

Reddy, Shri Mulka Govinda Sheikh,  
 Shri Ghouse Mohiuddin Singh, Shri J.  
 K. P. N. Singh, Shrimati Pratibha  
 Sujan Singh, Shri Sukul, Shri P. N.

*The motion was negatived.*

*(Interruptions,)*

MR. DEPUTY CHAIRMAN; Order,  
 please. *(Interruptions)* Mr. F. M. Khan...  
 Not here... *(Interruptions)* Mr. Shiva  
 Chandra... Not here. *(Interruptions,)*

**CALLING ATTENTION TO A MAT-  
 TER OF URGENT PUBLIC  
 IMPORTANCE**

**Delay in holding the long overdue  
 ..Election to the Delhi Metropolitan  
 Council and the Bye-election in the  
 Garhwal Parliamentary Constitu-**

MR. DEPUTY CHAIRMAN; We shall  
 now take up the Calling Attention. I  
 think, the hon. Members know that the  
 Calling Attention is still going on in the  
 other House. So, we shall start it and. . .

SHRI LAL K. ADVANI (Gujarat):  
 And call the other Minister also.

AN HON. MEMBER: Why did Mr.  
 Laskar go?

THE MINISTER OF LAW, JUSTICE  
 AND COMPANY AFFAIRS (SHRI  
 JAGANNATH KAUSHAL): He has  
 gone to bring the Home Minister.

SHRI LAL K. ADVANI; You are sing  
 a Deputy Minister for this purpose?

MR. DEPUTY CHAIRMAN; You  
 please start. He will be coming.

SHRI LAL K. ADVANI: Sir, I rise to  
 call the attention of the Minister of Law,  
 Justice and Company Affairs to <he  
 delay in holding the long over 4a>  
 Auction \*» the Delhi Metropolitan

Council and the bye-election in the  
 Garhwal Parliamentary Constituency.

Sir, before the hon. Minister makes a  
 staement, I would like to point out a  
 small error and discrepancy in the  
 formulation because I had referred to the  
 delay in holding long over-due elections  
 in Delhi and in Garhwal because I had in  
 mind not merely the Delhi Metropolitan  
 Council elections but also the Delhi  
 Municipal Corporation elections as they  
 also come under the purview of the  
 Central Government and they are not  
 outside the purview of the Central  
 Government And my phrasing and  
 formulation wag for Delhi and Garhwal  
 whereas this is confined to the Delhi  
 Metropolitan Council. So, I am sure you  
 will allow me to put questions on that  
 also.

SHRI JAGANNATH KAUSHAL: Sir,  
 the hon'ble Members have raised two  
 distinct issues, and it would be convenient  
 to deal with them separately. I would like  
 to deal first with the circumstances  
 leading to the delay in holding the  
 election to the Delhi Metropolitan  
 Council.

The Delhi Administration Act, 196ft  
 which provides for the Metropolitan  
 Council of Delhi entrusts the respon-  
 sibility for the conduct of elections to the  
 Metropolitan Council to the Election  
 Commission. Under section 7 of the Act,  
 the persons entitled to vote at election of  
 Members of the Council shall be the  
 persons entitled by virtue of the  
 provisions of the Constitution and the  
 Representation of the People Act, 1950 to  
 be registered as voters at elections to the  
 House of the People The same section  
 envisages the use of the electoral rolls for  
 the Parlia mentary constituencies for the  
 purposes of elections to the Metropolitas  
 Council also. Secion 9 of the Ac\* makes  
 the provisions of Part I and Parts m to XI  
 of the Representation of the People Act,  
 1951 and of any rules and orders made  
 thereunder lot the time being in force  
 applicable to an election to the  
 Metropolitan Council in the same manner  
 as they apply

in relation to an election to the Legislative Assembly of a State subject, however, to such modifications as may be directed by the Central Government after consultation with the Election Commission.

The President, by an order made on the 21st March, 1980 under section 31 of the Delhi Administration Act 1966 directed *inter alia* the dissolution of the then existing Metropolitan Council and also suspended the various provisions of the said Act relating to the Metropolitan Council. This order has been extended from time to time and at present it stands extended upto 20th March, 1982.

The electoral rolls for election to the Delhi Metropolitan Council required to be revised intensively because of large scale migration of population to new colonies in Delhi since the rolls were last revised intensively. The Election Commission had issued directions to carry out special survey of all the new resettlement colonies in respect of which complaints had been received and the Commission has since allowed the period for filing claims and objections from 1st March to 8th March, 1982. The date for final publication of electoral rolls in Delhi is 25th March, 1982.

It would thus be seen that the order under section 31 of the Delhi Administration Act, 1966 would be in force till the midnight of 20-21st March, 1982 and the final publication of the electoral rolls would take place on the 25th March, 1982. Election to the Metropolitan Council can be held only thereafter subject to the decision regarding the continuance or otherwise of the Orders under section 31 of the Delhi Administration Act on the basis of the recommendation of the lieutenant Governor at that time.

I shall now deal with the holding of bye-election to 2-Garhwal Parliamentary Constituency. Under the Representation of the People Act 1951 and the Constitution it is a matter ex-

clusively for the Election Commission to determine the time when a bye-election should be completed. The House is aware of the cancellation by the Election Commission of the poll taken in June, 1981 in the Constituency as well as the subsequent postponement by the Election Commission of the poll which was scheduled to take place in November, 1981 in the Constituency.

It is now understood from the Election Commission that the Chief Electoral Officer, Uttar Pradesh, had informed the Commission that it would not be convenient to hold bye-election in the said Constituency before November, 1982 for the following reasons:—

'Holi', which is an important festival in Uttar Pradesh, falls on 9th and 10th March, 1982. Apart from this, the administrative machinery of the entire Allahabad Division is very busy, at present, in dealing with the day-to-day arrangements of the 'Ardh Kumbh' fair, which will continue till March, 1982. Thereafter, different phases of general elections for all the Block Development Committees and Zila Parishads will continue till March and April, 1982. Further, the Government will be holding elections to all Gram Panchayats in the State w.e.f. 1-3-1982 to 21-5-1982 in 6 rounds. After the elections to Gram Panchayat the, elections to 900 Block Committees and all Zila Parishads will be held from September to November, 1982.

The Election Commission has also stated that Shri H. N. Bahuguna, one of the contesting candidates from the Constituency, has sent to the Commission a copy of the relevant part of the proceedings of the Uttar Pradesh Legislative Council dated 10-2-1982, stating *inter alia* that:—

"Uttar Pradesh Government is capable of holding bye-election at any time, whenever the Election

[Shri Lai K. Advani]

Commission will say, we are ready to hold the bye-election."

The Election Commission has referred the matter to the Chief Electoral Officer [Jttar Pradesh, for his comments wliich'afe awaited.

SHRI AMARPROSAD CHAKRA-BORTI (West Bengal): Why not hold them in 1985 then?

SHRI XXL K. ADVANI; Mr. Deputy Chairman, Sir, this is, perhaps, the Law Minister's first major statement in this House, and I feel sorry for him and I sympathise with him for having agreed to become a party to this kind of a statement. I did not expect it because, in substance, so far as Delhi is concerned, the first two pages nearly s^m up for me the Delhi Administration Act. This is hardly a way of dealing with a matter of this kind. And, towards the end, the operative part says and I read:

"It would thus be seen that the order under section 31 of the Delhi Administration Act, 1966 would be in force till the midnight of 20-21 March 1982 and the final publication of the electoral rolls would take place on the 25th March, 1982. Election to the Metropolitan Council can be held only thereafter subject to the decision regarding the continuance or otherwise of the Order under section 31 of the Delhi Administration Act on the basis of the recommendation of the Lieutenant Governor at that time."

In substance, he has tried to make the Election Commission a scapegoat for all the sins committed by his Government. You read the whole thing and it amounts to saying that it is only because the Election Commission has announced this date for revision of electoral rolls, and by the 25th of March this will not be completed, so it will be only after the 25th of March 1982. that at all this question can be considered, whether to hold the elections and, that too, sub-the Lieutenant Governor's view whether the Order should be revoked or not.

Sir, I regard this as a dishonest statement so far as this first part is concerned, and I would like to make the Law Minister appreciate that this kind of a statement is trying to blame the Election Commission when repeatedly the Election Commission, during the past one or two years, has said that it is only for the Central Government to tell me to hold the elections and I am willing to hold them. Of course, they have to proceed according to a schedule so far as revision of rolls is concerned. If you don't hold elections by January - February, next year 1983 they will certainly come and say that the process of having the electoral rolls revised, is there and they will say that until March 25 is elapsed, they cannot do anything. This, I spbmit, is not fair and proper. It is in a way an insinuation on the Election Commission which the Law Minister should not have been a party to.

Sir, I may recount briefly for the enlightenment of the Law Minister if he has not recalled it fully, that in Delhi—I will deal with Garhwal later on, I merely state the facts which cannot be controverted—It was about this particular time, two years back, when the Notification for the Rajya Sabha elections had been issued. We are discussing in the Rajya Sabha and, therefore, I regard it very relevant. The Notification for the Rajya Sabha elections of 1980 had been issued already. The Delhi Metropolitan Council had been told to elect the representatives from Delhi fo, the Rajya Sabha to fill up the vacant seat that was about to be caused on 2nd April 1980. But suddenly, on the 21st of March 1980, the Central Government invoked Section 31. of Delhi Admmis-tratfen Act. And this section 31 is similar, analogous to Article 356 of our Constitution and it says;

"If the President, on receipt of report from the Administrator or otherwise is satisfied that a situation has arisen in which the administration of Delhi cannot be

carried on in accordance with the provisions of this Act, the President may by order suspend the operation of all or any of the provisions of this Act for such period as he thinks fit and make such incidental and consequential provisions that may appear to him to be necessary or expedient ... etc . . . entirely in line with Article 356, where President's Rule can be imposed on a State."

Similarly, President's Rule can be imposed on the Union Territory of Delhi under section 31 of this Act.

Sir, at that particular point of time, the Central Government held the view that the administration of Delhi cannot be run by the then Chief Executive Councillor or the Executive Councillor. My submission is it was a partisan act. It was a deliberate act to dissolve the Council because it was manned by the then Janata Party and subsequently manned by my party, the BJP. Furthermore, it was deliberately intended to deprive the Opposition of electing one member to Rajya Sabha. It was a purely partisan act. But the Central Government held that the Government of the Union Territory of Delhi is not being carried on in accordance with the provisions of the Delhi Administration Act and therefore they decided to dissolve it. Wherever else, in any State this happens, within 2 months or 3 months or 4 months, election is held. Because the earlier Council had been dissolved and the Government was no longer there, everyone expected that in Delhi also the elections would be held and the people of Delhi would be given an opportunity to elect their representatives and run their own administration. Nothing of the kind happened. Six months elapsed. On September 21, 1980, once again the President took recourse to this section 31 and said that it is not possible to carry on the administration of the State in accordance with the provisions of this Act. At that particular point of time, Janata Party was not there; BJP was not there. It was

the Central Government which was administering Delhi and nevertheless they maintained the same thing saying that it is not possible to run it in accordance with the provisions of this Act. Six months later, on March 21, 1981, for the third time section 31 is invoked, and once again the period of dissolution is extended by another six months. On September 21, 1981, for the fourth time, the period of dissolution is extended, and for another time, as always, the same Pretext is taken that it is not possible to run the administration of Delhi in accordance with the provision of this Act.

Now, who is responsible for this? Who? Not me; I was there in 1980—I mean, my party or my party colleagues. Eversince, it has been your Government, the Central Government here which has been running the administration of Delhi. And nevertheless, they have never cared even to explain to the House. I expected the Law Minister, Mr. Kaushal to turn over a new leaf. Mr. Shiv Shankar gave me no information. The Home Minister Mr. Zail Singh gave me no information. And on every single occasion I raised this matter, no information is forthcoming. I thought that here is a Law Minister who has come into his office on the assumption that he will give a new turn to legal and Constitutional niceties and he will not make politics the dominating influence on legal and Constitutional matters. I thought, he would certainly tell me as to what were the compulsions and if these compulsions were there now, they are no longer there and that he will tell us 'I am now willing to hold elections in Delhi. Instead, I find him blaming the Election Commission; of all the bodies, the Election Commission, which is, probably, on record of having said that they are willing to hold elections in Delhi any time the Government wants. Let them not take these excuses

On March 21, for the fifth time, this section is going to be invoked. For the fifth time, mind you. In the case of a State, you cannot do it.

[Shri Lai K. Advani]

When we were in Government, we amended the Constitution. I would admit that we did not amend the Delhi Administration Act because, perhaps, at that time, it did not seem so important. We thought that what has been done in the Constitution in relation to States would automatically be accepted by any Government in respect of the Delhi Administration Act also. I wish we had done it. This should have been done. When in a State, we cannot invoke article 356 for more than two times, here, they are going to invoke the analogous section, section 31 of the Delhi Administration Act, for the fifth time on March, 21. This is because, before March, no elections could be held obviously. Therefore, you are bound to invoke it. You are bound to extend the tenure of dissolution for another six months.

I will now deal with the facts about Garhwal. First, I will deal with the facts. Then, I will deal with the consequences. And then, I will ask my questions. First, I am dealing with the facts about Garhwal. This is very pertinent. In fact, this is an unprecedented event of its kind. The former representative of Garhwal, Shri H. N. Bahuguna, was elected from the Garhwal Lok Sabha Constituency in January, 1980, on the Congress (I) ticket. He was a Member of the Congress (I) Party at that time and if I recall rightly, he was the General-Secretary of the Congress (I) Party at that time.

AN HON. MEMBER: Secretary-General.

SHRI LAL K. ADVANI: I stand corrected. I am not dealing with the internal politics of the Congress (D) Party. But in the month of May, because of differences with the Congress (I) Party, he decided to quit that Party. And he decided to stand away from that Party. Then, something happened which has rarely happened in Indian politics before. When Mr. Bahuguna decided to quit the Congress (I), he said I have been

elected, to the Lok Sabha on the Congress (I), ticket and, therefore, political propriety demands that I should resign my seat also'. He resigned his seat, the Garhwal seat. As far as I recall, the only precedent of this kind was the one set by Acharya Narendra Dev who also, in a similar situation, resigned from the State Assembly when he decided to quit the Congress Party and formed a Party, the Socialist Party, of his own.

SHRI PATTIAM RAJ AN (Kerala): There had been one instance in Travancore-Cochin also.

SHRI LAL K. ADVANI: May be. This is something which happens rarely in Indian politics. I may have my political differences with Mr. Bahuguna. But his decision to resign from the Garhwal Lok Sabha seat because he had resigned from the Congress (I) Party evokes unreserved appreciation and plaudits. There can be no two opinions about it. It is something remarkable. Naturally, he had expected that shortly the people of Garhwal will have the right to elect their representative again. And naturally, he thought that <sup>he</sup> would be telling them. "Why I joined the Congress (I), why I resigned from the Congress (I), why I have formed a Party of my own, why I am contesting as an Independent, or, why I am contesting as a representative of some other Party'. But nothing of the kind happened.

Two months, three months, four months, six months, one year has passed. No by-election was held in Garhwal. It was only thirteen months later that for the first time a notification was issued that the by-election would be held in Garhwal in June, 1981. Thirteen months; it took thirteen months for the Election Commission to issue the notification. And the byelection was held in Garhwal in June, 1981. and following this bye-election, there were complaints from Mr. Bahuguna's side that there has been widescale corruption, wide-scale booth-capturing rigging and so

termanded that election. Countermanding of election mean? that when a election is held subsequently, there could be no fresh candidates. Those candidates who were participating in the poll earlier, only they could participate. Constitutionally he was responsible for holding elections and he issued a countermanding order, perhaps against the wishes of so many, perhaps many in the ruling party felt dissatisfied, some in the opposition parties also felt dissatisfied because they said that they had not asked for the countermanding of the entire poll they had only objected to certain polling stations having been captured, it was only those particular polling stations where poll should have been ordered. But what he thought proper, fair and Just he did and, therefore, he also felt that the sooner and earlier he was able to hold fresh elections the better. He suggested to the U. P. Government that the countermanded poll should be held on 30th September, 1981. He suggested 30th September as the next date, but the Government did not agree and the Government said that it was not possible to hold elections on 30th September for reasons which are echoed today in the statement of the Law Minister. They said, "Because of the monsoon conditions, because of students' examinations, because of Gauchar Mela, because of downward migration from alpine pastures, it cannot be held in September, 1981." Helpless, he could not do anything. But later on in November he fixed a date. He told them that they had to hold it, and in consultation with the U.P. Government, in consultation with the officers there, he fixed the date, November 22, 1981, as the date for fresh elections. A notification was issued. Campaign was initiated from both sides. And suddenly around the 10th or 11th November, just ten or eleven days before the date of polling, the U. P. Government communicates to the Election Commission that because of the problems that they were facing in their State, because the jail strike was going on there, because there were dacoities-

Council IShri Lai K. Advani] going on, there, and because of the law and order situation in the State, they were not able to provide the Election Commission with the requisite police strength, they would not be able to do so. Now he is at a loss, what to do? He persuaded them, he discussed with them, but they said, "It is not possible just now." So, on the 14th November—14th November happens to be Pandit Nehru's birthday—the Chief Election Commissioner in sheer helplessness—and he used the word helplessness—says; "What am I to do when the State Government tells me that they cannot provide me the police force? Tomorrow if something happens and if there is a law and order problem there, naturally I will be blamed and then they will tell me that we told you that we would not provide you the police force, I have no police of my own. "What can I do?" On that basis, expressing his helplessness, the Chief Election Commissioner announced an indefinite postponement of the poll. And ever since, the Chief Election Commissioner, to the test of my knowledge, has been repeatedly pressing the U. P. Government to tell him by what date they will be in a position to hold the election. And here I am told by the Law Minister—Sir, is this a statement?—where he quotes an elaborate statement made by the Chief Electoral Officer and disregards what has been stated by the Government on the floor of the House. Which version am I to believe? I have already seen in the Hindustan Times this particular statement made by the Finance Minister, Mr. Brahm Datt. This is the *Hindustan Times* of 11th February, 1982, in which the Finance Minister, Mr. Brahm Datt, is reported to have assured the State Legislative Council—this is a statement on the floor of the State Legislative Council—that the State Government was ready to hold Garhwal Lok Sabha bye-election at any time, it would follow the direction of the Election Commission in this regard. This statement was made by Mr. Brahm Datt, finance Minister. And I would

think that the Law Minister would take "Sris statement as authentic and come and say in this House that the LLP. Government has already indicated its willingness to hold the election at any time the Election Commission wants it is for the Election Commission to decide the date. Instead, what this House is being treated to is an elaborate explanation that the Garhwal bye-election, cannot be held before November, 1982. This is the explanation. Only as a kind of *obiter dicta* or as a postscript, it is stated that Mr. Bahuguna has conveyed to the Election Commission that this is what was said on the floor of the House. Sir, this House deserves better consideration from the Law Minister. What has been said on the floor of the House by a Minister of the U. P. Government should have been taken by him as authentic. He need not have relied on Mr. Bahuguna's statement. That was authentic and that should have been conveyed to this House that the U.P. Government has said: "We are willing to hold the election at any time you want". It is "for the Election Commission to decide when it wants to hold the same".

Now, Sir, I will sum up, because what has happened in Garhwal has caused concern to all well-wishers of democracy in the country. Democracy hinges around this fulcrum of free and fair elections held regularly, without fail, and if this fulcrum is removed, this hinge is broken, then democracy tumbles down. It is not surprising that a very leading journalist, who is not used to over-statement and who generally speaks in under-statements—I admire him—Mr. George Verghese—has used very strong words for what happened in Garhwal. I quote him—he says in an article:

"Whereas previously individual goondas or party thugs might have captured some booths in this or that constituency, this is the first time that a State Government aided and abetted by the Central Government has hijacked an entire election".

An entire election has been hijacked—this is what Mr. George Verghese says commenting upon the course of events in Garhwal. It is really very serious, and, therefore, I do hope that the Law Minister or the Home Minister, whosoever comes forward to enlighten this House about this, will certainly give a categorical answer: "We are prepared, whatever might have happened in the past".

Incidentally, Sir, because the last issue was deployment of the police, I have before me a statement issued to Members of Parliament by Giani Ji in the Consultative Committee for Home Ministry in which he has disputed the Election Commission's stand. In fact, the predecessor of the present Law Minister also said this in the Lok Sabha. I quote Shri Shiv Sharikar:

"This has been happening throughout ..." referring to the fact that police has been inducted from other States into the State where elections are being held—'

"• • right from 1952 onwards when the first elections started. At all times the outside forces were provided for the States at the behest of the Central Government and on all occasions, the position had been, at no point of time either the Election Commission was informed, or the permission of the Election Commission was ever sought".

This is the stand taken by the Law Minister in the Lok Sabha on 14th December, 1981. Sir, Giani Zail Singh goes even "beyond this because he doesn't say "permission." Shiv Shankarji used the word "permission". In the case of the Home Minister, he takes the stand that not even consultation is necessary—not even consultation. I quote the note that has been circulated by him. He says:—

"Conduct of election is one thing and maintenance of law and order during such election is quite an order even during election. Thus, constitutional provision under which permission of the Election Commission is J

sion or consultation with it are necessary for deploying outside forces for maintaining law and order even during election. Thus the position about the deployment of outside police force for maintenance of law and order during election is clear and unambiguous and no obligatory consultation with the Election Commission is called for, on the part of the Ministry of Home Affairs."

This is the stand taken by the Home Ministry. But now the Election Commission has taken a totally different stand and on that basis it has given a verdict; it has countermanded a poll. It is a situation which needs to be resolved. At this point of time I am not saying that you are right or he is right. My own interpretation, of course, is that article 324 of the Constitution does empower the Election Commission to issue necessary instructions and directions in this regard and to secure the assistance of any staff, not only civil staff but even police staff, to the extent necessary and it is obligatory for the Central Government or the State Government to provide the staff. But because a formal public stand has been taken by the Home Minister which is contradictory to the Election Commission's stand, I would say . . .

SHRI NARSINGH NARAIN PAN-DEY (Uttar Pradesh): Mr. Advani said about the deployment of forces. Does he know this fact that the Secretary of the Election Commission was informed by a telegram from the Home Ministry of the U. P. Government? He had requisitioned and asked the U. P. Government for the deployment of forces and the U. P. Government accordingly acceded to the request of the Secretary of the Election Commission. I would like to know whether he is informed about this or not.

SHRI LAL K. ADVANI: I am aware of very many facts which I would not bring in here. But here I am merely concentrating on a small point.



SHRI NARSINGH NARAIN PAN-DEY: Before you say to the Government or you level a charge against the IT. P. Government, you should at least "uncTerstaria and know the factual position which is that the Secretary of the Election Commission had asked for theTorce and the force was provided accordingly. So, what is wrong with if?

SHRI LAL K. ADVANI: I have with me copy of a letter from the Election Commission addressed to Shri MadhU Dandavat, and which goes quite contrary to what the Home Minister has said in his note. It is elated 21st December, 1981 and signed by Shri Ganesan, Secretary of the Election Commission. It says: —

"Article 324(6) of the Constitution layg down that the President or the Governor of a State shall when so requested by the Election Commission make available to the Election Commission such staff as may be necessary for the discharge of functions conferred on the Election Commission. As the Election Commission is charged with the duty of the conduct of elections in a free and fair manner, and since without the availability of police force in adequate numbers it would not be possible to conduct the elections in a free and fair manner, the Election Commission has under th, general powers conferred on it under this and other provision of Article 324, always interpreted these provisions to include both the civil and the police staff. In fact, keeping in line with this interpretation, all the police forc, employed for the election duty at elections are given facility of postal ballot paper as they are put on election duty."

It is, therefore, that the police is given postal ballots

"The various reports of the Commission on the general elections held in the past would show that consultation with the Election Commission was made in regard to the availability and deployment of

police force as without such consultation, the fixing up of the election programme would not be possible."

I am not going through the whole thing- But there is a clear contradiction between the stand taken by the Government of India and the stand taken by the Election Commission. I would like to know from the Law Minister whether in view of this contradiction.. After all, neither the executive is supreme nor—I will admit—the Election Commission is supreme, if it is not going in accordance with the Constitution. It is the Constitution which is supreme. But what does the Constitution enjoy? My interpretation of article 324(6) is what the Election Commission has interpreted it to be. And, if you do not agree with it, are you willing to refer this matter to the Supreme Court for its advice under article 143? Because it is a very crucial matter, a precedent has been set, polls have been countermanded. it is not a hypothetical question that I am posing. Even after the Election Commission's verdict, the Home Minister has come out publicly refuting that, rebutting that and repudiating that and taking the stand that they are not under any obligation, even of consulting the Election Commission, so far as the deployment of police forces is concerned. I do not agree with the Home Minister and he does not agree with the Election Commission. I make a suggestion to the Law Minister—I~3o not know who-he is willing to accept it—that this entire matter be referred to the Supreme Court for advice. There is the main crucial question that I would like to ask from him because so far as the consequences for Delhi are concerned, they are very very cruel. Mr. Chanana is not here. His term is about to expire now on the 3rd of April. I do not know whether he would be coming to the House. I do not know.

SHRI ARVITCD GANESH KUL-KARNI (Maharashtra); Mr. Advani, you do not know. He has enrolled

his name in many States. You do not worry about that.

SHRI LAL K. ADVANI: So far as Delhi is concerned, Delhi's representation here "has been reduced to one-third, from 3 to 1. That by itself would not be important but the impact it has on the people of Delhi is terrific. I can give you so many Instances, times without number where the people of Delhi are suffering because there is no representation, because there is no Metropolitan Council, there is no Corporation. The DDA—the Works and Housing Minister was here—is at the present point of time preparing a 20-year Master Plan up to the year 2001. In the year 2001, the population of Delhi would be 1.5 crores and this Master-Plan is being prepared without taking into confidence the people of Delhi. The DDA has people from the Metropolitan Council and from the Corporation as its members. They

are people's representatives and not merely officials. Those people's representatives should have been a party to the framing of this Master Plan. Today they are not because there is no Corporation. The DMS is there. I do not know whether the Law Minister or the Home Minister is aware that the DESU is without a General Manager, since June, 1980. It is two years now that there is no General Manager and in the Indra-prastha Power House, which was adjudged to be the second best in the country with power generation of 225 MW per day, power generation has now been reduced to 115 MW per day. These are the great hardships being suffered by the people of Delhi, and there is no representative forum, popular forum. My question to the Law Minister and the Home Minister is: Until such time as the Metropolitan Council and the Corporation are created and the people's representatives are there, would you think it proper to have these bodies, like the DDA, the DESU and libraries and hospitals of Delhi with association, as there used to be, of all recognised

political parties so that the people could be involved in all these processes which are very crucial?

And lastly, the most crucial question, I think it is high time that the Home Minister made a declaration in this House as to when elections to the Metropolitan Council of Delhi and the Garhwal Lok Sabha bye-election would be held. Nothing short of a categorical, unequivocal declaration about the dates of these elections or the possible dates of these elections would satisfy this House. It would not suffice to say; "As soon as possible, as soon as feasible, we will try to hold elections", because we have seen for the last two years or so that you have been constantly trying to undermine the electorate's role in it and trying to subvert the electoral process and I regard the non-holding of elections in Delhi and Garhwal as a calculated, deliberate attempt to subvert and undermine the electoral process which is key to democracy.

Thank you, Sir.

SHRI JAGANNATH KAUSHAL: Mr. Deputy Chairman. Shri Advani has used some very strong expressions but in my submission to the House they are unwarranted. I do not know the manner in which he has tried to read the facts which I have stated. And the facts which have been stated with regard to the situation prevailing in Delhi are that the proclamation, or you may say the order, which was issued under section 31 of the Delhi Administration Act is operative till a certain date. And it has also been stated that the Election Commission has started an intensive revision of the electoral rolls because of the new resettlement colonies. Complaints were received by him. Then he allowed claims and objections to be filed. And he stated that the date for final publication of the electoral rolls in Delhi was the 25th of March, 1982. So, now there are two days. One is the 20th of March and another the 25th of March.

[Shri Jagannath Kaushal]

And when we look at these two dates, then, what has been stated in the statement is this, that election to the Metropolitan Council can be held only thereafter. And my friend then does not read the next sentence-

"...subject to the decision regarding the continuance 0.- otherwise of the Order, under section 31 of the Delhi Administration Act on the basis of the recommendation of the Lt. Governor at that time."

I do not know how he says that it is a dishonest statement and where from he derives that we are trying to blame the Election Commission. We are not trying to blame either the Election Commission or anybody: we are stating that facts. And since my learned friend is asking what the situation in Delhi is and when the elections are going to be held, well, the short answer is that in any case elections cannot be held before the 25th of March, 1982 because that is the date of the publication of the electoral rolls.

But then there is another matter that a decision has to be taken, about which my learned friend said that this would be issued, this and that. He tries to see something which may come about or which may not come about. We cannot be hypothetical. The correct position which we have stated is that the Central Government will take a decision on the basis of the recommendation of the Lt. Governor. He has to, because he is the person who will tell the Central Government what the situation is. And my friend waxed very eloquent when he was trying to criticise what was happening earlier. All those matters had already been debated in this House whenever an order was made. But now it is a fact which we have to face. Therefore, to say that this statement is dishonest, that Government is Viot acting fairly, this that and another, this criticism, with respect I will say, is unwarranted.

### *Public Importance*

IMOW, the Election Commission is the body which has been entrusted by the Constitution with the function of holding of elections, and when the Election Commission holds an election, it has to take into consideration the situation prevailing. So, with regard to Delhi, my submission is that it will depend on the event which will happen, whether the situation which is continuing today will continue or it will come to an end. But I am nobody to predict what the Lt. Governor of Delhi is going to say. He is a constitutional authority. He has to apply his mind. He has to come to an independent decision. On the basis of what he says, it is open to the Central Government either to agree or not to agree and then take its decision. Therefore, I would request my friend not to see any dishonesty in the statement or to see any bad motives in the statement. The bare facts I have stated.

With regard to the Garhwal constituency again, we have been debating this very many times. But what my friend has been trying to emphasise is what happened earlier, what happened for the second time and what is going to happen now. And again he is trying to find fault with the manner in which the statement has been drafted. My submission again to the House is that there is no attempt on our part to conceal anything which has been brought to our notice by the Election Commission. Now the Election Commission has two statements before it. One was the statement which was given to it by the Chief Electoral Officer, and the date of that statement is the 4th of February 1982, and the other was the statement which was made on the floor of the Upper House in U.P. the date of that statement is the 10th of February, 1982. There is a difference of about six or seven days in the statements which have been made. And the Election Commission has brought to our notice this information that "I am referring the matter to the Chief Electoral Officer, U.P., for his comments which are awaited."

it is again for the Election Commission to take a decision. The Election Commission, we all know, is a body which is not administratively under the control of any authority. Therefore, it is for the Election Commission to take the decision. And the moment the Election Commission takes a decision, well, obviously all authorities which have to aid and assist it will certainly aid it.

With regard to the other matters which my esteemed friend has raised, as to what is the correct interpretation of article 324 and whether this matter should be referred to the Supreme Court for their opinion, I am afraid the matter is not of such a nature that we need the opinion of the Supreme Court. But I would bring to the notice of the House clause (6) of article 324, which says:

"The President, or the Governor of State, shall, when so requested by the Election Commission, make available to the Election Commission or to a Regional Commissioner such staff as may be necessary for the discharge of the functions conferred on the Election Commission by clause (1)."

So, it is open to the Election Commission to seek the assistance either of the President or of the Governor, and whenever it comes forward will, any request to the Central Government. I assure the House that it will certainly be given full effect to, and we will not be found wanting. When the Home Minister stated that it is the duty of the State to maintain law and order, obviously that is again an axiomatic fact. It is the duty of the State authorities to maintain a proper atmosphere so that elections are held in a fair manner.

With regard to the two decisions of the Election Commission, we all know that both times it was the decision of the Election Commission. At one time it suited one party. They said: here is a very independent Election Commission. Another time again the Election Commission took a decision.

and that decision did not suit them. And they say: now the Election Commission is taking these decisions.

SHRI LAL K. ADVANI: Sir, I may point out the statements made by Mr. Stephen and Mr. Vasantdada Patil denouncing the Election Commission. I don't think anyone of us did it at any time. It is a statement made by the Communications Minister that the powers of the Election Commission need to be curbed.

SHRI JAGANNATH KAUSHAL: I, for one, am of this view that all the constitutional authorities have to discharge their duties entrusted to them under the Constitution.

SHRI LAL K. ADVANI: I entirely agree.

SHRI JAGANNATH KAUSHAL: Now it is the Election Commission's function to get the elections conducted and we should not come into the picture at all. The moment the Election Commission decides to hold the election, the election will be held. This is my submission.

MR. DEPUTY CHAIRMAN: Mr. Kulkarni.

SHRI ARVIND GANESH KULKARNI: Sir, my colleague, Mr. Advani...

MR. DEPUTY CHAIRMAN: I request you not to repeat the whole story.

SHRI ARVIND GANESH KULKARNI: I will not embarrass you. I will not embarrass the House.

MR. DEPUTY CHAIRMAN: You care for yourself, not for other?

SHRI ARVIND GANESH KULKARNI: I will take care for everybody. My esteemed colleague, Mr. Advani has dealt very extensively with the facts. The Law Minister naturally has given his version of the facts as well as the thinking of the Government. He has also quoted the Constitution. Before I frame my question

[Shri Arvind Ganesh Kulkarni]  
I am sorry to say that the view taken by the Government, particularly the way in which the Law Minister is arguing the case, is one-sided in the sense that it is not only a legal matter or a conflict to be seen between the Government and the Election Commission or the Election Commission and the State Government or whatever. It has got great political impact and that has to be gone into. I do think that the democratic process in this country is under great pressure. The erosion, of the democratic processes is taking place very fast. By postponing the elections the Government and the ruling party may think as they like, but the feeling in the country is that the Government is avoiding elections where it does not want and is trying to force elections where it wants. This is the feeling, whether you agree or not. In this connection I draw your attention, only recently the honourable Minister was kind enough to mention that the Opposition parties are holding the view, of the Election Commission as they like it, whenever it suits them they are happy, whenever it does not suit them, they are not happy. That is what the Law Minister said and that is what the Prime Minister said in her reply to the debate on the President's Address to Parliament. But what are the facts? I do not understand how the Law Minister came to that conclusion that 'the Opposition parties or anybody else in the country are happy with one decision of the Election Commission and unhappy with another. The Law Minister may please note, in the first instance when the Garhwal election took place in 1980, complaints were made first by Mr. Bahuguna's group and then by the Congress-I which was contesting the election. The Election Commission sent its officers to examine the records. The officers took evidence and came to the conclusion about deployment of police force without the Commission's Permission—of course, I am not going into that conflict now between the

Home Minister and the Election Commission, whether the deployment of police is proper or the deployment improper; I am not going into that. But what I want to draw attention to is that the officer recommended to the Election Commission that not only the deployment of forces is confirmed, but that ringing has taken place. It is not deployment was the only reason. So what you call the election was countermanded, Let us see what happened in the second instance. The Election Commission cancelled the election not because the Opposition parties desired it, but because the ruling party at the State, the State Government of UP, refused to provide adequate police force. The blame is, not with the Opposition parties. It is not that the Opposition parties like one ruling; of the Election Commission and dislike another ruling. That is the failure of the Central and the State Governments and their wanting to postpone the elections for various reasons of their own. Why I say this is it is really Mr. Shiv Shankar your illustrious predecessor who was holding.

4.00 P.M.

SHRI NARASINGHA PRASAD NANDA  
(Orissa); Illustrious; not illustrious.

SHRI ARVIND GANESH KULKARNI;  
My English is not good. You please correct me whenever I go wrong.

Your illustrious predecessor said in the Rajya Sabha that the Election Commission was not competent to countermand the election. This was his statement. Shri Shiv Shankar is a legal luminary. I hope this expression is correct. But he is a political Kautilya....

SHRI NARASINGHA PRASAD NANDA:  
Kautilya.

SHRI ARVIND GANESH KULKARNI;  
He is a political Kautilya. He blamed the Election Commission. Then the Prime Minister comes here and tells us that we in the opposition

parties like one decision of the Election Commission when it suits us and dislike the other decision.... (*Time bell rings*).

May I request you to be kind to the House? You know that only after fighting with the officers for long we got this Calling Attention admitted.

MR. DEPUTY CHAIRMAN; I am not asking you to sit down just now.

SHRI ARVIND GANESH KUL-KARNI: I have lost my line of thinking.

I was saying what the Prime Minister was saying. The Prime Minister was speaking blatant untruth. She is wreaking vengeance on Mr. Bahuguna and the people who had elected him earlier. Has the Law Minister or his Government any decency to come forward and declare: "We are holding election at any cost. We are not afraid of it". Do not depend on the interpretation of this rule or that rule. If you do not hold election, it has a political impact. The impact is that people lose faith in democracy and in the Government. You have won such a massive majority last time. Then why are you afraid of elections? I want to know from the Law Minister why on some flimsy grounds suddenly the Vice-Chancellor of the University was transferred. Then a 74-year old person was brought from Lucknow and made the Vice-Chancellor for three months. And he wrote to the Election Commission that the examinations were taking place. Why are these things adopted by the leader of a party who has got a massive mandate in the last election and who thinks that it is her birth-right to be the leader of the country? Why are you afraid of elections. ... (*Interruptions*).

श्री लाल कृष्ण आडवाणी : मिसेज गांधी का नाम लेते ही यह लोग हल्ला मचाते हैं।

श्रीमती प्रतिभा सिंह (बिहार) : आप लोग भी क्यों हम तरह के गलत इन्फार्मेशन देते हैं।

SHRI ARVIND GANESH KUL-KARNI: They have to get elected again (*Interruptions*).

श्रीमती उषा मल्होत्रा (हिमाचल प्रदेश) : मिस्टर कुलकर्णी, आप यह मैनी-फाइंग ग्लासेज उतार दोजिए (व्यवधान)

SHRI ARVIND GANESH KUL-KARNI: I can see you better without magnifying glasses. You are such a beautiful lady to see. Therefore, without glasses \* can see you better in your natural form. I am not that old.

SHRIMATI USHA MALHOTRA: You might be seeing me. But you cannot see reason.

श्रीमती प्रतिभा सिंह : आप गलत आरोप लगायेंगे तो हम जरूर बोलेंगे। (व्यवधान)

श्री उपसभापति : आपने अपना प्रतिवाद कर दिया। अब बैठ जाइये। (व्यवधान)

SHRI ARVIND GANESH KUL-KARNI: Sir, it is a great pleasure <sup>to</sup> listen to such beautiful ladies intervening. It is a great pleasure, Sir. Now, Sir, what I am saying is this: Will the honourable Law Minister take a political view of the whole matter and assess the damage that has been done? My friend, the honourable Home Minister is here and he is a very competent person, a competent politician. He can immediately assess and that is why he is the Home Minister. What I am saying is that this patent act of vengeance which your party and the Government are inflicting on Mr. Bahuguna and on the entire democratic process is totally unwise and you are demolishing one by one the citadels of democracy and the parliamentary system as a whole.

Then, Sir, I want to ask some basic questions and \* do not want to take your time also. I am not a lawyer. Just as I have not read Shakespeare, I have also not read law. But you have said something about article

[Shri Arvind Ganesh Kulkarni] 324(6). It says like this- "The President or the Governor of a State, shall, when go requested-----". Now, "President" means "President in Council" and "Governor" means "Governor in Council". Naturally this much is my understanding. But, if there is any other legal interpretation, I do not "know about it. What do you say now? In your own statement you have stated that the Election Commission had requested the UP Government. And, Sir, the UP Government is giving a story. Mr. Law Minister, in this country, how many religious occasions are there when people enjoy? How many religious occasions are there? "Holi" is one thing and then there are other things. They say that the Allahabad Division is busy with the Kumbh Mela.

SHRI G. C. BHATTACHARYA (Uttar Pradesh): That is over now.

SHRI ARVIND GANESH KULKARNI: Then, Sir, what is this Government there for when they say that it is a Government that works? You say that it is a Government that is working, that is acting, and all that. You say that it is a Government that works, that development is taking place. But you cannot manage the Kumbh Mela and the Garhwal poll?

SHRI G. C. BHATTACHARYA: That is only one by-election.

SHRI ARVIND GANESH KULKARNI: Yes. Either you have to accept that it is utterly an incompetent Government or that you want to see that Mr. Bahuguna does not return, he is not sent to Parliament. I have said it earlier. Sir, I have said last time also that one Bahuguna does not make any change. Your leader has come with a massive majority and so what can poor Bahuguna do here? But, Sir, Mr. Bahuguna is a solitary example he has set an example by resigning his seat in Parliament after changing his party. It will not be a matter of joy for you gentlemen there. But it is very creditable for us because such type of morality and political conviction

tion must be there (Interruptions). Now, Sir, the reasons given by the Government are not convincing. (Interruptions).

MR. DEPUTY CHAIRMAN: Mr. Mathur, please do not incite anybody to say anything.

SHRI ARVIND GANESH KULKARNI: Mr. Mathur, you are a bachelor. Why are you so much interested in teasing the ladies (Interruptions). I am being troubled. You are doing; nothing.

SHRIMATI USHA MALHOTRA: Because he has no facts.

SHRI ARVIND GANESH KULKARNI: Sir, I am drawing the attention of the Law Minister also to one more thing though it is not very relevant here. You say, that means, your leader says, that the destabilising process is there. Who is destabilising; whom? It is your own party which has done it; your own party is destabilising. You have removed four Chief Ministers across the board and another two are in the line. Four Chief Ministers have been removed either for incompetence or for corruption. We are not destabilising. Why should we do it? So, the statements like "non-co-operation from Opposition", "hostile Press" etc. should not come from the Prime Minister and it is not becoming of the Prime Minister to make such statements. The Government has all along been co-operating with you as well as the Opposition, finding objective ways of educating the ruling party how they should behave and helping how we should not fight and create conflict amongst ourselves. They are also educating us. They are also educating you to avoid corruption. Do not mind. Do not pull the legs of your party. (Time bell rings) It seems that ultimately your aim is not to hold the election in places when you are in difficulty and you are not in a comfortable position and you want to hold the elections wherever you find better. What is happening in Kerala? You are now dissolving it.

Kerala Assembly before the Rajya Sabha elections and bringing in President's rule for another six months. West Bengal friends are very happy that the Prime Minister has given an assurance. I know the Prime Minister and her mind during the last 10—15 years. I think you are actually on the scaffold and gallows. In West Bengal there will be no elections. President's rule will be imposed. So, Mr. Law Minister, don't take a very narrow view. Don't go into the grooves of the law, but you any your friend sitting on your left, the Home Minister of this country have to assure this House that elections will be held and your party is confident of meeting the challenge of the Opposition. Thank you.

SHRI JAGANNATH KAUSHAL: Mr. Deputy Chairman, Sir, I am afraid...

MR. DEPUTY CHAIRMAN: I think you have replied to all three points. (Interruptions).

SHRI ARVIND GANESH KUL-KARNI: I also request you to be kind enough. Sir.

MR. DEPUTY CHAIRMAN: I have not stopped him.

SHRI JAGANNATH KAUSHAL: I am afraid I will not follow the advice given by my friend that I should not talk about the rule of law. It is the rule of law which permeates all walks of life. We are wedded to the rule of law. And to give the advice to the Law Minister of the country—well, please... (Interruptions) I do not just understand.

SHRI LAL K. ADVANI: Let us not indulge in legalities merely. It is essentially a political issue. (Interruptions).

SHRI ARVIND GANESH KUL-KARNI: My friend, I am requesting you to take a political view. What is happening in the Supreme Court?

Your representatives, Mr. Sen and others are apologizing. Where is the law? Law is not living in this country. It is being eroded. (Interruptions).

SHRI JAGANNATH KAUSHAL: Well, again, with respect, I am not used to deal with questions...

SHRI ARVIND GANESH KUL-KARNI: That I can understand...

SHRI JAGANNATH KAUSHAL: ... which are not relevant with the debate which we are having. What is happening in the Supreme Court, this and that—I am not going to answer any of these matters. Now what I say is this. You said that it is a political question. He denies that it is not a political question. But, again, bye-elections and elections have to be held under the law. Now, you say that we are afraid of the election against Mr. Bahuguna. Election was held. But the Election Commission countermanded the elections. Now, somebody may say that it was a good decision or bad decision. I will not go into that. But the history is that it was countermanded. Again, the Election Commission postponed the date.

SHRI ARVIND GANESH KUL-KARNI: Because the State Government said that... (Interruptions).

SHRI JAGANNATH KAUSHAL: I am not concerned why the Election Commission did it. (Interruptions). But the Election Commissioner did it.

SHRI ARVIND GANESH KUL-KARNI: The State Government had the temerity to say that they cannot provide the Forces. What is the Central Government for? What for is the Central Government in Delhi? You should have told your Government, provide the Forces or I will send the CRP. Why did you not say that? (Interruptions).



... श्री लाल कृष्ण भादवाणी : कुछ भी जवाब नहीं दे रहे हैं। दिल्ली का ही जवाब दे दें कि क्यों नहीं करवा रहे हैं।

श्री उपसभापति : जवाब दे रहे हैं, आप सुनिये।

श्री जगदीश प्रसाद माथुर (उत्तर प्रदेश) : जवाब नहीं दे रहे हैं। जवाब उनका लाजबाब है।

श्रीमती प्रतिभा सिंह : आप दिल्ली के लिये ज्यादा ऐक्सास हैं या गढ़वाल के लिये ज्यादा ऐक्सास है। (व्यवधान)

श्री लाल कृष्ण भादवाणी : दोनों के इलेक्शन के लिये ऐक्सास है।

श्री जी० सी० भट्टाचार्य : दिल्ली में करा दो, गढ़वाल को छोड़े व्यवधान Don't try to be clear.

श्री जगदीश प्रसाद माथुर : आप स्वयं गवर्नर रहे हैं। इसलिये पहले यह बताइये कि आप स्वयं निर्णय करते थे या सरकार से आपको सलाह करनी पड़ती थी ? (व्यवधान)

श्री उपसभापति : इसका जवाब देने की जरूरत नहीं है।

SHRI JAGANNATH KAUSHAL: I would respectfully submit that the question posed by my friend opposite, Shri Kulkarni, to say that it is purely a political question and the law does not come in, well, there I feel... (Interruptions). Please permit me to proceed. Now, at one stage you say

one Bahuguna, when he comes, will make no difference. And at another stage you say, 'you are afraid of Bahup/una'. If he is not going to make a difference, then why are we afraid of Mr. Bahuguna? Therefore... (Interruptions).

SHRI LAL K. ADVANI: I would go to the political consequences of it because the whole edifice of the Congress Party is based upon loyalty to one individual and that edifice crumbles because that person has crossed. (Interruptions).

SHRI JAGANNATH KAUSHAL: I would, therefore, submit to the House that the election to the Garhwal constituency has to be conducted by the Election Commission, and the Election Commission has every right to conduct the election. We...

SHRI B. D. KHOBRAGADE (Maharashtra): What Force has he got to conduct the elections? He has to maintain the law and order. He does not have any force. (Interruptions).

MR. DEPUTY CHAIRMAN: I am sorry, this thing cannot go on like that.

SHRI JAGANNATH KAUSHAL: Now I say I win not repeat. But all the arguments which have been advanced by Shri Advani, the same arguments have been advanced by him except saying that it is a matter of politics and not a matter of law. I say, politics and law cannot be separated because elections have to be held according to law, and the Election Commission is trying to do its duty. And we are nobody to issue directions to the Election Commission.

SHRI SYED SHAHABUDDIN (Bihar): Mr. Deputy Chairman, Sir, perhaps, you are aware that the people of Delhi have been demanding State-

hood. I shall not go into that demand. But we have to keep that in mind while discussing here why the limited dose of democracy that has been available to them under the existing laws has been denied to them for the last two years. The fact is that the Delhi Administration Act has been used by the Government to virtually disenfranchise the people of Delhi, to divest them of whatever responsibility they had for their own development, for their own administration. And the entire power has now been vested in the bureaucracy and is being exercised under the direct supervision of the Minister of Home Affairs. That is to say, the people of Delhi today are absolutely under the thumb of Gianiji. Not a patta can hilao without his orders. That is the situation, which is a shameful episode in the history of Indian democracy. And, I think, it is time that the Government should see to it that its own reputation is not besmirched much further and that they restore the limited democracy that the people of Delhi have enjoyed for some time.

Sir, the Law Minister has referred to the repeated extensions of the order under section 31 of the Delhi Administration Act, from time to time, as he says. And, he has emphasised that the present Order goes up to the 20th March, 1982. First of all, he has not given us any reasons at all why this Order had to be extended from time to time. So, my first question to him is, will he please enlighten the House about the reasons of State, or otherwise, which have led to the Government's decision to extend this infamous, undemocratic Order from time to time, as he puts it? I think, it has been done five times or six times. Secondly, Sir, I would like to make a prediction on the floor of this House, namely, that the "Government is going to extend the Order again. And, my humble request to Gianiji and to the Government would be, will they please prove me wrong? Will they please

prove wrong my astrological capacity. .  
(Interruptions).

श्री जगदीश प्रसाद माथुर : 12 को  
आर्डर खत्म होता है, 25 से पहले इलेक्शन  
हो नहीं सकते ।

SHRI SYED SHAHABUDDIN<sup>7</sup>: My plea is that a bureaucratic administration is a burden on the people. If you cannot grant statehood to the people of Delhi, please restore their democracy.

Sir, now I come to the Garhwal situation. As Advamji has said, Garhwal is unprecedented in our political history. When Mr. Bahuguna resigned his seat in Parliament, it was an act of singular courage, political morality and high integrity. I wish all our politicians had the same courage and the same level of integrity. Then our democracy would have a sound foundation. Unfortunately, it is not so. But, Garhwal then became a symbol not only of the deliberate erosion of democratic principles, of deliberate disenfranchisement of people, who had stood up against the of loyalism, which today stalks the land, but it also became a symbol of the lacunae and defects in our electoral system. It also focussed the attention of the nation upon the need for electoral reforms, the move urgently the better, for the future of democracy in our country. Sir, the Garhwal elections—the history that has been stated here I would not repeat—bring up certain specific questions. The question is will it be proper to have a time-limit for holding a bye-election? Will it be proper to have a law so that all politicians who i, from parties, or who change sides follow the great example set up by Shri Bahuguna. an anti-defection measure? Will it be proper to revise the law, if necessary, and to fix in a very clear-cut manner the responsibility for the determination of the date of the election; and de-

[Shri Syed Shahabuddin]

tion whether it should lie absolutely in the hands of the Election Commission, and that the Election Commission should, therefore, have the necessary wherewithal for this purpose? I think there seems to be some area of ambiguity. The State Government is consulted by the Election Commission, and the Election Commission also consults the Central Government, and so far this is concerned, consultations—yes, veto-no. It should be very unambiguously stated, if necessary, perhaps, by an amendment to the Constitution. So, my question to the hon. Law Minister will be: will he look at Garhwal in a longer perspective, in a wider perspective, and apply his mind to the desirability of these electoral reforms which would, perhaps, improve the functioning of democracy in our country? Sir, the people of Garhwal have not been represented in the sovereign Parliament of India for the last two years. There is no sign today, no indication at all from the Government when they are likely to be represented. I do not think any other Parliamentary constituency in our country since 1950 has ever been unrepresented in Parliament for such a long period. We owe it to the people of Garhwal to restore their representation. I think the ruling party owe, it to the people of Garhwal and the Government of India owes it to the people of Garhwal. Even if they say they do not have a formal request from the Election Commission, the two governments after all are run by the same party, they should consult each other and forthwith the Minister should stand up and say: "We have conveyed to the Election Commission our offer of complete assistance, whatever they require, in terms of men, staff, civil or otherwise, for holding elections as and when these are to be held."

I would *not* refer to the order of the Chief Election Commissioner of

20th June, 1981 in which the poll was declared to be void and a re-poll was ordered. I am not here to justify everything that the Election Commission did. I still have a lingering fear that, perhaps, it was not necessary to countermand the entire election. After all, the complaints had been limited to particular booths. Surely, it was possible to have a re-poll in those particular booths. In my judgment, the Election Commissioner, perhaps, took a rather excessive step to have countermanded the entire election. That was not necessary at all. I think the reason that they have cited in that particular order, is not convincing. If I come to the next order of 14th November 1981, I am sure the Treasury Benches will applaud me if I read a part of it. The last part says: "I am satisfied that the State Government will not be in a position to hold an orderly and peaceful re-poll on the 22nd November, 1981, in the Garhwal Parliamentary constituency." I have read through the entire order. There is no indication at all, at least no public indication, whether the Chief Election Commissioner had at any point of time approached the President of India, that is to say, the Government of India, that is to say, the Home Minister to say: "Look, the U.P. Government is not in a position to give me the necessary assistance. Would you please help us by offering to the U.P. Government the induction of some Central para forces or the induction of police forces from some other States?" I do not see any indication here. I do not know what actually happened. From the order, it does not appear whether the Election Commission was fully satisfied that the entire administrative machinery in the country as a whole, the Government of India and the Government of U.P. put together, were not in a position to provide the necessary physical cover for the election. It is not **there**. I would like to have a

clear-cut statement from the hon. Minister whether—because he has said that if the Election Commissioner approaches the Government of India, the Government of India shall give due and necessary consideration, to his request—such a request was received.

As my friend Mr. Kulkarni has said, the postponement has created the impression that law or no law, *Mv. Bahuguna* shall not be permitted to enter the Lok Sabha; the people of Garhwal shall not be permitted to be represented in the Lok Sabha, because they have committed 'lese majeste', a grave act of disloyalty: they have defied Her Majesty's order, and, therefore, it shall not be done. The Law Minister was trying to find fault with what Mr. Kulkarni said. That was amazing. Mr. Kulkarni was referring to two different perceptions. Objectively, it is true that one Bahuguna cannot change the Government; one Bahuguna cannot create a majority in the Lok Sabha for the Opposition and one Bahuguna cannot over turn the Government. It is also equally true that the Government in their mind are apprehensive about what Mr. Bahuguna might do. Both are facts. And they are not contradictory to each other. They are just perceptions from two different points of view.

Sir, the country believes that the Garhwal situation was stage-managed. Reference has been made to the Vice-Chancellor's telegram. I do not think there is another parallel in the entire country, I think, the Election Commission should be asked to find out whether at any other time, for elections to be held in any part of the country, has any Vice-Chancellor or any college principal ever pleaded that elections should not be held because some examinations are going to be held. I think, this is an unique

situation. Sir, the Citizens for Democracy, an organisation well-known in the country held an enquiry. They sent a fact-finding mission. Please do not disturb me. I am not abusing you. (*Interruptions*).

SHRI SYED SHAHABUDDIN: Mr.

श्रीमती प्रतिभा सिंह : मैं सिर्फ एक सवाल पूछना चाहती हूँ कि इन्होंने जो कहा कि सरकार जो है—जो शब्द इन्होंने यूज किया कि हर मंजिस्ट्री नहीं चाहती थी कि बहुगुणा सदन में उपस्थित हों, मेरा यही प्रश्न है कि इलैक्शन कमीशन के पास काउंटिंग रोकने के लिए सरकार पहले गई या बहुगुणा जो प्रश्न गये ? काउंटिंग यदि हो जाती, तो कौन जीतता, बहुगुणा जीतते या विरोधी पक्ष... (व्यवधान)

श्री संयथ शहाबुद्दीन : कोई भी जीतता... (व्यवधान)

श्रीमती प्रतिभा सिंह : इलैक्शन कमीशन के पास काउंटिंग रोकने के लिए कौन गया था ?

श्रीमती उषा महोत्रा : मैं एक बात बिलपर करना चाहती हूँ कि कौन गये, पहले किसने कम्प्लेंट की, ज्यादतियाँ हम लोगों पर हुई, क्योंकि उनको डर था कि वे हार जायेंगे, इसलिए यह हुआ है... (व्यवधान) हम तो वहाँ थे, आप तो वहाँ थे नहीं... (व्यवधान)

श्री जी० सी० भट्टाचार्य : आप लोगों ने क्या किया, दुनिया जानती है। बाकी कमेटी की रिपोर्ट भी आ गई है। ... (व्यवधान)

श्री उपसभापति : आप बैठिये, उनको बोलने दीजिए।

Deputy Chairman, Sir, the fact that Mrs. Gandhi has personal antipathy towards Mr. Bahuguna is borne

[Shri Syed Shahabuddin]

out by what she had said at a Press Conference on 10th July. 1331. At that Press Conference, she alleged that Congress(i) workers and her official staff had been beaten up. This Committee, set up by the Citizens for Democracy, wrote a letter to the Prime Minister asking for details. They got no reply. They wrote a letter to the General Secretary of the All India Congress Committee(I), but got no reply. Then, this Committee gave a verdict. But first they went to the spot. They met the District officials. They made personal enquiries at the ground level and found that there was not even an iota of evidence in support of what the great Prime Minister had stated in a public Press Conference. (*Interruptions*).

SHRIMATI USHA MALHOTRA: I am a witness to what happened on that day. It is a fact.

श्री जी० सी० भट्टाचार्य : आप बैठिये... (व्यवधान) आप क्या जानती हैं ? (व्यवधान)

श्रीमती ऊषा मल्होत्रा : मैं नहीं बैठती आप क्या कर लेंगे... (व्यवधान)

श्री जी० सी० भट्टाचार्य : आप क्या हैं—आपसे जवाब नहीं मांगा जाएगा।

SHRI SYED SHAHABUDDIN:  
 This charge has been proved to be totally unfounded. (*Interruptions*) I  
 10 intention of referring to  
 I did it only to support my I hat there  
 seems to be a cer- | tain amount of  
 political animus i working in this  
 situation which should not be permitted in a  
 demo-if it is to function decently.

Finally. I would like to refer to the statement made by the Law Minister about Garhwal. I do not understand here this reference to the Allahabad Division or to the

Kumbh Mela. I simply cannot understand this. Garhwal does not lie in Allahabad Division and Allahabad Division is not the whole of U.P. Sir, the great General Elections of 1977 were held in the month of March all over the country at the time of Holi. And now, the Government of UP. has the indecency to say that, because of Holi, they cannot hold it in March. 1982. This is fantastic.

AN HON. MEMBER: Up to November. 1982.

SHRI SYED SHAHABUDDIN: I would like to ask the hon. Minister of Home Affairs and the hon. Law Minister here. When the Government of U.P. pleaded its inability to provide enough and sufficient staff, Police and others, for the purpose of supervision during the Garhwal elections, did it not amount to a confession of the breakdown of law and order? Was it not a confession, was it not an admission? So, did you consider at any moment whether that Government should be dismissed and the President's rule be imposed in U.P.? And today will you consider for dumping the U.P. Government which has not been able to hold elections? A Time bel Irings). I will take another minute. The other day I said "To that for long you have been talking about inflation and corruption as being global phenomena. Will the hon. Prime Minister also term such incompetence to be a global phenomenon? Otherwise, there is no justification for such an incompetent government to exist.

Mr. Deputy Chairman. Sir, finally I would like to put a question to the Minister. I ask it in your interest, in the interest of the ruling party, in the interest of the hon. Members of the Treasury Benches, in the interest of democracy in this country to which you say you are also committed. Will it not be wise or could you not try to set at rest the ap-

prehensions in the minds of the people, the concern felt by them, by standing up today and saying that if the Government of U.P. is not able to provide the necessary staff, you shall do so and the election shall be held. <sup>m</sup> the month of June? Otherwise, Sir, I make another prophecy. November 1982 means winter. I just heard a word in the letter which Mr. Advani cited "approaching winter". November means winter would have approached and that will be a justification enough for the Government of U.P., this incompetent Government of U.P., to stand up and say: No more elections, now it is winter. Will the hon. Law Minister and the Home Minister permit that to happen?

SHRI JAGANNATH KAUSHAL:- Sir, in my submission, the hon. friend who has spoken, has given away the entire case of the...

SHRI NARASINGHA PRASAD NANDA: May I suggest one thing? The Law Minister has made the legal position clear. So far as he is concerned, he has made the legal position clear. Now the Home Minister is there. Other questions could be answered by the Home Minister (*Interruptions*). Sir, the Law Minister is put in an embarrassing situation. He will certainly uphold the Constitution, he "will uphold the rule of law. He will quote the law which is known to us. So, there is...

श्री लाल कृष्ण अडवाणी : अगर गृह मंत्री ऐलान करने वाले हैं कि हम फलों तारीख को इलेक्शन करने वाले हैं तो कोई आपत्ति नहीं है ।

SHRI NARASINGHA PRASAD NANDA: May I request the Law Minister to sit down and allow the Home Minister to talk?

श्री उपसभापति : गृह मंत्री यहां बैठे हुए हैं, अगर वह चाहेंगे तो कोई रोकेंगा नहीं ।

2032 RS—8.

श्री नरसिंह प्रसाद नन्द : अभी आप ही बोलिए उनको...

श्री उपसभापति : सुन रहे हैं । आप की बातें सुन रहे हैं ।

श्री नरसिंह प्रसाद नन्द : ला मिनिस्टर को जो कहना था वह कह चुके । उसी को दुहराना, तिहराना है । उसके बाहर तो जा नहीं सकते ।

श्रीमती उषा मल्होत्रा : पूरी कोशिश करेंगे आप की समझ में आ जाए

श्री नरसिंह प्रसाद नन्द : मिसेज मल्होत्रा, न आप कांस्टीट्यूशन समझती हैं, न ला समझती हैं । आप कुछ नहीं समझती हैं... (व्यवधान)... बहिन जी, आप बैठ जाइए । मैं आप को माता जी नहीं कहूंगा । आप बैठ जाइए ।

श्री उपसभापति : नन्दा जी, अपने पड़ोसी की भाषा का प्रयोग मत करिए उन के बारे में ।

SHRI JAGANNATH KAUSHAL: Sir, I was saying that the hon. Member who spoke just now... (*Interruptions*).

MR. DEPUTY CHAIRMAN: Mr. Bhattacharya, you will have your chance. Let him complete.

SHRI JAGANNATH KAUSHAL:\* Let me repeat. The hon. Member who has just spoken, has given away the entire case of the opposition. He has stated in so many words that in his judgment the earlier decision of the Election Commissioner, when he countermanded the poll which had been held, was really an excessive decision. He should not have countermanded the entire poll because the dispute was only about a few constituencies or polling booths. If that is so, then why are you blaming us?

SHRI B. D. KHOBRAGADE: For not holding the elections now.

SHRI SYED SHAHABUDDIN: So you go on denying all the facilities to the Election Commission for ever.

SHRI JAGANNATH KAUSHAL: It will not be possible to go on answering while we are arguing.

Therefore, what I may submit, and what has already been submitted by me, is that it is the decision of the Election Commission, and number two, again, the Election Commission was satisfied that the situation was such that he could not hold a bye-election.

Now, Shri Nanda has rightly pointed out that I will go on repeating all these things which I have already said and my reason is obvious. If the same questions are being repeated, the answers will be the same; the answers cannot change. The only other thing which my friend has brought to the notice of the House is that he has taken upon himself the role of a seer. He says: "It will not happen, it will not happen, it will not happen". I replied to Shri Advani that I am not a seer at all. The circumstances as they will be, the constitutional authority to judge the circumstances will judge them and will give a decision. So my submission, therefore, is that the entire argument is misconceived. Otherwise it is the Election Commission who is to hold the bye-election.

SHRI LAL (K. ADVANI: The constitutional authority—since it is a legal matter, I may point out—in the case of the Delhi Administration Act, is the Central Government, not the Lt. Governor. The Lt. Governor may report, may not report; but you have to take a decision. So that constitutional authority is vested in the Central Government and not the Lt. Governor.

SHRI SYED SHAHABUDDIN:  
 Giani Ji is the boss.

श्री सत्यपाल भल्लिक (उत्तर प्रदेश) :  
 उपसभापति महोदय, माननीय मंत्री जी की बाबत जितना मैं जानता हूँ और जितना मुझे देखने से लगा वे भले और शरीफ आदमी हैं और एक गलत काम में फँस गये हैं। आज जो मुद्दा बहस का सदन में है, यह कोई कानूनी या टेक्निकल मुद्दा नहीं है। सारा मसला जो आज की हुकूमत है, उनके मिजाज का है, उनकी इच्छाओं के आधार पर टिका हुआ है। जैसा उनका मिजाज होगा, जैसा वह चाहेंगे इस सिलसिले में करना, वैसा वह करेंगे। यहां कायदे कानून की बात कर वक्त खराब करना है आपका भी और अपना भी और अगर सिर्फ यही बात हो तो जैसा आपने बताया है दिल्ली की मिसाल ले लीजिए। गढ़वाल की बीमारी जो है वह तो आपके गले पड़ी हुई है, पता नहीं उससे आप कब निपटेंगे लेकिन दिल्ली में तो साफ बात है कि मतदाता सूची जो है वह 25 तारीख तक आपके पास कम्प्लीट होगी, 20 तारीख तक का आपके पास आर्डर है। अब इतना ही आप कह सकते थे कि 25 तारीख को मतदाता सूची पूरी होने के फौरन बाद हम इलेक्शन करा देंगे। चूंकि मामला राजनीतिक स्तर पर तब होगा कि कब चुनाव होने हैं और दलील आप दे रहे हैं कानूनी और टेक्निकल। आप सदन को मिसलीड कर रहे हैं। मैं इस मामले को छोड़ देता हूँ, इस बारे में आडवाणी जी ने काफी तफसील से बात की है।

मैं, श्रीमन्, गढ़वाल की तरफ आता हूँ। गढ़वाल में जब पहला इलेक्शन हुआ तो कायदे से चुनाव हो रहा था, लेकिन उसी चुनाव के दौरान कुछ

नादान मंत्री और कुछ केन्द्रीय मंत्री वहाँ पहुँच जाते हैं। बड़े पैमाने पर दूसरे सूत्रों की पुलिस वहाँ पहुँचती है, गुण्डे तत्व वहाँ पहुँचते हैं और हमारे जिलों के भी कुछ लोग वहाँ गये और चुनाव का वातावरण खराब हो जाता है और उसी की बुनियाद पर इलेक्शन कमीशन उस चुनाव को रद्द कर देता है। इसका हमने स्वागत किया। आप कहते हैं कि आप एक बार स्वागत करते हैं और एक बार विरोध करते हैं। यह लोक-तंत्रीय परम्परा है, अगर स्वागत करने लायक बात होगी तो इसका स्वागत किया गया, लेकिन यह बात वहाँ पर अब खत्म हो गई। इसके बाद इलेक्शन कमीशन चाहता था दुबारा वहाँ चुनाव हो। उसके बाद सितम्बर में घोषित हुआ कि नवम्बर में चुनाव होगा। यह भी मिसलीडिंग है और सारे देश को धोखे में रखने की बात है गढ़वाल के चुनाव के लिए यह कहना कि चुनाव का इंतजाम करने की स्थिति में उत्तर प्रदेश की सरकार नहीं है या दूसरी सरकार नहीं है। यह न सिर्फ सरकार के निकम्मेपन का सुबूत है बल्कि देश के सामने गलत तथ्यों को पेश करने का सुबूत है। उत्तर प्रदेश का गढ़वाल मंडल ऐसा इलाका है जहाँ कभी पुलिस की जरूरत ही नहीं पड़ी। कुछ साल पहले तक गढ़वाल कमिश्नरी का सारा प्रशासन, सिर्फ 600 पुलिसमैन वहाँ के इलाके में काम करते थे, पटवारी चलाया करते थे। वहाँ कोई क्राइम नहीं होता। वहाँ के लोग बहुत भले और शरीफ हैं। वहाँ के किसी चुनाव में बाहर से पुलिस या फौज नहीं बुलानी पड़ी। यह बिल्कुल बेमतलब दलील थी। आप चुनाव हार रहे थे लिहाजा आप ने तत्काल जेल के मिनिस्टर को बुला कर उन से कहा कि जेल की हड़ताल का मामला जो 10

तारीख को खत्म होने वाला था उस को लटका दो। देहरादून में मजदूरों की कोई संघर्ष समिति थी। वह आप की पार्टी की ऐसी यूनियन है जिसे कोई मान्यता प्राप्त नहीं है। मैं इस तफसील में नहीं जाना चाहता। आप ने एक तरह से इस चुनाव को रद्द कर के जो बहुगुणा के प्रति रुख है वह दिखाया और एक तरह से चीफ इलेक्शन कमिश्नर को सबक सिखाना चाहते हैं कि आप कहते हैं कि गलत फोर्स बुलायी गयी। हम दिखाना चाहते हैं कि बिना बाहर की फोर्स भेजे कहीं चुनाव नहीं हो सकता।

जो असल में मुद्दा है उस पर मैं आना चाहता हूँ। हिन्दुस्तान का इलेक्शन कमीशन सविधान में पवित्र संस्था है जैसे अदालतें। किस तरह यह सरकार चल रही है? प्रीम कोर्ट या हाई कोर्ट किसी आदमी को कहें कि इस आदमी को फांसी की सजा दो, कत्ल और बलात्कार के मामले में तो ज्ञानी जी कहें कि पुलिस दूसरे काम में लगी हुई है, इस आदमी को हँग नहीं किया जा सकता—ठीक यही सिचुएशन इस मामले में पैदा हो गयी। मैं टेक्नीकल प्वाइंट की बात को छोड़ देता हूँ। हकीकत यह है कि आज हिन्दुस्तान में जो लोग हुकूमत कर रहे हैं—आप की ही बात नहीं कर रहा—मैं बिना शिक्षक कह सकता हूँ—महात्मा गांधी को हम ने देखा नहीं था, आजादी के बाद की पीढ़ी के लोग हैं—कि आज हिन्दुस्तान में सत्तारूढ़ दल में वह लोग हैं जिन के दिमाग मध्ययुगीन है, जो विरोधी दल के आदमी को देखना नहीं चाहते, वर्दाश्त नहीं करना चाहते। वही मिजाज है कि बंगाल में चुनाव नहीं जीतेंगे तो इलेक्शन नहीं करवायेंगे



[श्री सत्यपाल मलिक]

हरियाणा में नहीं जीते तो चुनाव नहीं करवायेंगे, कर्नाटक में जीत सकते हैं तो जब चाहेंगे चुनाव होगा। यह सारी माननिकता भामन्ती और गैर-जायकनजी मिजाज से निकली हुई है। इस लिए इसका टेक्नीकल जवाब देने की कोशिश मत करिए। जो जवाब दिया गया है, मंत्री जी, वह मेरी जानकारी में उचित नहीं है, उनको नहीं करने की कोशिश करें। आप ने कहा कि चीफ इलेक्शन कमिश्नर जब कहेंगे उत्तर प्रदेश में चुनाव करा देंगे। आठवाणी जी ने जो मंत्री जी का बयान पढ़ कर सुनाया वह किसी भले आदमी ने या किसी चाकाकी में मंत्री ने बयान दिया हो। लेकिन मैं भूलती प्रोसीडिंग्स उत्तर प्रदेश की विधान सभा की पढ़कर सुनना चाहता हूँ। 24 फरवरी को यह सवाल पूछा जाता है उत्तर प्रदेश की विधान सभा में। उस सवाल का जवाब जो मंत्री मौजूद हैं अम्मा रिजवी साहब, वह जवाब देते हैं :

"चुनाव आयोग के जिन समय आदेश होंगे और जनहित में तथा प्रदेश की जनता के लिए जब भी प्रशासन उचित समझेगा कि वह भक्षम है चुनाव कराया जायेगा।"

यह है असली जवाब आप का। आप का जो यह कहना है कि चीफ इलेक्शन कमिश्नर जब लिखेंगे चुनाव करावेंगे, इस लिए ग़रत है कि जिम्मे चिट्ठी का आप ने जवाब में हवाला दिया है

इलेक्शन कमिश्नर ने हम को बताया है कि उत्तर प्रदेश के चीफ इलेक्टोरल आफिसर ने जो अपनी मजबूरियों का पुलिन्दा भेजा है, यह खत उत्तर प्रदेश के इलेक्टोरल आफिसर ने चुनाव आयोग के किस खत के जवाब में भेजा था ? मेरी जानकारी यह है कि चुनाव आयोग ने आन्डरेडी लिखा था कि बताइये कि कब चुनाव करा सकते हैं। आप का यह कहना ग़लत है कि जब वह चाहेंगे हम चुनाव करावेंगे। मुख्य चुनाव आयुक्त ने उत्तर प्रदेश की सरकार से लिख कर पूछा कि आप कब चुनाव करा सकते हैं और उत्तर प्रदेश की सरकार ने बेशर्मी के साथ मजबूरियों का एक लम्बा पुलिन्दा लिख कर भेज दिया। जो उत्तर प्रदेश की विधान सभा का जवाब है अम्मा रिजवी साहब का वह बड़ा मजेदार है और खतरनाक भी है। जो लोकतन्त्र में धास्या रखने वाले लोग हैं वह सुन लें :

"जनहित में तथा प्रदेश की जनता के लिए जब भी प्रशासन उचित समझेगा वह भक्षम है तब चुनाव कराया जायेगा।"

SHRI LAL K. ADVANI: Janhit is equal to Congress (I) bit.

श्री सत्यपाल मलिक : यही है असली जवाब और यही है असली मुद्दा। मैं निवेदन करना चाहता हूँ कि हम भामन्ती घरों के लोग जो दारोगाओं, तहसीलदारों, कलेक्टरों के सामने खड़े होने की हिम्मत नहीं करते थे महात्मा गांधी और उन की पीढ़ी के त्याग और बलिदान की बदौलत जो लोकतन्त्र आया है उसी का परिणाम है कि आज आप यहाँ गुलाब का

फूल लगा कर बैठे हुए हैं, आप के हुक्म से आई. पी. एस. अफसर वर्खास्त हो जाते हैं या तरक्की पाते हैं।

इस को अगर खत्म करा दोगे तो हम अपनी वाकत नहीं कहते, लेकिन आप की वाकत कह सकते हैं कि आप का अस्तित्व खत्म हो जायेगा। आप के अस्तित्व के लिये, इस मुल्क के अस्तित्व के लिये, इस मुल्क को इकट्ठा रखने के लिये मैं कहना चाहता हूँ कि यह जो नफरत है सामने वाले के लिये, यह जो हिंसा की निगाह से देखते हो विरोध पक्ष के लोगों को, यह जो समझते हो कि यह सवाल करने वाले हमसे छोटे हैं, इस मिजाज को आप खत्म करिये और जहाँ चुनाव कराने हैं वहाँ चुनाव कराइये और इस बात का साफ जवाब दीजिये कि फलां तारीख को चुनाव कराये जायेंगे। और यह कह कर मैं अपनी बात को समाप्त करूँगा कि दिल्ली के संबंध में कोई दिक्कत नहीं है। मार्च की 25 तारीख को एलेक्टोरल रोल पूरे हो जायेंगे। इस के बाद आप कब चुनाव करायेंगे यह बताइये और मेरा दूसरा प्रश्न यह है कि जो उत्तर प्रदेश के मंत्री का कहना है उस के बारे में आप की क्या टिप्पणी है और उत्तर प्रदेश के चुनाव अधिकारी ने चोफ-एलेक्शन कमीशन को किस खत के सिलसिले में यह जवाब लिखा है उस की हम जानकारी चाहते हैं।

**एक माननीय सदस्य :** माननीय गृह मंत्री जो तो जा रहे हैं।

**SHRI JAGANNATH KAUSHAL:**  
Sir, there is a division in the Lok Sabha. That is why he has gone.

मेरे दोस्त ने इत्तला दी है इस सदन को कि गढ़वाल में किसी पुलिसमैन की

जख्मत नहीं है। वहाँ तो बिना पुलिस के भी चुनाव हो सकते हैं। मैं आप से अनुरोध करूँगा कि आप यह इत्तला जा कर एलेक्शन कमीशन को दीजिए और अगर एलेक्शन कमीशन आप की बात मान ले तो एलेक्शन कमीशन को कहिए कि वह चुनाव करा ले। क्योंकि यह तसल्ली एलेक्शन कमीशन को मिलनी चाहिए। मैंने पहले भी पढ़ कर सुनाया था। जब एलेक्शन कमीशन यह लिखता है—आई एम डेटिस्फाइड, तो यह उस की तसल्ली है, मेरी तसल्ली नहीं है। तो इस लिये अगर गढ़वाल में किसी ला एंड आर्डर की व्यवस्था का सवाल नहीं है और आप की बात वह मान लें तो उस को अख्तियार है, वह एलेक्शन करा लें।

**श्री सत्यपाल मलिक :** जब आप सारे सुबे में पंचायत के चुनाव करा सकते हैं, उस के लिये आप के पास फोर्स है तो एक कांस्टीट्यूयेंसी के लिये आप के पास फोर्स क्यों नहीं है, यह मैं जानना चाहता हूँ।

**श्री संव्यसि सिन्हा रजी (उत्तर प्रदेश) :**  
मैं गढ़वाल की हालत जानता हूँ। उस के पंचायत के एलेक्शन का कम्पैरिजन न करें। वहाँ लोगों को उठा-उठा कर फेंक दिया गया है। ऐसी स्थिति में चुनाव वहाँ नहीं हो सकते। (व्यवधान) ऐसी गम्भीर हालात से हम लोग निकल कर आये हैं। पंचायत के शान्तिप्रिय लोगों की बात उनके साथ मत कहिये। (व्यवधान)

**श्री पी. एन. सुकुल (उत्तर प्रदेश) :**  
जब चरण सिंह का एलेक्शन हो रहा था तो बहुगुणा ने हरियाणा की पुलिस बुलाई थी।

[ श्री पी० एन० शुक्ल ]

When Mr. Bahuguna was the Chief Minister, at the time of the election of Mr. Charan Singh, he had called the police force.

श्री जी. सी. भट्टाचार्य : आप उन की बात छोड़िये । इस समय आप वहाँ चुनाव कराइये । उन की बात छोड़िये । आज के लिये आप क्या कहते हैं ?

श्री पी. एन. शुक्ल : जा कर चौधरी साहब से पूछिये ।

श्री जगन्नाथ कौशल : दूसरी बात, जिस पर बहुत जोर दिया गया है हमारे मित्र द्वारा यह वह है कि वह कह रहे हैं कि यह जो चिट्ठी लिखी है चीफ एलेक्टोरल आफिसर ने यह चिट्ठी क्यों लिखी गयी । तो उस का जवाब तो मेरे स्टेटमेंट में मौजूद है । उस में लिखा है कि :

"It is now understood from the Election Commission that the Chief Electoral Officer, Uttar Pradesh had informed the Commission that it would not be convenient to hold by-election in the said constituency before November."

तो इस से यह जाहिर होता है कि एलेक्शन कमिशन ने उन को लिखा और उन्होंने उस का जवाब दिया ।

श्री सत्यपाल मलिक : एलेक्शन कमिशन ने क्या पूछा, यह तो बताइये ।

श्री जगन्नाथ कौशल : इस के बाद...

श्री लाल कृष्ण आडवाणी : क्या आप इस को उचित समझते हैं कि नवम्बर 1982 तक कोई चुनाव नहीं होंगे । The whole outrageous attitude is so evident from this.

जनवरी में वह लिखते हैं कि नवम्बर तक एलेक्शन नहीं होंगे । You should react. It is now your own party there. वहनेबाजो को कोई लिमिट होनी चाहिए ।

श्री जगन्नाथ कौशल : मेरी अदब से दर्शाते हैं कि आपका सारा शोर... (व्यवधान)

श्रीमती उषा मल्होत्रा : बन्दूक ले... कौन पहुँचा था... (व्यवधान)

श्री जगन्नाथ कौशल : आपका सारा शोर उसके खिलाफ है जो पिक्चर में नहीं है । पिक्चर में इलेक्शन कमिशन है । इलेक्शन कराने के मुतलिक इलेक्शन का अख्तियार कंसटोयूशन ने इलेक्शन कमिशन को दिया ।

श्री लाल कृष्ण आडवाणी : उनको अगर स्टेट गवर्नमेंट कहती है कि नहीं कराओ तो वह क्या करेगा ।

श्री जगन्नाथ कौशल : मैं अपने मित्रों से दर्शाते करूँगा कि एकस दोटवल जवाब नहीं दिया जा सकता । एक बात यह है कि अपोजिशन मेम्बर यह समझते हैं कि फिकर उन्हीं को है । मुल्क की फिकर उन्हीं की है । डेमोक्रेसी की फिकर उन्हीं की है । शायद वे ही लोग चुने हुए नुमाइन्दे हैं और जो मैसिव मेजोरीटी में उसी प्रोपेस से चुन कर आए हैं उनको डेमोक्रेसी की फिकर नहीं है । उनको मुल्क की फिकर नहीं है । यह अजीब हालत है । अपोजिशन वालों को यह बहम अपने दिमाग से निकाल देना चाहिये कि लोगों के चुने हुए नुमाइन्दे वे ही हैं । उन्हीं को मुल्क की फिकर है । जो मेजोरीटी पार्टी है उनको ज्यादा फिकर है । सिर्फ शोर मचाने से, शाउट करने से कुछ नहीं होगा... (व्यवधान)

श्री जी० सी० भट्टाचार्य : चुनाव कराते क्यों नहीं ? बोलने से कुछ नहीं होगा। ... (व्यवधान)

SHRI SYED SIBTE RAZI: I think the hon. Member is not behaving properly. I think, Mr. Chairman, you should intervene, (Interruptions)

MR. DEPUTY CHAIRMAN: Mr. Bhattacharya, I will adjourn the House, I tell you, if you do not hear the Minister. I will not allow anybody. Please hear the Minister. Please take your seat. This is a very sorry state Of affairs. (Interruptions) No, I will not allow. I am sorry. I will have to adjourn the House if the disruptions do not come to an end. (Interruptions) No, no. Please take your seat. I will not allow this. Too often this has been going on.

श्री जगदीश प्रसाद माथुर : जो वह कंस्टांट्यूशन को बात-बार-बार कह रहे हैं ... (व्यवधान)

MR. DEPUTY CHAIRMAN: Mr. Mathur, I did not call you. Do not record Mr. Mathur. The Minister is replying.

SHRI JAGDISH PRASAD MATHUR; »

MR. DEPUTY CHAIRMAN: The Minister will not reply to Mr. Mathur. Minister, please complete the reply. Do not reply to Mr. Mathur. Minister, please complete now.

श्री जगदीश प्रसाद माथुर : \*

MR. DEPUTY CHAIRMAN: Mr. Mathur, everyone knows that he cannot convince you. There is no question like that. Do not worry. You have your point of view. He has his point of view. That is all right.

श्री माथुर, आप बैठ जाइये। (व्यवधान)  
आप टाइम बर्बाद मत करिये। (व्यवधान)  
आपको अगर कुछ नहीं पता है तो बाहर

जाकर पूछ लीजिए (व्यवधान) आप बैठ जाइये।

श्री जगन्नाथ कौशल : इसमें कभी दो राय नहीं हुई। जहाँ प्रेजिडेंट और गवर्नर लिखा हुआ है वह गवर्नर इन कौंसिल है, प्रेजिडेंट इन कौंसिल है। इसमें दो राय नहीं है। (व्यवधान) आप बिना वजह गुस्सा हो रहे हैं। मैंने आपको गुस्सा होने वाली कोई बात नहीं कही है।

श्री जगदीश प्रसाद माथुर : डिप्टी चेयरमैन ने ...

श्री जगन्नाथ कौशल : डिप्टी चेयरमैन ने भी कोई बात नहीं कही। लेकिन आप बिना वजह गुस्सा हो रहे हैं। आप जरा सुन लीजिए। मैंने जो सब-ऑटिकल पढ़कर सुनाया था सिर्फ एक बात के लिये सुनाया था। बाकी उसमें कोई हेरा-फेरी वाला आरग्यूमेंट नहीं था। अगर हर जगह आपको हेरा-फेरी दिखाई देगी तो कैसे डिबेट चलेगी। (व्यवधान) मैं आपकी किसी बात को बिना वजह गलत बात मानने को तैयार नहीं हूँ। आपका अपना प्वाइंट आफ व्यू है और हमारा अपना प्वाइंट आफ व्यू है। आपने अपना प्वाइंट आफ व्यू रख दिया और मैं अपना प्वाइंट आफ व्यू रख रहा हूँ। मैंने सिर्फ आपके नोटिस में और हाउस के नोटिस में ऑटिकल इसलिये पढ़ा था क्योंकि इस ऑटिकल में लिखा हुआ है कि जब कभी इलेक्शन कमीशन को कोई रिक्वेस्ट करेगा तो गवर्नर और प्रेजिडेंट meaning thereby the Central Government or the State Government,

उसको मदद करेंगे। इस आरग्यूमेंट में कोई पला नहीं है। फिर भी मैं कहना चाहता हूँ कि फाइनल अथोरिटी के सरकार्सटरेज को जज करने की इलेक्शन कमीशन में है, मेरे इस आरग्यूमेंट में कोई पला नहीं हो सकता है।

\*Not recorded.

5 P.M.

**श्री जी० सी० भट्टाचार्य :** क्यों नहीं है, मैं अभी बताता हूँ ।

**श्री उपसभापति :** श्री भट्टाचार्य, आप बीच में क्यों बोल रहे हैं । अभी आपको बारी आने वाली है, तब आप बोलिये ।

**श्री जगन्नाथ कौशल :** मैं अब से फिर यह कहना चाहता हूँ कि यह बात गलत है कि हम यहां पर इलेक्शन नहीं करा रहे हैं । दिल्ली के लिए भी यह आरगूमेंट गलत है क्योंकि पहली बात तो यह है कि इलेक्शन कमीशन को इलेक्शन कराना है । यहां पर जो प्रोजेडेंट रूल है जब वह रिबोक हो जाएगा तभी इलेक्शन हो सकते हैं । आप एक अन्दाजा लगाते हैं, लेकिन मैं अन्दाजा लगाने की पोजीशन में नहीं हूँ । जब तक लेफ्टिनेंट गवर्नर या सेन्ट्रल गवर्नमेंट आन इट्स ओन मोशन कोई डिमोशन नहीं करते हैं, मेरे लिए कोई भी बात कहना मुश्किल है । मैंने ये फेक्ट्स आपके सामने रख दिये हैं । स्थिति यह है कि अभी की स्थिति के मुताबिक इलेक्शन फर्मा डेट तक इसलिए नहीं हो सकते हैं कि उस डेट से पहले रोलस तैयार नहीं है और अगर रोलस तैयार भी हो जाएंगे तो जब तक कोई फैसला नहीं होता है उस वक्त तक मैं कुछ भी कहने की पोजीशन में नहीं हूँ ।

**श्री सत्यपाल मलिक :** श्रीमन्, मेरा व्यवस्था का प्रश्न है । मेरा निवेदन यह है कि माननीय विधि मंत्री जो ने अपनी स्थिति स्पष्ट कर दी है और जो टेक्नीकल बातें हैं वे सामने रख दिये हैं । अब यह साफ हो गया है कि गढ़वाल या दिल्ली के मामले में जब तक कोई राजनैतिक निर्णय नहीं होता है तब तक इलेक्शन नहीं होंगे । यहां पर इलेक्शंस का होना राजनैतिक निर्णय के ऊपर निर्भर है । सवाल यह पैदा होता है कि अगर एक आदमी के मन में यह बात आ जाती है कि सारे देश में वे चुनावों में हारने वाले हैं तो वह यही

आरगूमेंट एडवॉन्स कर सकता है । लिहाजा यह पोलिटिकल मामला है । इसलिए गृह मंत्री को इसका जवाब देना चाहिए और बताना चाहिए कि वे क्यों इन जगहों पर इलेक्शन नहीं करा रहे हैं । मैं पूछना चाहता हूँ कि आप गृह मंत्री जो को क्यों आदेश नहीं देते हैं कि वे इसका जवाब दें ? अभी स्थिति यह हो रही है कि वही बातें रिपीट हो रही हैं । कोई नई बात सामने आए, इसलिए आप माननीय गृह मंत्री जो को आदेश दें कि वे बतायें कि आगे क्या होने वाला है ।

**श्री उपसभापति :** यह कोई पाइन्ट आफ आर्डर नहीं है । दूसरी बात यह है कि अगर कोई बात पहले कह दी गई हो तो वह फिर कह दी जाती है क्योंकि जिसको जो कहना होता है वह वही कहता है, कोई नई बात नहीं कहता है । उन्होंने जवाब तो दे दिया है ।

**श्री लाल कृष्ण आडवाणी :** विधि मंत्री महोदय ने स्वयं कहा है कि सेन्ट्रल गवर्नमेंट को फैसला करना है । उन्होंने कहा है कि मैं इसमें क्या कर सकता हूँ । We address him as the Central Government.

इसलिए गृह मंत्री यह बतायें कि सेन्ट्रल गवर्नमेंट 21 मार्च के बाद दिल्ली में इलेक्शन करा सकते हैं या नहीं । क्या सेन्ट्रल गवर्नमेंट का एग्जेसमेन्ट यह है कि अप्रैल में इलेक्शन हो सकते हैं या नहीं हो सकते हैं ? वे इस बारे में कुछ तो बता दें... (व्यवधान) । जिस तरह से ओलम्पिक गेम्स के बारे में कहा जाता है कि वे इस साल होंगे या नहीं होंगे, उसी तरह से इस बारे में क्या स्थिति है ? He can say that.

**श्री उपसभापति :** पांचों बार जो सवाल पूछे गये हैं वे लगभग वही हैं जो एक बार

पुछे गये हैं और वही उनका जवाब भी है।  
अब आप श्री भट्टाचार्य को सुन  
लो जिये। वे इस बारे में क्या कहते हैं।  
Yes, Mr. Bhattacharya,

SHRI SYED SHAHABUDDIN: Mr.  
Deputy Chairman, on a point of order.

MR. DEPUTY CHAIRMAN: No point of  
order.

SHRI SYED SHAHABUDDIN: There is a  
point of order. I think in the speech that Mr.  
Malik made, one *new* point that came before  
the House is the statement attributed to a Min-  
ister of the Government, of U.P. that elections  
would be held only when the Government  
deemed it fit. I would like the Law Minister,  
even from a purely technical and legal point  
of view, to comment on the statement of the  
U.P. Minister who belongs to his party.

MR. DEPUTY CHAIRMAN: He has heard  
it. He has heard everything, He has replied to  
whatever he wanted to reply. Yes, Mr.  
Bhatta-charya.

SHRI SYED SHAHABUDDIN: What is  
the constitutional validity of that statement?

MR. DEPUTY CHAIRMAN. Mr. G. C.  
Bhattacharya.

SHRI G. C. BHATTACHARYA: I will  
start with Mr. Pandey's query. Mr. Pandey  
asked: is he aware of a telegram to the  
Secretary Of the Election Commission saying  
that they are prepared to give force? I will  
only give certain events so that he may be  
satisfied. I am putting only two questions  
through you to the Government. Perhaps  
Gianiji is not  
here. मैं अपनी बात कहने लगा तो होम  
मिनिस्टर यहां से चले गये। चलिए, कोई  
बात नहीं।

MR. DEPUTY CHAIRMAN; The Home  
Minister is there.

SHRI G. C. BHATTACHARYA: There are  
"two things. You referred to 324(6). Do you  
consider a notification by the Election  
Commission fixing a date of poll is not a  
sufficient compliance of 324(6)? You have  
been a senior lawyer. I am also in the legal  
profession. When the notification is issued,  
when everything is done under the  
Constitution, there is something called a  
working arrangement. You are not new in the  
Government. You were a lawyer, you have  
been an Advocate-General, a Governor, and  
are now a Minister. The Constitution works  
under some working arrangement. Your reply  
is confined to what the effect is of the  
telegram to Mr. Ganesan...

SHRI NARSINGH NARAIN PANDEY;  
You have misunderstood my point...

SHRI G. C. BHATTACHARYA; I am  
ready to correct myself if I have misunderstood  
the point. I am saying if the notification  
amounts to compliance of 324(6), in that case,  
after the election date was fixed by noti-  
fication and on our request when the Secretary  
to the Election Commission, Mr. Ganesan,  
was sent to Garhwal, to counter the rumour—  
"there will not be any election"—there was  
widespread rumour by the Congress-I that  
there will be no elections; then on our request,  
on our representation Mr Ganesan went there,  
and after seeing the entire thing, he said that  
under no circumstances would the election be  
postponed. Now the question comes; He says  
that there was some sort of readiness on the  
part of the UP Government. But then, no less  
a person than the Chief Election Com-  
missioner himself said that high officials of  
the UP Government came and requested him  
not to hold the election on 22nd November,  
because they are not in a position to supply  
adequate force. Secondly, the Cabinet in UP  
passed an unprecedented, shocking,

resolution saying that there is an emergency in UP, that the conditions are such as if the heavens are falling everything is in danger in UP, so nothing can take place. Nobody can deny this, that it was an absolutely unwarranted and politically-motivated resolution passed with a view to postponing the general election. Everybody knew it and everybody laughed at it, to say that there was a mini-emergency...

श्री पी० एन० सुकूल : उस समय जेल इम्प्लाइज को स्ट्राइक चल रही थी। . . .

श्री जी० सी० भट्टाचार्य : वहाँ यह कहा जाता था कि मिनि इमर्जेंसी है। पर आपने भी कई दफा इमर्जेंसी में, 1967 में युक्तुल जो, आप मुझे न बताइये, आप भूरी स्ट्राइक करा रहे थे। उस वक्त भी इलेक्शन हुए थे आपके। कम से कम आपको नहीं कहना चाहिए। 1967 में आप स्ट्राइक करा रहे थे, स्टेट गवर्नमेंट ने इम्प्लाइज की। छोड़िये, हम और आप जानते हैं। हम बात करेंगे। आप हमें जानते हैं और हम आपको जानते हैं। पुनिये युक्तुल जो, आप जरा शांत रहिये।

Then I want to ask the Law Minister; What has happened to that notification and the Chief Election Commissioner's effort to get the election conducted and his effort to send the Secretary to the Election Commission to Garhwal? How is it that when he said there will be no postponement of the election, some high officials come and say that we will not be able to provide adequate force? Then there is the Cabinet resolution declaring a mini-emergency in UP. In that order itself "the Chief Election Commissioner said, "I have no independent machinery to hold the election. I will have to depend on the Executive. The Executive did not provide me with the adequate force". This was his version. In that case how do you take recourse to 326 to justify postponement? Every time

you are repeating 324 and Chief Election Commissioner. This is the mantra that you are repeating. There is a working arrangement for conducting election. Our party has demanded that there should be an independent machinery at the disposal of the Election Commission so that these difficulties do not arise. The Election Commission has made many suggestions. But you are sitting tight over them. Therefore, it is absolutely incorrect to say that everything depends on the Election Commission because Election Commission cannot do everything. And the Executive finds so many excuses which are absolutely unreal and which are made with a political motive of not allowing Mr. Bahuguna to enter the Parliament.

SHRIMATI USHA MALHOTRA:  
Why?

SHRI G. C. BHATTACHARYA:  
Ask your leader.

SHRIMATI USHA MALHOTRA:  
What is there to be afraid of him?

SHRI G. C. BHATTACHARYA:  
You, leader is afraid of him and your Government is afraid of him. And what does your leader say? She says that the opposition welcomes one decision of the Election Commission and does not welcome the other decision. That is not the question. I have explained how the Election Commission has to depend on the Executive. There is a working arrangement so far as the Constitution is concerned. Unless the Executive helps the Election Commission, no Election Commission can function because they have no independent machinery at their disposal. They have to depend on the cooperation from the Executive. In this case that cooperation is absolutely lacking because the head of the Executive is afraid of Mr. Bahuguna entering parliament. . . . (Interruptions).

SHRIMATI USHA MALHOTRA:  
This is absolutely incorrect.

SHRI G. C. BHATTACHARYA: The people in this country and outside know that you have malice towards Mr. Bahuguna and you have animus against him. You do not like him to enter Parliament. . . . (Interruptions).

SHRI P. N. SUKUL: We have no animus against your leader, Mr. Bahuguna.

SHRI G. C. BHATTACHARYA: You may have no animus against Mr. Bahuguna. But your leader has. Whatever it is, what has the people of Garhwal done to you? We have only a five year term in the Lok Sabha. About two years are nearing completion. And there is no election and for 8 lakhs of people of Garhwal there is no representative in the Parliament. And it is in a border State. We are supposed to have Parliamentary democracy in our country. But there is no representative to represent Garhwal in the highest forum of this country. They cannot express their difficulties and mention their grievances in the Parliament. You have deprived 8 lakhs of people of this opportunity. This is a very serious. Do not go by their gimmickry. Try to understand the situation. About 8 lakhs<sup>01</sup> people are feeling neglected and alienated in a sensitive area. You have already alienated people on the eastern border and that region is on fire today. If you do the same to this border area, it will spell danger to the security of the country and to national integration of this country. National integration and unity of the country are very, very valuable at this juncture. Sir, in that case, I would say that the postponement of the Garhwal election is an anti-national act, it is a treachery and it is a betrayal and I would say, you are guilty of anti-national acts. (Interruptions).

SOME HON. MEMBERS: No, no.

SHRI G. C. BHATTACHARYA: By postponing the elections there, you are posing a danger to the security of

the country, you are undermining the security of the country, you are undermining the unity of the country and you are undermining the national integration of the country. Because of your opposition to one individual, that is, Mr. Bahuguna, you are creating this condition in this country. Sir, can it be allowed, in this august House, the disintegration of this country? I would like to ask the honourable Members of this House whether running down the security of the country can be allowed. What have these poor people of Garhwal done? This is what I want to know. Why have they been deprived of their representation in Parliament? Can you cite a single example from anywhere in the world of a country treating the people of one area, and that too a border area, like this and depriving them of their representation in the highest forum in the country? Sir, the Prime Minister, in her reply to the Motion of Thanks on the President's Address said the other day that that Opposition shows animus. She has not given a single example to show that the Opposition has animus against her. But I am giving you only one example now and it is this. She has animus against one individual and that is Mr. Bahuguna, one individual who is leading a party. I am only asking whether she can point out any demonstration of animus by the Opposition. Can the leader of a country, can the leader of a Government, can the Prime Minister of a country, because of her animus towards an individual, do something that will lead to the destruction of democracy? This sort of an act will lead to the destruction of democracy, disintegration of the country, and would endanger the security of the country. It is an anti-national act. Therefore, Sir, I demand here and now that there should be an assurance immediately that the Garhwal poll will be held on such and such date. No question of the State Government here because they say, 'The President or the Governor, etc.,



[Shri G. C. Bhattacharya]

etc." Because this concerns the future of parliamentary democracy in this country, they have to give an assurance today that if anybody asks for assistance, the Central Government will give—the Central Government must give the assistance—any that the Delhi and the Garhwal poll would be held.

SHRI NARSINGH NARAIN PANDEY: Sir, my name was taken by Mr. Bhattacharya. I want to clarify one thing. If he has not understood me, he should understand me. (Interruptions). On what Mr. Advani said, I intervened and clarified and my clarification was that when the UP Government said that they were engaged in so many things, and if the Election Commission thought that they should employ outside forces for the purposes of election, they should do so and then the Secretary to the Commission already wrote to the State Government and, accordingly, the forces were sent. This is what I wanted to clarify. I said this last time also when the Garhwal election question was debated here. Sir, Mr. Bahuguna wants to create a situation taking the name of the Prime Minister and I should warn him. (Interruptions).

SHRI G. C. BHATTACHARYA: What can you do? She is responsible for this. (Interruptions). She alone is responsible because she is biased against an individual in this country. (Interruptions).

SHRI NARSINGH NARAIN PANDEY: Let Mr. Bahuguna contest from any of the other constituencies in U.P. (Interruptions).

MR. DEPUTY CHAIRMAN: Mr. Pandey, do not disturb please. Let the Law Minister reply now.

SHRI NARSINGH NARAIN PANDEY: He should be satisfied to contest from any one of the many constituencies in U.P.? (Interruptions).

MR. DEPUTY CHAIRMAN: That will do, Mr. Pandey.

SHRI NARSINGH NARAIN PANDEY: Sir, what can Mr Bahuguna do. He is only a small fry. And. Sir, he wants to take advantage of the situation. (Interruptions). He is only a small fry. Don't try to talk on his behalf. (Interruptions). You have gone from one line to another, and you are talking. You want to preach from the highest forum. (Interruptions). You want to talk all kinds of things. (Interruptions). I am prepared to contest from any of the constituencies in U.P. What are we afraid of? You are only a small fry. Don't talk like that here. (Interruptions).

MR. DEPUTY CHAIRMAN: That will do, Mr. Pandey. Let the honourable Law Minister reply now.

SHRI JAGANNATH KAUSHAL: Sir, ... (Interruptions)

MR DEPUTY CHAIRMAN; Let the Minister reply. Please do not disturb. I think it is more than sufficient. (Interruptions).

श्रीमती उषा मल्होत्रा : उनके नाम पर जाते हैं जब भी जाते हैं (... ध्वजधान)

श्री जे० के० जैन (मध्य प्रदेश) : सर, भट्टाचार्य जी ये भूल गये कि बहुगुणा जी घुटनों के बल पर चलकर आये थे, रोते हुए आये थे, आँखों से आसूँ निकालते हुए आये थे। भूल गये? आज ये बहुगुणावादी बनते हैं ... (ध्वजधान) आज यह बहुगुणावादी बन रहे हैं ... (ध्वजधान)

श्री उप सभापति : आप लोग कृपा करके बैठ जाइये। उनको जवाब देने दीजिये।

(Intemipnons)

SHRI JAGANNATH KAUSHAL: Sir, I will very humbly say that I do not have that much lung power. I will try to say in my own way that this bogey which is being raised that we are afraid of Mr. Bahuguna—well,

I have already replied. But if you go on repeating the same argument that if Mr. Bahuguna comes the Heavens will fall, the majority might change, he may become the leader of the nation or the country, I have nothing to say. And, therefore, the only argument which my friend opposite raised was that there has to be a working arrangement, and he says that the working arrangement is that unless proper arrangements or proper force and proper staff and security arrangements are placed at the disposal of the Election Commission, the Election Commission may not be in a position to hold the elections. Well, nobody can again fight with the accepted propositions. But has the Election Commission ever approached the Central Government? Has the Central Government ever denied the Election Commission... (*Interruptions*).

SHRI G. C. BHATTACHARYA:  
Nobody considers... (*Interruptions*)

SHRI JAGANNATH KAUSHAL: It is a very difficult matter... (*Interruptions*) If you do not want me to meet your argument, then I have nothing fresh to add. Otherwise my respectful submission to the House is:- (*Interruptions*)

MR. DEPUTY CHAIRMAN: He is not interested in the reply. (*Interruptions*).

SHRI JAGANNATH KAUSHAL: If he is not inclined to listen to me, I sit down. (*Interruptions*)

SHRI G. C. BHATTACHARYA: I know what reply he will give. (*Interruptions*)

MR. DEPUTY CHAIRMAN: Mr. Rajan.

SHRI PATTIAM RAJAN: So far as the people of Delhi are concerned, election is due for the last two years. In his reply the Minister has stated that here the election did not take place because the election process that

has been going on is not yet complete. That is the statement made by the Minister. I would like to know from the Minister, what is the reason... (*Interruptions*)

MR. DEPUTY CHAIRMAN: Please allow him to speak.

SHRI PATTIAM RAJAN: What is the reason for the delay in conducting the election before the election process starts. and I would like to know from the Minister, if the election process is completed, whether the Central Government will direct the Lt. Governor to conduct the election as soon as possible. I am not a legal expert. I am not able to understand the legal implication of the words used, namely, "...on the basis of the recommendation of the Lt. Governor at that time". Here so many times that Order has been extended. At the time of the extension, had the Lt. Governor of Delhi written to the Central Government not to conduct the election at that time? If so, what were the reasons stated by the Lt. Governor at that time?

Regarding the election in Garhwal, Sir, the Minister in his reply has mentioned so many elections—elections for Block Development Committees, Zila Parishads, Gram Panchayats, and so on. We all very well know that since 1952 Parliamentary elections and State Assembly elections have been held together. But here, is the Government satisfied with what the Election Commission has stated? I am not saying about the Central elections. I would like to know whether the Minister is satisfied with the statement here. The statement here says that because of the Zila Parishad and Panchayat elections one Garhwal election cannot be conducted. From 1952 onwards till 1977 the Parliamentary and State Assembly elections were held together. Till 1977, they were held together. Bye-elections or elections took place at the same time. But here he says like this. You can-

[Shri Pattiam Rajan] not satisfy the people of this country \ with this kind of statement. Therefore. I would like to know the reaction of the Central Government on this statement. Whether it is proper or not, I would like to know. When will this election of Garhwal take place? ( The people of our country are asking whether the election will take place at all or not. Can the Minister given an assurance to the people of this country through the House, that the election of Garhwal will take place as soon as possible? But according to the statement, it will not take place before November, 1982. Till November, 1982, you have some business for the Election Commission. But I would like to put a specific question to the Minister. Suppose the Election Commission fixes a date because according to the Law Minister and according to the Central Government, the Election Commissioner is to decide the date, the Election Commissioner is to fix the date. I would, therefore, like to ask this question, if the Election Commission fixes a date for

Garhwal election. I would like to know from the Minister whether the Minister or the Government will give an assurance to the House that the Garhwal election will be held on the same date which the Election Commission announces? Last time, we know very well that the election was postponed because of the inability and inefficiency of the State Government. I would, like to know whether the Central Government will direct the State Government that whenever the Election Commission decides to conduct the election, the State Government will supply all sorts of help, including the Forces to conduct the elections. I want the Minister to answer these questions.

SHRI JAGANNATH KAUSHAL: The questions are being addressed again to a wrong quarter. The whole discussion is going round and round. My reply contains an answer to all the queries. You say, the letter which has been referred to as the

letter of the Chief Electoral Officer, does it satisfy the Minister? It has to satisfy the Election Commission. You are confusing the Election Commission with the Minister. The U.P. Government has written a letter..

SHRI PATTIAM RAJAN: You are speaking in legal terms.....

SHRI JAGANNATH KAUSHAL: How can I give an answer to a letter which is addressed to the Election Commission? My reaction may be any. The reaction has to be of the Election Commission. And that is why the Election Commission has two statements before it and the Election Commission is trying to come to a conclusion. So far as the assurances are concerned, hypothetical assurances are always there. But to say, once he fixes a date and the circumstances are such that there may again be some difficulty, you are trying to say, the deciding authority should not take into consideration the situation prevailing. Hypothetical questions can be answered in a hypothetical way. That is why I said so.

AN HON. MEMBER; You are not going to hold the election.

SHRI JAGANNATH KAUSHAL: That is why I said so. Duties have been assigned under the Constitution and it is expected of all Constitutional authorities, including the Central Government, to discharge their duties (*Interruptions*).

SHRI JAGDISH PRASAD MA-THUR: That means that the deciding authority is the Central Government, represented by you.

श्री राम पूजन पटेल (उत्तर प्रदेश) :  
 श्रीमन्, मैं गढ़वाल सुइलेक्शन के बारे में  
 अपने कुछ विचार रखना चाहता हूँ।  
 मेरे बहुत से साथियों ने अपनी बातों को  
 सदन के सामने रखा। हमारे विधि मंत्री  
 जी ने अपनी दलीलों से सारी बातों  
 को स्पष्ट बता दिया, बहुत तर्कसंगत बात  
 कही कि चुनाव हम क्यों नहीं करा

सकते हैं। हमारे सामने कुछ समस्याएँ हैं, उनको सदन के समक्ष उन्होंने प्रस्तुत किया लेकिन हमारे विरोध के बहुत से साथियों ने संविधान की बातें कहीं। हमारे आडवाणी जी ने भी संविधान की बात कही कि संविधान के अनुसार चुनाव नहीं हो रहा है। प्रजातंत्र की रक्षा नहीं हो रही है। लेकिन मैं समझता हूँ कि प्रजातंत्र का जो काम आज ले रहे हैं, वे जो बहुत जोर से शोर मचाते रहे हैं, उनको याद होगा जब देश में 1977 में जनता ने कांग्रेस पार्टी को बदला था, उस समय प्रजातंत्र को ये लोग भूल गये थे। देश की आर्थिक सामाजिक और राजनीतिक क्षेत्र में किस हद तक उन्होंने अस्थिरता पैदा कर दी थी जिसके कारण ये लोग आपस में लड़कर देश को बरबाद किसे और छिन्न-भिन्न बिसे। उसके बाद देश में आम चुनाव हुए। उसके बाद श्रीमती इंदिरा गांधी ने आकर जनता का विश्वास प्राप्त किया और सत्तारूढ़ हुई। तो मैं यह जानना चाहता हूँ कि देश की राजनीतिक, सामाजिक और आर्थिक विषमता जो पैदा कर दी गई थी, सबसे पहली जिम्मेदारी सरकार की उसको संभालने की थी और इस देश के अन्दर श्रीमती इंदिरा गांधी ने उसको संभालने का बोझ उठाया।

श्रीमन्, इस देश के अन्दर जितना सोना श्रीमती इंदिरा गांधी ने रखा था उसको इन्होंने बेचा। चीनी का निर्यात ... (व्यवधान)

श्री हुक्मदेव नारायण यादव (बिहार) : यह गढ़वाल चुनाव हो रहा है ?

श्री राम पूजन पटेल : वही मैं बता रहा हूँ कि चुनाव क्यों नहीं हो रहा है। पहले हमें अपनी आर्थिक स्थिति को ठीक

करना है, सामाजिक विषमता को जो आपने पैदा किया है उसको दूर करना है और उसके बाद चीनी का निर्यात बन्द जो जनता पार्टी ने किया और गन्ने को खेतों में रूकवा दिया, उसकी समस्या को दूर करना है।

श्रीमन्, ये प्रजातंत्र की बात कर रहे हैं। आपको मालूम है कि श्रीमती इंदिरा गांधी जब चिकमंगलूर से चुनाव जीतकर आईं उसके बाद इन लोगों ने उनकी सदस्यता समाप्त कर दी, आज वह चुनाव करने की बात कर रहे हैं। बहुगुणा जी से किसने कहा कि त्यागपत्र बीजिए। उनके अन्दर इतना चरित्र था तो जनता पार्टी के समय उन्होंने जब वे चौधरी चरणसिंह के साथ गये थे तब त्यागपत्र क्यों नहीं दिया। तब उन्होंने त्यागपत्र दिया होता तो मैं मान लेता कि उनके अन्दर चरित्र है। लेकिन उस समय त्यागपत्र नहीं दिया और आज चारों तरफ धूमधूमकर गढ़वाल के चुनाव की बात कर रहे हैं। गढ़वाल की पोठ में अगर किसी ने छुरा भोंका है तो वह कांग्रेस पार्टी ने नहीं, उन्होंने भोंका है। कांग्रेस पार्टी का दिमाग बहुत साफ है कि समय आने पर चुनाव होगा। इसमें दो बातें नहीं हैं। हमारे बहुगुणा जी जैसे हैं, जिस नाम से प्रदेश के लोग उनको पुकारते हैं वह सभी जानते हैं।

... (व्यवधान)

वह आप लोग समझ लीजिए। लोग उनको राजनीति का पक्का खिलाड़ी मानते थे। आप जानते हैं कि बन्दर जानवरों में बहुत चालाक होता है। लेकिन जब मदारी उसको पकड़ लेता है तो चारों तरफ उसको धुमा-धुमाकर नचाता है। बहुगुणाजी ने ताब में आकर इस्तीफा दे दिया, और लोगों ने इस्तीफा नहीं दिया तो वे इधर-उधर

घूमकर चारों तरफ आज इस प्रकार की बातें करते हैं ।

मान्यवर, जब जनता सरकार बनी, उस समय उत्तर प्रदेश के संभ्रांत और माननीय नेता चन्द्रभानु गुप्त जी थे जिसका लोग लोहा मानते थे । उनके पीछे हम सब इकट्ठा हो गये । सन 1974 में जब वह चुनाव हार गये तो उन्होंने बहुगुणा से पूछा कि मुझे कैसे हराया । उन्होंने कहा कि आपका भाग्य तो पिटारी में बन्द है । वह प्रदेश के मुख्य मंत्री थे । वे बहुगुणा जी इस तरह से काम करने वाले हैं, उनकी आज आप लोग दुहाई दे रहे हैं । आपको मालूम है कि 1973 में जब चुनाव हुआ तो वह कैसे जीते थे । हमारे तीन चार मित्र थे जो सोशलिस्ट पार्टी के साथ थे और इंदिरा जी के साथ आये थे । तो भाषण करने के बाद सब कहते थे कि ये सोशलिस्ट कितना उपद्रव करते थे ।

बहुगुणा जी नहीं चाहते थे कि चुनाव जीतें, नतीजा यह हुआ कि चुनाव हार गये । वे हमारे यहाँ आये, हम ने कहा कि हमारे यहाँ बहुगुणा जी की जरूरत नहीं । सब को धोखा देते रहे । संयोग से यहाँ इन का पैर फिसला, अब पछता रहे हैं । इन के धोखे की बात कह रहा हूँ तो बहुत से लोग सोचेंगे कि क्या कह रहा हूँ । मैं आप को बता रहा हूँ कि सब से पहले इन्होंने धोखा दिया अपने घर में । (व्यवधान) दूसरा धोखा दिया

SHRI B. D. KHOBRAGADE: Is it relevant, Sir?

SHRI G. C. BHATTACHARYA: These are personal allegations which are being made. I will also make personal allegations against the Prime Minister. I am warning him... (Interruptions). You allow him to make these personal allegations then I will also make personal alle-

gations... (Interruptions). Sir, if you do not stop him, you will be doing a wrong thing. I will also make allegations, and I should be allowed. This is Garhwal elections which is being discussed. Sir, I should also be permitted then to make such personal allegations. When they have got no other arguments, they do it like this... (Interruptions).

**श्री उपसभापति :** अपने कों विषय से सम्बन्धित रखिए ।

SHRI G. C. BHATTACHARYA: Mr. Minister, you have no arguments and your party Members are abusing. This is how they do it.

इन के पास आगूमंट नहीं है, इस लिए गाली दे रहे हैं ।

**श्री राम पूजन पटेल :** जो जैसा कर्म करता है.. (व्यवधान) कांग्रेस में इन का जन्म हुआ...

**श्री संयद शहाबुद्दीन :** पोइन्ट आफ ऑर्डर । मैं आप से अर्ज करना चाहता हूँ कि हिन्दी में 'धोखा खाने' और 'धोखा करने' में बहुत फर्क है । यह मैं समझ सकता था अगर म्यूजिज मेम्बर यह कहते कि बहुगुणा जी ने धोखा खाया, लेकिन वह कह रहे हैं कि धोखा किया ।

**कई माननीय सदस्य :** धोखा दिया ।

**श्री संयद शहाबुद्दीन :** धोखा दिया— मैं समझता हूँ कि यह गैर-पार्लियामेंटरी है । आप गौर करें ।

**श्रीमती उषा महोत्रा :** धोखा दिया, कइयों को दिया ।

**श्री उपसभापति :** जो विषय है उस सम्बन्ध में कोई सवाल हो तो पूछ लीजिए । इस तरह से आक्षेप करेंगे तो बहुत समय लगेगा । अनावश्यक बात मत करिए । जो प्रश्न है उस को पूछ सकते हैं ।

श्री राम पूजन पटेल : कांग्रेस पार्टी में थे या नहीं थे ? कांग्रेस पार्टी इन का घर था । श्रीमती इन्दिरा गांधी को छोड़ा । मैं कह रहा था कि कांग्रेस पार्टी को धोखा दिया, जनता पार्टी में मोरारजी को धोखा दिया, उस के बाद जगजीवनराम को धोखा दिया, उस के बाद जगजीवनराम को छोड़ा, चरण सिंह के साथ हुए, फिर इन्दिरा जी के साथ आये, इन्दिरा जी को फिर छोड़ कर गये । हर जगह यह लोगों को धोखा देते गये...

SHRI NARASINGHA PRASAD NAND  
A: I am on a point of intervention. What has happened is, the whole debate has now turned to something else which was never the object. May I request you to please adjourn the House? It is Private Members' day; we do not sit beyond 5 O'clock; but since the matter is important, we are sitting. But the debate has come to a level, where the Minister has given no fresh information, nor can there be a fruitful discussion.

श्री जी० सी० मट्टाचार्य : ये जो भड़कर गाली दे लें, लेकिन हम को भी मौका दीजिए ।

श्री राम पूजन पटेल : मैं तो यही कह रहा हूँ कि जो जैसा करता है वैसा पाता है । गड़वाल में जा कर गुंडागर्दी मचायी । पहली बार जब चुनाव स्थगित हुए तो उस का कांग्रेस से सम्बन्ध नहीं था । बहुगुणा जी ने स्वयं जा कर चुनाव आयुक्त के पास दलील पेश की कि चुनाव गड़बड़ हुआ, खुद उन्होंने कहा, अखबार में आया, रेडियो पर आया जब कि हम लोग अच्छी तरह से जानते हैं कि ऐसी कोई बात नहीं हुई । बहुगुणा जी ने स्वयं अपने ढंग से आतंक, बदमाशी सब की, लेकिन स्वयं जब देख लिया कि

चुनाव हार जायेंगे तो चुनाव आयुक्त के सामने पेश हुए और उस के बाद चुनाव रद्द हुआ । तो मैं कहता हूँ कि किसी मुल्क का कोई भी विरोधी आदमी नहीं होगा जो चुनाव रद्द होने पर बधाई देगा । कैसे इन्होंने चुनाव रद्द होने का स्वागत किया । यह स्पष्ट है कि इन्होंने चुनाव रद्द कराया केवल कांग्रेस को बदनाम करने के लिए । इन के पास श्रीमती इन्दिरा गांधी के खिलाफ बोलने का कोई मुद्दा है नहीं क्यों कि इन्होंने ऐसा कोई काम नहीं किया है जो जनता के सामने आया हो । उस के बाद मान्यवर, जब दुबारा चुनाव हुए तो हम लोग यहां से जाने के लिए तैयार थे लेकिन शाम को मालूम हुआ कि बहुगुणा जी ने अपने कार्यकर्ताओं से कह दिया है कि चुनाव स्थगित हो जायेंगे, आप लोगों को जाने की जरूरत नहीं है । तो उन को कैसे पहले सूचना मिल जाती है । इस का मतलब है कि उन को कहीं न कहीं से शक्ति मिलती है । कोई न कोई एजेंसी है कि जिस से यह गड़बड़ी होती है और जो सरकार को बदनाम करना चाहती है । मैं चाहूंगा कि यहां के संसद सदस्य अपने दिल और दिमाग को ठीक करके काम करें और माननीय मंत्री जी ने जो अपने तर्क पेश किये हैं वह सर्वमान्य हैं और चुनाव अपने उचित समय पर ही होने चाहिए ।

श्री उपसभापति : आप को कुछ कहना है ।

श्री जगन्नाथ कौशल : जी नहीं ।

SHRI B. D. KHOBRAGADE. Mr. Deputy Chairman, Sir, I would first refer to the Delhi Metropolitan Council elections. The hon. Minister has given the excuse that the electoral

[Shri B. D. Khobragade]

rolls 'will have to be revised, the reason being that there has been large-scale migration of population to new colonies in Delhi. My first question is, why were not the electoral rolls revised in the last two years? The Delhi Metropolitan Council was dissolved by the President on the 21st March, 1980. It is now nearly two years time. If the Government was so keen in holding the elections to the Delhi Metropolitan Council. I think, the Government could have revised the electoral rolls within the first six months and they could have held the elections in December, 1980, or, in January, 1981. Therefore, my first question is, why the Government did not take any interest in revising the electoral rolls as early as possible? The hon. Minister has just now stated that the process of revising the electoral rolls will be completed on the 25th March, 1982, and that the electoral rolls will be published on the 25th March. What is the difficulty now before the Government in holding the elections immediately after the electoral rolls are published? I think, the election process can start in the 'first week of April; issuing the notification, inviting nominations, filing nomination papers, scrutiny and withdrawal; the whole election process can be adjusted and I think, there should be no difficulty at all in holding the elections in the first week or in the second week' of May. I would like to have a categorical assurance from the hon. Minister that they will immediately hold elections, at least, to the Delhi Metropolitan Council. I would like to have a reply to this question from the hon. Minister.

In regard to this matter, an impression is gaining ground. Delhi is the capital of this country; a metropolitan city. The ASIAD is going to be held here in November-December this year. Sportsmen from various parts of the country and from abroad will be visiting Delhi during this period. The Government does not want that there should be an Opposi-

tion Party in power in the Delhi Metropolitan Council when the ASIAD is being held and that is why, the Government is not willing or is not prepared to hold elections in Delhi. This is the impression among the people. I would like to know from the hon. Minister whether this impression is correct or not. Did the Government want this? Is the Government under the impression that there would be an Opposition Party in power in Delhi, in the Metropolitan Council when the ASIAD is to be held and that is why, the Government is not prepared to hold the elections.

So far as Garhwal is concerned, the reason which has been given is that the Election Commission has not fixed the date. The Government, whether it is the Central Government or it is the U.P. Government, does not want to extend any help or co-operation to the Chief Election Commissioner. They only want to shift the blame on the Election Commission. The hon. Minister has said that the Election Commission has not fixed the date and that is why, the Government is not in a position to hold the elections. I need not repeat the points that have been made here. I need not repeat the information that has been given to the House. The question was discussed here in November also when the elections were postponed. U.P. Government had informed the Election Commission that the Government was unable to provide the necessary staff required to conduct the elections peacefully and to maintain law and order during the elections. That is why the Election Commissioner was compelled and constrained to postpone the elections. Even now why is the hon. Minister not prepared to categorically say that the Government is prepared to give the necessary police force to maintain law and order during the elections and to conduct the elections peacefully? Now the hon. Minister has said in his statements—he has quoted the letter of the Chief Electoral Officer—that there is a problem. Now

Holi will be over on 9th and 10th. The Kumbh Mela, I am told, is also over. After that he has referred to the elections for the Block Development Committees, Zila Parishads, Gram Panchayats, etc. May I ask the hon. Minister whether it is so important for the U.P. Government to hold elections for Gram Panchayats and Block Development Committees and postpone election to the Lok Sabha from Garhwal constituency? Even if the U.P. Government is interested in holding these elections to Gram Panchayats and Block Development Committees in U.P., Heavens are not going to fall if these elections are postponed in Garhwal district and you hold Lok Sabha election from Garhwal constituency. If you do not have the necessary police force to conduct elections peacefully, postpone the elections for Gram Panchayats, Zila Parishads and Block Development Committees to November and hold Lok Sabha election to Garhwal constituency. Why don't you do that? What is the harm in that? You have been postponing elections from Garhwal constituency since last year. What harm would be done if you postponed the Panchayat, Zila Parishad and Block Development Committee elections for Garhwal and adjoining districts? There will be no harm. Impression is gaining ground in this country that wherever the Congress (I) feels that the party is losing elections, they do not want to hold elections. Whether it is the Delhi Metropolitan, whether it is the Garhwal Lok Sabha constituency or the Bengal Assembly elections. You tried to postpone West Bengal elections by creating all kinds of obstacles. These obstacles are now removed by the Supreme Court. I would like to know from the hon. Minister; Are you going to hold elections to the Assembly in West Bengal or not? If not, why? These are my specific questions. Please note that India is a democratic country. We are wedded to democracy and socialism. If you are afraid of facing the people, afraid of holding elections, it amounts to the fact that you are

not democrats, you are against democracy. Therefore, I would like to have answers to these three or four questions raised by me.

SHRI JAGANNATH KAUSHAL: My esteemed friend at the end asked me about the West Bengal elections. My only answer is that we are not at that matter. That is not a matter at issue.

SHRI B. D. KHOBRADE: My question was that wherever the Congress (I) feels that the party is likely to lose elections, you are not holding elections, whether it is the question of Delhi Metropolitan, whether it is the Garhwal constituency or the West Bengal Assembly elections.

SHRI JAGANNATH KAUSHAL: I deny this charge.

SHRI B. D. KHOBRADE: Then hold elections.

SHRI JAGANNATH KAUSHAL: Again the trouble is, when my answer does not suit you you get up, and when your point does not suit me still I keep on sitting. Therefore, my submission again is, he has only raised two questions; otherwise the same questions have been raised by other hon'ble friends. One is, "why didn't you revise the electoral rolls earlier?" Well, I have again the answer: "we are nobody to revise the electoral rolls; it is the Election Commission which is doing it." An impression has gone round to identify us with the Election Commission. The Election Commission is not the Government. The Election Commission is an independent body. The Election Commission functions in its discretion, in its judgement- according to its best light.

The only other question he has asked is, if we hold the elections, the Opposition parties are bound to come into power. This question has been raised again and again. This is something where any prophecy...

SHRI B. D. KHOBRADE: I want to know whether you will hold the election, in April/May or not.



SHRI JAGANNATH KAUSHAL: ...you can hazard. I cannot. But if you ask an opinion and guesswork, I think your assessment is wrong.

SHRI LAL K. ADVANI: It is no\* a prophecy; it is a very specific case. In this particular case, the Central Government is responsible. If it says, "any time after the 26th of March, whenever the Election Commission decides, we are willing to hold the elections," it would be fine. The Election Commission only fixes the final date, but essentially it is in consultation with the executive. So he cannot put the whole responsibility on the Election Commission.

We hold that the non-holding of elections in Delhi and Garhwal is a deliberate and calculated subversion of the electoral process and therefore we expected him to assure us that at least now the elections will be held at such and such date. As he is not willing to give that assurance and has evaded the question, I would, on behalf of the entire Opposition, register our protest against the Government's attitude and say that this is

wrong, this is anti-democratic, this is anti-people, this is trying to deprive the people of their right to vote and denying them a right of representation and, therefore, I would like to protest and we walk out from the House.

SHRI G. C. BHATTACHARYA: We all join in support of Mr. Advani and walk out from the House.

(At this stage, some Hon. Members left the Chamber).

MR. DEPUTY CHAIRMAN: There is no point in this.

अब सदन की कार्यवाही सोमवार,  
 दिनांक 8 मार्च, 1982 की प्रातः 11 बजे  
 तक के लिए स्थगित की जाती है।

The House then adjourned at fifty-two minutes past five of the clock till eleven of the clock on Monday, the 8th March. 1982.