

[Dr. C. S. Silvera]

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

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

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

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

Enacting Formula

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

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

The question was put and the motion was adopted.

RAO BIRENDRA SINGH: Sir I beg to move:

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

The question was put and the motion was adopted.

THE GANGTOK MUNICIPAL CORPORATION (AMENDMENT) BILL, 1985

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

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

Enacting Formula

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

The question was put and the motion was adopted.

SHRI ABDUL GAFOOR: Sir, I beg to move:

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

The question was put and the motion was adopted.

THE CONSTITUTION (FIFTY-SECOND AMENDMENT) BILL, 1985

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

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

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

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

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

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

welcome. But suffice it to say, that this tendency was frowned upon by every section of the public, by all reasonable and responsible Legislators everywhere and by all political parties worth their name. It is felt that this must be curbed if proper and healthy functioning of our democratic system was to develop on lines which would be not merely a matter of pride but would be a matter for admiration for the outside world. There is no doubt that our democracy and our functioning of the Parliamentary system which the Constitution gave us in 1950 had evoked admiration not merely from the democratic people of our country but also from the outside world. It is a matter of pride to us. The entire colonial world emerged after our independence and set up Parliamentary systems on the pattern of the Westminster system, some on our pattern and some on the pattern of the Federation of the Nigeria. One after another, we found those democratic systems floundering and collapsing. Without mentioning the names of the countries, it is enough to state that all over Africa today one would like to see if there is any democracy functioning on a multiple party system where freedom of the individual is guaranteed and the courts function without fear or favour and the people elect their representatives freely and without interference. Nearer home, in Pakistan and Bangladesh, which started their Parliamentary systems almost simultaneously with us excepting that Bangladesh got it after a civil war separately, but, nevertheless, as a part of the whole of Pakistan, undivided Pakistan it did inherit a Parliamentary system almost at the same time as ourselves. They had got one Constitution after another. But each time the Constitution came into force and elected representatives were sitting in their Parliaments and Governments responsible to the elected Legislatures came to function were overthrown by military dictatorship. And today in the whole of Asia we remain like an oasis in the desert where democracy is still cherished and where Fundamental Rights of life and liberty and all representatives of Government are still regarded as a necessary minimum for an honourable existence. It is, therefore, a matter

[Shri Asoke Kumar Sen]

of pride for us that shortly after the massive mandate that the Congress Party got in the last elections, we pledged through the President's speech that we shall bring about a proper law outlawing defections so that representatives elected on certain principles and on certain party labels, would not be allowed to betray the trust which was reposed in them at the time of their elections and they would not be free to change their mantle and move wherever they want betraying patently and blatantly the trust on the basis of which they had come to be elected. It is the very essence of our system that we regard a party system as a necessary ingredient of our democratic functioning, that our parliamentary system functions through parties, through the party mechanism and through the interplay of party rivalries and hostilities our system flourishes in arriving at decisions freely given through opposition in a freely elected legislature at the Centre and in the States, which is accepted by the people as a proper verdict of the people. This is the very essence of our system. Now the proposed law tries to maintain the sanctity of that system by outlawing individuals who come on party tickets, on certain principles and on certain programmes of parties and would overnight like to throw off all that on the basis of which they had come and change their party affiliations and group affiliations, because we have seen from experience in the past that frequently, though not invariably, this change is motivated by unhealthy considerations, considerations of office, considerations of profit or other considerations which are not regarded as healthy in a democratic system like ours. We want to clean the political life. We want a verdict of the constituent authority, which is Parliament, exercising its power with a two-thirds majority of both Houses. We want a clear verdict that hereafter these motivations will not be allowed to operate in our body politic. And it is heartening that when this call came—and the call was transcending barriers of our legislatures; it came from the very heart of our people—that our legislators must be

healthy, must be decent and they must not work on motivations which are questionable, every section of the House in the Lok Sabha had responded unanimously. And I have no doubt that every section of this House would do the same. I recall that whenever crises had come in our national life in the past and the call of the nation came, when all the barriers of parties must vanish and our actions must cut across party barriers for national interests, this august body, Parliament, in both the Houses, had risen to the occasion I recall, Sir, and you will recall also, that when the Chinese attack came in October, 1962, and the proclamation of Emergency was made in November and our great leader, Jawaharlal Nehru, moved the proclamation of Emergency in the Lok Sabha first—it was moved in this House later; I happened to be a Member then; you were a Minister in Madras State which took an equal share in the national burden, and soon after you had left Parliament—I remember the words which came out of that great leader and enthused the entire people far beyond the four walls of the two Houses. He said: "This is our finest hour. In a national emergency, we must forget our party affiliations and party differences. The national cause is a supreme one and all of us must dedicate ourselves to that cause." And every man rose to the occasion; every man here and outside answered the call. I remember, on that Republic Day in that year, the parade was led by Panditji himself walking himself followed by all the leaders of opposition, all the Members of Parliament and the public. That was a great demonstration of our national solidarity when the people responded to the call of national duty irrespective of a party barriers. The same call came when Pakistan attacked us in 1965 and again in 1971 and then Indiraji gave the call to the nation to rise to the last man to meet this challenge on our frontiers and the nation did do so and overcame that great challenge which was thrown at us and we were victorious. This democracy then showed its strength innate in every democracy derived through voice of opposition, interplay of opposition, dissent and assent...

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

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

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

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

SHRI PARVATHANENI UPENDRA (Andhra Pradesh): We are not protesting. We are only reminding you.

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

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

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

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

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

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

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

The question was proposed.

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

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

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

SHRI PARVATHANENI UPENDRA: What about amendments?

MR. CHAIRMAN: Are there amendments?

SHRI PARVATHANENI UPENDRA: There are many.

MR. CHAIRMAN: Amendments may be moved just now.

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

MR. CHAIRMAN: Quite right. I have already mentioned it.

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

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

SHRI PARVATHANENI UPENDRA:
Sir, I beg to move;

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

SHRI PARVATHANENI UPENDRA:
Sir, I beg to move;

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

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

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

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

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

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

11. "That paragraph 3 be *deleted*"

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28. “That after paragraph 2(1)(b) of the Tenth Schedule, the following sub-paragraph be inserted, namely:—

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

Provided that the person aggrieved by the expulsion has a right to appeal to the House Committee, constituted for the purpose, and the Committee, taking into consideration all the circumstances, holds that the expulsion of the appellant is a *bona fide* one, the appellant shall stand disqualified, but if the Committee holds that the expulsion is only a measure of harassment, the appellant shall not be disqualified and such a finding of the Committee shall be final and such a decision shall not be questioned in any court”.

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

27. “That in paragraph 2(1) of the Tenth Schedule in line 3, after the words ‘shall be’ the words ‘liable to be’ be inserted.”

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

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

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

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

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

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

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

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

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

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

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

[Shri R. Mohanan]

jee, Badrinarayan Pradhan, Amarprasad Chakraborty and Ram Krishna Mazumder.]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the words 'Judicial Committee on dis-qualification' be substituted."

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

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

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

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

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

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

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

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

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

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

[The amendments No. 7 and 9 also stood in the name of Shri Sushil Chand Mohunta]

SHRI JASWANT SINGH (Rajasthan): Sir, I am not moving my amendments.

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

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

AN HON. MEMBER: Except what?

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

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

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

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

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

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

MISS SAROJ KHAPARDE ((Maharashtra): What about Chaudhuri Charam Singh?

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

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

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

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

amendment to remedy the existing distortions of the electoral law of our country. The distortions inherent in the present electoral system have enabled the Congress party in all the General Elections, excepting the General Elections in 1977, to secure a majority of the seats on a minority of votes. This distortion was evident even in the last Lok Sabha Elections which our hon. Law Minister has stated as having given a massive mandate to the ruling party that the ruling party had secured 80 per cent of the total seats obtaining only about 50 per cent of the total votes cast. So, naturally, in order to remove this distortion, proportionate representation with the list system needs to be adopted. Since under the system of proportionate representation with list system the electorate will be choosing the political parties rather than individual candidates, it will be possible to provide for removal of those who act in an opportunistic manner to change their political affiliations. And, naturally, with what I started this general discussion, I would again say that still there are lots of grey areas that need to be trodden. But, however, let this piece of legislation augur a beginning and I hope the further amendments would be brought forward by the Government in the next session to have a through overhaul of the present electoral laws because much broomsticking is still necessary to cleanse the Augean stables of Indian body politic since created by the ruling party. Thank you, Sir.

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

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

cracy further.

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

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

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

[Shri Murlidhar Chandrakant Bhandare]

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

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

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

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

[The Deputy Chairman in the Chair.]

What is more important is that there is a provision that permission can be taken from the party to vote in favour or against a Bill as a member chooses. This is where the freedom of conscience comes in. (Interruptions) It depends upon what the 'whip' is. As I have said, excepting three instances, which I have known, one of late Mr. C.D. Deshmukh, when he resigned on

a very fundamental issue of linguistic States in regard to my 12 Noon State, the State of Maharashtra,

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

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

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

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

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

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

SHRI PARVATHANENI UPENDRA:
We will open our account later.

SHRI MURLIDHAR CHANDRA-
KANT BHANDARE: I am not going into
the question of how many branches they
have. But I know that in my part of the
country. I do not find any branch which
really can be called as **having any political**
base.

SHRI PARVATHANENI UPENDRA:
We are very backward.

SHRI MURLIDHAR CHANDRA-
KANT BHANDARE: I think, we are
backward. We will continue to be back-
ward and I wish you alj luck in your pro-
gress ahead and ahead, with your ideas.
Maharashtra will remain what it is. The
Congress (I) will remain what it is. It
will not change merely by hon. Members
wishing ill of us. I think the more ill
you wish of us, the stronger we will be-
come and further we will progress. (*Inter-*
rptions). I do not know why my friends
are feeling agitated when I am making the
point that most of the national parties are
descendants of the Congress and there has
not been sufficient polarisation. In fact the
programmes **are the same except**
that they were not accepted when
they were introduced by the late Mrs.
Gandhi or by the Congress(I) Government.
I think, along with this, along with the
Anti-Defection Bill, we will begin an era
of a Government of national consensus
so that good programmes are continued
by succeeding Governments no matter to
whichever party the Government belongs.
I feel, a common measure of agreement,
a common measure of consensus on the
major policies and programme will take
the country forward.

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

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

where a person has been expelled for
twelve years on the same day. In the
morning he was expelled for six years
and in the evening he was expelled for
another six years. That is why though
I originally support the original clause
2(c), I think it will have to be brought
in sometime later. The time is not ripe
to bring in this clause now. But I
firmly believe that those leaders who in-
dulge in such an arbitrary manner of
expelling their members for their personal
whims, for their personal dislikes, for
their personal ends, will also be thrown
out by the people themselves in due
course of time. I do believe that we
have to move in these matters by inches.
Everybody is not expected to stick to a
very high standard of etiquette or fair-
play or justice. There would be cases of
gross injustice and I am glad that at
least some of our members in this House
are saved from this fear of losing a seat
because of arbitrary expulsion. So, the
point which I have made will have to be
considered later, but I do wish to draw
the attention of the hon. Law Minister
to one important feature. There are
many other areas **where a Member of**
Parliament functions as a legislator, where
he is obliged to follow the whip of the
party, but he can flout that whip with
impunity and there is no penalty provid-
ed for it. **I know of some of the diffi-**
culties. I will give one instance. When
there are elections to the Rajya Sabha,
there is a definite whip that every mem-
ber of the party should vote for the
official candidate of that party. And yet
we find that there is a cross voting. One
party loses its official candidate and
candidate of another party or an inde-
pendent gets elected. This is also crossing
of the floor. This is also going against the
mandate. This is also performing the
duties as a legislator. Just because it is
not inside the House and it is outside
board, I do not see any reason why action
should not be taken for a breach of
party discipline. (*Interruptions*) You put
up a rebel capitdaj nothing will happen,
you will not be disqualified.

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

SHRI MURLIDHAR CHANDRA-KANT BHANDARE: But when you propose a rebel candidate against the official candidate, what happens?

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

SHRI MURLIDHAR CHANDRA-KANT BHANDARE: That is all right but I cannot understand the members of a party, who are obliged to vote for the party candidate, supporting or sponsoring a rebel candidate. This is even worse than voting. For an open act of rebellion against the party there is no remedy left. I do not think that the freedom of conscience can go so far as to say that you can even propose a rebel candidate. Anyway, I will leave it to that, to be taken up at the proper time, but I do hope that we will develop democratic norms in course of time where expulsions will be rare. (*Interruptions*) I am on the second point. There are difficulties in that. Probably you cannot disclose the secret ballot, you cannot take action for voting, but if a man has openly proposed or seconded a rebel candidate or goes round canvassing for him there is nothing in the Bill which can take care of this rebellion. (*Interruptions*). Don't worry about the defection on our side. But what I find is that for this measure all the national parties are opposed and all the regional parties in favour. That really has put me on guard because then I felt that in today's circumstances, may be the expulsions are purely arbitrary, the expulsions are not really for breach of party discipline but for incurring the wrath or displeasure of a coterie of politicians or syndicates or whatever you may call them.

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

evening he was expelled and before he was expelled he had already joined the Lok Dal or DMKP or whatever it was. There were automatic slots. You remove a man from one slot, he got into the other slot, you remove him from that slot, he got into the original slot. It went on like that. It was very difficult for the Secretary of any party to say whether a member was of his party or of the other party. I hope there will be an end to this opportunistic politics or the part of the members of the Opposition parties.

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

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

SHRI MURLIDHAR CHANDRA-KANT BHANDARE: I think these are not only technical but frivolous objections, because whenever it goes wrong, I think the Secretary-General goes round to find out whether there is any correction. I know sometimes late in the night people are sleepy and suddenly they press the wrong button, instead of pressing the green button they press the red one and the voting does go wrong. But corrections are made, corrections are noted and there is no possibility of these things going wrong.

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

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

Then there is the question of merger and split. Now really it has become very easy for the Opposition parties because what is required for a split is one third of the members. With the number of two or three—BJP has two and DMKP has three—I do not know whether there is really any difficulty. But we do hope that in times to come they will grow in number and splits and mergers will be far more difficult than they are today, because what is necessary for our vibrant democracy today is strong national parties, definite alternatives before the public.

When Janata came to power, nobody other than me prayed fervently that they continued for five years and became a very strong party. But it was a matter of great regret that at the end of two and a half years they broke under the weight of their inconsistencies, under the weight of their opportunism, under the weight of their running and hankering after power and positions, and a great dream of a great democracy for India was at that moment shattered. Luckily for us, the Congress (I) is a party which thrives on democracy—it not only thrives on democracy but it boosts up democracy it takes democracy, it gives democracy, and there can be no greater measure of satisfaction that a controversial clause like clause (c) was given up because of the internal pressure. After ascertaining the wishes of its own members at an open meeting, when there was a resistance to the clause the clause was given up. That shows how a party must function effectively, that shows how the party must

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

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

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

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

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

SHRI DIPEN GHOSH: Party system will be there.

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

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

THE DEPUTY CHAIRMAN: How much time will you take?

SHRI MURLIDHAR CHANDRAKANT BHANDARE: About four or five minutes.

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

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

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

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

[Shri Murlidhar Chandrakant Bhandare]

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

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

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

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

SHRI MURLIDHAR CHANDRAKANT BHANDARE: I have both disciplines. I think if I can claim anything I am proud to claim a bit of loyalty under the most adverse circumstances. I have never basked under the shining sun, I have never tried to make a hay when the sun is shining. I know how to lead a cheerless life when the sun is clouded.

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

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

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

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

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

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

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

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

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

***English translation of the original speech delivered in Tamil.**

beyond recognition. This amply proves our Prime Minister's keen desire that democracy should really blossom into a fragrant flower in our country. The illiputian Opposition's views could have been brushed aside by the Leader of the Congress Party which has secured massive mandate from the people and Clause 2(i) (c) could have been retained.

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

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

Two weeks before the death of Mahatma Gandhi, Shri Konda Venkatappiah, an eminent Andhra Leader had sent an epistle to Mahatma Gandhi. This is quoted by historians as the last letter received by Mahatmaji, whose soul-breath was purity of public life. The objective of this Bill is not an ideal of today or yesterday. This was the ideal of Mahatma Gandhi 35 years ago and this letter is proof positive for my claim. Shrimati Indira Gandhi in spite of her ceaseless striving could not succeed in getting such an enactment passed by Parliament. But her son has fulfilled her desire through this Bill. He has ensured that in him there is no gap between word and deed.

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

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

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

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

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

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

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

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

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

(श्री सुधाकर पाण्डेय)

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

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

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

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

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

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

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

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

(श्री सुधाकर पाण्डेय)

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

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

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

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

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

यह नींद मनाहर कृतियों का, यह विश्व कर्म रंगस्थल है; है परमग लग रही यहां ठहरा जिसमें जितना बल है।

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

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

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

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

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

AN HON. MEMBER: Law Minister.

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

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

This particular Bill is in the background of the defections in political field which have been taking place for quite some time. It is both at the Central level and at the State level, they increased to such an extent that many Governments were brought down and several Governments were installed. Not only that, a new phrase was added to the vocabulary

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

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

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

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

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

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

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

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

[Dr. Shanli G. Patel]

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

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

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

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

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

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

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

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

SHRI DEBA PRASAD RAY (West Bengal): Honourable Vice-Chairman, Sir, I rise to support the Constitution (Fifty-second Amendment) Bill as introduced by the hon. Law Minister on the floor of the House today. With the introduction of this Bill we hope that a new era will begin an era of morality, an era of integrity, an era of clean political culture. This act will ensure that Indian political life which has been polluted to a great extent would be purified and people would be able to live in political life with dignity and respect. This is going to be a landmark in the history of Indian democracy, and for this act alone our hon. Prime Minister, Shri Rajiv Gandhi, would be remembered for all times to come. I hope that this Bill will actually help the younger generation to develop more respect for political life, to feel attracted towards political life and to participate in democracy which is being looked down upon by them to a certain extent.

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

[Shri Deba Prasad Ray]

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

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

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

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

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

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

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

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

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

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

[Shri Deba Prasad Ray]

we will be entitled to be their spokesmen. I hope with the introduction of this Bill there will be stoppage to the defections and credibility would be unveiled not only by us but by politicians belonging to various political parties. Their credibility would be restored. People would no longer have indignation towards the political personalities. People would definitely develop respect for them which should be the basic ambition for every politician to experience in his life. With the introduction of this Bill that aspect would be ensured and the people for the country would also find democracy to be purified, would also see the democracy in a different way. The people who are basically democratic and who are believers of democracy would also be able to live with dignity and prestige. One of our hon. Members has said that defection takes place on another ground also when a person feels that the manifesto of a particular party is not properly implemented and that the policies and programmes of the party are not properly pursued or implemented. Then, I think, that person who deserts the party should resign and go to the people again to seek their verdict. He should also adduce the reasons to the people for his deserting the party and should seek a fresh mandate. This should be the criteria for a person to establish himself as a genuine believer of the party. This Bill has been accepted by almost all sections of both the Houses. This is a very healthy development. Although we had differences of opinion on different occasions but on this issue we have been able to accept this together for the proper implementation of the Bill. I hope the same spirit would be displayed by all the political parties on the floor of Parliament in future also. Being a Bengali, I would like to conclude with a Bengali poem which was written by one of the revolutionary poets in Bengal during the days of the freedom struggle, who started writing at the age of 17 and died at the age of 21. His writings are always remembered by the political workers who believe in revolution. He is Sukanta Bhattacharya. He wrote in one poem at one place which means-

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

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

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

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

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

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

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

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

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

SHRI ASOKE KUMAR SEN: On this side?

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

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

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

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

SHRI JASWANT SINGH: Why are these comments made, Sir? (Interruptions) Why are these comments being made? That brings me to another thing. Anyway, I do not subscribe to these theories.

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

SHRI JASWANT SINGH: I do not subscribe to them.

SHRI VISHVAJIT PRITHVJIT SINGH (Maharashtra): Sir, I have mentioned it on many previous occasions. I know Jaswant Singhji very well. These are not his own comments that he is voicing. These are not his own views which he is voicing; he is voicing the comments of his masters. (Interruptions).

SHRI JASWANT SINGH: I will come to that later, Sir, and I will attempt to answer that in a minute.

The question is this: If such a good measure is adopted, then why do these fears get expressed? It is because of the importance of two things. One is the importance of example in public life and the other is the importance of harmony between means

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

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

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

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

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

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

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

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

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

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

SHRI LAL K. ADVANI (Madhya Pradesh): This is not sycophancy, this is ~~assentment~~. (Interruptions)

SHRI JASWANT SINGH: Sir, I would like to tell my esteemed friend, in the hope that he will communicate, that there is a Sanskrit *shloka*, which I will not inflict but of which I give the sense. The essence is: धन, यत्न, प्रभुता, अद्वैत । It is the combination of these four. It is a very wise ancient saying, as old as India. Please understand the debilitating effect of sycophancy in public life. If we have taken the first step towards strengthening our public life, please recognise what I am saying and what is that we need in our public life. In our public life, we need primarily freedom from fear and we do need that freedom which enables us in the words of a great poet to "when the head is held high and the mind is without fear". We need to re-emphasise that.

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

श्री पर्यवर्तन उपेन्द्र : चमचागिरी ।

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

श्री जसवन्त सिंह : जनाव आपकी इजाजत हो...

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

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

श्री जसवंत सिंह : वह आप कहिए ।

उपसभाध्यक्ष (श्री सय्यद रहमत अली) : इनको बोलने दीजिए ।

श्री जसवंत सिंह : जनाब, आप मुझे वक्त दग नहीं । मुझे थोड़े वक्त को इजाजत हो । बाबू सीताराम जी ने बहुत महत्त्व की बात कही । पिछली बार जब मुझे मौका मिला था तो मैंने रामायण के सुन्दर कांड का एक पद कहा था--'सचिव, वेद गुरु तीन जो प्रिय वालीहि भय आस . . . । बाको आप जानते हैं, सीता राम जी

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

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

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

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

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

श्री रामानन्द यादव (बिहार) : सिवान पार्लियामेण्टरी कंस्टीट्यूएन्सी में 24 जीपें चल रही थी और बड़े बड़े एंजीपति वहां बैठे थे । यह सब पैसा कहां से आया था ?

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

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

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

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

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

These are separate entities. Do not confuse between party and Government. Do not equate the party with the Government. Don't equate Government to the nation.

It has been my privilege—it is my privilege—to have participated in the negotiations and talks leading to the arrival of this consensus and it is my privilege on behalf of the BJP to support the Constitution (Fiftysecond Amendment) Bill 1985. Thank you.

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

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

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

[श्री सुलतान सिंह]

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

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

(श्री सुलतान सिंह)

मैं नेता तो आप ही बनी रहूँ, माता जी नेता बनी रहूँ, लेकिन गाँधिन्द नारायण सिंह को मुख्य मंत्री बना दिया। इसका नतीजा क्या निकला? गुरू तो गूढ़ रहा, चेला चीनी बन गया। आप लोगों ने कांग्रेस के द्वेष में डिफेंशन को इतना प्रोत्साहित किया, इतना आपने उसको लालच दिया कि आज जी.जे.पी. खतम होकर रह गई है। अभी अभी क्या हुआ है? जो राष्ट्रीय पार्टियाँ थी वे रीजनल पार्टियाँ बन गई हैं और जो रीजनल पार्टियाँ थी वे राष्ट्रीय पार्टियाँ बन गई हैं। आल इंडिया द्रविड़ मुन्नेत्र कणगम और अखिल भारतीय जनता पार्टी आज दो दो मेयर लेकर बैठी हुई है। एक रीजनल पार्टी इन पर डामिनट कर रही है। इसलिए मैं अपने विरोधी पक्ष के दोस्तों से यह दर्शास्त करूँ कि वे कुछ दिनों के लिए अपना वह द्वेष छोड़ दें जिसकी सजा उनको इतनी मिल चुकी है। इनका एक ही उद्देश्य था कि कांग्रेस की सरकार नहीं रहनी चाहिए, इसलिए ये मुख्य मंत्री किसी को भी बनाने के लिए तैयार हो जाते थे। उसका नतीजा क्या हुआ है? ये लोग स्वयं को खो बैठे हैं। आप लोग एक काम कीजिए। जो विरोधी पार्टियाँ यहाँ पर बैठी हुई हैं वे किसी न किसी तरीके से एक अच्छी पार्टी बना लें। देश में टूटी पार्टी सिस्टम हो। इंग्लैंड में प्रजातंत्र इसलिए जिन्दा है कि वहाँ पर दो पार्टियाँ, लेबर और कंजरवेटिव पार्टियाँ हैं। लेबर पार्टी जाती है तो कंजरवेटिव पार्टी आ जाती है तो और कंजरवेटिव पार्टी जाती है तो लेबर पार्टी आ जाती है। इसी तरीके से अमेरिका के अन्दर प्रजातंत्र इसीलिए जिन्दा है कि रिपब्लिकन पार्टी जाती है तो डेमोक्रेटिक पार्टी आ जाती है और डेमोक्रेटिक पार्टी जाती है कि रिपब्लिकन पार्टी आ जाती है। इसी प्रकार की व्यवस्था हम अपने देश में भी कर सकें तो यह प्रजातंत्र के लिए अच्छा होगा। हम लोगों को गाली देने के बजाय या हमको कोसने के बजाय आप लोग आपस में प्यार-प्रति से एक पार्टी बना लें तो यह प्रजातंत्र के लिए और इस देश में हैल्दी राजनीतिक व्यवस्था के लिए अच्छा होगा। इससे डेमोक्रेसी मजबूत होगी। हमारे देश में

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

(उपसभापति महोदय। पीठासीन हुईं)

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

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

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

(श्री सत्य प्रकाश मालवीय)

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

सभापति महोदय पीठासीन हुए।

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

सभा की सदस्यता से त्यागपत्र देकर पुनः चुनाव लड़ा। लेकिन मान्यवर, कांग्रेस पार्टी ने इन लोगों का विरोध किया और ये तेरह के तेरह व्यक्ति विधान सभा का चुनाव हार गये थे। उसके बाद मान्यवर, इस देश के पहले प्रधानमंत्री पंडित जवाहरलाल नेहरू ने दलबदल का बीज बोया था और उस दलबदल की उपज की श्रीमती इंदिरा गांधी ने पोसा पाला था और बड़ा किया था और इसका संरक्षण वर्तमान प्रधानमंत्री, जब इस पार्टी के महासचिव थे, उन्होंने किया और आज भी बराबर दे रहे हैं। मैं इस चीज को अपने तथ्यों से साबित करने की कोशिश करूंगा... (व्यवधान)... मान्यवर, 1952 में जब मध्य प्रदेश में चुनाव हुए, तो मध्य प्रदेश में 1952 के चुनाव के बाद मध्य प्रदेश विधान सभा की कुल संख्या थी 375 लेकिन कांग्रेस पार्टी के विधायक चुनकर आये केवल 152। उत्तर प्रदेश के ही श्री प्रकाश जी उस समय मद्रास के राज्यपाल थे और माननीय चक्रवर्ती राजा जी को बुलाया गया वहां का मुख्य मंत्री बनने के लिए। राजा जी न तो विधान परिषद् के सदस्य थे और न ही विधान सभा के सदस्य थे लेकिन एक बाहर के व्यक्ति को मुख्य मंत्री बनाया गया और उनको राज्यपाल ने विधान परिषद् का सदस्य नामांकित किया था और जब कांग्रेस पार्टी के नेता जो प्रधानमंत्री थे ने मद्रास विधान सभा के अल्पमत को बहुमत करने की साजिश की उसके बाद मान्यवर, आंध्र प्रदेश बना... (व्यवधान)

श्री सीताराम केसरी: आपको इतिहास मालूम है? (व्यवधान)

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

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

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

MR. CHAIRMAN: Mr. Jain, I want first to understand.....

...(Interruptions)... We will have to hear his point of order.

...(Interruptions)... Please sit down. There is a point of order.

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

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

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

(श्री सत्य प्रकाश मालवीय)

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

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

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

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

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

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

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

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

श्री सत्य प्रकाश मालवीय: मान्यवर, . . .

MR. CHAIRMAN: No more.

SHRI SATYA PRAKASH MALAVIYA: I am concluding, Sir.

MR. CHAIRMAN: The Prime Ministers.

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

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

SHRI SATYA PRAKASH MALAVIYA: Sir, I am on a point of order.

MR. CHAIRMAN: No point of order.

SHRI SATYA PRAKASH MALAVIYA:*

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

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

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

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

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

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

*Not recorded.

[Shri Rajiv Gandhi]

what his true intentions are and he should spend a little time in introspection and try to think about what he really wants.

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

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

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

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

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

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

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

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

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

making power. Therefore, I welcome this Provision.

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

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

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

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

Thank you, Sir.

MR. CHAIRMAN: Shri Indradeep Sinha.

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

[The Deputy Chairman in the Chair.]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SHRI HANSRAJ BHARDWAJ:

Now it is 1985.

SHRI INDRADEEP SINHA: I am coming to 1985 also. Before 1967, the total number of defections was 542, an overwhelming majority of which was from the opposition parties to the Congress. In that year, the total number of defections was 438. It was a two way traffic. I have given the break-up. And after 1971, the total number of defections are 2,700. And a qualitative change 4 p.m. has taken place. Now it is no longer a defection of member by member. Now whole Legislature parties are made to defect. There are wholesale defectors. So, it is very good that a Bill has been brought to ban defections. I would not call it a Bill to ban defections; I would call it a Bill to curb defections. And so far as it goes, it is very good. But I would like to point out that this Bill by itself will not be able to put a stop to the unhealthy practice of defections. Why? It is because there are loopholes in the form of exemptions for splits and mergers. Defectors can very well gang to give the appearance of a split or the legal semblance of a split and still it will really be a defection. Similarly, merger can be just a trick to bring defectors to the ruling party. So, even this Bill will not be able to completely put a stop to defections.

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

over, if that system is introduced, then what my friend Chowdhury Sultan Singh was lamenting about, what our Congress friends used to call some time back—linguism, regionalism, casteism, communalism—all these can be curbed if the vote is for policies and programmes. Then, naturally caste appeal does not work or will not work very much. Similarly, the great evil of booth-capturing, which seems to have baffled even the Election Commission, can be reduced, if not immediately eliminated. If the personal interest of a particular candidate into particular constituency is eliminated and all votes are cast for parties, in such a case, many of the present day evils can be removed. And then if a member leaves the party he also forfeits his seat. Then it is very simple. Unless that is also done, this Bill be at best a partial measure. But even as a partial measure, I stand to welcome it because it is a big departure since last year when certain hon. Ministers of the then Government were pleading for replacement of the present system of parliamentary democracy by some form of Presidential Rule. So, the present Bill is a big advance, and we welcome it.

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

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

[Shri Indradeep Sinha]

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

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

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

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

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

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

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

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

the necessity of it? Let him conclude his speech.

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

SHRI HANSRAJ BHARDWAJ: No doubt.

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

SHRI THANGABAALU (Tamil Nadu): The Constitution (Fifty-second Amendment) Bill, 1985 is the harbinger of clean polity in the country. By introducing this Bill, our hon. Prime Minister, Shri Rajiv Gandhi has convincingly established that so far as his Government is concerned, there is no hiatus between profession and practice. He is keen to establish not only democratic ethics but also democratic ethos. Our Prime Minister has proved to be the personification of all traditions of the Congress Party which has not only got independence for the country but also given democratic Government to this country. It is no exaggeration to say that the Congress Party is the mother of all political parties in this great country which are existing today. The founders of the Opposition parties like Lok Nayak Jayaprakash Narayan, Shri A. K. Gopalan, Shri Acharya Narendra Dev, Shri Ram Manohar Lohia, Shri Shyama Prasad Mukherjee, Shri Rajgopalachari, Shri E. V. Ramaswamy Naicker and Shri Acharya Kripalani were all active leaders of the Congress Party in the past. Madam Vice-Chairman, the Kisan Mazdoor Party, the Socialist Party, the Samyukta Socialist Party, the Praja Socialist Party, the B.K.D., the Jana Sangram Parishad, and so many such political parties have come and gone in this land. The latest one is the great Janata Party today.

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

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

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

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

Madam, we can be rest assured that whatever shortcomings are there in the Bill—as our leader just now said very categorically—will be removed in the course of time by our experience. Through this Bill we can stop all horse-trading and *ayarams* and *gayarams*. We can also stop the mushroom growth of regional political parties as well as the parties at the national level. Through this Bill our leader, Shri Rajiv Gandhi, is ushering in a new life to this country's polity which will be for the betterment and prosperity of the Indian community.

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

SHRI PARVATHANENI UPENDRA:

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

[Shri Parvathaneni Upendra]

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

Madam, I am, however, disappointed at the dropping of clause 2(1)(c) which was incorporated in the original Bill. It was thoughtfully conceived by the experience of the Law Minister and approved by the Prime Minister. But unfortunately, there was no agreement in his own party as well as among the parties on this side of the House. The Prime Minister has taken the democratic step of consulting his own party colleagues on a vital matter like this. It is a very good thing. He has proved his democratic spirit, but in a measure like this where every member considers himself to be a potential victim of this clause, I hardly believe that they would agree for the inclusion of such a clause. I am also disappointed that my friends on this side, who are aware of the pernicious effects of the dissident activities of the people outside the House have also such reservations about retaining this clause. It is needless to point out that much of the mischief is done outside the House rather than inside the House. There are many contingencies which will arise which will not be covered by the Bill in its present form.

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

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

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

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

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

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

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

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

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

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

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

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

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

[Shri Parvathaneni Upendra]

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

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

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

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

THE VICE-CHAIRMAN [DR. (SHRIMATI) SAROJINI MAHISHI]: Is the hon. Minister agreeable?

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

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

SHRI GULAM MOHI-UD-DIN SHAWL: Time—already given.

THE VICE-CHAIRMAN [DR. (SHRIMATI) SAROJINI MAHISHI]: Shrimati

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

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

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

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

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

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

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

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

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

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

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

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

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

[Shri Sankar Prasad Mitra]

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

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

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

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

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

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

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

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

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

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

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

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

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

SHRI MURASOLI MARAN (Tamil Nadu): Madam Vice-Chairman, defection for a consideration is anathema to parliamentary democracy and it violates the will of the defectors. India, the biggest democracy in the world is afflicted by the canker of defections. The Hon'ble Prime Minister has described the Bill as somewhat softer one. He has also accepted that it is not a complete one of a perfect one. Yet, Madam, we would welcome it in spite of its shortcomings and loopholes because, after all, it is a step, it is the first step towards cleaner politics and this has been evolved out of consensus politics.

Madam, if you remember, it was in my part of the country. Tamil Nadu, which was then called Madras State, that defections were launched on a very large scale during the first General Elections. Then, Madam, the great Rajaji formed the Congress Governments with massive defections and defectors. From then onwards, there were defections which were going on on a very large scale. During the year 1967, the Opposition parties turned the tables on the Congress (I) and now, the Opposition parties and the Congress (I) have to say they are quits and agree on a viable anti-defection Bill and that is why I think the House is faced with this Bill now.

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

[Shri Murasoli Maran]

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

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

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

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

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

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

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

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

(The Deputy Chairman in the Chair)

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

President's election during the Vice-President's election, during the elections to the Rajya Sabha or Council elections. Such defections have happened. We have seen this with our own eyes in the year 1969 when Mrs. Gandhi was there. She proposed the name of Mr. Sanjiva Reddy for the post of the President of India. Then she said to her party members: vote according to your conscience. It created a historical event. Can anybody do like this now? If such a thing happens against the wishes of the party in the Presidential election, in the Vice-President's election or in the Rajya Sabha elections or Council elections what is the remedy? I think this Bill has not addressed itself to this serious problem..

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

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

5 P.M.

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

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

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

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

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

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

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

[Shri Gulam Mohi-ud-Din Shawl]

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

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

Now, Madam, seeing as I said the spirit behind this legislation and the welcome suggestions and, of course, the speech of our hon. Prime Minister, I am encouraged to submit on the floor of this House one thing. We have our own Constitution for the Jammu and Kashmir State; we have our own Representation of People Act which we had amended and an anti-defection Bill was passed. And that Act has certain flaws and that is before a court of law. What I am concerned here is that though this Bill will not apply to us, but the spirit behind it is all pervading. People ask us earnestly and I hope you too must have heard it that when the ruling party, the Central Government prepares this Bill, passes this Bill, that too in the year 1985 when the centenary of the Indian National Congress is to be celebrated making a landmark in the history of the political democracy here, people ask us as to why should the Congress itself

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

rate, the people of aKshmir have lost confidence in that Assembly, let it be dissolved. And we will seek the mandate from the people. We will ask them to vote. If they vote us on our own performance, our policies and our programmes, well we come to power. If they do not vote us to power, well, we would only thank our stars. What I want to say is, in the spirit of this Bill,, kindly withdraw your support to that defectors' Government which does not deserve any respect from any side and henceforth all such defections must be curbed and must be discourage, and in the name of justice and fairplay, we crave for justice and fairplay. Accept our demand and prove your *bona fides* by your actions. Thank you.

THE DEPUTY CHAIRMAN: Mr. Minister.

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

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

SHRI GHULAM RASOOL MATTO: Only three minutes, Madam.

THE DEPUTY CHAIRMAN: Please excuse me. I am sorry.

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

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

[Shri Ashok Kumar Sen]

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

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

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

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

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

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

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

SHRI INDRADEEP SINHA: You have one-party government.

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

1433 RS-5.

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

[Shri Ashok Kumar Sen]

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

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

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

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

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

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

THE DEPUTY CHAIRMAN: The question is:

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

The House divided.

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

Ayes—191

Advani, Shri Lal K.
 Akarte, Shri Jagannath Sitaram
 Aladi Aruna, Shri *alias*
 V. Arunachalam
 Ali, Shri Syed Rahmat
 Allahabadi, Shri Hashmi Raza Abidi
 Alva, Shrimati Margaret
 Amarjit Kaur, Shrimati
 Anand Sharma, Shri
 Ansari, Shri Hayat Ulla
 Arif, Shri Mohammed Usman
 Arun Singh, Shri
 Ashwani Kumar, Shri
 Balmuk, Shri Achchhey Lal
 Banamall Babu, Shri
 Bansal, Shri Pawan Kumar
 Barman, Shri Debendra Nath
 Basavarju, Shri M.
 Sasumatari, Shri Dharanidhar
 Bharadwaj, Shri Ramchanora
 Bhardwaj, Shri Hansraj
 Bhatia, Shri Madan
 Bhatt, Shri Nand Kishore
 Bhattacharjee, Shri Kamalendu
 Bhattacharjee, Shri Nepaldev
 Bhim Rai, Shri
 Bhuyan, Shri Gaya Chand
 Birla, Shri Krishna Kumar
 Chakraborty, Shri Amarprosod
 Chatterjee, Prof. (Mrs.) Asima
 Chatterjee, Shri Nirmal
 Chaturvedi, Shri Bhuvnesh
 Chowdhri, Shri A. S.
 Chowdhury, Ram Sewak
 Darbana Singh, Shri
 Das, Shrimati Monika
 Deori, Shrimati Omem Moyong
 Desai, Shri Jagesh
 Deshmatah, Shri Shankararao
 Narayanrao
 Dhusiya, Shri Sohan Lal
 D'Souza, Dr. Joseph Leon
 Ganesan, Shri V. C.

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

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

Rafique Alam, Shri
 Rai, Shri Kalpnath
 Rajagopal, Shri M.
 Rajangam, Shri N.
 Ramachandran, Shri M. S.
 Ramakrishnan, Shri R.
 Ramamurthy, Shri Thindivanam K.
 Ramanathan, Shri V.
 Ramesh Babu, Shri S. B.
 Rao, Prof. B. Ramachandra
 Rao, Shri R. Sambasiva
 Rao, Shri V. C. Kesava
 Rao, Shri Yalla Sesi Bhushana
 Ratan Kumari, Shrimati
 Rathvakoli, Shri Ramsingbhai
 Pataliyabhai
 Ray, Shri Deba Prasad
 Razi, Shri Syed Sibtey
 Reddy, Shri Adinarayana
 Reddy, Shri B. Satyanarayan
 Reddy, Shri P. Babul
 Reddy, Shri T. Chandrasekhar
 Richhariya, Dr. Govind Das
 Rohatgi, Shrimati Sushila
 Roshan Lal, Shri
 Sahu, Rajni Ranjan
 Sahu, Shri Santosh Kumar
 Salve, Shri N. K. P.
 Saring, Shri Leonard Solomon
 Sen, Shri Sukomal
 Sharma, Shri A. P.
 Shawl, Shri Gulam Mohi-ur-din
 Shukla, Shri Keshavprasad
 Siddiqi, Shri Shamim Ahmed
 Silvera, Dr. C.
 Singh, Shri Bir Bhadra Pratap
 Singh, Shrimati Pratibha
 Singh, Shri R. K. Jaichandra
 Singh, Dr. Rudra Pratap
 Singh, Thakur Kamakhya Prasad
 Singh, Shri Vishvajit Prithvijit
 Singh, Vishwanath Pratap
 Sinha, Shri Inoradeep
 Sukul, Shri P. N.

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

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

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

"That clause 2 stand part of the Bill."

The House divided

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

AYES—191

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

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

Islam, Shri Baharul
 Jacob, Shri M. M.
 Jadhav, Shri Vithalrao Madhavrao
 Jain, Shri J.K.
 Jamuda, Shri Durga Prasad
 Jani, Shri Jagadish
 Jaswant Singh, Shri
 John, Shri Valampuri
 Joshi, Shri Krishna Nand
 Joshi, Miss Kumudben M.
 Joshi, Shrimati Sudha Vijay
 Kadharsa, Shri M.
 Kailashpati, Shrimati
 Kakodkar, Shri Puroshottam
 Kalita, Shri Bhuvaneshwar
 Kalmadi, Shri Suresh
 Kalyanasundaram, Shri M.
 Kamble, Prof. N. M.
 Kapur, Shri H. L.
 Kar, Shri Ghulam Rasool
 Kaul, Shrimati Krishna
 Kaushik, Shri M. P.
 Khandelwal, Shri Pyarelal
 Khaparde, Miss Saroj
 Kidwal, Dr. Mohd. Hashim
 Kollur, Shri M. L.
 Krishna Mohan, Shri B.
 Kushnoor, Shri Veershetty Moglappa
 Lakshmana, Prof. C.
 Laxmi Narain, Shri
 Lokesh Chandra, Dr.
 Maddanna, Shri M.
 Mahida, Shri Harisinh Bhagubava
 Mahishi, Dr. (Shrimati) Sarojini
 Mahto, Shri Bandhu
 Majhi, Shri Prithibi
 Makwana, Shri Yogendra
 Malaviya, Shri Radhakrishnan
 Malaviya, Shri Satya Prakash
 Malhotra, Shrimati Usha
 Malik, Shri Mukhtiar Singh
 Malik, Satya Pal
 Manhar, Shri Bhagatram
 Maran, Shri Murali

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

Rao, Shri Yalla Sesi Bhushana
 Rattan Kumari, Shrimati
 Rathyakoli, Shri Ramsingbhai
 Pataliyabhai
 Ray, Shri Deba Prasad
 Razi, Shri Syed Sibtey
 Reddy, Shri Adinarayana
 Reddy, Shri B. Satyanarayan
 Reddy, Shri P. Babul
 Reddy, Shri T. Chandrasekhar
 Richhariya, Dr. Govind Das
 Rohatgi, Shrimati Sushila
 Roshan Lal, Shri
 Sahu, Shri Rajni Ranjan
 Sahu, Shri Santosh Kumar
 Salve, Shri N. K. P.
 Saring, Shri Leonard Solomon
 Sen, Shri Sukomal
 Sharma, Shri A. P.
 Shawl, Shri Gulam Mohi-ud-din
 Shukla, Shri Keshavprasad
 Siddiqui, Shri Shamim Ahmed
 Silvera, Dr. C.
 Singh, Shri Bir Bhadra Pratap
 Singh, Shrimati Pratibha
 Singh, Shri R. K. Jaichandra
 Singh, Dr. Rudra Pratap
 Singh, Thakur Kamakhya Prasad
 Singh, Shri Vishvajit Prithvijit
 Singh, Shri Vishwanath Pratap
 Sinha, Shri Indradeep
 Sukul, Shri P. N.
 Sultan, Shrimati Maimoona
 Sultan Singh, Shri
 Suraj Prasad, Shri
 Swu, Shri Scato
 Tariang, Shri Jerlie E.
 Thakur, Jagatpal Singh
 Thakur, Shri Rameshwar
 Thangabaalu, Shri
 Tripathi, Shri Chandrika Prasad
 Tripathi, Shri Kamlapati
 Tyagi, Shri Shanti
 Upendra, Shri Parvathaneni

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

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

sent and voting.

Yadav, Shri Ramanand

Clauses 1 was added to the Bill.

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

HON. MEMBERS: Yes.

THE DEPUTY CHAIRMAN: The question is:

That clauses 3 to 5 stand part of the Bill.

The House divided.

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

Ayes—191

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

Basumatari, Shri Dharanidhar
 Bharadwaj, Shri Ramchandra
 Bhardwaj, Shri Hansraj
 Bhatia, Shri Madan
 Bhatt, Shri Nand Kishore
 Bhattacharjee, Shri Kamalendu
 Bhattacharjee, Shri Nepaldev
 Bhim Raj, Shri
 Bhuyan, Shri Gaya Chand
 Birla, Shri Krishna Kumar
 Chakraborty, Shri Amarprosad
 Chatterjee, Prof. (Mrs.) Asima
 Chatterjee, Shri Nirmal
 Chaturvedi, Shri Bhuvnesh
 Chowdhuri, Shri A. S.
 Chowdhury, Ram Sewak
 Darbara Singh, Shri
 Das, Shrimati Monika
 Deori, Shrimati Omem Moyong
 Desai, Shri Jagesh
 Desmukh, Shri Shankarrao
 Narayanrao
 Dhusiya, Shri Sohan Lal
 D'Souza, Dr. Joseph Leon
 Ganesan, Shri V. C.
 Ganeshwar Kusum, Shri
 Gautam, Shri Anand Prakash
 Ghan Shyam Singh, Shri
 Ghosh, Shri Dipen
 Gopalan, Shri K.
 Goswami, Shri Biswa
 Gupta, Shri Vishwa Bandhu
 Gurupadaswamy, Shri M. S.
 Handique, Shri Bijoy Krishna
 Hangpal, Shri Harvendra Singh
 Hanumanthappa, Shri H.
 Haq, Shri (Molana) Asrarul
 Haridas, Shri C.
 Islam, Shri Baharul
 Jacob, Shri M. M.
 Jadhav, Shri Vithalrao Madhavrao
 Jain, Shri J. K.
 Jamuda, Shri Durga Prasad
 Jani, Shri Jagadish

Jaswant Singh, Shri
 John, Shri Valampuri
 Joshi, Shri Krishna Nand
 Joshi, Miss Kumudben M.
 Joshi, Shrimati Sudha Vijay
 Kadharsha, Shri M.
 Kailashpati, Shrimati
 Kakodkar, Shri Puroshottam
 Kalita, Shri Bhubaneshwar
 Kalmadi, Shri Suresh
 Kalyanasundaram, Shri M.
 Kamble, Prof. N. M.
 Kapur, Shri H. L.
 Kar, Shri Ghulam Rasool
 Kaul, Shrimati Krishna
 Kaushik, Shri M. P.
 Khandelwal, Shri Pyarelal
 Khaparde, Miss Saroj
 Kidwai, Dr. Mohd. Hashim
 Kollur, Shri M. L.
 Krishna Mohan, Shri B.
 Kushnoor, Shri Veeshetty Mglappa
 Lakshman, Prof. C.
 Laxmi Narain, Shri
 Lokesh Chandra, Dr.
 Maddanna, Shri M.
 Mahida, Shri Harisinh Bhagubaya
 Mahishi, Dr. (Shrimati) Sarojini
 Mahto, Shri Bandhu
 Majhi, Shri Prithibi
 Makwana, Shri Yogendra
 Malaviya, Shri Radhakrishnan
 Malaviya, Shri Satya Prakash
 Malhotra, Shrimati Usha
 Malik, Shri Mukhtiar Singh
 Malik, Satya Pal
 Manhar, Shri Bhagatram
 Maran, Shri Murasoli
 Matto, Shri Ghulam Rasool
 Mazumder, Shri Ramakrishna
 Meena, Shri Dhuleshwar
 Mehta, Shri Chimanbhai
 Mirza, Irshadbaig, Shri

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

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

Vikal, Shri Ram Chandra

Yadav, Shri Ramanand

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

Clauses 3 to 5 were added to the Bill.

Clause 6 (Addition of Tenth Schedule)

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

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

THE DEPUTY CHAIRMAN: You have already spoken.

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

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

SHRI ASOKE KUMAR SEN: We shall consider them.

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

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

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

Sir, it is a very harmless thing.

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

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

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

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

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

SHRI ASOKE KUMAR SEN: No.

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

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

THE DEPUTY CHAIRMAN: Will you withdraw the amendment?

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

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

SHRI PARVATHANENI UPENDRA: I withdraw.

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

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

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

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

THE DEPUTY CHAIRMAN: Be brief please.

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

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

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

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

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

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

(Shr Sushil chand Mohunta)

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

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

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

THE DEPUTY CHAIRMAN: Are You withdrawing your amendments?

SHRI SUSHIL CHAND MOHUNTA: I am withdrawing my amendments.

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

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

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

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

THE DEPUTY CHAIRMAN: Now amendments No. 20 and 22 to 25 by Shri Biswa Goswami.

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

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

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

SHRI NIRMAL CHATTERJEE (West Bengal): Madam...."

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

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

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

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

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

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

Thank you, Madam.

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

SHRI K. GOPALAN (Kerala): Right of recall.

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

SHRI ASOKE KUMAR SEN: We are opposing.

SHRI DIPEN GHOSH: Right of recall.

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

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

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

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

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

THE DEPUTY CHAIRMAN: Are you withdrawing your amendment?

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

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

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

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

THE DEPUTY CHAIRMAN: You have made your point.

SHRI PARVATHANENI UPENDRA: Let him finish.

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

PROF. C. LAKSHMANNA: I am withdrawing it.

Amendment No. 28 was, by leave, withdrawn.

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

"That clause 6 stand part of the Bill."

The House divided.

THE DEPUTY CHAIRMAN: Ayes 189; Noes : Nil.

Ayes—189

Advani, Shri Lal K.
Akarte, Shri Jagannath Sitaram

Aladi Aruna, Shri alias V. Aruna-chalam

Ali, Shri Syed Rahmat
Allahabadi, Shri Hashim Raza Abidi

Alva, Shrimati Margaret

Amarjit Kaur, Shrimati

Anand Sharma, Shri

Ansari, Shri Hayat Ulla

Arif, Shri Mohammed Usman

Arun Singh, Shri

Ashwani Kumar, Shri

Balmik, Shri Achchhey Lal

Banamali Babu, Shri

Bansal, Shri Pawan Kumar

Barman, Shri Debendra Nath

Basavaraju, Shri M.

Basumatari, Shri Dharanidhar

Bharadwaj, Shri Ramchandra

Bhardwaj, Shri Hansraj

Bhatia, Shri Madan

Bhatt, Shri Nand Kishore

Bhattacharjee, Shri Kamalendu

Bhattacharjee, Shri Nepaldev

Bhim Raj, Shri

Bhuyan, Shri Gaya Chand

Birla, Shri Krishna Kumar

Chakraborty, Shri Amarprosad

Chatterjee, Prof. (Mrs.) Asima

Chatterjee, Shri Nirmal

Chaturvedi, Shri Bhuvnesh

Chowdhri, Shri A. S.

Chowdhary, Ram Sewak

Darbara Singh, Shri

Das, Shrimati Monika

Deori, Shrimati Omen Moyong

Desai, Shri Jagesh

Deshmukh, Shri Shankarrao Narayanrao

Dhusiya, Shri Sohan Lal

D'Souza, Dr. Joseph Leon

Ganesan, Shri V C.

Ganeshwar Kusum, Shri

Gautam, Shri Anand Prakash

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

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

Rai, Shri Kalpnath
 Rajagopal, Shri M.
 Rajangam, Shri N.
 Ramachandran, Shri M. S.
 Ramakrishnan, Shri R.
 Ramamurthy, Shri Thinduvanam K.
 Ramanathan, Shri V.
 Ramesh Babu, Shri S. B.
 Rao, Prof. B. Ramachandra
 Rao, Shri R. Sambasiva
 Rao, Shri V. C. Kesava
 Rao, Shri Yalla Sesi Bhushana
 Ratan Kumari, Shrimati
 Rathvakoli, Shri Ramsingbhai Patil
 Ray, Shri Deba Prasad
 Razi, Shri Syed Sibtey
 Reddy, Shri Adinarayana
 Reddy, Shri B. Satyanarayan
 Reddy, Shri P. Babul
 Reddy, Shri T. Chandrasekhar
 Richhariya, Dr. Govind Das
 Rohatgi, Shrimati Sushila
 Roshan Lal, Shri
 Sahu, Shri Rajni Ranjan
 Sahu, Shri Santosh Kumar
 Salve, Shri N. K. P.
 Saring, Shri Leonard Solomon
 Sen, Shri Sukomal
 Sharma, Shri A. P.
 Shawl, Shri Gulam Mohi-ud-din
 Shukla, Shri Keshavprasad
 Siddiqi, Shri Shamim Ahmed
 Silvera, Dr. C.
 Singh, Shri Bir Bhadra Pratap
 Singh, Shrimati Pratibha
 Singh, Shri R. K. Jaichandra
 Singh, Dr. Rudra Pratap
 Singh, Thakur Kamkhya Prasad
 Singh, Shri Vishvajit Prithvijit
 Singh, Shri Vishwanath Pratap
 Sinha, Shri Indradeep
 Sukul, Shri P. N.
 Sultan, Shrimati Maimoona

Sultan Singh, Shri
 Suraj Prasad, Shri
 Swu, Shri Scato
 Tariang, Shri Jerlie E.
 Thakur, Jagatpal Singh
 Thakur, Shri Rameshwar
 Thangabaaalu, Shri
 Tripathi, Shri Chandrika Prasad
 Tripathi, Shri Kamalapati
 Tyagi, Shri Shanti
 Upendra, Shri Parvathaneni
 Valiullah, Shri Raoof
 Verma, Shri Kapil
 Verma, Shri Shrikant
 Verma, Shri Virendra
 Yadav, Shri Ramanand

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

Clause 6 was added to the Bill.

THE DEPUTY CHAIRMAN: Now the question is:

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

The House divided.

THE DEPUTY CHAIRMAN:

Ayes : 192 ;

Noes: Nil

Ayes—192

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

Ashwani Kumar, Shri
 Balmik, Shri Achchhey Lal
 Banamali Babu, Shri
 Bansal, Shri Pawan Kumar
 Barman, Shri Debendra Nath
 Basavaraju, Shri M.
 Basumatari, Shri Dharanidhar
 Bhandare, Shri Murlidhar Chandra-
 kant
 Bharadwaj, Shri Ramchandra
 Bhardwaj, Shri Hansraj
 Bhatia, Shri Madan
 Bhatt, Shri Nand Kishore
 Bhattacharjee, Shri Kamalendu
 Bhattacharjee, Shri Nepaldev
 Bhim Raj, Shri
 Bhuyan, Shri Gaya Chand
 Birja, Shri Krishna Kumar
 Chakraborty, Shri Amarprosad
 Chatterjee, Prof. (Mrs.) Asima
 Chatterjee, Shri Nirmal
 Chaturvedi, Shri Bhuvnesh
 Chowdhary, Ram Sewak
 Darbara Singh, Shri
 Das, Shrimati Monika
 Deori, Shrimati Omem Moyong
 Desai, Shri Jagesh
 Desmukh, Shri Shankarrao
 Narayanrao
 Dhusiya, Shri Sohan Lal
 D'Souza, Dr. Joseph Leon
 Ganesan, Shri V. C.
 Ganeshwar Kusum, Shri
 Gautam, Shri Anand Prakash
 Ghan Shyam Singh, Shri
 Ghosh, Shri Dipen
 Gopalan, Shri K.
 Goswami, Shri Biswa
 Goyal, Shri J. P.
 Gupta, Shri Vishwa Bandhu
 Gurupadaswamy, Shri M. S.
 Handique, Shri Bijoy Krishna
 Hanspal, Shri Harvendra Singh

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

Manhar, Shri Bhagatram
 Maran, Shri Murasoli
 Matto, Shri Ghulam Rasool
 Mazumder, Shri Ramkrishna
 Meena, Shri Dhuleshwar
 Mehta, Shri Chimanbhai
 Mirza Irshadbaig, Shri
 Mishra, Shri Mahendra Mohan
 Mishra, Shri Sheo Kumar
 Mitra, Shri Sankar Prasad
 Mittal, Shri Sat Paul
 Mohanan, Shri K.
 Mohanarangam, Shri R.
 Mohunta, Shri Sushil Chand
 Mohanty, Shri Subas
 Moopanar, Shri G. K.
 Mukherjee, Shrimati Kanak
 Mukherjee, Shri Pranab
 Naik, Shri G. Swamy
 Nalwa, Shri Hari Singh
 Natha Singh, Shri
 Pachouri, Shri Suresh
 Pahadia, Shrimati Shanti
 Panda, Shri Akshay
 Pandey, Shrimati Manorama
 Pandey, Shri Sudhakar
 Panicker, Shri K. Vasudava
 Patel, Dr. Shanti G.
 Patel, Shri Vithalbhai Motiram
 Patil, Shri Dinkarrao Govindrao
 Pattnaik, Shri Sunil Kumar
 Prasad, Shri K. L. N.
 Quasem, Shri Mostafa Bin
 Radhakrishna, Shri Puttapaga
 Rafique Alam, Shri
 Raj, Shri Kalpnath
 Rajagopal, Shri M.
 Rajangam, Shri N.
 Ramachandran, Shri M. S.
 Ramakrishnan, Shri R.
 Ramamurthy, Shri Thinduvanam K.
 Ramananthan, Shri V.
 Ramesh Babu, Shri S. B.

Rao, Prof. B. Ramachandra
 Rao, Shri R. Sambasiva
 Rao, Shri V. C. Kesava
 Rao, Shri Yalla Sesi Bhushana
 Ratan Kumari, Shrimati
 Rathvakoli, Shri Ramsingbhai
 Pataliya'bhai
 Ray, Shri Deba Prasad
 Razi, Shri Syed Sibtey
 Reddy, Shri Adinarayana
 Reddy, Shri B. Satyanarayan
 Reddy, Shri P. Babul
 Reddy, Shri T. Chandrasekhar
 Richhariya, Dr. Govind Das
 Rohatgi, Shrimati Sushila
 Roshan Lal, Shri
 Sahu, Shri Rajni Ranjan
 Sahu, Shri Santosh Kumar
 Salve, Shri N. K. P.
 Saring, Shri Leonard Solomon
 Scindia, Shrimati Vijaya Raje
 Sen, Shri Sukomal
 Sharma, Shri A. P.
 Shawl, Shri Gulam Mohi-ud-din
 Shukla, Shri Keshavprasad
 Siddiqi, Shri Shamim Ahmed
 Silvera, Dr. C.
 Singh, Shri Bir Bhadra Pratap
 Singh, Shrimati Pratibha
 Singh, Shri R. K. Jaichandra
 Singh, Dr. Rudra Pratap
 Singh, Thakur Kamakhya Prasad
 Singh, Shri Vishvajit Prithvijit
 Singh, Shri Vishwanath Pratap
 Sinha, Shri Indradeep
 Sukul, Shri P. N.
 Sultan, Shrimati Maimoona
 Sultan Singh, Shri
 Suraj Prasad, Shri
 Swu, Shri Scato
 Tariang, Shri Jerlie E.
 Thakur, Jagatpal Singh
 Thakur, Shri Rameshwar

Thangababalu, Shri
 Tripathi, Shri Chandrika Prasad
 Tripathi, Shri Kamlapati
 Tyagi, Shri Shanti
 Upendra, Shri Parvathaneni
 Valiullah, Shri Raoof
 Verma, Shri Kapil
 Verma, Shri Shrikant
 Verma, Shri Virendra
 Vikal, Shri Ramchandra
 Yadav, Shri Ramanand

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

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

SHRI ASOKE KUMAR SEN:
 "I move that the Bill be passed."

THE DEPUTY CHAIRMAN: The question is:

"That the Bill be passed."

The House divided.

THE DEPUTY CHAIRMAN :

Ayes: 192; Noes: Nil

Ayes—192

Advani, Shri Lal K.
 Akarte, Shri Jagannath Sitaram
 Aladi Aruna, Shri alias V. Aruna-chalam
 Ali, Shri Syed Rahmat
 Allahabadi, Shri Hashim Raza Abidi
 Alva, Shrimati Margaret
 Amarjit Kaur, Shrimati
 Anand Sharma, Shri
 Ansari, Shri Hayat Ulla
 Arif, Shri Mohammed Usman
 Arun Singh, Shri
 Ashwani Kumar, Shri
 Balmik, Shri Achchhey Lal
 Banamali Babu, Shri
 Bansal, Shri Pawan Kumar

Barman, Shri Debendra Nath
 Basavaraju, Shri M.
 Basumatari, Shri Dharanidhar
 Bhandare, Shri Murlidhar Chandra-kant
 Bharadwaj, Shri Ramchandra
 Bhardwaj, Shri Hansraj
 Bhatia, Shri Madan
 Bhatt, Shri Nand Kishore
 Bhattacharjee, Shri Kamalendu
 Bhattacharjee, Shri Nepaldev
 Bhim Raj, Shri
 Bhuyan, Shri Gaya Chand
 Birla, Shri Krishna Kumar
 Chakraborty, Shri Amarprosad
 Chatterjee, Prof. (Mrs.) Asima
 Chatterjee, Shri Nirmal
 Chaturvedi, Shri Bhuvnesh
 Chowdhary, Ram Sewak
 Darbara Singh, Shri
 Das, Shrimati Monika
 Deori, Shrimati Omem Moyong
 Desai, Shri Jagesh
 Desmukh, Shri Shankarrao Narayanrao
 Dhusiya, Shri Sohan Lal
 D'Souza, Dr. Joseph Leon
 Ganesan, Shri V. C.
 Ganeshwar Kusum, Shri
 Gautam, Shri Anand Prakash
 Ghan Shyam Singh, Shri
 Ghosh, Shri Dipen
 Gopalan, Shri K.
 Goswami, Shri Biswa
 Goyal, Shri J. P.
 Gupta, Shri Vishwa Bandhu
 Gurupadaswamy, Shri M. S.
 Handique, Shri Bijoy Krishna
 Hanspal, Shri Harvendra Singh
 Hanumanthappa, Shri H.
 Haq, Shri (Molana) Asrarul
 Haridas, Shri C.
 Islam, Shri Baharul
 Jacob, Shri M. M.

Jadhav, Shri Vithalrao Madhavrao
 Jain, Shri J. K.
 Jamuda, Shri Durga Prasad
 Jani, Shri Jagadish
 Jaswant Singh, Shri
 John, Shri Valampuri
 Joshi, Shri Krishna Nand
 Joshi, Miss Kumudben M.
 Joshi, Shrimati Sudha Vijay
 Kadharsha, Shri M.
 Kailashpati, Shrimati
 Kakodkar, Shri Puroshottam
 Kalita, Shri Bhubaneswar
 Kalamadi, Shri Suresh
 Kalyanasundaram, Shri M.
 Kamble, Prof. N. M.
 Kapur, Shri H. L.
 Kar, Shri Ghulam Rasool
 Kaul, Shrimati Krishna
 Kaushik, Shri M. P.
 Kesri, Shri Sitaram
 Khaparde, Miss Saroj
 Kidwai, Dr. Mohd. Hashim
 Kollur, Shri M. L.
 Krishna Mohan, Shri B.
 Kushnoor, Shri Veershetty Moglappa
 Lakshmana, Prof. C.
 Laxmi Narain, Shri
 Lokesh Chandra, Dr.
 Maddanna, Shri M.
 Mahida, Shri Harishinh Bhagubava
 Mahishi, Dr. (Shrimati) Sarojini
 Mahto, Shri Bandhu
 Majhi, Shri Prithibi
 Makwana, Shri Yogendra
 Malaviya, Shri Radhakrishnan
 Malhotra, Shrimati Usha
 Malik, Shri Mukhtiar Singh
 Malik, Shri Satya Pal
 Manhar, Shri Bhagatram
 Maran, Shri Murasoli
 Matto, Shri Ghulam Rasool
 Mazumder, Shri Ramkrishna

Meena, Shri Dhuleshwar
 Mehta, Shri Chimanbhai
 Mirza Irshadbig, Shri
 Mishra, Shri Mahendra Mohan
 Mishra, Shri Sheo Kumar
 Mitra, Shri Sankar Prasad
 Mittal, Shri Sat Paul
 Mohanan, Shri K.
 Mohanarangam, Shri R.
 Mohunta, Shri Sushil Chand
 Mohanty, Shri Subas
 Moopan ar, Shri G. K.
 Mukherjee, Shrimati Kanak
 Mukherjee, Shri Pranab
 Naik, Shri G. Swamy
 Nalwa, Shri Hari Singh
 Natha Singh, Shri
 Pachouri, Shri Suresh
 Pahadia, Shrimati Shanti
 Panda, Shri Akshay
 Pandey, Shrimati Manorama
 Pandey, Shri Sudhakar
 Panicker, Shri K. Vasudeva
 Patel, Dr. Shanti G.
 Patel, Shri Vithalbhai Motiram
 Patil, Shri Dinkarrao Govindrao
 Pattnaik, Shri Sunil Kumar
 Prasad, Shri K. L.
 Quasem, Shri Mostafa Bin
 Radhakrishna, Shri Puttapaga
 Rafique Alam, Shri
 Rai, Shri Kalpnath
 Rajagopal, Shri M.
 Rajangam, Shri N.
 Ramachandran, Shri M. S.
 Ramakrishnan, Shri, R.
 Ramamurthy, Shri Thinduvanam K.
 Ramanathan, Shri V.
 Ramesh Babu, Shri S. B.
 Rao, Prof. B. Ramachandra
 Rao, Shri R. Sambasiva
 Rao, Shri V. C. Kesava
 Rao, Shri Yalla Sesi Bhushana
 Ratan Kumari, Shrimati

Rathvakoli, Shri Ramsinghbhai
Pataliyabhai

Ray, Shri Deba Prasad

Razi, Shri Syed Sibtey

Reddy, Shri Adinarayana

Reddy, Shri B. Satyanarayan

Reddy, Shri P. Babul

Reddy, Shri T. Chandrasekhar

Richhariya, Dr. Govind Das

Rohatgi, Shrimati Sushila

Roshan Lal, Shri

Sahu, Rajni Ranjan

Sahu, Shri Santosh Kumar

Salve, Shri N. K. P.

Saring, Shri Leonard Solomon

Scindia, Shrimati Vijay Raje

Sen, Shri Sukomal

Sharma, Shri A. P.

Shawl, Shri Gulam Mohi-ud-din

Shukla, Shri Keshavprasad

Siddiqi, Shri Shamm Ahmed

Silvera, Dr. C.

Singh, Shri Bir Bhadra Pratap

Singh, Shrimati Pratibha

Singh, Shri R. K. Jaichandra

Singh Dr. Rudra Pratap

Singh, Thakur

Kamakhya Prasad

Singh, Shri Vishvajit Prithvijit

Singh, Shri Vishwanath Pratap

Sinha, Shri Indradeep

Sukul, Shri P. N.

Sultan, Shrimati Maimoona

Sultan Singh, Shri

Suraj Prasad, Shri

Swu, Shri Scato

Tariang, Shri Jerlie E.

Thakur, Jagatpal Singh

Thakur, Shri Rameshwar

Thangabalu, Shri

Tripathi, Shri Cnandrika Prasad

Tripathi, Shri Kamlapati

Tyagi, Shri Shanti

Upendra, Shri Parvathaneni

Valiullah, Shri Raoof

Verma, Shri Kapil

Verma, Shri Shrikant

Verma, Shri Virendra

Vikal, Shri Ram Chandra

Yadav, Shri Ramanand

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

OBITUARY REFERENCE

THE DEPUTY CHAIRMAN: I have a very sad announcement which I have to make from the Chair about a colleague of ours who expired today afternoon.

It is with a sense of great shock, profound sorrow and grief that I am breaking the sad news of the passing away of one of our colleagues, Shri Kalyan Roy, at a Calcutta Nursing Home this after-noon.

He was hospitalised at Calcutta a few days ago because of jaundice and stomach ulcer and we had wished that he would join us soon. But God willed otherwise. His sudden and untimely death has snatched away from our midst a staunch champion of a poor and the downtrodden.

Shri Kalyan Roy was a veteran the trade union leader and was chiefly engaged in the welfare of the coal-mine workers. His main field of activity was in the coal-producing belt of Bihar and West Bengal and he was leading several organisations engaged in the welfare of labour.

Shri Roy was born at Calcutta on 29th December, 1929 and got his education at the Presidency College, Calcutta and then in Syracuse University, USA. Apart from his trade union activities, Shri Roy also worked as a journalist for a few years. From April 1982, he was serving his third