

पर लिया था, जैसे कि बर्दवान, रामपुर हाट, बरहरवा, साहिबगंज, भागलपुर, क्यूल आदि स्टेशनों पर। 24 ट्रेने इस सेक्शन में, इस लूप लाइन पर चल रही हैं। अगर माननीय सदस्य चाहें तो सैसस की फिगर्स बता सकता हूँ या वह चाहें तो मैं उसको टेबल पर ले कर सकता हूँ।

श्री श्रीकान्त मिश्र : मंत्री महोदय से मैं एक गाड़ी का उल्लेख करूंगा। यह लूपलाइन जो आप कह रहे हैं उसकी तो नहीं है लेकिन यह रूरकेला और हटिया लाइन की गाड़ी है। माननीय मंत्री को मालूम होगा कि यह रूरकेला एक इंडस्ट्रियल टाउन है उड़ीसा में और हटिया भी बिहार में एक बहुत बड़ा इंडस्ट्रियल टाउन है और यह गाड़ी इन दोनों को कनेक्ट करती है। वहां 24 घंटे में सिर्फ एक ट्रेन जाती है और 24 घंटे में सिर्फ एक ट्रेन आती है। 166 किलोमीटर दोनों जगहों के बीच का फासला है लेकिन इन दो इंडस्ट्रियल टाउन को मिलाने वाली जो लाइन है उसमें सिर्फ एक ट्रेन ही 24 घंटे में चले, तो इसका क्या कारण है। दूसरी बात यह है कि वह गाड़ी रूरकेला से 10 बजे कर 15 मिनट पर खुलती है और वह 4 बजे कर कुछ मिनट पर दिन में हटिया पहुंचती है और इसी तरह 11 बजे वह हटिया से खुलती है और 4 बजे के करीब रूरकेला पहुंचती है। अब माननीय मंत्री जी जरा यह सोचें कि चाहे रूरकेला में काम करने वाले हों चाहे हटिया में काम करने वाले हों उनको इस गाड़ी से कोई सुविधा है, 4 बजे तो कोई शिफ्ट होगी नहीं, जो अगर वह मानिग में पहुंचे तो कोई सुविधा भी हो सकती है। सिर्फ 4 घंटे या 5 घंटे का रन है तो ज्यादा से ज्यादा 10 बजे सुबह पहुंचे तो कुछ काम हो सकता है।

श्री सभापति : अब आप सवाल को खत्म भी कीजिये।

श्री श्रीकान्त मिश्र : तो मैं माननीय मंत्री जी से आप कहूंगा कि वह इस पर विचार करें। मेरा पूछना है कि क्या इस पर विचार किया गया है कि इसमें और गाड़ी बढ़ाई जाय और उसके टर्मिनिंग के बारे में कुछ किया जाय।

श्री रोहन लाल चतुर्वेदी : चेयरमैन महोदय यह प्रश्न मुख्यतः साहिबगंज लूपलाइन के बारे में है और माननीय सदस्य ने रूरकेला और हटिया के बारे में पूछा है। वह चाहें तो उस के लिये प्रश्न का अलग से नोटिस दे दें और मैं उसका उत्तर दूंगा।

DEFLECTIONS IN LEGISLATURES

♦433. SHRI SITARAM JAIPURIA:

Will the Minister of LAW AND SOCIAL WELFARE be pleased to state :

(a) whether it is a fact that defections and redefections in the legislatures in the country have greatly instabilis-ed the democratic administration in the country;

(b) if so, whether the Government of India are contemplating to bring forward a legislation to check the defections and redefections by providing 'recall' in the electoral law;

(c) if so, the details thereof; and

(d) the other methods which are also being considered to check this virus before the General Elections to be held in the year 1972?

THE DEPUTY MINISTER IN THE MINISTRY OF LAW AND IN THE DEPARTMENT OF SOCIAL WELFARE (SHRI MOHAMMED YUNUS SALEEM) :

(a) to (d) It is generally felt that defection is a factor which contributes to instability and the report of the Committee on defections is yet to be discussed in the other House. In the light of these discussions, Government may take necessary steps.

SHRI SITARAM JAIPURIA : The honourable Minister has said that defection is a factor which contributes to the instability in parliamentary democracy. May I know from the honourable Minister whether it is not a fact that merely for fear of defections the State Assemblies meet only once in six months in order to comply with the Constitutional requirement and adjourn the Assembly *sine die* on one pretext or the other ? By what time will the Government consider the report submitted by the Committee ? How is, this fact whether the other House has discussed it or not relevant for a decision to be taken by the Government?

SHRI MOHAVIMED YUNUS SALEEM : The report has been discussed in this House and it is yet to be discussed in the other House. It has already been brought to the notice of the authorities concerned for finding time for its discussion. So far as the implementation of the report of the Committee is concerned, the report was placed on the Table of both the Houses, and it was felt that after the public opinion is known on this point, the legislators would think twice before defecting from their party. Now it has been felt necessary that a legislation to this effect may be introduced. So it is receiving the consideration of the Government and a suitable legislation will be introduced as early as possible.

SHRI SITAR/M JAIPURIA : Is it not a fact that after the 1967 general elections the administration in most of the States is practically at a standstill? Even though there have been mid-term polls in five or six States and Assemblies suspended, as, for example, in Bihar and West Bengal, the situation is not under control, is it not a fact that there is a thinking especially in the Government that mid-term election one after another is the only solution for avoiding the defections? Does the Government contribute to this view? If so, what are their actions?

SHRI MOHAVIMED YUNUS SALEEM : This is a suggestion and it will be considered when the report of the Committee is considered.

SHRI R. T. PARTHASARATHY : May I know whether the Government agrees with the view that the success of democracy is seen in its political stability? Is it not a fact that since the birth of our independence that which has tried to wreck the element of parliamentary democracy with the greatest force is the political defection caused by Members of the various State Legislatures?

SHRI ARJUN ARORA : You are yourself a defector.

SHRI R. T. PARTHASARATHY : I want to know if that is the thinking of the Government—I would like to have a categorical answer from the Law Minister—whether the Government is going to propose any limitation, say, of one-fifteenth of the total number of Members of the State Legisla-

tures for the State Ministries in order to solve the problem of defections. That is number one. Number two Instead of recalling the legislators as suggested by my honourable friend, will the Government have a legal remedy in the form of automatic cessation of the legislator's term of office if he defects from one party through which he got elected, to another party or side? I would like to know the thinking of the Government whether these two remedies will solve the problem of defections.

SHRI MOHAMMED YUNUS SALEEM : There are different recommendations made by the Committee which are under the consideration of the Government. As far as the question of the ratio of the Council of Ministers is concerned, the Committee is of the opinion that 10 per cent of the Members of the House may be taken into the Council of Ministers when there is only one House and 11 per cent when there are two Houses. As regards the other recommendations of the Committee, they are receiving the consideration of the Government and the Government has to consult the Chief Election Commissioner whether it would be possible to make defection an offence . . .

SHRI R. T. PARTHASARATHY : A disqualification.

SHRI MOHAMMED YUNUS SALEEM : . . . and make the defecting legislator contest another election. For this purpose the Chief Election Commissioner has got to be consulted and we are going to consult him. After receiving his comments on this point, a suitable legislation is likely to be introduced.

SHRI R. T. PARTHASARATHY : Sir, he has not answered my point. I have asked whether this will not amount to disqualification, I do not see any reason why the Chief Election Commissioner should have to be consulted. This is a policy decision and Parliament lays down the law with reference to the Representation of the People Act. I do not see why the Minister wants to . . .

MR. CHAIRMAN : He said they are going to consult the Chief Election Commissioner and then they will decide on this. And he has also said what is likely to happen.

SHRI P. GOVINDA MENON : Sir, under the law as it exists today defection is not a disqualification. The suggestion is that defection should be made a disqualification. For that the Election Commission should be consulted and a debate in the House will also be helpful.

SHRI LAL K. ADVANI : Sir, I would like to draw the hon. Minister's attention to the fact that this Committee on Defections was constituted in 1967; it submitted its report in July 1968; it is now over 2 years that the Government has been considering this report. It has not been able to find an opportunity even, to discuss *the* report in the other House. In view of this, a doubt has been created in the *bona fides* of the Government in respect of its professions. I would like to know from the Minister whether, in view of what he has said just now, he would give an assurance to this House that he would come forth with the necessary legislative measures in the next Session of Parliament, particularly in regard to the unanimous recommendation made by the Committee that there should be a ceiling or a limitation on the number of members constituting a Council of Ministers?

SHRI MOHAMMED YUNUS SA-LEEM : It is not possible to give an undertaking that it would be brought in the next session of Parliament but I submit that after the recommendations of the Chief Election Commissioner are received, suitable legislation will be introduced in the House as soon as possible.

SHRI BHUPESH GUPTA : Sir, I was a Member of the Committee on Defections. Now we are told, Sir, by them that it will be done some day. Would it take half a century to do it? Is it not a fact that after the 1952 General Elections practically all the defectors came from the Opposition to the Congress side and after 1957 the Congress was the recipient of most of the defectors and after 1962 also the position was the same, very few came to the Opposition from the Congress side?

SHRI B. K. KAUL : It was not an epidemic.

SHRI BHUPESH GUPTA : It took the form of an epidemic only when you came from that side. Then, Sir, only-

after 1967 a situation arose when the Congress received less defectors and exported more to the Opposition and then the theory of Ayarams and Gaya-rams started. I should like to know why there is so much delay in implementing at least the unanimous decision of the Committee on Defections. To refresh the memory of the House I should also like to know the figures. Finally, Sir, when the Congress bifurcates into two sides, one on this side and another on that side which side is the defector side in the eyes of the Government?

SHRI MOHAMMED YUNUS SALEEM : Sir, the main question put by the hon. Member is when the suitable legislation would be introduced. I have already submitted that it would be done as early as possible. As to the question which side is the defector side, it is for the hon. Member to decide, not for me.

SHRI BHUPESH GUPTA : No, Sir. On a point of order I say that he cannot ask me to decide. I would like to know what the Government thinks about this. Secondly, Sir, "I asked about the figures of 1952, 1957, 1962 and 1967. They should be available with the Government. They should broadly give those figures how many defected to the Congress and how many defected from the Congress?"

SHRI MOHAMMED YUNUS SALEEM : Sir, we have not collected any record of figures. If the hon. Member is particular, we shall collect the figures and furnish them.

SHRI ARJUN ARORA : May I know if the Government has set any optimum limit for bringing forward the legislation, also if the Government is at least in a position to give an assurance that the necessary legislation will be brought forward before the next General Elections?

SHRI P. GOVINDA MENON : I think it will be possible to do it because the revision of electoral rolls in accordance with the Acts of 1950 and 1951 has been taken up and it is the Government's desire to introduce the necessary legislation without much delay.

SHRI A. D. MANI : Sir, may I draw the hon. Minister's attention to part (b) of the question? There is a

suggestion made by the hon. Member about the introduction of a provision for recall in the electoral law. Has this matter been discussed with the Election Commission that on the presentation of a memorandum or an appeal by 10 thousand citizens in a constituency the Election Commission is bound to call on legislator to resign his seat? Has this matter been discussed by them?

SHRI MOI AMMED YUNUS SALEEM : I r IVC already submitted that any amendment to be introduced in the election law has got to be consulted with the Chief Election Commissioner. We have already sent the report of the Committee to him for his comments and as soon as his comments are received, suitable legislative action will be taken up.

MR. CHAIRMAN : Mr. Rajnarain.

SHRI BANK/ BEHARY DAS : Sir, can't you see on this side?

MR. CHAIRMAN : What do you mean by saying that I can't see on that side? Why do you say I can't see you? I have also to see to the time. Mr. Rajnarain.

श्री राजनारायण : श्रीमन्, क्या यह सत्य है कि दलबदल रोकने की जो कमेटी सुझाव देने के लिए बनी थी उसके एक सम्मानित सदस्य श्री जयप्रकाश नारायण भी थे और सार्वजनिक ढंग से श्री जयप्रकाश नारायण जी ने सरकार की निंदा की है कि सरकार, जो डिफेक्शन रोकने की कमेटी की सिफारिश है, उसको लागू करने में विलंब कर रही है, इससे डिफेक्शन होते जा रहे हैं और उनमें बाढ़ आ रही है।

क्या सरकार को इस बात की भी जानकारी है कि उच्च स्तर पर सरकार ने यह फैसला ले लिया है कि अब डिफेक्शन को रोकने की समिति की जो सिफारिश है इस समय उसे ताक पर रख दिया जाये क्योंकि डिफेक्शन कराने की ताकत इस समय पैसे में है और इस समय रूलिंग पार्टी के पास इतना ज्यादा पैसा है कि वह दूसरे दलों से डिफेक्शन करा के अपने पास लोगों को ला सकती है, और क्या यह भी सत्य है कि सरकार की जानकारी में यह बात आई है कि एक एक आदमी को गुजरात में सत्तर

सत्तर हजार रु०—श्रीमन्, हमारे पास जानकारी है रूलिंग पार्टी के लोगों से—और यहां पर जिस दिन प्रधान मंत्री ने कहा कि मैं "टापलिंग डाउन" नहीं चाहती, मैं चाहती हूँ कि राज्य सरकारें रहें उसी दिन गुजरात में यह खबर गई "डॉन्ट बादर अबाऊट मनी"—मनी की चिंता मत करो—और एक सदस्य को 70,000 रु० देने का वायदा हुआ और जब उसे रोकते हैं तो कहता है मैं तो अपनी फैमिली के साथ अपराध कर रहा हूँ क्योंकि 70,000 रु० पा जाता तो कोई छोटा मोटा कारखाना लगा लेता और कुछ काम करता, पता नहीं एम० एल० ए० आगे हूंगा या नहीं हूंगा।

श्री समापति : अब आप सवाल करिये।

श्री राजनारायण : एक मेरा प्रश्न है, सरकार सीधा सादा उत्तर क्यों नहीं देती कि इस समय सरकार को लाभ हो रहा है दूसरे दलों के लोगों को डिफेक्ट करा कर और रूलिंग दल में लाने के लिए जहां जहां गैर इन्दिरा सरकारें बनी हुई हैं राज्यों में, जबतक सम्पूर्ण राज्य सरकारें रूलिंग इन्दिरा कांग्रेस के साथ नहीं हो जायेंगी तबतक डिफेक्शन चलता रहेगा और इसे बन्द करने की कोशिश नहीं होगी। क्या यह सत्य है?

श्री मोहम्मद यूनुस सलीम : ऐसी कोई तजवीज सरकार के जेरे गौर नहीं है।

श्री राजनारायण : श्रीमन्, हमारा प्वाइन्ट आफ आर्डर है। हमने तीन सवाल किये थे और मैं अदब के साथ अर्ज करना चाहता हूँ कि मंत्री जी को संसदीय उत्तर देने की तमीज सिखायी जानी चाहिये। हमने कहा था कि क्या कमेटी के सदस्यों में श्री जयप्रकाश नारायण जी भी थे। क्या श्री जयप्रकाश नारायण जी ने सार्वजनिक ढंग से मांग की थी, जिसको करीब दो साल हो गये हैं कि इस कमेटी की रिक्मेन्डेशन को क्यों लागू नहीं किया जा रहा है और रिक्मेन्डेशन लागू न करने के लिए उन्होंने इस गवर्नमेंट की भर्त्सना की थी। इन तमाम बातों की रोशनी में क्या यह सरकार उचित नहीं समझती है कि उन रिक्मेन्डेशनों को लागू किया जाय ? श्रीमन्

आज रूनिंग पार्टी इस चीज से लाभ उठा रही है चाहे सिद्धान्त मरे या सही उसूल नष्ट हो जाये । चूँकि यह सरकार मंत्रि-परिषद में बैठी हुई है इसीलिए वह इस चीज को लागू नहीं कर रही है । इसलिए मैं चाहता हूँ कि सरकार इन तमाम बातों का उत्तर दे ।

SHRI P. GOVINDA MENON : Mr. Jayaprakash Narayan was a member of the Defection Committee and my colleague answered earlier that attempts will be made to bring legislation as early as possible.

MR. CHAIRMAN : Mr. Villalan.

SHRI K. S. CHAVDA : You are very unfair to me. I will walk out.

MR. CHAIRMAN : I have not finished the question. One Member says : 'Cannot you see ?' Another says that he would walk out. What is the meaning of all this ? Please sit down. I have to control the time About 20 minutes have already been taken on one question.

SHRI THILLAI VILLALAN : I had put the same question on some other occasion regarding recall of Members who defect from their Party to another. It was answered by the Minister that it was not possible to amend the electoral law to provide for the recall of a Member. I want to know whether the Government is prepared to put a curb a ban on political parties which are fomenting or encouraging defections or political abductions for forming Governments in the various places.

SHRI MOHAMMED YUNUS SALEEM : I have already submitted that unless we receive the comments from the Chief Election Commission, it is not possible to give any undertaking as to what sort of legislation will be introduced in the House. Everybody is aware that the symbols to political parties are allotted by the Chief Election Commissioner. So the recommendations of the Committee have been referred to him for comments and as soon as the recommendations are made, effective action will be taken to introduce the legislation.

SHRI BANKA BEHARY DAS : May I know whether the Committee on Defections were not against bringing in legislative measures for stopping defections ? Are the Government considering in consultation with the Election Commission to amend the Representation of the People Act to see that anybody changing his party loyalty will automatically incur a disqualification and whether this aspect is being considered ? I ask this because this has not been recommended by the Committee.

SHRI MOHAMMED YUNUS SALEEM : It will be considered after the comments from the Chief Election Commissioner are received.

SHRI KRISHAN KANT: May I know whether it is not a fact that except on one or two items, there was no unanimity in the Committee and, if so, whether the Government will consider calling another meeting of the political parties based on the experience of the past 2 years, for a rethinking on the whole thing so that a unanimous report is brought out before the next elections ?

Regarding the two unanimous recommendations, may I know how many of the State Ministries will be able to say that there are 11 per cent, of the Members as Ministers now in the various States ?

SHRI MOHAMMED YUNUS SALEEM : It is a fact that there was no unanimity on the recommendation of the Committee. Regarding the appointment of another Committee, no useful purpose will be served by having another committee. We are considering the recommendations of this Committee and suitable action will be taken.

SHRI LAL K. ADVANI : There was unanimity on the principle. There was no unanimity only on the number. There was unanimity that there should be a limit on the total number of Members in the Council. The Minister is wrong.

MR. CHAIRMAN : It is a matter of record. Opinions can vary. I have also read the report.

SHRI K. S. CHAVDA : Eleven Members of the Gujarat Legislative Assembly defected from the Congress Party which is ruling in Gujarat. According to the news reports, large