

श्री उपसभापति : जरा सुनिये, जिस बात को मैंने मना कर रखा है पोइंट ऑफ़ ऑर्डर के बहाने आप उस को सदन का कर्त्तव्य होने में नहीं ला सकते। अगर आप यह प्रस्ताव करेंगे तो सदन के टाइन को बर्बाद करेंगे।

SHRI SURESH KALMADI: My point of order is like this.

SHRI B. SATYANARAYAN REDDY*:

(At this stage, the hon. Member left the Chamber).

SHRI SURESH KALMADI: I have put three or four Special Mentions. I spoke last time on the floor of the House also. You asked me...

MR. DEPUTY CHAIRMAN: Please dont record him. Your Special Mention is still pending with me. Please take your seat. Will you please hear me?

When I stand, you should have that much of courtesy to sit down. I have kept your special mention under consideration—I have not yet rejected it. So, please do not waste time... *(Interruptions)*... Whatever you lay, it is for you.

श्री सत्यपाल मलिक : (उत्तर प्रदेश) : मैंने रिलायेंस कंपनी को शेयर्स खरीदे जाने के मामले में एक सवाल किया था और वित्त मंत्री जी ने उस का जवाब दिया था जो कि नाकाफी था और उस को ले कर मैं ने उन के खिलाफ एक प्रिविलेज मोशन दिया था। मैं आप की व्यवस्था चाहता हूँ कि जो मोशन मैं ने दिया है उसके बारे में मुझे कोई इत्तिला मिलनी चाहिए कि वह अंडर कंसीडरेशन है या यहां तक पहुंच गया है, या उस का क्या हुआ।

श्री उपसभापति : जब आप ने कोई नोटिस दिया है तो उस पर जब कोई

निर्णय हो जायेगा तो आप को उस की इत्तिला मिल जायगी। आप को कोई इत्तिला नहीं मिली इस का मतलब है कि वह अंडर कंसीडरेशन है।

श्री सत्यपाल मलिक : क्या वह अनिश्चित काल तक चलता रहेगा। मैं जानकारी चाहता हूँ कि कब तक उस पर फैसला हो जायेगा।

श्री उपसभापति : उस बारे में हम आप को बतलायेंगे।

श्री लाल कृष्ण अडवाणी : इस मामले में एक पुरानी परंपरा यह रही है कि अरजेंसी हमारी तरफ से भी जरूरी है और अध्यक्ष की तरफ से भी लम्बी बात इस में नहीं होती। विशेषाधिकार के प्रस्तावों पर तुरन्त निर्णय होना चाहिए, अगर अस्वीकार करना है तो अस्वीकार कर दें, नहीं तो स्वीकार कीजिए।

श्री उपसभापति : आप के विशेषाधिकार पर मंत्री जी को लिखा गया है कि क्या वाक्यात हैं, क्या फेक्ट्स और फोर्ग्स हैं। वह आ जाय तो उस पर निर्णय होगा।

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

Need for urgent Electoral Reforms with Special Reference to Defections Contd.

SHRI A. G. KULKARNI: (Maharashtra) Mr. Deputy Chairman, Sir, many points of order were raised when I was going to quote. Now, I was pleading and submitting to this House about the urgent need for electoral reforms in view of defections and also the efforts made by various political parties to topple various Governments. Sir, the urgency is very much there. I do not want to quote,

[Shri A. G. Kulkarni]

but it was Mr. Stephen, the General Secretary of the Congress (I) Party, who had stated inside as well as outside the House that it is his party's right to topple the minority Governments. Sir, this has added a new dimension to the low moral values in the political affairs of this country. Actually I feel that the larger issue is thus one of restoring public faith in the integrity of public and political life. It will call for a concerted attack on the many corrupt practices which have brought the very profession of politics into contempt in the public eye. Drastic changes in the electoral law including a provision for public financing of elections—Are you following, Sir?—as is the practice in some of the western countries, a law requiring every legislator to resign his seat as soon as he changes his party allegiance and stringent auditing of the finances of every party must form parts of such an attack. As I have already mentioned, Mr. Stephen's statement has legitimised the low moral values which the Congress (I) Party is practising in this country—which is a matter of shame.

Sir, on that day I was quoting from *Sunday, Statesman* and *Times of India*. The Home Minister is not here. You will have to take care and convey to him and get a reply for me. Particularly about what Mr. Putta Das has said, I do not believe in it. These are all allegations and it is for you and your Government to explain and to institute an inquiry. Mr. Putta Das says, "What you should do now is to listen to Rajiv Gandhi." I do not understand, Sir, how a small functionary of the Congress (I) Party can take the names of such high personalities whose images are being damaged.

Similarly the names of Mr. H. C. Shan-karanand, Mr. S. M. Krishna and Mr. Jaffer Sharief are also being mentioned. And again I say that this Stephen's statement has the lowest moral value which the Congress (I) party is adhering to is Mr. Putta Das has the following to say:

"If you accept i.e. for accepting the offer of defection and getting money) there are other advantages also like export permits, all-India licences, foreign tours, power and position."

Is it a political market that you are indulging in? To what low level do your partymen want to go, I do not understand. Mr. Minister, you are a matured, old person. You have seen clean politics in this country during the days of Mahatma Gandhi and Jawaharlal Nehru. And to what low level have we gone? Does your leader want that this type of politics should be played in this country, and at this low moral value? I want to ask you this.

Then again Mr. Putta Das says certain things. The names are there, of Mr. S.M. Krishna and Mr. Jaffer Sharief. Then I take you to another statement made by no less a person than the Chief Minister of Karnataka. I want to know about it. Perhaps the Leader of the House may not oblige us. But as the Finance Minister I would like him to assure us that he will enquire into it; it is his duty. Addressing a press conference, Mr. Hedge stated:

"The money drawn from the Sadar Branch of the State Bank of India in Delhi obviously unaccounted."

Sir, while opening the Calling Attention Motion, I had said that the induction of black money in elections is playing a havoc to the clean and honest politics in this country. If you want to raise the standard of politics, an enquiry should be made how this money was withdrawn, when it was withdrawn, if it is possible to make such enquiries. Then Mr. Hegde also stated:

"It was the duty of the Union Finance Minister to find out who had evaded taxes, and to what extent".

Sir, these are some of the statements I have placed before you. I would plead with you that I do not want to wash dirty linen in this House.

SHRI MURLIDHAR CHANDRA-KANT BHANDARE (Maharashtra): You have already washed it.

SHRI A. G. KULKARNI: Because you raised it. (Interruptions).

Sir, I am now coming to the other aspect. This dirty linen is being washed

because the people outside, people by and large, know to what level the Prime Minister and her party is stooping low. to what level defections are being engineered, and they have to be condemned. That is why all these names were mentioned, otherwise, there was no other intention. I would request you, Mr. Minister, that the tape and all this information has to be enquired into. The Karnataka Chief Minister has asked for a probe. Do not wash it away with a simple reply that it is none of your business to order a probe you are only the Law Minister concerned with Judiciary and you are only to find out what electoral reforms are necessary.

Sir, on that day, I particularly mentioned the traumatic experience in the recent bye-election for the Lok Sabha when three helicopters and 600 vehicles were pressed and moved for the election, the same candidate's statement at Pune is that she only spent Rs. 7 lakhs. God knows what it is, I think, Mr. Kaushal, you cannot take out Rs. 2 lakhs if you want to fight an election. It would be difficult, though you were a High Court Judge and all that, I know this. So, such money power it is. k

SHRI ERA SEZHIYAN (Tamil Nadu):
Illegal.

SHRI A. G. KULKARNI: That, others will take care of. It is not for me to say whether it is legal or illegal because they can again say that it belongs to another party. So, the role of black money, Mr. Minister has to be wiped out from the election business. Otherwise there will be no room henceforth for democracy to survive and for honest people to contest elections.

Thank you.

MR. DEPUTY CHAIRMAN: I think the House will agree that the Minister will reply at the end because the same points will be raised again and again.

SHRI ERA SEZHIYAN: Mr. Deputy Chairman, on raising the subject mat-

ter of the Calling Attention, the other day we were very much agitated. That is why we raised that question. You felt unhappy. At one stage you said that this was not a bazaar where all such noises could be made. I agree that Parliament should not be converted into a bazaar by just making noises.

But, Sir, the entire political field in this country thanks to the high Gods in Delhi in Congress (I), has been converted into a black bazaar. Things are being bought for some consideration. One of the aspects has come to surface in the most obnoxious way in Karnataka.

The principle on which the anti-defection bill is to be brought has been elaborated by the hon. Minister in his statement. He has said that in the year 1967 there was a resolution followed by a committee. In 1973, The Constitution (Amendment) Bill was introduced and referred to a Select Committee. With the dissolution of the Lok Sabha that went away. And some of the Members who were considering it in the Select Committee, themselves got arrested in Bangalore: That put an end to that Bill. In 1978, of course, the Janata Government brought a bill. That also could not be followed up.

I am not going into the past history. I would like to know from the hon. Minister what has happened to the election promises that were given by the Congress (I) when contesting the 1980 elections: Since 1980 elections when they went to poll on the 5th of January, 1980, I would like to know what has happened to the assurance given by the Government by the party in power, to the people. I am confining to the period after 1980. What efforts have been made? The past history is there. What efforts have been made after 1980 when you gave the solemn assurance to the people of this country when you went to the poll, that there will be an anti-defection bill? Sir, to be more specific, will quote from a Press conference

[Shri Era Sezhiyan]

given by the Congress (I) President, Mrs. Indira Gandhi, in Calcutta on 3rd January 1980 wherein she assured the people and the Press that if her party would come to power, it would review the question of defection and introduce an anti-defection bill in Parliament. Therefore, she put this one as an election promise to the people just when the elections were taking place. I would like to know how this promise has since been honoured.

After this one, Sir, in the year 1981, in July, the Election Commissioner, Mr. Shakhder, also gave a suggestion that an anti-defection bill could be brought without going through the Constitutional amendment; by just amending the Representation of Peoples Act. Again he reiterated this in May, 1982. Even in 1983 March, while addressing the Institute of Constitutional and Parliamentary Studies, the present Election Commissioner, Mr. R. K. Trivedi, also suggested a ban on defections through an amendment to the Representation of Peoples Act. I would like to know what has happened to the advices given by the Election Commission three times—in 1981, 1982 and 1983—and also their own electoral promises. I would like to know how far this has been honoured: I would like to know whether there is any scope for honouring this electoral assurance before the next elections come. Whether elections are going to come in April or May or August or December, 1984 or in January, 1985, I do not know. But is there any scope or possibility of this? But these things are going on for a long time. Defections have been called by different names—crossing the floor, acting to your conscience, acting to the conscience of somebody else higher up to you, politics of “Aaya Ram” and “Gaya Ram”, politics of “Liya Ram” and “Diya Ram” going to the sinful world of “Indra Lok”. All these have been different forms of defections, but defections have been going on for a long time. There has been much talk in the

Congress-I, but there has been no serious thinking on this serious problem which is affecting the very core of democracy in this country.

Coming to the Karnataka affair, there have been charges and counter-charges, I do agree. There have been charges against the Congress-I leadership there, but there have been charges made by the other side against the Chief Minister, Mr. Hegde. These are very serious charges, from both sides. I would like to know what the Government is going to do. Now look at the comments coming from papers in this country who by no imagination can be said to belong to this or that party; in no way can they be characterised as papers who toe the line of the Opposition. For example, the *Times of India* opened its editorial with these words:

“The Congress-I stands condemned in Karnataka. In view of the incontrovertible evidence produced by an associate member of the State Janata Legislature Party that the Congress-I leader, Mr. Veerappa Moily paid him Rs. 2 lakhs in order to persuade him to defect, there can not be the slightest doubt that not only is it determined to bring down the Hegde Ministry, but it is more than willing to use its apparently considerable financial resources to achieve its objective.”

The *Hindustan Times*, which cannot be called an anti-establishment paper, said:

“The Karnataka independent MLA, Mr. Byre Gowda's disclosures in Bangalore are shocking even to those acclimatised to the polluted political atmosphere of this country.”

The *Indian Express*, of course, has commented on it in more scathing terms. Very many other papers have given their comments. The *Statesman* has called it the “Karnataka Scandal” and the *Patriot* has given a huge headline, “Disgusting”. You may shout us down here. We may not be able to discuss this thing; you may raise many points of order. But the press is

discussing it. The people are discussing it. What is the way out? How are you going to tackle it? It has also been said that we should not discuss the conduct of a member of another legislature. I do agree that we should not discuss the conduct of a member of another legislature, what he does in that House. There is protection there. But if there is a legislator who takes the law into his own hands and commits all sorts of atrocities of heinous nature—he may commit dacoity, he may rape, he may indulge in smuggling—in such cases, those things can be discussed in the House. He is not immune, in respect of those crimes. Therefore, we have to take cognizance. Somebody has said, there is mimicry in the tape. I have also seen this report. It has been contested and they have said that there is some mimicry. Now, in the Nagarwala case, somebody mimicked somebody else's voice and Rs. 75 lakhs flowed. Here also somebody mimicked somebody else's voice and Rs. 2 lakhs or Rs. 2½ lakhs flowed. Mimicry has become a costly and wealth-producing art in Indian politics.

It has been said that there is a legitimate right for the Opposition to dislodge the Government. I do agree that the Opposition has the right to do it. We also want it. But do it in the proper way, do it in the constitutional way, do it in the accepted democratic way. A legitimate right cannot be used in an illegitimate way. It is an illegitimate child of a dark deed.

After the 1980 elections, the Congress-I has faced about eight elections to the State Assemblies—Haryana, Himachal Pradesh, West Bengal, Tripura, Assam, Kerala, Karnataka and Andhra Pradesh. Of these States, in one State, Assam, they were able to form a Government. Even there we know what kind of elections took place there. In all the other places, the Congress-I did not have a majority, but they managed.

THE MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI KALP NATH RAI); Himachal Pradesh?

SHRI ERA SEZHIYAN: You did not get a majority. Please go through the

record and see whether you got a majority and then come before the House and give the figures. I will withdraw my statement.

SHRI J. K. JAIN (Madhya Pradesh): What happened to your party? You are so much concerned about the Congress Party. What has been the performance of your party? Come on, tell us.

SHRI ERA SEZHIYAN: Our performance was not good. It did not go to our expectation. But that was not the issue. We did not make the people defect. We did not come with a minority and try to form a Government by enticing people, those who were elected on the symbol of another party. In Karnataka also on a common programme, on a common manifesto we contested elections and we formed a Government there...

SHRI R. MOHANARANGAM (Tamil Nadu): I have high regard for Mr. Sezhiyan. I fully endorse his views, the views as delivered by our honourable Shri Sezhiyan. I do not know how the Janata Party has allowed a particular party at Madras along with four State Legislature members, to come and join it. I really endorse the entire views expressed by him here. But I do not know how the Janata Party of Madras has accepted four members from another party, namely, the Kamraj-Congress I. They swallowed the entire membership of that party.

SHRI ERA SEZHIYAN: They were not defectors. The party by a resolution of the executive, by a resolution of the general council, unanimously decided to merge with this party. Merger is one thing; defection is another. My friend is confusing merger with defection...

SHRI R. MOHANARANGAM: Same is the case with Janata Party which has allowed four members belonging to another party, to join their party. That is whole sale defection.

SHRI ERA SEZHIYAN: I think the honourable Member is confusing one thing with the other. Here is a merger; a party by a resolution has merged with another party. Defection is something different. When somebody goes to a member members of another party offering money

[Shri Sezhiyan]

and power, and those members leave their parent party and join the other party for the attraction of money and power, that is defection. I am not quarrelling with my friend. He is a good friend of mine. I am for his party as a non-Congress—I party in Tamil Nadu. Though he is not for me, I will be for him...

SHRI R. MOHANARANGAM: I have already said I have got high regard for him. But I was only pointing out what happened there.

SHRI ERA SEZHIYAN: In any case, these are the points that have been raised and I would request the Minister to tell us clearly what is being done. Then, one more charge has been made. Mr. Moily has made a serious charge against Mr. Hegde, the Chief Minister. He said Mr. Hegde has been receiving foreign money to topple the Government at the Centre. This is a very serious allegation. Though Mr. Hegde may belong to my party—I have great respect for him—but nobody should topple anyone, even if it is a Congress Government, with foreign money. Here is a responsible member from Karnataka, Congress I leader of the opposition, who has raised this issue. Even if you are not prepared to go into the question raised by us I am demanding you here to institute an inquiry into this allegation against Mr. Hegde. In fact, Mr. Hegde has also written to the Prime Minister saying that Mr. Moily has made this allegation that "I have been receiving foreign money to topple your Government; if you do not consider this charge too ridiculous, I would request you to hold an inquiry into them also." I would beg of you, I want to be clear on this, if in fact Mr. Hegde has been receiving any such thing, he should be the first person to be pilloried, give him any sentence you like. Here is Congress I member...

SHRI A. G. KULKARNI: He is the leader of the Opposition there.

SHRI ERA SEZHIYAN: ...the leader of the Opposition, making a serious charge against the Chief Minister of the State. I welcome this one from the Opposition side. But if there is an iota of truth in this one, be bold enough to institute an inquiry and

find out if Mr. Hegde has taken money from any source. If there is even one-hundredth of truth in the allegation, action should be taken against him, whether he is from that side or he is from this side.

With this I would request the Minister to give a reply on these aspects. Why has there been a delay in bringing the Anti-Defection Bill in spite of your electoral promises and assurances given in 1980, in spite of the specific instances of advice given by the Chief Election Commissioner also. I would like to know whether he is prepared to hold an inquiry into the allegation made by Mr. Hegde against the leader of the Opposition—Congress I—as also by the Congress I members against Mr. Hegde.

MR. DEPUTY CHAIRMAN: Mr. Surjeet.

SHRI HARKISHAN SINGH SURJEET (Punjab); Mr. Deputy Chairman...

DR. BHAI MAHAVIR (Madhya Pradesh); Sir, this chappel has come from the Gallery. Somebody has thrown it.

SHRI LAL K. ADVANI (Madhya Pradesh): Let us proceed with the business. Ignore it now.

श्री संयद रहमत अली (आंध्र प्रदेश) : इस वाक्य के बारे में मैं यह जानना चाहूंगा कि जिस मंत्री की मारफत यह विजिटर आया है इसमें किसी किस्म का लोनियंट ब्यू नहीं लेना चाहिये। यह हाऊस के साथ बहुत बड़ी ज्यादाती है।

[श्री सید رحمت علی : اس

واقع کے بارے میں میں یہ جاننا چاہتا ہوں کہ جس ممبر نے یہ وزیر آیا ہے اس میں کسی قسم کا لینڈلٹ وہ نہیں لےنا چاہئے یہ ہاؤس کے ساتھ بہت بڑی زیادتی ہے۔

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[] Transliteration in Arabic Script.

MR. DEPUTY CHAIRMAN: It is a serious matter. We will take appropriate steps. You go ahead.

श्री संयद रहमत खली : मामूली
सजा दे कर छोड़ देना बेकार की बात
है । इसको सख्ती से सजा मिलनी
चाहिये ।

†[شری سید رحمت علی]

معمولی سزا دے کر چھوڑ دینا بیکار
کی بات ہے اسکو سخت ترین سزا
ملنی چاہئے ۔

SHRI HARKISHAN SINGH SURJEET; Mr. Deputy Chairman, the matter under discussion is very wide and it is not possible to go into all the details of electoral reforms. But in reality if something is done in the law to give the people the right to recall, that can possibly be some solution against the money power. But I know the ruling party is not going to consider this suggestion at all. This suggestion has been made by various political parties because that will put an end to so many questions. The people will watch the conduct and performance of a Member and if the elected Member betrays the hopes of the people they will recall him. If they consider him unfit or useless, they can recall him.

But here we are discussing the question of defection, of course, with special reference to what happened in Karnataka. On defection also two types of views are being expressed.

Sometimes what happens is that a party which is voted to power betrays the hopes of the people and betrays them and breaks the pledges and then a revolt takes place in the Party. That happened in the Congress Party itself in 1969. That cannot be called defection. Then it so happens that a political party merges in another party

after discussing their programmes and other issues. That also cannot be called defection. But defection with which we are concerned here is when somebody is instigated and dared to join another party and he joins it for personal benefit. That is defection. And this is harmful to the very system. Let us not worry about this party or that party. This kind of defection is harmful for the system itself.

Lot of changes have taken place in the country. The Congress Party which has been in power except for a brief period never reconciled to a situation of other Parties capturing power because it had all the time monopoly of power in the Centre and States. When one party betrays the hopes of the people who voted that party to power, they could choose another Party. But the Congress Party could never reconcile to this position. It happened in 1954 in Pepsu. When the Congress lost control, the Government there was dismissed. It happened in Kerala in 1959. When one man the majority of our party there could not be disturbed, State Government was dismissed. The Constitutional power was thus misused in this way. It happened in 1967. At that time the situation in the country was so radically changed that the Congress Party lost monopoly of power in eight of the States. That was the situation by that time and the power was against misused to dismiss the Ministries. Now the political situation in the country is changed. The Congress Party could only dream to have monopoly of power. It cannot happen now. Now the ruling party has to reconcile with the various political forces working in the country because they are also voted to power by the people on the basis of their programmes and policies. And, Sir, the same conflicts and contradictions are bound to arise. You have to reconcile yourself. That is the only thing which can strengthen the democratic system of the country. You have to reconcile yourself to the situation if the verdict goes against you. If the verdict goes against the ruling party, it has to learn its lessons from the mistakes it has committed and it has again to go to the people and try to win them over. This is the way in which a democratic system can function. But here, Sir, what is being

†[] Transliteration in Arabic Script.

[Shri Harkishan Singh Surjeet].

advocated? The General Secretary of the ruling party Mr. Stephen stated yesterday that they had a right to remove the government. He claims a right to remove the Government, the right to topple a Government. Wherefrom has this right come? It is nothing but a subversion of our Constitution. Where does our Constitution provide for this? It is only the right of the people. It is only the people who have got the right to remove a Government or elect a Government. No party, whatever it may say, whatever powers it may have in its hands, can say this. The Constitution of India has not provided this right to any particular party. It is the right of the people only. But here, unfortunately, what is happening is that even when a party is voted down by the people, a very wrong precedent is laid down. It not only goes against the ruling party, but it goes against the very fabric of our democratic system, goes against the very democratic structure. What happened in Haryana in 1982? People voted against the Congress Party. Before elections some people defected from the Congress Party and contested the elections. They were expelled from the party and the Congress was reduced to a minority by the people. But, immediately, those defectors were taken back just to form a Government there Congress (I) was reduced to 33 out of the house of 90. Where is the people's verdict? What is your consideration for the people? This is the verdict which the people had given. But the example which we now find is much worse. Now, the ruling party is fighting a lost case. You see, what is the case? Now, arguments are raised. They say that these people do not have a substantial majority and therefore, they want to differentiate between West Bengal and Tripura on the one hand and Tamil Nadu on the other hand. Tamil Nadu on the one hand and those other States on the other. Where is your substantial majority then? Where has the theory of substantial majority come from? What about the substantial majority in Assam where a minority Government was formed?

SHRI A. G. KULKARNI: In Kerala also.

SHRI HARKISHAN SINGH SURJEET: Yes, even in Kerala. In Kerala even today if we use the same tactics. Their government cannot last for a day. But we do not want to do anything there. But in Karnataka now they are organising defections. What I am saying is that instead of waiting for the verdict of the people, they are resorting to this sort of bribing. What has happened in the various States? If you examine, you will know how many amendments have been carried out to the provisions relating to Office of Profit. They have been carried out in such a manner as to please somebody or the other and in some of the Assemblies two-thirds of the Members are the beneficiaries in one way or the other, whether as Ministers or as Chairmen of some Corporations, and all the benefits are divided. This is what weakens our whole democratic system. This will not inspire the people and you cannot get the confidence of the people in your working. Here, in this case, much worse has happened. It is not a question of one tape or two tapes or three tapes. All efforts are being made to deny it. You have been voted down by the people. So, you serve the people and try to win them over. Go to the people again and ask for their vote. That is what you should do. But what you are now doing is this: You are restless because you are out of power. Why are you out of power? No concern for the welfare of the people and no thought about what you have to do for them. The only thing is that you must be in power immediately. Power must be in your hands and for that you will go to any extent. How can you say that the tape is not the real tape? All the papers, the entire Press, have commented on them and the correspondents who were there know the Leader of the Opposition because he quite often meets them and, so, it is not difficult at all to recognise his voice. But even then you say, "No; it is something which has been created". It cannot be argued like this.

You are arguing a lost case. Nobody believes it. Whatever statements you may make, nobody believes them and that is why you are trying to argue in this way. You see, this kind of arguing, this kind of bribing, not only discredits the ruling party, but it also discredits the whole system, our entire system, in the eyes of the world. When efforts are made like that to topple the Government, how will the people react to it, and what impact it will have on the whole world and the opinion in our country? I would say that the theory of the right to topple must be given a go-by, and I would like that the ruling party, when somebody speaks from that side, will denounce this theory, because if it is accepted then no democratic system can function. It is not possible. You have yourself gone into an alliance in Kerala and... (Time bell rings) Why don't you come to the proportional representation? Why don't you want to come to that position also? You don't have absolute majority from the very beginning in this country. My suggestion is, put an end to this controversy once for all. The Chief Minister has asked for a judicial inquiry. Why is not an inquiry being held whether it is true or not? The political parties do not see the damage which is going to be done. The system is to be saved. I would suggest that an inquiry must be made and proper steps must be taken to stop such defections. For that, the Minister of Law of the State has said that he has sent a Bill to the Centre. It is lying with the Centre. Why is it not being allowed to be passed? I would once again urge upon you to save our system.

SHRI LAL K. ADVANI: Mr. Deputy Chairman, Sir, at the outset I must say that a statement of this kind coming from the present Law Minister I regard as extremely disappointing, particularly because he has been aware that this House has been discussing the matter of electoral reforms in 1980, 1981, 1982 and 1983, and he

has himself participated in several of these debates and made certain statements. Sir, I will not go through the entire proceedings of this House since 1980. I have myself posed several questions on this issue. We have had a discussion on this particular question of electoral reforms. But I would certainly like to quote the present Law Minister—not the earlier Law Minister—what he said on the 26th July 1982 when I along with many colleagues of the Opposition wanted him to give an assurance that this question of electoral reforms will be decided early. I would quote him only because this is a virtual assurance given to this House. This was on the 26th July 1982:

“जहाँ तक आडवाणी साहब यह आश्वासन चाहते हैं कि इस साल के अन्दर-अन्दर हम आप के सामने आएँ, मैं यह आश्वासन देने के लिए तैयार हूँ कि इस साल के अन्दर-अन्दर तो क्या उस से पहले ही ले जायेंगे।”

This is in reply to my question on this matter of electoral reforms. I can quote my own speech also on that. But the substance is that this electoral reforms issue has been pending for a very, long long time. There is no dearth of studies. There is no shortage of analysis. There is no lack of recommendations. The Election Commission has made so many recommendations. The Joint Parliamentary Committee has made so many recommendations. What is needed is the will to decide. My accusation against the Government is that it lacks the will to decide because it has developed a vested interest in the present shortcomings and, therefore, it was on that basis that ultimately the Law Minister assured the House that by the end of 1982 he would be coming to the House with proposals for electoral reforms. I am sorry that 1982 has passed by; 1983 has nearly passed by. It is towards the end of 1983 that we are discussing the question of electoral reforms, although with particular reference to what has happened in Karnataka and the issue of defections.

[Shri Lal K. Advani]

The concluding paragraph of the Minister's statement says:

"When views of this nature are expressed with respect to a proposal (Anti-Defection Law proposal), the matter has to be considered in great depth. Likewise, the other important proposals for electoral reforms under consideration also involve serious implications which require to be considered carefully. Any attempt to rush through such proposals would do more damage than good."

You would appreciate that this is an alibi or rather a laboured justification for inaction, for taking no action whatsoever, in spite of the earlier assurance. It is, therefore, that I said that I feel particularly distressed and disappointed by a statement of this kind.

Sir, let me first come to the problem of defections. It is an irony that the Government has had to rely on a statement by Shri Madhu Limaye to take up a particular stand. This is the first time that I have heard government agreeing to this. Mrs. Indira Gandhi in that Calcutta Press Conference said that her party was committed to a law against defections. She obviously did not. Mr. Madhu Limaye had spoken much earlier. The hon. Minister has found it fit to include in his official statement Mr. Madhu Limaye's views as a justification for inaction. I disagree with Mr. Madhu Limaye's view. But I would like to point out and the Law Minister may be aware of it, that Mr. Madhu Limaye was not against a law on defections. He was against defections being defined so as to include even voting against one's party's whip. This is the objection raised by Mr. Madhu Limaye. Perhaps many of us might agree with him. Nothing wrong about it. Defections should mean, as my colleague just said, crossing the floor to the other party. You are elected on a party ticket, on the Janata ticket or on

the Congress(I) ticket. Someone offers. "If you come along with me, I will make you a Minister or pay you Rs. 2 lakhs or 25 lakhs," then it is defection. This is the price nowadays prevailing in Karnataka according to the Chief Minister. In one case, Rs. 2 lakhs have been paid. In another case, Rs. 25 lakhs were offered.

Sir, I am not going to rely on the views of Mr. Madhu Limaye. I would prefer to rely on the views of the Chief Election Commissioner Mr. R. K. Trivedi. I would quote from his statement made at a Seminar held a few months back. He says:

"Nowhere is the money power more blatantly and unabashedly used than in inducing defections from one party to the other. (Obviously, he had Haryana in mind.) It has been alleged that the temptation offered to the candidate ranges from outright financial inducement to the offering of offices of profit which confer status and pecuniary benefits. Now the fashion gaining currency is to offer Chairmanship/Directorship of public undertakings with attractive perquisites and quite often with Ministerial status. Let us accept that mere didactic sermons or appeal to moral values will yield no results. Even an imperfect legislation would be preferable to no regulation at all. (This is the most important part of it)."

I am of the view that there are bound to be differences. You bring forward some law and someone will say that the definition of defection is inadequate.

SHRI BUDDHA PRIYA MAURYA (Andhra Pradesh): I would like to have your views on the right of free view *vis-à-vis* the directive or whip.

SHRI LAL K. ADVANI: I am inclined to agree with the view that defection should be defined in a manner as to confine it to floor crossing leaving one party and going to another. Defiance of party whip should not be considered defection. This is my personal view and I am revealing no secret when I say that I expressed this view even when I was in the Government, in a meeting of senior members of the Cabinet with the opposition leaders in which Mr. Tripathi was there on behalf

of Congress I and Shri Chavan was there from the Lok Sabha on behalf of Congress (I):

In that discussion itself a majority of the participant said that unless you include this provision that voting against the party whip will be deemed defection, the Law against defection will be ineffective, people will not cross physically but they will keep on voting against their party. Therefore, this has to be included. This was the opinion expressed by most of the Opposition parties there. I would like to request the hon. Law Minister to accept the Chief Election Commissioner's recommendation that even an imperfect legislation would be preferable to no legislation.

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir): The anti-defection law of Jammu and Kashmir has been challenged, and the Jammu and Kashmir High Court has upheld it, and it has come to the Supreme Court. This is a process that shall always continue for any law. The anti-defection law must be there.

SHRI LAL K. ADVANI: The hon. Member would appreciate that Kashmir falls in a slightly different category and we are concerned with the law in the rest of India. I would favour Central legislation rather than State legislation through there is an opinion that even State legislation is possible.

Therefore, Sir, I would once again insist on two aspects flowing from the Karnataka situation. Number one; Let the Government realise that the situation developed in Karnataka is one from which they cannot disentangle themselves. These Moily tapes are going to be very serious for you. You cannot disentangle yourself from them unless you decide to hold a judicial enquiry. It is in your own interest, unless of course, you know that you are so guilty. I am willing to give you the benefit of doubt that you in New Delhi are not involved though the allegation has been made by the Chief Minister that the High Command is involved. This is the allegation made by the Chief Minister. If you feel that your conscience is clear and that whatever has been done there was done by the local people by Mr. Moily or someone else, then you should

have no hesitation in accepting this demand of a judicial enquiry, particularly when it is bracketed with the allegation made by your members about receipt of foreign money by the Chief Minister of Karnataka for toppling your Government. Why should you hesitate if your conscience is clean? Go ahead and appoint a judicial enquiry. This is one aspect of the Karnataka situation.

The second aspect which I have already spoken about is the question of the defection law. The law is imperative. Hriday Nath Kunzru's views were all right in their own place. But they had little relevance to what is happening in India today. Haryana of course is known, and everybody has spoken about it. In a House of 90, only 33 Members were elected on the Congress(I) ticket. Today there are 60 Members of Congress(I) in the Haryana Assembly. But, perhaps, another case is not so well known. I was made conscious of it by the Lady Member, Mrs. Margaret Alva, who is absent now. Where is she? She is not here. Mrs. Margaret Alva had gone to Goa to campaign for the Congress(U). It was not Congress(S) at that time. Out of 30 seats in the Goa Assembly, the Congress(I) got 'zero'. Congress(I) got not a single seat out of 30. 23 seats went to Mr. Kulkarni's Party, and 7 went to the MGP. Then she was along with Mr. Kulkarni. And she was complaining very bitterly about the kind of defection this Congress(I) engineers. From a position of zero, they formed the Government.

AN HON. MEMBER: Just like a miracle.

SHRI LAL K. ADVANI: So, Sir, this is a matter about which you cannot rely on Mr. Madhu Limaye and on that basis say that nothing can be done. Sir, the second aspect of today's call attention is also dear to my heart. This is electoral reform. I would only like to say that there are two aspects of electoral reform which have to be tackled immediately, urgently. Please do not delay. There are matters in which you may sometimes feel that a policy of drift is all right. Mr. Law Minister, your Government pursued a policy of drift in Punjab, and the result is what you have to see today. Today you are not in

[Shri Lal K. Advani]

control. The Akali Dal is not in control. Perhaps, Mr. Bhindrawale is not in control. The anti-social and anti-national elements in Punjab are in control of the situation. I would like to plead with you that for democracy's sake, do not allow this matter to drift. I have been pleading with you again and again not only inside the House but also even in the Law Consultative Committee in which I am a Member...

ber...

That this is a matter, this question of money power, please don't allow it to drift. The earlier you tackle it, the better it would be.

Sir, there was a time when the Chief Election Commissioner was not willing to accept the complaints of the opposition that money power is playing havoc with Indian elections. Mr. S. P. Sen-Verma's report on the Fifth General Elections stated that it was not true and that it was an exaggerated idea. He said that "from the number of complaints about corruption and the nature thereof also one will not be justified legally or morally to come to the conclusion that our elections are becoming more unfair or unclean". This is Mr. Sen-Verma's report on the Fifth General Elections, which I have quoted, 1971-72. But, Sir, neither the present Chief Election Commissioner nor his immediate predecessor, Mr. S. L. Shaktiher, share this kind of illusion. Mr. Trivedi said at that seminar which he addressed: "This malady—meaning the malady of money power, I am afraid—during the last decade has assumed alarming proportions. These are his words. The candidates and political parties look to big money bags for their funds to contest elections, thereby adopting a formula which establishes the chances of winning in direct proportion to the money spent. This triggers a chain reaction leading to corruption at various decision making levels. Electoral corruption leads to administrative corruption, administrative corruption leads to corruption all round. Political corruption would continue to grow in geometric progression unless draconian steps are taken to eliminate chances of indiscriminate spending of huge sums at election and remove dependence on money power". (*Time bell rings*). Sir,

this is the warning given by the Chief Election Commissioner.

Sir, I have had occasion to study this and I have seen that very many democracies of the world—all democracies, I have had a list of 20 to 25 compiled—provide public funds for Poll. India is perhaps the only democracy where the State does not provide any finance for elections, to political parties. By and large, the world over in democracies the trend is that the cost incurred on the elections, or by political parties, even in their normal functioning, should be regarded as part of the cost of democracy, and therefore, just as the Government pays for Parliament, the Government pays for so many things, similarly the Government pays for elections and for elections expenses. The Joint Parliamentary Committee also, which gave its report to Parliament in 1973, had recommended that election expenses should be regarded as a legitimate charge on the public exchequer and that election expenses today borne by the candidates or the parties should be progressively shifted to the State. I would plead with the Government to give a serious thought to this matter and devise ways and means to ensure that the question of money power is eliminated.

Sir, the question of abuse of governmental power by the ruling party is another serious problem. This should be dealt with. A small suggestion given by the Chief Election Commissioner would be all right. He has already drawn up a code of conduct which should govern the parties and candidates. What he urges now is that legislative teeth be given to this code. Let it not remain a set of pious platitudes only. So, if the Government is willing to do that, it would be fine.

Sir, on December 3, the Chief Election Commissioner has convened a meeting of all political parties. Is the Government in a position to assure this House that whatever decisions are arrived at that meeting will be given legal shape at the earliest so that the next Lok Sabha elections are held in a somewhat purer manner? This is my last question. The other two questions that I have already posed are

about the law of defections and the judicial inquiry. These three questions, I expect the Law Minister to reply.

MR. DEPUTY CHAIRMAN Now we will continue the debate after lunch.

SHRI KALYAN ROY (West Bengal): Sir, I will take only ten minutes.

श्री उपसभापति : सदन की कार्यवाही दो बजे तक के लिये स्थगित की जाती है ।

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

The House reassembled after lunch at four minutes past two of the clock, Mr. Deputy Chairman in the Chair.

MR. DEPUTY CHAIRMAN: Mr. Kalyan Roy.

SHRI LAL K. ADVANI: Mr. Deputy Chairman, just a correction I would like to make. I had referred to Mrs. Alva. I am informed that Mrs. Margaret Alva had not been to Goa for the campaign. That is all. So, I stand corrected on that.

SHRI KALYAN ROY: Sir, the stance of Karnataka has once-again fouled up the whole atmosphere. I hope, the ruling party understands that the whole purpose of the debate is to prevent the repetition of this sordid event in our country anywhere. That is the whole purpose, and not to apportion blame or accuse somebody or villify somebody. We are proud of our democracy and I must say, the Congress Party also did contribute to the preservation of democracy in the country, because all around us, particularly in the third-world countries, the democratic set-ups are collapsing everyday and there are only a few States, a few countries, where the democracy has survived in third world. We are proud of it and I have no hesitation to provide proportional representation and say of our adult franchise, of our electoral system so far that has weathered many a storm, that in spite of attacks even during emergency, serious and vicious attacks, it has gone back again to old tradition

because the traditions are deep, so deep rooted that nobody can overthrow it whatever may be the intention. But in the third world countries, this has been happening. We have seen what has happened in Chile. We have seen what has happened in Turkey. We have also seen what has happened in our neighbouring country Bangladesh.

SHRI LAL K. ADVANI: Pakistan.

SHRI KALYAN ROY: Pakistan. This has happened because there are outside elements. We know which are these elements. The United States which has been destabilising the democratic set-up in the third world countries openly; this has been admitted by others; this has been admitted in the proceedings of the U.S. Congress. No democratic set-up is safe today from the persistent and determined attacks of the American imperialism. And whenever any democratic set-up has collapsed, or made to collapse, the Americans have rushed in with their help. This is unfortunate and it is a sordid truth.

But Sir, it is not enough to say that only outside agencies are responsible for the threat to the democratic system in our country. There are some inside forces, which are equally responsible and which are working round the clock, to topple our democratic set-up and replace it by a kind of a fascist or a military regime. Unfortunately, the ruling party today, the Congress-I, equates democracy with their own rule. They think that whenever they are not in power, they have a sacred right, a birthright, a dynastic right, to topple duly elected Governments through whatever means available to them, money, Government outside provocations and they have been successful in doing this from the earlier times. We know what happened when the Communist Party was in power in Kerala. During the regime of Shri Jawaharlal Nehru, the Government in Kerala was toppled not through very democratic means. This has happened again and again. When the Governors could not do anything, then, we have seen me

[Shri Kalyan Roy]

like Mr. Moily took over and wanted to bribe. The price is of no concern. It may be Rs. two lakhs or 25 lakhs. But they should somehow topple the duly-elected Governments, Governments elected by the people. Sir, unfortunately, the Leader of the House has left. His leader was the Chief Minister of West Bengal in 1967. I wish he were here. He had to spend many sleepless nights to prevent defections from his own party to the Congress and the defections were attempted through money and other sordid means. I do not have the cuttings here. Otherwise, I would have quoted from the speeches of Mr. Pranab Mukherjee, who was the Secretary of the Bangla Congress at that time, giving details of how the Congress was trying to win over the Members of the Assembly belonging to his Party, in order to topple the Ajoy Mukherjee Government in West Bengal.

SHRI V. GOPALSAMY (Tamil Nadu): That is why, he surrendered at last.

SHRI KALYAN ROY: As has been pointed out by Mr. Advani and Mr. Surjeet, the statement laid on the Table of the House by the hon. Law Minister is most disappointing. This should be viewed particularly in the background of Stephen's such declarations that he has the birthright, he has the right, to topple. Does this kind of a statement lead to the strengthening of democracy? Does this sort of statement openly declaring war, lead to the consolidation of the democratic forces in the country which you require to fight the subversive elements whether in Assam or in Punjab? On the one hand, you go on toppling the democratically-elected Governments in various States. On the other, you seek their support and co-operation to preserve the democratic structure in other States. It is just not possible. I would like to know from the hon. Law Minister which statement is true or which face of the present Government is true. That is why I shall be very brief. Most of

the points have already been dealt with. Here is a statement, a categorical statement, by no less a person than the present Chief Minister of Karnataka who does not insist that he would be investigating, he does not say that the following judge should investigate, but who leaves it to the Prime Minister and the Central Government to institute an enquiry to find the truth of the allegations that they are making. I take my hat off to him. Here is a Chief Minister who has been proved his case because the evidence is there, the tape recording of conversation is there. It is worse than the Watergate. After Watergate Mr. Nixon had to go. I do not know what will happen to Mr. Moily. Perhaps he may be taken in the Central Cabinet.

SHRI V. GOPALSAMY: He will be rewarded.

SHRI KALYAN ROY: Yes, he will be rewarded. After this plea to the Central Government, after this request to the Central Government that "these are the facts, these are the tape recordings, for heaven's sake have it investigated by any one you like, have it investigated by Justice Chandrachud or any Judge of the Supreme Court, I am prepared to accept the verdict"—which Congress Chief Minister has got the courage or guts to say this?—When you don't accept it, then you undermine democracy, and not the Opposition, whatever differences we may have.

So, Sir, I plead one again very calmly, very quietly, please have an investigation, full scale investigation as has been requested by the Chief Minister. And my last point is this, the whole episode is extremely ominous, extremely dangerous for our democratic system which is shaking at its roots. People will not forgive you, may not be today but tomorrow, if the whole episode or the incident goes unenquired, unprobed, uninvestigated. It is not a question of the present Ministry's survival; the question is whether the democratic set-up in the country will survive. And if you do

not have this investigation, then the people would be forced to come to the conclusion, that you are afraid of the democratic system and now you are thinking of something else to replace it. I would once again appeal to you, Mr. Law Minister, to please convince the Government, to which you belong—the Home Minister is also here—to have it properly investigated. Thank you.

SHRI MURLIDHAR CHANDRA-KANT BHANDARE: Mr. Deputy Chairman, Sir, to participate in this Calling Attention discussion, I rise as a proud citizen of my Motherland. India can boast of—which no other nation can boast of—being the largest democracy in the world, firmly embedded with the rule of law. I remember right from 1952, 1957, 1962, 1967, 1971—all those years when we were going through the process of elections—I felt proud and I felt happy that the destiny of the nation was decided in a peaceful manner through the exercise of a right in the ballot box. I had many friends particularly at the Bar who felt that our electorate should be somewhat different, it should be restricted only to the educated people and that this adult franchise with so many illiterates was not advisable. I am happy, seeing it from hindsight, and I have always said that our village folks may be illiterate but they are certainly not ignorant, and particularly the women and even the widows in our villages, have brought up the families in a manner which would do justice to the most affluent families. It is in this context that I must say that the Congress has done a great deal to preserve, to enrich, to enhance the basic, fundamental democratic rights in our country.

SHRI HAREKRUSHNA MALLICK (Orissa): Up to 1969.

SHRI MURLIDHAR CHANDRA-KANT BHANDARE: It is quite true that this subject does arise. I am going to come to it in a minute. It does raise several issues, for example, electoral reforms. It does take into

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consideration the question of money power because, as somebody has said, behind every M.P., that is, Member of Parliament, there is another M.P., that is, Money Power. Because, consider, in Bombay we have parliamentary constituencies where the voters are one million, and even if a candidate were to send a circular giving what his party pledges to do, what he aims at and stands for and post it to each of his voters, it would cost him a rupee and the total cost would be a minimum of ten lakh rupees—forget about other vehicles, helicopters and other things.

SHRI HAREKRUSHNA MALLICK: Let it be on record that an hon. Member in this House says that the campaign needs ten lakh rupees. Therefore, the Law Minister and the Home Minister should see that either the Government finances it or they should care to amend the law in such way that we spend according to the law of the land. ... (Interruptions) ... We must go in the right track, either to the right or to the left but nowhere in the middle.

SHRI MURLIDHAR CHANDRA-KANT BHANDARE: What I was saying is, even if a candidate were to spend one rupee per voter, it would cost ten lakhs. I am glad that Mr. Mallick has the magic of reaching ten lakhs of voters in ten thousand rupees which means, at the end of the campaign he will get ten votes! ... (Interruptions) ...

Now, therefore, we have passed a law where we have prescribed a limit of a lakh of rupees on a parliamentary election, and every candidate solemnly signs a declaration and files an election return which, to his knowledge, is false—that he has not spent over a lakh of rupees. There is a loop-hole in the law because we allow the party to supplement and spend the rest of the money. But it is no use saying that money is the be-all and end-all of elections in our country. If that were the case, there would be many Tatas, there would be many Birlas and there would be many other rich peo-

[Shri Murlidhar Chandrakant Bhandare]

ple. But we are proud that we have only one Mr. Morarka in this House. It clearly shows that unless one has a long record of service to the community, service to the people, service to the nation, whatever money one may have, it is not easy to get into any of the representative houses. Therefore, the questions of misusing money, misutilising Government machinery and lowering the age of voting, are subsidiary questions because this is not an appropriate occasion to discuss these issues.

The issue today is about defections and I want to take, what I may call, with all humility, a principled stand, on this basic issue. Because, what is lost sight of is that every Member who comes here comes with his own conscience. And I am opposed to all that which will destroy that freedom of conscience. I know that in a parliamentary democracy, party discipline is of considerable significance. Unless you owe that much allegiance that much loyalty to your party, you can never really work democracy. But there are occasions when there is a conflict between say, the party discipline and your freedom of conscience. And I think anywhere where the right of freedom and conscience is exercised, it is not a matter of defection. Unfortunately, what is being done in the name of Anti-defection Bills—kindly read them—which came before this House, and particularly the 1978 Bill, is that really it was a party dictatorship. And I think Mr. Madhu Limaye was not wrong when he called it "dictatorship and bossism of the worst kind". Well, I have expressed my views elsewhere. Let them not say that I am saying this for the first time because it is convenient for me to say so. But I do feel that such a thing is really outside the realm of defection.

There is one other thing which I want to make clear, which is equally basic. One must look at the whole gamut of defection, of people changing sides, a little more carefully. It

is a matter of great regret, we were hoping for it and we have not succeeded. For true democracy it is well known that there must be only two or three strong parties to contend for power among themselves. But today that alternative has not been provided by the Opposition. And the failure of the Opposition has resulted in the regional parties rising and gathering strength in all parts of the country. I do not entirely blame the Opposition. What is the reason for this? The reason for this is that many of us here and many of us there share the same ideals, we follow the same political principles, we swear by secularism, we have the same articles of faith and the same political creed to follow. Why? Because, excepting BJP and the Communists, and possibly a few regional parties like the Akalis, every party which you see around was born out of the Congress. You take Mr. Charan Singh. He was in Congress. You take Babu Jagjivan Ram. He was in Congress. And each one of the Congress Socialist Party...

AN HON. MEMBER: Mr. Bahuguna.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: Yes, Mr. Bahuguna. Take anyone. I give you the instance of an election which was held in Maharashtra only last week, to which my friend made a reference, to prove my point. In spite of all those alleged helicopters, in spite of all those 600 jeeps, one of the seats of the Legislature was lost by the ruling party, by my party. And it was won by whom? It was won by Mr. Patankar, who was, till he filed his nomination papers, our member. He had applied for a ticket, but he did not get it. He stood as a rebel candidate and got elected. Analyse this position. How many votes have gone in his favour because the opposition supported him? How many votes have gone in his favour because he is a good candidate by himself? What is his record of service as a Congressman? Did the people trust him to be a good Opposition MLA? All this would clearly indicate that even the people, the discerning people, the

voters, who have made our democracy strong, do not go into these niceties and hair-splitting distinctions of loyalties. They know that here is a Congress worker, may be he has not been able to get a ticket from that party, but even after getting elected he will work as a Congressman or he will be true to the same principles and political creed. And that is why they voted for him.

I come to the fallacious illustration given by Mr. Advani. What happened in Goa? Congress (I) did not get a single seat. But Congress (I) had an alliance with Congress (U). Yet it did not get anything. So Congress (U) could have formed the government; Maharashtra Gomuntak Party would have supported Congress (U). But they realized that Congress (U) was nowhere in the country. The real Congress was Congress (I). And 20 out of 30 came to Congress (I) without any allure of money, without any allure of office, because they could have themselves formed the government.

DR. M. M. S. SIDDHU (Uttar Pradesh): What a conscience!

SHRI MURLIDHAR CHANDRAKANT BHANDARE: Yes. This is a clear case where you find that really it is the conscience that matters, because what was the difference between Congress (U) and Congress (I), excepting that some names were printed here and some were there?

SHRI LAL K. ADVANI: By that logic, excepting BJP and the Communists, everybody has the right to defect. It is a curious doctrine.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: All that I have said is, it is not a curious logic at all. It is true, and that is why, when one of the old leaders came back, he said, "It is home-coming." And it is true. My hon. friend, Mr. Advani, who has not gone away from home will not really understand what is home-coming. Therefore, what I am saying is—I am on a very fundamental principle—that what is needed is polarisation.

श्री लाल कृष्ण आडवाणी : होम कमिंग के अवसर पर अंगरेजों का लालच और मिल जाते तो और भी अच्छा है।

SHRI MURLIDHAR CHANDRAKANT BHANDARE: What is needed is polarisation. And it is a process through which our country will go. It is an essential process. Till the polarisation completes, there will be shifting. But I think the only way in which defections become pernicious and must be condemned by one and all is when they are accompanied by a lure of office or money. And I am appealing to my friend, Mr. Advani, because he takes very keen interest in electoral reforms. The ideas change. The principles change. It is not that the human mind is there to be steadfast at all times. But if you find that somebody has changed for the sake of money, office, ministership, chairmanship, then, see that he is automatically disqualified. But, short of that, I do not accept anything. You gave the illustration, somebody gave the illustration. What happens, may I ask you, if members do not defect, they do not change over, they do not change parties, but they abstain themselves or they vote against, without joining any other party, to defeat their government? What is it? In a period of five years, a time may come when a Member may have a serious misgiving as to whether his own party is fulfilling the pledges, following the policies, obeying the principles by which it pledges at all times. And I think this is a very complex issue which must be tackled very carefully, and above all the freedom of conscience must be protected.

And with this I come to the issue at hand. And what is the issue at hand? The Karnataka tapes. Now, first of all kindly look at the record. I have got a table here. In the House of 224, Janata got 62, Kranti Ranga got 32, the BJP 18, the CPI (M) 3, the CPI 3, Anna DMK 1, Independents 18, some others 5 and Congress (I) 81.

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Congress (I) got 45.6 per cent of the votes, and Janata including Kranti Ranga 45.5 per cent. This is the pattern of voting.

Here is a statement by no less a person than Mr. Hegde, the former Judge of the Supreme Court, former Speaker of the Lok Sabha, and now Vice-President of the BJP, that it is becoming very very difficult for the BJP to support Janata Party government because of its policies. I have got the statement here. Now this is the position. This is a freak government of the party of 62 which has become 96. How? By taking 24 out of the Kranti Ranga. In fact, till today they have taken 26. And out of these, they have given ministership to 12, chairmanships to 4. Now I want to know what the logic is, what the principle is, what the morality of this exercise is? And to my hon. friend, Mr. Sezhiyan, I ask: "Very well. You have touched this. You will say that they were associates. But when they are associates you must preserve their identity. In a democracy it becomes your duty, paramount duty, to preserve their identity. You cannot swallow them. You cannot become a big fish catching small fish."

And I ask you—I have not finished—why did you accept two members of the Congress-I? Why did Mr. Hegde not resign before accepting two of the Congress-I people who were elected on our ticket, on our party symbol? Why did he not resign? Why did he not say, "I will resign and see that all the 84 go and face the election"? Therefore, please don't talk of morality; please don't talk of the tactics which you are using. Those who live in houses of glass should not throw stones at others.

Now, I come to the two tapes. One has been referred to, between Srinivasan and Puttadasa. I do not wish to say anything against Mr. Ramakrishna Hegde the Chief Minister. He has been a very esteemed and loveable friend and I always miss him. But he

knows how to play his cards, how to build up his case. He is sophisticated, he is very subtle and he is a master mind. Don't forget that. See how he came with the first tape, which was published in *Sunday* and *India Today* between Srinivasan and Puttadasa. I don't want to refer to it more because I have raised objection that Mr. Puttadasa has filed a defamation case against both *Sunday* and *Indian Today*. So the matter will have to rest there and await the decision of the court. Now about the other, I would like the House to look at the statement of Mr. Byre Gowda. Mr. Byre Gowda said that he made an approach one month earlier. There was no response. He kept on trying. Now I don't want to use any unparliamentary language, but it is just like soliciting and tempting. I think in a matter like this, the taker is worse offender than the giver. He went on persisting. Is this the code of morality which they are professing? Is this the way in which Mr. Hegde wants his MLAs to go and pollute and vitiate the whole atmosphere? He knows that he is very unstable. Even the BJP is withdrawing its support. There is a great deal of disenchantment about his policies, about his performance, and he is now tottering. And what does he do? Hence all these gimmicks—go there and get the tapes. I want to come to the tapes particularly. Now I have got a complete transcript which has appeared in the *Indian Express*. It runs into three columns. But there is no mention of money till we come to the end, the last line, I submit; I still believe—and, therefore, I said it is a matter of principle—that after the collapse of a Government, instead of asking the people to go in for a fresh election, it is a wiser policy to avoid the expenditure of an election. As for those who talk of the pernicious role or black money. I regret the day in 1960 when appearing for a TISCO shareholder before Chief Justice Chagla of the Bombay High Court, I said that donations by companies to political parties should be banned. I regret that day because a point has

come now when black money has been fully injected into the political system of our country and no party is free from that. We are all living in glass houses.

Now, coming to the tapes, he says he will take four days, he will go back and consult people. Then Mr. Byre Gowda says: "But he is a senior member." That is about Hutchmasti Gowda. Moily: "Yes". Byre Gowda: "Is it two lakhs?" Moily: "Yes". The tape ends. Now, I have no doubt at all that the previous portion, namely, shifting, this and that, is a matter which I have said a really permissible. If you find that the Government is not doing its best then it is open for you, but you do it in a way that there is an alternative for the people...

SHRI MADAN BHATIA (Nominated): I would like to make one mention to the hon. Member. So far as the report of the *Times of India* is concerned, it says that the last words recorded in tape are: "Are these two lakh rupees?" And after that there is only a blurring sound, there is no reply. And the answer that was given explained this that Mr. Gowda pressed a wrong button. There is not even 'yes' in the statement as produced in the *Times of India*.

SHRI MURLIDHAR CHANDRA-KANT BHANDARE: I am extremely grateful...

श्री लाल कृष्ण आडवाणी : टेप सुना जाए और पता लगा लिया जाए।

SHRI MURLIDHAR CHANDRA-KANT BHANDARE: Before the tape, listen to me a little further. What happened? On the 18th after this was published, a press conference was organised. By whom? Again by my esteemed, able, very likeable, Chief Minister Hegde. He presents his James Bond, Byre Gowda. Some reporter asked him: Why don't you make him the Chief of Intelligence? He said, no, he is my James Bond. This is what James Bond says. And I have chosen *Indian Express* lest later on a charge be not made that

either Mr. Byre Gowda or Mr. Hegde was misquoted. I will read the context so that Members can follow. "As the car left Cubbon Park and went its way slowly towards Sadashivnagar, the conversation began and despite the noise of the diesel engine, the sensitive tapes were recording the dialogue quite clearly and loud, 'I insisted that money should be paid to me then and there'. Mr. Byre Gowra said." If this insistence is to be seen in the tapes I would lose anything. There is not a word of this insistence. And when such a great contradiction occurs, there is only one possible explanation, that these tapes are fabricated, that these tapes are doctored, and it is not difficult. If you like, I have got a tape of conversation between John F. Kenanedy and others but none of them participated. All kinds of questions and answers are given. On the inherent probability that a week earlier publicity was given to the tapes in the Sunday that this gentleman was persistently going after these people, knowing his background who was himself a Marxist and now a Janata associate, in between having applied for a Congress-I ticket and not got it in 1980, I think it is extremely difficult to believe that any offer of money would be made to this gentleman called Byre Gowda...

SHRI R. R. MORARKA (Rajasthan): Then have an inquiry. Why not have an inquiry then?

SHRI MURLIDHAR CHANDRA-KANT BHANDARE: I will give my answer to your inquiry. There is only one thing I want to say: Again my friend, Mr. Hegde, said that money has come from Delhi. Now, is it suggested that Mr. Hegde has never come to Delhi or he does not meet people coming from Delhi? I only want to say that this Mr. Byre Gowda, I believe, has just burnt that money of Rs. 2 lakhs. The only question I want to ask all the Members on the other side is: How much more did he get to Enact this drama? Therefore, let Mr. Hegde hold his enquiry if there was

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even a *prima facie* case. As I said, there is not even a *prima facie* case. But let us not pollute our atmosphere with things which are nothing but a political stunt, to save a weak and tottering Government which has got only 62 of the seats as against 81 of the Congress.

SHRI V. GOPALSAMY: Mr. Deputy Chairman, Mr. Bhandare, who is a good Advocate in the Supreme Court, has tried his best to argue a lost case and has left now after that.

The crux of the problem is defection. Defection, like Cancer, is killing the whole structure of democracy in India. Defection has posed a challenge to the democratic system.

It was argued that one could defy a directive of a political party and one could change his views when there is a definite direction from the High Command. Mr. Bhandare confused both the issues in the first part of his speech.

John Kennedy wrote a book called "Profiles in Courage" which got the Pulitzer prize. In that book he narrates the careers of personalities and their courage to defy the directives of the Party High Command. But they did not defect. They came out of their parties after sacrificing their privileges and comforts. That is why Kennedy titled the book as Profiles in Courage.

Here, a top leader of the Congress Party, not a small man, is known for his loud mouth. He is the General Secretary of the AICC and he goes on saying and declaring openly in public: "It is our birthright to topple any opposition Government, any non-Congress Government. Let them also try. We do not bother about means. By any means". His voice is the same voice which once echoed in Florence in the sixteenth century. That was the voice of Machiavelli. His dictum was: Ends justify the means. That is why his book "The Prince" was kept by Adolf Hitler by the bed-side always. This is a totalitarian trend. Mr. Stephen

says not only that. He further says: "As far as Karnataka and West Bengal are concerned, we have taken a definite stand. As far as Jammu and Kashmir is concerned, in a couple of days I will make a statement".

I think the motto of India is: "Satyameva Jayate". Mr. Stephen goes and says: "Asatyameva Jayate". Here is a man who tries to defend Mooly by saying that there was no offer. But it has been proved beyond doubt that Veerappa Mooly has offered money and Mr. Hegde is prepared to face any probe. I would like to know from the Government whether they are prepared for a probe by a Judge of the Supreme Court.

Sir, money plays a vital role, they say. Money is offered openly. He says that Mr. Hegde has come to Delhi because it is said that the currency notes bore the Delhi Bank mark. Sir, they are experts in this. This country has witnessed the Nagarwala episode. The Congress stalwarts are the experts. And they are the first sinners as far as defection is concerned.

He was lauding our general election. Even after the first general election, they did not allow any non-Congress Government to be formed in the composite Madras State. That was the first experiment carried out during the days of Nehru. Again in 1959 the Government formed by Mr. Nambudripad was toppled in Kerala. Could they justify that? Now, again, Mr. Stephen says that toppling is his birthright. He says: You can also try. Where are we heading to?

Sir, I charge the party which is at the helm of affairs at the Centre with having converted the political arena into a political market where the MLAs and legislators could be purchased like commodities. The people will lose faith in the system. (*Time Bell Rings*). What will happen? Sir, one legislator was gheraoed and was attacked and assaulted in Bangalore. I do not support violence. But this is the trend among the people now. A very good film in Malayalam, "Enadu" has depicted how the defectors are

punished by the people. That will happen in the future. But he has said that they will topple any Government. Do not forget that the people are the ultimate judges. If you do not check this trend now, then you will be toppled and thrown out.

Sir, in this context, I would like to know from the honourable Minister whether the view of Mr. Stephen is his personal view or the view, the official view, of the Congress Party. I would also like to know from the Government whether they are for a probe into this affair by a Judge of the Supreme Court. Anyhow, Sir, I condemn in the strongest terms possible what has happened in Karnatāka, the defection engineered by the Congress (I), at the behest of the high command in Delhi.

MR. DEPUTY CHAIRMAN: Yes, Mr. Rameshwar Singh.

श्री रामश्वर सिंह (उत्तर प्रदेश) :
उपसभापति महोदय, मुझे अफसोस इस बात का है कि भण्डारे साहब बोले और बोलकर चले गये। उसको चाहिए था कि वे हम लोगों की भी बात सुनते। हम लोग दल-बदल के सम्बन्ध में क्या राय रखते हैं वे इसको भी सुनते। वे एक बड़े अच्छे एडवोकेट माने जाते हैं, वे एडवोकेट नहीं हैं, मैं साधारण जनता का आदमी हूँ और मेरी जो राजनैतिक सुझबूझ है उस सुझबूझ के आधार में अपनी बात कहता हूँ। एक बात जो उन्होंने कही वह बात हमारे हक में जाती है कि इस देश की जनता जनतंत्र में इतनी आस्था रखती है कि पढ़े-लिखे लोगों से भी ज्यादा सही उसका सोच साबित हुआ है। जनता कानून की बात नहीं समझती लेकिन जनता न्याय-संगत बात समझती है। उसको दिखाई देता है कि क्या न्याय है और क्या अन्याय है, क्या सही है और क्या गलत है।

उपसभापति महोदय, पहले मैं आजादी को लेकर थोड़ी चर्चा करना चाहता हूँ

क्योंकि समय कम है। यह हम लोगों ने कभी स्वप्न में भी नहीं सोचा था, वैसे इस देश में आर्थिक बेईमानी तो है ही जो अंग्रेजों के खिलाफ लड़ी जा रही थी, पोलिटिकल बेईमानी भी है और समय-समय पर इस तरह का वातावरण बना ही रहता है। इन चीजों से छुटकारा पाने के लिये हम इस देश में एक लोकतांत्रिक व्यवस्था की स्थापना करना चाहते थे और चाहते थे कि इस देश में हमारा अपना हुकूमत अपनी सरकार बने। यह महात्मा गांधी की कल्पना थी। आजादी के बाद मैं शुरू करना चाहता हूँ कि फिसलन शुरू कहां से हुई, यह दल-बदल की प्रक्रिया कहां से शुरू हुई। दल-बदल की प्रक्रिया शुरू हुई केरल से। उस वक्त पंडित जवाहरलाल नेहरू प्रधान मंत्री थे। एक राज्य में गैर-कांग्रेसी सरकार थी और वह भी अल्पमत की सरकार थी, समाजवादी सरकार थी। सबको अच्छी तरह से मालूम है कि उस वक्त जो समाजवादी सरकार वहां पर बनी थी, उस पार्टी के अन्दर इस बात पर बहस चल रही थी कि अल्पमत की भी सरकार अगर सही काम करे तो उसको काम करने देना चाहिए। इसका प्रयोग हम लोगों ने केरल में करना चाहा लेकिन वहां पर हमको काम नहीं करने दिया गया। वहां का पहला दलबदल पट्टम भानु पिल्लई से कराया गया। पट्टम भानु पिल्लई से जब दल-बदल कराया गया तो उसी वक्त हम लोगों ने शंका व्यक्त की कि इस देश में जो मौजूदा सरकार है यह सरकार, जनतंत्र को नहीं चलने देगी। अब ज्यादा दूर जाने की जरूरत नहीं है। दुनिया के इतिहास में हमने कहीं नहीं सुना है न तो हम ने कहीं सुना है और न हमने कहीं पढ़ा है अगर सुना है पढ़ा है

[श्री रामेश्वर सिंह : श्रीमन यह बेखा है तो अपने देश में हमने देखा है कि जो पार्टी राष्ट्रपति के चुनाव में जिस उम्मीदवार का नाम प्रस्तावित करती हो जैसे कि संजीवा रेड्डी का नाम उन्होंने प्रस्तावित किया और जब वोट देने का समय आया हमारे उम्मीदवार श्री बी० बी० गिरि को वोट दे कर के जिताया । (व्यवधान) आप बोलिये मत । आप हमारी बात सुन लीजिए । भंडारे जी जब बोल रहे थे तो मैंने कुछ नहीं कहा । मैं कहना चाहता था लेकिन नहीं कहा । तो यह किस ने करवाया ? आपने अभी ऐसी परम्परा को तोड़ा है आपने जनतंत्र के मूल-आधार पर हमला किया है मर्यादा को आपने तोड़ा है और यह इसी बात का खतरा हम लोगों को है । श्री शिव चन्द्र झा ने जो वापिस बुलाने के लिए जो बिल पेश किया है मैं उस पर परसों बोल रहा था उस पर भी मैंने कहा था कि यह प्रश्न डिफ़ेक्शन का इसी से जुड़ा हुआ है । ठीक है आप ऐसा कानून मत बनाइए आप दल बदल पर अकुंश मत लगाए । आप संविधान में ऐसा प्रावधान मत करिये लेकिन संविधान में अगर नहीं कर सकते तो जनता को अधिकार दे दीजिए कि जो दल बदल करे वह पुनः जनता के बीच में जाए और जनता से अपने प्रतिनिधित्व की स्वीकृति लेकर फिर आए । आप यह अधिकार दे दीजिए जनता को । रामेश्वर सिंह अगर दल-बदल करेगा, रामेश्वर सिंह अगर कांग्रेस पार्टी ज्वाइन करेगा तो उसके ऊपर बाध्पता होनी चाहिए । हम को पुनः अपने चुनाव क्षेत्र में जा कर कहना चाहिए कि हम क्यों कांग्रेस पार्टी में जा रहे हैं हम को आप हक दो कि मैं जाऊँ या नहीं । जनता अगर इजाजत देगी तो हम बेशक चले जाएँ । जयप्रकाश नारायण ने इस बात को क्यों कहा । मैं अभी मधु लिमये की पुस्तक देख रहा था मैं ।

कहना नहीं चाहता हूँ, अभी आडवाणी जी ने मधु लिमये का जिक्र किया कि मधु लिमये जी ने कहीं नहीं कहा है कि दल-बदल न रोका जाए । केशवानन्द भारती के केस का उन्होंने जिक्र किया है । मधु लिमये भी कहते हैं कि दल-बदल एक भ्रष्टाचार है और उस पर पाबन्दी लगनी चाहिये उस पर अकुंश लगना चाहिये । आपने पट्टम थानु पिल्लई से दल-बदल करवाया । फिर आपने राष्ट्र-पति चुनाव में यही काम किया । उप-सभापति महोदय, हमारे सिर पर यह सारी बात मुजरा है । अभी तक हम लोग दो ढाई साल सत्ता में रहे हैं लेकिन उसको भी हम ठीक से न चला पाए मैंने पहले भी कई बार कहा है कि हम आपस में लड़ते रहे और चला नहीं पाए । जहाँ पर एन्सोल्यूट जनता बैठती हो वह कोई सरकार नहीं थी वह जनता की सरकार थी । 1952 से ले कर अब तक आप एक भी ऐसा कैंडिडेट बता दीजिये जो आपकी पार्टी से पौने पाँच लाख वोट से जीत कर आया हो ? मैं उस जमाने की बात करता हूँ जब आप सत्ता में थे । पंडित जवाहरलाल नेहरू के समय से आप रूलिंग पार्टी में हैं । आप एक नाम बता दीजिये ? लेकिन मैं आपको बीसियों नाम गिना सकता हूँ जो तीन-तीन, चार-चार और पौने पाँच लाख वोट से जीत कर आए । वह जनता की सरकार थी । लेकिन कहने का मतलब यह है कि आपने क्या किया ? हरियाणा में हम बहुमत में जीत कर आए, हम 35 जीत कर आए और इन के 33 जीत कर आए और भारतीय जनता पार्टी को साथ ले कर हम 46 हो गये (व्यवधान) हम को दो तीन मिनट और दीजिये (व्यवधान)

श्री उपसभापति : घड़ी हम देख रहे हैं । परसों आपका भाषण बड़े विस्तार से हो गया है उसको दोहराई नहीं ।

श्री रामेश्वर सिंह : श्रीमान यह बहुत महत्वपूर्ण विषय है। मैं दो मिनट का समय और लूंगा।

एक माननीय सदस्य : अभी तो उन्होंने शुरू किया है।

श्री उपसभापति : घड़ी हम देख रहे हैं। आपका भाषण बहुत विस्तार में हो गया है। अब आप इस विषय पर कुछ पूछिये।

श्री रामेश्वर सिंह : यह बहुत महत्वपूर्ण विषय है।

श्री उपसभापति : इस मामले पर दो घंटे बहस तो हो चुकी है।

श्री रामेश्वर सिंह : हम भंडारे जी से एग्री नहीं करते हैं। अगर उनकी बात हम मान लेंगे, तब तो हमारा अन्तर्ग हो जाएगा। मुझको दो-तीन मिनट और बोलने दीजिए।

मेरे कहने का मतलब यह है कि हम 35 जीत करके आए और वर्तमान पार्टी जो सत्ता में है वह 37 जीत करके आई और बी०जे०पी० के पांच और कुल मिला कर के हमारे 46 हो गये। हमने 46 की लिस्ट आपको दी थी और आपकी पार्टी ने केवल एक लिस्ट पेश कर दी, सिंगल पार्टी के दो मेम्बर बढ़ा करके 36 कर दिये, यानी दो या एक ज्यादा थे उनके। वह उनके दल का आदमी भी नहीं था। दूसरे का नाम देकर लिस्ट पेश करके और लिस्ट के आधार पर आपने अपनी सरकार बना ली। यह राज्यपाल का भ्रष्टाचार नहीं है क्या? जब राज्यपाल के द्वारा भ्रष्टाचार करवायेंगे—एक बात और मैं बहुत महत्वपूर्ण कहना चाहता हूँ—माननीय आडवाणी जी यहां पर बैठे हैं, इनारे नेता हैं, मैं उनको आगाह करना चाहता हूँ—यह सम्भावना है कि जनवरी

1984 में मिड-टर्म पोल यह करवायेंगे, नहीं तो 1985 में करवायेंगे। मैं मान कर के चलता हूँ कि 1985 में करवायेंगे। यह जब भी करवायेंगे... (व्यवधान)

श्री हरी शंकर मामड़ा (राजस्थान) : शायद नहीं भी करवायेंगे।

श्री रामेश्वर सिंह : जब भी आप चुनाव करायेंगे, तो सारे विरोधी लोग—मैं यह तो नहीं मानता कि चुनाव नहीं करवायेंगे—और नतीजा आपको मिल चुका है—जैसे फरवरी 1984 या 1985 में करवायें, वह तो करवाने ही हैं।

मेरा कहना है कि आज स्थिति क्या है। आज 32 प्रतिशत वोट आप को कुल मिला है। 32 प्रतिशत वोट पर आपकी सरकार चल रही है। यह अखबार में आ गया है, दुनियां जान गई है कि आप कैसी बेईमानी करते हैं और करवाते हैं। लेकिन आप क्या यह करने वाले हैं... (व्यवधान) इससे भी आपका मन पूरा नहीं हुआ है, आप को सोच कहां है, वह मैं थोड़ा सा कह करके बैठ जाऊंगा। अभी तो आपकी हुकूमत 32 प्रतिशत पर चल रही है। अब क्या होगा कि सारी अपोजीशन पार्टियां मिल करके अगर 350 सीट जीत करके सारी अपोजीशन आ जाए इन्कलूडिंग सी०पी०आई०, सी०पी०आई० (एम०), जनता और बी०जे०पी० और हम लोग सारे मिल कर के 350 हो जाए और आपको मिले 130... (व्यवधान)

श्री उपसभापति : यह सारी डिटेल्स छोड़िये। यह बहस नहीं है। अब आप समाप्त करिए।

श्री रामेश्वर सिंह : अच्छा, डिटेल्स में नहीं जाता हूँ। अगर कांग्रेस पार्ट को 150 सीट मिलें, जब किसी एक पार्ट से अगर दो भी ज्यादा रहेगी तो...*

SHRI BUDDHA PRIYA MAURYA: Sir, this is something very objectionable. This is the limit. He is unnecessarily involving the President:

MR. DEPUTY CHAIRMAN: That portion regarding the President will not be recorded.

श्री उपसभापति : अच्छा, अब समाप्त कीजिए ।

श्री रामेश्वर सिंह : मैं यह कह रहा हूँ कि मान लीजिए अपोजीशन के सारे लोग लड़ते हैं... (व्यवधान) अच्छा मैं अपने शब्द वापस लेता हूँ ।

3 P.M.

श्री उपसभापति : यह बड़ी बुरी बात है। सदन में एक आदमी बोले एक समय में। (व्यवधान)

श्री रामेश्वर सिंह : मैं उसको वापस लेता हूँ। आपको तकलीफ न हो। लेकिन, दल-बदल की प्रक्रिया आपने शुरू की। जिस तरह से आप पैसे की राजनीति कर रहे हैं उस पर अंकुश लगाना चाहिए। ऐसा कानून बने, संविधान में ऐसा प्राविजन डालिये कि जो भी उम्मीदवार जीत कर आये उसके सम्बन्ध में या तो जनता को हक दीजिए वापस बुलाने का या संविधान में ऐसा प्राविजन करिये कि वह आदमी दल-बदल न कर सके। क्यों? क्योंकि अगर हम जनतन्त्र को मजबूत करना चाहते हैं तो दल-बदल पर अंकुश लगाना ही होगा। इन्हीं शब्दों के साथ मैं अपनी बात समाप्त करता हूँ।

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI JAGANNATH KAUSHAL): Mr. Deputy Chairman, Sir... (Interruptions)... the Calling Attention Motion is confined to two things: The need for electoral reforms with special reference to defections, and a number of other matters have also been raised and discussed and an incident which happened in Karnataka has

been given undue prominence in the speeches made by the hon. Members. But all of us know that that incident cannot legitimately be discussed here. And that is why an opportunity has been taken by the hon. Members only to draw attention to that particular matter which they say that since such things are reported to be happening, there is a need for us to have a look at our election law so that the defects which have come to our notice are removed. Mr. Deputy Chairman, Sir, all that I want to say is this. With regard to that particular incident it will be very difficult for any House to pronounce as to whether the allegations made by one party and denied by the other party...

SHRI A. G. KULKARNI: Why don't you institute an enquiry?

SHRI JAGANNATH KAUSHAL: ... the counter-allegations made by one party and denied by the other parties, whether we are in a position to enquire with our limited means of enquiry. This House obviously is not holding an enquiry, and it is totally injudicious to accept the allegations which are denied. The whole debate sometimes proceeds on that basis as if the allegations represent the real truth.

SHRI LAL K. ADVANI: Mr. Deputy Chairman, Sir, we are not deciding any issue. But the point simply is that the Chief Minister has written to the President and the Prime Minister making certain allegations. And furthermore, I would say that there is a counter-allegation made in this House that the tapes have been fabricated. That I would think it is a still more serious thing and in either case the truth must come out. The Government is in a position to institute an enquiry. You can only say whether you propose to institute an enquiry or not.

SHRI A. G. KULKARNI: That is what we are asking.

SHRI JAGANNATH KAUSHAL: I have the greatest respect for you. I

have not yielded. You have just interrupted. When you were speaking or other hon. Members were speaking, I have been listening calmly, coolly, and with patience, with admiration to all that you say.

श्री लक्ष्मी नारायण (दिल्ली) :
इन्की जन्मपत्ती में लिखा है इन्टरस्ट करना ।

SHRI JAGANNATH KAUSHAL:
Please. Therefore, what I was trying to submit to the House with all humility was that that particular incident is not under enquiry at all. We cannot hold an enquiry into that incident because that concerns the Member of a State Legislature. Each one of us knows it. The only advantage which the hon. Member, certainly can take is this, that certain things are happening and that we should make note of them. Now, with regard to the defection matter itself, I thought my statement should satisfy every one. On the other hand, it has been characterised as disappointing of all the persons, Advaniji has been disappointed. I think now what we have stated is this: An effort has been made to enact the anti-defection law right from 1967. It was one of the Congress Members, Mr. Venkatasubbaiah, who initiated the matter. On that a committee was appointed. On that a Bill was drafted. The Bill was sent to a Joint Committee. Unfortunately, it could not go through. Then, when the Janata Government came into power, they did the same exercise. Again a Bill was drafted. Again that Bill was introduced in the House but because of the opposition from their own Members they immediately came to the House and took the permission to withdraw the legislation. Why I have brought all these things to the notice of the House is not for the purpose of saying that defection as a doctrine is a laudable doctrine. The purpose in bringing the history of this anticipated legislation or intended legislation to the notice of the House is only one: It is a highly complex question. Of course, it is open to the

hon. Members to draw their own conclusions. They can say, why not bring a half-way legislation? And, I am surprised, the Chief Election Commissioner has said, please bring forward a legislation even though it may be an imperfect legislation, even though it may not be a proper legislation or even though it may be a half-way legislation. With respect to the high authority of the Chief Election Commissioner, I am not prepared to share his views and the reason is much too obvious. The legislation has to be brought forward not in a half-way manner or half-baked manner. It has to be brought about with proper deliberations and when there is a consensus in the parties. Now, what I have stated is this and I thought that the debate should not very much proceed further. I have said that whatever has happened earlier, you please forget about it. In the present regime, the present Home Minister, who, in fact, is the concerned Minister regarding defections, because this does not technically speaking, form a part of the electoral law, it is only after the elections are over that the defection starts, went into that matter and referred this matter to the Cabinet Sub-Committee, which is already going into the whole gamut of election law and I have stated that the present sub-Committee of the Cabinet has formed tentative conclusions. The only point on which I am stuck up is whether I should come to the opposition only for discussing these conclusions at which we have arrived at, or I should come to the opposition when a comprehensive thinking on our part is over. I still feel that coming piecemeal to the opposition will not be of much benefit. The other matter that I have been assuring the House over and over again, that I am trying to expedite and yet I have not succeeded, still remains. I am still at it. I have not left my efforts and I do beseech the House not to doubt my intentions. I am very sorry when hon. Members say that they are beginning to doubt the intentions of the Government. I assure you that the

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Government is as much interested in trying to improve the electoral process as anybody else is. But the Government is very firm in its declaration that everything is not bad in the State of Denmark. If you want to convey the impression that the whole electoral process is full of corruption, I strongly repudiate. There are allegations here and there; by and large, our electoral process has yielded good results and it has stood the test of time. Each one of us is the product of that election. Surely, don't condemn everybody; surely, don't condemn everyone because everybody has come to the House through proper method; surely, don't say that all elections are held in a vitiated atmosphere. There are certain pockets, there are certain people, there are certain parties who, inspite of all the laws to the contrary, go on breaking the laws with impunity. That is the unfortunate feature of our present day society. And the reason is much too obvious. Courts, do go into those matters. After the elections whenever there are charges of corrupt practices, the courts do go into the matter. It is known to each one of you. How many election petitions succeed? And why don't they succeed? It is because you and me are not prepared to come forward to state the truth. Therefore, all I can say to the hon. Members is this. Please don't convey an impression to the people of our country as well as to the people abroad that our electoral process is full of corrupt practices. Please note that you are in this way harming the democracy. In order to bring a good name to your country, you are, by this wholesale condemnation, trying to do a disservice. Have a balanced view. You are entitled to say that elections by and large take place properly, but there are loopholes which should be plugged. I am one with you because I also believe that like any law, electoral law also needs reforms continuously. As and when defects come to the notice, it is the duty of Parliament to try to plug those defects, and

we are trying to do it. I am reminded of a statement which Lord Heltiam, Lord Chancellor of England gave while participating in the conference at Hong Kong. He addressed a Law Reform Commission and said: "I am surprised that we why have a Law Reform Commission? Does it postulate that the law is so bad?" Does it postulate it? He said, "no, law needs constant brushing; law needs constant looking into and needs constant supervision in order to improve the quality of law. If some defects come to our notice, we can get rid of them. But what I submit is this. The present Government is at it. Present Government is looking into the entire gamut of election law, including the law of defections. One of my friends tried to get rid of the opinion of Mr. Madhu Limaye or Mr. Hriday Nath Kunzru by saying that in those days their opinion may be correct, or those people may have their own opinion and others don't agree. I am also not saying that you agree with what they say. But when eminent men talk, then we have to apply our mind to what they say. Another person—I do not know whether you would like it or not—who appeared before that joint committee was Mr. Palkhiwala, and if the House permits please give me the indulgence of reading what Mr Palkhiwala says. You may or maynot agree.

SHRI G. C. BHATTACHARYA (West Bengal): That is where he became expert in election laws; he did not fight any election...

SHRI JAGANNATH KAUSHAL: Have patience. Our difficulty is that we do not calmly, coolly and dispassionately examine a particular doctrine.

SHRI G. C. BHATTACHARYA: People refuse to accept him the authority of elections and that is all.

SHRI JAGANNATH KAUSHAL: Have I said he is the authority?

SHRI G. C. BHATTACHARYA: You are quoting him.

SHRI JAGANNATH KAUSHAL:
 All right; if you don't like, I have the indulgence of the House to quote him. Now, this is what he says:

"The Bill falls into three distinct parts. Firstly, the Chief Minister of a State and the Prime Minister of the country should belong to the lower House. Second, the question of political defections. Third, the freedom of an elected representative of the people to vote according to his own conscience and apply his own mind to the problem."

He has no strong views on the first point, though he sees no particular virtue in making it a flexible rule of Constitutional law. On the second part of the Bill, with which we are concerned, he says:

"Dealing with defections, is most misconceived. Even the Committee on defections which consisted of a variety of distinguished men from different walks of life and belonging to different political persuasions from the whole spectrum of left and right beliefs did not recommend this kind of a disqualification. A man may have genuine differences of opinion with his party and resign from that party on honest and conscientious grounds. Must such a man pay the penalty and lose the Membership of Parliament? Again, a man gets elected on a political party ticket. That party deviates from its own policy which it has adumbrated to the people at the election time. Here, the defector is the party and not the individual. Further, an Independent Member decides to join a political party in Parliament or in the State Legislature. If he joins the party, he must resign from that party later on though his election had nothing to do with that party. This is an amazing provision. Whatever may be done about the defections in the case of a man who got elected on a party ticket, there is no justification whatsoever for applying that provision to a man who

never got elected on that party ticket."

He goes on and on. His speech runs into three pages. And he has used a very strong language. At one place, he says:

"In the entire history of law, in the entire history of the Constitutions of a hundred odd countries, which survived in the world and have been in existence in the past year, never has the Constitution contained such a provision."

And may I bring to the notice of the House...

(Interruptions)

SHRI SANKAR PRASAD MITRA
 (West Bengal): How many years ago, did Mr. Palkhiwala say this?

(Interruptions)

SHRI JAGANNATH KAUSHAL:
 In the year 1975. If some people have closed minds... *(Interruptions)* I am not yielding.

Now, the other thing which I am trying to bring to your kind notice is this. Only two countries in the world have anti-defection law. One is Kenya and the other is Bangladesh. No third country of the world has an anti-defection law. And may I only ... *(Interruption)* with your permission, read what a student of history has to say on this, who has tried to collect information on the state of law in different parts of the world. In England, which according to us, is the mother of democracy, there are some very important and interesting incidents which he has mentioned. I may only mention one or two.

(Interruptions)

SHRI HAREKRUSHNA MALLICK:
 This means the Law Minister is favouring defections.

(Interruptions)

SHRI JAGANNATH KAUSHAL:
 Now, I will read his summing up—this is only a few lines—and then I

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will bring to your notice a few startling incidents which he has mentioned. He says:

"There is nothing unusual in defections in a free democracy. They are an inevitable concomitant of the party system much more so of a multi-party system and are, in fact, as old as the oldest parties."

Now, he has mentioned two very important incidents. One is regarding Gladstone. This is what he says:

"William Gladstone regarded as the greatest British Statesman of the 19th Century, and the grand old man of liberalism himself began his Parliamentary career as a conservative Member when he was elected to Parliament in December, 1832. During Peel's second Ministry, he crossed over to the liberal side and was made the Vice President of the Board of Trade and later on Secretary of State for the Colonies. Gladstone lived to be the Prime Minister of the country four times."

SHRI M. KALYANASUNDARAM (Tamil Nadu): Sir, on a point of order. We have great respect for our Law Minister and we are prepared to listen to his sermons on electoral reforms. But the immediate cause, the recent cause, for provoking this debate in this House is the purchasing of MLAs by paying money.

SHRI A. G. KULKARNI: That is the issue. Rabid use of money in elections.

SHRI M. KALYANASUNDARAM: The incident that took place in Karnataka has been hotly debated. We want to know what the Government proposes to do. Will they appoint a Commission of Inquiry to go into the details and present a report before the House? That is more important than taking lessons from electoral reforms and from the democratic systems prevailing all over the world.

MR. DEPUTY CHAIRMAN: He has already spoken on that aspect and he may do so later on.

SHRI JAGANNATH KAUSHAL: Mr. Deputy Chairman, Sir, I am very sorry to say that even the senior Members think that I am giving sermons to the House. I am very sorry. We should not enter into a debate if we do not have any patience to hear. I did say in the beginning and you should feel satisfied with this statement of mine that our Committee has formed tentative conclusions and we are prepared to share them with you. The only point of difference is whether I should come to you only on matter of defections or I should come to you when a comprehensive law is thought of so far as we are concerned. For the moment, my thinking is that I should come to you when we have a comprehensive thinking on the whole matter.

SHRI M. KALYANASUNDARAM: We are prepared to meet.

SHRI JAGANNATH KAUSHAL: The hon. Member has been pursuing this question of electoral reforms relentlessly—I am referring to my hon. friend Mr. Advani—and he is very much disappointed because I have not been able to fulfil my assurances. I can accept that there has been delay, but please mind it that delay does not mean lack of good faith.

Regarding this question which is being raised by our friends again and again that Mr. Hegde is asking for an enquiry, why can't Mr. Hegde himself appoint an enquiry committee?

SHRI M. KALYANASUNDARAM: The allegation is that the whole thing is fabricated. It is alleged that Mr. Hegde fabricated the whole thing.

SHRI JAGANNATH KAUSHAL: Now with regard to black money power or money power or the money spent on this thing and that thing, when so many Members speak and I do not give a reply, they say that I have not tried to give a reply. So, I am giving the reply that these are

all tentative matters over which our firm view will only be brought before the House when our Cabinet has taken a tentative decision that these are the conclusions at which the Government has arrived. But again those will be tentative conclusions. We shall not tinker with the election law unless the opposition produces a consensus. The opposition and the ruling party will have to sit round a table, exchange views, deliberate on all complex, vital matters of election reforms, and if consensus is produced, we will go whole hog to bring about those reforms. But if consensus is not there, then as I have said in my statement and I stick to it, the remedy will be worse than the disease. This law has stood the test of time for all these years. Unless you improve it, bring about a real improvement, it will be a futile exercise to go on talking that this reform is good or that reform is good, although these reforms are half-baked yet, they have to be tested. That is why I was saying that I will give tentative views on both sides.

Now somebody says that the Government should take upon itself the course of funding the election. All friends are saying so. Now look at the very many shades of the question. We will have to be gone into whether the parties have to be funded or even a candidate has to be funded, whether the independent candidates have also to be funded. Against me, in a small constituency of Chandigarh, there were 39 candidates. And some, ultimately, did not get even four votes. Now their entire expenses will be borne by the State. Then there was a proposal that, please do give all funds but later on if people forfeit their security or people do not get a particular number of votes, please ask them to refund the amount. As I say all these matters need proper consultation, deliberation and then passing of the laws. Therefore, my very respectful statement to the House is, and I have stated it over again and again that Government will certainly come

to you. It is not that the matter is lying in some archives. The matter is under our active consideration and because of the difficulties sometimes we have not been able to finalise our views. I need not repeat that money does play a part. Now the State start financing you and me. But still a person who has more money can still spend his money over and above the money which is given to him either by the Government or by somebody else. I say all these matters are—I am not against one doctrine or the other, I am open to debate—all I am saying is that these matters are of vital, complex nature, please don't try to simplify them. And that is why, I admire Mr. Advani because he has been relentlessly pursuing in all the Committees. In the Consultative Committee, he takes every opportunity to bring it forward. Similarly in the other House we are at it and I need not go on repeating that thing over again and again, I will try to finish the exercise as soon as possible, but please help us later on in producing a consensus. And if I bring to your notice some views of wisemen, eminent men, whether you agree or not, my only purpose was to show that it is not one-sided affair, there are views on both sides and all of you have again said, "defections only to a very limited extent you should try to plug, the rest you cannot just help". Does not matter, if there is a consensus that only this much is good enough, we can accept it. I have no inhibitions one way or the other. On the other hand, the idea is to improve our electoral process.

Much has been said regarding the statement of Mr. Stephen. I had heard the whole statement in the other House. There he made the statement and Mr. Sezhiyan was frank enough to say that this is correct, it is the right of the Opposition to topple the Government in power...

SHRI ERA SEZHIYAN: ... in a legitimate way.

SHRI JAGANNATH KAUSHAL: You only qualified it later on. And what did Mr. Stephen say? The same thing.

SHRI M. KALYANASUNDARAM: Only through democratic method. You rouse the people against the Government.

SHRI JAGANNATH KAUSHAL: That is what I am saying. If you had read his whole statement, this is what he said. He said that this Government, when it fought the election, it did not have more seats than the Congress. It had lesser number of seats; Congress had greater number of seats...

SHRI ERA SEZHIYAN: What about Kerala?

SHRI JAGANNATH KAUSHAL:and yet it formed the Government. Now you shift to Kerala. Is that the way to argue?

SHRI ERA SEZHIYAN: Yes, yes.

SHRI JAGANNATH KAUSHAL: We are now arguing Karnataka.

SHRI A. G. KULKARNI: What about Bhajan Lal?

SHRI ERA SEZHIYAN: You have one logic in Kerala; another in Karnataka.

SHRI JAGANNATH KAUSHAL: Now it is Bhajan Lal.

SHRI HARKISHAN SINGH SURJEET: It is a question of interpretation.

SHRI A. G. KULKARNI: Rabid use of money—that is what we are objecting to and you are trying to hide, you are trying to defend Mr. Stephen.

* * *

SHRI JAGANNATH KAUSHAL: Mr. Kulkarni, you also belong to that category for whom I have great

respect, But to interrupt and try to convince by only raising the loud voice does not work with me.

SHRI A. G. KULKARNI: I am not raising my voice. You are not replying to the basic point that we have made here. You are not replying; you are avoiding that.

SHRI JAGANNATH KAUSHAL: All right, it is not...

श्रीमती सरोज खापड़े (महाराष्ट्र) :
श्रीमन्, श्री कुलकर्णी साहब ने कहा है कि * * *
इस शब्द पर मुझे आपत्ति है। इसलिये मेरा अनुरोध है कि इस शब्द को हाउस की कार्यवाही से निकाल दिया जाये।

SHRI A. G. KULKARNI: I said his statement is “I never used”

MR. DEPUTY CHAIRMAN: All right, I will see to it. It will be deleted if it is used in that way. If you said it otherwise, I will see to it.

SHRI JAGANNATH KAUSHAL: Now, with only one submission I am completing. Mr. Stephen has said one thing. He said, “This Government is a Government which has got a number of other parties with them. So many people have been given Ministership and so many people have been given chairmanship but the minorities are dissatisfied with this Government.” He quoted one leader of the minority party, who was a very important member of the Devraj Urs group. He says a press conference was held by him where he said...

THE DEPUTY MINISTER IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI GHULAM NABI AZAD): He is a Minister at the moment.

SHRI JAGANNATH KAUSHAL: Now he is a Minister. He said, “You are not protecting the rights of the

minorities. We are disillusioned." And Mr. Stephen said, "Well, if a Government behaves in a manner where its own component parts are disillusioned and if we tell those people, 'If you are disillusioned why not pull down this Government', 'what is wrong about it?'... (Interruptions)... Therefore, the point ultimately boils down to this.

SHRI A. G. KULKARNI: Money power.

SHRI JAGANNATH KAUSHAL: Don't ask me to say about it because I refuse to enter disputed areas. But if you ask me to enter the disputed area, I am not at all satisfied with regard to the tape, etc., and the story regarding the money. At the very end of his speech, Mr. Bhatia brought to your notice how just when the whole thing was finished, somebody said "Is it two lakhs?" and later on they say "Buzzing buzzing, buzzing; the wrong button was pushed." Well, our experience of law courts and our experience of things is that... (Interruptions)... Please don't ask me to comment on this issue because this issue is not under inquiry by this House. This issue is incidentally before you in order to see that an Anti-Defection law is made, and I have given a categorical assurance to the House that we will come to the opposition parties, deliberate with them, try to find a consensus and then enact a law. Thank you very much.

SHRI ERA SEZHIYAN: One specific point I have made. All the statements he made belong to an era before 1980. After 1980 he says, it is under active consideration, a sub-committee has come up with some tentative proposals. May I know how long this active consideration will take and when he will come before the House with specific proposals on this subject?

SHRI LAL K. ADVANI: I have quoted him saying "By the end of 1982." Now, what is the kind of amendment he would like to make?

MR. DEPUTY CHAIRMAN: I think he has clarified that in his speech earlier. Now the discussion is over. Now, personal explanation by Mr. Sat Paul Mittal.

PERSONAL EXPLANATION BY SHRI SAT PAUL MITTAL

SHRI SAT PAUL MITTAL (Punjab): Sir, I am taking this opportunity to clarify my position. The Chief Minister of Karnataka, in a press statement on the 14th instant... (Interruptions)... I have the permission; I am not yielding.

MR. DEPUTY CHAIRMAN: It is a personal explanation.

SHRI SAT PAUL MITTAL: This is a personal explanation. I have been permitted by the Chair.

Sir, the Chief Minister of Karnataka, in a press statement on the 14th instant, while accusing Mr. Moily one thing or the other, has said—here I would like to quote from the *Indian Express* dated the 15th:—

"While accusing Mr. Buta Singh Union Minister, of operating from Pondicherry, Madras, Goa and personally visiting Bangalore, in the so-called campaign of toppling the Government, he said another Congress (I) M.P., Mr. Sat Paul Mittal was here on Saturday."

Now he has expressed his intention to approach the President and the Prime Minister of India for inquiry. Sir, through you and the good offices of this House, I have approached the Chief Minister of Karnataka to prove his charge or otherwise apologise. Sir, he has no business. He has been a Member of the House and I have regard for him. Most of those who are sitting in the opposition parties belonged to the Congress culture and at one time the other they were Congressmen. They have now gone to the wrong path, misled by many events. I Ramakrishna Hegde, who is now