he may not be in his proper senses when he did this. Now, I think this is a situation where the Government has to come clean. If a constitutional functionary of the status of the Chief Election Commissioner of India, who can be removed from his post only by the procedure prescribed for the Supreme Courts judges, that is, impeachment, if such a high functionary is not functioning normally, is functioning abnormally, then the Government should do something about it. If he is functioning normally if that is the case of the Government, Mr. Vice-Chairman, then I would like to refer to what this functionary, this constitutional functionary, has to say. He has accused the Government. I am referring to the language which has been used by the Chief Election Commissioner. He has accused the Government

of attempting to hoodwink the Commission. The Government is guilty of hoodwinking the Commission. He has also accused the Government of procrastination. He says that he had met the Prime Minister who is also the Minister in charge of Law and Justice, to get his grievances redressed. He met the Prime Minister twice to get redressal of his grievances. But it has led to nothing. But it has led to nothing and, therefore, there is procrastination. And where is procrastination? Obviously, Mr. Vice-Chairman, procrastination is at the highest level of the Government. It is not at the level of Mr. Bhardwaj. I am quite sure that if Mr. Bhardwaj had the authority, he would have given another interview on television given some kind of a television interview, and he would have settled the matter. But, obviously, it is not within the competence or authority of Mr. Bhardwaj. It is the Prime Minister who is concerned with this problem directly and I am making it very, very clear that nobody in the Government is in a position to settle this matter with the Chief Election Commissioner except the Prime Minister of India. And if the Chief Election Commissioner is accusing the Government of procrastination, if he is accusing the Government of hoodwinking the Commission, then nobody else has the clout except the Prime Minister of India. And this is a charge which the Prime Minister of India must come and answer. This is a charge which has been levelled by no less an authority than the Chief Election Commissioner. Either we take the Chief Election Commissioner seriously or we don't take him seriously. If we take him seriously, then the Government has much to explain. The Government is, in fact, in an untenable and unenviable position. And if the Government has any satisfactory explanation, then the Chief Election Commissioner does not have the right or justification to continue in his office. I think, Mr. Vice-Chairman, the Chief Election Commissioner by his action has created a situation where this Government of Mr. P. V. Narasimha Rao and Mr. Seshan as the Chief Election Commissioner cannot coexist. Whatever may be the shenanigan of my

friend, Mr. Swamy, to bring about whatever is possible even at this late stage, I am very sure that there is no way in which both Mr. P. V. Narasimha Rao as the Prime Minister of India and Mr. Seshan as the Chief Election Commissioner can coexist. And the Government must make up its mind as to who must continue in office. I raised this issue once before and Mr. Gujral was quick to correct saying that both should go. I am saying that this is a situation which is quite clearly an untenable situation and this is a situation where the Government has no option. It has to either wind itself up or ask Mr. Seshan to go.

SHRI SATYA PRAKASH MALAVIYA: But how?

SHRI YASHWANT SINHA: How will the Government do it? The Government of India has a lot of power and a lot of clout. If the Prime Minister of India is not able to prevail upon the Chief Election Commission—he has not persuaded him; he is not able to contact him—then it is a very sad situation. When we were in power and Mr. Seshan was appointed, we dealt with him for a while Dr. Swamy was the Law Minister. We did not face this problem. Why didn't we face this problem? We didn't face this problem because we had a strong Law Minister and a strong Prime Minister.

SHRI M. A. BABY: There is no Law Minister now.

SHRI YASHWANT SINHA: Now we don't have a Law Minister except one Minister of State who gives interviews on television and we have a totally dithering, a totally indecisive and a procrastinating Prime Minister. And that is the reason why this situation has come about. Therefore, I am asking the Government, I am asking the Prime Minister to make use of his clout of his authority, of his influence, to reason out with Mr. Seshan. Now this is one aspect. The other aspect is that it is

(Shri Yashwant Sinha)

a first-class constitutional crisis. One can imagine a situation where an individual candidate may be in disagreement or may be aggrieved with the judgement or the decision of the Chief Election Commissioner, but here is situation where the Chief Election Commissioner is in direct confrontation with the State Government; he is in direct confrontation with the Central Government; he is in direct confrontation with the State Legislatures and now he is in direct confrontation with the Parliament of India because it is this Parliament, it is this House and the other House, whose representative character he is not only assailing but he is trying to whittle. And this point has been made, and I need not repeat, that if States like West Bengal and Gujarat are not properly represented in this Council of States, then this democracy is not fully functional. And, therefore, what Mr. Seshan has done by his action is to make this democracy a lame democracy. Therefore, Mr. Seshan is in direct confrontation with the Constitution and with the democratic set-up of this Country. This is the situation that has arisen. What should Mr. Seshan have done? Mr. Seshan has a grievance. Mr. Seshan is saying, 'I must be given the right to pick the staff. I will not take whatever is given by the Centre or by the States.' Dr. Subramanian Swamy intervened to say that he has the right to do so, in any case, it is a matter of interpretation of the Constitution. Neither is he nor am I in a position to interpret the Constitution in this House. But pending this, if Mr. Seshan went to the Prime Minister to get justice, if Mr. Seshan went to approach the Prime Minister to get the redressal of his grievance and he did not get redressal, then, what was the course of action open to Mr. Seshan? Mr. Seshan should have called the leaders of all the political parties, should have discussed this matter and should have told them, "Look, this is the way in which I am constrained from discharging my responsibilities". It cannot be the case of anybody in this House or anywhere else that free and fair elections should not be held in this country. It

cannot be anybody's case that the Election Commission should not enjoy the widest and fullest powers that are given to it under the Constitution. I have no hesitation in saying that we shall be the first to such to the assistance aid and help of any Chief Election Commissioner if any attempt is made by anybody to whittle down his powers or curb them. Mr. Seshan did not choose to act that way. He did not choose to take anybody into confidence and he acted most arbitrarily and this arbitrary action started the day when the new Government was about to come into power. This point has been made clear in the manner in which he cancelled the Punjab elections. When one Government was going out of power and another Government was about to come into power, he took full advantage of that political confusion and sought to undo a tremendous act of courage that the then Prime Minister had undertaken by ordering elections in Punjab. We did not raise this matter in the manner in which we should have raised. When the Palani election was postponed on account of the fact that there was drought in Tamil Nadu—I remember we raised this in this House—we said that there was a much worse drought in Bihar. Right in the heart of that drought area, Garhwa, the assembly election was held. Obviously, Mr. Seshan has one standard for Tamil Nadu and Kerala and another standard for Bihar. It is this inconsistency in his action which is a matter of the gravest concern to this House.

Mr Sikander Bakht is here fortunately. He and many other colleagues were asking the question as to what was so sacred about 18th December. Somebody has suggested that it is Mr. Seshan's birthday. I don't know whether he has got two birthdays in a year. But the point remains that by this single act the elections to those four States which are due in November, have also been sought to be postponed and, therefore, when my friends in this House raised the question of collusion, when they said it was a friendly fight or a friendly wrestling match, a doubt arises out of this particular day that he has chosen.

This is another mistake that Mr. Seshan has made. He could have stated 18th of August or 18th of September. He could have given two weeks' time, six weeks' time. We could have discussed this matter and sorted it out. But he has gone to 18th December.

Therefore, too grave an injustice was done not only to the States but also to this House by denying the States' representation in this House. Therefore, I am very sorry to point out one thing. When we started this debate and when I raised this issue as to what is going to be the response of the Government, Mrs. Alya was kind enough to get up and say something. Now, the Minister for Civil Supplies is here.

SHRI SATYA PRAKASH MALAVIYA: He is here for his Bill.

SHRI YASHWANT SINHA: He is perhaps here for his Bill. I would like you, Mr. Vice-Chairman, to take note of the fact that out of the two Ministers of State for Parliamentary Affairs who belong to this House, none is present. The Leader of the House is not present. The Minister of State for Law is not present. The Prime Minister is not present. This House has been treated in a very, very shabby fashion as far as this is concerned.

THE MINISTER OF CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION (SHRI A. K. ANTONY): We are here, his is very unfair.  
(Interruptions)...

SHRI YASHWANT SINHA: Mr. Vice-Chairman, Sir, Mr. Antony may recall, the whole House may recall, that the honourable Deputy Chairman has ruled in this House repeatedly that whenever an important issue comes up before the House or, in any case, one of the Ministers of State for Parliamentary Affairs should be present in this House.

SHRI JAGESH DESAI: The Minister of State has already told the House that the Government is going to make a statement in this House today.

SHRI SATYA PRAKASH MALAVIYA: No, Mr. Desai. All that has been said by the honourable Leader of the Opposition, by the leaders of various political parties, by the Congress(I) Members themselves, all that is taking place in the House, does not seem to have been taken note of by the Government. I am saying that this is another factor which confirms the suspicion that they are acting in collusion. If they are not acting in collusion then there must be some unhappiness. I can understand if there was some unhappiness, if there was a sense of outrage on the Treasury Benches just as there is a sense of outrage on the Opposition Benches. But where is that sense of outrage? You are taking it in your stride!

SHRI JAGESH DESAI: It was said that the Government was going to make a statement on this issue.

SHRI YASHWANT SINHA: Mr. Vice-Chairman, Sir, I wish to make this point with all the emphasis at my command: This is a decision which was taken by the Chief Election Commissioner yesterday. In fact, it gave some candidates enough time to approach the Court and get a stay order, and this Government did not even have time to prepare a statement and come to this House and say at 11 o'clock that they are ready with the statement, that they would make the statement whenever it was required. And you wish to defend this Government?

It is a matter of the greatest shame that this Government, Mr. Vice-Chairman, Sir so lethargic in its approach, that it takes so much time to respond to a first-class Constitutional crisis of this magnitude. The whole election process in this country has been brought to a grinding halt and the Government is saying, "We will make a statement." Mr. Jagdish Tytler is going to make a statement at 6 o'clock. Do we know now when the Minister is going to make this statement? We do not even know that. So, where is the question of defending this Government, Mr. Vice-Chairman? Therefore, I am suggesting that this first-class Constitutional crisis can be resolved

[Shri Yashwant Sinha]

only if wisdom prevails in the Government and, as I have said earlier, they should use their power, they should use their authority or, in the alternative, the Government must go ahead immediately with implementing the Constitutional provision of having a multi-member Commission, the Commission must go ahead immediately with supporting the impeachment motion which is pending and the Government must go ahead immediately with calling the political parties. Why did not the Government take the initiative in calling the political leaders this morning? Can anybody in the Government—Mr. Antony is sitting here just now—stand up and reply? Mr. Antony, you are in the Cabinet. Why did not the Government take the initiative to discuss this matter with the leaders of the various political parties in the morning today? On a Constitutional crisis of such proportions, such an initiative should have been taken. If you were aggrieved over the decision of the Chief Election Commissioner, then the Prime Minister should have called a meeting. They don't consider it a crisis because they are a part of it. They are a part of this whole conspiracy and that is why they do not want to face elections in the country. They are having a convenient Chief Election Commissioner who is prepared to play their game. There is a complete sense of satisfaction at what the Chief Election Commissioner has done. That, Mr. Vice-Chairman, Sir, is the crux of the matter. Thank you.

SHRI V. GOPALSAMY: Mr. Vice-Chairman, Sir, the Chief Election Com-

missioner, through his despotic actions, has perpetrated a frontal assault on the functioning of democracy. He has taken the whole country for a ride and he has taken the system of Parliament for a ride and through his actions, it seems, he is trying to blackmail the Government.

Sir, all his actions look like the naughty play of an errant child, as has aptly been described by my leader, Dr. Kalaig-nar. Sir, here I raise my accusing finger against the Prime Minister of India, Mr. Narasimha Rao, and his Government. Sir, Mr. Yashwant Sinha correctly pointed out that when the Punjab elections were to be held, the Governor of Punjab, Mr. Malhotra was woken up at mid-night and he was instructed that the elections had to be postponed or cancelled. Just 12 hours before the elections were to be scheduled, he cancelled the elections. What amount of agony the candidates and the political parties might have been subjected to? But the Congress Party was fortunate because they did not file the nominations, they did not field their candidates. Therefore, it served their ends. When the action of Mr. Seshan served the ends of the Congress Party, they encouraged him. It is they who encouraged, abetted, instigated Mr. Seshan to commit abominable wrongs against the system of democracy in this country. Sir, it is one of their creations. They created many Frankensteins. This is one of their creations. Now, they are also throwing their hands in despair and saying that they are helpless just to hoodwink the people of this country.

My friend, Mr. Swaminathan, was telling about my State, the State of Tamil Nadu, particularly the bi-elections to be held in Ranipet State Assembly constituency and the Palani parliamentary constituency. Of course, the ruling party in Tamil Nadu was trying to use the muscle power and the money power, to misuse official machinery, to rig the polls. So, all diabolical measures were taken by the ruling party in Tamil Nadu. Of course, we have sent telegrams to the Election Commission that fair and free elections should be held in Tamil Nadu. When the Chief Minister observed something in the name of fast, the hooligans have taken the law into their own hands. So hooliganism was there in the State of Tamil Nadu. But, Sir, we do not support any move by the Union Government to trample upon the rights of the States. Of course, free and fair elections have to be held. This is my point.

Now, Sir, what can be done? The Chief Election Commissioner has become an octopus, extending his tentacles to strangle democracy. What can be done? Somebody was objecting to Mr. Gujral saying whether the Chief Election Commissioner is behaving normal or abnormal because people are tempted to suspect. On the highway, when his car was about to be overtaken, he ordered his commandos to shoot at the person. Such a person we have got in an important post in this country. Therefore, Sir, today the crisis is an unprecedented one. At such a critical time, the Government is not prepared even to come out with a statement. As Mr. Sinha said, they needed time, Sir, after the fall of the dusk in Maharashtra, they approached the judiciary and got a stay order yesterday. Therefore, it is high time this despotic Mr. Seshan is removed from that post. When I made an observation last year as to what business the Chief Election Commissioner got at 10 Janpath, some of the Members objected to it. So, what suited their ends at that time, he is prac-

tising now. Therefore, I support the suggestion that a multi-Member Election Commission should be there. And it is high time that this man who is trained to behave like a despot or an anarchist is removed from that post. (Interruptions) There are so many ways. If the Prime Minister has got any doubt about the Chief Election Commissioner, he could prevail over him. Otherwise, there are ways and means to remove him. There is the procedure for impeachment also in the Constitution.

SHRI SATYA PRAKASH MALAVIYA: Or the Prime Minister should go.

SHRI V. GOPALSAMY: If he is not able to remove him, he should go.

SHRI ASHOKE KUMAR SEN (West Bengal): I rise not to blame anyone or praise anyone. I have performed the most pleasant and fulfilling duty for nearly 15 years to defend the Election Commissioner. It was the most pleasant task and in those days the tradition was that the House should not divide on political lines while speaking on the Election Commission as on the Supreme Court or the High Courts. They must be above party politics.

Ever since Independence, three organs of our Government have earned universal praise outside, our judiciary, the Election Commission and the Army. They earned a reputation which should be the envy of the other organs of the Government as they did not enjoy that faith and confidence which the people bestowed upon them. But I am extremely pained today to find that the Election Commission thought it fit to bring itself into the vortex of controversy. It is always easy to be unique but to be unique in virtue and wisdom are the fruits of experience and patience. I remember Shri Govind Ballabh Pant. All along he was with us, he rarely opened his lips but he thought very deeply. But when he did open his lips, words of wisdom always came. After he died, Panditji said: 'To whom shall we go now for wisdom?'

[Shri Ashok Kumar Sen]

I have seen all the Election Commissioners ever since the first one who conducted our first general elections in 1952. He happened to be my brother. Therefore, I do not like to speak about him. He was Mr. Sukumar Sen. Our first election was such a great success that people all over the world, particularly in the western world, were surprised. They had thought that a country of millions would not be able to conduct democratic poll but it did and it did this year after year. Every five years, governments of their choice came which established the wisdom of elections. The fulcrum of the Chief Election Commissioner, we never thought of having a multi-personnel Election Commission because all of them were wise men.

Let us come to the merits of the matter because that has to be decided. I agree with my friend, Mr. Subramanian Swamy that this matter must go to the Supreme Court as a reference. I remember we made our reference urgent when the Speaker of U.P. Assembly came into conflict with the judges of Allahabad High Court. I was there the Law Minister: I drafted the reference and it is now a leading case. All such matters of controversy must be decided by the Supreme Court. I agree with Shri Swamy not because I agree with his reasons but because I agree with his proposals for a quick and acceptable solution. I must express my regret at the hasty way in which the Chief Election Commissioner decided that he must postpone it. It is not a matter which he can decide himself that he should pick each and every officer in the election mechanism irrespective of what the State Governments say or what the other parties say. I say from my own personal experience. In such matters, the best way would have been to call the representatives of all the parties, the representatives of the Ministry of Law and possibly the Home Ministry representatives and then come to a decision. In olden days, such decision used to be unanimous. Why should the Chief Election Commissioner decide him-

self that he must pick up and choose each and every Election Officer. Neither the Representation of the People Act nor the Constitution gives him the right to create a Secretariat of his own or have a right of appointment of the Electoral and other Officers of his own choice. Read section 324. It says that he shall be given the staff that he needs. He makes a grievance about the army not being made available in Tamil Nadu. Supposing the Army was made available, could he have said that he wanted such and such persons as the commander; such and such person as the Lt. Col.; that he wants such and such person as the Corporal. That would be the end of the autonomy of the Army. Similarly, there are some judicial determinations on certain disputes. There as you know, the Chief Justice of the local High Court gives the judgements while deciding various matters. Can the C.E.C. say 'No; I shall pick the judge'?

Sir, there is a dichotomy in our Governmental machinery as between the Election Commission and the Executive. This dichotomy has to be realised by the Election Commission, just as there is a dichotomy between the judges and the executive authority in the States as well as in the centre. The dichotomy is this. He has to conduct the elections according to law. He can ask for such assistance as he wants. But he can not appoint particular officers for particular purposes. He cannot say, for example, that such and such person should be the S.H.O. of a particular police station. He cannot say, for example that in Calcutta, 'I do not like the face of Mr. Taluqdar and, therefore, must have somebody else as the Commissioner of Police.. He cannot say, for example, that in Delhi, he must have somebody else as the Police Commissioner. That will be making a farce



the Constitution. He must realise that under the Constitution, there are several organs of Government which have their own constitutional obligations and duties like the Election Commission. He must obey and he must bow to each one just as each one must obey and bow to him where his authority remains. But where he exceeds his authority, he cannot expect that dignity, that honour, that respect, to be shown to him as it should be. The Election Commission has to be shown all the authority, all the respect and all the dignity. But if he misuses them, he cannot expect his dignity to be preserved and his authority to be respected. What an unfortunate situation it will be. I do not know what the headlines in today's newspapers in foreign countries are. They must be in bold letters, 'Free elections in India have come to an end', etc.

Our reputation has been supreme in this regard. We have never tampered with the election mechanism or the electoral process. Everything has been left to the Chief Election Commissioner. I have no doubt that the newspapers will be full of stories that here is the Chief Election Commissioner who has accused the Government of subverting his authority, of not giving him the help that he needed for creating a despotic regime. This is something which will be fantastically untrue. He has done this to blemish India and Indian history by this unwise act of his. I do not call him insane. I do not call him a megalomaniac. I am not used to such exercise in heavy and abusive epithets. I think English language is powerful enough to allow the use of firm language without being abusive.

Therefore, the least that I can say is that his action has been very unfortunate. It has brought discredit to our history, to our tradition, and the whole world will start laughing at us saying that we have let go the entire electoral machinery as an independent and impartial organ of the Government. Tomorrow, if the Chief Justice were to accuse the Government of subverting the judicial process, what will the fate? It will be like the Ghanaian Government where whenever a

judge delivered a judgement unfavourable to the dictator, he was taken away at midnight and nobody heard anything about him later. Even Lord Denning, sitting in London, expressed his words of condemnation at what was happening in a part of the Commonwealth which shared the same system of justice as England did.

I hope Mr. Seshan will act properly in future. I concur with Mr. Yashwant Sinha on saying that Mr. Seshan should have had the courtesy of calling the representatives of all political parties just he felt that his authority was being jeopardised. I have no doubt that the parties would have never shirked from giving him that help in the past because we all want an impartial, powerful and independent Election Commission, just as we all want a powerful judiciary, a powerful Supreme Court and powerful and independent High Courts. But this is not the way to behave. The way Mr. Seshan has sought to enter into an adventure, to say the least, is going to prove a misadventure. Look at the way he has accused the Prime Minister. I am not here to defend him because he can defend himself very well. But he said that he brought it to the notice of the Prime Minister, but he only found confusion. What did he want? An answer immediately, that yes, I shall sack this local Government. I shall give you the power to pick and choose any officer for you to employ him and take him anywhere you want to take him." Is this the reply he expected from the Prime Minister? Tomorrow, somebody will go to the Supreme Court and get an order of mandamus against the Prime Minister. What authority has the Prime Minister to allow Mr. Seshan to pick and choose officers without checking up with the Government of the State? Mr. Vice-Chairman, your Secretary is sitting there. She has been associated with me in the Ministry for a long time. She has seen me how respectfully I behaved with successive Election Commissioners. I have always given them the dignity that they deserved. I hope in the future the same tradition will be maintained by all of us, by this House, by the Lok Sabha

[Shri Ashoke Kumar Sen]

and by our Government because without an independent and impartial electoral machinery our democracy cannot function.

Mr. Seshan says that his authority was at stake. I am reminded of a great saying on one of the greatest Judges, Lord Atkin. When a contempt Petition came before the Privy Council from West Indies where a certain journalist was jailed on the ground that he wrote rather defamatory things about a judge: Lord Atkin said, "the path of Justice is the public path. It does not flourish in a cloud shell. It must come out in the open sunshine and face public scrutiny." Therefore, the path of the Chief Election Commissioner is a public path. He cannot be allowed to think that he is a despot. He must consult all the parties. His action is not that of one single individual. It will be an action of the combined wisdom of this House, of the executive Government, of the Ministers and of himself. It is not that he can act alone. Otherwise, he will force the Government to appoint officers of his own choice which will not be very good because a divided authority can never be exercised properly.

Therefore, my submission is that the Government must act very quickly. As a word of possible refutation I must say that it was wrong on the part of the Chief Election Commissioner to think that the Prime Minister created confusion. How did he think that the Prime Minister would answer in one word? What is his authority? Did he expect only one answer, namely, "yes, you have the right to pick and choose officers of your own". We know, when he was the Cabinet Secretary, he was not allowed criticism in the matter of politics. There have been many things written about his impartiality or about his choices or about his bad choice. We are not going to deal with them but nobody in a public office is above criticism. He must look into his own authority and see whether he is entitled to pick and choose his own officers. The Act does not give him his own sec-

retariat. There is no civil service of the Chief Election Commissioner. If you read the manual, all the guidelines indicate the manner in which the Chief Election Commissioner is to requisition the help and assistance of the State Governments. As far as my knowledge goes, never has any executive Government denied such a help. Of course, it is a matter of principle. You cannot choose 'X' and not 'Y'. We can give you 50, you choose anyone of them, but you cannot usurp the power and authority of others. Today one party is in power in West Bengal, tomorrow it may be a Congress Government in Gujarat, or in Maharashtra or in Kerala. It does not matter which Government it is, but the question is about the division of authority between the States and the Centre and the dichotomy between the executive authority and the election machinery. That has to be understood.

With these words, I would again say that the Government must act quickly and send the matter to the Supreme Court as an urgent reference and get the verdict of the Supreme Court. You cannot solve it on the floor of this House by a debate only.

SHRI SOMAPPA R. BOMMAI: Mr. Vice-Chairman. Sir, already many learned hon. Members have expressed their views. Firstly I would like to know under what provision of the Constitution or the Representation of People Act or under what rules the Election Commission has powers to postpone or cancel the elections once they are notified. As a lawyer, as a politician and as a Member of the Legislature for a very long period, I remember there is no decision of the Supreme Court or any High Court empowering the Election Commission to postpone the General Elections. Yes, under the Representation of People Act, once the polling starts and if there is booth-capturing and violence, he has got the power to countermand the election of a particular constituency. Now here is a Chief Election Commissioner exercising the power. As

rightly pointed out by the senior lawyer-Member and former Law Minister, we had no problem with any of the Election Commissions in the past. Since 1952 elections were being held in this country in an independent and free manner, to the satisfaction of all the political parties and, in spite of a number of abnormal situations, there were no complaints. His predecessors, those learned people, acted so fairly and there was not a single complaint. Never was there an occasion in Parliament when we discussed the Election Commission. Sometimes we discussed Judges but not the Election Commission.

But why is the situation so today? Sir I would entirely blame the Government, which tried to make use of him. The first instance is cancellation of the Punjab elections. It started with it. I can go on narrating a number of events after that. There were the Patna elections. Then, in U.P., the Lok Sabha elections were postponed without any rhyme or reason. There is every ground and reason to believe that it is a politically motivated decision of the Election Commission; the circumstances indicate it.

Today I would like to mention that when the Opposition wanted to move a motion of impeachment against Mr. Seshan, immediately after the new Government came and the Prime Minister took over, he called all the leaders of the Opposition and solemnly assured them that he would persuade the Chief Election Commissioner to vacate his office and that a new Election Commission would be appointed. I would like to know from the Prime Minister, who gave a solemn assurance to all the political parties, why he did not fulfil it. I am not questioning the motive of the Prime Minister but I am entitled to draw an inference that politically it suited him and, therefore, he did not care to fulfil that promise. I would also like to ask the Government as to under what provisions the Election Commission has postponed the elections. Why did not the Government question it? That I would like to know. If the Government

did not agree with the Election Commission and if there is no specific provision under which he can pass these orders, the Government should have questioned it and, at least, it should have taken the matter to the Supreme Court. They did not do it. That itself indicates that the Government is acting in a manner which leads people to doubt its bona fides.

Sir, I don't want to repeat the points already mentioned. But I would like to ask the Election Commission why it fixed the date for elections if correspondence was going on for one year. There was a difference of opinion between the West Bengal Government and the Election Commission. The West Bengal Government went to the High Court. The Election Commission should have fought the case in the High Court. If the decision goes against it, it should go to the Supreme Court. But it agreed to appointment of a Chief Election Officer in the State, and a date for Rajya Sabha elections was fixed by agreement. It was a compromise outside the court, a settlement outside the court, I would say. Why was that election postponed? Particularly elections to Rajya Sabha and elections to the Council are conducted under the supervision of the Secretary of the Legislature, who is completely under the control and supervision of the Speaker of the Assembly. Was there a law and order situation in the West Bengal Assembly or the Maharashtra Assembly or in the Maharashtra Council? Actually no. In Pune the number of voters was of hundreds. It would have been a hundred representatives of the people coming and voting. For elections to Rajya Sabha or a Council there is no question of law and order and of sending army or para-military forces. Why have these elections been postponed?

Here again because of the way the events are happening in this country, particularly how last week the no-confi-

dence motion was defeated, how there was engineering of defections by some Lok Sabha Members and the way the things are happening, I would like to know from the hon. Prime Minister whether he does not want Mr. Pawar to continue as Chief Minister. One inference can be drawn. Does the Prime Minister not want Pranab Mukherjee to come back as Commerce Minister?... (Interruptions)

SHRI JAGESH DESAI: Mr. Vice-Chairman, Sir, you allow me to speak after him.

SHRI SOMAPPA R. BOMMAI: You can have it.

THE VICE-CHAIRMAN (SHRI MD. SALIM): You continue, Mr. Bommai.

SHRI JAGESH DESAI: It is a wrong inference.

SHRI SOMAPPA R. BOMMAI: Here I am entitled to draw my own inference from the way the Prime Minister has behaved in engineering defections and buying the Lok Sabha Members. Somebody was talking about the credibility of the Prime Minister. Where is the credibility? There is no credibility, there is no prestige. I must say that in the history of post-independent India never was the office of the Prime Minister denigrated to this level. It is my duty to say this. I must say that this is the darkest period of this country. Because of the way things are happening and have happened in the last week, this is the darkest period in the history of free India. What is the world thinking about us when our democracy in a way is raped by the Government itself? What happened during the no-confidence motion? Just two hours before the voting, some Lok Sabha Members were brought under pressure, under force, by bribing them, by engineering defections. It looked like a rape of democracy in midday, at a market place and a gang rape. I must say.

This is the state we have gone into. As a young boy I went to jail during freedom struggle. As a student...

SHRI SURINDER KUMAR SINGLA (Punjab): Mr. Vice-Chairman, I am on a point of order. My point is

whether we are discussing no-confidence motion or a general debate? (Interruptions) It is not the decision of the Prime Minister, he is drawing inferences from. He should restrict to the debate on the postponement of elections. (Interruptions)

SHRI SOMAPPA R. BOMMAI: Why are they interrupting? Sir, you allowed everybody to speak.

SHRI JAGESH DESAI: How these false statements being made in the House?

SHRI SOMAPPA R. BOMMAI: As a young freedom fighter I went to jail, but today I am pained...

SHRI JAGESH DESAI: I had also been a freedom fighter, but I never speak untruths like this. (Interruptions)

SHRI SOMAPPA R. BOMMAI: Please hear me. Today I am feeling that I should have died much earlier instead of seeing such a tragic situation we are in the country.

SHRI JAGESH DESAI: He is making false statement without any foundation. He is charging the Prime Minister without any basis. He says the Prime Minister wants Sharad Pawar to go.

SHRI SOMAPPA R. BOMMAI: Sir, here is a Government headed by the Prime Minister and elections are postponed. As rightly pointed out by the hon. Member....

SHRI VITHALRAO MADHAVRA JADHAV (Maharashtra): Mr. Vice-Chairman, Sir, I am on a point of order. Hon. Sharad Pawar is not a Member of this House. He is nowhere involved in this. Mr. Bommai, hon. Member of the Opposition was a freedom fighter. He comes as a lieutenant of Mr. M. I. Roy. He should not make such false allegations against the Chief Minister of Maharashtra, who is not a Member of the House. (Interruptions) He is also making false allegations against the Prime Minister.

SHRI SOMAPPA R. BOMMAI: I never made false allegations.

**SHRI VITHALRAO MADHAVRAO JADHAV:** But, is it correct to say that the Prime Minister wants to remove Sharad Powar?

**SHRI SOMAPPA R. BOMMAI:** It is correct.

**SHRI JAGESH DESAI:** It cannot be allowed to go one-sided.

**SHRI VITHALRAO MADHAVRAO JADHAV:** Sir, he is making irrelevant statements. He should not make irrelevant statements. He should stick to the subject. *(Interruptions)\**

**THE VICE-CHAIRMAN (SHRI MD. SALIM):** Nothing is going on record. *(Interruptions)*

Nothing is going on record. You, Mr. Bommai, please conclude.

**SHRI JAGESH DESAI:\***

**SHRI MOHAMMED AFZAL alias MEEM AFZAL (Uttar Pradesh):\***

**SHRI VISHVJIT P. SINGH:\***

**SHRI MOHAMMED AFFZAL alias MEEM AFZAL:\***

**SHRI VITHALRAO MADHAVRAO JADHAV:\***

**SHRI MOHAMMED AFZAL alias MEEM AFZAL:\***

**THE VICE-CHAIRMAN (SHRI MD. SALIM):** Nothing is going on record. Mr. Bommai, you please conclude.

**SHRI SOMAPPA R. BOMMAI:** I have gone through the Constitution. Article 324 only says... *(Interruptions)*

श्रीमती तस्या बहिन (उत्तर प्रदेश) :  
आपके वीपी० सिंह ने तो... (व्यवधान)

उपसभाध्यक्ष (श्री मोहम्मद सलीम) :  
तस्या बहिन जी, बोम्बई जी संविधान को  
कौट कर रहे हैं, संविधान तो पढ़ने  
दीजिए आप ।

**SHRI SOMAPPA R. BOMMAI:** Mr. Vice-Chairman, I will refer to article 324, which says:

"Before each general election to the House of the People and to the Legislative Assembly of each State, and before the first general election and thereafter before each biennial election to the Legislative Council of each State having such Council, the President may also appoint after consultation with the Election Commission such Regional Commissioners as he may consider necessary to assist the Election Commission in the performance of the functions conferred on the Commission by clause (1)."

This article clearly says that the President will appoint the State Election Commissioner or the Regional Election Commissioner in consultation with the Chief Election Commissioner. He is not the final authority. He will appoint the Regional Election Commissioner in consultation.

**SHRI SUBRAMANIAN SWAMY:** You are quoting a wrong article.

**SHRI SOMAPPA R. BOMMAI:** I am quoting from article 324. You can quote a right article.

Even under the Representation of the People Act, he should be given aid of staff. He has no right to choose.

**SHRI VITHALRAO MADHAVRAO JADHAV:** Mr. Vice-Chairman, I am on a point of order.

**THE VICE-CHAIRMAN (SHRI MD. SALIM):** There is no point of order.

I will not allow you to create disorder. Please sit down.

**SHRIMATI MARGARET ALVA:** He is on a point of order.

**THE VICE-CHAIRMAN (SHRI MD. SALIM):** I have already allowed him. He has already made his point of order. On every line he can make a point of order... *(Interruptions)*... I have given you a chance. You have not mentioned your point of order.

**SHRI VITHALRAO MADHAVRAO JADHAV:** Please listen to my point of order. My point of order is that, hon. Members are making statements and converting them into a debate. Can we allow this? That is my point of order.

**THE VICE-CHAIRMAN (SHRI MD. SALIM):** Please sit down. There is no point of order.

**SHRI VITHALRAO MADHAVRAO JADHAV:** I want you to give a ruling because you are in the chair.

**THE VICE-CHAIRMAN (SHRI MD. SALIM):** There is no point of order.

... (Interruptions) ...

**SHRI VIZOL (Nagaland):** Mr. Vice-Chairman, I would like to know whether the hon. Members of the Treasury Benches are defending the actions of the Chief Election Commissioner.

**SOME HON. MEMBERS:** Very good.

**SHRI SOMAPPA R. BOMMAI:** Under the Act, under the rules, under the Election manuals which have been published from time to time for the last fifty years, the State Governments have been asked to give a panel of names. Out of a panel of names, the Election Commission chooses the names. This has been the practice followed for the last four or five decades. But today a review is being taken in a different way. But one thing I must admit that once a particular officer is appointed for the purpose of election work, he is completely under the supervision and control of the Election Commission. Though he may be an IAS officer or an IPS officer or whoever he may be, once he is appointed for election work, he must obey the orders of the Election Commission or the Regional Election Commissioner.

I must mention here the entire election machinery and its officers whether they are IAS officers or IPS officers to whichever State they may belong, for the last forty-five years have conducted themselves in an exemplary way and have been applauded even by international observers.

**SHRI SOMAPPA R. BOMMAI:** Our officers have got a tradition.

**SHRI CHATURANAN MISHRA:** But we saw them capturing booths.

**SHRI SOMAPPA R. BOMMAI:** Now all these things are happening. I must express my regret. Recently, political interference, particularly from the ruling party at the Centre, has been so much that the system is collapsing. The democratic system is collapsing. Even when we talk of the Judiciary, when we talk of the Election Commission, when we talk of the administrative machinery, it is being corrupted for our political purposes. Unless we stop it, this country has no future. Therefore, at least today, let the Prime Minister call all the political parties and find out a solution as to what is to be done or let him take the matter to the Supreme Court. But, I would like to say if the matter is referred under Article 143, it will take time, six months or one year. Meanwhile, perhaps, no election will be held in this country. What Mr. Seshan has said in his statement is that the Government's stance is not only a challenge to the authority of the Commission but also one militating against Supreme Court rulings. He warns that if it is allowed to go unchallenged, it will be fraught with the most perilous consequences. He says that the controversy remained unsolved and the Election Commission was pushed by the Central Government into taking such a drastic decision. He also decided not to undertake any programme for holding any election till the matter was decided in the light of the Constitution. He says that there will be no elections in the country until this matter is decided. The Election Commission assumes the power of a Super President of India. He says that there will be no elections till the matter is decided. Supposing you make a reference to the Supreme Court, it takes one year. I say this with all the respect to the Supreme Court, it takes one year. I say this with all the respect to the Supreme Court and the High courts. Being a lawyer, I know how the Supreme Court and the High Courts have upheld the

democratic, fundamental, rights, Constitutional provisions. But still, in election matters, they are very slow. I must say this. I have suffered. I filed a petition against the dismissal of my Government. I wanted it to be heard within three months. When the Pakistan Supreme Court could decide a matter in a few weeks, why not our Supreme Court, why not our High Courts? In fact, 15 days before my Government was dismissed, the Baluchistan Government was dismissed in Pakistan. They went to the Supreme Court and the Supreme Court gave the decision within a month and that Government was reinstated. I protested against the dismissal of my Government and nothing happened. If you want to refer the matter to the Supreme Court, refer it. But, meanwhile, elections should not be postponed. This is a clear indication that the Election Commission is postponing elections in the four States which are under President's rule and the matter is pending before the Supreme Court. It has a political purpose. Mr. Seshan has no political purpose. Only one inference could be drawn. In some way or the other, the Government and the Prime Minister have a tacit consent for this. Hence the serious situation. If the Executive Head and the Election Commission conspire to murder democracy, then what is the future of this country and what is the future of democracy in this country? We are concerned with that. I hope this House, after hearing the statement, will throw more light on the issue. Thank you, Sir.

**SHRI PRAKASH YASHWANT AMBEDKAR:** Mr. Vice-Chairman, Sir, this is a controversy...

**SHRI N. E. BALARAM:** Will you yield for a minute?

**SHRI PRAKASH YASHWANT AMBEDKAR:** Yes.

**SHRI N. E. BALARAM:** Sir, I have got a paper now saying that at 4.30 p.m. there will be a Statement by the Hon. Minister. Shri S. B. Chavan, regarding the police firing in Calcutta. I have no objection to making such a statement. But that lady is not here. I do not know whether

these people who are present in the House, though they are Ministers, can answer this point. When will Mr. Chavan come to this House to make a statement? At what time will he come because we have not decided to sit beyond five o'clock? Only empty benches will be there. Another paper has come to us which says that Mr. Jagdish Tytler will come to make a statement. How are you running the House? Who is the leader? Somebody must be there who is responsible to conduct the House and who can tell us at what time, what programme they are going to take up. (*Interruptions*). When will he come? The House adjourns at five o'clock. I would like to know when the statement is going to be made. (*Interruptions*) There is no Parliamentary Affairs Minister. How are you running the House?

**THE MINISTER OF STATE IN THE MINISTRY OF CIVIL AVIATION AND TOURISM (DEPARTMENT OF TOURISM) (SHRIMATI SUKHBANS KAUR):** She has just gone out. (*Interruptions*) She will come back before the House adjourns. (*Interruptions*)

**SHRIMATI KAMLA SINHA (Bihar):** Sir, I am on a point of order. Have we decided to sit beyond five o'clock? (*Interruptions*)

**SHRI SIKANDER BAKHT:** This is exactly what I was trying to find out from the Secretary-General and the informed me that this is subject to the condition if the House agrees. That is all. Has the Minister arrogated to himself the right to change the time? He has no business to do it. (*Interruptions*).

**SHRI SUKOMAL SEN:** Who has given the right to him to change the time of the House? (*Interruptions*)

Have we agreed that we will sit after five o'clock? (*Interruptions*)

**SHRI SIKANDER BAKHT:** Not only that. Before saying that he is going to make a statement at six o'clock, he should have obtained the permission of the House.

**SHRIMATI KAMLA SINHA:** Sir, have you decided it?

Are we going to sit beyond six o'clock?

**THE VICE-CHAIRMAN (SHRI MD. SALIM):** If the House agrees, then we can sit beyond five o'clock. Otherwise, there is no question.

**SHRI PRAKASH YASHWANT AMBEDKAR:** Mr. Vice-Chairman, Sir, this is a controversy which has not only affected the functioning of the House but it has virtually led to a conflict between the Election Commission and the Prime Minister. Any form of Government that we might have requires institutions and the Election Commission is one such institution which was formed to see that the elections are conducted in a free and fair manner. It is the responsibility of other institutions also to see that whatever means are required by the Election Commission for conducting free and fair elections, they have to be provided. But the manner in which it has been raised and raked up at this time creates doubts in the minds whether the time is proper. Secondly, the elections that are being conducted are of two types. One is direct elections and the other is indirect elections. As far as indirect elections are concerned, the Election Commission has no power for appointment of a Returning Officer. That is only to be referred to. It is basically with the Speaker of each House, it might be in the State or otherwise, who looks after it. It is a formal power which is given, not an absolute power. If you look at the process of countermanding the elections, the power that has been given to him, is only in reference to individual cases. When this issue was raked up in this House, as far as Punjab was concerned, the whole House suggested to the then ruling party that the wholesale postponement of elections, cancellation of elections—which power exists neither in the Constitution nor in the Representation of the People Act—could be acted upon. You have created one Frankenstein and that Frankenstein is now sitting on your head. Mr. Vice-Chairman, I would like to know from the Government whether it is going to

make a statement; whether the Minister is going to come and make it categorically clear once and for all whether the Election Commission has passed an order to postpone elections wholesale or whether the Election Commission, after receiving the report of the Returning Officer, has passed it to postpone elections in individual cases. If this matter is settled, that will show the power which the Election Commission has got.

The second suggestion I would like to make is this. A constitutional crisis has been created and in this constitutional crisis if you refer a matter to the Supreme Court for its opinion, it is going to take time. We have none of our institutions which can be acted upon and which I will put it before the House for its consideration. The Election Commission has given one date on which it is going to hold the elections. One High Court has already ordered that one election be conducted. I don't know what the result is, because the hearing has started at 11 o'clock. But if there is going to be a conflict, that one election result is out by the evening and in another election where there is a general stay order given by the Election Commission, that stay order for holding election continues, where are we finding ourselves? In this case I will suggest to the whole House, and even to the Vice-Chairman, that we have the Attorney-General. I think he should be called, his opinion should be sought. If the Prime Minister is not ready to act, I think, the House should act according to the advice given by the Attorney-General.

**श्री चतुरानन मिश्र :** उपसभाध्यक्ष महोदय, इस पर काफी चर्चा चली है, इस लिए मैं सिर्फ दो तीन प्रश्न सदन के सामने उपस्थित करना चाहता हूँ जिस पर जब गृह मंत्री जी बयान दें तो उनका स्पष्टीकरण होना चाहिए।

यह तो हम सभी जानते हैं कि जो वर्तमान चीफ इलेक्शन कमिशनर हैं वह काफी विवादस्पद हो गए थे, काफी दिनों से बहुत ही हेकड़बाज और घमंडी की तरह व्यवहार कर रहे थे। यह जहाँ



तक हम विचारियों का संबंध है हम योग जानते हैं। लेकिन अभी जो उन्होंने किया है यह भयंकर उद्दंडता का परिचायक है कि अब इस राज्य सभा के चुनाव का भी स्थगित कर देंगे, काउंसिल के चुनाव को भी स्थगित कर देंगे। सिर्फ यह बताना कि हम ही ऐसी शक्ति हैं, दूसरा कोई इस देश में है नहीं, वह तो अत्यंत ही निन्दनीय काम है जो उन्होंने किया। लेकिन मैं एक बात सरकार से जानना चाहता हूं और वह यह है कि कुछ सवालों को ले कर चीफ इलेक्शन कमिशन सरकार को खत लिखा कि अगर इन सवालों का जवाब 5 अगस्त तक नहीं देंगे तो हम सारा काम ठप्प कर देंगे, काइमिस पैदा कर देंगे। यह इनके लेटर में है। क्या यह सरकार मर गई थी? कोई काम नहीं कर रही थी?

**श्रीमती कमला तिलहा :** सरकार खरीद-बिक्री में व्यस्त थी।

**श्री चतुरानन मिश्र :** उधर भी खरीद बिक्री करके पटा लेती। हम को तो बिक्री करना आता नहीं। मैम्बरों की खरीद बिक्री की जाती है, की गई है, जहां तक मेरा अंदाजा है। लेकिन इसमें भी एक्सपर्ट होते तो यह बयान नहीं आता। वहां भी खरीद-बिक्री से काम चल जाता। मैं आपसे यह कहना चाहता हूं जो यह बयान आया है इसके लिए सरकार की तरफ से स्पष्ट किया जाए कि मार्च में उन्होंने पर्सुअली नोटिस दिया था या नहीं कि हम 5 मई के बाद यह काइसेज पैदा करेंगे? अगर यह सही है तो सरकार कहां खली गई थी। क्या हो गया था इस सरकार को? अविश्वास प्रस्ताव भी हम लोग बाद में लाये थे, क्या पहले ही गद्दी छोड़ने का इरादा कर लिया था इसलिए डर के मारे कुछ किया नहीं? यह जो वैधानिक संकट पैदा हो गया है इसके लिए आप बहुत ज्यादा जिम्मेदार हैं क्योंकि आपके चलते ऐसा हुआ।

दूसरी बात यह है कि उनके पन्नाचार में यह भी है प्रधान मंत्री जी ने कुछ

गुणवारेस दिया। क्या एग्जोरेंस दिया प्रधान मंत्री ने सदन के सामने प्रधान मंत्री को बोलना चाहिए। यह जे.पी.सी. तो है नहीं कि वह बुलायेंगे तब जायेंगे। न हर्षद महता के आने का कोई खतरा है। सदन में सदस्य बैठे हुए हैं, सम्मान दिया जायेगा। आकर कहें कि क्या उन्होंने कहा। यह सदन जानना चाहता है कि क्या सही है क्या सही नहीं है। मैं समझता हूं कुछ सवाल जो उन्होंने उठाये हैं उसमें अनुचित भी हो सकते हैं और उचित भी हो सकते हैं। राय दी जा सकती है। मगर सेशन साहब, हमारे चीफ इलेक्शन कमिशनर न्यायप्रिय होते और कानून को मानने वाले होते तो यह रास्ता अख्तियार न करते और स्वयं सुप्रीम कोर्ट में जा सकते हैं हमारे कैबिनेट सेक्रेटरी के पत्र को ले कर कि संविधान के फलान अनुच्छेद के विपरीत यह है इसलिए आदेश दीजिए कि क्या किया जाए। अगर ऐसा करते तो यह संकट पैदा न होता। अगर सरकार खली जाती तब भी संकट पैदा नहीं होता। इसलिए मैं कहना चाहूंगा प्रधान मंत्री ने क्या-क्या उनको आश्वासन दिया इस पर सदन के सामने जो सर्वोच्च है आकर स्पष्ट करें। यदि आश्वासन नहीं दिया तो भी आकर बता दें कि हमने कुछ नहीं कहा। अगर कुछ और कहना हो तो वह भी आकर बता दें।

मैं यह कहना चाहता हूं कि इलेक्शन कमिशन के एक-दो प्वाइंट पर गम्भीरता से विचार करना चाहिए। इस सदन को और भारत के प्रजातांत्रिक ढांचे को बचाने के लिए इस पर विचार करना चाहिए। यह सही है जो बोम्बई सहाय ने कहा कि कुछ हिस्सा हमारे अफसरों का अन्तर्राष्ट्रीय ख्याति प्राप्त हो गया है। हमारे अफसर बहुत अच्छे हैं। लेकिन हमारा यह अनुभव है कि सिर्फ बिहोर में ही नहीं और कई राज्यों में भी हमारे अफसर शासन पार्टी की तरफ से जाकर बूथ कैम्पेन करवाते हैं।

**श्री सी.पी. आर. बोम्बई :** रीसेंटजी

श्री चतुरानन मिश्र : रीसेंटली कब शुरू होता है मुझे नहीं मालूम। 8-10 वर्ष से तो मुझे मालूम है चल रहा है। सभी पोलिटिकल पार्टी कुछ न कुछ गड़बड़ करती है। लेकिन जो बहुत दिन से हैं वे बहुत ज्यादा गड़बड़ी करते हैं और बाकी लोगों को बहुत कम टाइम मिला। जिसको टाइम नहीं मिला वह क्या करेगा। अभी बोम्बई साहब ने कहा कि अफसर को दोगे, किस को नहीं दोगे यह वह तय नहीं करेंगे। एक पैनल आफ आफिसर दोगे उस में से चुन लेंगे। दूसरा प्रश्न हमारे सेन साहब ने उठाया, वह कानून-वेत्ता है, आप भी कानूनवेत्ता हैं, राजनीति में चले आने से आपका कानून कुछ बड़बड़ा गया होगा। आप यह बताइये कि जब आप कहते हैं ये अफसर हम उनको सुपुर्द करते हैं तो उस पीरियड में अगर अफसर गड़बड़ करता है तो उसको सजा कौन देगा ? इलेक्शन कमीशन देगा या हमारी सरकार देगी ? अगर हमारी सरकार देगी, जो कुकर्म करने के लिए उनको भेजती है, तो उस अफसर को कभी सजा नहीं मिलेगी। इसीलिए निष्पक्ष चुनाव के लिए यह जरूरी है कि कुछ अधिकार इस मामले में चुनाव आयोग को दिये जायें। लेकिन यह भी विचार का विषय है, हम लोग इस पर विचार कर सकते हैं कि ऐसा है या नहीं। दूसरी बात यह है कि इस पर विचार करने की जरूरत है कि अब जिस स्थिति में यह शिकायत आ रही है और आप तो हमारे खिलाफ भी शिकायत कर रहे हैं कि कलकत्ता फायरिंग के बारे में बयान दिया जाय और कह रहे हैं कि वहां पर सत्यानाश कर दिया गया, बंगाल में लोकतंत्र को खत्म कर दिया गया, लेकिन हम लोग तो कहते हैं कि आप पहले ही खत्म किये हुए हैं, यही झगड़ा हम दोनों के बीच में है। अभी देखना यह है कि इलेक्शन कमीशन की पद्धति में जो ऐसी कमजोरियां आ गई हैं जो हमारे प्रजातांत्रिक पद्धति के लिए अत्यन्त ही खतरनाक हैं, चाहे सेशन कहें या ना कहें हम लोगों को उसमें कोई रास्ता निकालना चाहिए। मैं समझता हूं कि इस काइसिस से हमें कुछ अच्छा काम करना चाहिए।

एक तो मैं यह कहना चाहता हूं कि एक आदमी का इलेक्शन कमीशनर बहुत ही घमण्डी हो जाता है, एरोगेन्ट हो जाता है और वह तानाशाही प्रवृत्ति का जो जाता है। उसको रोकने के लिए मल्टी-मेम्बर कमीशन बना दें तो वो, तीन या चार आदमी विचार करके इस काइसिस से अच्छा काम करके हम निकालें। इस संबंध में कई माननीय सदस्यों ने कहा है कि हमारी सरकार वक्त पर काम नहीं करती है। आप पहले भी सभी पोलिटिकल पार्टियों को बुला कर कह सकते थे कि यह संकट आया है। आप तो वैसे भी राज कांससेंस से चलाते हैं। कोई कांससेंस ओपीनियन आप बना लेते। लेकिन आपने ऐसा नहीं किया। मैं यह बात राज चलाने के लिए नहीं कह रहा हूं। भारतीय प्रजातंत्र की रक्षा के लिए सभी पार्टियों की राय ली जाय कि क्या-क्या कार्यवाही करनी है। इस लिए इस संकट से कुछ अच्छा काम आप कर सकते हैं।

एक माननीय सदस्य ने कहा कि पाकिस्तान में बहुत जल्दी-जल्दी जज फैसला दे देते हैं, लेकिन वहां बहुत जल्दी-जल्दी तानाशाही भी आती है। आप उनकी नकल मत कीजिये, इतना मेरा आपसे अनुरोध है। वहां पर तो वाशिंगटन से आदेश आता है। लेकिन हमारे देश में तमाम खामियों के बावजूद वाशिंगटन से आदेश आना अभी शुरू नहीं हुआ है। आप इस संकट से कुछ न कुछ निराकरण कीजिए। यह किसी पार्टी या दल का सवाल नहीं है, यह पूरे राष्ट्र का विषय है। सभी पार्टियां एक मत होकर, एक आम सहमति पैदा करके इसमें कोई रास्ता निकालें, यही मेरा आपसे अनुरोध है। सरकार की तरफ से बयान आये तो उसमें इन बातों पर गहराई से विचार किया जाये।

THE VICE-CHAIRMAN (SHRI MD. SALIM): Now, Special Mentions.

श्री तिरुवन्तूर बल्लभ : सदर साहब, मैं पूछना चाहता हूं कि यह बताया गया था कि होम मिनिस्टर साहब इस

संबंध में बयान देंगे। अब यह कुद्दशन बात थी कि सारी बातचीत खत्म होने के बाद, मेम्बरों के खयालात का इजहार होने के बाद, होम मिनिस्टर साहब यहां पर आकर बयान देंगे, इस डिसकशन का जवाब देंगे। वे इस वक्त कहां तशरीफ रखते हैं? होम मिनिस्टर साहब का बयान कब आना चाहिए, इसमें कब का सवाल नहीं है। इसी वक्त बयान आना चाहिए। डिसकशन के खत्म होने के बाद बयान आना चाहिए। इस पर मैं आपकी रुलिंग चाहता हूं... (बयवधान)

نیز اور ودھی دل شری سکندر نخت:؟ صدر صاحب  
میں پوچھنا چاہتا ہوں کہ یہ بتایا گیا تھا کہ ہوم منسٹر  
صاحب اس سبندہ میں بیان دیں گے اب یہ  
قدرتی بات تھی کہ ساری بات چیت ختم ہونے  
کے بعد ممبروں کے خیالات کا اظہار ہونے کے  
بعد ہوم منسٹر صاحب یہاں آکر بیان دیں گے  
اس ڈسکشن کا جواب دیں گے وہ اس وقت  
کہاں تشریف رکھتے ہیں۔ ہوم منسٹر صاحب  
کا بیان کب آنا چاہیے اس میں کنب کا سوال  
نہیں ہے۔ اس وقت بیان آنا چاہیے۔ ڈسکشن  
کے ختم ہونے کے بعد یہاں آنا چاہیے۔ اس پر  
میں آپ کی رائے چاہتا ہوں... (مدخلت)

SHRI S. JAIPAL REDDY: Mr. Vice-Chairman, the hon. Minister, Shrimati Alva, told us this morning that a statement would be made by the Government in both the Houses of Parliament on this question. Therefore, by now we should have known as to when the statement would be made.

SHRI SIKANDER BAKHT: It should have been made immediately after the submissions.

THE VICE-CHAIRMAN (SHRI MD. SALIM): The hon. Minister has mentioned in the morning that the Government will come out with a statement. Till now, the Secretariat has not been approached by the Minister. We have not received any correspondence from the Ministry. (Interruptions).

SHRI SIKANDER BAKHT: He is making a statement at 4.30 p.m. on some other subject, not on this subject. (Interruptions)

THE VICE-CHAIRMAN (SHRI MD. SALIM): The Minister of State for Parliamentary Affairs is here. (Interruptions).

SHRI SIKANDER BAKHT: He is making a statement at 4.30 p.m. on some other subject. This not proper. (Interruptions).

4.00 P.M.

THE VICE-CHAIRMAN (SHRI MD. SALIM): We have received a communication from the Minister of State for House Affairs and that is with regard to Calcutta firing... (Interruptions).

SHRI SIKANDER BAKHT: What does it mean? He is going to be in the House at 4.30 p.m. but he is not going to make a statement on this... (Interruptions).

SHRI MOHAMMED AFZAL alias MEEM AFZAL: I feel that the Government is underestimating this House... (Interruptions)

SHRI SUKOMAL SEN: Now that the discussion is completed, a statement has to be made... (Interruptions)

SHRI V. GOPALSAMY: This House has been taken for a ride... (Interruptions).

**SHRI SIKANDER BAKHT:** Here is a Minister who is going to make a statement, at his convenience at 4.30 p.m., on some other subject and here is another Minister who is going to make a statement at 6 o'clock. They have taken the whole House for granted... (Interruptions). This is not the way the Government can treat this House... (Interruptions)

**SHRI S. JAIPAL REDDY:** Since the Government has failed to respond to the issue, we stage a walk out.

**SHRI SIKANDER BAKHT:** My party is also protesting against it. This is not the way to treat this House... (Interruptions)

**SHRI V. GOPALSAMY:** We protest and walk out... (Interruptions)

**SHRIMATI RENUKA CHOWDHURY:** I will make my submission and then I will walk out... (Interruptions) My name was there... (Interruptions)

**SHRI V. GOPALSAMY:** Now we understand the conspiracy between Mr. Seshan and Mr. Natasimha Rao.

[At this stage, some hon. Members left the Chamber.]

### SPECIAL MENTIONS

**THE VICE-CHAIRMAN (SHRI MD. SALIM):** Shri Rajan Chellappa. Not present.

**Need to prohibit teak cultivation on agricultural land**

**DR. SHRIKANT RAMCHANDRA JICHKAR (Maharashtra):** Mr. Vice-Chairman, Sir, I rise to draw the attention of the Government to the ever-increasing pace at which teak plantation on agricultural land is going on. Since the last three or four years, we have been coming across many advertisements of various companies calling upon the investors to invest on teak plantation. Thousands of such companies are there doing this business throughout the country. Now, these companies have pur-

chased agricultural land from poor farmers and they have been promoting teak cultivation on agricultural land which is income-tax free. They have promised to double and treble the investment and even increase it four times. More and more farmers also are getting attracted because they are getting more price for their land. Now this is a very dangerous problem because this is going to create an agricultural imbalance. If this tendency goes on unhindered, more and more agricultural land will go under teak cultivation. In many States, there are local State laws against the purchase of agricultural land by the non-agriculturists or by companies. By a blatant violation of these provisions, the companies have purchased this land. So, I want to draw the attention of the Government to this problem. I suggest that the Government should come out with some substantial policy and also come out with some legislation prohibiting teak cultivation on agricultural land. Teak plantation should be allowed only on forest land and not on agricultural land.

**THE VICE-CHAIRMAN (SHRI MD. SALIM):** Shri Vishnu Kant Shastri. Not present.

**THE VICE-CHAIRMAN (SHRI MD. SALIM):** Shri Vishnu Kant Shastri—not present. Shri Satya Prakash Malaviya.

**Demand for observing birth centenary of late Shri Rafi Ahmed Kidwai**

श्री सत्य प्रकाश मालवीय (उत्तर प्रदेश): माननीय उपासभापति जी, फरवरी 1894 में राष्ट्रभक्त, स्वतंत्रता संग्राम सेनानी श्री रफी अहमद किदवाई का जन्म उत्तर प्रदेश में बाराबंकी में मसौली में हुआ था और अगली फरवरी में उनका शताब्दी वर्ष शुरू होने जा रहा है। इसलिए मैंने पहले भी भारत सरकार में मांग की थी कि उनके शताब्दी वर्ष को मनाने के लिए एक राष्ट्रीय समिति गठित की जाए। वे एक कुशल प्रशासक थे। मेरी मांग यह है कि एक तो उनके सम्मान में भारत सरकार का मंचार मंत्रालय डाक टिकट निकालें, दूसरे सूचना