

**I. STATUTORY RESOLUTION DIS-
APPROVING THE REPRESENTATION
OF THE PEOPLE
(AMENDMENT) ORDINANCE 1979 (NO.
7 OF 1979)**

**II. THE REPRESENTATION OF THE
PEOPLE (AMENDMENT) BILL,
1980.**

श्री जगदीश प्रसाद माथुर (उत्तर प्रदेश) :
श्रीमन्, मैं निम्नलिखित संकल्प उपस्थित
करता हूँ :—

“यह सभा राष्ट्रपति द्वारा 1 सितम्बर,
1979 को प्रख्यापित लोक
प्रतिनिधित्व (संशोधन) अध्या-
देश, 1979 (1979 का
संख्या 7) का निरनुमोदन
करती है।”

यह प्रस्ताव रखते समय मेरा उद्देश्य यह
नहीं है कि इसमें जो प्रावधान किए गए हैं वे
कि नहीं जाने चाहिए। मैं केवल एक-दो
समस्याओं की ओर सरकार का ध्यान आकृष्ट
करने के लिए इस अवसर का उपयोग कर रहा
हूँ। सन् 73 और 74 में—मुझे ठीक याद नहीं
है—सिक्किम भारत का अंग बना था, वहाँ
को जनता ने निश्चय किया कि सिक्किम स्वतंत्र
राज्य न रह कर भारत का एक भाग बन जाये।
परन्तु फिर भी अभी तक कुछ ऐसे तत्व वहाँ हैं
जो भारत के साथ विलय को पूर्णतः मानने के
लिए तैयार नहीं हैं। मुझे प्रसन्नता है कि इसमें
ऐसे तत्वों के लिए कोई सीट का आरक्षण नहीं
किया गया है। परन्तु फिर भी एक कठिन समस्या
वहाँ पर है। गत वर्ष मैं सिक्किम गया था।
मैंने वहाँ स्वयं देखा है—अब भी चाहे निय-
मतः यह स्थिति नहीं है लेकिन व्यवहारतः
यह स्थिति है कि सिक्किम में देश के दूसरे
भागों से गये हुए लोगों को वह अधिकार,
वे सुविधाएँ आज भी प्राप्त नहीं हैं जो देश के
अन्य हिस्सों में हो सकती हैं। वहाँ का नागरिक
वहाँ जमीन नहीं खरीद सकता। जब मैं गया
था पचासों लोगों ने आकर मुझसे शिकायतें

की थी हम असम से गए हैं, राजस्थान से गए
हैं, उत्तर प्रदेश से गए हैं, पचास-पचास, चालीस-
चालीस साल से हमारे परिवार वहाँ रहते
हैं, हम व्यापार करते हैं, दुकानदारी करते हैं,
लेकिन फिर भी सिक्किम की पुरानी सरकार के
नियम के अनुसार वहाँ का नागरिक वहाँ जा
कर वोट नहीं बन सकता। तो मेरा सरकार
से यही कथन है कि इस ओर ध्यान दिया जाना
चाहिए। जो लोग भारत के किसी भी हिस्से
से गए हैं उनको वही अधिकार होने चाहिए
जैसे मैं यहाँ से कलकत्ता चला जाऊँ, बम्बई चला
जाऊँ, तमिलनाडु चला जाऊँ या देश में कहीं
और जाने पर मिलते हैं। नियमतः तो है...

परन्तु व्यवहार में वह नहीं है

4 P. M., एलेक्टोरल रोल के अन्दर सैकड़ों

नाम ऐसे थे जिनको वोट होना
चाहिए था लेकिन वह वोट नहीं हैं।
दूसरा एक और बिन्दु मैं रखना चाहता हूँ और
वह यह है कि वहाँ सीट्स का बंटवारा किया
गया है। वहाँ की रहने वाली जातियाँ जो हैं
उन के अनुरूप सीट्स का बंटवारा किया गया
है। बड़े लेप्चाज हैं, भोटिया हैं और दूसरी
जातियाँ हैं। बात उचित है, लेकिन इसमें एक
बात देखनी होगी कि यह बंटवारा हमको क्यों
करना पड़ रहा है। यह इसलिए करना पड़
रहा है कि शायद एक उपजाति के लोग दूसरी
उपजाति के लोगों के साथ मेल नहीं खा पाते
अथवा उनके हितों की रक्षा और दूसरी सब
जातियाँ मिल कर करेंगी यह आस्था उनमें
नहीं है। सरकार का प्रथम कर्त्तव्य है कि वह
किसी न किसी प्रकार से ऐसे पग उठावे कि
जिनके कारण लोगों के हृदयों में बठा हुआ
यह संदेह समाप्त हो कि हमारा संरक्षण, हमारे
हितों की संरक्षण दूसरी जातियों के लोग नहीं
कर सकेंगे। यह संदेह उन के हृदयों से मिटना
चाहिए और उनके मनों में भारतीय होने का
गौरव हो, यह भावना उन के मन में जगे।
यह गौरव उनके मन में कहीं न कहीं छिपा
बैठा है लेकिन वह पूर्णतया अंकुरित हो कर
सामने आये इस बात का प्रयत्न सरकार को
करना चाहिए।

[श्री जगदीश प्रसाद माथुर]

एक बात और उठती है। मैं बहुत लम्बी-चौड़ी बात नहीं करूंगा, केवल एक इशारा करूंगा। आज का हमारा चुनाव का तरीका है, जो उसकी पद्धति है वह पूर्ण नहीं है। जैसा कि अंग्रेजी में कहा है कि जब घोड़ा पहले दौड़ा और रस्सी तक पहुंच गया वह जीता मान लिया जाता है वही बात इस चुनाव में होती है और उसका परिणाम हमने 77 में देखा और 80 में भी देखा। कम वोट प्राप्त करने वाली पार्टी को बहुमत मिल गया और ज्यादा वोट प्राप्त करने वाली पार्टी पीछे रह गयी। इसी प्रकार का स्थिति सिविकम में है। 32 सीट जहां चुनी जानी हैं वहां 15 सीटों का रिजर्वेशन है। केवल 17 सीटें ऐसी हैं कि जो आरक्षित नहीं हैं। तो यह दुख की बात है और यदि प्रपोजेशनल रिप्रेजेंटेशन हो, यदि आनुपातिक पद्धति हो चुनाव की, यदि उसे स्वीकारा जाय तो निश्चित रूप से हमको जाति के आधार पर आरक्षण करने का आवश्यकता नहीं होगी, बल्कि आनुपातिक प्रतिनिधित्व किसी भी सदन में प्राप्त हो सकता है। मैं सरकार का ध्यान आकर्षित करता चाहता हूं कि अच्छा हो कि जैसे पिछली सरकार ने एक कमेटी बनायी थी, उसी प्रकार की कोई कमेटी बना कर आनुपातिक पद्धति किस प्रकार देश में चुनाव के लिए लागू की जा सकती है इसकी जांच करे और उसके कार्य को आरम्भ करे।

एक अन्तिम बात कह कर मैं समाप्त करूंगा। मैं ज्यादा समय नहीं लेना चाहता। एक बात कहना चाहता हूं कि यह आर्बिनेन्स के रूप में हमारे सामने आया। मैं यह नहीं कहना चाहता कि कौन सी सरकार इसके लिए जिम्मेदार थी और कौन नहीं थी, लेकिन ऐसी चीजें जो औपचारिक हों क्या उनको भी आर्बिनेन्स के जरिए इस सदन के सामने रखना आवश्यक है क्या सरकार के पास कार्यालयों में कोई ऐसी पद्धति नहीं है कि जब इस प्रकार का कोई विधान आए तो वह स्वाभाविक रूप से महीने, दो महीने पहले ही सदन में रखा जा

कर हमसे उसके लिए अनुमति ली जाया करे। यह बात सच है कि उस समय काम चलाऊ सरकार थी। कैबिनेट के गवर्नमेंट कहिये या कैबिनेट-फ्री गवर्नमेंट कहिए, उनकी हिम्मत नहीं थी कि सदन के सामने आये। हम लोगों ने आवाज उठायी थी और राष्ट्रपति जी को पत्र भी लिखा था कि...

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHIV SHANKAR): Just a moment, please. What I am trying to bring to your kind notice is that in May last year itself this Bill was introduced, and because of the dissolution, the Bill lapsed. And on the same line*, the Ordinance was issued.

SHRI JAGDISH PRASAD MATHUR: Then I stand corrected.

कोई

ऐसी प्रक्रिया होनी चाहिए कि जिस प्रक्रिया में इस प्रकार की मामूली बातें आर्बिनेन्स के माध्यम से न आये।

यह तीन बातें मैं रखना चाहता था अन्यथा इस विधेयक को डिफोट करना मेरा उद्देश्य नहीं है। नम्बर एक, वहाँ पर एकता की भावना पैदा हो इसके लिये वहाँ ऐसे अफसर भेजे जायें जो कि वहाँ के निवासियों के हृदय में भारतीय होने का गौरव पैदा करने में सहायक हो सकें। दूसरी बात यह है कि मारी जो चुनाव पद्धति है रिजर्वेशन के बारे में वह दोषपूर्ण है। उसको सुधारने के लिए कोई न कोई पग उठा जायें।

तीसरी बात मैंने अभी कहा है कि इस प्रकार की प्रक्रिया होनी चाहिए जिससे कि इस प्रकार का लिम्ब न हो। इतना कहकर मैं आपका ध्यान इन बातों की ओर दिलाता हूं अन्यथा इस बिल को डिफोट कराने का मेरा कोई इरादा नहीं है।

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): How, Mr. Shiv Shankar will move the Motion*

SHRI SHIV SHANKAR: Sir, I beg to move;

"That the Bill further to amend the Representation of the People Act, 11150, and the Representation of the People Act, 1951, to provide for the readjustment of assembly constituencies in the State of Sikkim, as passed by the Lok Sabha, be taken into consideration."

Sir, as the hon. Members are aware, Sikkim became a State of India with effect from the commencement of the Constitution (Thirty-sixth Amendment) Act, 1975, *Le.* on the 26th April, 1975. The said Amendment Act also introduced a new article 371F to make certain special provisions with respect to that State. By virtue of this article, the then Assembly for Sikkim formed as a result of the elections held in Sikkim in April 1974 was deemed to be the Legislative Assembly of the State of Sikkim duly constituted under the Constitution. All the said 32 seats were reserved, 15 each for the Sikkimis of Bhutia-Lepcha origin and the Sikkimis of Nepali origin and one each for the Scheduled Castes and the Sanghas belonging to monasteries. Clause (f) of said article 371F provided that notwithstanding anything in the Constitution it would be competent for Parliament for the purpose of protecting the rights and interests of different sections of the population in Sikkim to make provision for the number of seats in the Legislative Assembly of that State which may be filled by candidates belonging to such sections and for the delimitation of the Assembly constituencies for which candidates belonging to such sections may stand for election to the Legislative Assembly for Sikkim. By an amendment made to the Representation of the People Act, 1950, and the Representation of the People Act, 1951, this system of reservation was continued. As the term of the first Legislative Assembly of the State of Sikkim was due to expire, a Bill entitled the Representation of the People (Amendment) Bill, 1979, was introduced in the Sixth Lok Sabha on the 16th May, 1979. This Bill sought to make provision for the readjustment of the Assembly constituencies in the State of Sikkim and for the reservation of seats in the Legislative Assembly for the purpose of protecting the rights and interests of the different sections of the population of Sikkim in accordance with the provisions of clause (f) of article 371F. On the dissolution of the Sixth Lok Sabha this Bill lapsed. The first Legislative Assembly of Sikkim was dissolved by the Governor of Sikkim on the 13th August, 1979. As such, it became urgently necessary to make provision for the delimitation of the Assembly constituencies in the State and for the reservation of seats in the Assembly. An Ordinance on the lines of the Bill which lapsed on the dissolution of the Sixth Lok Sabha was, therefore, promulgated by the President on the 1st September, 1979. By the Ordinance, out of the 32 seats in the Assembly, 12 seats were reserved for Bhutias and Lepchas, one seat was reserved for Sanghas, two seats were reserved for the Scheduled Castes, and the remaining 17 seats were left as general seats open to electors. The present Bill seeks to replace this Ordinance. As the elections to the Sikkim Assembly had been held in accordance with the provisions of the Ordinance and as the new Assembly has been duly constituted, it is necessary to replace the Ordinance without any change. I commend the Bill for the consideration of this hon. House.

The questions were proposed.

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): Now the Motion and the Resolution are open for discussion. Yes, Shri Mallick, you will have ten minutes.

SHRI HAREKRUSHNA MALLICK (Orissa): Sir, I will be very very brief. Sir, while initiating discussion this Bill, I need not elaborate on the situation after the Sixth Lok Sabha

[Shri Harekrushna Mallick]
/as dissolved. Election also was called upon to be held in connection with this Ordinance. This Ordinance came into force after the President put his signatures because it is only under the President's name that the Government of India runs or as it ran at that time, that time, it was only a care-taker Government. But i feel the hon. President of India has gone beyond the clauses and the provisions of our esteemed Constitution and he has by passed the sovereign Parliament.

[The Vice-Chairman (Shri U. K. U. K. Lakshmana Gowda) in the Chair].

Although the Sixth Lok Sabha was not there after its dissolution, well, the esteemed Rajya Sabha was alive and as it is a permanent body, there was every necessity and occasion, for the President to have summoned this esteemed House. Because the hon. President has not summoned it, I feel that he has bypassed his powers and privileges and has probably committed an insult to Parliament. Well, even in a monarchy, the axiom runs that a king can do no wrong. It means that the king should not do any wrong or whatever the king does, is supposed to be right, i am sure in a democracy like ours, the axiom cannot be tenable to say that President can do no wrong. In this case, not only the hon. President of India, like the then President, Mr. V. V. Giri and the present President who is his nominee, but the Governors also just bypassed the Constitutional provisions and, probably, for the first time an Ordinance was hushed up and election was held without ratification by Parliament. Not only myself, our hon. friend Mr. Bhishma Narain Singh who happens to be the Minister for Parliamentary Affairs now, and then he was the Chief Whip of the Congress Party, also demanded that Rajya Sabha be summoned because not only the affairs of Sikkim were pending before the nation and before Parliament,

but widespread problems raged the country and many more events, both national and international, were also at our hands which threatened not only our internal peace but also international peace, particularly the affairs of Iran, i wonder how and why the hon. President sat over this clause by virtue of which he could summon this House and I feel because it was not summoned, definitely the Parliament has been bypassed. Well, Sir, the hon. President happens to be a part of Parliament. This Parliament has its own sovereignty and it happens to be the highest forum in our democracy. I have all respect for the exalted chair that our honourable fellow citizen occupies while functioning as the President. At the same time, i must express my opinion and i hope the hon. Members of this esteemed House will bear with me because I do not bring in any partisan politics. I only went to alert everybody that people who occupy a non-partisan chair, a neutral chair, and are expected to function above any party politics, have failed to do so. This should be borne in our minds and in the mind of the nation so that no future President or the present President may act like that. To remind one thing, only one king was beheaded and all kings became alert. So much so, King Edward VIII abdicated himself on a point of principle.

Well, probably there was a sentiment that a motion of impeachment was due and that is why it was avoided to summon this House. I think that also was an issue in the last election. Well, whatever it is, the matter will not lie in wilderness. I will just quote here what Tagore said: "while a flower is blossoming and if by chance it withers away and falls down, it is still a flower, nobody can call it a mushroom. Similarly, if a river while flowing dries out in a dreary desert, it will still be called 'river' and not a drain." Therefore, a party or a few people who stood by the principles and mandate of the-

Constitution might have temporarily failed or not achieved the goal of getting the President impeached, but the sentiment of the nation remains alert. Eternal vigilance is the price of liberty. That should be the guiding principle for the President and his nominees in the periphery, i.e. Governors, to act. While reminding the House of all this, I would only like to say that this should have been definitely ratified soon after its promulgation and not when election is already over and all those things have changed.

Therefore, with these few words I say no Government in future, no President or his nominees in the periphery, i.e. Governors in future, should act like this.

THE VICE-CHAIRMAN (SHRI U. K. LAKSHMANA GOWDA): Yes, Mr. Dhabe. Mr. Mallick has taken very little time and he has been very brief. I request you to be very brief. (*Interruptions*). We will do it when it comes to Mr. Khan's turn.

SHRI LAKSHMANA MAHAPATRO ('Orissa): Only those who sit opposite to you are accustomed to long speeches.

SHRI S. W. DHABE (Maharashtra): Mr. Vice-Chairman, Sir, this Representation of the People (Amendment) Bill relating to the elections in Sikkim is an important item for which an Ordinance was issued by the previous Government, Sir, this integration of States in the northern part of India is a very important step towards our national integration. It is not that we annexed Sikkim, but it was a result of the freedom struggle started by the Sikkim Congress, the people and their leaders. For a long time they fought against the Chogyal and when there was an agreement with the Government of India in 1973, general elections were held in Sikkim in 1974. In that election the Sikkim Congress got 31 out of 32 seats. Thereafter palace intrigues were intensified and what happened, the history is known to all

of us. Rulers wanted to take foreign aid and with the foreign intervention they wanted to create problems. And, therefore, appeal was made to the then Prime Minister and a Bill was brought forward before this House for integration and a new article 371F was added to the Constitution. In that debate the letter of the Chief Minister written to the Prime Minister on 8th April was quoted and I want to quote the same letter which is there on page 19 of the debate on the Thirtieth Amendment Bill of 1975. I quote:

"Events of the past week have proved beyond all doubt that the Chogyal must quit. This is imperative for the survival of democracy in Sikkim. Failing this, the popular government which was elected by an overwhelming majority in April 1974 election will not have the opportunity of fulfilling the mandate of the Sikkimese people... The survival of democracy in Sikkim and closest links with India are inseparably linked. It is the deepest wish of all Sikkimese people that our links with the Central Government be further strengthened at the earliest."

Then, Sir, they took a momentous decision on 10th April, 1974 when the Sikkim Assembly declared:

"The institution of the Chogyal is hereby abolished and Sikkim shall henceforth be a constituent unit of India, enjoying a democratic and fully responsible government".

Thereafter it is a well-known history that the amendment was passed to include Art. 371(f) in our constitution. Elections were held again in October, 1979 and the elected ruling party said that for all practical purposes state of Sikkim was an irrevocable part of India.

Sir, the Bill which we are called upon to pass suffers from infirmity and many defects. If we really want Sikkim to be a Part of India, full integration must take place. Sir, if we look to the repre-

[Shri S. W. Dhabe]

sentation given there, it is: 12 seats shall be reserved for Sikkimese of Bhutia-Lepcha origin, 2 seats for the Scheduled Castes of that State and one seat shall be reserved for the Sanghas as referred to in section 25A. It seems that the seats of the Scheduled Tribes are given in the name of people of Bhutia-Lepcha origin, which are 12 seats. The Scheduled Castes are given only two seats and one seat is given for the Buddhist Sanghas. Sir, when I checked up this with the population in Sikkim, I found that the Hindus are 1,44,544 and the Buddhists, for which one seat is reserved, are 62,617. They also have other minorities like the Christians, Muslims, Jains etc. for which there is no reservation of seats given in this Bill. I would plead with the Law Minister that this giving of seats on a communal basis will give rise to demands elsewhere that similar reservation be made for a particular community, which will be violative of Art. 15(1) of the Constitution. Sir, this sort of discrimination may be supported by legal arguments under article 371(f) where for the first time a provision has been made which was necessary at the time of the beginning of this integration. It begins with the word, "Notwithstanding anything in this constitution". But to have it perpetrated in the Constitution will not be proper. This clause was good at the time when you obtained integration because the political situation there was requiring it. But to provide a provision of this type is not proper. It means you can do away or bypass the principles of reservation even in other parts of the Constitution and also the Fundamental Rights or the Directive Principles. They can have any type of Constitution or legislation and, therefore, it is necessary that, when we pass this Bill, the Law Minister should seriously consider this matter; otherwise it will give rise to such demands in different parts of the country.

Communal reservation on the ground of religion should be done away with,

Today we cannot do anything. The elections to the Sikkim Assembly have already taken place on the basis of that.

Secondly, I find that according to the *Times of India* dated 1st February, under the previous arrangements 15 seats each were reserved for the Nepalese and the Bhutia-Lepchas and one seat each for the Sangha and the Scheduled Castes and no general seats. This arrangement was changed and now out of the 32 Assembly seats, 12 seats are reserved for the Bhutia-Lepchas, one for the Sangha and two for the Scheduled Castes. The remaining 17 seats are classified as general. It has been reported that according to the 1971 Census, the Nepali population was 1,34,235 and Bhutia-Lepchas numbered 33,207. They are hardly 21 per cent of the population but they are given 12 seats. This is offending the provisions of Article 332(3) of the Constitution where it has been said that representation to the Scheduled Castes or Scheduled Tribes should be in proportion to their population to the total population in that State. But here much more representation is given to a community. I do not find any excuse given by the Minister for this sort of high representation to a particular community. Therefore, I would request the Law Minister to have a second look at this problem and give them representation as per the population and the principle of Article 332(3) should be made applicable to them.

Sir, there are two other problems. The most important question of including Nepali language in the Eighth Schedule was raised last time. When the Minister for Parliamentary was on this side this question was raised and I am sorry to say that then Prime Minister, Mr. Morarji Desai gave the reply that because Nepal is a different State we cannot add Nepali in the Eighth Schedule. That is not the arrangement in our Constitution.

SHRI LAKSHMANA MAHAPATRO: it is a case of inexcusable delay and neglect.

THE VICE-CHAIRMAN (SHRI U. K. LAKSHMANA GOWDA): Let him finish. His time is already up.

SHRI S. W. DHABE: By the 21st Amendment Act of 1967, Sindhi was added to the Eighth Schedule and when English, which is the language of so many countries all over the world, can be part of the Eighth Schedule, there is no reason why Nepali cannot be part of the Eighth Schedule. Therefore, I urge upon the Minister to consider very seriously the demands of the people there and the large population there of Nepali origin. I am told that in Sikkim the Nepali population is more than 1,40,000 out of the total population of 2,09,843. More than 50 per cent of the population is of Nepali origin. Therefore, in order to have integration in the north-eastern area, it is necessary to take concrete steps so that they feel they are part of our country and their problems are taken up seriously by us. The second problem which is facing them is with regard to rapid economic development, and provision of agricultural aid. I would request the Minister and, through him, the Government, that immediate steps be taken for rapid economic development in Sikkim.

Lastly, Sir,

THE VICE-CHAIRMAN (SHRI U. K. LAKSHMANA GOWDA): You said too. Now you are going to another one. Now you have to conclude.

SHRI S. W. DHABE: Lastly, Sir, I am supporting the Bill and saying that the infirmity which has come in view of the transition period should be removed as early as possible so that Sikkim really becomes a part of India and forms part of the mainstream of our country.

With these words, Sir, as the elections have already taken place I support the Bill.

श्री लाङ्गनी मोहन निगम (मध्य प्रदेश) :
उपसभाध्यक्ष महोदय, चमड़ी का और शरीर

का जो रिश्ता रहता है वही किसी देश की सीमा का और उसकी राजधानी व देश का रिश्ता होता है। अगर हमारी चमड़ी कमजोर रही तो शरीर में रोग फैलने का डर रहता है। मेरा दुर्भाग्य यह रहा है कि हिन्दुस्तान की आजादी के बाद से कभी भी हिन्दुस्तान की चमड़ी की तरफ कोई ध्यान नहीं दिया गया। शायद यह जो वसीयत हमको दिल्ली की राजधानी की मिली है जहाँ राजधानी का सिर्फ एक मसद रहता था कि राजधानी को मजबूत रखो और अन्य इलाके अगर आपस में लड़ते रहें तो कोई मतलब नहीं। जिसके बारे में आज पूरा दिन भर हम लोगों ने आसाम वाले मामले में बहस की है उसी से मिलता-जुलता और चोली-दामन का रिश्ता है सिक्किम का।

मुझे ख़ुशी है कि पहली मर्तबा आप हिन्दुस्तान की सिक्किम की जनजातियों के लिए 'पीपुल रिप्रेजेंटेशन एक्ट' बनाने जा रहे हैं, उसमें कुछ देने जा रहे हैं। मैं और अगर इसकी गहराई में जाऊँ तो आपको बतला देना चाहता हूँ कि सिक्किम के साथ ख़ाली हमारा धार्मिक या और वैसा रिश्ता नहीं था। किसी ज़माने में सिक्किम हमारा हिस्सा था और अगर हमारे पूर्वजों ने कोई गलतियाँ न की होती तो आज सिक्किम का जो हथुआ है वह और जिसके चलते आज हम तिब्बत भी खो बैठे हैं तो शायद ऐसा हाल नहीं होता। मैं इशारा करना चाहता हूँ कि हिन्दुस्तान का एक बादशाह जब सिक्किम का बादशाह था जब वह तिब्बत तीर्थ यात्रा के लिए गया क्योंकि वह बुद्ध प्रधान था, अभी धावे साहब की शिकायत है कि बुद्ध वाले लोगों को वहाँ के संघ के लोगों को क्यों एक सीट दे दी गयी है—तिब्बत धर्म प्रधान देश है, तो जहाँ वह वहाँ गया था तो सारे तिब्बत को दान किया था अपनी राजधानी को भी लेकिन अपनी याद और नाम के लिए मनसर नाम के एक गाँव को अपने लिए रखा छोड़ा था। आपको शायद ताज्जुब होगा कि मनसर, मेकमोहन रेखा से, जो अंग्रेज लोगों की दी हुई वसीयत है, 70 मील ऊपर है। तिब्बत के साथ अगर

[श्री लांडलो मोहन निगम]

हमारा दिमाग साफ होता तो मैं कमोहन रेखा तिब्बत और हिन्दुस्तान की सीमा रेखा होती, न कि वह चीन की, और फिर शायद आज सिक्किम के अंदर यह झगड़ा खड़ा नहीं होता जिस तरीके से जो वहां अंदरूनी झगड़ा आज खड़ा हो गया है। मैं निवेदन करना चाहूंगा कि हमको अपने इतिहास में जाकर और साथ ही साथ पुरानी पुराने मान्यताओं को छोड़कर—क्योंकि यह कभी मत भूलिए कि जब मैं मनसरोवर का जिक्र करता हूँ तो मनसरोवर वह मानसरोवर का इलाका है जहां कि हिन्दुस्तान की ब्रह्मपुत्र नदी बहती है जिसको चीनी भाषा में लोग शांगपो कहते हैं और उसी ब्रह्मपुत्र की घाटी को लेकर आज पूरे सदन ने अपना समय इस पर लगाया है। सवाल यह है कि नदी, पहाड़ और मनुष्य इनका आपस में क्या रिश्ता है। उन रिश्तों की तरफ हिन्दुस्तान की सरकार अब नये तरीके से नये नजरिये से सोचने को तैयार नहीं है। अगर हम लोग जो दिल्ली में बैठे हुए हैं हिन्दुस्तान के आदिमियों को दूसरे इलाके के लोगों को इसी तरह से समझें जैसे अंग्रेज हिन्दुस्तान को समझता था। एक कलेक्टर रहता था बाकी सब गुलाम राज्य करते थे। अगर यहां के अफसरान वहां जाकर इसी तरीके से व्यवहार करते रहे तो आज सिक्किम में जो अलगाव की भावना पैदा होने लगी है, भूटान में होने लगी है, और छोड़िए सारा पूर्वांचल और हमारी उत्तरी पूर्वी सीमा तंगी पड़ी हुई है तो यह एक बहुत गम्भीर समस्या है। इस बास्ते मैं कहना चाहता हूँ कि अगर हिन्दुस्तान के, उसे गुदगुदे इलाके में कहूंगा, कमजोर नहीं कहूंगा बल्कि ऐसे इलाके में जहां दुखती रग पकड़ी जा सकती है, अगर वे इलाके कमजोर रहे तो कभी भी हिन्दुस्तान तरक्की नहीं कर सकता है। कल कारखाने हिन्दुस्तान की तरक्की के मयार नहीं हैं हिन्दुस्तान की सरहदें हम जितनी

मजबूत कर सकते हैं, और हिन्दुस्तान की सरहदें मजबूत करने का तरीका यह है कि वहां जितने अधिक असंतुलन हैं उनको दूर किया जाय, प्रजातंत्र की स्थापना की जाय, और साथ ही साथ वहां प्रजातांत्रिक अधिकार दिये जायें। जितनी जनजातियां हैं किसी के मन में यह भावना न पैदा होने पाये कि हम एक दूसरे के द्वारा विजित हैं, या शोषित हैं। मैं बहुत नम्रता से इतना ही निवेदन करूंगा कि मैं इस बिल का एहतराम करता हूँ लेकिन साथ ही साथ यह भी निवेदन है और खासकर कानून मंत्री जी जिनका थोड़ा बहुत करम रहा है हम पर, उनसे मैं एक बात का निवेदन करूंगा कि मैंने उस धरती को देखा है। आप अब की बार जरूर उस धरती पर जाइये और वहां की अंदरूनी चीजों को देखिये तब आपको पता लगेगा कि आज जिसको लोग साम्प्रदायिकता की शक्ल देने की कोशिश करते हैं वह साम्प्रदायिकता नहीं है। यह कभी मत भूलना कि जब तक हिन्दुस्तान की 12 लाख वर्ग मील धरती हमारे देश की मातृभूमि चीन अपने दावे में कब्जा करके बैठा है तब तक हिन्दुस्तान चीन से नहीं बँडेगा। कभी न कभी तो हिन्दुस्तान में संकल्प वाली सरकार बनेगी ही और इसलिए उस बास्ते संकल्प वाली नीति जरूरी है। वहां अगर खम्पा, लेप्चा और भोटिया जनजातियां चीन से लड़ाई ले सकती हैं जो अपने तिब्बत को आजाद कराना चाहती हैं, अपनी मातृभूमि के साथ इनका रिश्ता जुड़ा है जो आज उनको आप अपने से अलग न होने दें। तो वह खाली हमारा एक राज्य का दूसरे राज्य से रिश्ता नहीं है, यह खून का रिश्ता है, भाई का रिश्ता है, हमारी तहजीब का रिश्ता है और हमारी परम्परा का रिश्ता है। उन परम्पराओं को मद्देनजर को मद्देनजर रखते हुए मैं अंत में फिर बहुत विनम्रता से इस बिल का समर्थन तो करता ही हूँ। बल्कि एक बात जरूर चाहूंगा कि एक सतर्क वहां की स्थानीय समस्या को जाकर देखें। उनके अन्दर जो शोषण

हो रहा है, बाहर से जो शोषण हो रहा है, उसको रोकने के लिए भी हमें कोई न कोई काम करना चाहिये -

बस, मुझे इतना ही कहना है।

THE VICE-CHAIRMAN (SHRI U. K. LAKSHMANA GOWDA): Thank you. Mr. Bhupesh Gupta not here. Mrs. Kanak Mukherjee.

SHRIMATI KANAK MUKHERJEE (West Bengal): Mr Vice-Chairman, Sir, with your kind permission, let me record some of our serious objections to this Bill.

My first objection is this. This Bill is undemocratic, irrational and ill-conceived and violated the Constitutional provision for the reservation of seats for the Scheduled Castes and the Scheduled Tribes in Article 332(3) of the Constitution which provides for proportional reservation of seats bearing to the total population of the States. Now this is what I want to place before you. The population chart is here. It shows that the total population of Sikkim is 2,09,843. the Sikkimese of Nepali origin 1,46,890; that is more than 70 per cent and the Sikkimese of Bhutias and Lepchas origin 45,851, that is about 21 per cent, and others 17,101, that is 9 per cent. Source; 1971 Census. The distribution of seats through this Bill is this. Out of 32 seats, 12 are for the Sikkimese of Bhutias and Lepchas origin, two for the Scheduled Castes, one for the Sanghas, the representatives of the Buddhists Monasteries and 17 other general seats. The hon. Minister in the Statement of objects and Reasons has said:

"The Assembly for Sikkim formed as a result of the elections held in Sikkim in April, 1974 comprised of 32 members. All the seats in this Assembly were reserved—15 each for Sikkimese of Bhutia-Lepcha origin and Sikkimese of Nepali origin and one each for Scheduled Castes and for Sanghas belonging to monasteries."

Fifteen seats were allowed to the Sikkimese of Nepali origin. Without giving any new assurance and safeguards, you have taken away the safeguards of the 70 per cent of the people, the Sikkimese of Nepali origin.

Secondly, this Bill has deliberately taken away the safeguards provided in section 5A of the Representation of the people Act, 1951 to the Sikkimese of Nepali origin who enjoyed these since the first election held in Sikkim.

Thirdly, this Bill reserves no seat for the Sanghas. As my hon. friend, Mr. Dhabe, said, the representation to the Buddhist Monasteries is on the basis of religion. This is definitely against the secularism of our Indian Constitution. Apart from Buddhists, there are in Sikkim, Hindus, Muslims, Christians, Sikhas, Jains and people belonging to other religions. What will happen to India if the seats are allotted on the basis of religion? That you can understand. This is against the Constitution itself. This Bill deprives the majority of the people of Sikkim of Nepali origin and gives 37 per cent of the total number of seats to only 21 per cent of the people of Bhutias and Lepchas origin and creates a feeling of bitterness between different ethnic and linguistic groups and therefore a situation for the kind of trouble which we are now having in Assam and Meghalaya. So, instead of giving a sense of national integration, this Bill tends to create new differences among the different groups of people and cause national disintegration.

Now, the hon. Minister said that this Bill is only to regularise the Ordinance. But this Bill is the same as the previous Bill which was introduced on the 18th May, 1979. I want him to remember what was the result of the introduction of that Bill. All the sections, all the people of Sikkim, including the members of the Legislative Assembly and the Speaker, and the most respected people of Sikkim, opposed the Bill. There was a tremendous agitation and movement in Sikkim which

[Shrimati Kanak Mukherjee]

reached its climax and as a result of that, the Lhendup Dorji Government collapsed. That you can easily remember, I want to remind you a few things about that agitation. On June 5, 1979, 14 leading personalities of Sikkim representing the Khepalese, Bhutias, Lepchas and other communities along with some MLA₃ and Ministers sent a memorandum to the then Law Minister, Prime Minister and the President of the Janata Party here. Mr. B. B. Gurung, Speaker of the Sikkim Legislative Assembly, strongly criticised the Bill and said it was a deliberate attempt to sow the seeds of discord among the different linguistic and ethnic groups of Sikkim. Again Mr. Mohan Gurung, President of the Sikkim State Committee of the All-Indian Kisan Sabha, demanded the same criteria of seat reservation for the Scheduled Castes and Scheduled Tribes and others in Sikkim as in the other 21 States of India. Why make such a differentiation in Sikkim and create new problems among the backward sections of different ethnic and linguistic groups there? Now, I want to quote from one editorial published in 'Janata Jwala' a local paper of Sikkim in its July issue. It said:

"We have our own outlook. We always discourage communalism and nepotism. We cannot remain silent when the written Constitution is being trampled under foot and article 371 of the Constitution is violated."

Now, Mr. Vice-Chairman, Sir, I want to read . . .

THE VICE-CHAIRMAN (SHRI U. K. LAKSHMANA GOWDA): Mrs. Mukherjee, your quotation may be very short. Otherwise your time is almost up.

SHRIMATI KANAK MUKHERJEE: I am just finishing. In the Statement of Objects and Reasons, the Minister has stated:

. . . so as to ensure a fair representation to all sections of the population of the State in the As-

sembly. At the same time, it is considered that if the Bhutias and Lepchas who are the original inhabitants of Sikkim, are given representation solely according to their population ratio, their interests may not be properly safeguarded. Accordingly, it has been decided that 12 seats may be reserved for Bhutias and Lepchas."

Now, you have named them as the original inhabitants and thereby you have created differences between the original inhabitants and people of Nepalese origin, people of Bhutia origin and people of Lepcha origin and created conflicts between them. This is my point.

And one more point only, Mr. Vice-Chairman Sir, it seems that the Tribal people have been favoured specially here as they are backward sections of the people. But actually it is not so. There are loopholes through which the vested interests class and the exploiting class have been favoured. And what is the background? There is that age-old feudal exploitation in Sikkim. Even after its integration with the Indian Union, the situation did not improve. Now, Sikkim is a land of agriculture. Another name for Sikkim is 'Dengong', which means land of rice. Eighty per cent of the population depend on agriculture and 70 per cent of the rural population are landless poor peasants and agricultural labourers. The major part of the land is owned by landlords, moneylenders, etc., who enrol themselves as Tribals. There lies the fallacy, there lie the loopholes. Those moneylenders, the Kazis, the landlords, they themselves will become the Tribal candidates, and with their money power they will buy up the reserved seats, they will buy up at least seven or eight seats out of the 15 seats. So the major portion of the population consisting more than 70 per cent of the Sikkimese people of Nepalese origin will have to find some seats out of the 17 general seats although they will also be bought up by those moneylen-

ders and landlords, by that exploiting class. Therefore, you have to take into account the backward conditions and the feudal exploitation prevalent in Sikkim. It may seem that, yes, you have given some more seats for the Tribals. But through the back-door these seats are being given—both reserved and unreserved seats—to the exploiters classes, to the vested interests, to the kazis, the landlords, who belong to Dorjis and Chogyal? groups.

I have one last point to make which has already been made by other speakers. And that is the Nepalese have a real, genuine, apprehension—as the previous Prime Minister also called them—of being called foreigners. Some day, they fear, the Nepalese in Sikkim may be called foreigners. This apprehension is very much (here in them). Therefore, we should set their doubts at rest, we should allay their fears and see to it that we uphold the vital principle of our Indian unity, unity in diversity. Our great Tagore said:

"Bibidher Majhe Ache Milana Mahan."

Let us follow that great principle of national integrity. I hope the honourable Minister will bring up a comprehensive Bill to satisfy all the groups, to maintain national integrity, to improve the conditions of the Sikkimese, to make them feel they are an integral part of India. I request the honourable Minister to discuss the Bill with all groups of people in Sikkim, specially the Sikkim Assembly, the different political parties, and Parliament here, and then bring here an agreed comprehensive Bill. Thank you.

THE VICE-CHAIRMAN (SHRI U. K. LAKSHMANA GOWDA): The mover of the Resolution, Shri Mathur, to reply.

SHRI JAGDISH PRASAD MATHUR: Sir, I do not want to add anything to what I have already said earlier. It is a very important Bill.

SHRI SHIV SHANKAR: Mr. Vice-Chairman, I must thank generally the speakers who have, while appreciating the difficulties in passing this Bill, made certain valuable suggestions. By and large, the mood of the speakers has been to support this Bill. Certain issues have necessarily been highlighted. Mr. Mathur highlighted three issues.

Without going into the details I would like to be businesslike because we have to save the time of the House. Mr. Mathur has gone on record to say that there are people who came from different parts of the country and settled in Sikkim and they should be treated equally, they should not feel that they are from a different State altogether. I may straightway bring to the notice of the hon. Members that the Bill that was brought in May 1979 by the then Government has been bodily lifted and incorporated in the Ordinance. The wording of this Bill has been bodily lifted from the previous Bill and the Ordinance makes a clear provision for the 17 seats that are general, and not reserved. Therefore, the fear of hon. Member, Shri Mathur, in regard to those who at one point of time were residing in other parts of the country and have gone and settled in Sikkim, has no basis. So far as the question of elections is concerned there are 17 general seats to which they can seek election and there is no difficulty to that extent. Therefore, his fears do not seem to be substantiated.

SHRI JAGDISH PRASAD MATHUR: I did not say that it is not possible. There is such a feeling and there is a sense of insecurity. This is a national sentiment there. I do agree that it is possible. But there is something more to be done.

SHRI SHIV SHANKAR: On this there could be no two opinions. That something should be done not only with reference to Sikkim, but with other parts of the country. I have tried to meet his first objection.

I may submit a little background in this context so that the Bill can be better appreciated. As I have said the

[Shri Shiv Shankar]

Bill is primarily intended to preserve the validity of the elections that have taken place already under the Ordinance. Secondly, if you go a little earlier to that, the earlier Assembly was constituted under the Representation of Sikkim Subject Act, 1974. This was issued by the Chogyal under his Proclamation of 5-2-1974. A surprising feature of that enactment was that all the seats were reserved and there was no general seat at all. To that extent, I must submit that this Bill is a great improvement, and no doubt this is purely on the lines of the earlier Bill moved in May 1979 and the Ordinance which was brought forth in September 1979. It is in pursuance of that Ordinance that the elections have been held. Supposing we do not pass this Bill, the elections get into jeopardy and again a fresh legislation will have to be brought forward and then fresh elections have to take place, that is why I said that the primary intention of this Bill is to preserve the validity of the elections that were held under the Ordinance _____. (Interruptions). I am going to answer your objection also. The second issue raised by Mr. Mathur was with reference to the system of proportional representation as the basis. This is something perhaps that will have to be considered in a wider perspective and it does not call for any consideration at this stage. As I said, primarily we are intending to save the elections that have taken place under the Ordinance. So far as the third issue that was raised by Mr. Mathur is concerned, I think that was based on his forgetting the fact that the Bill itself was moved in the Lok Sabha in 1979 and I would not like to comment on that issue. But Mr. Mallik has gone on record to condemn the process of issuing the Ordinance itself and his main objection was that the Rajya Sabha should have been summoned. Sir, article 123 is very clear. By merely being passed by the Rajya Sabha, a particular Bill does not become an Act and, therefore, even if the Rajya Sabha were to be summoned, the Ordinance

nance was necessary if one would like to have it.

SHRI HAREKRUSHNA MALLICK: On February 28, 1977, in the absence of the Lok Sabha, the Rajya Sabha was called and the Nagaland notification was ratified. I do not want to condemn anybody. I only want to say that the President has bypassed Parliament and that was my submission. I hope the honourable Law Minister will be kind enough and good enough to assure the House that in case in future there is a caretaker Government the President will not go beyond the powers of the Constitution and would not bypass this House.

SHRI SHIV SHANKAR: By way of courtesy to call this House for the purpose of bringing forward this legislation. I would very much appreciate. But, if any discourtesy was shown, it was not by this Government, but it was shown by the caretaker Government.

SHRI HAREKRUSHNA MALLICK: I do not blame anybody. I only brought to the notice of this House that the President has not acted within the provisions of the Constitution. (Interruptions).

SHRI SHIV SHANKAR: Sir, my honourable friend goes on saying something. Now, the argument that has been advanced overlooks the very power that is vested in the President with reference to issuing Ordinances and I would not like to dilate much on this subject. Sir, my friend, Mr. Dhabe, raised an objection that the reservations have been made on communal basis. I agree that such is the position. But then, as I said, notwithstanding the fact that article 15(2) has been grafted in the Fundamental Rights Chapter article 371(f) flies over the head of article 15(2) and, as I said, we have to revalidate the elections themselves. Therefore, this matter could be kept in view for the next elections.

SHRI S. W. DHABE: You can bring forward a new Bill.

SHRI SHIV SHANKAR: Yes, for the next elections. But the elections have since been held and, as I said, we have got to save them. Therefore, for the next elections this could be thought of. But an argument that ran counter to this argument was that there was no reservation for Christians, etc. I may submit that this argument lies in what he himself has said and, therefore, it is very difficult to accept this type of argument. Now, my friend has no doubt raised an issue as also Mrs. Kanak Mukherjee.

SHRI S. W. DHABE: What about the Nepali language?

SHRI SHIV SHANKAR: I will come to the points one after the other. I am trying to reply to some of the issues which you all have raised. Now, a question that was raised was with reference to article 332(3), namely, that the representation of the Scheduled Castes is not in accordance with the ratio of population having regard to this article and, therefore, it is hit by sub-article (3). The same objection was raised by Shrimati Kanak Mukherjee.

5 P.M.

But as I said, primarily the intention of this Bill is to preserve the validity of the elections. If that is; so, then, in my submission, no flaw could be found in the so-called infirmity that is sought to be brought forth by virtue of the arguments. Now, Sir, with reference to the Nepalese language, and the same being included in the Eighth Schedule, may I say with great respect that this is beyond the purview of this Bill. This Bill is only with reference to the amendment in the Representation of People Act, and I confine myself to answering the objections raised only vis-a-vis the points that arise out of this Bill.

Now, my friend, Smt. Kanak Mukherjee, has raised another issue, namely, that the Nepalese have no reservations. I should say that the

argument amounts to blowing cold and hot in the same breath, because at one stage she was finding fault with the reservations and particularly reservations based on religion, then again saying that the reservations should be effected vis-a-vis the Nepalese ethnic race, I would submit that. . .

SHRIMATI KANAK MUKHERJEE: I said that the same principle should be applied everywhere.

SHRI SHIV SHANKAR: At one stage you say that reservations should not be there, at the other stage you plead that reservation. . .

SHRIMATI KANAK MUKHERJEE: I said that there should be proper rational basis.

SHRI SHIV SHANKAR: In fact, I said that under the 1974 Act which was promulgated by the Chogyal, 15 seats were reserved for the Nepalese, and the previous Government and this Government also thought that some seats should be thrown in the open pool. And the majority has been thrown in the open pool. Very rightly so, in my submission, because it is obvious, Sir, that the very first case which has gone on record in 1962 was what was called as *M. R. Balaji versus the State of Mysore*, and there the Supreme Court is on record to say that generally the reservation number cannot exceed 50 per cent. So, therefore, in throwing open 17 seats to the general pool, in my submission was a very correct approach and again if further reservations have to be made perhaps you will again seek refuge under the language of the 1976 Act, which we cannot do for all times to come. Therefore, in my submission, the valuable suggestions that were made. . .

SHRI S. W. DHABE: Why don't you amend that Act?

SHRI SHIV SHANKAR: That would certainly be considered, I said, primarily the legislation is to safeguard

[Shri Shiv Shankar] the validity of the elections already held. Therefore, this valuable suggestion would certainly be taken cognizance of for future elections and, if necessary, we would certainly come over with the amendment.

I think, Sir, I have covered the points raised and I request the House to pass this Bill.

SHRI JAGDISH PRASAD MATHUR: Sir, it is a very important Bill. I therefore, hereby withdraw my Resolution of disapproval.

The Statutory Resolution was, by leave, withdrawn.

THE VICE-CHAIRMAN (SHRI U. K. LAKSHMANA GOWDA): Now I shall put the motion moved by Shri Shiv Shankar, to vote. The question is:

"That the Bill further to amend the Representation of the People Act, 1950 and the Representation of the People Act, 1951, to provide for the readjustment of assembly constituencies in the State of Sikkim as passed by the Lok Sabha be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI U. K. LAKSHMANA GOWDA): Now we shall take up the clause-by-clause consideration of the Bill.

Clauses 2 to 5 and the Schedule were added to the Bill.

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

SHRI SHIV SHANKAR: Sir, I beg to move:

"That the Bill be passed."

The question was proposed.

♦For the text of Resolution, vide Col. 125H *supra*

SHRI BHUPESH GUPTA (West Bengal): I am very sorry, I was not present earlier. Generally, a Bill of this kind would be necessary. There cannot be any objection to a Bill of this kind being brought forward and a formal approval being given. The Ordinance was there. Well, it was also a formal approval of what has been done. But, Sir, the only thing I would like to say is that when we are passing an enactment to give security to the Sikkim State Assembly, at the same time, we are planning, not 'we', they are planning to destabilise a number of State Assemblies. Sir, this is the situation. Security to the Sikkim Assembly—for which I have no objection—and insecurity to other Assemblies which have non-Congress Governments. Such is the situation, Sir. So, I think, this is the paradox of our democracy and a double standard. During this session, it would have been nice if along with this measure, the Government gave a forthright assurance that there would be no dissolution of any State Assembly or toppling business. That would have been good. Now, Sir, I should like to say one word. This will be the last speech in this session on the subject. And, fortunately, Rajya Sabha cannot be dissolved.

SHRI RAMANAND YADAV (Bihar): Your speech is a punishment for us because it prolongs the sitting of the House.

SHRI BHUPESH GUPTA: If Rajya Sabha had been dissolved, you would have been dissolved also, not me alone. Sir, he thinks that the dissolution of Rajya Sabha would have affected me, and he would have been happy. But whether he would not have gone in that case, I should like to know. Fortunately, we do not have that. Sir, in this connection, I would tell you just a little story. When I was in school, in class ten—I was in the freedom struggle—my Headmaster one day

called me and said, "Bhupesh, you are taking part in the revolutionary movement"—In those days, they used to call it the terrorist movement—"Do you know what the British can do? If they want, the British has got such a bomb that if they drop it, 13 miles of the area will be finished." So, Sir, I heard it. I was a little cheeky all the time that way, perhaps. My Headmaster was my neighbour. I said, "Sir, in that case, what will happen to you?" He had no answer at all. Anyway, that much I can tell you.

Now, Sir, a point has been made in his reply about the proportional representation. Change the system. I suggest that during the recess period, you seriously consider the question of a comprehensive electoral reform. If you have a system of proportional representation—and what is called the list system—you will not have this problem of delimitation of constituencies from time to time. Besides, you will ensure proper representation of the political opinions of this country in the Assemblies and in Parliament. Rajya Sabha, of course, is "based on proportional representation. Sir, if we, on the basis of proportional representation can reflect the State Assemblies duly to some extent, why should it not happen in the Lok Sabha or in the Assemblies also? Sir, I think, the present system, what is called the first past the post system, the single-member constituency is outmoded and obsolete nowadays in terms of modern democracy. Therefore, I am suggesting a comprehensive electoral reform. In 1975 we started a dialogue between the Opposition and the Government. This was interrupted because of the movement, the agitation launched by Shri Jayaprakash Narayan. Now you are there and we are here, you are there in the Government, we are here in the left and democratic opposition. I might tell you, my friend, Mr. Pranab Mukherjee, somebody asked us, what will your attitude be towards this Government? I said our general line

towards this Government is one of left and democratic opposition and that will be the policy that we will be pursuing here. I am making it absolutely clear. Our general position will be left and democratic opposition.

THE VICE-CHAIRMAN (SHRI U. K. LAKSHMANA GOWDA): Mr. Bhupesh Gupta, your five minutes are over.

SHRI BHUPESH GUPTA: I was making my point about the proportional representation. Because Mr. Pranab Mukherjee made a point...

THE VICE-CHAIRMAN (SHRI U. K. LAKSHMANA GOWDA): He did not speak on this Bill at all.

SHRI BHUPESH GUPTA: Sir, I know he has not spoken on this Bill. Why should he? He is now the Commerce Minister. He believes in trade and not in these kinds of things.

When we say that the Lok Sabha elections they have won, I do not underestimate their victory. They have won with 42.58 per cent of votes. It was an increase of 8 per cent of the total poll of the united Congress in 1977. The increase is 8 per cent. It is a significant increase. It has gone up from 35 to 42 per cent. It is a significant increase. I am not denying it. But it is not that big. The percentage of seats won now compared to the seats won in the 1977 election by the united Congress went up by 133 per cent. The number of seats won went up from 153 to 351 by this increase of 133 per cent. Now, I am not making a party point. It may happen to other opposition parties also. This is not a good thing. It is a dichotomy of the system. Increase in the popular vote 8 per cent and the increase in the number of seats in the Lok Sabha 133 per cent. He is quite right, it may happen to other parties also. But he brought in Bengal. Perhaps now he is forgetting

[Shri Bhupesh Gupta]
Bengal. My Bankura friend is forgetting Bengal. The United Left Front is ruling West Bengal today with the backing of the majority of the votes, majority of the votes polled, not merely of the electorate. This is what I say. (Interruptions).

SHRI RAMANAND YADAV: What was the number of votes cast in favour of the United Front?

SHRI BHUPESH GUPTA; Sir, I apologies to the hon. interruptor for I cannot follow him. I may be forgiven for my incompetence to follow him. I do not follow him partly because of the manner in which he speaks and partly because of his gesticulation which diverts my attention.

THE VICE-CHAIRMAN (SHRI U. K. LAKSHMANA GOWDA): Please conclude now. (Interruption).

SHRI BHUPESH GUPTA; Therefore, Sir, before I sit down, I suggest that the time has come to reconsider the system, the electoral system. I think we do need two things immediately; firstly, the lowering of the voting age to 18 years, and secondly, among other reforms, introduction of proportional representation. That will do away to a large extent the role of money power, the problem of delineation of constituencies and also, if I may say so, the problem of defections. Sir, defections have become a scandal and a menace. The Minister for Parliamentary Affairs is here. I was reading in *the Illustrated Weekly*, latest number, that he has been a very good executor of the Congress (I) strategy. I do not know what kind of an operator he is, but he is a good friend. But he is a good friend.

THE VICE-CHAIRMAN (SHRI U. K. LAKSHMANA GOWDA); He seems to be a very capable operator.

SHRI BHUPESH GUPTA; Operator means executor; a synonym. But I

think this matter should be considered. We can resume the talks in order to bring about a radical change in the electoral system, and generally electoral reforms also should be there. That is my suggestion.

Before I sit down, I would say, I think the Government will act promptly; otherwise, you have all kinds of things. If you have proportional representation, you will not have the problem of extra Constitutional authorities, people's opinion will be duly reflected and the parties, according to the strength in terms of the party's backing outside, will be in a position to form Government or opposition based on the programme. It will do away with the problem that we are faced with today. Extra-Constitutional authority has become a part of our system. We had it in emergency; we had it in the post-emergency period and now it seems again we are moving in the direction of extra-Constitutional authority. If that comes, nothing of democracy will be left. Enough I have said. Save us from the menace of sons. And now I see daughters-in-law also coming in. So save us from the daughters-in-law wives and sons and sons-in-law. Thank you.

SHRI SHIV SHANKAR; Mr. Vice-Chairman, Sir, Mr. Bhupesh Gupta is a respected elder. He has spoken everything except about the Bill.

SHRI BHUPESH GUPTA; I have spoken about the Bill.

THE VICE-CHAIRMAN (SHRI U. K. LAKSHMANA GOWDA); Yes, he spoke about the Bill also; otherwise, you are in for another half an hour on the Bill.

SHRI SHIV SHANKAR; I would only say that the argument advanced with reference to the proportional representation suits them. That is all that I would like to say, and nothing else.

THE VICE-CHAIRMAN (SHRI
U. K. LAKSHMANA GOWDA): The
question is:

"That the Bill be passed."

The motion was adopted.

**I. STATUTORY RESOLUTION DIS-
APPROVING THE CENTRAL
EXCISES AND SALT AND
ADDITIONAL DUTIES OF EX-
CISE (AMENDMENT) ORDI-
NANCE, 1979 (NO. 12 OF 1979).**

**II. THE CENTRAL EXCISES AND
SALT AND ADDITIONAL DU-
TIES OF EXCISES (AMEND-
MENT) BILL, 1980.**

THE VICE-CHAIRMAN (SHRI
U. K. LAKSHMANA GOWDA) : Now,
we move on to the next item. Shri
Bhabhra.

SHRI HARI SHANKAR BHABHRA
(Rajasthan): Sir, I move the follow-
ing Resolution: —

"That this House disapproves the
Central Excises and Salt and
Additional Duties of Excise (Amend-
ment) Ordinance, 1979 (No. 12 of
1979) promulgated by the President
on the 24th November, 1979."

उपसभाध्यक्ष महोदय, मैं अपना प्रस्ताव
प्रस्तावित कर रहा हूँ मैं यह जानता हूँ कि
इस अर्डिनेन्स और इस बिल की आवश्यकता
गुजरात हाईकोर्ट के एक निर्णय से पैदा
हुई थी। इसलिए यह आवश्यक हो गया कि
उस निर्णय से उत्पन्न होने वाली परिस्थितियों
से निपटने के लिए यह कानून बनाया जाये।
लेकिन इस अमेंडमेंट के माध्यम से मैं कुछ
बातों की ओर मंत्री महोदय का ध्यान
आकर्षित करना चाहता हूँ।

सबसे पहली बात तो यह है कि मुझे यह
पता नहीं चला इसमें कि क्या उस गुजरात
हाईकोर्ट के फैसले की अपील सुप्रीम कोर्ट में

की गयी थी या नहीं और यदि अपील की
गयी थी तो उस पर कोई स्टे मिला या नहीं
मिला ? क्योंकि मान्यवर, इस संबंध में
मुझे पता है कि टाटाज का एक केस जिसमें
करोड़ों रुपये टैक्स का इन्वाल्वमेंट है सुप्रीम
कोर्ट में पेंडिंग है और उन्होंने स्टे ले लिया है।
वह स्टे चल रहा है और इस प्रकार से करोड़ों
रुपये का घाटा सरकार को हो रहा है। तो
टाटाज यदि सुप्रीम कोर्ट से स्टे ले सकते हैं
तो सरकार भी स्टे ले सकती थी। इसके
अतिरिक्त मंत्री महोदय से मैं यह भी जानना
चाहूँगा कि इस संबंध में सम्पूर्ण भारतवर्ष
क हाईकोर्ट और सुप्रीम कोर्ट में कुल कितने
केसेज पेंडिंग हैं। मान्यवर, मुझे ऐसा लगता
है कि सरकार की तरफ से ऐसी कोई एजेंसी
नहीं है जो इस प्रकार के जो करबंचक हैं
उनसे लड़ने के लिए कोई इफेक्टिव कदम
उठाये। और उसका परिणाम यह निकलता
है कि टैक्स बचाने वाले या टैक्स की चोरी
करने वाले जो हैं, उनके खिलाफ मुकद्दमे
बनाये जाते हैं, परन्तु किसी न किसी कारण
से वे मुकद्दमे चलाए नहीं जाते।

मुझे बताया गया है कि स्वदेशी
पाली टेक्सटाइल जो सीता राम जय-
पुरिया की है, उसके खिलाफ करोड़ों
रुपयों के टैक्स बंचना का मुकदमा रजि-
स्टर हुआ है, लेकिन किन्हीं कारणों से
उस मुकदमे को चलाया नहीं जा रहा है,
उसको दबाया जा रहा है।

इसी प्रकार मोहन मीकंस, गाजिया-
बाद के खिलाफ भी सरकार ने करोड़ों
रुपये के टैक्स बाकी निकाले थे, मुकदमा
चल रहा है और मुझे यह बताया गया
है कि उस मुकदमे को दबाने के लिये
भी प्रयास किये जा रहे हैं।

मैं जानना चाहता हूँ कि यह सब
क्यों हो रहा है। लेकिन इससे बचने के
लिये मैं एक सुझाव देना चाहता हूँ।
आपके विभाग में यदि अलग से एक