

and a full action would be taken, I mean it is being taken. But we will be more cautious on this aspect.

I think I have covered most of the points.

DR. SHANTI G. PATEL: What about trolleys?

SHRI JAGDISH TYTLER: I will come to that. Before that I would like to mention about bird hits. Madam, no doubt, bird hits are a big menace to the aircrafts. Now, a high level Cabinet Committee has taken some other decisions and these are in various stages of implementation.

Madam, regarding trolleys, well, the new airports in Bombay and Delhi which are going to be ready within few months we will provide. As far as Bombay airport is concerned, which is going to be ready in the month of February, we have already made arrangements to give more trolleys. As the hon. Member has mentioned the wheels of the trolleys get frozen. Whether we turn one side or the other side, it all depends upon the weight on the trolley and the push you give to it. That is the way the wheels turn.

DR. SHANTI G. PATEL: The wheels are not functioning properly.

SHRI JAGDISH TYTLER: Madam, I think, I have covered most of the points. Thank you.

SHRI VISHWA BANDHU GUPTA (Delhi): Madam, only one clarification. This is a 1934 Aircraft Act and it needs substantial amendments and review as there are many anomalies like this which has come before us. Therefore, I would like to know from the Minister, whether he would consider a review.

SHRI JAGDISH TYTLER: I will consider it.

THE VICE-CHAIRMAN (SHRIMATI KANAK MUKHERJEE): The question is:

"That the Bill further to amend the Aircraft Act, 1934, as passed by the Lok Sabha, be taken into consideration."

*The motion was adopted.*

THE VICE-CHAIRMAN (SHRIMATI KANAK MUKHERJEE): We shall now take up the clause-by-clause consideration of the Bill.

*Clauses 2 and 3 were added to the Bill.*

*Clause 1, the Enacting Formula and the Title were added to the Bill.*

SHRI JAGDISH TYTLER: Sir, I move:

"That the Bill be passed."

*The question was put and the motion was adopted.*

THE VICE-CHAIRMAN (SHRIMATI KANAK MUKHERJEE): The House now stands adjourned for lunch till 2.30 P.M.

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

The House reassembled after lunch at thirty-two minutes past two of the clock. The Vice-Chairman (Shri M. P. Kaushik) in the Chair.

**THE CONSTITUTION (AMENDMENT) BILL, 1985**

THE VICE-CHAIRMAN (SHRI M. P. KAUSHIK): Dr. Bapu Kaldate.

DR. BAPU KALDATE (Maharashtra): Sir, I beg to move for leave to introduce a Bill further to amend the Constitution of India (to amend Article 311).

*The question was put and the motion was adopted.*

**THE REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL, 1983**  
(to amend section 2, 66, etc.)

DR. BAPU KALDATE (Maharashtra): Sir, I introduce the Bill.

**SHRI S. W. DIABE (Maharashtra):** Mr. Vice-Chairman, Sir, this Bill was discussed last time and a number of speakers spoke over it. Hon'ble Law Minister intervened and also gave a firm response to my proposition. I am very much thankful to the speakers who spoke, especially, Sh. P. Babul Reddy, Shri Chaturanan Mishra, Shri S. P. Mitra, Shri Kalpnath Rai, Shri Ghulam Rasool Matto and others who have given support to the idea which I have proposed in this Bill. Sir, if democracy has to be successful, it is necessary that defects found from time to time have to be eliminated. I have said in my Bill when I moved the amendment about the minimum percentage of votes, then Assam was not the criteria, but there is no doubt Assam is a pointer which shows that this can be abused and this can also be a lesson which we have to take into consideration. In fact, another thing which I want to point out to the Law Minister at this stage is about independent members and their filing of nomination papers. In the Belgaum Assembly constituency, more than 200 nominations were filed and the ballot paper went to ten pages. It required some minutes to find out where a particular name was. Therefore, there was some thinking in that context that some way must be found in the case of independent members also by suitably amending the Representation of the People Act. The democratic process requires self-discipline and also proper use of powers. In this connection, I would like to suggest to the hon. Minister to consider two suggestions alternatively. One suggestion is that just like we ballot Private Members' Bills or resolutions here, if more than ten independent members file their nominations, let there be a ballot and let ten independent members alone contest along with the candidates of political parties. The alternative suggestion is this. In the election of President, previously anybody could stand as a candidate, but now we have made a provision that

ten members should propose his name. In the same way if we can provide that in each Assembly or Parliamentary constituency, a certain minimum number of persons 60 or 70 some from each Assembly constituency should propose the nomination of independent members, it will go a long way in eliminating the number of independent candidates in the election. Secondly, for the Assembly constituency you may also say that about 50 persons from different areas, taluks and blocks, must propose the name of the independent candidate for filing the nomination papers.

Now, the hon. Minister of State for Law has said that it is necessary to create an atmosphere rather than amend the law for ensuring a minimum percentage of votes, and seeing to it that there is no boycott. I would suggest to him to take steps so that a boycott becomes impossible for anybody because election is the very essence of the democratic process. All people must cooperate in holding the election. If all people cooperate and there is no law and order situation, then the contingency which arose in Assam may not arise at all in future. But some steps have to be taken to see that people in large numbers vote and that the verdict of the electorate means the backing of a large number of people for the candidate who is declared elected. Otherwise it will be a mockery; it will be meaningless.

The other point that I would like to mention is about public corporations. I only want to invite the Law Minister's attention to article 101 of the Constitution where it has been provided that—

"No person shall be a Member of both Houses of Parliament and provision shall be made by Parliament by law for the vacation by a person who is chosen a member of both Houses of his seat in one House or the other."

Therefore, Parliament has got the powers to ask any person to choose to be either a member of the Lok Sabha or a member of the Rajya Sabha. Similarly article 102 provides for disqualification for holding an office of profit. Similar provisions are made under article 190 in regard to Legislative Assemblies and Legislative Councils. There is also a provision made in article 101(2) that a person who is elected both to Parliament and to a State Legislature must make a choice and if he does not make a choice—it is a very peculiar provision—then he will remain a member of the State legislature and not of Parliament; his seat in Parliament will become vacant. Therefore, the principle which I am advocating is that one should not be a member of a public corporation or municipal corporation and also a member of Parliament or of a State legislature. The principle is there in the Constitution itself. Only you have to enlarge the area in view of the circumstances that prevail in our country at present. Even the Mayor of the Bombay Municipal Corporation, who belongs to the Shiva Sena, is a member of the State assembly. He is an MLA-cum-Mayor and also corporator, getting about Rs. 1,000 as salary, free telephone and other facilities which a corporator gets. In Delhi also, I know—and the Law Minister also knows—one eminent Member of Parliament from New Delhi is also a municipal corporator and he is fighting an election petition for retaining his seat in the Municipal Corporation. These are the aberrations in our political life, in our society, in our democratic life. In fact, it is a matter of regret that we should have to amend a law for the purpose whereas such matters should have come into the code of conduct in public life and people should voluntarily resign their posts instead of allowing such matters to be discussed in the House. I am thankful to the Law Minister for the assurance he has given to the House that he will see that these salutary provisions are included in the Representation of the People Act. But

I would like to warn him, let not posterity say, having known the disease we have not taken steps to cure it and strengthen democracy in our country.

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H. R. BHARDWAJ): I reiterate most of the submissions I have made earlier and I need not repeat them. I reciprocate the ideas and submissions of Dhabeji that it is not really very necessary for a Member of Parliament to continue as a corporator or even as an MLA; for an MLA there is a bar but for a municipal corporator there is no bar at present. I assure him that we are now looking into several reforms in the electoral process and this one will also be incorporate. . .

SHRI S. W. DHABE: Public undertakings.

SHRI H. R. BHARDWAJ: I am coming to that also. First I must assure you with regard to this that this is also a very valuable suggestion that a Member of Parliament should not devote his time in other things except in the service of his constituency and his people who elected him as a Member of Parliament. This is a suggestion which everybody would welcome.

So far as office of profit is concerned, he wanted that public undertakings and corporations should be included. As I said, the whole history of office of profit is under circulation to the States and we are awaiting the response of the States as to what corporation or what institution they would like to incorporate in the Act, and then we will take a decision. I will continue with my thread of discussion with the honourable member on this issue because purity of election is the anxiety of everybody, including the honourable Member, everybody in the House and elsewhere, and we reciprocate such things and we shall continue to exchange our views with each other.

One point I would like to clarify and reiterate. I do not subscribe to that one view that anybody in the country

[Shri H. R. Bhardwaj]

should be allowed to scuttle the election process, be it in the name of boycott or gherao or something like that. Once we have accepted that we are a democratic society, then the only way to run a democratic society known to a civilised nation is the process of election. And Dhabeji is much more enlightened than I am. He knows, even the Supreme Court says that when the election process is on, nothing will interfere with it. Therefore, election process is sacrosanct and elections are sacrosanct for maintenance of democracy. Any force, any political power any political power which opposes election in the country, I will not accept that it is democratic. Therefore, I agree with the honourable Member that nothing should be allowed to done to scuttle the election process, on whatever grounds it may be—it may be in the name of economic reasons or political reasons or whatever. Elections must be held on time. If you are to go as democrats in the rest of the world, you must show that elections have taken place on time and, by and large, we are proud that our country is now unanimously accepted throughout the world as the largest democracy having held so many elections in a fair and fearless manner. There is no doubt India has the distinction of being the largest democracy successfully holding several elections one after the other. Therefore, we should not have any apprehension. There are difficult days in the life of every nation. We had also difficult days in Assam and Punjab. But the people of India stood together to face them and solutions have been found. Assam is going to the polls now and I hope that Dhabeji also hopes that we should have the results very soon. But, whatever be the results, the people would go through this process and democracy will start functioning soon. So, that is the spirit that is prevailing in our country and I do not think that we should have any apprehension with regard to the eventualities, whether it is five per

cent or ten per cent, etc. Our desire and our attempt should be to see that there is maximum poll. I say this because the greater the number of people who participate in this, the better you will get to know the desire of the people as to whom they want to represent them. That is how the polling has taken place so far and there has been a massive polling in the last elections and there have been elections recently also in Punjab and elsewhere. This is how it has been going on now in our country and the countrymen are for it now. I am proud to say that this is because of our forefathers like Mahatmaji, Panditji, and Indiraji, and the people are now realising the value of their vote and they cast it properly and with full appreciation of the need of the hour.

So, Sir, with these remarks, I thank Dhabeji and I request Dhabeji to kindly withdraw his Bill since I am reciprocating his feelings and consider his suggestions very valuable. I would like to request him to withdraw Bill. Thank you, Sir.

THE VICE-CHAIRMAN (SHRI M. P. KAUSHIK): Mr. Dhabe, would you like to withdraw your Bill?

SHRI S. W. DHABE: Sir, in view of the specific assurance given by the honourable Minister to consider the suggestions which are for ensuring the purity of elections and strengthening democracy. I would like to withdraw my Bill.

THE VICE-CHAIRMAN (SHRI M. P. KAUSHIK): Is it the pleasure of the House that leave be granted to Shri Dhabe to withdraw his Bill?

SOME HON. MEMBERS: Yes.

*The Bill was, by leave, withdrawn.*