

# THE CONSTITUTION (THIRTY-THIRD AMENDMENT) BILL, 1974

MR. DEPUTY CHAIRMAN. Mr. Gokhale.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): May I move the Bill?

श्री श्याम लाल यादव : (उत्तर प्रदेश) अब तो सदन उठने वाला है तो फिर वक्तव्य कब देंगे ?

श्री उप सभा पति : आप बैठ जाईए ।

SHRI H. R. GOKHALE Sir, I beg to move:

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

This Bill seeks to amend articles 101 and 190 which respectively deal, *inter alia*, with the right of a member of either House of Parliament or a member of a House of the Legislature of a State to resign his seat.

Under these articles, a member may resign his seat by writing under his hand, addressed to the Speaker or the Chairman, as the case may be. Experience in the recent past has indicated the necessity for amending these articles to obviate certain unintended consequences which have ensued in the working of these provisions. Resignation, it is needless to say, is intended to be a voluntary act and what is sought to be covered by articles 101 and 190 is a resignation which is genuine and voluntary. But, in some cases, it is found that members are made to submit resignations which may appear to come within the purview of article 101 or, as the case may be, article 190, but which, in fact, have been the result of pressures, not excluding physical violence, exerted to coerce a member to resign. In other words, acts of coercion, duress, undue influence and

other kinds of blandishments are resorted to, to bring about the resignation of a member, who under such pressure and compelled by the atmosphere of violence, is forced to tender his resignation. Obviously, it would be a misnomer to call such an act on the part of a member a resignation.

As the provisions presently stand in the Constitution, the Presiding Officer has no other alternative but to act on the resignation.

It is with a view to preventing situations of this kind that the present Bill has been brought, to make the position clear that the resignations contemplated in articles 101 and 190 are resignations which are voluntary and genuine and not those which have been contrived through the use of undesirable means such as coercion and undue influence. In such cases, the proposed provision would enable the Presiding Officer to satisfy himself as to the genuineness or the voluntary nature of the resignation before he accerts the same. Through the proposed amendment, the right conferred upon the member by the Constitution is being made really effective and it cannot be taken advantage of by undesirable elements to achieve their ulterior purposes.

With these remarks, I commend the Bill for the consideration and acceptance of the House.

श्री राजनारायण (उत्तर प्रदेश) : श्रीमन्, मैं प्रस्ताव करता हूँ कि : भारत के संविधान का और संशोधन करने वाले विधेयक को, जिस रूप में वह लोक सभा द्वारा पारित किया गया है, राज्य सभा की एक प्रवर समिति को सौंपा जाए, जिसमें निम्नलिखित सदस्य हों, अर्थात् :

1. श्री श्याम लाल यादव
2. श्री श्रीम प्रकाश त्यागी
3. श्री प्रकाश वीर शास्त्री

[श्री राजनारायण]

4. श्री महावीर त्यागी

5. श्री बनारसी दास

6. श्री रवी राय

7. श्री राजनारायण

और उसे निदेश दिया जाए कि वह प्रस्ताव उपस्थित किए जाने की तारीख से एक महीने के भीतर अपना प्रतिवेदन प्रस्तुत कर दे।

### The questions were proposed.

MR. DEPUTY CHAIRMAN: I think we may start the discussion after lunch and conclude the discussion today and take up the reply and voting tomorrow, because it is already time now . . .

SHRI RAJ NARAIN. Discussion today and tomorrow and the reply the day after tomorrow.

MR. DEPUTY CHAIRMAN: No, no, tomorrow we have other business. We will conclude the discussion today. The House stands adjourned till 2.15 p.m.

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

The House re-assembled after lunch, at seventeen minutes past two of the clock, Mr. Deputy Chairman in the Chair.

SHRI BHUPESH GUPTA: On a point of order . . .

MR. DEPUTY CHAIRMAN: There is no point of order. I call Mr. Lakshmanan to speak.

SHRI BHUPESH GUPTA (West Bengal): I am on a point of order . . .

MR. DEPUTY CHAIRMAN: There has not been any business in the House after we adjourned. How can

there be any point of order before anything has started?

SHRI BHUPESH GUPTA: My point of order is in regard to the Bill itself . . .

MR. DEPUTY CHAIRMAN: If it is on the Bill, you should have raised it when the Bill was moved.

SHRI BHUPESH GUPTA: Here it is a very wrong thing. You have circulated some paper. Which Bill are you moving here? The Constitution (Thirtyfifth Amendment) Bill, it is written, as passed by Lok Sabha. Then on some other paper we find that it will be called Constitution (Thirtythird Amendment) Bill. This is what is stated here. "The Bill was introduced in the Lok Sabha . . . —in the footnote—" . . . as the Constitution (Thirtyfifth Amendment) Bill, 1974 and the Short Title of the Bill was changed by that House to Constitution (Thirty-third Amendment)". That is the position now. Here you have circulated a document which says "as passed by Lok Sabha". This is Constitution (Thirtyfifth Amendment) Bill. Now you have given us a Bill which is passed by Lok Sabha—as passed by Lok Sabha. But this is described as Thirtyfifth Amendment Bill. In a footnote somewhere else you say this is Thirtythird Amendment Bill. I should like to know which one is the correct Bill. This has to be made clear. If you have committed a mistake in printing, admit it. Don't think that we are not vigilant, that we are busy only with the railway strike. We are concerned with this also. So this you tell us.

The second point is, the honourable Minister should tell us, you have circulated to us a business paper in which you mentioned another Constitution Bill relating to land reforms. What has happened to that Bill?

THE MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI OM MEHTA): Sir I would like to tell Mr. Bhupesh Gupta that we were prepared for it when we extended the House on 13th and 14th. We had this in mind that if the Lok Sabha passed that Bill, we would take that up on 13th, and this Constitution Bill on 14th. Unfortunately the Lok Sabha has not passed that Bill. What can I do?

SHRI BHUPESH GUPTA: If the Lok Sabha has not passed it, the position is bad enough. But under which provision of the Constitution are we debarred from passing it?

Now, as far as I understand, this is not a Finance Bill. A Constitution Amendment Bill can be brought here. That Bill was more important than this Bill . . .

MR. DEPUTY CHAIRMAN: That Bill was introduced in the Lok Sabha. But the Lok Sabha thought it fit not to pass it in their last session. So, we are nowhere in the picture. . .

SHRI BHUPESH GUPTA: Not passed by the Lok Sabha due to some technical reasons or due to lack of time . . .

MR. DEPUTY CHAIRMAN: When they pass the Bill, it will come here.

SHRI BHUPESH GUPTA: I am referring to the agrarian reform Bill That was also introduced, but it could not be passed. What prevents the Government from introducing the Bill here and get it passed so that right at the beginning of the next session it can be passed in the other House? Government cannot amend the Constitution by Ordinance. But they can at least take this step so that some of the land reforms which are carried on are not invalidated. The Constitution Amend-

ment Bill requires two-thirds majority of the members present and voting and also one half of the total membership of the House. Was it not proper for the Government to consult members of Opposition as to which Bill should get the priority—Land Reforms Bill or this Bill? We were not even consulted. Government want us to co-operate with them so far as Constitution Amendment Bill is concerned. But on the question of priority they ignore us. This is not fair. If they had discussed with us, we would have said that the Land Reforms Bill should be passed. Now that you have not done it, I suggest that this Bill should be reintroduced in this House and passed as a protest against the behaviour of the Government . . .

MR. DEPUTY CHAIRMAN: We are now discussing the Constitution (Thirty-third Amendment) Bill, 1974. The Minister has made his speech . . .

SHRI BHUPESH GUPTA: Which Bill?

SHRI NIREN GHOSH (West Bengal): My point of order is . . .

SHRI BHUPESH GUPTA: What about my point of order?

MR. DEPUTY CHAIRMAN: I will reply to it. Shri Niren Ghosh may say the same thing and I will have to repeat it. Let me hear him.

SHRI NIREN GHOSH: Before you took up the Agenda, I rose . . .

MR. DEPUTY CHAIRMAN: I cannot allow this. We have already started discussion on this.

SHRI NIREN GHOSH: Before the recess?

MR. DEPUTY CHAIRMAN: The discussion has started. Does your point of order relate to this Bill?

SHRI NIREN GHOSH: My point of order is, whenever some agreement etc. with any country is made . . .

MR. DEPUTY CHAIRMAN: It has nothing to do with the Bill under discussion. I cannot allow this thing. Let me answer Shri Bhupesh Gupta's point of order . . .

SHRI NIREN GHOSH: You have not listened to me.

MR. DEPUTY CHAIRMAN: I cannot listen to any extraneous matter. We have taken up this Bill for discussion. The Bill has been moved by the Minister.

SHRI NIREN GHOSH: Then my point of order is on this Bill. Is it in order that the Speaker or the Chairman should be made the Director-General of CBI? This Bill comes to that.

MR. DEPUTY CHAIRMAN: I will now reply to Shri Bhupesh Gupta's point of order. This was introduced as the Thirty-fifth Amendment Bill in the Lok Sabha. The Lok Sabha decided to rename it as Thirty-third Amendment Bill. It was discussed and passed as the Thirty-third Amendment Bill. We are now . . .

SHRI BHUPESH GUPTA: In the the paper you have given, it is different.

MR. DEPUTY CHAIRMAN: The paper seems to have been printed wrongly. It was probably printed before . . .

SHRI BHUPESH GUPTA: If it was printed before, it is a breach of privilege of the Lok Sabha. Take it to the Privileges Committee.

SHRI NIREN GHOSH: The proceedings of the House cannot go on.

SHRI BHUPESH GUPTA: It is said that it is passed by the Lok Sabha. It means it is a mistake. Kindly tell us what to do. It is a mistake.

MR. DEPUTY CHAIRMAN: Yes, it is a mistake. It could have been written here. "Thirty-third Amendment" could have been written here.

SHRI BHUPESH GUPTA: Then you make the correction.

MR. DEPUTY CHAIRMAN: Yes, agreed. We will make the correction.

SHRI BHUPESH GUPTA: What "agreed"? You have to make the correction.

SHRI NIREN GHOSH: Let the proceedings be stopped and let a new order paper be circulated. Then only the House can proceed ahead.

SHRI BHUPESH GUPTA: Sir, the honourable Minister should have noted this obvious and patent mistake and he should have sought your permission to correct it before moving the Bill. Now, Sir, he has moved a wrong Bill.

SHRI NIREN GHOSH: Sir, you should correct it and circulate a new order paper.

MR. DEPUTY CHAIRMAN: Please sit down. The correction will be made.

SHRI BHUPESH GUPTA: Let him make the correction.

MR. DEPUTY CHAIRMAN: Mr. Bhupesh Gupta, tomorrow in the list of business, we will describe it as "Thirty-fifth Amendment".

SHRI LAL K. ADVANI (Delhi): Thirty-fifth? It is "Thirty-third Amendment".

MR. DEPUTY CHAIRMAN: Yes, it should be "Thirty-third Amendment".

SHRI NIREN GHOSH: All right, Sir. Stop all the proceedings and arrange for a new list of business. Then only the House can proceed. . .

(Interruptions)

SHRI BHUPESH GUPTA: Sir, it reads "Constitution (Thirty-fifth Amendment) Bill." This is what has been moved in this House and there has not been any Bill moved as Constitution (Thirty-third Amendment) Bill.

MR. DEPUTY CHAIRMAN: I will ask the Law Minister to explain that.

SHRI BHUPESH GUPTA: Yes, you kindly ask him.

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI NITI RAJ SINGH CHAUDHURY): Sir, both this Bill and the Bill amending the 9th Schedule were introduced in the Lok Sabha and when this Bill was taken up for consideration, since the Thirty-second Amendment Bill had become a law and this was being discussed and was likely to be passed before the other one came up, the Lok Sabha decided to renumber it as thirty-three instead of thirty-five and it was passed as the Constitution (Thirty-third Amendment) Bill by the Lok Sabha and it has come in that position here and in the order paper also it is written here, "The Constitution (Thirty-third Amendment) Bill".

SHRI BHUPESH GUPTA: What?

SHRI NITI RAJ SINGH CHAUDHURY: In the order paper also it is written.

SHRI BHUPESH GUPTA: No. It says, "The Constitution (Thirty-fifth Amendment) Bill."

SHRI NITI RAJ SINGH CHAUDHURY: In this . . .

SHRI BHUPESH GUPTA: Don't look at the order paper; look at the Bill.

SHRI NITI RAJ SINGH CHAUDHURY: I am not looking at the order paper. I am looking at the Bill

only, as passed by the Lok Sabha. You kindly read the third and fourth lines. It is mentioned here.

SHRI BHUPESH GUPTA: But what is the title of the Bill? See the title of the Bill. Why are you reading the third or the fourth line?

SHRI NIREN GHOSH: It has been passed by the Lok Sabha as the Thirty-fifth Amendment Bill. So, this is the Bill they have moved here now.

SHRI LAL K. ADVANI: Sir, I do not understand why the Government cannot admit its mistake.

SHRI NITI RAJ SINGH CHAUDHURY: I am telling you that the Lok Sabha has passed this as the Constitution (Thirty-third Amendment) Bill and it has come here like that. The printing is not done by the Law Ministry, but it is done here and it is the Constitution (Thirty-third Amendment) Bill that was passed by the Lok Sabha and this has come before this House. If there is any error, it is an error and we admit it though we are not responsible for it and the correction will be made.

MR. DEPUTY CHAIRMAN: I think this closes the matter. Yes, Mr. Lakshmanan.

SHRI LAL K. ADVANI: Even then, Sir, though this particular point of order does not relate to this particular Bill, it is a point of order pertaining to the conduct of business in this House. Why the other Bill has not been brought forward?

(Interruptions).

MR. DEPUTY CHAIRMAN: All right. It has been explained now.

SHRI LAL K. ADVANI: The Government owes it to the House to explain why it was not done.

SHRI OM MEHTA: The Lok Sabha has not passed it yet.

SHRI NIREN GHOSH: Why? Cannot our House pass it earlier?

SHRI LAL K. ADVANI: The Government owes it to the House to tell . . .

MR. DEPUTY CHAIRMAN: You put this query to the Government.

SHRI LAL K. ADVANI: The Government owes it to the House to explain why it is not coming here before . . . (Interruptions). It has to explain only because Mr. Bhupesh Gupta raised the issue? This is how it should do it? It should do it *suo motu*.

SHRI BHUPESH GUPTA: Mr. Om Mehta should tell us why it has not been brought here first.

MR. DEPUTY CHAIRMAN: Order, order, please . . . (Interruptions). Yes, Mr. Lakshmanan.

SHRI G. LAKSHMANAN (Tamil Nadu): Mr. Deputy Chairman, Sir, I oppose this Bill as a disgrace to democracy, as a blot on our Statute Book and a ridicule to the democratic world. We say, Sir, that we are the biggest democracy in the world and we have protected democratic existence for the past 25 or 26 years. After 26 years of independence and democratic way of life, if you bring in such a constitutional amendment, people belonging to the democratic world would definitely laugh at us, that our democracy has become a laughing stock of the world, who have faith in democracy.

The Government should have sent this Bill to the Select Committee, wherein the Committee could have discussed as to how in democratic countries they have faced such situations arising out of situations that have happened in Gujarat, etc. etc.

But, unfortunately, the ruling party at the Centre, the Indian National Congress, and the Government view everything more politically than nationally. They have party interest before them, not the national interest or the national prestige above everything.

The actual situation that we saw in Gujarat was already started by the Indian National Congress when Mr. Namboodripad's government was there in power in Kerala. The ruling party at the Centre was interested in ousting the government of the Opposition party in Kerala and tried in all ways to oust the government and finally succeeded in ousting the Namboodripad Government. And they succeeded in Bengal also, you all know. "As you sow, so shall you reap". What was sowed in Kerala by the Congress men has grown into a big tree. And that tree took its shape in Gujarat and Bihar. Now the ruling party comes with an amendment to the Constitution. Therefore, I hold the Indian National Congress, the ruling party at the Centre, solely responsible. If they have brought in the amendment, they are solely responsible for this, and not the Opposition parties in this country.

Sir, can you cite any instance wherein any Opposition party asked for an amendment to be moved in the national interest, has it been moved by the Central Government which is in a majority? They have not done it. To cite you an instance Sir, as far as Tamil Nadu is concerned, the Tamil Nadu Government passed a legislation to the effect that Harijans also can be appointed as **Archagars** as priests. That was struck down by the Supreme Court. We have passed a Resolution for a constitutional amendment in the Tamil Nadu Assembly to bring in an amendment here in the Parliament. That has not been looked into. No reply has been received from the Central Govern-

ment. In such issues they do not take interest whereas their Government is ousted, their party in power is ousted, immediately they bring in such legislation or such amendment.

Sir, Article 101 says :

"... resign his seat by writing under his hand, addressed to the Chairman or the Speaker, as the case may be ..."

This is the present position. Now, we are going to amend this.

In our country, the Speakers are not elected as independents. They are sponsored by political parties. As soon as they are elected, as speakers they say that they are not members of any political party or that they resign from the membership of the political party. I am afraid that this ruling party is going to make speakership also a political party affair. For instance, some 10 people are coerced and they are forced to resign. Five or six may be from the ruling party and 3 or 4 may be from the Opposition. The Speaker is to decide about it. Before his election, he might have been a member of a political party and he may decide that the ruling party M.L.As. have been coerced, but the other M.L.As. from the Opposition have not been coerced. He may give a decision permitting the M.L.As. of the ruling party to continue and he may not allow the M.L.As. from the Opposition parties to continue. If such a situation arises, then naturally they have got to go to the court and in that case the position of the Speaker will be very embarrassing. By giving these powers to the Speakers, we are creating that situation. They are to preside over the Assemblies and the Parliament. Therefore, this amendment will not help the position of the Speaker and it is not proper that this responsibility should be entrusted to the Speaker. Therefore,

we oppose this Bill and we are of the opinion that this should be referred to a Select Committee because this is an important amendment of the Constitution. Actually, the other countries which have faced such situations in a democratic life, may be consulted and their views as to how they have tackled such problems can be made known to the Select Committee. After that, the Select Committee can give their verdict and then we can consider it in this House. Therefore, I oppose this Bill on behalf of the D.M.K.

SHRI D. D. PURI (Haryana): Mr. Deputy Chairman, Sir, the only relevant remark made by the hon. Member in regard to the Bill that is before the House is that he has raised some questions in regard to the impartiality of the Presiding Officers of the legislatures. Apart from that, I would respectfully state that the other Bills on which the D.M.K. wanted the Government of India to amend the Constitution, do not have even the remotest relevance to the Bill that we have before us. One of the pre-requisites for any democracy to function or for any legislative body to function is the assumption about the impartiality of the Presiding Officer. The moment he loses that impartiality, there are provisions for that and there can be a vote of no-confidence against him. If you assume that since the Presiding Officer has been sponsored by a particular party or by the ruling party, he will not be impartial, then it would bring the entire legislative process to a standstill. Therefore, Sir, with these remarks I will leave the opening speech of the hon. Member alone.

Sir, this is a very simple Bill. It says that at present the resignation of a Member of a Legislature when tendered to the Presiding Officer, automatically becomes operative. All that this Bill seeks to do is to

[Shri D. D. Puri]

severe that automaticity and to make provisions to find out as to whether the resignation was freely and voluntarily tendered or it was tendered under any coercion. This is a simple provision and it applies to Article 101 and also to Article 190 in the same pattern. There are really two ways of looking at a measure like this. One is the legal way, that is to say, the merits of the Bill itself. The other aspect is the particular political background which necessitated it. It is an unfortunate thing that a Bill like this had to be brought forward.

The second aspect of the matter is broad political background as to why this Bill was necessitated. I shall very briefly deal with the first matter, that is to say, the legal matter.

Sir, these acts of coercion, undue influence, and violence are occurring in various aspects of our life, and various states have provisions in regard to this. I will start with the Indian Contract Act. In the Contract Act, Section 10 says that any agreement if made through or by consent becomes a contract. I will not read the entire Section but the meaning of that Section is that even if I agree to do something, unless that agreement was done voluntarily and freely, it does not create any commitments at all. Section 14 defines coercion and undue influence. I will take the time of the House just for one minute to read Section 16 which deals with undue influence. The contract is said to be induced by undue influence where the relations subsisting between the parties are such that one of the parties is in a position to dominate the will of the other and uses this position to obtain an unfair advantage, etc. That is to say, any ordinary commercial contract, however small and puny it may be, is invalid unless it is entered into by the free will of the

parties. Therefore, Sir, I would say this that the membership of a Legislature is a matter of far more importance than the entering into or of the execution or rescinding or abrogating of commercial contract. Therefore, in respect of a commercial contract, if anything done under duress is invalid, I do not see why the resignation from the membership of a Legislature should not be invalid if that action is taken under coercion. Another Act which deals with these things and more pertinent is the Representation of the People Act. And there, Section 123 deals with undue influence. Undue influence has been held to be a corrupt practice and the consequences of undue influence under the Representation of the People Act is not only the annulment of the membership of the candidate but under certain circumstances, he can be debarred for a period of six years. I will just read a very small portion of Section 123 which deals with this. This Act provides *inter alia* that undue influence shall be deemed to be a corrupt practice for the purpose of this Act. Undue influence has been defined to mean any direct or indirect interference or attempt to interfere on the part of the candidate or his election agent or any persons with the consent of the candidate or his election agent with the free exercise of electoral right. And then there is a proviso which says, It has been further defined as . . . threatens any candidate or any elected person in whom the candidate or the elector is interested with an injury of any kind, including social ostracism, etc. etc. So, if a threat is held out of social ostracism, even then, that becomes a corrupt practice under the Representation of the People Act and is visited by dire consequences, which I have stated. It will upset the election and will debar under certain circumstances the person who



is indulging in these activities for a period of six years. This is in so far as the candidate and his election agent are concerned. For other people, the Indian Penal Code has a Section and I will not go into that. But I will mention one fact. It is settled law that the resignation of a workman, obtained under coercion or even under wrong persuasion, is illegal and the workman, in a plethora of cases has been reinstated instantaneously. What I am making out is that if this is the law in regard to workmen, if this is the law in regard to a commercial contract, if this is the law under the Representation of the People's Act, why should in this most important and solemn relationship that exists between the Legislature and its Members, we should continue to have a state of affairs where a resignation obtained under coercion and under threats should become operative automatically. Now, Sir, I would examine this matter from another angle. All kinds of influences are brought to bear on all aspect of our lives. We had been dealing with the newspapers. Freedom of speech has been guaranteed by our Constitution, and freedom of newspaper expression is an essential ingredient of speech.

Sir, I believe that every party and every section of this House appreciates and realises as to how financial control manages to exert influence over the editorial policies of a newspaper and therefore impedes the freedom of the newspapers and therefore the freedom of the press. We all feel that this thing should be put a stop to. The influence in the case of newspapers is extremely indirect, it is subtle and it is hidden. It is also somewhat obscure and does not meet the eye. Nevertheless, it has been recognised that the majority shareholders of a newspaper company inevitably exercise influence so as to interfere with the

freedom of the press and therefore the freedom of the speech has been enshrined guaranteed, in our constitution. Now, if we are so concerned about this aspect of the indirect influence, what shall we say where this influence is open, where this coercion is blatant and brazen-faced? Shall we say, even when these resignations have been obtained under threats of violence, that they will automatically take effect?

Sir, I have read the proceedings of the other House and I was amazed to see that this Bill is being connected with the right of recall. It has not been raised by the hon. Members here. I will very briefly take notice of this argument. Apparently, what seems to be argued is this. Since our Constitution does not have a provision providing for a right of recall, therefore this kind of coercion and threats of violence should be allowed to continue and the resignations should take effect automatically. I have not been able to see how the two things are in what way connected. I will just make a brief observation. The right of recall, if ever it exists, is a right exercisable by a majority of voters. Here, this coercion is being exercised by a small infinitesimal minority and in most cases those people who are exerting this kind of coercion are not even 21 years of age. Therefore, they are neither voters nor by any stretch of imagination the majority thereof. Therefore, I do not see any connection at all of the right of recall to what we have before us.

But, supposing, Sir, we had a right of recall here. Supposing our Constitution was amended so as to provide for the right of recall by a majority of the voters, etc. etc, what would be the situation if the same type of coercion, if the same type of threats, if the same type of violence were used in the exercise of the right of recall? The whole thing

would be vitiated. It has got nothing to do with it. (Time bell rings).

Sir, I would say this very briefly. You have rung the bell and I always respect your bell.

The second aspect of it, namely, that this Bill should have become necessary, is extremely unfortunate. It is a fact but it is an unfortunate fact. The point is that liberty and democracy have to be guarded constantly against forces of Fascism raising their ugly head here and there and threatening our liberty and democracy. Unceasing vigilance has to be maintained. We have to be on our guard. Wherever this cancer or wherever this malignancy appears on the body politic of this country, it has to be lanced out effectively and without delay. Otherwise, Sir, I submit that all the values of liberty, all the values of democracy, in fact all values that we cherish will perish, if these forces of coercion and of violence are allowed to fructify.

SHRI I. D. SINGH (Bihar): Mr. Deputy Chairman, Sir, this Bill is certainly an extraordinary piece of legislation. The Statement of Objects and Reasons itself refers to the fact that in the recent past instances have come to our notice of members of the legislatures being coerced into resigning their seats. I will come to this aspect of the question a bit later but first I want to draw your attention and through you the attention of this august House to the fact as to why this situation has arisen in the country. Only a few years back the leaders of the ruling party were claiming that having secured majorities, solid majorities, in the Parliament and in the State Assemblies they are going to provide a "stable Government". What has happened to that stable Government? Why is it that in spite of big majorities in the Assemblies, the Governments of

Andhra, U. P., Bihar and Gujarat have fallen? For this we have to look into the economic situation. Constitutional amendment may be necessary; legal safeguards for M.L.As may be necessary but we must remember that it is the continuously deteriorating economic situation, the soaring prices, the scarcity of essential commodities, the betrayal of all the solemn pledges given by the ruling party at the time of the election, the rampant corruption in the Administration and mounting unemployment, it is these factors and many more which are responsible for the prevailing atmosphere in the country in which it has become possible for small minorities, certain types of political elements, to gherao the M.L.As and coerce them into resigning.

Secondly, I would like to state that our party stands for Right of Recall. I would like to read out the relevant paragraph from the programme of the Communist Party of India:

"It will grant universal and equal suffrage to all male and female citizens of India who have attained the age of 18 years in the elections to Parliament, Legislative Assemblies and local bodies through direct ballot. The principle of proportional representation will be adopted in all elections and the right to recall all elected representatives by the majority of the electorate will be established."

So our Party does stand for the right of recall and our main criticism during the last two decades has been that our present Constitution does not provide for such a right. So if there is a provision for recall we are all in support of it but today, as my hon. friend from the other side pointed out, what is happening is something quite different. Legislators are being coerced into resigning by persons who are not their electors and

may not be even voters. One leader of one of the parties which are supporting the current agitation in Bihar stated the other day that those M.L.As. who are corrupt should be coerced into resigning. Now, who are corrupt? Ten Members of the Jana Sangh and 6 Members of the SSP have resigned. Were they the most corrupt? I do not think the leaders of those parties and my friend, Mr. Rajnarain, will agree that they were the most corrupt. Then who should resign? Some say those who do not support the students' agitation should be coerced into resigning. Now our Party does not support that type of agitation, agitation which leads to loot, arson and violence and to various other types of vandalism. Does that mean, therefore, that the working class, the working people of the country, should be deprived of their right of representation in the legislature? Can we find a parallel to these methods? One of my friends speaking from this side suggested that we should learn from the experience of other countries, we should study what steps they have taken in those countries when a similar situation arose there. Now I may point out to you, Sir, the experience of Italy. I am reading out a few sentences from a book of an American writer, Mr. Edgar Mowrer. The book is called 'Immortal Italy' and it is published during the 30s. Mr. Mowrer records the following experience of Italy during the fascist onslaught:—

"In the presence of murder violence and arson, the police remained "neutral". When armed bands compelled the socialists to resign from office under pain of death or regularly tried and condemned their enemies to blows, banishment or execution, the functionaries merely shrugged their shoulders."—Page 361.

We have this experience of Italy when the fascist gangs attacked the representatives of the working-class, surrounded them, forced them into resigning or even executed them. The Government of the day in Italy remained neutral and did not intervene. What happened? The result was that Italy passed under the heels of fascism. Now, what is happening in our country? I was in Patna on the 18th March when Government offices, private houses and newspaper offices were being burnt down. The police looked on as "neutrals". In many places our meetings had been attacked and broken up and the police remained "neutral". It just looked on. So, if these things are allowed to continue, it would certainly lead to the destruction of democracy. I may say that this is not a mere guess. These aims have been spelt out in so many words by some of the leaders of the current agitation. For example, submitting the resignation of the six SSP MLAs, the leader of the SSP group, Shri Karpoori Thakur, who was formerly the Chairman of the all-India SSP, has stated in his letter that the "dissolution of the Vidhan Sabha and removal of the anti-people State Government is the first step towards the ultimate dissolution of the Congress-dominated Lok Sabha."—Times of India, May 8. So, they have stated their aim in very clear words. They are going to have the Bihar Assembly dissolved in order ultimately to have the Lok Sabha dissolved. Their first objective is, of course, the Presidential election which is due in August. As a result of the dissolution of the Gujarat and Pondicherry Assemblies, a constitutional point has been raised and that has already been referred to the Supreme Court. Now, if more Assemblies are dissolved, what is going to happen? There will be a first-class constitutional crisis

[Shri I. D. Singh]

and some of the parties seem to be interested in creating such a constitutional crisis or in capturing the Presidentship if they can.

Now, there is another element. Some of the leaders of these parties are also advancing the slogan of what they call a national government. What do they mean by a national government? They mean that the leaders of the right reactionary policies, who have been rejected by the electorate, want to enter the Government by the backdoor. (Hear, hear). I am glad that my friends on the other side are clapping, but want to warn them. Serious conspiracies are afoot and we would like our friends sitting on the other side to stand firm and not fall into any trap of a so-called "national government" which will bring in the reactionaries in the seats of government and pave the way for the victory of fascism.

Now, Sir, in Bihar when the agitation was started, the slogan was: गुजरात की जीत हमारी है अब बिहार की बारी है। Gujarat's victory is ours. Now, it is Bihar's turn. Now, what was the victory in Gujarat? The Ministry was toppled and the Assembly was dissolved.

The movement was started for the reduction of prices, for making essential commodities available, for eliminating corruption. These were the main demands of the movement. Now, what happened to these demands? I will read out just two or three paragraphs from a dispatch in the "Times of India" which is not a Communist paper. In the "Times of India" dated the 21st April, a special dispatch reads—

"The much talked about anti-price rise agitation in Gujarat has had little impact on the over-increasing prices of essential commodities."

"Contrary to expectations, prices of most items of daily use have registered an increase of 15 to 50 per cent during the past three months."

Then it concludes—

"There appears to be some ground for the charge that the so-called anti-price rise movement launched by the students was master-minded engineered and financed by big business tycoons."

So, this is Gujarat. This is what the people of Gujarat have got out of this movement. Now, what is happening in Bihar? In Bihar, the same experience is being repeated. In Bihar also, again according to the "Times of India" while the agitation goes on, whatever system of distribution of essential commodities had existed in the State, that has collapsed, and the prices have risen. And even inside the so-called Chatra Sangharsh Samity, the Students' Council of Action, whenever the question of having a drive against the hoarders and he profiteers has been raised, there have been disputes and splits. The Ranchi Committee was split; there was a minor split in the Bhaugulpure Committee because the leaders of this agitation are not at all interested in conducting the agitation against the real hoarders; they only want to utilise the mass discontent for pulling down the Government, for pulling down the Assembly, for pulling down Parliament and for creating a constitutional crisis, and then for stepping into the seats of power under the slogan of a so-called "National Government."

Now, this whole agitation is being carried on under an ideological cover. That ideological cover has unfortunately been provided by Shri Jayaprakash Narain. Shri Jayaprakash Narain says that he stands for a "partyless democracy". He says that all parties are corrupt, that all

parties are useless, that these democratic institutions are useless; that there must be a thorough going and radical change. Therefore, we must have a "partyless democracy". Now, I will quote two lines from a speech delivered by Acharya Rammurthi whom Shri Jayaprakash Narain duped to lead the students' agitation during his absence from Bihar. He says—

"The legislature has belome outmoded. It has outlived its utility. Hence, the legislators should tender their resignation *en masse* on a particular date, mutually agreed upon." (Indian Nation—May 6)

Now, what is this "partyless democracy?" Shri Jayaprakash Narain has been taking of partyless democracy since many years earlier, and I will read out only two extracts from his writings. He wrote a book in 1959 called "A Plea for the Reconstruction of Indian Polity" in which he has said—

"I personally feel that while the danger in India of a dictatorship, military or other, cannot be brushed aside lightly, there is no immediate cause for fear. . . The only other way to prevent a dictatorship from taking over is to forestall it, by setting up another dictatorship—perhaps a democratic dictatorship. That is to say, a dictatorship purposely established by those who believe in democracy, in order to save their country from other types of dictatorships that deny the worth and validity of democracy."—Pages 16-17.

Now, a year later, Shri Jayaprakash Narain found a method model of "partyless democracy", and that was in Pakistan.

What Shri Jayaprakash Narayan stated on that occasion was reported on the 8th January, 1960 in the Indian Nation.

"President Ayub Khan was working for the establishment of basic democracy in Pakistan. Jayaprakash Narayan said that he was in conformity with his (Ayub Khan's) views. President Ayub Khan was thinking on the lines of establishing a partyless government in Pakistan, which he said, was the only method to mitigate the sufferings of the people."

If Ayub's dictatorship was the model of "partyless democracy" which Shri Jayaprakash Narayan wants to establish in India, then, I think, Indian people will be definitely against such a "partyless democracy". We do not want such "partyless democracy". The people of Pakistan had to pay a heavy price for the partyless democracy established by Marshal Ayub Khan. Lakhs of Bengalis were butchered and the country split into two. The people had to undergo long years of suffering before that "partyless democracy" was overthrown and a kind of parliamentary democracy was restored. Recently, we had the example of Portugal. For about forty six years there was "partyless democracy" and now that partyless democracy has been overthrown and parliamentary democracy is likely to be established.

Now what is partyless democracy? To me it appears to be a contradiction in terms because democracy is a form of government. Now so long as there is a government there are bound to be parties. What are parties?

Parties reflect the interest of classes. In a class society classes will have their parties. So parties can disappear only when classes disappear. Only in classless society can we have a partyless system. But at that time even the state would have withered away. there will be no state. So as long as there is a state, there will be democracy and there

[Shri I. D. Singh] will be parties. The slogan of "partyless democracy" is theoretically absurd, politically dangerous and its implications are certainly reactionary.

MR. DEPUTY CHAIRMAN: You will have to wind up now.

SHRI I. D. SINGH: Just a minute. I want to conclude. So I want to appeal to my friend—my friend, Shri Rajnarain, my friend, Shri Advani, my friends of the Socialist party if they are here . . .

AN HON'BLE MEMBER: What about the ruling party?

SHRI I. D. SINGH: They do not stand for "partyless democracy" so far as I know. But I ask my Jana Sangh, Socialist and SSP friends. Do they stand for partyless democracy? If they do let them say so. But if the parties here do not stand for partyless democracy, then let them please clearly spell out why they want the M.L.As. to resign.

Now what has this wrong slogan led to? Shri Karpoori Thakur had announced that 78 M.L.As. belonging to the Jana Sangh, the S.S.P., the S.P. and the Cong. (O) will resign on the 7th of May. How many have resigned? Only 16. The majority of M. L. As. belonging to these parties have not resigned. Not only that, the S.S.P., our friend Mr. Rajnarain's party, has split into two. Six have resigned and of the remaining eleven, nine have met and elected a new Leader, a new Deputy Leader and a new Chief Whip. So this is the result of this absurd slogan; and this disastrous course is first liquidating their own party before they can liquidate the Bihar Assembly.

MR. DEPUTY CHAIRMAN: Now you will have to wind up.

SHRI I. D. SINGH: In conclusion, I want my friends, whether on this side or that side, to stand together

for the defence of parliamentary democracy. We do not say that the parliamentary system as it obtains today in India is without faults.

It is not faultless. It has many faults. We are fighting against them. But any day it is better than Fascism because it gives greater scope for the toiling people to conduct their struggles. It is not only that MLAs are being coerced, but meetings are being broken up. To-days' papers have reported that a Deputy Minister of the Government of India has been assaulted and a Minister of Bihar Government has been assaulted. They are Ministers and, therefore, it has been reported. But CPI meetings were broken up. Our comrades were assaulted. In Begusarai, when a demonstration was taken out, bombs were thrown on the demonstration. That was not news for the press. It was not reported. But we are fighting back, all the same.

So, I would only want to appeal to hon. Members of this House, whether they belong to this side or that side, that the defence of parliamentary democracy is not a party question. It is a question which transcends the limits of parties. Therefore, all who are interested in the defence of parliamentary democracy, should rally together and defeat these reactionary forces. Thank you.

SHRI D. P. SINGH (Bihar): Mr. Deputy Chairman, Sir, I am a little surprised at the objection to this amendment, the objection arising mainly on the ground that there is likely to be an enquiry about the correctness or otherwise, the voluntariness or otherwise of the resignation. Probably the hon. Members on the other side who have been very vocal in denouncing this amendment have not paused for a moment to look at the Constitution itself. Sir, the makers of this beautiful Constitution have so far as possible tried to envisage many of the possibilities

and many of the situations that might arise. This amendment, I submit, is by way merely of abundant caution. In the main body itself, if the hon. Members will see, the provision is: When a member "resigns his seat by writing under his hand, addressed to the Chairman or the Speaker, as the case may be . . ." This resignation presupposes that it is a valid resignation, that it is a resignation complying with all the formalities of the law. In the interpretation of the Constitution, I may invite the attention of hon. Members to article 367 of the Constitution which automatically attracts all the provisions of the General Clauses Act. Article 367 says that in interpreting this Constitution, the General Clauses Act will be applicable and, therefore, all the conditions of the law that make things valid or invalid are automatically attracted. Therefore, before a resignation is accepted, even in the law as it stands to-day, in spite of all fears of the hon. Members, an enquiry is essential, and so by way of abundant caution . . .

श्री राजनारायण (उत्तर प्रदेश) : तर्क दूसरा और नतीजा दूसरा ।

श्री डी० पी० सिंह : अलग-अलग वकील, अलग-अलग आर्गुमेंट और रिजल्ट वही ।

श्री ओम् मेहता : यह इनकी समझ के बाहर है ।

SHRI D. P. SINGH: Therefore, there is no escape from the enquiry by the Chairman or the Speaker whether a resignation has been given voluntarily or under coercion or under duress. The hon. Member, Mr. D.D. Puri, has elaborately given all the relevant provisions and there is very little to add to it.

And that has demonstrated that in those circumstances a resignation ceases to be a resignation within

the eye of law. It is known as **non est**; it is void **ab initio**. Therefore it cannot be taken into account for the purpose of having any legal effect whatsoever. Now about the question of recall, I submit that it cannot be said that the Constitution makers had not given their attention to it. They thought about it, and, as will be apparent in Article 102, they made a provision and clearly stated and specified under what circumstances membership becomes disqualified. They specified conditions under which he subsequently ceases to be a member. They wanted India to be stable. They did not want India to be divided. You will remember the picture of India in 1947. When this Constitution was being made, at that time the look of the country was one of bits. You had the boundaries, but within the boundaries there was the look of a country which had lost its vital links. Therefore, efforts were being made to bring about unity of this country, to bring it under one banner, under one flag, to make it one country, a viable unit. Then, our Constitution-makers were equally clear in their mind that they would not make a provision which would make it unstable, making the election of a member of a Legislature or Parliament subject to recall, subject to a constant decision, by the electorate itself, or which would bring about an amount of uncertainty in this country, which they thought was not desirable for this country. And therefore, they had clearly specified the conditions under which alone members incurred disqualification and therefore those conditions, those conditions alone, endured. In view of this, it cannot therefore be said that today when these conditions are being imposed and as an abundant caution again powers are being given to the Chairman or the Speaker to go into this question to meet the menace of coercion, it is something

[Shri D. P. Singh] ... unique or unusual. The Constitution has made provisions to meet the exigencies of the situation. Have we not seen that it provided against the inequalities that were obtaining, that it provided for the various anomalies that existed before this Constitution came into being? There were barriers dividing men and men or men and women, there were barriers which operated giving them unequal status in the matter of their functioning, in the matter of employment and in the matter of their living and so on. And the Constitution was careful that every loophole was plugged so that our men, that our citizens, would function as decent human beings and that all these impediments were removed in their functioning properly so that you can make this country efficient and strong. They meticulously made provisions in the various Articles of the Constitution. Likewise we have this provision here. Now, what people cannot give they cannot take away. Various factions, various organised sets of people, hooligans, are being inspired by various people and various parties and various factions to disturb the normal order so that instability and chaos might overtake this country.

In that situation, we have a duty to perform. I fully concede and I fully agree with the learned Member opposite who has said that there are difficulties and economic reasons. Nobody denies that. But efforts are being made to tide over these difficulties. In making those efforts, if some of our friend create difficulties and see to it that economic demands which this nation cannot bear are put on its shoulders, then the situation becomes intolerable because the nation has no capacity to take in those burdens. In such a situation, something has to be done about it and the saner elements ought to

have a second thought about those problems. The country does not belong to this side of the House only. If members opposite try to set fire to the House, probably they will burn themselves sooner than the members of this side of the House. I have read a Patna newspaper report that people who are trying to coerce members of the legislature to resign are equally coercing members of the opposition also, including members of Shri Rajnarain's erstwhile party. Those gentlemen have asked: "What is happening? After all we asked you not to come to us. Now you are coercing us to resign". The same thing is happening to CONGO people. They are also protesting and shouting: "Well, after all this was meant to be inflicted on others. Now you are trying to coerce us". So, we say: If you raise a Frankenstein or a Monster, you will also become a victim to it. Therefore, try to be very careful before you take such a dangerous step. Therefore I submit that this provision in the Amendment Bill is innocuous and it ought to be welcomed by all sides of the House and should be accepted without any opposition from any Party or any person whatsoever.

श्री भैरों सिंह शेखावत : (मध्य प्रदेश) :  
उप सभापति जी, इस विधेयक के स्टेटमेंट आफ आइजैक्टम एण्ड रीजन्स में लिखा है :-

In the recent past, there have been instances where coercive measures have been resorted to for compelling members of a Legislative Assembly to resign their membership.

श्रीमन्, हम संविधान में संशोधन करने जा रहे हैं और यह 33 वां संशोधन है। इससे एक बात म्बत प्रकट होती है कि संविधान में बार बार संशोधन करके हमने संविधान के महत्व को कम कर दिया है। संविधान में संशोधन यदि लाइटली



किये जाने की प्रक्रिया चालू रही, तो इस संविधान के प्रति लोगों में जो श्रद्धा है और इस संविधान के माध्यम से लोकतंत्र पर जनता की जो श्रद्धा है, वह बार बार संविधान में संशोधन करने से समाप्त हो जायेगी।

क्या ही अच्छा होता कि इस संशोधन विधेयक को लाने के पूर्व सरकार की ओर से एक स्टेटमेंट रखा जाता कि गुजरात में या बिहार में किस किस तरह से कोहरसिंह मैथड्स अप्लाई किये गए और इन मैथड्स के प्रभाव में आकर किन किन विधायकों को इस्तीफा देना पड़ा।

उप-सभापति जी, यह सब की जानकारी में है कि गुजरात में इस्तीफा देने वालों में गुजरात मंत्रिमंडल के अधिकांश सदस्य थे।

गुजरात कांग्रेस पार्टी के प्रभावशाली सदस्यों ने त्यागपत्र दिया है। तो क्या आज सरकार इस स्थिति में है कि वह कह दे कि श्री चिमनभाई पटेल, श्री घनश्याम ओझा, श्री आडाणी या श्री अमूल देसाई और अन्य लोगों ने कोअर्शन के कारण त्यागपत्र दिया है? गृह मंत्रालय ने जो अपना प्रतिवेदन दिया है उसमें किस-किस राज्य में प्रेसिडेंट रूल लागू किया गया है उस सन्दर्भ में गुजरात के बारे में केवल इतना सा लिखा है कि श्री चिमनभाई पटेल ने त्यागपत्र दे दिया और इस कारण यहाँ प्रेसिडेंशियल रूल लागू किया गया है। प्रेसिडेंशियल रूल लागू किया गया और उसमें इस बात का कहीं उल्लेख नहीं है कि विधायकों को कोअर्शन के द्वारा त्यागपत्र देना पड़ा।

अब दूसरा प्रश्न आता है बिहार का। अभी साम्यवादी सदस्य बोल रहे थे। उन्होंने केवल एक ही जानकारी दी है कि जनसंघ और सोशलिस्ट पार्टी के लोग ने त्यागपत्र दिए हैं। जहाँ तक जनसंघ का प्रश्न आता है, किसी भी जनसंघ विधायक ने कोअर्शन के कारण रेजिनेशन नहीं दिया। जहाँ तक सोशलिस्ट पार्टी का सम्बन्ध है, सोशलिस्ट पार्टी के नेताओं ने भी बिल्कुल डिक्लेयर करके

कि हम त्यागपत्र देंगे अपना त्यागपत्र प्रस्तुत किया है। तो कोअर्शन का मवाल कहाँ से पैदा हुआ? इसीलिए मैं कहना चाहता हूँ कि यदि कोअर्शन का पोइंट ऐसा महत्वपूर्ण था जिससे संविधान में संशोधन करने की आवश्यकता महसूस हुई तो, उपसभापति महोदय, मैं इस सदन से निवेदन करना चाहूँगा कि सरकार को इस प्रकार का शक्तिशाली कमीशन नियुक्त करना चाहिए था जो पहले इस प्रश्न की थ्रू डेवयर इन्क्वायरी करता कि वास्तव में कोअर्शन हुआ है या आगे जाकर कोअर्शन के चान्सेज हैं, लेकिन इस सम्बन्ध में न तो किसी भी प्रकार की जांच बिठाई गई और न किसी प्रकार की जांच कराई गई। आज कहने को कहा जा सकता है कि कोअर्शन हुआ। सबसे बड़ा प्रश्न एक है और वह मैं समझता हूँ कि फंडा-मेंटल क्वेश्चन है कि आज निर्वाचन के बाद एक विधायक हो या लोकसभा का सदस्य हो उसका अपने मतदाताओं से किस प्रकार का सम्बन्ध रहता है। चुनाव के दिनों में हम जाते हैं, कांग्रेस पार्टी वाले भी जाते हैं, जनता के समाने किस प्रकार के वादे करते हैं, किस प्रकार का हमारा घोषणापत्र होता है? उन वादों और घोषणापत्र के आधार पर ही, मैं समझता हूँ, अधिकांश मतदाता वोट नहीं देते। कुछ और भी फैक्टर्स होते हैं जिनके ऊपर मतदान होता है, लेकिन यह भी एक प्रमुख बात है। जैसे 71-72 के चुनाव में लोगों के सामने एक हवा बनाई कि यदि कांग्रेस का राज आ गया तो गरीबी मिटेगी, बेकारी मिटेगी, भुखमरी का कोई प्रश्न नहीं रहेगा। अब मैं आज यह पूछना चाहता हूँ कि जिस व्यक्ति ने मुझ से यह कह कर वोट ले लिया...

श्री सीताराम केसरी (बिहार) : आपसे वोट ले लिया... (Interruption) 157 15758

श्री भैरों सिंह शेखावत : मुझ से मतलब है मतदाता। आप बुद्धिमानी से काम लें तो अच्छा है। तब आप मेरी बात भी समझ सकेंगे और बिहार की समस्या का भी समाधान कर सकेंगे। दुर्भाग्य

[श्री भैरों सिंह शखावत]

यह है कि आप बिहार पी सी सी के प्रेसिडेंट हैं और इसी प्रकार बिहार में समस्याएं उत्पन्न हो रही हैं।

मैं यह निवेदन करना चाहता हूँ कि मैं एक मतदाता हूँ और मुझको आपने एक प्रलोभन दिया कि अमुक प्रकार का विकास का काम होगा, अमुक प्रकार की आर्थिक नीतियाँ होंगी, अमुक प्रकार से बेकारी दूर होगी, अमुक प्रकार से खाद्यान्न पर कंट्रोल किया जायेगा, लेकिन इन वादों और घोषणापत्र के पश्चात् स्थिति बिल्कुल विपरीत हो जाती है तो मतदाता का किम प्रकार का अधिकार है कि वह अपने निर्वाचित प्रतिनिधि के ऊपर किसी प्रकार का कंट्रोल रख सके ? हमारे कांस्टीट्यूशन में इस प्रकार की व्यवस्था नहीं है और इस कारण इस प्रकार की समस्याएँ खड़ी होती हैं। कही यह मांग की जाती है कि विधान सभा को भंग किया जाय। विधान सभा भंग करने के प्रश्न पर सरकार विचार नहीं करती तो विधायकों में प्रचार किया जाता है, विधायकों से निवेदन किया जाता है चूंकि सरकार भंग नहीं हो रही है, समस्याओं का समाधान नहीं हो रहा है इसलिए आप लोग अपने उत्तरदायित्व को पूर्ण करने में जो असफल हुए हैं उसके परिणामस्वरूप आपको त्यागपत्र देना चाहिए। वे त्यागपत्र देने नहीं। जब प्रचार होता है, मास मूवमेंट चलता है तो उस मास मूवमेंट के कारण लोग धीरे-धीरे तैयार होते हैं और धीरे-धीरे इस्तीफे देते हैं।

श्री इन्द्र दीप सिंह : माननीय सदस्य की सचनता के लिये मैं आचार्य राम मूर्ति की दो लाइन पढ़ देता हूँ। आचार्य राम मूर्ति जी श्री जय-प्रकाश नारायण द्वारा डिप्यूट किये गये थे उन्होंने कहा है —

"A student leader has reportedly announced a programme to confine Members of the Assembly in their houses and cut off their water and power supply from May 8 if they did not resign by that time. He is also reported to have said that . . ."

यह आचार्य राम मूर्ति ने कहा है। आप इसको मपोर्ट करते हैं ?

"... that demonstrators would shout slogans throughout the night before the residences of legislators to disturb their sleep . . ."

This is from the 'Indian Nation' of May 4.

श्री भैरों सिंह शखावत : उप-सभापति जी, राम मूर्ति जी ने क्या कहा और क्या नहीं कहा, इससे विधायक इस्तीफा देंगे, यह मैं नहीं जानता। विधायकों की रात खराब की जा रही है, इस तरह से कोई विधायक इस्तीफा देंगे तो इस तरह के विधायक मैंने हिन्दुस्तान में नहीं देखे। आप इसे कोअर्गन मानकर चलते हैं ? मारी रात विधायक को सोने नहीं दिया, वहाँ लाउड-स्पीकर लगाया गया, वहाँ पब्लिक मीटिंग हुई, नारेबाजी की यदि इसको आप कोअर्गन मानते हैं तो मैं समझता हूँ कि आपको अपनी बुद्धि से सोचना चाहिये इस से कोअर्गन की रोकथाम के लिये कांस्टीट्यूशन में अमेंडमेंट लाना चाहिये ? यह बात मैं आपके लिये ही छोड़ता हूँ।

आज वहाँ जनता के सामने समस्याएँ खड़ी हैं अब वह मास-मूवमेंट की शकल ले तो उसका किस प्रकार उपचार किया जा सकता है ? मैं माननीय सदस्य की जानकारी के लिये बता दूँ कि केरल में 1957, 58, 59 में मास मूवमेंट हुआ, बाद में कांग्रेस पार्टी उसमें शामिल हुई, वहाँ पर स्वयं स्वर्गीय प्रधान मंत्री जवाहरलाल जी नेहरू गये और आज की प्रधान मंत्री श्रीमती इन्दिरा गांधी गई और जाने के बाद सारा ममला पार्लियामेंटरी बोर्ड में रखा गया और उस पार्लियामेंटरी बोर्ड के रेजलूशन की चार पंक्तियाँ मैं सदन के सामने रखना चाहता हूँ। उसमें सर्कम्स्टेंसेज का उल्लेख है कि किस प्रकार से लेबरर्स मूवमेंट कर रहे हैं, किस प्रकार से अग्रिकल्चरिस्ट्स मूवमेंट कर रहे हैं और किस प्रकार से लोग जिनको ला एण्ड आर्डर के नाम

पर विकिटमाइज किया गया है, किस प्रकार से वह मूवमेंट कर रहे हैं, उसकी भूमिका देते हुए पार्लियामेंटरी बोर्ड ने लिखा है :-

"The democratic way of meeting the situation is to have a general election in the State for the Assembly . . .".

अब यह कांग्रेस पार्टी का लिखा हुआ है, यह कोई जनसंघ या सोशलिस्ट पार्टी का निर्णय नहीं है। तो उन्होंने यह स्वीकार किया है कि मास मूवमेंट को यदि फेस करना है तो उसका सबसे बढ़िया तरीका यही है कि दोबारा जनरल इलेक्शन कराये जायें। अब मैं निवेदन करना चाहता हूँ कि गुजरात में मास मूवमेंट था, गुजरात में दुनिया भर की लोगों के सामने समस्याएँ थीं, इसलिये उन्होंने विधानमभा भंग करने की माग की। मैं आज आपसे पूछना चाहता हूँ कि जिस चिमनभाई पटेल की वकालत आप करते थे कि चिमनभाई का प्रशासन बहुत अच्छा है, चिमनभाई अच्छी तरह से शासन चला रहे हैं, वह कांग्रेस में है क्या?

श्री सीताराम केसरी : आप कोई चार्ज लाये उनके खिलाफ ?...

Interruption

श्री भैरों सिंह शंखावत : उप-सभापति महोदय, मैं इसलिये कहना चाहता हूँ कि जब तक चिमनभाई वहाँ के मुख्य मंत्री थे उस समय तक चिमनभाई के आपने ढोल बजाये। लेकिन ज्यों ही चिमनभाई मुख्य मंत्री पद से हटे तो आपने उनकी बुराई की, वही बुराई की जो जनता उनके लिये कहती थी और बुरा कहकर उनको हटाना चाहती थी। जनता के कष्ट को आपने स्वीकार किया, उसका समर्थन किया लेकिन समर्थन उसका किस स्थिति में किया ? 110 आदर्शियों की गोली मारने के पश्चात्, हजारों लोगों को घायल करने के पश्चात् कई ज्यादा नुकसान होने के बाद आपने उनकी माग को स्वीकार किया। अच्छा होता कांग्रेस गवर्नमेंट में पहले ही बुद्धि आ जाती और आप मानते

कि चिमनभाई का प्रशासन गुजरात को गुडस डेनिवर नहीं कर रहा है, इसलिये हमको उसको हटाना चाहिये। इसी प्रकार की स्थिति आज बिहार में हो रही है। बिहार में अनाज की समस्या है, बेकारी है, वहाँ दुनिया भर की प्रशासनिक समस्याएँ हैं, वहाँ पर लोगों ने कई प्रकार के सुधारों की मांग की है। तो श्रीमन्, केसरी जी बतायेंगे कि आप एक डिमिप्लेन्ड फोर्स हैं या क्या हैं ? आज गफूर को हटाने के लिये कौन आन्दोलन कर रहा है ? आज लालन नारायण मिश्र को हटाने के लिये कौन आन्दोलन कर रहा है ? आज जगन्नाथ मिश्र के खिलाफ आन्दोलन कौन कर रहा है ? क्या जन संघ है। वह कांग्रेस पार्टी आपस में लड़ रही है और कांग्रेस पार्टी में लोग एक दूसरे पर चार्ज लगा रहे हैं और उन के चार्ज का असर प्रशासन पर पड़ रहा है और वह जनता की तकलीफों का कोई नोटिस नहीं लेते। आप कांस्टीट्यूशन में अमेडमेंट लाने के पहले अपने घर को देखें। आप के घर में जो आग लग रही है उस को आप बुझाने की कोशिश करें। आज आप ने समाज के सामने अनुशासन का आदर्श उपस्थित नहीं किया। आप ने जनता के सामने तोड़ फोड़ का आदर्श उपस्थित किया है, आप ने जनता के सामने डिफेक्शन का आदर्श उपस्थित किया है, आप ने जनता के सामने करप्शन का आदर्श उपस्थित किया है और लोक तंत्र में जिस प्रकार के आदर्श सत्तारूढ़ दल पेश करेगा उस का असर समाज पर पड़े बिना नहीं रह सकता। तो आज आवश्यकता इस बात की है कि आप अच्छे आदर्श समाज के सामने उपस्थित करें। समाज का जो कोढ़ है आप उस का समाधान नहीं कर पा रहे हैं। ऐसा होने पर निश्चित रूप से लोग एजीटेड करेंगे। इस विधेयक में उस एजीटेशन को कर्ब करने की बात चल रही है। पब्लिक तो एजीटेड करेगी। उस एजीटेशन के आधार

[श्री भैरों सिंह शेखावत]

पर सरकार यदि समझदार है तो उस के मामू में मत मत कर, जनता की माइकोलोजी को समझ कर दुबारा नये चुनाव करायेगी और उस समय जो विधायक आज इस्तीफा दे रहे हैं वह मैदान में जायेंगे और अपनी नीतियों के आधार पर जनता के वोट प्राप्त करने का प्रयत्न करेंगे। आप कहते हैं कि प्रेमीडेट रूल हम नहीं कर सकते। आप ने प्रेमीडेट रूल यू० पी० में कैसे कर दिया? आंध्र में कैसे कर दिया? मणिपुर में क्यों कर दिया? उड़ीसा में क्यों कर दिया? सब जगह कांस्टीट्यूशनल क्राइमिस था। यह कौन लोग थे? क्या उस का कारण वहां की जनता थी? कांग्रेस के लोगों ने आपस में लड़ कर कांस्टीट्यूशनल क्राइमिस पैदा किया। उस के कारण वहां कांस्टीट्यूशनल क्राइमिस पैदा हुआ। तो आप अपनी पार्टी के हितों के लिये कांस्टीट्यूशन का सत्यानाश करना चाहते हैं और अगर ऐसा है तो बात दूसरी है और यदि आप अपने हितों के लिये ऐसा नहीं करना चाहते और समाज और देश के हित का कुछ विचार करना चाहते हैं तो इस प्रकार के अमेंडमेंट की कोई आवश्यकता नहीं है। (समय की घंटी) मैं समाप्त कर रहा हूं। आज दुनिया में केवल हिन्दुस्तान में ही ऐसी स्थिति नहीं है, बाहर भी है। 1952 से लेकर आज 1974 तक कई बार इस बात की चर्चा हुई है कि देश में डिफेक्शन को रोका जाय।

1962 तक आप ने देखा होगा कि डिफेक्शन जो कांग्रेस के पक्ष में हुए वह 57 से लेकर 62 तक 120 थे, 120 विधायकों को कांग्रेस ने अपनी तरफ डिफेक्ट कराया और 8 एम० पी० को कराया और 1962 से 1967 तक 299 विधायकों को अपने साथ लिया और 17 एम० पी० को डिफेक्ट कराया। 1967 के बाद 175 एम० एल० एज० को कांग्रेस ने अपनी तरफ डिफेक्ट कराया। किसी अच्छे लोकतंत्र में सब से बड़ा कोड डिफेक्शन का है। सरकार ने इस डिफेक्शन को रोकने के लिये 1968 में

एक कमेटी अप्वाइंट की। उस को लेकर आज तक कोई कानून नहीं बना। आप ने कहा कि हम ने सेलेक्ट कमेटी को यह मामला दिया है, लेकिन जो जरूरी प्राबलम था उस का कोई समाधान आप के पास नहीं है। आप ने देखा कि यदि डिफेक्शन जारी रहें तो उस का लाभ कोई भी उठा सकता है और उस लाभ के खातिर आप इस कानून पर ठंडा हाथ रख कर बैठे हैं कि जब जरूरत होगी तब उस को पाम करेंगे। उपसभापति महोदय, अंत में मैं यह कहना चाहता हूं कि यदि वोटर को इस बात का अधिकार न मिले कि वह अपने रिप्रेजेंटेटिव से जानकारी कर सके, यदि आप ने उस के रिप्रेजेंटेटिव को वोटर के लिये एकाउन्टेबिल नहीं बनाया तो आप क्रोअर्सन से नहीं बच सकते। आप संविधान में अमेंडमेंट ले आयेंगे उस का परिणाम यह होगा कि आज जो स्पीकर या प्रेसाइडिंग अफसर होता है उस का निर्णय अंतिम होता है, उस का निर्णय लोक सभा में या विधान सभाओं में माना जाता है और उस पर पक्षपात करने का आरोप बहुत कम लगता है, लेकिन आप ने इस प्रक्रिया से, संविधान को संशोधन कर के अध्यक्ष का पद और प्रेसाइडिंग अफसर का पद कंट्रोवर्शियल बना दिया है और आप देखेंगे कि कुछ दिनों बाद आज हम अध्यक्ष को सम्मान दे रहे हैं, प्रेसाइडिंग अफसर को जो सम्मान दे रहे हैं, वह उनको मिलने वाला नहीं है। आप ने जिस प्रकार की व्यवस्था की है कि प्रेसाइडिंग अफसर यदि सेटिस्फाइड हो, तो मैं जानना चाहता हूं कि अब उन को किसी प्रकार की कोई जानकारी मिलेगी तो जिस प्रकार से वह उचित समझेंगे उस प्रकार से इक्वायरी करावेंगे।

इसमें कोई प्रासीजर नहीं है कि इन्क्वायरी के मातहत क्या होगा? उनकी इन्फरमेशन का सूत्र क्या होगा? किस लेबल पर इन्क्वायरी कराई जाएगी? वहां यदि स्पीकर ने मना करना शुरू कर दिया तो स्पीकर को आप केवल विधान सभा, लोक सभा और राज्य सभा में

कंस्टिट्यूट बनाने की कोशिश कर रहे हैं बल्कि स्पीकर भी पब्लिक की नजर के अन्दर उस पोस्ट पर आज यह स्थिति ले कर बैठे हुए हैं कि उस पोस्ट पर नहीं रहेंगे।

सभापति महोदय, मैं कांग्रेस के बारे में कहना चाहता हूँ। आज यदि एक मैम्बर हटना चाहता है तो आप यह कानून बनाएँ कि स्पीकर साहब के पास हल्फनामा लेकर जाएँ और कहे कि आप केवल त्याग-पत्र पर हस्ताक्षर करें और फिर वह कोर्ट में जाकर उस हल्फनामे पर यह लिखाएँ कि उन्होंने इस्तीफा दे दिया। वह कोर्ट का इस्तीफा स्पीकर साहब पाम करें। ऐसी हालत में इन्क्वायरी कराई जाए।

उपसभापति महोदय, ऐसी स्थिति में मैं चाहूँगा कि जैसा विदेशों में, स्विटजरलैंड में, यू० ए० ए० आर० में, रोमानिया में, पोलैंड में, बल्गेरिया में, हंगरी में, चैकोस्लोवाकिया में, युगोस्लोवाकिया में रिकाल की व्यवस्था है उस तरह की व्यवस्था आप भी रखें। मैं उस प्रासीजरल बातों में नहीं जाऊँगा कि 70 परसेंट, 10 परसेंट लोगों के हस्ताक्षर हों, मैं चाहूँगा कि सदन में बैठ कर इस बात पर विचार करें कि रिकाल में किस प्रकार की व्यवस्था कर सकते हैं। रिकाल की व्यवस्था में किस प्रकार के प्रासिजर प्रेसक्राइब कर सकते हैं...

श्री गुणानन्द ठाकुर (बिहार) : वहाँ का प्रजातंत्र कैसा है? इलेक्टड है या...

MR. DEPUTY CHAIRMAN: Shri Gunanand Thakur, he does not have any time. Please let him complete now.

श्री भैरों सिंह शेखावत : यदि आपको यह पता नहीं है कि यू० ए० ए० में किस प्रकार का प्रजातंत्र है, यू० ए० ए० आर० में किस प्रकार का प्रजातंत्र है तो मैं आपको बताकर समय बर्बाद नहीं करना चाहूँगा। और यदि आप जरूरी समझें तो हाऊस में न बैठिए, बाहर आइए मैं आपको डेमोक्रेसी पर दो घंटे लैक्चर दे सकता हूँ।

MR. DEPUTY CHAIRMAN: Yes, please conclude now.

श्री गुणानन्द ठाकुर : जनसंघ और जनतंत्र क्या एक ही है? मैं यह पूछ रहा था।

श्री भैरों सिंह शेखावत : मैं निवेदन कर रहा था कि यू० ए० ए० आर० में या जितने भी मोनोलिस्ट कंटरीज है उन कंटरीज में रिकाल की व्यवस्था है। मैं कहना चाहता हूँ कि जितने डेमोक्रेटिक कंटरीज है उनमें रिकाल की व्यवस्था है तो यहाँ हिन्दुस्तान की जनता को उससे क्यों महसूस रखा जाए। मैं निवेदन करना चाहता हूँ कि अगर आप कांग्रेस का डिमिशन ले लें तो गुजरात में जैसा हाल हुआ और बिहार में होने वाला है तो आप लोगों के हाथ बंद नहीं कर सकते। आज उनके मन में कई प्रकार की कान्तियाँ हैं, उनमें गेष है, आज बिहार के लोगों को रोटी चाहिए। वहाँ की समस्याओं का समाधान अगर आप चाहते हैं तो मैं समझता हूँ...

(समय की घंटी) मैं सिर्फ एक मिनट चाहूँगा। मैं इस बिल का विरोध करता हूँ और माननीय सदस्य, साम्यवादी दल ने जो बात कही और जनसंघ का नाम लिया यह पूछा कि जनसंघ के लोग पार्टी पालिटिक्स में विश्वास रखते हैं या नहीं। मैं इनकी जानकारी के लिए बताता चाहता हूँ कि हम पार्टीलेख के पक्ष में नहीं हैं। जब भी हमें अवसर मिला है तो हमने यही सोचा है कि पार्टी की स्थिति किस प्रकार से सुधारी जाए। दुर्भाग्य है कि एक छव कांग्रेस पार्टी का राज चला आ रहा है इसलिए पार्टी की पोजिशन को मुद्दु न कर पाएँ। मैं अधिक न कह कर यहीं समाप्त करता हूँ।

श्रीमती कुमुदबेन मणिशंकर जोशी (गुजरात) : उपाध्यक्ष महोदय, इस सदन के सामने संविधान (तैनीमवां संगोधन) विधेयक पेश किया गया है मैं उसका हार्दिक स्वागत करती हूँ। उपाध्यक्ष महोदय, इसका मैं इसलिए हार्दिक स्वागत करना चाहती हूँ कि इस देश

### [श्रीमती कुमुदबेन मणिशंकर जोशी]

की लाखों, करोड़ों जो गरीब जनता है जिसका विकास करना होगा, प्रगति करनी होगी और वह लोकशाही शासन के द्वारा ही हम कर सकते हैं। इस लोकशाही पद्धति को बचाना होगा, उसकी रक्षा करनी होगी और वह हम इस संशोधन के माध्यम से कर सकते हैं। सरकार ने संशोधन पेश किया है इसके लिए मैं सरकार को धन्यवाद दूंगी।

उपाध्यक्ष महोदय, गुजरात और बिहार के बारे में बहुत सी बातें कही गईं। मैं भी गुजरात के बारे में कुछ बातें कहना चाहती हूँ। गुजरात में जो कुछ हुआ और जब वहाँ आग लगाई गई, और लोक शाही के नाम पर जो हुआ है, वह न तो जन आंदोलन था, न रोटी के लिए आंदोलन था, न भ्रष्टाचार उन्मूलन के लिए आंदोलन था। गुजरात की सरकार ने जो वचन दिए थे लोगों को, अपने चुनाव मैनिफेस्टो में जो वचन दिए हुए थे, उसके मुताबिक वहाँ की सरकार लैंड सीलिंग का बिल लाई, मिनिमम वेजेज टु लेडर्लैस लैबरर्स का बिल लाई थी। गुजरात के जो विपक्ष में बैठे लोग थे उन्होंने हर कदम पर रुकावटें लाने की कोशिशें की। उनको गरीब जनता के लिए कोई तड़पन नहीं थी। उपसभापति जी, जो भी गुजरात में हुआ, मैं समझती हूँ, जब गुजरात में विपक्षी दल फ्रस्ट्रेट हो गया, निराश हो गया, तब उनकी निराशा और फ्रस्ट्रेशन में से यह बात निकली। गुजरात का आंदोलन इसलिए भी मैं जन आंदोलन नहीं कहती हूँ कि उसमें छोटे छोटे बच्चे और युवा लोग थे, कुछ बड़े बड़े प्राध्यापक थे और थोड़े से विपक्षी दल के लोग भी गुजरात के आंदोलन में थे। अगर वह आंदोलन 7 दिन और ज्यादा चलता तो गुजरात की जनता उसका ठीक तौर से जवाब देती इसीलिए कि वह जन आंदोलन नहीं था, वह रोटी के लिए आंदोलन भी नहीं था। गुजरात की सरकार जब वहाँ के गरीब लोगों के लिए वहाँ के पिछड़े हुए लोगों के लिए भारत सरकार

के साथ मिल कर बहुत ज्यादा तादाद में अनाज ला रही थी और उसका डिस्ट्रिब्यूशन करा रही थी, तब मुझे पता है—मैं साक्षी थी—वहा आंदोलनकारी हर कदम में रुकावटें लाना चाहते थे, हर रोज बंध का एलान करते थे, हर रोज दुकानें जलायी जाती थी और इसी वजह से गुजरात सरकार लोगों तक अनाज नहीं पहुंचा सकी और जब लोगों के पास अनाज नहीं पहुंचाया जा सका तो इन आंदोलनकारियों ने उस डिस्ट्रिब्यूशन सिस्टम में गुजरात सरकार को भी तंग किया। गुजरात में जब आंदोलन चल रहा था तब मैं भी बड़ी दुखी थी और मैंने रविशंकर महाराज को चिट्ठी लिखी; मैंने उनको एक बात यह लिखी थी कि जब गुजरात में आंदोलन चला तो आपने शांति सेना की रचना क्यों न की, जब गुजरात में आंदोलन चल रहा था तो रविशंकर महाराज ने क्यों इस आंदोलन का नेतृत्व नहीं लिया? और अगर इस नेतृत्व को लिया होता तो भ्रष्टाचार के खिलाफ जो बात चल रही है, उसमें हिन्दुस्तान को मार्गदर्शन मिला होता।

उनका जवाब भी आ गया है।

दूसरी बात वहाँ चल रही है सर्वोदय के नाम से। सर्वोदय का एक सम्मेलन गुजरात में थोड़े दिन पहले साबरमती आश्रम में हुआ था। इस सर्वोदय सम्मेलन में दादा धर्माधिकारी भी वहाँ हाज़िर थे और दादा धर्माधिकारी ने सर्वोदय के काम सारे जीवन में किया है इसलिए मैं दादा धर्माधिकारी के कुछ शब्द यहाँ रखती हूँ, अखबार में भी आया है :

“जब कोई नेता प्रवर्तमान परिस्थिति का अपने लिए लाभ उठाना चाहता है तब वह सामाजिक जीवन का सर्वश्रेष्ठ भ्रष्टाचार है। इन्दिरा जी का राज्य चौपट हो जाय, तो उसका विकल्प क्या है? क्या करुणानिधि उस का विकल्प है? युवा पीढ़ी याद रखे कि तमिलनाडु के अलगतावाद आंदोलन में

युवा पीढ़ी भी है। क्या आप लोग इन्दिरा जी के स्थान पर सैन्य शासन लाना चाहते हैं? या कोई पड़ोसी राज्य का शासन लाना चाहते हैं?"

जब चिमनभाई की सरकार ने इस्तीफा दे दिया तो विपक्षी दलों ने वहाँ की युवा पीढ़ी को गुमराह क्यों किया। उनका एक काम यह होना चाहिए था कि युवा पीढ़ी की शक्ति को कालेबाजार, रिश्वतखोरी, भ्रष्टाचार इत्यादि अनिष्टों को समाप्त करने में लगानी आवश्यक थी। लेकिन विपक्षी नेताओं ने उनकी शक्ति को विधान सभा विसर्जन के गलत रास्ते पर मोड़ दी और गुमराह युवाओं ने विधान सभा के सदस्यों को अपना निशाना बनाया। उन्होंने क्यों इस्तीफा दे दिया है? उससे पहले इस्तीफा क्यों नहीं दिया? लेकिन मत समझिए गुजरात की जनता के दिमाग में ये मारी बातें नहीं हैं, यह मत समझिए वे गुमराह हैं। गुजरात की युवा पीढ़ी गुमराह हुई है लेकिन गुजरात के वोटर्स गुमराह नहीं हुए हैं।

अभी यहाँ के एक माननीय सदस्य ने बताया कि विधान सभा के सदस्यों का रेजिगनशन किस तरीके से हुआ। मैं भी वही थी और मेरे घर में रात को एक बजे हार्डजेक की हुई बस आई। उन बच्चों की उम्र 18 साल से 20 साल तक की थी। वे बच्चे करीब एक बजे मेरे घर आये थे। मैंने उनसे पूछा तुम किस लिए आये हो और क्या करना चाहते हो। उन्होंने कहा कि हमें इस्तीफा चाहिये। मैंने पूछा किस लिए इस्तीफा चाहिए और आपका प्रोग्राम क्या है और मैं तो इस्तीफे की बात को नहीं मानती हूँ। उन बच्चों ने कहा कि इस्तीफा दीजिये और इससे सारे हिन्दुस्तान में हमारा नाम हो जायेगा। मैंने कहा कि मैं इस्तीफा नहीं दूंगी।

श्रीमन्, गुजरात विधान सभा के सदस्यों पर जो अत्याचार हुए वह बहुत ही दर्दनाक है और मेरी समझ में यह बात नहीं आई कि गवर्नमेंट

ने अपने रिकार्ड में या मंत्री जी ने अपने बयान में इस चीज को क्यों नहीं दिया। लेकिन मेरे पास तो सारे रिकार्ड मौजूद हैं। वहाँ पर विधान सभा के सदस्यों के ऊपर जो अत्याचार हुए, मैं समझती हूँ कि लोकशाही को खत्म करने के लिए क्या यह काफी बात नहीं थी? वहाँ पर विधान सभा के सदस्य बद किये गये। विधान सभा के सदस्यों को न बिजली दी गई, न उनको अनाज दिया गया और न ही उनके बच्चों को घर से बाहर निकलने दिया (शेम, शेम) तो मैं यह जानना चाहती हूँ कि क्या इस तरीके से इस देश में लोकशाही में, भ्रष्टाचार खत्म होने वाला है? इस प्रश्न के बारे में सदस्यों को स्वयं सोचना चाहिए।

श्रीमन्, एक मवाल मैं इस सदन के सम्मानित सदस्यों के सामने रखना चाहती हूँ। एक हमारे भाई श्री रतू भाई अदानी थे। वे बड़े वृजर्ग विधान सभा के सदस्य हैं। वे मिनिस्टर भी रह चुके हैं और बीमार पड़ गये थे। उनका मिडिल अस्पताल में ट्रीटमेंट हो रहा था। तो जो आन्दोलनकारी थे वे उनके वहाँ टूट पड़े। उनके साथ जो अत्याचार हुए उसके लिए मेरे पास शब्द नहीं हैं और न ही इस सणाध्यक्ष विधेयक ने इस तरह के अत्याचारों को रोकने की ही कोई व्यवस्था की है।

इसी तरह से वहाँ के छात्र और विधान सभा के मेम्बरों के घर गये और उनके घर का घेराव किया। उनकी बिजली, खाना और दुसरी मुविधाएँ बद कर दी। लेकिन उन लोगों ने कहा कि हमें कांग्रेस पर विश्वास है और उन लोगों ने इस्तीफा नहीं दिया। उन लोगों ने कहा कि हमें हिमात्मक कार्यवाही से नफरत है और कांग्रेस नेतृत्व पर विश्वास है।

श्रीमन्, मैं यह कहना चाहती हूँ कि गुजरात में जो कुछ हुआ उसमें किस का हाथ था और उसमें ज्यादा से ज्यादा नुकसान कितने को हुआ। विधान सभा को भग करने में वहाँ पर भ्रष्टाचार

### [श्रीमती कुमदबेन मणिशंकर जोशी]

खत्म करने का आन्दोलन आगे नहीं बढ़ा। भ्रष्टाचार आन्दोलन के साथ-साथ वहाँ के छात्रों ने वहाँ की विधान सभा को भंग करने का आन्दोलन छोड़ा। इन सब का नतीजा यह हुआ कि जहाँ के छात्रों को बिना परीक्षा दिये आगे दर्जे में बढ़ा दिया गया और यही उनकी सब से ज्यादा सिद्धी हुई। उनके इस आन्दोलन से न वहाँ पर भ्रष्टाचार ही खत्म हुआ और न उसमें कोई कमी आई।

उपसभापति जी, मैं आपका ज्यादा समय लेना नहीं चाहती हूँ, लेकिन मैं यह कहना चाहती हूँ कि गुजरात में जो नाटक हुआ वही नाटक अब बिहार में भी खेला जा रहा है। इसके बाद अगर यह वहाँ पर कामयाब हो गया तो इसको दूसरे राज्यों में भी खेला जायेगा। लेकिन मैं यह निवेदन करना चाहती हूँ कि हम इस नाटक को अब यहीं पर खत्म कर देंगे और इसको आगे नहीं बढ़ने देंगे।

अभी मैं अखबार में पढ़ रही थी। हिन्दुस्तान अखबार 6 मई का है और इसमें यह समाचार लोकवाणी में छपा है। उस अखबार में "भ्रष्टाचार" के सम्बन्ध में लिखा गया था। उसमें यह लिखा था—परन्तु यह जानने की तकलीफ कोई ग़वार नहीं करता कि भ्रष्टाचार के लिए वास्तव में दोषी कौन है और उसका मूल कारण क्या है। कुम्भ पर्व की वजह से हरिद्वार आने के लिए हैजा का टीका लगवाना सरकारी तौर पर अनिवार्य होने से गुरुकुल कांगड़ी के उत्सव पर आने के लिए मेरे मित्र ने टीका लगवाया, परन्तु टीका लगवाने से उन्हें ज्वर हो गया जिस के कारण वे उत्सव में नहीं जा सके। बाद में एक संसद सदस्य महोदय ने जो आर्थिक समाजी होने के साथ-साथ एक ऐसी पार्टी के सदस्य हैं, जो भारतीय संस्कृति की परम पोषक होने का दावा करती है, जब उन की भेंट हुई तो संसद महोदय ने कहा, पंडित जी, हम से कहा होता, तो हम टीका लगवाये बिना ही उस का प्रमाण-पत्र आपको दिलवा

देते। जब हमने यह घटना सुनी, अखबार में आया, तो सोचा, लो ये भी भ्रष्टाचार में सहायक है। अब आप ही बतलाइये कि भ्रष्टाचार किस तरह से मिट सकता है। जो लोग भ्रष्टाचार के खिलाफ आवाज उठाते हैं, वे ही भ्रष्टाचार करवाते हैं और उसको आश्रय देने हैं। (गेम, गेम) श्रीमान्, इस तरह से सारी बातें हुई हैं और मैं समझती हूँ कि हम लोगों को इस देश में लोकशाही को बचाना होगा। इस देश से भ्रष्टाचार को खत्म करना होगा। हमें अपने नियमों में आमूल परिवर्तन करने होंगे ताकि इन समस्याओं को खत्म किया जाय। चाहे कोई भी पार्टी हो, जनसंघ वाले हों, कांग्रेस (ओ) वाले हों, सब को इस कार्य को करने के लिए दिलो-जान से कार्य करना होगा और अपना पूरा-पूरा योगदान देना होगा। जब हम इस तरह की बात करेंगे तब ही इस देश से भ्रष्टाचार खत्म हो सकेगा और लोकशाही के माध्यम से लाखों गरीब जनता के कार्यक्रम को कर सकेंगे और उनको जीने के लिए ज्यादा सुविधा दे सकेंगे।

DR. K. NAGAPPA ALVA (Karnataka): Mr. Deputy Chairman, I rise to speak on the Constitution (Thirty-third Amendment) Bill, 1974. Thirty-three amendments in twenty-four years to the sacred document of our country! This is a Bill further to amend the Constitution of India. It has been passed in the Lok Sabha in spite of vehement protests from the Opposition. Because of the political motive inherent in it, it has been pushed through in indecent haste. It is definitely for the political survival of the ruling party, for immediate gains, wilfully forgetting the damage that will be done to the working of parliamentary democracy. The amendment of Articles 101 and 190 concern the Centre and the States, and the concerned Presiding Officers, the Speakers and the Chairman. This is being forced on them without going through the



democratic norms of consulting them. This Act fixes on the Presiding Officers a special responsibility of holding an enquiry and determining whether the resignation is voluntary or forced. There is no doubt that their findings will be subject to a judicial review, which will undermine the dignity of their office.

The Presiding Officer will be put to the embarrassing position of starting an enquiry on the information given by the Government, or by newspaper reports or hearsay and his decision will ultimately be on the views of the Government.

**[The Vice-Chairman (Shrimati Purabi Mukhopadhyay) in the Chair]**

The Speakers and the Chairman mostly have been trying to be impartial and were maintaining the dignity and decorum of the Houses in spite of their leanings towards the ruling party. Why make the Presiding Officers act like committed agents of the ruling party.

This legislation is unnecessary, unwanted, and it is thoroughly incomplete. The amendment seems to be a design to provide constitutional shield to the Members of Parliament or the Members of the Legislatures belonging to the ruling party. The Government and the ruling party have become nervous after they were forced to bow down to the mass upsurge and people's will and dissolve the Gujarat Assembly. The happenings in Bihar on the lines of Gujarat are further frightening them and they take recourse to changing the laws to suit their opportunism and repressive measures. This is a wrong approach in democracy, not caring to know the realities of the situation in India—the poverty, misery, inequality with their attendant ills and evils. The challenge is essentially economic and

political, because the demand for the dissolution of the Gujarat Legislature by the students, the intelligentsia and the masses acquired support and gathered momentum mainly because price rise of essential commodities and shortages and misrule, mal-administration and massive corruption had cumulatively produced widespread unrest. This challenge has to be met by setting things right and getting the willing cooperation of the people.

If today there is utter confusion, misery, frustration and anger along with political chaos and near-economic ruin, it is because of the mistakes of the past having the cumulative effect. I will go to the extent of saying it is because of the economic crimes and political sins committed by most of the privileged politicians of the Congress since independence. Everything was being considered in terms of politics and for political ends, for immediate or temporary gains. All attempts and all sorts of methods to win in the elections, vote-catching devices by appeasement, temptations and bribery were made. Economic decisions were taken on political grounds. Promises were only made but not kept up. People's expectations were raised by slogans and gimmicks. After coming to power, every attempt and method with corrupt practices was made to continue in power for ever.

There has been politics of convenience and opportunism. But now it is politics of adventurism and politics of survival. Survival of democracy and protection of freedom are far more important than the survival of individuals or parties. Country's interest should be foremost.

#### 4 p.m.

The ruling Congress had a massive mandate of the people. What is the position today? Most of the Governments stand discredited. Poverty and

[Dr. K. Nagappa Alva]

miseries of the people are increasing. Imbalances, disparities and inequalities are increasing. They have failed in giving honest and efficient administration. There is top-heavy administration. Almost all the departments are overstaffed. The old belief that legislative majorities, manipulated or purchased will sustain political stability is exploded. Uttar Pradesh going under President's rule and dissolution of the Gujarat Assembly are monumental examples. Socio-economic well-being of the people is the only answer.

The strike by the railwaymen and strike call given by the leaders of the Central Government employees, L.I.C. employees and bank employees in sympathy with them, should be an eye-opener and a warning to those in power. What are their demands? Some of them are impossible demands. A strike of this magnitude touching all aspects of life will further increase price rise, shortages and miseries of the people. The political labour leaders have been pampered. With all their difficulties, these organised sectors, in the name of the so-called trade union rights, are the most privileged and protected sections in our country, and most of the problems have been created by them only exploiting the weaknesses of the ruling party. The dreadful contagion of asking for more and more and working less and less and again asking for parity and bonus and overtime payments for laziness and indiscipline is spreading fast. I hold the present rulers and the leaders of this country responsible to this great tragedy—this sacred land, the source of spiritual science and rich cultural heritage, to be considered as a poor country with mass illiteracy, mass unemployment and mass poverty and misery and large section of people living under inhuman conditions.

We have to look into the causes of the present day maladies and try to find remedies. To solve some of these man-made problems and difficulties there is need for amending some of the Articles of the Constitution and also introduce certain new Articles. There is great urgency to do it. It is high time that the Preamble of our Constitution is respected and the Administration of the country is geared up.

There is no purity in our politics and administration. It is adulterated politics. What a tragedy. We are to learn lessons about the functioning of democracy from those who have divided loyalty and from those who have no basic faith in democracy.

To make the rulers understand whether the management should have the right to manage we wanted Air Marshal Lal, an ex-Military Commander who led the country to victory. A great lesson indeed but whether the lesson will be learnt by the ruling party is the question.

Right to strike, insult, humiliate, paralyse the management, administration or government; for whom is this right? Only those who do not have this kind of right are the police, the military and the toiling farmers in the rural India. In truth, they are the real patriots, they are our saviours. Should not these sectors of society, organised sectors, be brought under control so that they may be made to realise their duties and responsibilities in the larger interest of the country by proper legislation and amendment of the Constitution? What has happened to our wisdom and vision? Are our leaders so weak? Are our rulers so weak? No, they are strong. But they have weakened themselves by their inaction and misrule. The nation's survival with political stability is possible, only with socio-economic well-being and

progress of the people and meeting their basic minimum needs and providing equal opportunities for all.

Shrimati Indira Gandhi, our Prime Minister, is the supreme leader of her party and I also admit that she is the supreme leader of our country, with the massive mandate of 1971 and 1972, and now having assumed almost absolute power. Painfully I must submit to this august House that she has failed in giving good governments and honest administration because of her followers and infiltrators, most of whom have brought discredit to her, and a good many of them have proved themselves to be a liability rather than an asset to her and her party. I know she has the capacity and she only can do what is needed at this critical juncture and exploding situation. The only thing is, she must make up her mind and take a decision. This is a God-given opportunity for her. If she fails to take a decision and act, act in the living present, the people of India will take a decision by the force of circumstances. With prayers, I appeal to the Prime Minister to act and save democracy and India.

What has happened to the anti-defection Bill? Was it not more urgent in the interest of democracy? Is there no urgent necessity to amend the election law and bring about the desired election reforms? It is a disgrace to the country, the way money for elections is collected by political leaders and political parties. The only way of saving the country from the present socio-economic-political chaos is to have a national income-price-wage policy. This has to be worked out immediately and put into force. The Preamble of our Constitution has to be respected and necessary amendments to the Constitution should be made.

The power that is enshrined in the Constitution in Part XVIII, Emergency Provisions, article 360(b) should be made use of now. The article says:

"It shall be competent for the President during the period any proclamation issued under this article is in operation, to issue directions for the reduction of salaries and allowances of all or any class of persons serving in connection with the affairs of the Union, including the Judges of the Supreme Court and the High Courts."

I make a special appeal to the President, who is about to retire, not to give assent to this Constitution (Thirty-third) Amendment Bill, 1974, but to give a directive to the Government to take up immediately the other more important amendments and the measures necessary to make this country strong and great. Thank you.

DR. V. A. SEYID MUHAMMAD (Kerala): Madam Vice-Chairman, I support the Bill and I do so for sound and solid reasons. The primacy and the supremacy of free will and free consent are some of the fundamental principles which govern any civilised society in a democracy. A negation of these principles leads to tyranny, leads to dictatorship, leads to Fascism. That is why it has been accepted as the fundamental principle of law that any act by a person is valid only if it is done under free will and free consent. Anything which has been done under coercion, fraud, etc., is considered to be not valid in law.

That being the position, that being the fundamental basis of today's amendment, I do not know why the Opposition is opposing this, unless they have abandoned in their frustration all values, all fundamental

[Dr. V. A. Seyid Muhammad]  
 principles of civilisation and all fundamental principles of democracy. I am really surprised why they should have to oppose this Bill. The reason for bringing this Bill has been given in the Statement of Objects and Reasons. For some time those politicians, those political parties, those individuals, who had been rejected consistently and persistently by the electorate, they have found undemocratic methods and unparliamentary methods and even fascist methods are only left to them to reach anywhere near power. That is the only reason why they are opposing this Bill. Recently in Gujarat and other places representatives of the people, freely elected representatives of the people had been compelled under coercion, under various forms of force, compelled even by putting them to starvation, denying them the primary necessities of life, to resign their membership of the Legislature. Do you think that this is a game which you alone can play simply because certain parties can hire goondas and with their help hold the elected representatives to ransom? Do you think that that is the sure way to power? Do you think that nobody else can do that? Suppose one of the Opposition Members today, when he goes to his flat, is confronted by some hired goondas and compelled to resign his membership of this House, what will be his reaction? Why do you think that this game can be played only by you? But I can assure you, being wedded to non-violence and democratic methods, we won't repay in the same coin. But perhaps they seem to have this confidence that the Congress won't repay in the same coin. That is why they have begun to think that these undemocratic methods, this goondaism, are their monopoly and that they are safe as long as the Congress is a party of principles. Tomorrow if one of their members, or tonight one of their members, is compelled to resign, what

will be his reaction. Will he say 'no'? He will raise a hue and cry that will rebound from the margents of the sky. They will not keep quiet. They will resort to all possible methods and say this is Congress goondaism, this is negation of democracy this is this, that and so on. So let us be sensible about it. Simply because some of them have resorted to these methods and succeeded in compelling the resignation of some of the MLAs, they should not think that tomorrow the same thing will not happen to them. The same goonda elements will rise against you. But I can assure you, they will not be ours. We will fight you by democratic methods in the House by bringing the necessary amendment to the Constitution so that this sort of things will not happen in this country. We will fight you by appealing to the good sense of the people. We will appeal to the people who have been consistently giving us their mandate. And we have confidence in the people, and they have confidence in us. The people have rejected you for years together, for a period of a quarter of a century. You have lost the confidence of the people and their support. It is, therefore, that you find that this is the only method by which you can fight. Of course, there are some difficulties. Tomorrow suppose some people decide to get rid of a Socialist MLA. What does he do? He will immediately face two problems. One is as to when exactly he is a socialist or who exactly is a socialist. For the last so many years socialists have split themselves, re-split themselves and re-formed and that process was going on. So it is absolutely impossible to find out who is a socialist. Today you are in the PSP, tomorrow SP, the day after you are found in the BKD. Now how is one to decide whether you are a socialist or not? This process of combination, permutation, this sort of thing goes on.

It will be impossible to locate who exactly is a BKD Member so that once this sort of combination and permutation goes on, they think they are safe and they can play a game of hide and seek.

I would like to say one thing more. At this stage probably it may be too late to say that. The other day when the law Minister was moving the Bill in the Lok Sabha, a suggestion seems to have been made whether, according to the wording as it stands today, it should be justiciable before a court of law. The answer given seems to be that even before the amendment came that was justiciable, I agree fully to that. But do the Government want that this matter should really be justiciable? If they do not desire that it should be justiciable, then there is no question like that. But my suggestion, even if it is rather late, is this. It is a well known principle that jurisdiction of a court will not be ousted unless specifically said so. But do you want the entire matter to be litigated before a court of law? This is one thing what worries me.

The Bill has come because of certain situations which arose recently in some parts of the country as a result of certain activities which have already been referred to. Many M.L.As. have had to resign. What about those M.L.As. who have already resigned? It is a well known principle that unless this Constitution Amendment is given retrospective effect, those M.L.As. who have resigned will continue to be as resigned M.L.As. and they will cease to be M.L.As. Do the Government think that we need not worry about those who have already resigned? This is the second point that worries me.

While fully supporting this Bill, I am a little worried only about these

two points. One is about the possibility of prolonged litigation since it is suggested that it is justiciable. The other is, what will happen to those M.L.As. who have been compelled to resign? What will happen to them?

**श्री राजनारायण :** माननीया, इस समय जब संविधान (सैतीसवें) संशोधन विधेयक पर विचार हो रहा है, तो मैं सदन के सदस्यों से विनम्रतापूर्वक निवेदन करूंगा कि वे संवैधानिक पहलू पर बात करें। मैं देखता हूँ, यहाँ पोलिटिकल स्पीच हो रही है...

**श्री एन० पी० चौधरी (मध्य प्रदेश) :** यह बहुत प्रसन्नता की बात है कि आज ये पोलिटिकल स्पीच नहीं करेंगे।

**श्री राजनारायण :** मैं इसको 2 भागों में विभाजित करूंगा। पहले तो मैं इसके संवैधानिक पहलू पर आऊंगा। इसके बाद जो पोलिटिकल एस्पेक्ट है उस पर। संवैधानिक पहलू इसका यह है कि यह विधेयक अपने आप में असंवैधानिक है, यह संविधान की अवहेलना है; क्योंकि जो एक सदस्य का फण्डामेंटल राइट, मौलिक अधिकार है, उस मौलिक अधिकार को यह विधेयक खाना चाहता है, छीन लेना चाहता है। कैसे, उसको हम एक-एक करके बताएंगे। दूसरी बात यह है कि अगर आपके पास हमारा त्यागपत्र चला गया है, और हम यह समझते हैं कि हमने कोअर्शन से दिया है, तो माननीय कहाँ-कहाँ से हम आपको खबर देंगे कि हमारा यह त्यागपत्र जबर्दस्ती दबाव में ले लिया गया है; आप उसको न मानिएगा। यानी, त्यागपत्र दें हम और उसकी जांच करे अध्यक्ष—यह दुनिया की किसी ज्युरिस्प्रूडेंस में ऐसा हुआ है? अगर हमने त्यागपत्र दे दिया है, अगर वह त्यागपत्र हमने जबर्दस्ती से दिया है, दबाव में आकर दिया है, तो हमको यह हक है कहने का कि हम अध्यक्ष या उपाध्यक्ष से या सभापति से कहें कि हमारा त्यागपत्र जबर्दस्ती में लिया गया है, इसे स्वीकार न किया जाए। यह एक सामान्य पद्धति है, जिसको यह विधेयक छीन

### [श्री राजनारायण]

ले रहा है। तो मैं चाहता हूँ, जो एक इनिशिएटिव है, जो एक विधान मण्डल के सम्मानित सदस्य का अधिकार है, उस अधिकार को यह विधेयक छीन ले रहा है, इसलिए इस विधेयक को पूर्णरूपेण वापस कर दिया जाना चाहिए।

दूसरी बात यह है कि एक सदस्य की गरिमा होती है, महिमा होती है और उस गरिमा और महिमा को आप पूर्ण रूप से नष्ट करने जा रहे हो। अब क्या होगा, मान्यवर। आप अध्यक्ष पद पर विराजमान हैं। अगर अध्यक्ष का इस्तीफा मांग लिया तो उसे जबर-दस्ती भी कहा जा सकता है। तो उस जबरदस्ती को कौन देखेगा। इस विधेयक में कहीं यह बात आई है कि अगर अध्यक्ष का इस्तीफा ले लिया जाय तो फिर उस अध्यक्ष के इस्तीफे को कौन देखेगा। तो मैं यह कहना चाहता हूँ कि यह विधेयक थोथा है, बिल्कुल अधूरा है और उसका कोई अर्थ नहीं है, कोई सेन्स नहीं है। हमारे एक मित्र जो पूना के हैं श्री गोखले माहव, उनके डिपार्टमेंट ने जिस तरह की बात उनको पेश कर दी, उसको वे मान लेते हैं और यहां पर पेश कर देते हैं।

श्रीमन्, अब आप देखिये कि क्या विधान सभा का मेम्बर किसी आफिसर का सर्वाइनेट है। यह तो ऐसा हो रहा है कि कोई क्लकटर है और उसके चपरासी ने इस्तीफा दे दिया है और क्लकटर उसकी जांच करने के लिए बैठ गया है कि इस्तीफा सही है या नहीं है? विधान सभा के सदस्य किसी के भी सर्वाइनेट नहीं है। विधान सभा के जो सदस्य हैं वे जनता द्वारा चुने जाते हैं और उनके प्रतिनिधि हैं। इसलिए विधान सभा के मेम्बरों के ऊपर इतना अविश्वास करना एक लगी बात है, अगर हम विधान सभा के मेम्बर चुने लिये गए हैं, तो हमें डरना नहीं चाहिये। दुनिया की कोई ताकत नहीं है कि जो हमारे से इस्तीफा ले ले, जब तक कि हम स्वेच्छा से देने के लिए तैयार न हों। हम मर मिटेंगे, दुनिया से उठ जायेंगे, लेकिन किसी के दबाव में आकर विधान सभा से इस्तीफा नहीं

देगे। जो इस तरह की बात करता है, वह विधान सभा का सदस्य बनने के लायक नहीं है। उसको तो हटा दिया जाना चाहिये। क्योंकि जब विधान सभा का मेम्बर होते हुए वह इतना भयभीत, आतंकित होगा, तो फिर वह कानून क्या बनायेगा। वह तो डर से कानून पारित करेगा। तो मैं कहना चाहता हूँ कि इस तरह का जो विधायक होगा वह एन्टी पीपुल और एन्टी कांस्टीट्यूशन होगा। इस तरह का विधायक संविधान के विरुद्ध होगा और गैर-कानूनी होगा।

श्रीमन्, मैं यह निवेदन करना चाहता हूँ कि स्पीकर पार्लियामेन्टरी डेमोक्रेसी में उसका पद अक्षुण्ण माना जाता है। हमारे माननीय सदस्य पार्लियामेन्टरी मेज प्रैक्टिस पढ़े हैं कि नहीं और दुनिया की डेमोक्रेसी में पार्लियामेंट में अध्यक्ष की महिमा को जानते हैं या नहीं। अध्यक्ष कौन होता है? अध्यक्ष वह होता है जो अपने सदन का सब से सम्पन्न, समझदार, बुद्धिमान व्यक्ति हो और जो किसी भी समय नेता सदन बनने की क्षमता रखता हो, वह अध्यक्ष होता है।

**एक माननीय सदस्य :** आप बिल पर बोलिये।

**श्री राजनारायण :** यह बिल की ही बातें हैं। तो आज अध्यक्ष पद का झगड़ालू बनना जा रहा है। अध्यक्ष की सब इज्जत करते हैं, सब सम्मान करते हैं। अगर अध्यक्ष को यह अधिकार संविधान द्वारा दे दिया जाय कि वह इस्तीफा स्वीकार करे या न करे, तो वह एक तरह भगवान में हो जायेगा। इस तरह से वह चाहे तो इस्तीफा माने, चाहे तो इस्तीफा न माने। इस तरह से हम आज जनतंत्र की हत्या करने जा रहे हैं और यह विधेयक उम्मी लिए लाया गया है। अगर अध्यक्ष किसी सम्मानित सदस्य का इस्तीफा स्वीकार करता है या अस्वीकार करता है, तो फिर यह मामला हाई कोर्ट और सुप्रीम कोर्ट में जायेगा, जहां पर अध्यक्ष डिस्प्यूटेबल हो जायेगा।

वे अध्यक्ष बनने के बाद भी पार्टी में बने रहते हैं। अगर अध्यक्ष पार्टीमैन है तो वह किस तरह

अध्यक्ष को नाते काम करेगा। आज कांग्रेस पार्टी की सरकार है, कांग्रेस पार्टी का अध्यक्ष है, अध्यक्ष कांग्रेस पार्टी के नेता से पूछेगा, जिसको कांग्रेस पार्टी का नेता कहेगा मान लो उसको मान लेगा, जिसको कांग्रेस पार्टी का नेता कहेगा रिजेक्ट कर दो, रिजेक्ट कर देगा। जब अध्यक्ष मजिस्ट्रेट हो गया, जज हो गया, तो वह अध्यक्ष नहीं रहा। मैं कहना चाहता हूँ कि यह संसदीय जनतंत्र के इतिहास में बड़ा कलंक का विधेयक है, संसदीय जनतंत्र का हत्यारा विधेयक है। सम्मानित सदस्य भावुक न बनें, भावुकता में न बहें। मैं कर वद्ध प्रार्थना कर रहा हूँ कि अगर वे भावुकता में बह गए तो यह जनतंत्र समाप्त हो जायगा।

**श्री एन० पी० चौधरी :** सलाह के लिए धन्यवाद।

**श्री राजनारायण :** हम अध्यक्ष की इज्जत करते हैं, जो इस कुर्सी पर बैठता है उसकी इज्जत करते हैं। जब अध्यक्ष पार्टी का होगा तो वह हमारे दल के सदस्यों के इस्तीफे स्वीकार कर लेगा, कांग्रेसी सदस्यों के इस्तीफे रद्द कर देगा। फिर कैसे चलेगा? यह जनतंत्र प्रणाली इस विधेयक से समाप्त हो जाती है। बहुत खूबी के साथ, आज कम्युनिस्टी विचारधारा कांग्रेस सरकार के सिर पर चढ़ी हुई है। किस बारीकी से कम्युनिस्ट पार्टी ने इस विधेयक को माननीय गोखले के द्वारा इस सदन में प्रस्तुत करा दिया। मरे दिमाग में तनिक भी भ्रम नहीं है, क्योंकि बिना कम्युनिस्ट दिमाग लगे इस तरह का डंडा, इस तरह का राष्ट्रघाती, संविधान-घाती विधेयक आ ही नहीं सकता। यह विधेयक वही ला सकता है जो नाम तो ले जनतंत्र का, लेकिन काम करे अधिनायकशाही का, काम करे तानाशाही का। जब आप, माननीय, अध्यक्ष बनेंगे और आपके इस्तीफे आएंगे तो क्या होगा, आप किस पद्धति से स्वीकार करेंगे, किस पद्धति से अस्वीकार करेंगे? इस विधेयक में कहीं इसकी व्यवस्था नहीं है। यह एक दम से अध्यक्ष की स्वेच्छा पर निर्भर है। अध्यक्ष को स्वेच्छाचारी बना दिया

जा रहा है। जिस ढंग से कांग्रेस की सरकारें चल रही हैं, अध्यक्ष की स्वेच्छाचारिता सरकार की स्वेच्छाचारिता होगी। मैं चाहता था कमलापति जी यहां रहते, लेकिन वे चले गए। उनको मैं स्मरण दिलाता। वे सिंचाई मंत्री थे उत्तर प्रदेश विधान सभा में। मैं उस समय नेता विरोधी दल का था। उन्होंने कहा कि आज हमारे राज्य की जनता जनतांत्रिक वृक्ष की शीतल छाया में आनन्द विभोर हो रही है, लेकिन राजनारायण को कन्टक ही कन्टक नजर आते हैं। जब हमारी बोलने की बारी आई तो हमने कहा कि कमलापति जी ने तो भाव-जगत दिखाया है, हम वस्तु स्थिति को दिखाते हैं। उन्होंने कहा कि आज जनतांत्रिक वृक्ष की शीतल छाया में जनता आनन्द विभोर हो रही है, लेकिन हमको तो निर्मल चन्द्रिका में, प्रफुल्ल मल्लिका में, कोयल की काकली में, कूसुम के सौरभ में, पुरुष के हृदय में और रमणी के मुखड़े में आग का गोला ही गोला दृष्टिगोचर होता है। हमारी दृष्टि आज यहां तक जा रही है। यह विधेयक जनतंत्री पद्धति का सर्वनाश करने वाला है, अध्यक्ष को गुलाम बनाने वाला है, अध्यक्ष की गरिमा और महिमा को नष्ट करने वाला है और जिस विधान सभा का अध्यक्ष गुलाम हो गया, जिस विधान सभा का अध्यक्ष जज बन गया, जिस विधान सभा का अध्यक्ष मजिस्ट्रेट बन गया, वह विधान सभा, विधान सभा नहीं है, क्योंकि संसदीय प्रथा में अध्यक्ष की स्वतंत्रता सर्वोपरि है।

आगे देखा जाय। स्पीकर को कोर्ट में ले जाने की परिस्थिति पैदा की जा रही है। क्या स्पीकर गवर्नमेंट की बात को रोक सकता है? नहीं रोक सकता है। प्रिसाइडिंग आफिसर सरकार से पूछ कर फैसला करेगा, पूछ कर इस्तीफा स्वीकार करेगा। इतनी चीज तो हमने आपको जो विधान से सम्बन्धित है, बता दी। अब यह स्थिति आई है कि जो जबरदस्ती इस्तीफे लेने वाले होंगे, यह विधेयक उनको उकसा रहा है कि तुम सबसे पहले अध्यक्ष का इस्तीफा लो

## [श्री राजनारायण]

अगर अध्यक्ष का इस्तीफा हो जाता है, तो भाई इंद्रदीप सिंह कहा जाओगे ? यह बिल तो शान्त है, चुप है । यह इसका संवैधानिक पहलू है ।

अब मैं इसके कुछ राजनीतिक पहलुओं पर आ रहा हूँ । हमारे भाई इंद्रदीप सिंह जी कम्युनिस्ट पार्टी के सम्मानित सदस्य हैं, मैं उनकी इज्जत करता हूँ और हमारे मित्र डी० पी० सिंह जो सुप्रीम कोर्ट में हमारे वकील रहते हैं, अब कांग्रेस पार्टी में चले गये, तब भी वकील रहेंगे । आज उनकी प्रतिभा कितनी ग्रहित हो गई कांग्रेस पार्टी में जाने के बाद कि मैं उनके तर्क को सुनकर दंग रह गया । उनके तर्क में कोई संवैधानिक बात नहीं थी । उनका तर्क बिलकुल सारहीन था, तथ्यहीन था । मैं समझता था कि जब वह बोलेंगे तो वह संवैधानिक बातों को बोलेंगे और इधर उधर की बात नहीं करेंगे । यह सवाल लोगों का आया गुजरात से । गुजरात की स्थिति का अध्ययन किया जाए । यह सवाल उत्पन्न हुआ सरकार के लिए बिहार से . . .

(Interruption)

आज संयुक्त सोशलिस्ट पार्टी की चर्चा होती है । मैं भाई इंद्रदीप सिंह जी से कहना चाहता हूँ कि संयुक्त सोशलिस्ट पार्टी को तोड़ने की कोशिशें बहुत हुई लेकिन संयुक्त सोशलिस्ट पार्टी अपनी जगह पर विद्यमान है . . .

(Interruption)

एक माननीय सदस्य : कहां है ?

श्री राजनारायण : संयुक्त सोशलिस्ट पार्टी वह पार्टी है जो अन्याय का मुकाबला करती है, जो जोर-जुल्म का मुकाबला करती है, जो पापाचार का मुकाबला करती है, जो भ्रष्टाचार का मुकाबला करती है, जो राष्ट्रीयता से ओत-प्रोत है, जो जनतंत्रीय प्रणाली से ओत-प्रोत है, जो गैर-सम्प्रदायवाद से ओत-प्रोत है, जो राजनीतिक और आर्थिक सत्ता का विकेन्द्रीकरण चाहती है, जो हरिजनों को, गरीब मुसलमानों को और

आदिवासियों को विशेष अवसर देकर आगे बढ़ाना चाहती है, जो अल्पसंख्यकों की सुरक्षा करना चाहती है, जो ये सब काम करे, वही संयुक्त सोशलिस्ट पार्टी है . . .

(Interruption)

माननीया, मैं चाहूंगा कि इंद्रदीप सिंह जी जरा अपनी पुरानी बातों को न भूलें, क्योंकि वह एक समय मार्क्सवादी रहे थे, इसके बदले लेनिनवादी हो गये, अब डांगेयिस्ट हैं या भूषेयिस्ट हैं, क्या हैं ? पहले ये राजनारायण को बतायें कि ये डेमोक्रेसी में यकीन करते हैं ? राजनारायण एक पार्टी है । राजनारायण इस पार्टी को वह स्वरूप देना चाहता है, एक नई पार्टी के रूप में, जो पार्टी कि रूलिंग पार्टी को समाप्त करके सत्ता के रूप में देश को एक स्वस्थ वातावरण में ले जाये । तो राजनारायण एक पार्टी है, जब हम एक पार्टी कहते हैं तो हमसे कोई व्यक्ति यह क्यों पूछता है कि हम पार्टी में यकीन करते हैं या नहीं ।

श्री इन्द्रदीप सिंह : पार्टी के झण्डे के नीचे क्यों चल रहे हैं ?

श्री राजनारायण : इनके सवाल का उत्तर समुचित होना चाहिए । इन्होंने ठीक कहा है मैं उनसे पूछना चाहता हूँ कि कार्ल मार्क्स ने शुरू-शुरू में कहा कि स्टेटलैस सोसायटी, राज्यविहीन समाज बनेगा । कार्ल मार्क्स ने कहा—  
There is no difference between mental and physical labour.  
शारीरिक और मानसिक श्रम का विभेद हटाया जाए । कार्ल मार्क्स का यह कथन कभी व्यवहार में आया ? यह पुस्तकों में लिखा रह जाएगा । मैं पूछना चाहता हूँ कि वह कैसे मार्क्सवादी है ? जिस समाज में निर्धनता, जिस समाज में एक तरफ नगरे, भूखे हों, खाने को कुछ न हो, दरिद्रावस्था में जीवन बितायें और दूसरी तरफ चीजों का केन्द्र हो, लोग विलासिता में लगे हों, उस समाज में ये कहते हैं कि मार्क्स की स्टेटलैस सोसायटी हो, मैं आपके द्वारा पूछना चाहता हूँ कि कार्ल मार्क्स ने डिक्टेटरशिप आफ दि प्रोलिटेरियेट का नारा दिया । लेकिन साहब को भुगतना पड़ा





THE VICE-CHAIRMAN (SHRI-MATI PURABI MUKHOPADHYAY): Please finish now.

श्री राजनारायण : माननीया, उन लोगों को रोकिये।

THE VICE-CHAIRMAN (SHRI-MATI PURABI MUKHOPADHYAY): Mr. Rajnarain, your time is over.

श्री राजनारायण : भारत के संविधान में दिया है कि : हम भारत के लोग, भारत को एक सम्पूर्ण प्रभुत्व सम्पन्न लोकतन्त्रात्मक गणराज्य बनाने के लिए तथा उस के समस्त नागरिकों को, सामाजिक, आर्थिक और राजनतिक, न्याय, विचार, अभिव्यक्ति, विश्वास, धर्म और उपासना की स्वतंत्रता, प्रतिष्ठा और अवसर की समता प्राप्त कराने के लिए... इस संविधान को अंगीकृत, अधिनियमित और आत्मार्पित करते हैं। तो हम भारत के लोग हैं। आज प्रभुसत्ता किस में है ? सरकार में ? इंदिरा जी में ? एल०एन० मिश्र में ?

एक माननीय सदस्य : राजनारायण में।

श्री राजनारायण : जनता में। प्रभुसत्ता जनता में है। तो जनता अब जागी है। जनता कहती है कि जो विधायक ब्लैक मेल कर के गये हैं, चोरी कर के गये हैं, जो पब्लिक ओपीनियन की अवहेलना किये हैं, उन विधायकों से हम इस्तीफा लेंगे। इससे बढ़ कर जनतंत्रीय पद्धति क्या होगी ? इस से बढ़ कर जनतंत्रीय प्रणाली क्या होगी ?

THE VICE-CHAIRMAN (SHRI-MATI PURABI MUKHOPADHYAY): Mr. Rajnarain, no more please. You have taken plenty of time. आपको पांच मिनट दिए थे खत्म हो गए।

श्री राजनारायण : पांच मिनट और दे दें।

मैं निवेदन कर रहा था कि दुनिया के बहुत से मुल्कों में रिकाल की व्यवस्था है। रिकाल का

अधिकार बहुत से मुल्कों में है। वह रिकाल का अधिकार अगर भारतवर्ष में अपने संविधान में न दें तो जनता अपने दबाव से काम ले तो क्या बुरा है। रिकाल का अधिकार इस संविधान में दिया जाए तब जनता को एक मौका रहेगा यह कहने का जो लोग हम को वायदा करके गए हैं वह वायदाखिलाफी कर रहे हैं उनको वापस लाने का अधिकार हम को है। जब तक रिकाल का अधिकार नहीं होगा तब तक जनता अधिकृत है यह कहने के लिए कि जो मंत्री भ्रष्ट हैं, जो विधायक भ्रष्ट हैं, जो विधायक बेईमान हैं उसका इस्तीफा लो, जनतंत्र को बचाओ।

(Interruptions)

श्री गुणानन्द ठाकुर : मेरा एक व्यवस्था का प्रश्न है।

राजनारायण जी कहते हैं जो विधायक भ्रष्ट हैं उनसे इस्तीफा लो विधान सभा कैसे भ्रष्ट है आप तो विधान सभा भंग करने की मांग करते हैं। आप जब जनतांत्रिक काम करते हैं तो जो विधायक भ्रष्ट हैं उनसे तो इस्तीफा लेने की बात हो सकती है लेकिन विधानसभा भंग करने की मांग कैसे कर सकते हैं ?

THE VICE-CHAIRMAN (SHRI-MATI PURABI MUKHOPADHYAY): Please sit down, यह व्यवस्था का प्रश्न नहीं है। Mr. Rajnarain, I cannot allow you more time.

श्री राजनारायण : मैं पांच मिनट में खत्म कर दूंगा।

THE VICE-CHAIRMAN (SHRI-MATI PURABI MUKHOPADHYAY): You have finished. I am calling Mr. Nathi Singh.

श्री राजनारायण : मेरे साथ अन्याय मत कीजिए। मैं दो मिनट में खत्म कर देता हूँ।

(Interruptions)

THE VICE-CHAIRMAN (SHRI-MATI PURABI MUKHOPADHYAY): All right; we allow him two minutes. Please do not disturb him.

श्री राजनारायण : माननीया, मैं आपकी इजाजत से कहना चाहता हूँ कि सदन के सम्माननीय सदस्य हल्ला करते हैं। आप मेरी बात सुनें और बाद में जवाब दें।

हमारे मित्र गुणानन्द जी ने कहा कि विधान सभा पापी नहीं होती है। मैं भी जानता हूँ कि अगर विधान सभा खाली एक हाल है तो वह पापी नहीं है। अगर विधान सभा में भ्रष्ट सदस्य बैठे हैं और वहाँ कार्रवाई चलती है तो विधान सभा भंग कराने का मतलब होता है, वहाँ के मੈम्बरों को खारिज करो। उनकी सदस्यता समाप्त कर दें। उनकी सदस्यता डिजोल्ड कर दें। विधान सभा भंग करने का मेरा मतलब यही है।

मैं यह कहना चाहता हूँ कि जो हमारे भाई इन्द्र-जीत जी ने आरोप लगाया कि कर्पूरी ठाकुर ने इस्तीफा दिया है और उस इस्तीफे में लिखा है। जब हमने पूछा कि क्या आपके पास कापी है, तो उन्होंने कहा कि यह तो मैंने पेपर से नोट किया है। हो सकता है गलत हो और हो सकता है सही हो। मैं यह चाहता हूँ कि विधान सभा भी भंग हो, लोक सभा भी भंग हो। क्योंकि लोक सभा के इलेक्शन में खुद प्रधान मंत्री ने नाजायज चीजों का इस्तेमाल किया है (Interruption) हमारा पेटिशन जो सर्वोच्च न्यायालय के चीफ जस्टिस रे को अपने हाथ में रखा हुआ है। इस देश में भ्रष्ट तरीकों से आप यहाँ आई हैं। गुजरात के मुख्य मंत्री भ्रष्ट तरीकों से आए हैं। इसलिए मैं चाहूँगा कि विधान सभा भंग की जाए। लोक सभा भंग की जाए। प्रधान मंत्री इस्तीफा दें और दुबारा चुनाव हों।

श्री नत्थो सिंह (राजस्थान) : महोदया, उधर से कई माननीय सदस्यों ने कहा कि संविधान में जो यह संशोधन विधेयक लाया जा रहा है,

इससे जनतंत्र का अपमान हो रहा है, डेमोक्रेसी की इन्सल्ट हो रही है। मुझे बड़ा आश्चर्य हो रहा था। जब हमसे पूर्व ये नेता महोदय अभी बोल रहे थे कि मैं इस संविधान संशोधन विधेयक के संवैधानिक पहलू पर बोलना चाहता हूँ और उन्होंने इस पहलू पर बोलने हुए कहा कि यह सदन के सदस्यों के मूलभूत अधिकारों पर कुठाराघात है, उनको चुनौती है और कहा क्या कि इस्तीफा जो जबर्दस्ती भेज रहा है, इस्तीफा जो कुछ गुण्डे, कुछ सिखाए हुए लोग, कुछ हारे हुए लोग जिनको जनता ने चुन कर माना नहीं, खारिज किया, हार गए, वे चाहें कि सदन के सम्माननीय सदस्यों के इस्तीफे जबर्दस्ती ले लिए जाएँ और फिर यह कहें कि यह संविधान के अधिकारों की रक्षा है—इससे ज्यादा विडंबना की बात और क्या हो सकती है। आज मैं पूछना चाहता हूँ और मुझे मालूम है, आज श्री राजनारायण सबसे अधिक राजनैतिक संकट में हैं, आज जब वे यह कह रहे थे कि इस तरह से हमें इसका अधिकार होना चाहिए और दूसरी तरफ वे कह रहे थे कि हमारे इलेक्शन पेटिशन को 3 वर्ष हुए, फैसला नहीं हुआ, आज प्रातः काल ही वह कह रहे थे कि चीफ जस्टिस को जो पंजाब गवर्नमेंट ने नियुक्त किया है, उसमें बड़ी धांधली हुई है, तो उनमें न्यायालय में विश्वास है, न संसद् में विश्वास है... (Interruption)... मैं यह कहना चाहता हूँ कि आज उनकी स्थिति यह है, जैसा कि तुलसीदास जी ने एक चौपाई में कहा है : “जाको प्रभु दारुण दुःख देही ताकी मति पहले हर लेही”, आज हिन्दुस्तान की राजनीति में उनके लुप्त होने का प्रश्न उत्पन्न हो गया है, वे मति भ्रम का शिकार हैं। नहीं तो, उन्होंने रिकाल की बात कही, मैं उनसे पूछता हूँ—रिकाल की बात और सदस्यों ने भी कही—रिकाल की प्रणाली कहां है। हिन्दुस्तान में जरूरत इस बात की है, जनता और प्रतिनिधि के बीच में जब राजनैतिक पार्टी चुनाव में और बाद में भी आती है तो वह जनता के प्रति जिम्मेदार बने, उसके ऊपर नियंत्रण रखे और राजनैतिक पा

[श्री नत्थी सिंह]

एक गंभीर दल बने। आज वे इस बात में उलझे हुए हैं, 7 दलों का संगठन बनाने के चक्कर में हैं, अभी वे सोशलिज्म की बात कर रहे थे, अभी कह रहे थे कि देश में समानता आए, लेकिन जिन लोगों ने इस देश में अल्पसंख्यकों की बात कही उन लोगों ने यह भी कहा अल्पसंख्यकों का भारतीयकरण करो, उन लोगों ने कहा प्रिवी पर्स रहे, बैंकों का राष्ट्रीयकरण न हो, उन लोगों के साथ बैठ कर आप केवल प्रतिक्रियावाद को समाजवाद की नकाब देना चाहते हैं। यही उनकी राजनीति है, दूसरी राजनीति नहीं है। इस देश में जरूरत इस बात की है कि सिद्धान्त के आधार पर राजनैतिक संगठन बनें और वे संगठन जनता के प्रति जिम्मेदार बनें। रिकाल की प्रथा वहां है जो छोटे देश हैं, जहां इलेक्टोरेट कम है। हमारे देश में जहां बड़े-बड़े क्षेत्र हैं, लाखों की तादाद में वोटर्स हैं, वहां रिकाल की बात करना वस्तुस्थिति को नज़र अंदाज़ करना है।

एक बात उन्होंने बहुत जोर से कही और वह बात यह कही कि हम अध्यक्ष को कठपुतली बना देंगे सरकार की। जो भी संसदीय जनतंत्र में विश्वास रखता है, उसके लिए जरूरत है कि वह संसद् के अध्यक्ष की निष्पक्षता में, ईमानदारी में विश्वास रखे...

**श्री राजनारायण : क्यों रखें ?**

**श्री नत्थी सिंह :** वे कहते हैं कि आज एक सदस्य की इतनी जिम्मेदारी है कि अगर कोई व्यक्ति उससे जबरदस्ती इस्तीफा लेना चाहता है तो मर बेशक जाये, पर इस्तीफा नहीं देगा। सदस्य मे इतना विश्वास है। लेकिन अध्यक्ष को वे इतना जिम्मेदार नहीं मानते। द्रावनकोर कोचीन के हाई कोर्ट का एक फैसला हुआ है सन् 1953 में, जिसमें उन्होंने कहा है हमारे संविधान में जो आर्टिकल है, उसके अंतर्गत जो इस्तीफा दिया जाता है वह सही है, कोअर्शन से नहीं दिया गया है, फोर्जरी नहीं है, इसकी जांच करने का अधिकार न्यायालय का है। लेकिन इसके साथ-साथ

मैं अपने बुजुर्ग श्री राजनारायण से अर्ज़ करना चाहता हूँ संविधान के आर्टिकल 122(2) को पढ़िए—वह क्या कहता है ? संविधान का जो काम है, संसद् करे सदस्यों के इस्तीफा देने का काम—इट इज़ दि बिज़नेस आफ दि हाऊस—और जो बिज़नेस आफ दि हाऊस है उसका फैसला करने का अधिकार उसके अध्यक्ष को है।

इसलिये आज एक तरह से भ्रम पैदा होता है कि इसको न्यायालय में ले जायें या हमारे अध्यक्ष इसका फैसला करें ? जो इन्फोर्मेंट संशोधन हम पास करने जा रहे हैं, जिस के विरोध में तरह-तरह की बातें कही जा रही हैं, उनसे उनकी कमजोरी ही प्रकट होती है। यही कारण है कि आज विरोधी सदस्य इस तरह के साधारण संशोधन बिल का विरोध कर रहे हैं और अपने समर्थन में तरह-तरह की बातें कह रहे हैं।

अभी हमारी माननीय सदस्या बतला रही थी कि गुजरात में आन्दोलन किन लोगों के हाथों में चला गया था और उस आन्दोलन की वजह से वहां पर कोई भी बड़ा सेठिया दुकानदार और न बड़ा कारखानेदार ही लूटा। वहां पर छोटे लोग ही ज्यादा लुटे। क्या वहां पर विधान सभा भंग होने के बाद भ्रष्टाचार मिट गया है, बेरोजगारी मिट गई है और महंगाई बन्द हो गई है, श्रीमन्, अभी हमारे मित्र कह रहे थे कि 1971-72 में नारा दिया गया था कि हम गरीबी हटा देंगे, अगर हमें वोट दोगे, पर गरीबी मिटी नहीं। गुजरात में भी नारा दिया गया था कि अगर विधान सभा भंग हो गई तो महंगाई मिटा देंगे, भ्रष्टाचार खत्म कर देंगे और बेरोजगारी मिटा देंगे। तो क्या वहां पर ये चीजें मिट गई ? केवल लोगों को भ्रम में डाला गया। बिहार के मामले में तो जादू वह है जो सिर पर चढ़ कर बोले की मस्ला चरितार्थ हो गई। बिहार में भी वही बात की गई है। आज संसोपा के लोग, सोशलिस्ट पार्टी के लोग, जनसंघ, कांग्रेस (ओ) से कहा जा रहा है कि वे इस्तीफा दें और इस तरह उनसे जबरदस्ती इस्तीफा लिया जा रहा है

लेकिन उन लोगों ने छात्रों से कह दिया है कि हम दबाव में आकर इस्तीफा नहीं देंगे। श्री कपलदेव सिंह जी को घेरा जाता है और उसके बाद यह प्रतिक्रिया होती है। हमारे विरोधी भाई बाहर से तो वे यह कहते हैं कि यह ठीक चल रहा है, लेकिन मन में आप सब लोग जानते हैं कि वे इसका विरोध करते हैं। अगर आज आप विधान सभा या संसद को भंग करना चाहते हो तो इस देश में कौनसा जनतंत्र लाना चाहते हो? क्या आप फासिस्ट क्रान्तिकारियों को सहायता देना चाहते हो और इसके अलावा दूसरा काम नहीं कर सकते? अगर इस देश में जनतंत्र को कायम रखना चाहते हो, संसद और विधान सभा की गरिमा बनाये रखना चाहते हो और जनता के चुने हुए प्रतिनिधियों की इज्जत रखना चाहते हो, तो आप को इस संशोधन विधेयक का समर्थन करना होगा।

अगर आज किसी सदस्य को पुलिस टोक दे, गिरफ्तार कर ले, तो प्रिविलेज का मामला उठ जाता है। श्री राजनारायण को बिहार से निकाल दिया गया, तो उनके प्रिविलेज पर आंच आ गई। अगर विधान सभा या संसद के सदस्यों को पीटा जाय, उनके घर वालों को तंग किया जाय, उनके घर में आग लगाई जाय, उनसे कहा जाय, कि वे अपनी सीट से इस्तीफा दें, तो क्या इससे उनके प्रिविलेज पर आंच नहीं आती है? इस तरह से दो प्रकार की बातें नहीं चल सकती हैं। इस देश में एक ही भाषा में बोलना सीखना बहुत जरूरी है।

मैं आपसे निवेदन करना चाहता हूँ कि हमारे साम्यवादी भाई ने आज एक बहुत अच्छी बात कही। उन्होंने कहा कि अगर इस देश में जनतंत्र को बचाना है—कांग्रेस वालों को भी उन्होंने चेतावनी दी कि पार्टी लैस और नेशनल सरकार के चक्कर में मत पड़ो और न ही उनके जाल में फंसना। हम लोग तो पार्लियामेन्टरी डेमोक्रेसी की बात को मानते हैं और उसका पूरा समर्थन करते हैं। इसलिये दलों की राजनीति में विश्वास

करते हैं, लेकिन मैं उनसे एक बात पूछना चाहता हूँ, उनसे एक बात कहना चाहता हूँ कि बिहार और गुजरात में जो कुछ हुआ है, वह आपने केरल और बंगाल में जो कुछ किया उसकी फसल काट रहे हो, ऐसा लोगों ने कहा। आज बिहार और गुजरात में रोटी, महंगाई और बेरोजगारी के नाम पर इस तरह की बातें हुई। इसके साथ ही साथ हम आज यह देख रहे हैं कि रेल हड़ताल के नाम पर जनता को किस तरह से परेशान किया जा रहा है। जो लोग आज हमारी आर्थिक स्थिति का नाजायज फायदा उठाना चाहते हैं, वे इस देश में अराजकता चाहते हैं। मैं उन लोगों में से हूँ जो यह मानता है कि मजदूरों को हड़ताल करने का अधिकार है। मैं उन लोगों में से हूँ जो यह मानता है कि महंगाई को देखते हुए मजदूर अपनी उदरपति की मांग कर सकता है, लेकिन कौन सा समय हो और कौनसी स्थिति हो, उसको इस बात का ख्याल रखना चाहिये। आज जो हमारे साम्यवादी सदस्य हैं, वे फासिस्ट पार्टियों के साथ जा मिले हैं, जो इस देश में अराजकता फैलाना चाहते हैं, उनके जाल में वे फंस गये हैं। आज आप लोगों ने श्री नम्बूदरिपाद का वक्तव्य पढ़ा होगा, जिसमें उन्होंने कहा है कि सी० पी० आई (आर) ने वह आधार ही खो दिया है, जिसमें केरल में कोलेशन गवर्नमेंट बन सकती है। इसलिये हम कहते हैं कि राजनीति में ईमानदारी की विचारधारा लाओ। ईमानदारी की थिंकिंग लाओ। अपने आपको सत्ता में बनाए रखने के लिए हम इधर-उधर की तिकड़म भरी बातें सदन में करें, उससे जनतंत्र का भला नहीं होगा, देश का भला नहीं होगा। जब हम यहां पर बातें कर रहे हैं, देश में घटनाएं घट रही हैं। आज एक तरफ हम यह संशोधन विधेयक पास कर रहे हैं, जिस नागरिक सुरक्षा की रक्षा के लिये हम लड़े और जिसकी सुरक्षा संविधान में दी गई, आज उस सुरक्षा को सुरक्षित रखने के लिये यह विधेयक लाया गया है ताकि माननीय सदस्यों से जबरदस्ती इस्तीफे न लिये जा सकें। दूसरी तरफ आज देश में क्या

[श्री नत्थी सिंह]

नहीं हो रहा है। आज इस देश में निश्चित रूप से आर्थिक संकट है। बंगबन्धु शेख मुजीबुर्रहमान और प्रधान मंत्री की बातचीत हो रही है। यह जो स्थिति देश में है इसके पीछे कई कारण हैं। लेकिन यह भी सत्य है न बंगला देश के उदय से भी हमारी आर्थिक कठिनाइयाँ बढ़ी हैं कि '47 में महात्मा गांधी के विरोध के बावजूद इस देश के दो टुकड़े किये गये, धर्म के आधार पर दो राष्ट्र की राजनीति चलाई गई, लेकिन जब कांग्रेस ने और पूरे देश ने सहयोग दिया और बंगला देश का उदय हुआ और जो साम्प्रदायिक राजनीति थी, दो राष्ट्रों की राजनीति थी, वह समाप्त हो गई और अब हम गांधी जी की उस आस्था को सही साबित कर रहे हैं कि धर्म के आधार पर राष्ट्रों का निर्माण नहीं हो। आज हो क्या रहा है? आप लोग देश में संकट बढ़ाना चाहते हो, आर्थिक संकट बढ़ाना चाहते हो, राजनीतिक संकट बढ़ाना चाहते हो। जब बंगबन्धु और प्रधान मंत्री दोनों देशों में कैसे सहयोग हो, कैसे तरक्की हो, इस विषय पर बातचीत कर रहे हैं, तो दूसरी ओर पीकिंग में मियां भुट्टो ऐसी बात कह रहे हैं जिससे हमारे राजदूत को उठ कर चला जाना पड़ा। उन्होंने कहा कि काश्मीर में आत्म-निर्णय के अधिकार को फिर उठाएंगे। देश के ऊपर लोगों की आँखें हैं, लोग हमारी आजादी को, हमारे जनतंत्र को सुरक्षित देखना नहीं चाहते। इसलिये इधर बैठने वाले लोगों से जिन्होंने आजादी की लड़ाई में हिस्सा लिया है, जो समाजवादी हैं, उनसे मैं निवेदन करूंगा कि वे आँख खोल कर देखें, जनतंत्र को बचाने के लिये हिम्मत के साथ अपने मन की बात कहें, लेकिन राजनीतिक सत्ता के लोभ में सुविधा की राजनीति से बचें। इसलिये मैं कहना चाहूंगा कि आज का जो संशोधन विधेयक है यह जनतंत्र की रक्षा करने वाला है, जनतंत्र को मजबूत करने वाला है, जनतंत्र को सही दिशा देने वाला है और मेरा निवेदन है कि इसको सर्वसम्मति से पारित किया जाना चाहिये।

SHRI SALIL KUMAR GANGULI (West Bengal): Madam, the Constitution (Thirty-third Amendment) Bill, 1974 is another proof that the Government is completely bankrupt in matters of ideas. They are taking steps and measures which will not merely amuse the citizens of the country they will make the country the laughing stock of the whole world. While loudly proclaiming that India is the largest democracy in the world this Constitution (Amendment) Bill has been introduced at such a time which clearly indicates that this Government has got no respect for democracy.

While the Bill was passed against the wishes of the entire Opposition in the Lok Sabha, it has been introduced in the Rajya Sabha after the prorogation of the Lok Sabha. The Government it appears, takes the Houses of Parliament for granted and treats them as mere rubber stamps for putting the seal of their approval to the reckless action of the Government which is full of follies; otherwise there is no point in bringing the Bill at such a time. The position now is that the Government is not in a position to accept any amendment if the Rajya Sabha desires it because there is no Lok Sabha in session to which the Bill may be sent back. That is why they are taking it for granted that it will be passed and no amendment will be even accepted by them. Their attitude is so arrogant. In the Statement of Objects and Reasons they have pathetically admitted that there is no law and order in this country. No legislator can even dare to go to a court of law for redress. No legislator can dare to send a telegram or a letter to the Speaker or the Chairman repudiating a purported letter of resignation which he was made to sign under compulsion.

Now, going into the contents of this amending Bill, one finds that the Constitution of India has been reduced to periodic literature and the title Thirty-third amendment signifies that for an average interval of 8½ months there has been an amendment to this Constitution. I think they should make it a quarterly affair so that every three months there may be an amendment and publishers may make some money by printing these amendments and circulating them.

5 p.m.

Now, the use of the expression 'voluntary' or 'genuine' has given the whole thing a comic effect. One can understand that if a thing is voluntary, it must be genuine. But, of course, it is different if it is genuine in the sense that the resignation was proceeding from the person who is alleged to be the author of it, namely, the member concerned; in such cases there may be a possibility that it may not be voluntary because it might have been obtained by coercion. But one wonders why an amendment of the Constitution was thought necessary to meet this purpose unless, of course, it is in the expectation of the Government that the Speaker or the Chairman hereafter, at their instance, will regard the expression 'genuine' to mean something which is "sincerely or honestly felt or 'free from hypocrisy or pretence'." They are capable of doing anything and I expect them to take such a stand. If, however, they want to give the word 'genuine' any sensible meaning I do not see what was the object in bringing about this amendment. I do not know how much money has been spent on this futile exercise. It is well known that if a resignation is not voluntary, if it is not genuine in the sense that it is a forgery, there is no problem and the existing provisions of law

are quite sufficient to meet the purpose. A forged document or a document made under compulsion can never be a resignation letter of a member. But while giving the entire discretion to the Speaker and the Chairman, a new danger has been introduced, perhaps deliberately. What is the guarantee that the Speaker may not be forced to accept as genuine certain forged resignation letters? What is the guarantee that the Speaker may not deliberately accept certain letters as genuine although they are forged and declare the seats to be vacant? If the Government cannot protect the legislators who are so many in number and is very afraid about their future, and puts them in the sole custody of the Chairmen and the Speakers, what is the guarantee that they can protect the Speaker or the Chairman? Now, supposing the Chairman or the Speaker accepts forged documents as genuine and acts on them and declares the seats vacant, what would be the remedy? Will there not be any remedy? There would certainly be a remedy. The matter would become justiciable and the whole thing will go to the court. Now, there the position of law to-day is very clear. There are two leading cases on the point. I will read from one. In the Travancore High Court, it was held as far back as in 1952 AIR—1952 T.C. Page 166. "What is contemplated in the section is a resignation with full consent of the writer of his or her own volition and not any letter of resignation. The provision in article 190(3)(b) necessarily indicates that the letter of resignation must proceed from the member and the resignation must relate to the membership held by the person who sends the same." It says: "Mere receipt by the Speaker of a letter of resignation purporting to be from a member will not cause that member's seat to become vacant."

[Shri Salil Kumar Ganguli]

"It is open to the Speaker to inquire whether it is a genuine letter or a forged letter or one obtained by fraud or force." In this particular case it was held by the court that the letter of resignation was not genuine and the court accordingly made the declaration. This was the earliest case. Then again the Allahabad High Court, in a case reported in AIR 1965 Allahabad, said that the Speaker is bound to accept the resignation once it is received by him provided, of course, that he is satisfied about its genuine and voluntary nature. So it is very clear that the well-settled law of the land was quite sufficient to meet the situation. Then what is the purpose of this amendment? It is now clear, particularly after hearing the speech of the honourable Member who spoke just before me, that the Government intends that these things should be included in the Constitution for the sole object of being regarded as part of the conduct of business of a Legislature under articles 122 and 212 so that the courts of law may have not any chance of getting into the matter or getting into the truth of the matter, that is to say, to oust the jurisdiction of the courts. Why are they doing it? They want that these matters should not be justiciable so that their committed Speakers and Chairmen may, at their instance, declare seats to be vacant on the basis of forged documents or genuine resignation letters voluntarily given by members who might have resigned voluntarily in deference to the mood of the electorate, are kept pending and a prolonged inquiry is instituted so that much time can be gained during which the ruling party may go and intimidate and bribe them in order to bring them back to their own fold. That is the only object; otherwise, the ordinary law of the land is quite sufficient to meet the situation. One Member before me stated

that it was by way of abundant caution. But what is the necessity of such an abundant caution when the law of the land is very clear, when the position under the ordinary law of the land is very clear? Now, it is also very significant that no time-limit has been prescribed within which the inquiry is to be completed. It has not also been laid down as to the date from which the resignation is to take effect. Now the position is this that as soon as a letter of resignation reaches the Speaker or the Chairman, that is the point of time when the resignation is to take effect unless the letter of resignation fixes a subsequent date in this particular case nothing has been laid down particularly when the Constitution is being amended. Things are left delightfully vague. I would also point out that there has not been yet a single case where a member concerned has complained in a civil court where he can go to nullify a letter of resignation under the provisions of Specific Relief Act. I would also point out that there has not been a criminal case instituted by any member which he could do because extorting a resignation letter is an offence punishable under section 384 IPC, punishable with imprisonment for three years. No such complaint has been received. There is no statement on the part of the Government that any Speaker or any Chairman received a formal complaint or a letter even no evidence that any such complaint was ever made. So under the circumstances it is beyond all doubt that these amendments are absolutely unnecessary and the situation which could have been met by the ordinary law of the land is being clouded only for the purpose of ousting the jurisdiction of the court, and the intentions of the Government are not at all *bona fide*. I will tell you in this connection that the action of 1959 driving out the Namboodiripad Ministry



is now being returned with a compound interest in places like Gujarat and Bihar, and similarly, this kind of trick will rebound on this Government, will recoil on it, at a future date much to their discomfiture although that will not please me because that will be a very bad day for Indian democracy. I oppose this Bill.

SHRI R. N. REDDY (Andhra Pradesh): Coming from Andhra Pradesh which has seen the biggest mob frenzy, I welcome this Bill most heartily. I feel that this Bill is not only immediately necessary, but I personally feel that it should have come a little earlier. I have personally seen, Madam, in Andhra Pradesh where M. L. As. were compelled to sign against their free will for separation of Andhra Pradesh. I can give you instances, Madam, where M.L.As. houses were surrounded, their wives were beaten and children were beaten and their properties were burnt and destroyed. How was this done and by whom were all these done? All these were done by youngsters, by misguided youngsters, by emotional youngsters who were utilised by politicians for their own political ends.

Madam, this is a very simple amendment. This amendment only says that where a Member is forced or coerced to resign, that resignation should not be accepted. I do not know why this amendment is being opposed. Everyone of us knows what the situation in the country is. Our great Constitution makers never imagined that politics in this country would go down to this level. They never imagined that politicians in this country, for their own self-interests, for their group-interest and for their narrow party interests, would utilise innocent and immature people and rouse them to gherao M.L.As. and to surround their houses and beat their women folk and get their resignations.

Our great Constitution makers never imagined that we will go down to this level. Some Member said it is unfortunate that this amendment has to be made. I say this amendment is necessary in the present circumstances because we have seen the mob frenzy in the country (Andhra Pradesh). I say so in all humility. For the information of this House, I may say that out of 35 years of my political experience, I was in the opposition for 25 years. With all my experience I feel that this country is today in this present state of affairs because there is only one policy for many of the politicians and that is, self-interest and nothing but self-interest. We are prepared to sacrifice the national interest for the sake of our self-interest, for the sake of our group-interests and for the sake of our party interest. What will happen to this nation? Some Members said that this is because of the economic situation. I agree that economic difficulties are there and prices have risen. But should these difficulties be exploited for political ends? Should these difficulties be exploited for narrow group interests? Let us all stand united if we have to solve these problems. Prices have risen. Corruption is there. These are national problems. Think over these problems deeply. Corruption is a psychological problem. It has been there and as long as human beings are human beings there it will be there. But it has to be solved. How can it be solved? It can be solved with co-operation, and not by condemning us that we are all corrupt. My dear friends, we do not claim to have the monopoly of corruption. You have also your share. Therefore, let us co-operate to eliminate it:

Madam, a great philosopher said that a politician is one who is concerned with the next general election, whereas a statesman is one who

[Shri R. N. Reddy] is concerned with the next generation.

Unfortunately for our country, Madam, we have too many politicians and too few statesmen and that is the situation we are in. A politician will be prepared to sacrifice the national interests for his personal interests, but a statesman will sacrifice his self-interest, his personal interest and even his life for the sake of the nation. Mahatma Gandhi was a person and of that stature and so also many of his followers during the days of our freedom struggle. But where are we today? Let us see ourselves and let us search our hearts. Let us see where we are today. Madam, today morning, when the railway issue was discussed, I was really surprised to hear a Member, a senior Member, Shri Bhupesh Gupta, losing himself in emotion. If the Members speak in such a way, what will be the result outside, Madam? Sabotage will be the result. You may not preach sabotage. But when you speak with such emotion, when you speak with such unbridled emotion, what is going to be the result? Does not one think that we should be responsible here in this House? Madam, this is the first time I am coming to this House and I have been watching the proceedings of the House and I know the reaction of the people. I know that the whole country is watching us, watching this House, because this is the highest deliberative body in this country. But what is this high deliberative body doing? In this deliberative body today, Madam, what is it that we are doing? We are accusing each other. Suppose, Madam, a house is burning and the inmates are trying to blame each other. What will be the result? Therefore, I do not want such things here. Let us put our heads together and try to solve the problems. The nation is in a crisis now and there is inflation. But the

whole world is experiencing inflation. Prices have risen not only in this country, but in the other countries of the world also. If you see the economy of the world, you will see that the whole world, is experiencing inflation, and this is a big problem and this has become a world problem now. Instead of joining together and trying to solve this problem, you want to utilise this problem to oppose us. But, unfortunately, what is going to happen? You will only beat the nation. Today, Madam, what the railway workers, the misguided railway workers, under their emotional appeal, are doing is only to hurt the nation, to hurt the economy, and the result is going to be this that all of us will suffer including the misguided railway workers. Therefore, Madam, I once again appeal that all of us should try to be statesmen. Let us not be politicians alone. After all, power is temporary; after all, position is temporary. But what position did Mahatma Gandhi have? His position was in the hearts of the people. He had the position of leading the whole country and the people rose to the occasion. Now, there is a crisis and a great national crisis. You know, Madam, the great statesman-philosopher, Edmund Burke, had said that great tasks and little men go ill together and that great things and little minds go ill together. Well, nobody is born with a little mind or nobody is born with a great mind. It is in our hands. So, let us make ourselves great. Look high and do not look at the problem from your personal angle. Let us not look at the problems from our own angle, from our group angle, from our party angle, from a communal angle, but from the national angle.

Madam, before concluding, I would like to say one thing. I think it is Andre Malraux, the French philosopher and writer, who said:

"When I walk in the streets of Paris, I do not see human beings at all. I come across only labels, labels meaning Communists, Radicals, Socialists, this and that."

Madam, I am tempted to say that when I see the elite, the political elite of this country, I rarely come across Indians, but I come across only Andhras, Tamils, Gujaratis, Marathis, Rajputs, Jhats, Reddys, Khammas and so on and I see only groups and sections, but very few Indians. So, let us be Indians first. Indians last and Indians always. Thank you.

**SHRIMATI MARGARET ALVA** (Karnataka): Madam Vice-Chairman, the constitution of a State has rightly been described as a formal expression of the vision and will of the sovereign people. Naturally, therefore, no constitution can remain static. It has in some way or the other to keep pace with the aspirations of a changing society. It has to change and it has to grow and, as I have said, it cannot remain removed from the realities of national life. It is because of this that this amendment has been introduced today. To reiterate that, under the present circumstances, the provisions as they exist in the Constitution cannot really be left as they are.

**[The Vice-Chairman (Shri V. B. Raju) in the Chair].**

Certain implied requirements have now got to be incorporated in more specific terms in order that no mistakes may be made. Recent experiences in the country have shown that various methods are being used to compel duly elected legislators to resign their seats. You can call it force,

you can call it violence, you can call it intimidation, you can call it blackmail. But whatever you call it, we have got to admit that it is wrong, it is illegal, it is unconstitutional, and most of all, it is unbecoming of the Indian tradition. If we realise this, we will not find our people in this situation.

But I would say that this is only the beginning, as far as the process is concerned. We have vested interests working at cross purposes, interests that have made up their minds to destroy the very democratic set-up in this country. And unless we take necessary measures to halt this process now, it might be too late later on.

The existing provisions of Articles 101 and 190 are clear and fair. There is no need for me to repeat them, because these have been repeated the whole afternoon. And this amendment only seeks to go a little further and provide that independent enquiries be conducted by the Speaker or the Chairman, as the case may be, so that he is convinced that the resignation is voluntary and without compulsion. I would like to ask my friends in the Opposition, "what is wrong with this provision?" After all, you don't need a lawyer to tell you that any document which has been procured by threat or by force is invalid, in any case. It has no legal standing. It has no moral standing. And it cannot be accepted as a document anywhere.

We are talking so much about the democratic processes today. What do you mean by 'democracy'? It has rightly been stated that Democracy is a government of the people, by the people and for the people. But I ask you today, who are these who claim that in the name of the people they can force legislators to resign? Who are these people? Are they

[Shrimati Margaret Alval  
foreign agents? Are they the so-called leaders who were the champions of Ayub's basic Democracy in Pakistan? Are they vested interests? Are they defeated candidates? Or, are they just anti-social elements? If you call these the representatives of the people, then, I think, you are making a mistake . . .

**(Interruptions)**

I hold that democracy implies answerability to the people. But it also requires a certain amount of stability and continuity. This is what a voter seeks when he elects a representative to the House, either in Parliament or in the Legislatures of States. But if you think that the common man is only interested in by-elections, in recalls, in seeing people in and out of Legislatures, you are mistaken. People are fed up with this type of instability and this type of in-fighting. What they want is a stable government, a certain amount of responsibility on the part of the elected representatives, and most of all, on the part of political parties in the country today. I don't think that any good can come by forcing or by intimidating legislators and preventing them from performing their duties properly. If in the election you have made a wrong choice, it is your own responsibility. You had a fair and open choice, and a fair and open chance to choose the right man. If you, as a responsible citizen, failed to do the right job, why do you blame your representative later? It has rightly been said that only a Germany could have produced a Hitler, only an America could have produced a Nixon; and I would go a step further and say that only an irresponsible constituency could elect an irresponsible representative . . . **(Interruptions)**. You cannot adopt ultra-parliamentary methods to throw your representative out.

And supposing he comes back again by this process, are we going to have

by-elections every few weeks or every few months? I would ask you: Can we afford this luxury in this country? Can we afford to spend our energies in fighting each other? This is something which we at this juncture cannot afford.

A number of instances have been quoted, a lot of talk has been there of having this process of recalling and so on, I would like to point out just one fact, and that is, that the British parliamentary system, which is today really considered the mother of all democracies, does not have any provision for resignation. Sir, I quote from Bosu's commentary on the Constitution of India.

"By an ancient custom, a member of the House of Commons is not permitted to resign; but if a member insists on being relieved of his seat, he applies to the Chancellor of the Exchequer to be appointed steward of the Chiltern Hundreds, which is a sinecure 'office of profit' within the meaning of the Placement Act of 1705. As soon as the appointment is made, the member loses his seat. He thereafter must resign the office of steward immediately so that that office is kept open for some other member who may desire to vacate his seat."

In this ancient parliamentary democracy, even the right to resign for a duly elected member is denied. And this country which can ill-afford by-elections and repeated process like this, it is claimed that recall should be introduced at every juncture as if it is some sort of a pastime.

Sir, my friends on the opposite side have raised many points which have been answered by this side. But there are just a couple of them which I would like to touch on. First is the claim that this is a Bill introduced selfishly by the Congress Party as

if we are afraid of ever being re-elected. I would like to ask, "What gives this sense of security on that side? Do you believe that if you go back to the polls today, you are going to come back?" The greater possibility is that you will be out and we will be in again. Recent by-elections throughout the country have shown that the people are fed with all this type of changing labels and changing tactics and the insecurity and the instability that you have been introducing wherever you have come. Your coalition governments have failed; the opposition governments have failed in the States when they did come in. And do you think that our people are going to repeat the mistake of bringing you back again? And again, I will say that you are the very people who during the height of the Naxalite movement in West Bengal came to the Houses and asked for protection because you were not being permitted in Bengal to work normally and to perform your duties. And today, you suddenly feel quite secure and feel that this Amendment is absolutely unnecessary.

And then the office of the Speaker has been brought very much into the debate. First of all, even today, even without the Amendment, the Speaker is required to make an independent decision. He takes the opinion of both the sides and gives a decision. And you and I, whether we like it or not, accept it as being in the interest of the House and in the interest of parliamentary democracy. We do not question his intentions and we do not challenge his authority. Why then do you believe that the moment this Amendment is introduced, he becomes a party man or that his motives become suspect or that he is incapable of taking any decision? How can the Speaker suddenly change his colours because it does not suit your interests. Secondly, I would like to point out that Articles

101 and 190, even as they stand today, make the Speaker or the Chairman the deciding factor on the question of resignation. Today, if a resignation comes to him, he has a right to make an enquiry and take an independent decision. I do not want to go into it again as my hon. friend has just quoted the decision of the High Court of Cochin—about Allahabad also. He read the decision of the Cochin High Court which stated very clearly that the Speaker had to satisfy himself that the resignation was voluntary, that it was not forced or forged, and only then should he be in a position to accept it. Now, we are only putting into clearer terms what has been implied all along and what judicially decisions have upheld in the past. I would say, therefore, that even now, the resignations when they are accepted are believed or presumed to be voluntary and not forced. So, there is no question, I would say of bringing the Speaker into any kind of controversy on this question.

Sir, I do not want to take more time of the House. I will conclude by appealing to the members of this House not to be blind to the realities, not to be narrow in their judgements and not to be selfish in their loyalties. Let us stand united on this important measure and make sure that in these troubled times, we provide a certain amount of stability to the country so that our children and our children's children may continue to enjoy the fruits of a democratic set-up.

SHRI UMASHANKAR JOSHI (Nominated): Mr. Vice-Chairman, Sir, I would like to make a few observations, not as a partisan, but as one who can speak with some knowledgeability about what transpired in Gujarat during the first three months of this year. The hon. Minister comes from Baroda and he had dealt with the situation rather sympathetically and he knows the educational landscape also.

[Shri Umashankar Joshi]

Sir, I would, at the very outset, like to say that the promise given by the Home Minister that the lesson from Gujarat will not be lost on the ruling party, as it should not be lost on others also, has not been met. Is this the lesson that we have drawn from what happened in Gujarat. May be it has a bearing on what is happening in Bihar. But, as we say in our languages: When the sky is in tatters, what will a little patch work do? Are we going to treat symptoms or are we going to look to the root of the ailment? Let us, at least, in the House of elders think how Indian democracy is shaping.

Is there something wrong with the political style? Gujarat gave with great hopes 140 seats to the congress in a House of 168. Gujarat need not be criticised for that. Did Gujarat deserve the rule under the new Congress which it had from July 1973 to February 1974? The new Congress ignited hopes in the minds of many people including those in Gujarat and I speak as one who has great affinity with the ideals of the new Congress. I speak as one who has uttered a warning from time to time. As early as June 1971, I, who have very little to do with elections and practical politics, wrote to and told the high-ups asking them to give us a band of legislators who would have some sympathy with the ideals of the new Congress who would have, I said, some sympathy. But, who were the people nominated? 140 seats we had. We could have had 168 in a House of 168. But, somehow or other in politics the lamp-post theory prevails. When a party is on a tidal wave of success, it puts in everybody and anybody as a candidate. He or she gets elected and we have to pay very heavily for this. Politics need not be manipulatory when we want to run a democracy in developing sub-conti-

ment like ours. If the ruling party in spite of the vast majority that it got in Gujarat could not deliver the goods, was that the fault of the people of Gujarat? At the first flare-up of popular fury, the big majority collapsed as a house of cards. If it was the real political power, it would not have collapsed like that. Power has gone back to where it belonged to the people.

I would earnestly urge that the political parties, especially the ruling party which has to rule, go and talk to the people and reinstate themselves by taking roots in the life of the people. What has happened, Sir? This is again an observation from one who looks at the political landscape from a certain distance. The Founder of Ahmedabad, Ahmad Shah, was advised by Zafar Khan his grandfather who was on the death bed: Dear boy the people are the roots and the State is the tree. In the new political style it seems the roots are in Delhi. **Oordhva Mooram!** The democracy which we are running has been topsy turvy. Why does nobody look at this? Decisions are taken here and they are rammed down the throat of people who are working on the various fronts there in the State capital or in the district or taluk towns. What can be more inglorious and more pathetic than the senior politicians of the ruling party encamping in Delhi after the fall of the Chimanbhai Patel Ministry? They had to be literally driven back to Gujarat by no less a person than the Prime Minister herself. There is a hiatus, there is a gulf, between the elected members and the electors. Let us be conscious of this and do something in the matter if we want to save democracy. Such patchworks as the present amendment, may not be a remedy.

What has happened in Gujarat has perhaps exposed the sterility of the political style that is followed,

adhered to in the past two or three years at the Centre. The elected members cannot go to their constituencies, they are not on talking terms with the people. And a time comes, may be it is the madness of the people, may be it is the cussedness of Opposition parties, may be it is the hooliganism of certain goondas, when something happens—something really happens. The upshot is, the rulers and the ruled cannot talk to each other. There is no dialogue; the only dialogue, the only communication, that takes place between the two is through violence, is through bullets. People like me feel very much disturbed; this does not augur well for the Indian polity. So let us do something take some real practical steps which take us out of this unreality. We cannot swear by democracy and do things which are farthest from the spirit of democracy. So the days of manipulatory democracy are over; let us have participatory democracy. I am not enamoured of the idea of partyless democracy and all that, though I myself do not belong to any party. I belong so to say to a one-man party. I am a nominated Member. I am happy that way, though I can join a party. One of the nominated members is a big boss in the ruling party. Sir, the ruling party in Gujarat at least should not run about in search of the opposition as a musk deer—**kasturika mrig**—widely chases fragrance because it is within itself. In Gujarat in a House of 168 there were only 28 members belonging to the Opposition—a big cipher! The Congress was 140 strong and if there was a real opposition it was within itself. This is a serious thing which the elder statesmen in our country and the Prime Minister in particular should take note of and do something in the matter.

There is a talk, which is very cheap, criticising a man like Shri

Jayaprakash Narayan, but the idea of a party-less democracy—though I do not personally agree with it—has been mooted by Mr. M. N. Roy, for example, who knew much about politics. So, there is something in it.

Churchill said that this democratic way of electing again and again a new government is the worst form of government, but it is the best which mankind has developed till today. (Time Bell rings). I will not take long. In the present set up the talk of having a party-less democracy is premature, according to me. In India are there really political parties? The Congress also is a hold-all. I will not use the words 'motley crowd' because I do not want to tread on the toes of practising politicians. The Congress also needs to be streamlined. Now, after 1969...

SHRI JAGAN NATH BHARDWAJ (Himachal Pradesh): They have nominated blindly.

SHRI UMASHANKAR JOSHI: I would contribute my mite...

THE VICE-CHAIRMAN (SHRI V. B. RAJU): Please do not disturb him.

SHRI UMASHANKAR JOSHI: I am not disturbed, but he is disturbed. The point is, perhaps by the end of this century political scientists and political leaders may pass this remarks that in India we were slow in having a streamlined and well-defined party. The Congress an open-door party and some of us who are sitting here, yes, as nominated Members, have seen people migrating from the opposition benches for sometime sitting in the middle as independent members and then joining the ruling party. It is pretty good drama.

I do not want to pass any unjust remarks on persons. But this open-door policy has not enabled the ruling party to be very efficacious, so

[Shri Uma Shankar Joshi]

that it could deliver the goods. Political power nominally is deposited there, but it does not deliver the goods. Please think on this problem. The people want the goods to be delivered. We want a policy left of the centre followed in this country and the problem of ameliorating the conditions of the poor solved sooner rather than later. Who comes in the way? These are the problems we should face and face squarely. Amendments like this refer only to symptoms. I urge upon those who are concerned about running the political affairs, through you, Sir, that they have to come to grips with the real ailment and try to save India for democracy.

Thank you.

SHRI SARDAR AMJAD ALI (West Bengal): Mr. Vice-Chairman, Sir, I rise to support this Bill. At the fag-end of the day I had the expectation of learning something from the speech which has been just made by Prof. Umashankar Joshi. In this House and at this hour we are discussing the Constitution Amendment Bill which seeks to amend article 101 and 190 of the Constitution. In his speech, I say with due reverence and respect to him that he did not make any reference to the constitutional provisions and to the conditions that have necessitated the Government to come forward with this amending Bill before this august House. With due reverence to him again I say that Prof. Joshi brought a very serious charge against the Congress party and, if I have not misunderstood him, against the Prime Minister and the leader of the Congress party itself. The charge is that in the different States we the ruling party, are having a Centrally-sponsored leadership or a Centrally-sponsored Chief Ministership. With due respect—or what shall I say, with due difference

with him—I must say that probably it is known to him that Chimanbhai Patel was not a Centrally-sponsored leader. It was the leader of this country and the leader of the Congress Party who asked the Gujarat Legislature Party to select and to elect its own leader, and Chimanbhai Patel was the outcome of that selection or election.

SHRI UMASHANKAR JOSHI: There you are A person of this type whom you had to dismiss and drop from the party could worm his way to Chief Ministership—that is the open-door policy. And please do not take a miss—my words are not meant as criticism; they are meant as food for self-introspection.

SHRI SARDAR AMJAD ALI: Whatever Prof. Joshi has said, my only submission to him through you, Sir, is that it is not the policy of the Congress Party—and it is also not usual for the Congress Party—to sponsor a candidate upon a particular State to be the Chief Minister of it. Definitely, the choice is with the elected representatives of the legislature of that particular State to choose their own leader, which policy the Congress Party is following.

I do not want to go into many things at the fag end of the day. Much has been said about the utility of presenting a Bill from this side, and several interpretations have been given by the Opposition Members. My own interpretation is this. The first charge that they have levelled against the Government or the Congress Party the ruling party as they say, is that we are out to sabotage democracy in this country. My own interpretation is that democracy in the country can only be sustained and continued if there is a peaceful atmosphere, a congenial atmosphere, that serves the democratic purpose and democratic norms of the country.



Unfortunately, in some parts of our country this situation is not in a happier way, as we find today. Therefore, when the Opposition says that the Congress Party itself is sabotaging democracy, I cannot certainly oblige them by giving my concurrence to their view. They oppose the Bill which wants to check violence, which wants to safeguard the freedom, privilege and the right of an elected representative of making his due deliberations and his due share on the floor of an Assembly or Parliament; they oppose the idea of presenting a Bill which wants to curtail the activities of those goondas. I would definitely appeal to the people of this country, through you, Sir, to identify the forces which stand for the advocacy of violence. It is the Congress Party which is coming up with an additional weapon to the Speakers or the Chairman of the Legislative Assemblies or Council or the Parliament. Sir, the constitutional provision as it is was sufficient and perhaps the great constitution-makers also did not imagine that some such contingency might occur which would necessitate the coming up Government with a certain amendment as suggested in the present Bill. Sir, for clause 82 of the Draft Constitution—now article 101—there was only one amendment that was relating to the recall procedure.

Before going into that I would simply like to say that the present Bill wants that if any particular Member who has been coerced or forced or has been intimidated to resign his seat from the House, then the Speaker or the Chairman of the House will have a right to go into the detail of the whole thing so as to see whether the particular resignation has been tendered voluntarily and spontaneously or not I do not find anything as to how by bringing this amendment the democracy of the country is being jeopardised, as has

been interpreted by some of my honorable colleagues on the Opposite side.

Sir, the Constitutional provision, as it appears to me, somewhat enjoins upon the Speaker or the Presiding Officer of the House that whenever a resignation letter come to him, then he is to accept it; there is no alternate way. My friend on this side, Mr. D. P. Singh, has suggested certain provisions of the General Clauses Act. I would submit that in this constitutional provision as given in articles 101 and 190 there is no scope of applying the General Clauses Act. Of course, the General Clauses Act is the main Act which can be applied in the interpretation of statutes, no question whether it is constitutional or any other statute of his country. But articles 101 and 190, as they stand in the Constitution, perhaps place an impending obligation upon the presiding officer of the House to accept a resignation letter without going into the details of it. But the present situation that necessitates the Government to come up with this amendment is not at all somewhat unknown to the people of this country. Sir, without going into details as to what happened in Gujarat and what is now happening in Bihar, I would like to submit to the Opposition parties and the Opposition Legislators and my colleagues in this House that it is not the norm in which a democracy and particularly a parliamentary democracy will function. It is definitely the right of the people to send a man to a legislature to represent them for a particular period and for that particular period he will have the right to act according to his own choice. Thereby I do not mean that he will go on doing anything and everything that he likes. Definitely there are certain legal and statutory provisions. Of course, it will not have an immediate effect upon that particular legislator whom the people of the constituency want to take back. These processes are a

[Shri Sardar Amjad Ali]

bit dilatory. But there are processes and laws in this country in which a particular legislator can be dealt with. But definitely a party which believes in the forces of peace, which believes in progress based on peaceful ways cannot allow people representatives to yield to some hoodlums forcing an elected representative of the people to submit his resignation against his will. Unfortunately, some such incidents have happened in the country. That is why in spite of the protection existing in the Constitution, it was considered wise on the part of the Government to give certain additional power to the Chairman or the Speaker of a House to determine as to whether the resignation is a **bona fide** one or not. That has got to be done. So that is the idea with which this amendment Bill has been brought before this House and I accord my sanction to it.

Sir, I want to submit a few words about the amendment presented by my colleague, Mr. Rajnarain. Mr. Rajnarain is pleading for the right of recall of representatives who are indulging in activities which are against the interests of their constituencies or with whom the electorate may not be happy. As some of my colleagues from this side have observed, a responsible constituency will not elect an irresponsible legislator. I believe it is an aspersion on the people living in that constituency. I believe people are very much responsible but in regard to a man who comes within the combination of the four P's—Power, privilege, etc. it may sometimes be otherwise. The leaders of the country will have to consider how to control such legislators who do not fulfil the expectations of the people whom they represent. Some such amendment was placed before the Constituent Assembly while it was brought in the shape of clause 82 in the draft

Constitution. It was rejected on two grounds. The first ground was, who is going to assert that the signatures that have been placed are **bona fide**? In the same manner as a legislator is forced to resign, to put his signature on a scrap of paper, some hoodlums can create trouble in a particular constituency and force the majority of people to sign a paper asking for the resignation or recall of a particular legislator. This was one of the grounds on which the Constituent Assembly rejected the amendment that was placed by no less a person than Mr. H V. Kamath. The other ground was, suppose in a constituency there are 1,000 voters and three people contest the election in that constituency; suppose the person who is elected secures 400 votes and the other two candidates get 300 votes each. Now, these who can join together—300 plus 300 makes 600—and if they sign a petition, in that case the man who was elected by the majority verdict of the people will have to resign. So this position was not liked by the genuine representatives of the people—those who framed the Constitution—in the Constituent Assembly. I believe that the arguments which held good at the time of framing of our Constitution, still hold good and I would like this House to reject the amendment suggested by Mr. Rajnarain. With these few words, I support this Bill.

6 P.M.

श्री सुलतान सिंह : उपाध्यक्ष महोदय, संविधान में जो संशोधन विधि मंत्री जी ने पेश किया है मैं उसका समर्थन करता हूँ। आज हमारे लोकतंत्र की रक्षा के लिए यह विधेयक बहुत जरूरी है। आपको याद होगा पंडित जवाहर लाल नेहरू जी की जिन्दगी में—उनकी शरिरायत, उनकी पर्सनेलिटी इतनी टाइटिंग थी—बिरोधी दलों ने इस बात की कोशिश नहीं कि वे किसी गलत तरीके से सरकार को गिरा सकें। डा० लोहिया पहली बार आए और उन्होंने एक नया ख्याल

विरोधी दल को दिया कि कि। तरीके से पंडित जवाहरलाल नेहरू की परसनेलिटी को डैमेज करने के लिये करेक्टर एम्प्लेमेंट का काम करना चाहिये और यह पंडित जी के जीवन में हुआ बार बार कोशिश की लेकिन विरोधी दल कामयाब नहीं हुए, उस वक्त तक कांग्रेस सरकार को गिराने में। शेखावत साहब हमारे बहुत बरिष्ठ विधायक हैं।

उन्होंने अपने भाषण में जिक्र किया डिफेक्शन का। आपकी मार्फत मैं इतना ही कहना चाहता हूँ, उपाध्यक्ष महोदय, कि आज हिन्दुस्तान में आजादी मिलने के बाद सन् 1937 तक के अगर हालात देखे जायें तो कांग्रेस का बहुमत देश के अन्दर रहा है। 1967 से पहले तो कभी कांग्रेस को जरूरत ही नहीं पड़ी कि किसी विरोधी को शामिल करके अपनी सरकार बनाये। लगातार जनता ने उसको आज तक समर्थन दिया है। यह हो सकता है कि बहुत सारे लोग हमारे अन्दर शामिल हुए, अगर बहुत सारे हमारे अन्दर से बाहर गये क्योंकि 1947 से पहले कांग्रेस एक आन्दोलन के रूप में रही, पोलिटिकल जमायत के रूप में नहीं रही। सन् 1947 के बाद बहुत सारे लोग हमसे बाहर गये और बहुत सारे हमारे अन्दर आये और मुझे आज यह गौरव हासिल है कहने का कि विरोधी दलों में भी आज जो व्यक्ति नेतृत्व दे रहे हैं वह तकरीबन-2 कांग्रेस में उभर गये, चाहे वह किसी रूप में गये। 1967 में विरोधी दल ने एक योजनाबद्ध प्रोग्राम बनाया और वह क्या कि कांग्रेस की सरकारों को गिराने के लिए उन्होंने खुला चैलेंज दिया कि कोई व्यक्ति कांग्रेस से इतनी तादाद लेकर आ जाए कि कांग्रेस का शासन टूट जाये, हम उसको मुख्यमंत्री बनायेंगे और यह हिस्टोरिकल फैक्ट है। हरियाणा में राव विरेन्द्र सिंह जी 13 विधायकों को लेकर कांग्रेस से भागे। शेखावत साहब जनसंघ ने उन्हें मुख्य मंत्री माना। उत्तर प्रदेश से चौधरी चरण सिंह जी 17 विधायकों को लेकर भागे। शेखावत जी ने फिर उन्हें मुख्य

मंत्री माना। जिस प्रदेश से शेखावत साहब आते हैं, गोविन्द सिंह जी भागे। उन्होंने उनको मुख्य मंत्री माना। इस बात का नतीजा निकला कि पंजाब से लेकर बंगाल तक किसी प्रदेश में कांग्रेस का शासन नहीं रहा। आल्टरनेट शासन देने के लिए 5-5, 6-6 पार्टियों के लोगों ने मिली जूली सरकारें बनाई। राजनारायण जी यहां नहीं हैं, सबसे पहले उत्तर प्रदेश में एक तमाशा देखा। चौधरी चरण सिंह जी कहते थे कि मैं मुख्यमंत्री हूँ। इंदिरा गांधी हमारे देश की प्रधान मंत्री हैं। जब भी वह उत्तर प्रदेश में आयेंगी, मैं उनका मुख्य मंत्री के तौर पर स्वागत करूंगा। राजनारायण जी कहते थे कि अगर आप इंदिरा गांधी का स्वागत करेंगे तो हम आपकी सरकार को तोड़ेंगे। एक नया तमाशा हिन्दुस्तान में देखा। वह कौन मा था। लखनऊ में चौधरी चरणसिंह का वयान छपा कि ला एण्ड आर्डर सिचुएशन को बनाये रखना चाहिये। किसी मंत्री को मंत्री होते हुए किसी सत्याग्रह में शामिल नहीं होना चाहिए और चौधरी चरणसिंह के मंत्रिमंडल के सदस्यों ने पार्लियामेंट के सामने आकर दफ्ता 144 को तोड़ा। वह राजनारायण की पार्टी के थे। एक इस तरह का तमाशा 1967 के बाद जो दलबदल हुआ और जो डिफेक्शन हुए और एक तरीके से विरोधी दलों ने कहा कि एक एक व्यक्ति को जो कांग्रेस में सामूहिक दलबदल करके आये उसको मुख्य मंत्री बनाओ। लेकिन जनता ने उस बात को बहुत बुरा माना और उसका नतीजा यह निकला कि पंजाब से लेकर बंगाल तक दोबारा कांग्रेस की सरकारें आई। आज विरोधी दलों ने एक नया तरीका अख्तियार किया है और नया तरीका कोन सा कि आरजी हालात का फायदा उठाकर एक तूफान खड़ा करो और उस तूफान के अन्दर प्रधान मंत्री, आल इंडिया रेडियो, इनके खिलाफ इतनी नफरत पैदा करो कि विदेशी लोग यह समझें कि हिन्दुस्तान की प्रधान मंत्री की भी अपने देश में कोई हैसियत नहीं है और हिन्दुस्तान का रेडियो भी जूठा रेडियो है।

[श्री सुलतान सिंह]

मुझे नहीं पता, शेखावत साहब को पता होगा, यह कार्य वह विदेशियों की मदद से कर रहे हैं या अपने सहारे कर रहे हैं, इस को वह ज्यादा जानते होंगे। मुझे इस का इल्म नहीं है, लेकिन यह हकीकत है कि आज प्रधान मंत्री की इमेज को गिराने के लिए, उनका करेक्टर असेसिनेशन शुरू हुआ और इतनी नफरत लोगों के अंदर पैदा करने की कोशिश की जा रही है। लेकिन उस का नतीजा आप ने देखा। उत्तर प्रदेश में चुनाव हुए। जहां जहां प्रधान मंत्री जाती थीं, वह रेत फेंकते थे, पत्थर फेंकते थे, जूते फेंकते थे और ऐसा कर के वह दुनिया को दिखाना चाहते थे कि हमारे देश के प्रधान मंत्री को हमारे देश में कोई मान नहीं है, कोई सम्मान नहीं है और जनता ने इस बात को महसूस किया कि यह देश को गिराने की बात है और उसका नतीजा यह निकला कि इतनी बुरी हालत में, इतनी मंहगाई और कष्ट और दुखों के अंदर भी जो वहां का एक एक गरीब आदमी था उस ने कांग्रेस का साथ दिया और वहां विजय कांग्रेस की हुई। यही नहीं, जब वहां कांग्रेस की विजय हुई तो राजनारायण जी ने कहा कि एक एलेक्शन तो गलत हो गया। बुद्धि-जीवी लोग कांग्रेस के साथ नहीं थे। शेखावत साहब, अभी वहां कौंसिल के चुनाव हुए और कौंसिल के चुनाव में एक ग्रेजुएट्स कास्टीट्यूटेंसी भी होती है। आप तो राजस्थान और मध्य प्रदेश में आये हैं जहां कौंसिल नहीं है, लेकिन उत्तर प्रदेश में टीचर्स की कास्टीट्यूटेंसी है, ग्रेजुएट्स की कास्टीट्यूटेंसी है, उन का रिप्रेजेंटेशन है तो यहां तो यह लोग कह सकते थे कि जनता में आम तौर में भ्रम फैला कर जनता का वोट कांग्रेस ने ले लिया लेकिन वहां के पढ़े लिखे लोगों ने तो बड़ा तौल कर वोट दिया है और वहां भी कांग्रेस कामयाब हुई। उपाध्यक्ष महोदय, मैं एक अर्ज करना चाहता हूं आप की मार्फत अपने विरोधी दोस्तों से कि आरजी हालात का फायदा उठा कर आप इस देश की

सरकार को और शासन को बदलने की कोशिश करेंगे तो उसका नतीजा लोकतंत्र के लिए बहुत बुरा होगा। मुझे याद है और मैं उदाहरण के तौर पर एक मिसाल देता हूं, शेखावत साहब को भी याद होगा कि हरियाणा और पंजाब जिस वक्त अलग हुआ, जब संत फतेह सिंह बराबर डिमांड करते थे पंजाब और हरियाणा के बंटवारे की, तो एक एक जनसंघी कहता था कि सरकार अकालियों के सामने अगर झुकी तो यह डिमांड फिरकापरस्तों की है, अगर उस के सामने सरकार झुकी तो हम हिन्दुस्तान में आग लगा देंगे और जिस रोज हरियाणा और पंजाब का बंटवारा हो गया, हमारी आंखों के सामने का किस्सा है, सरदार भगत सिंह के साथी क्रान्ति-कुमार, पानीपत के थे। जलूस निकल रहा था। जनसंघ वाले दूकान बंद करा रहे थे। जनसंघी कहते थे कि सरकार ने अकालियों की, फिरका-परस्तों की बात को माना है इस लिए दूकानें बंद करो। श्री क्रान्ति कुमार ने दूकान बंद करने से इन्कार किया। तो उस समय भगत सिंह के साथी क्रान्ति कुमार को जो कि हिन्दुस्तान की आजादी के लिए कई बार फांसी के तख्ते पर चढ़े और उतरे थे, उन को जिंदा जला दिया, और उस का नतीजा क्या निकला। जिस रोज पंजाब अगल हुआ, वही यशदत्त शर्मा, बलराम दाम टंडन और लाल चन्द जी सब्बरवाल जो क्रान्ति कुमार के कातिल हैं और जिन्होंने क्रान्ति कुमार को जिंदा जला दिया, वे लोग अकाली नेता मंत फतेह सिंह के पास पहुंचे कि महाराज, हम गलती पर थे। अब जनसंघ को साथ मिलाओ और मिला कर अकालियों की सरकार बनाओ।

आपने यह पंजाब के अंदर देखा शेखावत जी।

श्री भैरों सिंह शेखावत : मैं बताना चाहता हूं कि क्रान्ति कुमार के मामले में उस जनसंघी को सजा हुई है।

श्री सुलतान सिंह : मैं इतनी बात कहना चाहता हूं आज जो आन्दोलन हमारे विरोधी दल

चला रहे हैं इससे केवल लोकतंत्र को खतरा नहीं है बल्कि हमारे सैक्युलरिज्म को भी खतरा है।

जयप्रकाश बाबू का नाम हमारे सामने है। मुझे वह जमाना याद है जब हम स्कूल, कालिज से निकल कर सुबह में शाम तक जयप्रकाश जी की जय बोलते हुए अपने गलों को बैठा लेते थे और मुझे दुख नहीं होता अगर जयप्रकाश जी केदार पांडे के बक्त बगावत कराते वह भी कांग्रेस के मुख्य मंत्री थे। मुझे दुख नहीं होता अगर वह कृष्णन के खिलाफ लड़ते, भ्रष्टाचार के खिलाफ लड़ते। दरोगा राय जी हमारे मुख्य मंत्री थे तब उनके खिलाफ लड़ते। वे ही विधायक थे बिहार में, जिन्होंने केदार पांडे को नेता चुना था, जिन्होंने दरोगा राय को नेता चुना था। आज बदकिस्मति से कहें या खुशकिस्मति से उन्हीं विधायकों ने अब्दुल गफ्फूर को किसी प्रकार अपना नेता चुन लिया।

मुझे दुख इस बात का है कि आज अब्दुल गफ्फूर की सरकार को गिराने के लिए जयप्रकाश नारायण नेता बनकर आए। अगर आप तह में जाए तो दिल्ली के अन्दर जो फसाद हुए, हिन्दू-मुस्लिम के झगड़े खड़े हुए उन लोगों का हाथ है। जो चाहते हैं कि हिन्दू-मुस्लिम में आग भड़के, बिहार की जनता अब्दुल गफ्फूर के खिलाफ हो तो क्या इस लोकतंत्र को इस तरीके से बचा सकते हैं?

श्री भैरों सिंह शेखावत : आपने बड़ी खोज की।

श्री सुलतान सिंह : सरकार को आप गिरा सकते हैं। मैं मानता हूँ आग लगा कर जहर फैला कर, भोले-भाले बच्चों को भड़का कर आप सरकार को गिरा सकते हैं लेकिन 67 में आपने गिराया तो उसका नतीजा आपने देख लिया। नशा पिला कर गिराना सब को आता है (Interruptions)। मैं आपसे ज्यादा बोल सकता हूँ।

आपसे तेज बोल सकता हूँ जनता के सामने। रेल में ज्यादा बंद कर सकता हूँ। इस देश की जनता को बुरी तरह मैं भी गुमराह कर सकता हूँ लेकिन नशा पिला कर गिराना तो सब को आता है मजा तो तब है जब गिरते को थाम ले।

शेखावत जी यह ना देशभक्ति है यह न देश का प्यार है, यह करेक्टर एससिनेशन है कि एक बेचारा मुस्लिम एक प्रदेश का मुख्य मंत्री बन गया। आज जजबात को भड़का कर, विद्यार्थियों को भड़का कर इस तरह की जो आग फैलाते हैं मैं कहना चाहता हूँ कि इस आग से नतीजा अच्छा नहीं होगा।

मंत्री जो जो विधेयक लाए हैं। संशोधन संविधान में लाए हैं मैं इसका स्वागत करता हूँ समर्थन करता हूँ और समझता हूँ कि इससे लोकतंत्र की भी रक्षा होगी और सैक्युलरिज्म की भी रक्षा होगी।

THE VICE-CHAIRMAN (SHRI V. B. RAJU): Yes, Mr. Gokhale.

SHRI H. R. GOKHALE: Mr. Vice-Chairman, Sir, . . .

SOME HON. MEMBERS: Sir, let the reply be tomorrow . . . (Interruptions) . . . Sir, let the reply be tomorrow.

THE VICE-CHAIRMAN (SHRI V. B. RAJU): Order, order, please. I have called upon the Minister to speak now. Mr. Gokhale . . .

(Interruptions)

SHRI H. R. GOKHALE: Mr. Vice-Chairman, Sir, I am grateful to the hon. Members for having participated in this debate. I have heard the speeches on both sides. Some were eloquent, while others were full rich content. Well, it is not necessary, nor is it possible to deal with . . . (Interruptions).

SEVERAL HON. MEMBERS: Let him reply tomorrow . . .

(Interruptions)

SHRI H. R. GOKHALE: As you like . . .

(Interruptions)

THE VICE-CHAIRMAN (SHRI V. B. RAJU): All right, the Minister

will resume his speech tomorrow. The House stands adjourned till 11 A.M. tomorrow.

The House then adjourned at sixteen minutes past six of the clock till eleven of the clock on Tuesday, the 14th May, 1974.