

conclusions, and also we will be providing the Press Council with sufficient staff and money with which they can go further into this. My friend, Mr. Ganga Sharan Sinha, has also asked that the budget and the finances of the Press Council should not be subject to the vagaries of the Ministry of Information and Broadcasting. Although it may be early for me to say it, I can only say this thing that in this context also we will be guided by the recommendations of the Advisory Committee because in one of the paragraphs of their report they have dealt with this. Whatever they have said the Government is going to accept.

Mr. Chandrasekharan and Mr. Rewati Kant Sinha have drawn my attention to the working of Samachar Bharati. I share their distress because I also feel that this Samachar Bharati, which had been set up with very lofty ideals, unfortunately is not living up to them. They have dispensed with the services of Lala Firoz Chand. Lala Firoz Chand is not only one of the respected leaders of this country, one of the patriots who fought and gave all his life fighting for the national struggle, but I think in building up Samachar Bharati his contribution has been remarkable and considerable. Similarly some other journalists have been got rid of. The Government is very much concerned about the unsatisfactory working of Samachar Bharati. Recently the Auditor General in his report on Rajasthan Government's accounts also has brought to the Rajasthan Government's notice the sad functioning of Samachar Bharati. At this stage I would only like to say that we are looking into it because we are keen that Samachar Bharati and other news agencies should not only be good, efficient, widespread, good in the sense of news dispensation, but also good and financially sound so that the working journalists can have their correct place in their functioning.

Some friends yesterday and today have drawn the Government's attention to the condition of working journalists and their representation in the Press Council and elsewhere, and a suggestion was made that the Government or the Press Council, Government I think, should maintain a register of the working journalists, working journalists actually and not the pseudo-journalists as was the word used. I think it was a good suggestion and the Government will be interested in looking into it. I think we may be able to come

to the conclusion that a register of this type should be maintained.

I would only say one word more and finish. I think one of the really serious problems of today is the problem of the monopoly and the growth of chain papers and I hope very soon this House will have an opportunity to address itself to the report of the Press Council. And before I sit down, I would only say that the Press Council has functioned in spite of various difficulties. I hope, when more powers are given to it as a result of the next Bill, its functioning would improve, its area would widen and its contribution will be felt more.

Thank you very much.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is :

“That the Bill be passed.”

The motion was adopted.

MOTION RE-REPORT OF THE COMMITTEE ON DEFECTIONS

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : Mr. Vice-Chairman, Sir, I move :

“That the Report of the Committee on Defections laid on the Table of the Rajya Sabha on the 18th February, 1969, be taken into consideration.”

While moving this Motion, I would like to give a brief outline of the recommendations of the Committee. It will be interesting to go into the history of this Committee as well.

As you know, Sir, after the Fourth General Election, this country witnessed a very unhealthy but at the same time a very complex political trend in its political life. That was the trend and problem of defections of legislators. Of course, it is quite natural in the political life of a party or the political life of individuals that there is a possibility of honest, dissent and possibly, one may think of changing his own views or of shifting his allegiance from one party to another party. That may perhaps be natural in the transitory period in the life of any party or country as well. But if one looks to the size of the problem, particularly after the Fourth General Election, one becomes

[Shri Y. B. Chavan]

aware that what was happening was not in any way a natural thing or a desirable thing. What was happening was a sort of challenge to the stable functioning of parliamentary government. If you kindly look to the very first paragraph of the first chapter of this Report, it is stated about the magnitude of the problem that nearly 438 defections occurred in 12 months. And the motivation for these defections has also been indicated in the same paragraph where the Committee have said—

“That the lure of office played a dominant part in decisions of legislators to defect was obvious from the fact that out of 210 defecting legislators of the States of Bihar, Haryana, Madhya Pradesh, Punjab, Rajasthan, Uttar Pradesh and West Bengal, 116 were included in the Councils of Ministers which they helped to bring into being by defections.”

That shows the size of the particular problem, and naturally the country was very much concerned about it, and its concern was reflected in one of the Resolutions that was moved in the Lok Sabha for the appointment of such a Committee to examine this problem, as a result of which a Committee was appointed.

The Committee consisted of the Home Minister as Chairman, the Union Law Minister, the Union Minister for Parliamentary Affairs, the representatives of the 8 political parties and the three Independent Groups recognised by the Speaker in the Lok Sabha. And the other members were, Shri P. Venkatasubbaiah, Shri Jaya Prakash Narayan, Shri H. N. Kunzru, Shri C. K. Daphtary, Shri H. M. Seervai, Shri M. C. Setalvad and Shri Mohan Kumaramangalam. Representatives party-wise were as follows :—

1. Prof. N. G. Ranga—Swatantra.
2. Prof. Balraj Madhok—Jan Sangh.
3. Shri S. N. Dwivedy—PSP.
4. Shri Madhu Limaye—SSP.
5. The CPI was represented by an hon. Member of this House, Shri Bhupesh Gupta.
6. The Communist Party (Marxist) was represented by Shri P. Ramamurti.
7. The DMK was represented by Shri Ambazhagan.
8. Shri N. C. Chatterjee—Progressive Group.

9. Shri Raghuvir Singh Shastri—Nirdaliya Sangathan.

10. The Independent Parliamentary Group was represented by Dr. Karni Singh.

The Committee held six meetings and ultimately succeeded in producing the Report which is before you today.

I must say, work on this Committee has helped me to enrich my political experience in this matter because there were veterans like Shri Jaya Prakash Narayan, with experience of the working of the political parties, he being the founder of one of the leading parties of the country. Then we had the privilege of having on the Committee Mr. Kunzru an old veteran and a man who has got authority and experience to give his views on matters of public importance. Then we had the versatile legal luminaries like Mr. Setalvad, Mr. Seervai, Mr. Mohan Kumaramangalam and Mr. C. K. Daphtary. So, if you go through the Report, you will find that it is very difficult to say that all members agreed on one recommendation. Though we have produced compact recommendations with the majority view, you will find from the Report that there are certainly very important Notes of Dissent also. That shows the richness of experience of political life.

SHRI AKBAR ALI KHAN (Andhra Pradesh) : Very nicely put, Mr. Home Minister.

SHRI Y. B. CHAVAN : Well, Sir, I must say that in the early stages we failed to come to an agreement whether defections were good or not because it was very difficult to define defection. Ultimately we succeeded, with the help of Shri Jaya Prakash Narayan, in evolving the recommendation that we have made. Naturally, this is a very practical suggestion. It was very difficult to define—what can be called defection. Sometimes parties themselves resorted to merger in other parties. What can this process be called? Ultimately, there was one view that prevailed with the majority members that there is an unhealthy tendency which is born of political irresponsibility and a sort of political opportunism because most of the defections that were taking place were prompted by the lure of office. And it was thought that we would have to take some steps to make recommendations as to how this could be prevented.

Then, Sir, you will find that certain recommendations have been made. These recommendations we have classified into four groups, viz., ethical, political, constitutional and legislative. I think 'constitutional' and 'legislative' really speaking come under the same category. But I do not know why this was there, I do not exactly remember why it was categorised separately. Sir, the general background of thinking has also been indicated in paragraph 11 of this Report.

Ultimately, the general agreement was that the problem of defections can be effectively tackled by some sort of evolution of a code of conduct amongst the political parties themselves. But, Sir, my own experience about this formulation of code of conduct and its implementation is not very encouraging. I know that it is very desirable to have a code of conduct. Ultimately we must succeed in creating that feeling among the leaders of all political parties to see that we implement it. But the type of political life that we are leading or the type of leadership that we have succeeded in providing to our political parties today or possibly the political condition that exists in the country has not yet succeeded in giving that code of conduct to be properly or effectively implemented. But it does not mean that we should not make further efforts towards it. Therefore, this was the basic concept that was agreed to by all. I think this is possibly the only unanimous recommendation that such an effort should be made. And, Sir, it is left to the Home Minister to call a meeting of the political parties and see if he succeeds in evolving a code of conduct. That is their recommendation.

Then the political recommendation is there which is also of a general type. But if we come ultimately to the constitutional remedies that are thought of, which are, according to me, very material recommendations, they are capable of being implemented by some legislative action.

Ultimately we came to three types of major recommendations. The first was whether the Prime Minister at the Centre or the Chief Ministers in the States should be a member of either of the Houses when there are two Houses or he should necessarily be a Member of the Lower House. And the majority view was that it is much better that this chief executive. . .

SHRI BHUPESH GUPTA (West Bengal) : Was it majority or unanimous?

SHRI Y. B. CHAVAN : It was majority. The only unanimous recommendation—Mr. Bhupesh Gupta, you remember—was the ethical one, of evolving some sort of code of conduct. I think, constituted as we are, we could not think of any monolithic recommendation. . . .

SHRI BHUPESH GUPTA : I think that was also unanimous except that the D.M.K. wanted that the Chief Minister for the time being should remain as it is.

SHRI Y. B. CHAVAN : That means it was not unanimous.

SHRI BHUPESH GUPTA : Not the Prime Minister.

SHRI Y. B. CHAVAN : I have got the record of it. I can certainly show you.

SHRI SUNDAR SINGH BHANDARI (Rajasthan) : There is a minute of dissent appended to it.

SHRI Y. B. CHAVAN : This was one recommendation, I agree. I am not committed. . . .

SHRI BHUPESH GUPTA : You were with us.

SHRI Y. B. CHAVAN : You were with me.

SHRI DAHYABHAI V. PATEL (Gujarat) : They have always been together.

SHRI BHUPESH GUPTA : Mr. Vice-Chairman, after all, he is our Chatrapati in the Rajya Sabha. I side with him.

SHRI ABID ALI (Maharashtra) : Sincerely?

SHRI Y. B. CHAVAN : I am very happy. I am also willing to be with him on this limited matter. This problem of defection has become a matter of concern to all because the motivation for defections arising out of political opportunism, if it is to be met some constitutional measures, will have to be thought of. And for that matter, Sir, the recommendation, a very important one, is given in paragraphs 19 and 20 of this report. I do not want to go into the deliberations. But it was said that the person who is a defector should not be allowed to hold

[Shri Y. B. Chavan]

any office of profit, Ministership or any other office of profit, for a period of one year.

AN HON'BLE MEMBER : Only.

SHRI Y. B. CHAVAN : That is the recommendation of the Committee. If you think of a different way, I would like to know your views on this matter so that there will be a sort of agreement.

Therefore, there would not be a temptation to change political colours. Sir, we tried to work out the definition of "defector". I think that was accepted practically by all concerned.

SHRI BHUPESH GUPTA : No. I dissented.

SHRI Y. B. CHAVAN : Yes, you dissented. I would like to put the definition on record. It says :—

"An elected Member of a Legislature who had been allotted the reserved symbol of any political party can be said to have defected, if, after being elected as a Member of either House of Parliament or of the Legislative Council or the Legislative Assembly of a State or Union Territory, he voluntarily renounces allegiance to, or association with such political party, provided his action is not in consequence of a decision of the party concerned."

This was the definition that was accepted, and on the basis of this definition the appointment of a defecting legislator was barred for a period of one year until he goes back to the electorate and gets re-elected. This recommendation was accepted.

Another recommendation which is made is limiting the size of the Council of Ministers. This was considered necessary because the number of people who were included in the Council of Ministers sometimes appears to be unending. As the life of the Government proceeded the Council of Ministers went on inflating. And sometimes we found that most of the Members of the party forming the Government were in the Council of Ministers. In one state, I think, we had reached that stage. So in order to find a solution to this problem the recommendation says that there should be limitation on the size of the Council of Ministers. Of course, what that size should be, certainly has become a bone of contention.

Mr. Bhupesh Gupta thought of one thing. The majority of the Committee thought in some other way. We have made a detailed mention of these matters in this report.

So, Sir, this principle of limiting the size of the Council of Ministers is a very important and a welcome recommendation as far as I can see. What that size should be is a matter of political consideration again, and in this matter, certainly, I would be interested to know the views of the Members of the House.

These are, in substance, the recommendations. Of course, I would like to make a mention of one recommendation made by a group of very distinguished lawyers who were asked to go into this problem. They recommended that the defectors should cease to be Members unless they go back and get themselves elected. That recommendation was made by the lawyers' group. But the Committee did not think it possible to accept this recommendation. I thought I should make a mention of this idea that was placed before this Committee.

I have placed this matter before you because I feel that this matter is urgent. At the same time the Government did not want to rush into formulating final proposals because it is much better to have the views of Parliament in this matter. I have also written to the State Governments so that if we can get their views possibly it might be helpful to ultimately formulate some proposals for the consideration of Parliament.

The purpose of this discussion is to have the guidance of the Members of the House. I do not propose to accept any amendment. The idea is not to commit this House to any particular line of action. The idea is to get some expression of views on the recommendations as such. Thank you.

The question was proposed.

श्री नेकीराम : (हरियाणा) : उपसभापति जी, मैं कुछ सुझाव देना चाहूंगा। यह जो अभी हमारे गृह मंत्री साहब ने पढ़कर सुनाया है इसमें दो तीन बातें पहली नज़र में आती हैं। अपर हाउस के एलेक्शंस, उपराष्ट्रपति और राष्ट्रपति की ये सारी बातें मेरे खयाल से ऐसी हैं जो दुबारा इसी कमेटी को सौंप दी जायें ताकि वह सारी चीजें साफ कर के भेजे।

SHRI BHUPESH GUPTA : Mr. Vice-Chairman, I can quite understand Mr. Chavan placing the report for eliciting the opinion of the House. I think it is a good approach although it has been long delayed. But the House is empty. The time chosen has been very wrong for such a discussion.

SHRI SUNDAR SINGH BHANDARI : They are all defecting.

SHRI BHUPESH GUPTA : I do not know who is going to be Aya Ram or who is going to be Gaya Ram. At least the Aya Rams should have been here.

श्री नेकीराम : गुरनाम सिंह तुम्हारे लिये नाम ठीक होगा ।

SHRI BHUPESH GUPTA : You are a Haryana Ram. You have excelled every State. The whole lot there is of Aya Rams and Gaya Rams.

श्री नेकीराम : तुम मेरे से भी गये बीते हो । गुरनाम सिंह के साथ बात करो ।

SHRI BHUPESH GUPTA : I appreciate you because we would like to hear from you. You have got great experience because of wholesale desertions. All I say, Mr. Vice-Chairman, is, let this be partly debated today and then we would continue, so that those who are not here—they are somewhere else on some great mission—may also participate. Many are not here and the debate will not be very good . . .

SHRI ABID ALI : He just came, Sir.

SHRI BHUPESH GUPTA : Where they are I do not know.

THE VICE CHAIRMAN (SHRI M. P. BHARGAVA) : There are three amendments, one each in the name of Shri Banka Behary Das, Shri Niranjana Varma and Shri Chandrasekharan. Mr. Das and Mr. Niranjana Varma are not here.

SHRI K. CHANDRASEKHARAN (Kerala) : Sir, I want to move my amendment.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Even after hearing the Home Minister?

SHRI CHANDRASEKHARAN : Yes.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : All right.

SHRI K. CHANDRASEKHARAN : Sir, I beg to move.

3. "That at the end of the motion, the following be added, namely :—

'and having considered the same, this House is of opinion that immediate legislation be undertaken to prevent defections.'

The question was proposed.

SHRI DAHYABHAI V. PATEL : Mr. Vice-Chairman, Sir, I would like to voice a complaint, if I may, that in this Committee the Rajya Sabha was not given its due place when the Committee was formed. I know that there are some people who feel that Bhupesh Gupta is Rajya Sabha and Rajya Sabha is Bhupesh Gupta.

SHRI ABID ALI : Nobody feels like that.

SHRI BHUPESH GUPTA : I must make this clear. First of all, Mr. Dahyabhai Patel was not there; I also missed him. Mr. N. G. Ranga was there. The invitation was not sent to the Rajya Sabha or the Lok Sabha. The invitation was sent to the chairmen of the parties, to the heads of the various parties. The party executive decided as to who should go, and only one member from each party was sent. If the Swatantra Party had not nominated my friend, Mr. Dahyabhai Patel, I am very sorry for it.

SHRI DAHYABHAI V. PATEL : Why are you defending his action? Why do you get up to defend the Home Minister so readily? He will speak for whoever has done it. Mr. Bhupesh Gupta, in fact, has given me an opportunity to reinforce my argument. I say the Rajya Sabha was ignored. Mr. Bhupesh Gupta is trying to support his argument by saying that the Rajya Sabha was not ignored and that invitations were sent party-wise. Why was that so? In support of my argument that the Rajya Sabha was ignored and it should not have been ignored, I want to say that a larger number of defections, in proportion to the number of members, have been from the Rajya Sabha. In the Lok Sabha, it is every five years; in the Rajya Sabha it is every two years. Every two years we have the biennial elections, new members come in and there is defection. So, Rajya Sabha has

[Shri Dahyabhai V. Patel]

been ignored in this even though this defection process started very early here and the defecting people are still on the Congress benches as Ministers. I do not want to name them. But I mention this to illustrate and reinforce my argument that the Rajya Sabha has been ignored. I had mentioned this on a previous occasion and I was told Prof. Ranga was there. Prof. Ranga is a very senior and experienced parliamentarian but he has always been in the Lok Sabha and he does not know . . .

SHRI AKBAR ALI KHAN : He was in Rajya Sabha also.

SHRI DAHYABHAI V. PATEL : I stand corrected.

SHRI BHUPESH GUPTA : One great quality he has is that he has also changed sides many times—here, there, here, there, like that he has gone.

SHRI DAHYABHAI V. PATEL : Well, I am not aware of the past history. I plead ignorance and I stand corrected. But my experience has been more in the Rajya Sabha and I think many Members in the Rajya Sabha will join me in my feeling that the Rajya Sabha should have received its due recognition and should have been given more representation than the sole representation of Mr. Bhupesh Gupta on this Committee, because the problems of defection are different here from those in the Lok Sabha. Yet this House has been ignored completely.

There have been many defections in the Rajya Sabha and at least as far as Rajya Sabha is concerned, the right of recall should have been insisted on because it would have been simpler and easier. If the voters' constituency is very large running into lakhs of people, then in practice it will be very difficult to have a referendum or right of recall. But as far as the Rajya Sabha is concerned, it is very small and simple and it could be done very easily. Mr. Bhupesh Gupta can go and tell the Bengal Assembly "I do not like that fellow. Go and recall him". Of course, he has abolished the Council there. The Assembly is there and the voters there can exercise their right if that aspect had been considered by this Committee. Unfortunately, that was not considered.

Then, the Committee considered one aspect, i.e. defection of members for

ministership. I feel, Sir, that the Committee has only looked at the problem partially. Ministership is not the only allurements to change sides. The National Shipping Board, for instance, is a great allurements. We know how it had been used by the Congress Party last time, how a member of our party was made to defect. Is that not known? Do you want me to name him? I do not want to name anybody. But this temptation, the carrot, has been dangled before many people too often by the Congress Party, and this is wrong. If you want moral standards, the person who preaches morals must lay down a very high standard himself.

SHRI CHITTA BASU (West Bengal) : Yes, I agree.

SHRI DAHYABHAI V. PATEL : You agree with me and I think on this side also they will agree with me.

SHRI PITAMBER DAS (Uttar Pradesh) : There is no difficulty in agreeing with you on principle. The difficulty lies in practice.

SHRI DAHYABHAI V. PATEL : I shall give you practice if you want.

If a high moral standard is to be set, it is essential that the Congress Party which is in a majority should have set a high standard and should not have encouraged defections all through these years in both Houses—every five years in that House and every two years in this House.

SHRI CHITTA BASU : They monopolised it.

SHRI DAHYABHAI V. PATEL : Therefore, Sir, this reinforces my argument that the Rajya Sabha should not have been ignored in this matter and the Government should not have gone by the maxim that they have followed all these years that Bhupesh Gupta is equal to Rajya Sabha and Rajya Sabha is equal to Bhupesh Gupta.

श्री नेकीराम : मिस्टर डाह्याभाई, जहाँ ज्यादातर बदले जाते हैं वहाँ हरियाणा वालों को पहले रखना चाहिए था ।

श्री डाह्याभाई व० पटेल : वह बात आप भूपेश गुप्त से तय कर लीजिए लेकिन आयराम गयाराम की बात इधर बहुत बार हो गई है ।

श्री नेकीराम : आपका यह कहना है कि जहाँ ज्यादातर बदले जाते हैं उनको ज्यादा मौका देना चाहिए।

श्री डाह्याभाई व० पटेल : नहीं, मैं ऐसा कहता हूँ। दल बदलना ही गलत है मेरा यही कहना है और मैं चाहता हूँ . . .

श्री नेकीराम : और जगह साल में तीन बार दल बदले जाते हैं, हरियाणा में इससे भी ज्यादा है, वहाँ नुमाइन्दगी ज्यादा देनी चाहिए।

श्री सुन्दर सिंह भंडारी : आपको कमेटी में रखना चाहिए था।

SHRI DAHYABHAI V PATEL : People with experience should have been taken on that committee. If you say that people with experience should have been taken on this Committee, I think it is a justifiable plea.

SHRI BHUPESH GUPTA : I think a club for defectors should be started in Haryana with my friend in the Chair.

SHRI DAHYABHAI V PATEL : The Home Minister has rightly read the first paragraph of the Report pointing out the size of the problem. I would have only liked to supplement it by figures of what has happened in the Rajya Sabha every two years, and if you total it up, even though our number is half that of Lok Sabha, I do not think we will be second to the Lok Sabha in this matter. Our figure in proportion to our numbers would compare very favourably with the Lok Sabha. I am afraid I have not got these figures; I did not take the trouble to get them unfortunately, but it can very easily be done.

If you look at the Council of Ministers, you can very easily spot some people whom we used to see sitting on these benches but who quietly walked over to the other side and into the Cabinet also. They are supposed to be dynamic. Is that so? Whether you call them dynamic or not, within the meaning of this Report, they are also defectors. Then there are defectors of another kind—I do not know whether you can call them defectors or not. There is a noble example that we have got from the Mother of Parliaments—Mr. Winston Churchill and Stafford

Cripps. They crossed over and changed sides before the elections. They went to their electors and told them that they have gone from one party to the other party, giving them the reasons for it. I think that is a noble way of doing things. I would not call them defectors. They honourably put the position before their party and changed their sides. I wish we had more of such people. Democracy will grow better if we have such people who would come out honestly and educate the voters and point out "This is what is wrong with the party, I would like to alter it this way. Therefore, I am going to this party." That matter would be before the people. The people would think and the people would decide. It will be a great education for our people. It will be a great experiment for our growing democracy. I would like very much to welcome such a practice if you can introduce it. The Committee while making its recommendations has certainly given certain points which we should consider. What they have mentioned ultimately boils down to this and that is the most important thing. Ultimately it depends on the basic morality of the party of the individual concerned. If the individual concerned is able to think lightly of his morality or of his right or of his duty to his party or to his electors and is quite willing to change sides, then, equally the responsibility of lapse of morality is on the side of the party that takes him in, in preference to its own members who have been elected as members of the party. It is a bait that is offered. Some people may like to call it by a stronger name as bribe and some people may like to call it simply a carrot. But this is immoral and once we start tolerating immorality, once we start making compromises of this type, we do not know where we will end. After all, what is the basis? The basis is the word that we have given to our electors. This is our manifesto and we are going to stand by it. And the party in power also says the same thing. When they have a difficulty in forming a Government, instead of the straight forward, honourable and recognised method of forming coalitions, instead of making compromises with Mr. Bhupesh Gupta, they offer baits for defection. The Congress Party is welcome to make compromises with Mr. Bhupesh Gupta every now and then and be honest about it, as they have been doing more or less—at least some of their leaders are doing—and I would have considered that more honest and it would have been better for the growth of healthy democracy in this

[Shri Dahyabhai V. Patel]

country. I would like a two-party Government. But with what we have seen in this country and outside—in countries that are prospering with coalitions—I am wondering as to why there is this opposition to more than one party, and we are so mad about two parties. I would like to see free coalitions growing more and more. At least in this country if we had coalitions, I am sure we would have had less talk of corruption and less number of cases that have been referred to in this House and referred to outside. If there was more than one partner in the Government, I am sure the things that have happened, the matters that have been referred to this Parliament and to the President, the cases of Partap Singh Kairon, Biju Patnaik, T.T. Krishnamachari and others, would not have happened because the partner in the coalition would not have allowed such things to happen and would have pointed out that such and such a thing was wrong and he would have protested against such things. Thus we could have put the party in power straight. I think this aspect of the problem the Committee has refused to look at or has omitted or missed. At least if there was representation of the Rajya Sabha I would have managed to be there and I would have urged this point of view.

But, Sir, ultimately it boils down to one's moral outlook. In that I think one cannot have two moral standards. One cannot have a moral standard for us here in Parliament on one basis and another moral standard outside or in the international sphere. If the Home Minister gets up and says that we must honour the Kutch Agreement because that is a moral agreement that we have given to the outside world, by the same moral standard the promise that this Parliament had given to the Princes of this country has to be honoured. It is a question of moral obligation. It is a question whether this Government wants to honour its moral obligations or not. On too many occasions the Congress Government is slipping from high moral standards and therefore, it is in this trouble, in this mess. I think, therefore, that it is the most opportune time when we are discussing the report of the Committee on Defections for us to see as to what is going to happen to the Congress Party in the next few days. Is it going to be a party of Congressmen? Or, is it going to be a party of defectors? Is it going to be led by Congressmen, honest Congress-

men, the people who believe in their word, who believe in the Gandhian principles, or, is it going to be bamboozled, hustled and run by defectors? I think no more opportune time could have been available for this House to discuss this problem, to draw the attention of the people of this country to the problems that the country is facing, than the present one. I am not against Mr. Bhupesh Gupta's suggestion of continuing the debate if more friends want to participate in it. But I think these are the aspects to which I would like to draw the attention of the House and of my honourable colleagues on both sides and of the people outside. Thank you, Sir.

SHRI R. T. PARTHASARATHY (Madras) : Mr. Vice-Chairman, I rise to congratulate the Home Minister of India on the historic document that he has placed before the Rajya Sabha. He could have found no better time than this to bring forward this important document on political defections. Sir, political defections have become a potential danger to the stable and smooth running of parliamentary democracy in India and if they are allowed to go their way, unchecked and unbounded, they will wreck the basic ideals of our Constitution. No political philosophy can be regarded as more vital and more significant in India today than the philosophy of defections, particularly as we see it after the fourth general elections. Defections arise out of discontent, disgust and dismay as well as the greed for power. It is an artful way of cheating the electorate. It should be the prime duty of every honourable Member of this House as well as the other House to put an end to these defections from whatever quarters they might arise. As they cannot be mended, they have got to be ended. It is a good augury that the Government has asked an expert committee to go into the whole question and to report to Parliament. I would like to pay a word of compliment that it is a very useful report for the Parliament to consider. We have to look for the cure to the disease of defections in the very structure of our Constitution. Party defections and interparty smuggling, if I may use that term, have ruined the political life of this country, particularly in many of the States, and because of this the people's voice has been set at naught and the President's rule had to be imposed in many of them. They are due to the partymen who frequently cross the floors motivated by what we call the lure for ministership and at the same time bring

that particular area or that particular State to a great political instability and disorder. According to me, therefore, the crux of the whole questions lies in that. The party as such has no legal basis in our Constitution. Let us look at the whole picture objectively. The party is devoid of any legal base except that it can ask for a symbol to contest elections for an easy identification by the electorate. The right to contest an election is an individual right fully and squarely recognised by our Constitution. When that is so and when the party as such has no legal base, it would be very difficult to ban the parties or those members of the parties for crossing the floor now and then and the problem of defections cannot be tackled properly unless the Constitution itself is suitably amended.

To recognise any party as such, if this should be done under a legal enactment, it will bring in more complications than is sought to solve the problem. None can say what will be the future of the party system in our country and how many parties would arise in the future set-up of the Indian democratic republic. If restrictions are imposed upon parties, it would amount to the curtailment of the fundamental right of freedom of association. This will be a very big question which will not find any easy solution. One can regard that normally the remedy should be from within as very rightly pointed out by the Home Minister. If we should develop healthy traditions and conventions, we shall be able to steer the course of our ship through the troubled waters of our parliamentary democracy. If we take the case of Britain, for example, tradition rested on the growth of healthy conventions between the three major political parties that occupied the life of the great democracy for many centuries—the Labour, the Liberals and the Conservatives. In Britain this has stood the test of time. In the USA also tradition has played a leading role in shaping that great democracy and we have seen how under the feet of the Republicans and the Democrats grew the healthy conventions in that great democratic country of the West. These healthy traditions formed the nerve centre of the growth of parliamentary institutions. How can we forget the British House of Commons functioning for a full term, as it happened some 10 years back, with a bare majority of two of the Conservatives over the Labour and how the Liberals and the Labour respected that 'two' majority and carried on for a full

term of five years. The British tradition denoted the awe and the respect for the electorate in which really lay the secret of the success of the British parliamentary democracy. The public opinion in Britain is so powerful that not a single Member of Parliament, as an M.P. would ever dare to defect and if he did so, it meant political death for him and that was the strong public opinion which occupied the realm in Great Britain. Can we not, in India, take a leaf out of the British parliamentary book in this direction? The Leader of the Opposition here made a very pertinent point about recall. The remedy to end the defections may be found in the Swiss pattern in making a constitutional provision for a recall but he said that with a large illiterate electorate it will be difficult to adopt it here. I very respectfully disagree with the Leader of the Opposition. Even in India, the electorate is full of robust commonsense. It would be possible to adopt this and I would commend to the Home Minister to think of ways and means and even take expert legal opinion in this as to how the Constitution should be amended so as to provide for this Swiss pattern, namely a provision for a recall of the elected representative if he has exceeded or abused the mandate given to him by the people at the time of the election.

I have to make a suggestion in tune with the recommendations made by the Committee, the report of which we are discussing. It appears to me that the best solution to this problem of defection could be found in a pair of legislative scissors, one blade being used to cut the size of the Ministry to one not exceeding one-fifteenth of the total number of elected representatives of the Lower House of the Legislature or the Lower House of Parliament, the other blade ever sharpening the electoral law and making a provision in the Representation of the People Act to debar the defector from standing for election for a specific period treating his case on line with those involved in corrupt practices under the very system of electoral law. This could be incorporated, if the Home Minister would agree with me, in the Representation of the People Act itself and attracting the same penalties which will, by and large, put an end to the theory and practice of defections in this country. By this a large number of Members who get elected through the political parties will be bound over for good behaviour by the big stick of electoral law. This, according to me

[Shri R. T. Parthasarathy]

is a reform, safe and sure, that should be effected without any delay and such a provision will play a cardinal role in shaping our parliamentary democracy on a successful and sure foundation.

I do not want to enter into any controversy with the Leader of the Opposition but I was pained when he emphasised that morality should be the only factor that should be adjudged in judging the effect of defection. That morality should apply to all. He accused the Congress Party of lacking in political morality. I entirely disagree with him. This has become a perpetual problem not only for the Congress party but for every other political party. It has been proved by facts and figures by the Home Minister and an all-round cure must be found by every-one sitting together and that is the only and sure way of meeting this problem. If legal restrictions, according to me, are not imposed to prevent defections, to drown political defections, our parliamentary institution will ultimately crumble leading to gross abuse of positions, leading to political instability and to consequential economic ruin. Then we would ask the question and we would necessarily be made to feel whether a presidential form of Government would have saved India and saved democracy in India. Thank you.

श्री मानसिंह वर्मा (उत्तर प्रदेश) : उप-सभाध्यक्ष महोदय, दल बदलने के सम्बन्ध में पेश किये गये इस समिति के प्रतिवेदन पर मैं अपने विचार व्यक्त करने के लिये खड़ा हुआ हूँ। मैंने इस रिपोर्ट को पढ़ने का प्रयत्न किया और उससे यह मालूम हुआ कि इस कमेटी के 19 सदस्य थे जिनमें से 3 मन्त्रिगण थे और 16 अन्य सदस्यगण और उन 16 सदस्यों में से 8 सदस्यों ने नोट आफ डिसेट दिये हैं, अर्थात् 50 प्रतिशत सदस्य ऐसे थे जिनका किसी न किसी राय पर विरोध रहा है। जैसा कि माननीय गृह मंत्री जी ने भी स्वयं इसको स्वीकार किया है कि किसी एक बात पर सब के सब सहमत नहीं हो सके और इस प्रकार से सारी रिपोर्ट को जब हम देखते हैं तो ऐसा लगता है कि सरकार स्वयं यह नहीं चाहती थी कि जल्दी से इस प्रकार के सिद्धांत सामने रखे जाये कि जिस पर सब की सहमति

हो सके। यह मैं मानता हूँ कि सब दलों के प्रतिनिधिगण वहाँ पर उपस्थित थे, सबकी अलग अलग विचारधाराएँ थी, किन्तु जहाँ तक किसी बीमारी को दूर करने का प्रश्न आता है, किसी निदान का प्रश्न आता है, तो मैं यह समझता हूँ कि एक मत हुआ जा सकता है, सहमति प्राप्त की जा सकती है। उपसभाध्यक्ष महोदय, प्रत्येक देश की कुछ परम्पराएँ होती हैं और उन परम्पराओं पर जन जीवन का आधार होता है, उसी पर सारा राष्ट्र खड़ा रहता है। इस बात में एक मत सब है कि हमारा देश चाहे गरीब रहा हो, चाहे पिछड़ा हुआ माना जाता रहा हो, किन्तु हमारी सम्पदा, हमारी जो वैल्यू रही है इस देश की वह नैतिकता थी। दूसरे देश वाले हमसे सबक हासिल करने के लिये इच्छुक रहते थे नैतिकता के अदर, आध्यात्मिकता के अदर, सिद्धांतों के अदर। देश बहुत दिनों तक गुलाम रहा, उसमें हमारे चरित्र का पतन हुआ। उसके पश्चात् जब इस देश को स्वतन्त्रता प्राप्त हुई, अहोभाग्य इस देश का हुआ—तो हमें ऐसा लगता था कि इन परम्पराओं को कायम रखकर देश के अदर राज्य किया जायेगा। श्रीमन्, देखना यह है कि यह दल बदलने की जो प्रक्रिया है, यह जो बीमारी है, यह किस प्रकार से शुरू हुई? मैं समझता हूँ कि अच्छा निदान वही होता है जो बीमारी की जड़ को पकड़ें। तो मुझे यह कहने में संकोच नहीं होगा कि आज जो सत्तारूढ़ पार्टी है उसी के कारण से यह बीमारी शुरू हुई। मुझे क्षमा करेंगे, सन् 1951-52 में, सबसे पहले चुनाव में, यह खेल शुरू हुआ। मद्रास में 375 में से 152 स्थान कांग्रेस को मिले और जब यह देखा कि कांग्रेस यहाँ पर सत्ता में आने वाली नहीं है तो श्री राजगोपालाचारी को बुलाया गया और बड़े पैमाने पर वहाँ डिफेक्शन शुरू किये गये। इस प्रकार वहाँ कांग्रेस सरकार बनाई गई। सबसे प्रथम चरण, प्रथम चैंप्टर वहाँ से शुरू हुआ। इसके बाद 1954 में आंध्र में कांग्रेस ने श्री प्रकाशम और अन्य 12 व्यक्तियों को जो पी० एस०

पी० छोड़ कर आए थे ले लिया और डिफेक्शन का नंगा नाच शुरू कर दिया। इससे पहले यह शब्द का पता भी नहीं था कि डिफेक्शन क्या चीज होती है।

श्री आबिद अली : पहले कहां आपने फरमाया ? मद्रास में किस सन् में ? 1952 में ।

श्री मानसिंह वर्मा : 1951-52 के चुनाव में। उसके पश्चात् बंगाल में पी० सी० घोष मंत्रिमंडल, बिहार में मंडल मंत्रिमंडल, और पंजाब में गिल मंत्रिमंडल ये वह सब इसके उदाहरण हैं और इस प्रकार से बराबर यह बीमारी आज तक चली आई और ऐसा नहीं कि इसकी तरफ लोगों का ध्यान नहीं गया हो, समय समय पर देश के नेताओं ने इस बान की तरफ इंगित किया, इशारा किया, कि यह ग बड़ हो रही है, किन्तु जब तक सत्तारूढ़ दल को इससे लाभ होता रहा तब तक तो खामोश बैठे रहे किन्तु जब इस सिद्धांत को, इस प्रकार की बीमारी को, दूसरों ने अपना लिया और अपना कर उसका क्रियान्वन शुरू कर दिया तो उसका नतीजा यह हुआ कि एक ऐसी लहर देश में आ गई कि स्थान स्थान पर उसने कांग्रेस गवर्नमेंट्स को भी गिराया और दूसरी जो गवर्नमेंट बनीं वह भी अस्थायी रही, स्थायी नहीं रही, उनमें स्टेबिलिटी नहीं रही और यह मर्ज इतना बढ़ता चला गया कि उसके बारे में क्या कहा जाये क्या नहीं कहा जाये। मुझे एक दो उदाहरण याद हैं। एक एक दिन में, श्रीमन्, एक एक व्यक्ति ने तीन तीन बार डिफेक्ट किया, सुबह खबर आई कि कांग्रेस छोड़कर फलां पार्टी में मिल गये हैं, दोपहर पता चला उस पार्टी को छोड़ कर फिर कांग्रेस में आ गए और शाम को जब परेशान हो गये दोनों तरफ से संख्या का निर्धारण करने में तो पता लगा वह फिर पार्टी बदल कर चले गये।

श्री अकबर अली खान : हरियाणा में ।

श्री आबिद अली : हां, जन संघ के हैं।

श्री मानसिंह वर्मा : और आज तो यह स्थिति हो गई है कि आयाराम और गयाराम एक नया टर्म, एक नया मुहावरा बन गया है।

श्री निरंजन वर्मा (मध्य प्रदेश) : लेकिन आयाराम और गयाराम कांग्रेस के जनकराम हैं।

श्री मानसिंह वर्मा : तो इसको देखने की आवश्यकता है। डिफेक्शन शब्द को कोई यह नहीं कह सकता बहुत अच्छा शब्द है। वह तो स्वयं शब्द की जो परिभाषा है, वह शब्द का निर्माण बतला रहा है, डिफेक्ट शब्द से निकला है। तो डिफेक्ट कोई अच्छी चीज नहीं है, उसी से डिफेक्शन बना है। हां दल बदलना जो कि हिन्दी का शब्द है वह तो ऐसा नहीं लगता कि बहुत बुरी चीज है। यदि किसी आइडियोलोजी को लेकर दल बदलना होता है तो हम उसे बुरा नहीं कह सकते। मुझे मालूम है, आज कांग्रेस के बड़े विशिष्ट नेता आचार्य कृपलानी जैसे और जयप्रकाश नारायण जैसे नेता हैं जो कांग्रेस के बड़े रत्न थे, उन्होंने कांग्रेस को छोड़ा क्योंकि कांग्रेस की पालिसी से उन्होंने अपनी सहमति प्रकट नहीं की और छोड़ कर आए और अलग मार्ग अपनाया, अलग पार्टी बनाई और आज तक उस पर डट रहे हैं। इस प्रकार से अगर कोई अपने दल को छोड़ता है तो मैं समझता हूं बुराई की बात नहीं है। यह चीज इस कारण से शुरू हुआ, जैसा मैंने अभी बतलाया, कि कांग्रेस ने सत्ता पर बने रहने के कारण से कि कहीं कुर्सी में न जाना पड़े, इस कारण से डिफेक्शन्स शुरू कराये और स्थान स्थान पर इस प्रकार के डिफेक्शन्स शुरू होते गये आज भी डिफेक्शन्स होते हैं तो इसी कारण से होते हैं कि किसी को मंत्री बनने का मौका होता है, किसी को धन का आकर्षण होता है, किसी को दूसरे प्रकार का आकर्षण होता

[श्री मानसिंह वर्मा]

है। तो जब इस प्रकार के आकर्षण सामने आयेगे तो डिफेक्शन्स की सभावना होगी।

क बार इसी सदन में धर्म परिवर्तन के बारे में एक बात आई थी। माननीय गृह मंत्री ने कहा था कि अगर आइडियालाजी के कारण कोई धर्म परिवर्तन करते हैं तो हम उसको रोक नहीं सकते किन्तु आर्थिक कारण से या अन्य किसी लालच से अगर कोई किसी का धर्म परिवर्तन करना चाहता है तो वह कानून की दृष्टि में जुर्म है और इस प्रकार से वह दंडनीय है। उसी प्रकार से दल बदलना किसी भी लालच में आकर, किसी भी आकर्षण में आकर, इसको मैं समझता हूँ कि यह भी जुर्म है और उस जुर्म के लिये दंड का विधान होना परम आवश्यक है।

अभी जैसा कि माननीय गृह मंत्री जी ने बतलाया, इस विषय के हर पहलू पर विचार किया गया—एथिकल, पोलिटिकल, कास्टी-ट्यूशनल—इसकी रेमेडी के लिये, इसके निदान के लिये। सिद्धांत की बात को मैं नहीं कहता, लेकिन वास्तव में यह जो बीमारी है इसको मैं तो नैतिक पतन की घोरतम सीमा समझता हूँ। क्या देश की नैतिकता इतनी गिर गई है कि छोटे छोटे लालचों में आकर हम सिद्धान्तों को छोड़ देते हैं और इस बात की पर्वाह नहीं करते हैं कि हमें क्या करना चाहिये और हमारे ऐसे उदाहरणों का दूसरों पर क्या असर होने वाला है। तो मैं समझता हूँ कि यद्यपि प्रत्येक सदस्य इस पर एक मत नहीं हो सके तथापि सब यह चाहते हैं कि नैतिक दृष्टि से हमको ऊँचा होना चाहिए। ऐसी स्थिति में प्रत्येक दल को इस प्रकार का विचार रखना चाहिये, इस प्रकार का एक कोड आफ कन्डक्ट रखना चाहिये जैसी कि बात बही गई है, इस प्रकार की चरित्र की कोई कसौटी रखनी चाहिये कि कोई भी व्यक्ति जब एक बार अपने दल में आ जाता है तो उसको छोड़ कर न जाये। मैं यह समझता हूँ कि जो सबसे बड़ी चीज है, वह मौरल है, तो चरित्र की बात इसमें आती है।

बड़े अफसोस के साथ हमें कहना पड़ता है कि देश का बड़ा दुर्भाग्य है कि विगत 22 वर्षों के अंदर देश में चरित्र गिरा है, चरित्र ऊँचा उठा नहीं है, और आज का व्यक्ति कोई भी गलत काम करने में भय नहीं ाता और उलटें कहते हैं “अरे यह तो राजनीति है राजनीति में तो इस बात का हक है, मौरल राइट हो जाता है, यह तो राजनीति है यह तो डिप्लोमेसी है।” किसी को कहे कि यह आदमी डिप्लोमेटिक है तो बड़ा बुरा मानता है कि मुझे डिप्लोमेटिक बतलाता है, अर्थात् डिप्लोमेट का अर्थ हो गया है गलत काम करने वाला। तो मैं अपेक्षा करता था कि 22 वर्ष के अंदर राष्ट्र का चरित्र ऊँचा होगा, किन्तु ऐसा नहीं हुआ। उसका सबसे बड़ा कारण यह है कि राजनीति में यह जो खेल खेले जाते रहे हैं उससे हमारा चरित्र बहुत नीचा हो गया है।

अब इस रिपोर्ट में जो सुझाव दिये गये हैं और जो मैं समझता हूँ एक मत से नहीं है, उनके बारे में हमें सोचना पड़ेगा कि इस बीमारी को रोकने के लिये हमें सब को मिलकर के कोई न कोई प्रयास तो करना ही है और जैसा कि माननीय गृह मंत्री जी ने कहा कि वह इस चीज के लिये अब आमादा हो गये हैं कि इस बीमारी को रोकने के लिये कोई न कोई विधान हमको बनाना ही होगा, किन्तु अभी तक उनके कथन से यह स्पष्ट नहीं हो सका है कि वह दंड विधान बनाना चाहते हैं या इस प्रकार से आपस में मिल कर ही कोई ऐसा फारमूला इवाल्फ करना चाहते हैं जिससे यह बीमारी दूर हो जाये। मैं समझता हूँ जो इसमें सुझाव दिये गये हैं, उनमें से जो कुछ भी मैंने पढ़े हैं, मेरा मत यह है कि जैसे कि यह बतलाया गया है कि कोई भी व्यक्ति प्रधान मंत्री या मुख्य मंत्री का पद नहीं ले सके यदि वह जनसाधारण से चुन कर नहीं आया है, अर्थात् वह लोअर हाउस का मेम्बर नहीं है। मैं ऐसा समझता हूँ कि यह बहुत उचित बात है। जो लोग लोअर हाउस

में चुनकर आते हैं, जो जनसाधारण के मतों द्वारा चुनकर आते हैं, जिन्हें जनता का प्रतिनिधि समझा जाता है, उन्हें कोई भी पद लेने का अधिकार होना चाहिये और अपर हाउस के सदस्यों को नहीं होना चाहिये। ऐसी हमारी अपनी राय है।

दूसरी बात मैं यह निवेदन करना चाहता हूँ कि दलबदल वाले व्यक्ति को तुरन्त त्यागपत्र दे देना चाहिये। इस प्रकार का विधान होना चाहिये कि जैसे ही दलबदल हो, जो भी सदस्य एक दल से दूसरे दल में चला जाय, यह उसके लिए मोरेलिटी होनी चाहिये कि वह अपने पद से त्यागपत्र दे दे और उसके बाद फिर उस पद के लिए दुबारा चुनाव लड़े। अगर दुबारा वह जीतकर आता है तो फिर यह एक उचित बात होगी। यदि इस प्रकार का विधान हो जाता है, इस प्रकार की बात कर दी जाती है तो मैं समझता हूँ कि फिर दलबदल की घटनाएं कम हो जायेंगी और फिर इस प्रकार के डिफेक्शन्स नहीं होने पावेंगे।

इस प्रकार की बुराई को रोकने में सबसे बड़ी चीज यह है कि एक दल वाले दूसरे दल के लोगों को अपने दल में मिलाने की भरसक कोशिश करते रहते हैं। इसके लिए यह विधान हो जाना चाहिये कि अगर कोई दलबदल करता है तो he should first resign and then seek re-election.

इसके बाद भी अगर वह चुनकर आ जाता है तो उसको कोई पद नहीं मिलना चाहिये। उसको पांच साल के टर्म में कोई पद नहीं मिलना चाहिये और उसे अपने पांच साल के टर्म का समय समाप्त होने तक इन्तजार करना चाहिये। यदि दलबदल करने के लिए उसके सामने किसी प्रकार का लालच नहीं था, कोई आकर्षण नहीं था और अगर वह किसी विशेष आइडियालाजी को लेकर फिर से इलेक्शन जीतकर आया है तो उसे अपने टर्म के समाप्त होने तक बेट करना चाहिये

और जब कभी ऐसी आवश्यकता होगी तो फिर उसको ऐसा पद मिलना चाहिये।

इसके साथ ही साथ उस पार्टी को भी जो किसी डिफेक्टर को लेती है, मिलाती है, आकर्षण देती है, लालच देती है और लालच देकर बुलाती है, उस पार्टी को भी दंडित करना चाहिये। इस संबंध में इस रिपोर्ट में यह सुझाव दिया गया है कि इस तरह की पार्टी के सिम्बल को कैसिल कर देना चाहिये। इसमें तो यह लिखा है कि उस पार्टी का सिम्बल दो साल के लिए कैसिल कर दिया जाना चाहिये, लेकिन मैं यह कहना चाहता हूँ कि उस पार्टी को अगले इलेक्शन के लिए बिल्कुल डिबार कर दिया जाना चाहिये। जब इस प्रकार की सख्त से सख्त सजा का प्राविधान हम करेंगे तब इस प्रकार दलबदल की बातें रोकी जा सकती हैं।

जहां तक मंत्रिपरिषद की संख्या की बात है, मैं समझता हूँ कि सत्तारूढ़ दल अभी तक इस बारे में एक मत नहीं हो पाया है कि मंत्रिपरिषद की संख्या क्या होनी चाहिये। मैं समझता हूँ कि 10 प्रतिशत की जो संख्या मानी गई है, जैसा सुझाव दिया गया है, उसको मैं उचित समझता हूँ। जितनी सदस्यों की संख्या है उसका 10 प्रतिशत मंत्रिपरिषद की संख्या होनी चाहिये।

दूसरी बात जो मैं इस संबंध में निवेदन करना चाहता हूँ वह यह है कि आज हमारे इस प्रजातंत्र में इस बीमारी को ज्यादा बढ़ावा मिल रहा है वह इंडिपेंडेंट सदस्यों द्वारा मिल रहा है। आप इस बात से सहमत हो या न हो, लेकिन मेरी राय यह है कि जो सदस्य अपने को इंडिपेंडेंट कहते हैं, जो कहते हैं कि हम किसी पार्टी में नहीं हैं, जो कहते हैं कि हमारे ऊपर नैतिकता और अनैतिकता का कोई जुर्म नहीं आता है, वे ही आज दलबदल की बीमारी को इस देश में ज्यादा फैला रहे हैं। वे कहते हैं कि जब हम किसी पार्टी में नहीं हैं तो हमें कोई कैसे डिफेक्टर कह सकता है। मैं ऐसे अनेक स्वतंत्र सदस्यों को जानता

[श्री मानसिंह वर्मा]

हूँ जो एक ही दिन में कई पार्टियाँ बदल चुके हैं, इधर से उधर चले गये हैं। वे तो कहते हैं कि हमारे ऊपर यह चीज लागू नहीं होती है क्योंकि हम तो स्वतंत्र सदस्य हैं। इस तरह से जो लोग अपनी सदस्यता का स्वतंत्र सदस्य के नाम से दुरुपयोग कर रहे हैं, मैं समझता हूँ उन लोगों के लिए इस प्रकार का विधान बनाया जाना चाहिये, विधान में इस तरह का परिवर्तन किया जाना चाहिये कि स्वतंत्र सदस्यों को इलैक्शन सीक करने की आज्ञा ही न हो।

आज हमारे देश में प्रजातंत्र है और प्रजातंत्र में पार्टी का रूल होता है, दल का रूल होता है। दल वाले किसी आइडियालाजी को लेकर, किसी सिद्धान्त को लेकर दल के रूप में चुनाव संघर्ष में खड़े होते हैं। लेकिन जिन व्यक्तियों का कोई दल नहीं, कोई सिद्धान्त नहीं है, जो अकेले आये हैं, यह चलने वाली बात मालूम नहीं देती है और न ही यह राष्ट्र के हित में उचित ही है। मैं समझता हूँ कि इस प्रकार का प्राविजन होना चाहिये कि किसी इंडिपेंडेंट व्यक्ति को इलैक्शन सीक करने की आज्ञा ही न हो।

उपसभाध्यक्ष (श्री महावीर प्रसाद भागवत) :
15 मिनट हो गये हैं।

श्री मानसिंह वर्मा : मैं समाप्त कर रहा हूँ। श्रीमन्, इस प्रकार से मेरे सुझाव थे और इस विषय पर लम्बे चौड़े भाषण करने की आवश्यकता नहीं है। इस आवश्यकता को सब महसूस करते हैं कि एक राजनीतिक बीमारी इस देश में ऐसी पैदा हो गई है जिस के कारण हमारा देश, हमारा राष्ट्र दूसरे देशों की दृष्टि में गिरता है और बुरा समझा जाता है। आन्तरिक दृष्टि से हमें इस बीमारीको जल्द से जल्द दूर करनी चाहिये। मैं समझता हूँ कि जो यह रिपोर्ट इस दृष्टि से आई है, उसका मैं स्वागत करता हूँ। इसमें इस प्रकार के प्राविजन डाले जाये जिससे वास्तव में यह बीमारी शीघ्रातिशीघ्र हमारे

देश से दूर हो जाय। इस कथन के पश्चात् मैं अपना स्थान लेता हूँ।

श्रीमती विद्यावती चतुर्वेदी (मध्य प्रदेश) :
उपसभाध्यक्ष महोदय, सब से पहले मैं आपको धन्यवाद देना चाहती हूँ कि आपने मुझे इस दलबदल प्रतिवेदन पर बोलने का मौका दिया। इसके बाद मैं मंत्री महोदय को धन्यवाद देना चाहती हूँ कि आज इस तरह की चर्चा की बहुत जरूरत थी क्योंकि आज हमारे देश में जो परिस्थिति पैदा हो रही है दलबदल के कारण, उसकी वजह से न केवल हर राजनीतिक पार्टी को बल्कि हर एक को बड़ी असमंजस में पड़ जाना पड़ता है। देश की जनता को प्रजातंत्र के ऊपर जो एक बड़ी आस्था थी, जो एक बड़ा विश्वास था, वह भी आज यह देखने लगी है कि जिस व्यक्ति को जिस पार्टी के आदमी को हम चुनकर भेजते हैं, जिन सिद्धान्तों के ऊपर वह हमसे वोट लेता है, जिस प्रिंसिपल पर वह वचनबद्ध होता है जिस सिम्बल को दिखलाकर हमसे वोट लेता है, वही बाद में चुन लिये जाने के बाद अपने सिद्धान्तों को, अपनी आस्था को, अपने नियमों को और अपने सिम्बल की कोई परवाह नहीं करता है और अपनी पार्टी को छोड़कर दूसरी पार्टी में जा मिलना है या दूसरी पार्टी बदल लेता है, तो यह बात हमारे जनतंत्र के लिए न केवल अशोभनीय है बल्कि एक दुःखद घटना है।

जैसा कि बहुत से माननीय सदस्यों ने कहा और मैं भी इस बात से इन्कार नहीं करती हूँ कि जहाँ इस बात के लिए दूसरी पार्टियाँ जिम्मेदार हैं वहाँ कांग्रेस पार्टी भी इससे अछूती नहीं है। सच्चाई को हमेशा कबूल कर लेना चाहिये और अपनी खामियों को मान लेने में कोई बुराई नहीं है। मैं इस बात को मानती हूँ कि कांग्रेस में भी कुछ खामियाँ हैं और हमने भी कुछ गलतियाँ की हैं।

समाज में जिस तरह के व्यक्ति होते हैं उन्हीं में से हर पार्टी में व्यक्ति चुनकर आते हैं, वही नुमाइन्दे आते हैं। इस तरह की

कमजोरी चाह कांग्रेस पार्टी में हो, चाहे दूसरी पार्टी में हो, इस तरह की कमजोरी हर पार्टी के व्यक्ति के अन्दर है। इन कमजोरियों की वजह से अगर कोई पार्टी किसी दूसरी पार्टी पर दोषारोपण करती है, चाहे उसे भी इसी तरह की बदनामी या नेकनामी उठानी पड़े, तो इस तरह से समाज के अन्दर जो तृटिया आई है वह इस देश की हर पार्टी का दोष है। इसके लिए अकेली कांग्रेस ही जिम्मेदार नहीं है बल्कि हर एक पार्टी जिम्मेदार है। कांग्रेस ने कई बार चाहा कि इस तरह की बात को रोका जाये। कांग्रेस का इस बात की तरफ ध्यान भी गया था किन्तु परिस्थितियाँ ऐसी थी अगर कांग्रेस पहले इस मामले पर लीड करती तो शायद दूसरी पार्टी के लोग यह समझते कि बहुत से लोग कांग्रेस पार्टी को छोड़कर जा रहे हैं इसलिए कांग्रेस को इस तरह की बौखलाहट हो रही है। जब कांग्रेस पार्टी से बहुत से लोग दूसरी पार्टी में गये तो दूसरी पार्टी के लोगो ने बहुत खुशी मनाई, जश्न मनाय और जगह जगह पर गवर्नमेंट बनाई। लेकिन चंद दिनों के बाद वे गवर्नमेंट फेल हो गई और उन को मुह की खानी पड़ी। आज उनके दिमाग में यह बात आई है और मुझे खुशी है कि “देर आयद दुरुस्त आयद”।

जिस किसी पार्टी की तरफ से इस तरह की बातें हो रही हैं, अब वे महमूस करने लगी हैं कि यह जनतंत्र के लिए अशोभनीय चीज है। इस बारे में सब पार्टियों की जो कमेटी बिठलाई गई थी, जो समिति बनाई गई थी जैसा कि बहुत से माननीय सदस्यों ने बतलाया कि इस समिति ने जो रिपोर्ट दी है उसके बारे में बहुत से सदस्यों ने अपने अपने विरोधाभास के नोट भी दिये हैं, लेकिन इस समिति में इस चीज के बारे में विचार हुआ और सब ने अपनी-अपनी विचारधारा रखी।

मैं इस बात से सहमत हू कि जो व्यक्ति जिस सिम्बल पर, जिस पार्टी के सिद्धान्त पर,

नियमों के आधार पर पब्लिक के बीच से चुनकर आता है, अगर वह अपनी पार्टी को छोड़ देता है, तो उसे अपना पद भी छोड़ देना चाहिये, चाहे वह विधायक हो, चाहे वह मसद-सदस्य हो। उसे जनता के सामने जाकर अपनी परिस्थिति को स्पष्ट करना चाहिये कि किन कारणों से उसने अपनी पार्टी को त्याग दिया है, कौनसी खामिया उस पार्टी में थी जिसकी वजह से उसको छोड़ना पड़ा। इसके बाद भी अगर जनता उसका स्वागत करती है, तो वह जरूर आये। लेकिन यह बात समझ में नहीं आती है कि चाहे वह विधान परिषद् का सदस्य हो, उसको भी उतने ही अधिकार हैं जितने विधान सभा के एक सदस्य को होते हैं। इसी तरह से चाहे लोक सभा का सदस्य हो, चाहे राज्य सभा का सदस्य हो दोनों को समान अधिकार प्राप्त हैं। अगर वे चुनकर आ जायें और फिर उन्हें मतिपरिषद् में न लिया जाये, यह बात मेरी समझ में नहीं आती है। आखिर, राज्य सभा और लोक सभा के सदस्यों के अधिकार समान हैं। इसलिए अगर किसी सदन का व्यक्ति मतिपरिषद् में न जा सके और वहां पर अपना प्रतिनिधित्व अच्छी तरह से न कर सके, तो मैं सोचती हूँ कि आज नहीं कल इस बात के बारे में सोचना पड़ेगा कि यह एक अच्छी परम्परा नहीं है।

जहां तक मतिपरिषद् की संख्या का संबंध है, इस बारे में कोई मतभेद नहीं है। यह एक अच्छी परम्परा होगी अगर बड़ा मतिमंडल न बनाया जाये, परन्तु परिस्थितियाँ ऐसी हैं कि गुरु गुड ही रह गया है। यह सही है कि कांग्रेस एक महान् सस्था है और गांधीजी की आस्था उसके पीछे है। श्री जवारहलाल नेहरू का त्याग और तपस्या उसके पीछे है। तो हमसे या कांग्रेस से हर व्यक्ति यह आस्था रखता है, बड़ी उम्मीद रखता है कि कांग्रेस एक आदर्श सस्था हो। कांग्रेस के बड़े ऊंचे सिद्धान्त हैं लेकिन जिनकी शुरुआत जिनका जन्म अनैतिकता से पैदा हुआ स्वाभाविक है, उनसे कोई नैतिकता की

[श्रीमती विद्यावती चतुर्वेदी]

उम्मीद नहीं रख सकता है। इस नाते कांग्रेस, के सबंध में माननीय सदस्यों ने कहा कि उसे नैतिक होना चाहिये। हम उन सदस्यों के आभारी हैं जिन्होंने हमें नैतिकता का पाठ पढ़ाया है। हम नैतिकता के आधार पर रहना चाहते हैं और इस बात को हम मानते भी हैं। लेकिन जैसा कि मैंने बताया कि हम भी समाज के अन्दर रहने वाले हैं और समाज की हवा जो आपको लगती है वही हमको भी छू जाती है। जिस घाट का पानी आप पीते हैं, उसी घाट का पानी हमको भी पीना पड़ता है। स्वाभाविक है कि इसान के नाते एक इसान में कुछ कमजोरियां होती ही हैं और वे हमसे भी आ जाती हैं।

श्री मारनसिंह वर्मा : वह घाट आपका ही बनाया हुआ है।

श्रीमती विद्यावती चतुर्वेदी : घाट हमने बनाया है तभी तो आपको भी पानी पीने को मिल जाता है, नहीं तो आप प्यासे ही रह जाते।

तो यह जो आदर्श आपके सामने रखा गया, यह सही है और इस आदर्श को हमको कायम रखना चाहिये। हमारे माननीय सदस्य ने बहुत-सी बातें हमारे सामने रखी और बताया कि कांग्रेस इसके लिये सब से ज्यादा जिम्मेदार है। लेकिन माफ कीजियेगा जैसा कि मैं कह रही थी कि गुरु गुड ही रहे और चेला शक्कर हो गये। हमसे जो गलतियां हुई, वे हुईं। लेकिन आपने तो इतिहास कर डाली इन सब चीजों में। (Interruption) आपने रोज दल बदले, मिनिस्ट्री बनाई, मिनिस्ट्री के बाद पैकट किया, उसके बाद उसको तोड़ दिया, फिर दूसरे लाय और इस तरह से आपने इतिहास कर दी और यह जनतंत्र के नाम पर एक कलक हो गया। तो ये सारी चीजें हैं। मैं कहती हूँ कि यह हमारे सामने जो अदलबदल समिति का प्रतिवेदन चर्चा के लिये आया है, यह बहुत अच्छी चीज है।

हमारे माननीय सदस्य ने अभी बताया कि कृपलानी जी ने जो दलबदल किया वह एक बड़े आदर्श पर किया। मैं कृपलानी जी को बहुत अच्छी तरह से जानती हूँ। उन्होंने पहले के० एम० पी० पी० को बनाया और उसके बाद वे पी० एस० पी० में गये। अगर वे के० एम० पी० पी० में हों या पी० एस० पी० में रहते तो कोई बात नहीं है क्योंकि दोनों के सिद्धांत मिलते जुलते थे, लेकिन जब वे एक राजमाता के पास गये और उनके चरणों में शरण ली, तो मुझे बड़ा दुख हुआ। (Interruption.) जो एक बड़े आदर्श की बात करते थे, जो समाजवाद की दुहाई दिया करते थे उन्होंने जिस तरह से एक राजमाता की शरण में जा कर वोट मागे, वह बहुत ही शर्म की बात है। मैं उस कांस्टिट्यूएँसी में चुनाव के टाइम पर गई थी और मैंने देखा कि जिस तरह से वे चुनाव जीत कर आये उससे ज्यादा शर्म की बात कोई दूसरी हो नहीं सकती। यह आदर्श नहीं बल्कि एक कलक है...

श्री मारनसिंह वर्मा : इससे यह मानना पड़ता है कि किसी भी कांग्रेस पर विश्वास नहीं किया जा सकता। जब कृपलानी जी ऐसे हो सकते हैं तो औरों के लिये क्या कहा जाये।

श्रीमती विद्यावती चतुर्वेदी : एक कांग्रेसी पर विश्वास किया जाता है जब तक वह कांग्रेस में रहता है क्योंकि कांग्रेस में रह कर अगर कोई गलती करेगा तो कांग्रेस उसको सजा देगी। लेकिन कांग्रेस से बाहर निकल कर अगर कोई मनमानी करने लगे तो उसके लिये कांग्रेस कैसे जिम्मेदार हो सकती है।

तो मैं आपसे यह कहना चाहती हूँ कि यह जो इस पर चर्चा चल रही है यह बहुत अच्छी बात है और इसी को ध्यान में रख कर मैंने अपने विचार सदन के सामने रखे हैं। मैं चाहती हूँ कि पीपुल्स रेप्रिजेंटेशन ऐक्ट में संशोधन होने चाहिये। जो व्यक्ति जिस पार्टी या जिस संस्था से चुन करके आये या

जिन सिद्धांतों पर चुन करके आये, अगर वह उनको छोड़ कर दूसरी पार्टी में जाता है तो उसको जनता के बीच में दुबारा चुनाव का मौका मिले, वह जनता के बीच में अपनी सारी बातें कहे और अगर जनता उसको पसन्द करे तो वह फिर चुन करके आ जाये। यह जनतंत्र है और जनतंत्र में जनता के बीच से चुन कर आया हुआ कोई प्रतिनिधि यदि इधर से उधर दलबदल ले तो यह उसके लिये शोभनीय नहीं है।

इसके साथ ही मैं पुनः अपने गृह मंत्री को इसके लिये बधाई देती हूँ कि उन्होंने इस प्रतिवेदन को हमारे सामने रख कर हमको इस पर अपने विचार रखने का मौका दिया। बहुत दिनों से हमारे दिल के अन्दर जजबात थे, बहुत-सी बातें थी जो हम कहना चाहते थे। आज हमें उन बातों को कहने का मौका मिला है। मैं समझती हूँ कि यह जो लोग इधर से उधर पार्टियाँ बदलते हैं, इसकी ओर यदि ध्यान नहीं दिया गया, तो प्रजातन्त्र के लिये यह बहुत घातक चीज होगी। (Interruption.) स्वतंत्र की तो बात अलग है क्योंकि जैसा मैंने कहा कि परम स्वतंत्र न सिर पर कोई। उनको अगर कोई रोकना चाहें तो कैसे रोक सकता है। स्वतंत्र पार्टी वाले भी ऐसा ही कर सकते हैं क्योंकि वे भी स्वतंत्र हैं।

अब मुझे और ज्यादा नहीं कहना है। समय देने के लिये मैं आपको धन्यवाद देती हूँ।

श्री बी० एन० मंडल (बिहार) : उप-सभापति जी, जो देश में 1967 के चुनाव के बाद दलबदल का सिलसिला चला है वह दलबदल बहुत बुरी चीज है। लेकिन इससे जितनी घबराहट अभी देश में आ गई है उतनी घबराहट की जरूरत नहीं है। जिस तरह से राजा के बारे में कहा जाता है कि राजा कभी मरता नहीं है उसी तरह से मनुष्य के बारे में भी कहा जा सकता है कि मनुष्य कभी

मरता नहीं है, उसी तरह से राष्ट्र के बारे में भी कहा जा सकता है कि राष्ट्र कभी मरता नहीं है। हर मनुष्य के जीवन में जिस तरह से समस्याएँ आ कर के खड़ी होती हैं और उन समस्याओं का समाधान जिस ढंग से किया जाता है उसी तरह से आज देश के सामने जो समस्या है उस समस्या का समाधान इस देश को, इस राष्ट्र को करना पड़ेगा। लेकिन यह मर्ज इस देश में क्यों आया उस पर सोचने की जरूरत है।

इस देश ने गांधीजी की बदौलत, गांधी जी की तपस्या की बदौलत आजादी हासिल की है। अगर गांधीजी की परंपरा देश में चलती रहती तो हम समझते हैं कि आज इस देश में दलबदल का जो प्रश्न आ कर के खड़ा हो गया है, वह प्रश्न ही कभी खड़ा नहीं होता, ऐसा मेरा विश्वास है। लेकिन गांधीजी के मरने के बाद जवाहरलाल नेहरू, जिनको गांधीजी का चेला कहा जाता है, उनका युग शुरू हुआ। जवाहरलाल नेहरू का युग त्याग और तपस्या का युग नहीं रहा। यह युग भोग का युग रहा। यह युग पावर दिखलाने का और ठाठबाट दिखलाने का युग रहा। यह ठाठबाट और पावर दिखलाने के सिलसिले में जो काम शुरू हुआ उस काम की बदौलत इस देश में नैतिकता इतने नीचे चली गई, खुदगर्जी समूचे देश में इतनी व्याप्त हो गई कि लोग धनोपार्जन के लिए नाजायज तरीके पर उतर आये। जिन लोगों के पास धनोपार्जन के कोई साधन नहीं थे, वे राजनीति के जरिये नाजायज तरीके से धनोपार्जन करने में लग गये। खुदगर्जी और चापलूसी देश में बहुत বেশी बढ़ गई। इसका नतीजा यह हुआ कि जहाँ एक ओर कांग्रेस पार्टी का नैतिक पतन हुआ है वहाँ दूसरी ओर देश की जनता और दूसरी पोलिटिकल पार्टियों के ऊपर भी उसका बुरा प्रभाव पड़ा है। बीस वर्ष तक अविच्छिन्न रूप से जो कांग्रेस दल का शासन इस देश में चला उसकी वजह से देश में जनता की लूटखसोट हुई और देश की

[श्री बी० एन० मंडल]

नैतिकता बहुत नीचे स्तर पर चली गई, जनता के लिये यह स्थिति असह्य हो गई और जनता यह कोशिश करने लगी कि कांग्रेस के जुए को किसी तरह से उखाड़ फेंका जाय। इसी सिलसिले में दूसरी पोलिटिकल पार्टियों को भी 1967 के आम चुनाव के फलस्वरूप शासन में जाने का मौका मिला। उनके ऊपर भी जो बुरा प्रभाव पड़ा था उसके कारण उनके कुछ व्यक्ति भी अपनी पार्टियों को छोड़ कर, जहां उनको पावर मिल सकती थी और उस पावर के जरिये वे बैसा कमा सकते थे, उस तरफ जाने की वे गुंजाइश करने लगे।

इस लिये जिस कानून को बनाने की बात हो रही है, वह कानून बने, उसमें मेरा कोई झगड़ा नहीं है। लेकिन कानून बनाने के लिये वैसी परिस्थिति भी बनानी चाहिये। सिर्फ देश में कानून बना देने से ही उस कानून के मुताबिक सब काम होने लगेंगे, ऐसा समझना उचित नहीं है। उसके लिये वैसी परिस्थिति बनाने की जरूरत है। अब देखना यह है कि वैसी परिस्थिति बनाने के लिये क्या करना चाहिये। अभी भी कांग्रेस के हाथ में शासन है। अगर कांग्रेस पार्टी चाहती है कि इस देश में जनतंत्र मजबूत हो, समाजवाद कायम हो और देश के गरीबों की तकलीफ दूर हो तो इसके लिये कांग्रेस पार्टी को त्याग करने की जरूरत पड़ेगी स्वस्थ परम्परा डालने की जरूरत पड़ेगी, अगर उस तरह की परम्परा कांग्रेस पार्टी के जरिये से गत बीस बरसों में डाली जाती तो आज देश का वातावरण कुछ दूसरा होता। लेकिन इस तरह का एटम-स्फीयर देश में कांग्रेस वाले नहीं बना सके।

जब मैं कुछ कांग्रेस के सदस्यों की बोली इस सदन में सुनता हूं तो मुझे ऐसा मालूम पड़ता है जैसा कि एक कहावत में कहा गया है कि "डेविल कोटिंग द स्क्रिप्चर"। उनके कारण ही देश में इस तरह का वातावरण

कायम हुआ है, फिर भी नैतिकता का लेक्चर उनके मुंह से सुन कर यह प्रावर्ब मुझे बरबस याद हो जाती है।

मैं समझता हूं कि आज जो इस देश की स्थिति है उस स्थिति में कई तरह के काम करने की जरूरत है। एक तो जो सरकार है उस सरकार को नियंत्रित सरकार होना चाहिये। नियंत्रित सरकार होने का मतलब यह है कि सरकार अपने लिमिटेशन को समझे। जनतंत्र को चलाने के लिये हर व्यक्ति की पर्सनालिटी लिमिटेड पर्सनालिटी होनी चाहिये। इसी तरह से हर सरकार की पर्सनालिटी भी लिमिटेड पर्सनालिटी होनी चाहिये। कांग्रेस पार्टी की सरकार इस देश में बहुत दिनों तक रह चुकी, तो कांग्रेस पार्टी समझने लगी थी कि उसकी पर्सनालिटी अनलिमिटेड है। कानून के नाम पर नाजायज तरीकों से उसने कानून तोड़ा है। इसी सब का यह नतीजा आज देश में मौजूद है। इसलिए जो पार्टी शासन में जाती है, खास कर मैं कांग्रेस पार्टी को कहना चाहता हूं, जब तक उसके हाथ में पावर है वह फिर से ऐसा इन्तजाम करे जिससे वह समझे कि उसकी पर्सनेलिटी लिमिटेड पर्सनेलिटी है, हमको एक दायरे के अन्दर काम करना है और वह काम करना है संविधान और कानून के दायरे में। कभी कभी जन-विरोधी कानून भी संविधान के नाम पर बन जाता है लेकिन चूंकि शासकीय पार्टी के हाथ में कानून बनाने का अधिकार होता है इसलिए नतीजा यह होता है कि कास्टी-ट्यूशन की अवहेलना करके भी कानून कुछ ऐसा बन जाता है जो संविधान की प्रिन्सिपल और उसकी मंशा के मुताबिक न होकर उसके खिलाफ हो जाता है। हमने पटना शहर में देखा है, वहां 4 मुहल्ला है, एक मुहल्ले का नाम है राजेन्द्र नगर, दूसरे का नाम है किदवाईपुरी, तीसरे का नाम है कृष्णपुरी, इसी ढंग से ये 3-4 मुहल्ले बसे हैं, 6 हजार एकड़ में ये मुहल्ले बसे हैं। गरीब लोगों की बस्तियों को उजाड़ दिया गया, गवर्नमेन्ट ने

उनको एक्कायर किया, वहाँ नए-नए मकान बनवाए, उन गरीब लोगों का इन्तजाम नहीं किया, वहाँ अपने भाई-भतीजों को लाकर बैठा दिया। गरीबों का घर क्यों उजाड़ दिया गया ? इसके बारे में कहा गया कि हम स्लम क्लियरेस स्कीम लागू कर रहे हैं। स्लम क्लियरेस स्कीम लागू करने के नाम पर गरीबों की वस्ती उजाड़ दी जाती है, घर उजाड़ दिए जाते हैं, जमीनें छीन ली जाती हैं और उस पर बसाया जाता है बड़े लोगों को। काम हुआ है ऊपरी तौर पर कास्टी-ट्यूशन के मुताबिक लेकिन कास्टीट्यूशन का जो मशा है उसके खिलाफ हुआ। इसलिए जो कोई शासन में आता है वह अगर देश में जनतंत्र चलाना चाहता है तो उसे कास्टीट्यूशन को सही ढंग से मानना चाहिए, उसका जो प्रिप्रिम्बल है उसको सही ढंग से समझ कर उस पर काम करना चाहिए। अगर इस ढंग से कांग्रेस का काम हुआ होता तो मैं समझता हूँ कि आज देश का कायापलट हो जाता। स्वतंत्रता-प्राप्ति के बाद, पहले पहल कांग्रेस के हाथ में सत्ता आई इसलिए यह उदाहरण कांग्रेस को देना था, जनतंत्र को मजबूत करने का काम कांग्रेस को करना था, उसको रूल आफ ला को एस्टेब्लिश करना चाहिए था जबकि डिफेक्शन इन लोगों ने ही पहले पहल करवाया है। जब कांग्रेस से निकल कर हम लोगों ने मोशलिस्ट पार्टी बनाई उस समय उड़ीसा में हमारी पार्टी के एक मेम्बर थे लेजिस्लेटिव असेम्बली के सारगधर दास और उत्तर प्रदेश में आचार्य नरेन्द्र देव थे इस तरह से हमारी पार्टी के आठ विधान सभा सदस्य कांग्रेस से निकले, निकल कर उन्होंने कोशिश की कि एक परम्परा कायम करें। उन्होंने कहा कि हम लोग कांग्रेस टिकट पर जीत कर आए हैं दूसरी पार्टी बनाने जा रहे हैं इसलिए हम लोग विधान सभा की जगह से रिजाइन करते हैं। आचार्य नरेन्द्र देव ऐसे व्यक्ति भी जीत कर नहीं आ सके लेकिन स्वस्थ परंपरा बनाने के खयाल से उस बात को हमने बर्दाश्त किया। ऐसे उदाहरण हम लोगों ने दिए हैं। अगर उस

उदाहरण को कांग्रेस के द्वारा फालो किया जाता तो मैं समझता हूँ कि इस ढंग का वातावरण देश में कायम नहीं हो पाता जिस ढंग का वातावरण कांग्रेस वालों ने पीछे पैदा किया है। कितने ही लोगों को इन्होंने फुसला कर अपने साथ लिया, थानु पिल्ले को गवर्नर बना कर अपने साथ लिया, अशोक मेहता को भी पद का लोभ देकर अपने साथ लिया, आन्ध्र के टी० प्रकाशन को भी पद का लोभ देकर अपने साथ लिया। इस तरह लोगों को डिफेक्ट करवाया। पावर और पैसे का लोभ देकर इन लोगों ने देश के वातावरण को गन्दा किया है। जनतंत्र में अगर कोई पार्टी या व्यक्ति यह समझे कि वह ही जब तक शासन में रहेगा तब तक ससार उजाला रहेगा, वह गया तो सारा ससार अंधेरा हो जायगा, इस ढंग की मनोवृत्ति रखने वाला चाहे कोई व्यक्ति हो या पार्टी हो वह देश को रसातल पहुँचाएगा। विलायत वगैरह में यह होता है कि जब कभी प्राइम मिनिस्टर समझता है कि वातावरण चेज कर गया तो तुरन्त अपनी गवर्नमेंट का रेजिनेशन देकर नया चुनाव करवाता है लेकिन हिन्दुस्तान में चिपके रहने की एक आदत पड़ गई है मनोवृत्ति बन गई है। उसी ने देश के वातावरण को विषाक्त कर दिया है। इसलिए मैं चाहूँगा कि कानून बनाने के सिलसिले में देश के वातावरण को सुधारने की कोशिश कांग्रेस पार्टी को करनी चाहिए।

कुछ बातें जो रिपोर्ट में कही गई हैं उसको मैं भी अच्छा समझता हूँ। अगर कोई आदमी जीतने के बाद अपनी पार्टी को छोड़ कर दूसरी पार्टी में जाता है तो उसको रिजाइन करना चाहिए और रिजाइन करके फिर से इलेक्शन सीक करना चाहिए। जहाँ तक मंत्री बनाने का सवाल है, 10 परसेंट से भी कम आदमियों को रखना चाहिए। हम लोग जनता के आदमी हैं। जनता की दुख-तकलीफ को अपने हर काम के सिलसिले में देखना चाहिए कि मेरे काम का, मेरी बोली का क्या असर

[श्री बी० एन० मंडल]

जनता के ऊपर पड़ेगा, खासकर वह जनता जिसके हम गारडियन हैं। जो जनता समझती-बूझती है, जिसके पास धन है उससे हमको उतनी कोई मुहब्बत नहीं है। वह गरीब जनता जो ग्रास रूट है, जो अन्धे की नाई हमको वोट देकर जिताती है, हमें उसका ख्याल रखना चाहिए। जब हम कोई काम गवर्नमेंट में करते हैं या गवर्नमेंट चलाने के सिलसिले में कोई बात सोचते हैं या जनता का प्रतिनिधित्व करने के सिलसिले में कोई बात सोचते हैं तो हमेशा हमें अपने सामने हिन्दुस्तान के उन गरीबों को सामने रखकर ही सारी बात को सोचना चाहिए। अगर इस तरह के काफी आदमी हमारे यहां हो जाएंगे तो निश्चित रूप में इस देश का कायापलट हो जायगा। यह पार्टी की बात नहीं है, महर पार्टी के लिए कहता हूं, मैं अपनी पार्टी के लिए कहता हूं, मैं कांग्रेस पार्टी के लिए कहता हूं। अगर हिन्दुस्तान में जनतंत्र को कायम रखना है तो वह जनतंत्र निश्चित रूप से हिन्दुस्तान की गरीब जनता के हितों को सामने रखकर ही कायम रखा जा सकता है मैंने कई बार इस सदन में कहा है कि इस देश में केपिटलिस्ट अपनी डिक्टेटरशिप कायम करना चाहते हैं और दूसरी तरफ मजदूर के स्वार्थ के नाम पर कम्युनिस्ट पार्टी अपनी डिक्टेटरशिप कायम करना चाहती है लेकिन गरीब जनता के हित के ख्याल से न तो फासिस्ट डिक्टेटरशिप अच्छी है, न कम्युनिस्ट डिक्टेटरशिप अच्छी है। कोई कोई कहते हैं कि वोट को उठा दो। क्योंकि जनता नहीं समझती है, जनता गलती करती है इस वजह से वोट को उठा देने की बात बारबार कही जाती है। वैसे कथन का कुछ जस्टीफिकेशन हो सकता है लेकिन गलतियां करने पर भी देश के गरीबों को गुलामी के चंगुल से बचा कर रखने के लिए वोट का तरीका हिन्दुस्तान में रहना जरूरी है। वोट की प्रणाली को सुरक्षित रखते ही सब तरीके से देश में फासिज्म या कम्युनिस्ट डिक्टेटरशिप को कायम होने से रोकने की जरूरत

है। इसी दृष्टिकोण से मैं चाहूंगा कि गृह मंत्री इन सब बातों पर विचार करें। गृह मंत्री पिछड़े समाज के आदमी हैं, इसलिए खासकर उनके ऊपर जिम्मेदारी है—हिन्दुस्तान के पिछड़े समाज में अधिकांश संख्या गरीबों की है—कि उनको सामने रख कर ही, गरीबों को सामने रख कर ही कोई कानून बनाएं, कोई एडमिनिस्ट्रेटिव एक्ट करें। जो सुझाव दिए जा चुके हैं उससे कोई वेशी सुझाव मैं नहीं देना चाहता हूं। गवर्नमेंट की साइकोलोजी बदले, जिस ढंग से उनका दिमाग चलता है उसमें हेरफेर हो, बदलाव आए, यही मैं कहना चाहता हूं।

श्री आबिद अली : माननीय, मुझे दो-तीन बातें ही पेश करनी हैं। हमारे मंडल साहब ने जो फरमाया मैं भी उसकी इज्जत करता हूं लेकिन अफसोस यह है कि जो मंडल साहब फरमाते हैं वह उन्हीं तक रहता है, उनकी पार्टी तक पहुंचता नहीं। उन्होंने कहा कि कम्युनिस्ट चाहते हैं कि उनकी डिक्टेटरशिप हो, अगर कम्युनिस्ट ऐसा चाहते हैं तो मंडल साहब की पार्टी कम्युनिस्टों की मदद क्यों करती है, मिनिस्ट्री क्यों बनाती है?

श्री बी० एन० मंडल : पर्टिकुलर माने में मदद करते हैं।

श्री आबिद अली : उनको मिनिस्टर बना देते हैं, उसके बाद रह क्या गया? यह जो चीनाराम और रूसीराम को मदद करते हैं हमारे एस० एस० पी० के भाई उतना तो छोड़ दें।

हमारे भाइयों ने यह फरमाया, जनसंघ के एक सदस्य ने फरमाया और श्री मंडल ने फरमाया, जनसंघ के सदस्य ने 1952 से गयाराम, आयाराम की बात की, लेकिन वे भूल गए कि 47, 48, 49 में भी गयाराम थे और वे कांग्रेस में से गए। अफसोस की बात यह है कि आज जो कुछ भी दोष और बुराइयां होती हैं हिन्दुस्तान में वे कांग्रेस के माथे मढ़ दी जाती हैं और लोग कहते हैं कि कांग्रेस

में लोग दूसरी पार्टियों से डिफैक्ट होकर आते हैं। लेकिन यह भूलते हैं कि सब से पहले 1946 के एलेक्शन के बाद कांग्रेस सोशलिस्ट पार्टी के लोग जब असेम्बली में आये थे, और जब गांधी जी के बाद वह कांग्रेस छोड़ कर गये...

श्री रेवती कान्त सिंह (बिहार) : पार्टी का कोई व्यक्ति नहीं गया था, पूरी पार्टी गयी थी। इसलिए सभी ने रिजाइन कर दिया था, श्याम नन्दन सिंह ने और सभी ने रिजाइन कर दिया था।

श्री आबिद अली : पार्टी कोई चीज नहीं थी। उस वक्त कांग्रेस सोशलिस्ट पार्टी के लोग कांग्रेस के टिकट पर आये थे। कांग्रेस सोशलिस्ट पार्टी के टिकट पर नहीं आये थे और कांग्रेस को छोड़ कर जब कांग्रेस सोशलिस्ट पार्टी के लोग बाहर गये तो उस में आचार्य नरेन्द्र देव जैसे अच्छे लोग भी थे...

श्री रेवती कान्त सिंह : सारे हिन्दुस्तान में कुल आठ आदमी थे और उन आठों ने इस्तीफा दिया था। बाद में एलेक्शन हुए थे और वे हार भी गये थे।

श्री आबिद अली : थोड़ी गलती है। मैं अर्ज कर रहा था कि आचार्य नरेन्द्र देव ने रिजाइन किया और उनके साथ थोड़े से और लोगों ने रिजाइन किया और जब आचार्य नरेन्द्र देव जैसे शरीफ, ऊंचे और काबिल आदमी, जिनकी काफी इज्जत थी, जिनकी कुर्बानी हमारे बहुत से दोस्तों से कही ज्यादा थी, जब वह हार गये और कांग्रेस के टिकट पर बाबा राघव दास जी ने उनको हराया, तो जब आचार्य नरेन्द्र देव जैसी महान हस्ती कांग्रेस को छोड़ देने के बाद एलेक्शन में हार सकती है तो इस बात को देख कर दूसरे सहम गये। कुछ लोगों ने रिजाइन किया होगा और वह खड़े होकर हार गये। यह बात यू० पी० की है। दूसरे सूबों में भी कांग्रेस सोशलिस्ट पार्टी के लोग थे, और वह कांग्रेस पार्टी को छोड़ कर गये और कुछ ने रिजाइन नहीं किया यह बात सच है।

इसके बाद एक बात और याद दिलाऊँ। आज भी लोक सभा में एक नेता है, एक ग्रुप के नेता हैं, जो बहुत चीखा चिल्लाया करते हैं और वह भी कांग्रेस से डिफैक्ट होकर गये थे और उन्होंने रिजाइन नहीं किया। नेता है एक ग्रुप के। मैं उन का नाम नहीं लूंगा क्योंकि वह हाजिर नहीं हैं। आज वह लोक सभा में नेता है कांग्रेस के खिलाफ, और वह डिफैक्ट करके गये, लेकिन रिजाइन नहीं किया। मैं यह सिर्फ इसलिए याद दिला रहा हूँ कि कांग्रेस ने यह शुरू नहीं किया है, यह कांग्रेस के खिलाफ लोगों ने शुरू किया है। कांग्रेस के खिलाफ बहुत से लोग डिफैक्ट हो कर गये हैं और मौजूद हैं और फिजूल जो बुराई है वह कांग्रेस के माथे ढाली जा रही है। जो लोग इस को अच्छा समझते हैं, वे समझे, उन का ईमान उनके साथ है, मुझे उससे क्या लेना देना।

अब रहा यह कि डिफेक्शन के बारे में यह होना चाहिए सीधी मादी बात कि जिस पार्टी के टिकट पर जो कोई आया हो उसको उसी पार्टी में रहना चाहिए। निर्दलीय जैसी बात को खत्म करना चाहिए। जैसा जर्मनी में हुआ कि वहां छोटी छोटी पार्टियां बनी और बाद में हिटलर आया। उसके बाद को कांस्टीट्यूशन उन्होंने बनाया वह यह है कि कुछ परसेंटेज उन्होंने रखा है कि उस परसेंटेज से कम अगर किसी ग्रुप की तादाद हो तो वह रह ही नहीं सकता। वहां ऐसा है कि उतने से कम वोट अगर उसको मिले तो वह चुनाव खुद ब खुद रद्द हो जाता है। इसका मतलब यही था कि छोटी छोटी पार्टियां उन्होंने समाप्त कर दीं। हिटलर का अनुभव लेकर छोटी पार्टियां बहा नहीं रखी गयीं। वही बात इस मुल्क में भी होनी चाहिए। माननीय सदस्य मंडल साहब ने फरमाया कि हिन्दुस्तान का वोटर बहुत समझदार है। उनको आप कहिये कि अनपढ़ है, लेकिन वे अनपढ़ बहुत पढ़े हुए हैं और पढ़े हुआ से कहीं ज्यादा अकल रखते हैं। गांव में काम करने वाले इस बात को जानते हैं कि अगर ठीक बात उनको

[श्री आबिद अली]

समझायी जाय तो वह बहुत जल्दी उनकी समझ में आ जाती है। वे पढ़े लिखे से ज्यादा अक्लमंद हैं।

श्री अकबर अली खान : ईमानदार भी होते हैं।

श्री आबिद अली : ईमानदारी की तो कुछ पूछिये नहीं। ईमानदारी का स्तर आज भी गावों में बहुत ऊंचा है। तो मैं यह अर्ज कर रहा था कि एक पार्टी के टिकट पर आकर जो उस पार्टी को छोड़ कर जाता है, या अगर उस पार्टी के विह्वल के अनुसार अमल नहीं करता है तो इसी फंक्शंस वह मेम्बरी से रद्द होना चाहिए और उस के बाद वह जाय या रहे यह दूसरी बात है और दूसरे यह छोटी छोटी पार्टियां नहीं होनी चाहिए।

हमारे कुछ लोग कहते हैं कि राइट टुरिकाल होना चाहिए। एक भाई ने स्विटजरलैंड का उदाहरण दिया था। हमारा इतना बड़ा मुल्क, जहा 53, 54 करोड़ की आबादी, जहा एक एम० पी० करीब 10 लाख लोगों की नुमा-इन्दगी करता हो, वहा रिकाल की बात करना और उदाहरण देना स्विटजरलैंड का जहा की आबादी सिर्फ 45 लाख की है—इससे एक लाख कम हो या ज्यादा। उनके यहा इतनी आबादी में 22 झंडे हैं और एक फेडरल फ्लैग है, और 22 कैंटन के फ्लैग हैं, जहा रिफ्रेंडम तीन दिन में कर लिया जाता है, उसका उदाहरण इस हिन्दुस्तान के लिए देना कहा तक ठीक है वे ही जाने। ऐसे ऐसे मुल्क पड़े हुए हैं कि जिनके बराबर की आबादी एक साल में हम पैदा कर डालते हैं, उनका उदाहरण देना और कहना कि उस पर अमल करो, इस से बढ़कर और क्या अक्लमंदी हो सकती है। इसके लिए क्या कहा जाय और यह कितनी अक्लमंदी की बात है इस का अंदाजा वही लगा सकते हैं जो उन की बातों को सुना करते हैं।

तो मेरी अर्ज गवर्नमेंट से सीधी सीधी यह है कि ऐसा कायदा बनाया जाय कि जिस के मुताबिक निर्दलीय लोग रहें नहीं, छोटी छोटी पार्टियां खत्म हों और एक खास परसेंटेज से कम वोट अगर मिलें तो उस का एलेक्शन खुद ब खुद रद्द हो जाय ताकि बड़ी बड़ी पार्टियां आयें और उन का जो मैनीफेस्टो हो, जो उन्होंने लोगों को वचन दिया हो, उस पर वह अमल करें। और उनके साथ उनकी पार्टी के टिकट पर चुने हुए मेम्बर लगे रहें और अगर वे अपनी पार्टी के हुक्म के अनुसार न चले तो उन की मेम्बरी रद्द हो जाय। यह कहना कि दूसरी पार्टी से वह मिलें तो उन की मेम्बरी रद्द हो जाय, ठीक नहीं है क्योंकि वह अपनी पार्टी न छोड़ते हुए भी दूसरी पार्टी की मदद कर सकते हैं। ऐसी अवस्था में भी उनकी मेम्बरी रद्द होनी चाहिये। सिर्फ पार्टी के हुक्म के मुताबिक न चलने से मेम्बरी रद्द होनी चाहिए, पार्टी की मेम्बरी छोड़कर वह, दूसरी पार्टी का मेम्बर न भी बने तब भी उस की मेम्बरी रद्द होनी चाहिए और यह जल्दी होना चाहिए। कांग्रेस के बारे में चाहे वह हरियाणा के हो या यू० पी० के या किसी दूसरे मुकाम के, अगर यह देखना है कि कितने लोग कांग्रेस में आये और कितने उससे बाहर गये तो खाली उनकी सख्या नहीं देखनी चाहिए उनका परसेंटेज लेना चाहिए। कांग्रेस की जो मेम्बरी है यहां और स्टेट्स में, अगर उस का पूरा टोटल लिया जाय और दूसरी जो गैर कांग्रेसी पार्टियां हैं उनकी मेम्बरशिप का टोटल लिया जाय और फिर देखा जाय कि कितने लोग कांग्रेस से बाहर निकल कर उनमें गये और कितने उन में से निकल कर कांग्रेस में आय तो यह बिल्कुल स्पष्ट रूप से साबित हो जायगा कि कांग्रेस में कम आये और कांग्रेस में से ज्यादा निकल कर बाहर गये। वह कांग्रेस से निकल कर क्यों गये? सच्चे कांग्रेसी नहीं जाते हैं। चाहे मंदिर हो, मस्जिद हो, गिरजा-घर हो या बुतखाना हो हर जगह प्रार्थना करने भी लोग जाते हैं और प्रार्थना के बहाने से

जूते चुराने भी जाते हैं या औरतों के गले से हार निकाल कर भागने वाले भी जाते हैं या लड़कियों को किडनैप करने के लिए भी जाते हैं। तो ऐसे लोग जाते हैं लेकिन वह पुजारी नहीं हैं। वे चोर हैं, बदमाश हैं। तो ऐसे आदमी कांग्रेस में भी आ जाते हैं और दूसरी पार्टियों में चले जाते हैं। बहुत घमंड था कम्युनिस्ट पार्टी को, कि उन की पार्टी बहुत कंसालिडेटेड है लेकिन अब उन्हें भी मालूम पड़ रहा है कि उस तरह की पार्टी अब वह नहीं रही। आप देखें कि उनकी पार्टी से भी लोग भाग आया करते हैं। हमारे डाह्याभाई पटेल जी ने फरमाया कि जो लोग डिफेक्ट किये उधर से, उनको कांग्रेस ने मिनिस्टर भी बनाया, लेकिन कांग्रेस ने ऐसे किसी को मिनिस्टर यहां नहीं बनाया जो कि डिफेक्ट कर के आया हो। उन्होंने पार्टी को पहले छोड़ा फिर एज्जेक्शन के बाद कामयाब हुए और यहां आये और फिर कांग्रेस ने उनको मिनिस्टर बनाया तो यह कोई बुरी बात नहीं है। यह दूसरे भी करें, मुझे एतराज नहीं है, लेकिन असल बात यह है कि एक पार्टी के टिकट पर जाकर दूसरी में शामिल होना और उसमें मिनिस्टर बन जाना, यह बुरी बात है।

मिनिस्टर, जो पार्टी का मेम्बर है उस के दस परसेंट से ज्यादा न हों, यह अच्छी बात है। और ऊपर की भी सीलिंग लगा देनी चाहिये वह भी बहुत जरूरी बात है, ताकि जो मुनासिब लोग हैं, जो जरूरी लोग हैं, उपयोगी हैं, काबिल हैं, उन्हीं लोगों को मिनिस्टर रखा जाय और फिजूल के बहुत से लोगों को जमा कर लेना, चाहे वह कांग्रेस हो या दूसरी पार्टियां हों उनके लिये नामुनासिब है।

रहा अपर हाउस के बारे में तो मैं भी यहां काफी साल रह चुका हूं। मेरा मानना है यहां रहते हुये कि चाहे वह कौंसिल आफ स्टेट हो, राज्य सभा हो, या स्टेट मे कौंसिल हो, ये सब निकम्मी चीजें हैं। इनको बिल्कुल

खत्म कर देना चाहिये, यहां की भी और वहां की भी बिल्कुल खत्म कर देनी चाहिये। राज्य सभा 1952 में आई और 1969 में हम यह कह रहे हैं, 8 और 9 मिलाकर 17 साल हो गये, इन 17 सालों का राज्य सभा का रिकार्ड भी देखा गया, कौन सी ऐसी भयंकर चीज जो कि देश के नुकसान के लिये होती वह हम रोक सके या ऐसी कोई चीज बड़ी हमने कुछ कर दी है जो कि अगर राज्य सभा न होती तो देश में नहीं हुई होती! हमने क्या ऐसा कुछ कर के बता दिया है! मुझे तो कोई याद नहीं। यही है कि यह भी एक किस्म की डेमोक्रेसी की लक्छरी है, एक बड़ा खर्चा है, जो लोक सभा में होता है उसका डुप्लीकेशन है। और तो कोई चीज मुझे यहां पर दिखी नहीं। अगर हो तो कोई बताइयेगा, चाहे यहां बताया जाय, चाहे लाबी में बताया जाय, कम से कम मेरे दिमाग में उतारिये तो कि कौनसी बड़ी चीज हुई मुल्क के हित में राज्य सभा के होने से या कौन सी बड़ी चीज होने से हम रोक सके। यहां पर तो मैं इस बात को मानता हूं कि जितने अपर हाउस से हैं इनको खत्म करना चाहिये। यह भी मेरी प्रार्थना है।

SHRI BHUPESH GUPTA : Mr. Vice-Chairman, the constitution of the Committee on Defections was a result of the bait in the other House which adopted a Resolution moved by Mr. Venkatasubbaiah. The Resolution was adopted on 8-12-1967 recommending the setting up of a Committee on Defectors "to consider the problem of legislators changing their allegiance from one party to another and their frequent crossing of the floor in all its aspects and make recommendations in this regard". Obviously, the mover of the Resolution had in mind the crossing of the floor, not the kind of defections some of us are discussing here, because only when you cross the floor from one side to another the stability of the Government in certain situations is affected. For example, if a Member of some Opposition party changed from one Opposition party to some other Opposition party, without crossing the floor, that would not normally affect the Government, and hence the stability of the Government. But if he goes to the other side or some body comes from there to this side,

[Shri Bhupesh Gupta]

it may improve or diminish the chances of that particular Government. Therefore, there was some valid reason for accepting this narrow idea of defection or narrow concept of defection. But the report itself has widened the scope of defection and we are indeed discussing defections in a wider context.

The very first thing that one should note in this connection is how it is that it took the Congress Members so many years, 15 years, to move a Resolution in the Lok Sabha. Why was such a Resolution not moved earlier? How is it that Mr. Chavan, who had been in Government positions, whether here or elsewhere, did not propound his concept, ideas or slogan, whatever you call it, of Aya Ram and Gaya-Ram earlier? Mr. Chavan has coined that expression, and it is a very interesting expression, no doubt. I am sorry Mr. Chavan Ram is not here at the moment. Now, these are the historical facts.

Prior to the Fourth General Election altogether 542 defections took place in the country. Between 1957 and 1962 the Congress welcomed under its flag 120 defectors in the Assemblies and another 8 in the Lok Sabha. Between 1962 and 1967 the Congress welcomed 299 defectors in the Assemblies and 17 in the Lok Sabha. That was the position before the Fourth General election.

Now, Sir, as you see, it was a wholesale trade by the Congress; the Congress was the sole procuror of defectors. It was a one-way traffic and the traffic always led to the Congress fold from the Opposition side. So we did not hear much about defection or Aya Ram or Gaya Ram. The Congress was happy with the state of affairs. In fact, it engineered defections. To that I shall come later.

SHRI DAHYABHAI V. PATEL : Does this include Rajya Sabha Members?

SHRI BHUPESH GUPTA : Lok Sabha. When I say Parliament, I always mean the Lok Sabha.

Then things began to change. I am giving these figures from the documents supplied to us as members of the Committee on Defections by the Home Minister himself. Therefore, the authenticity of these figures should not be questioned at least by the Home Minister.

After the Fourth General Election defections mounted up. By the middle of August, 1968 there were altogether 438 defections in the country. The Congress received 139 defectors into its fold in the Assemblies. But something new happened this time. Those who left the Congress to join the Opposition parties, their number was 175. So now it was no more one-way traffic; it was a two-way traffic. When Mr. Chavan found that the export of defectors was greater than the import or, in other words, the Gaya Rams were more than the Aya Rams within the Congress Party, a howl was raised about defection by them. And that is the genesis of the wisdom that dawned upon the Congress Party, after having been beaten by circumstances in the game started by them ever since the first elections. So I think the Congress leaders should not sermonise on the morals of defection. Immorality, if any, has been promoted by them between 1952 and 1967, almost without interruption. The greatest organiser, inspirer and recipient of defectors in this country is the Congress Party itself. And that position remains even now.

How did it start? After the First General Election in the composite Madras State—I am coming to my friend, Mr. Parthasarathy's State—the Congress won only 152 seats out of 375 seats in the Assembly. Naturally, they were in a hopeless minority. But the minority had to be transformed into a majority by a sleight of hand. And what happened?

Shri Chakravarty Rajagopalachari, now the High Priest or Acharya of the Swatantra Party, at that time was free-lancing in politics, having retired with a cushy pension from Governor-Generalship. He was translated as the Chief Minister. He was not a member of either the Madras Assembly or the Madras Council at that time. He was made the Chief Minister with one assignment, i.e. an intelligent and cunning man that he is, with his great influence, he would organise defections. And he did succeed in organising defections, so much so...

SHRI R. T. PARTHASARATHY : Mr. Vice-Chairman, the Governor at that time, Shri Sri Prakasa, invited the leader of the largest single party in the Assembly to form a Ministry and that is fully in keeping with the parliamentary traditions and conventions anywhere in the world. The leader of the largest single party was invited and at that time the leader of

the largest single party was Shri Rajagopalachari. So the charge made by my hon. friend is absolutely baseless.

SHRI BHUPESH GUPTA : My friend, I thought, was very intelligent. But he has said something as if he is only starting now the ABC of parliamentary politics. However, I credit him with great intelligence. Every body knows that the leader of the largest party is invited. But 152 did not become 250. It had to be made. Otherwise, a Government could not be formed. Majority had to be created on the floor of the House. Everybody knew that even the strength of the Communist Party itself was 66 at that time. Anyhow, he was imported. He was not a member of either House. He was imported as the leader. It is something like, say, importing Shri Atulya Ghosh as the leader of the Congress Party.

SHRI R. T. PARTHASARATHY : Nothing prevents.

SHRI BHUPESH GUPTA : Yes, nothing prevents. Nothing prevents anything. You can kidnap anybody you like if you are so minded. Nothing prevents. But I am giving the facts of the case. My friend knows them very well. So he was brought in and made the leader of the party—you cannot deny that. And the assignment that you gave him at that time was that he must cause defections in order to transform a minority into a majority. And that he did; ably he did. That is why he has found it possible to have the Swatantra Party with such abilities as these. Not for nothing is he to-day the chief *mahant* of the Swatantra Party. That is how you began it.

Then, when Andhra Pradesh was formed, the Congress received—I am just giving one or two examples—Mr. Prakasam and several other people who left the Opposition and Mr. Prakasam was made the Chief Minister. That is also well known. Therefore, you started it that way. Then in Travancore-Cochin—our friend, Mr. Panampalli Govinda Menon, will bear me out—defections were organised on a large scale, so much so you broke a party the Praja Socialist Party. Who does not know that Pattom Thanu Pillai was made the Chief Minister with Congress support and after that, even without informing the National Executive of the Praja Socialist Party, he was overnight sent to Punjab as Governor in order that Mr. Sankar

could become the Chief Minister? That game went on everywhere. In PEPSU you tried these things in the mid 'fifties. As you know, PEPSU was a separate State then. Everywhere you had tried and, therefore, you had organised defections in the country. If anybody deserves to be given a prize in notoriety for organising defections, the Congress Party's claim is undisputed. And nobody will grudge you that honour or dishonour as the greatest organiser in Indian politics of defections on a mass scale. So there you are.

The trouble arose after the Fourth General Elections when, as I said, you had a deficit in the balance of trade. Earlier it was a trade surplus, a favourable balance of trade. After 1967, the trade balance became adverse and seemed to be growing day after day. Hence the Committee, discussion, debate, sermonising, lectures, theory of *ayaram* and *gayaram* and so on. So, Mr. Vice-Chairman, that is the genesis.

All the same when the Committee was appointed, we were happy in the sense that at least we could be seized of the problem and all the parties could discuss it together and find out so common solution. Nobody would like unprincipled defections which are a disgrace, which not only cause instability and uncertainty where there should not be such instability and uncertainty in administration but put the parliamentary institution into disrepute. We thought that we would be discussing the problem somewhat dispassionately and in the larger interest of our parliamentary institutions and democracy. But that was not possible.

That was not possible because the Congress Party would not give up its basic position and hence we could not arrive at a common understanding. Here I must say that this was not a parliamentary committee. This Committee was appointed by the Government, although some members of Parliament happened to be there. There need not have been any member of Parliament at all there, because the Government could have appointed anybody they liked on the basis of the recommendation of the various parties. As you know, every party was approached to nominate one person and all the parties did so. There were some independents also like Mr. Hridayanath Kunzru and Jaya Prakash Narayan. I am very sorry my friend, Mr. Dahyabhai Patel was not there. But why should he blame me for that or anybody for that? . . .

SHRI DAHYABHAI V. PATEL : I am not blaming you.

SHRI BHUPESH GUPTA : I think the Swatantra Party should have nominated him because he has some experience, having himself defected from the Congress Party.

SHRI DAHYABHAI V. PATEL : No, no, I have not defected. I resigned from the Congress Party. Then I came here. I have not defected from the Congress. I left the Congress.

SHRI BHUPESH GUPTA : He left the Congress. Every defector has to do the physical act of leaving.

SHRI DAHYABHAI V. PATEL : I have given reasons why I left it.

SHRI M. N. KAUL (Nominated): Mr. Gupta, you are unfair to him.

SHRI BHUPESH GUPTA : No, I am not unfair to him. I stand corrected. At that time the Swatantra Party had not been born. It was in the womb of reaction. He, being an intelligent man, saw what was being born and so he left... (*Time bell rings*) I have only started.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): According to the rules, only 15 minutes.

SHRI BHUPESH GUPTA : Anyway, I will finish in a few minutes.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): You may take 5 to 7 minutes more.

SHRI BHUPESH GUPTA : So, other names are also there. Jaya Prakash Narayan, Daphtary, Mohan Kumaramangalam, Hridayanath Kunzru, all these people were there; they were not members of Parliament. The Committee worked and now all I see here is that we did a mountain of labour producing a diseased mouse, not even a healthy mouse.

SHRI M. N. KAUL : Hardly any report at all.

SHRI BHUPESH GUPTA : Yes, there is hardly any report at all.

SHRI DAHYABHAI V. PATEL : Then, why are you talking so much about it? Leave it.

SHRI BHUPESH GUPTA : Because sometimes you must point out that there is a diseased mouse and you should keep clear of it.

SHRI DAHYABHAI V. PATEL : You are also a father of it.

SHRI BHUPESH GUPTA : Now, coming to defections, moral defection is taking place every day. When Mr. Nijalingappa goes and meets the Swatantra Party leader and the Jan Sangh leader in order to come to an electoral understanding with them, it is a moral defection from the Congress Party...

SHRI R. T. PARTHASARATHY : This is very uncharitable. You can't say that.

SHRIMATI YASHODA REDDY : In an election everybody approaches everybody else. Any other example is most welcome, but not this.

SHRI BHUPESH GUPTA : My friend, Shrimati Yashoda Reddy, has said this thing and I would not like to use any word or expression that may hurt her; her mind must be very sensitive in the crucial days. Therefore, I must not say anything. Everybody goes to everybody. No. Your Nijalingappa never before went to the residence of Mr. Ranga or Mr. Atal Behari Vajpayee. He had been here. He had been here for quite some time and the same gentleman when he was asked in Bangalore, "Are you consulting the opposition over the Presidential election?", he, like a colossus, said, "No, we shall nominate our man. Ask the opposition to support". He says, "No.". Mr. Kaul, you do not read it in the newspapers. I would say that is the position. (*Interruption*) I am almost haunted by the fear of defections.

So, you see I must be morally unjust before I am physically unjust. It is quite clear. Mr. Nijalingappa is morally unjust before he becomes physically unjust because he would at this rate seek to form an alliance between the Syndicate and the Swatantra Party and the Jan Sangh at the Centre. These methods of Mr. Nijalingappa herald not only defections, but herald renegacy from the Congress Party. Therefore, Mr. Vice-Chairman, let us not talk about morality in public life today. All the principles are thrown to the winds. I have not written a letter, a great letter, to Mr. Nijalingappa objecting to his hobnobbing and intrigues and

conspiracy with the Swatantra or the Jan Sangh. It is Mr. Jagjivan Ram and Mr. Fakhruddin Ali Ahmed, two members of the Congress High Command and the Congress Parliamentary Board, two members of the Cabinet, who have written a letter to Mr. Nijalingappa objecting to his behaviour. Even then my friend, Shrimati Yashoda Reddy, will like to smile.

SHRIMATI YASHODA REDDY: I am saying about the party affairs.

SHRI BHUPESH GUPTA : It is a defection in that party affair. Defection is a party matter. Mr. Vice-Chairman, when I am discussing divorce and if somebody says it is a family affair, then, I cannot discuss divorce at all. It is surely a party affair. But defection in party life is the same as divorce in your family life. But while discussing a party affair how am I guilty of discussing something which deals with defections? Therefore, let us not talk about it. We are watching the game today.

Here a valid point was raised on the coalition governments. (*Interruption*) I am giving the genesis of defections. The Congress Party used to enjoy the monopoly of power at the Centre and in the States. It was the majority party, the big party, in the country which could hold the reins of this Government. But today the position has changed. Some of the States are no longer under the Congress rule and the Congress Party has become an opposition party in a number of States and is fast disintegrating even at the Centre. After the Fourth General Election the Congress Party here in the Centre did not have even a single party majority good enough for amending the Constitution of India whenever an amendment was needed. Such being the position, with the disintegration of the Congress and without any viable alternative yet taking its place on a national level, obviously we would enter a temporary period of instability and uncertainty. It is inherent in the political situation. It is inherent in the historical process through which we are passing today. You may blame somebody or I may blame somebody. But the sum total is this that it is actually a result of the development as a whole. There is no use now blaming anybody on this point. We have to go through this ordeal and this process. Naturally when we enter into an era of a coalition government from the era of one-party rule, there would be what you call defections; there would be crossing

of floors; there would be certain changes of sides; there would be fluctuations in political loyalties. Well, it is understandable and such things are taking place. Our regret is that they are taking place on some unprincipled grounds. Sometimes such things are motivated by personal gains, a desire to make personal gains, or they are induced by baits and temptations and so on. This is very bad. But if they, in protest against the conduct of Mr. Nijalingappa's alliance with the Swatantra or the Jan Sangh, come out of the Congress, people will acclaim them as more principled fighters for the cause for which the Congress stood. I am not asking them to leave the Congress. It is none of my business. But they should not be treated in the same way as if, for example, some people from this side join the Congress with a view to getting a portfolio or a ministry. That would be dishonourable. That would be placing oneself in a wrong position. That would be an attempt to make personal gains by bartering principles. Therefore all defections cannot be put in the same basket. In the House of Commons defections have taken place, but not for that kind of reasons. Unfortunately in our country with the monopoly capital throwing its weight and money all around, with corrupt politicians occupying important positions, Mr. Vice-Chairman, it is true that in a large number of cases defections have been inspired by motives of personal gain and advantageous sitting. The have got to be deplored and they have got to be curbed. But I would not deplore if people leave their parties for principles, if people leave reactionary parties, to join progressive parties, if people leave reactionary, antinational, undemocratic or communal position in order to take a democratic and secular position. I would not deplore them. They should not be condemned in the same way. Therefore, let us have an objective view, a realistic view of defections, keeping before us the changing picture of our political landscape and life...

SHRI M. N. KAUL : They should seek re-election.

SHRI BHUPESH GUPTA : Now, therefore, with this end in view we say let the definition of defection for the present be crossing of the floor. That is enough for the time being. You need not bother about other parties. I need not bother about your party. But if it is crossing of the floor, then, some safeguard should be created.

[Shri Bhupesh Gupta]

We suggested let us leave it to the electorate to recall him. That right should be given to the electorate. We are told that recall is not feasible in our country, but in other countries it is possible. My regret is the Committee summarily disposed of that suggestion. Let the people decide. Let the electorate decide after defection how the man who is supposed to have defected, should be treated. It may well be that the people will like certain cases of defection. In other cases they will deplore it. But let the arbitrator in this matter be the constituents themselves, the electorate itself. That was our suggestion. And therefore, we say it should be crossing of the floor.

THE VICE-CHAIRMAN (SHRI M P BHARGAVA) : How long will you take?

SHRI BHUPESH GUPTA . Just only a few minutes. Thank you very much.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): But there are others

SHRI BHUPESH GUPTA . I know. The debate will continue.

THE VICE-CHAIRMAN (SHRI M P BHARGAVA) : How can it continue? Three hours have been allotted to this.

SHRI BHUPESH GUPTA . I have already suggested that we should continue the debate. We will continue it because there are others and they are busy now. Mr Vice-Chairman, you are a very reasonable man, after all.

THE VICE-CHAIRMAN (SHRI M P BHARGAVA) : Out of three hours how much time can I give you?

SHRI OM MEHTA (Jammu and Kashmir) : We must finish this today.

SHRI BHUPESH GUPTA . No, no. I told you. I object to it because we were asked that a comprehensive opinion of the House should be sought.

SHRI AKBAR ALI KHAN . At the most we will sit up to 6 O'clock and finish it.

THE VICE-CHAIRMAN (SHRI M P BHARGAVA) : Mr Bhupesh Gupta has already taken 28 minutes. The total time allotted is three hours. Mr Bhupesh Gupta, how long am I to give you time? Five minutes more.

SHRI BHUPESH GUPTA . A few minutes more you can give me. Five minutes is no time at all. You ask any railway official and he will say five minutes is no time at all. When a train is late by five minutes, do you consider it late?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA): You are not a train.

SHRI BHUPESH GUPTA : Mr. Vice-Chairman, you are my station master on this subject. Therefore, the definition should be crossing of the floor. Then, we proposed in the Defections Committee the right of recall to the electorate, to the constituency. We also suggested the right of dissolution of the Lok Sabha or the Assembly by the Council of Ministers concerned. Both the President and the Governor shall be under an obligation to dissolve the House if so desired by the concerned Council of Ministers still enjoying the majority in the House and not defeated by vote on the floor. After such dissolution the new House, when it is constituted again, shall not, however, be dissolved before the expiry of a period of one year when it can have a Council of Ministers enjoying the majority of the House. The safeguard is against any possible misuse of the right of dissolution.

Many followed the principles which obtain in the British Parliament. Now even the Home Minister, in his note, pointed out that the right of dissolution is a deterrent to prevent defection. Later on they made a *volte face* and the Home Minister changed his position. I have the records with me. If you see the records supplied to us by the Home Minister you will find that he laid great stress on the right of dissolution on the part of the Prime Minister or the Chief Minister as a deterrent against defection because if the defectors know that they will have to face a general election, many of them will think twice before defecting. After all, they go to the other side to become Ministers and so on. They will not like to face an election apart from the public approbrium attached to it, but they did not accept it. The fourth recommendation we made was—the story I tell you nobody will be able to tell you—this

“The size of the Council of Ministers shall be restricted to 10 per cent of the total members of the Lower House or 30 whichever is less.”

This was more or less accepted but then modified. A compromise formula was given by Shri Jayaprakash Narayan and he proposed to raise the ceiling to 50 in addition to the rule of 11 per cent. in the case of bicameral legislatures. Ten per cent. was not acceptable to Mr. Chavan as the Central Cabinet was not protected if you take the existing strength and so Mr. Chavan said 'No', but he was agreeable to fixing it at 10 per cent. in the case of States like Assam, Rajasthan, etc. He was agreeable to bringing down the size of the Ministry on the basis of 10 per cent. in the States but when it came to the Central Government he said 'no'. The meetings had to be adjourned to give him time. It seems that the Ministry is getting depleted, anyhow, and he could have accepted it. It was not accepted, otherwise he would have had unanimous recommendations but they would not reduce their happy family but it is going down under the weight of his own sins. At that time it was larger by 2 or 3 in number and that is the reason why it was not accepted. Then I pass on to the next recommendation :

"The Prime Minister must necessarily be a member of the Lok Sabha. The Chief Minister must likewise be a member of the Vidhan Sabha".

I need not dilate on this. It is a good suggestion because sometimes we bring in people to the Council of States or the Councils in order to make them Chief Ministers and this body should not be utilised for finding positions for Chief Ministers and others. It found very great support in the Committee but somehow even this was not accepted. This was a suggestion of the Communist Party of India and I placed it before them. The next was this :

"Except immediately after the General Elections and before the House meets for the first time, Governor shall not assess the strength in his individual judgment. Whether a Council of Ministers enjoys the majority or not must be determined on the floor of the House and not in any other way."

You will agree that the suggestions we made are absolutely constructive. These suggestions place importance on the electorate and the masses. These suggestions are based on certain principles. To-day we find that they are not acceptable to the Congress Government because many of

them do not suit them. That is the difficulty. Mr. Chavan came there but he was a responsible member of a party Government and he had to look after not only the interests of his party in general but also the interests of the Central Cabinet which has got three categories of Ministers—the Cabinet Ministers including the Deputy Prime Minister who is now gone, the Ministers of State and the Deputy Ministers and the hangers-on like Parliamentary Secretaries. Of course they are not many...

SHRI VIDYA CHARAN SHUKLA :
We have none now.

SHRI BHUPESH GUPTA : I understand. They have all been promoted to Deputy Ministers? It is very good. The family is growing. Some day I shall see you as the President but in our country parliamentary principles are not respected. They are to be flexible for the Congress Party. We had heard so much about the Speaker—august office, divine office, embodiment of impartiality, fairness and justice—all over this side. To-day what is this Speaker's office ?

Mr. Sanjiva Reddy, since he has gone, just happened to be a Speaker on transit. He halted for a while and now he has gone. What is the use of talking about defection when you have created a situation when the Speaker or rather every Speaker—whether he will do or not is a different matter—can expect to be made the President of India and hence he may take it into his head that he should placate the majority party in the country which is in control of the Central Government? You may say that it will not happen but laws are not made taking into account the goodness of the man alone especially when the goodness is to be found in all cases. Therefore we have created a precedent in the Parliament when I have a feeling that the Speaker—there may be a Speaker—who might like to follow in the footsteps of Mr. Reddy and seek a place in Rashtrapati Bhavan and hence with a view to that aim, like to placate the ruling party in the Government Benches. I would always have that feeling. You have created it. The Speaker's office in England is never for auction, never for political auction. Here sits a man who has some measure of experience and knowledge about parliamentary affairs. Can you name one Speaker in the British House of Commons who has sought such high positions even a Cabinet position after he had left the office? , Therefore

[Shri Bhupesh Gupta]

the office carries with it some measure of confidence and a palpable degree of impartiality but here it is for auction to the highest bidder and to-day it is a matter of shame that the Speaker of the Lok Sabha—he is no longer the Speaker and so I can say this—went from door to door, house to house even in May and June to seek party nomination. He should have told the Lok Sabha or the Leaders of the Opposition : 'I have now decided to return to the partyfold, that is the Congress Party'. He kept his position in the dark. He did not tell them. He pretended that he was impartial and yet went from door to door as the Speaker of the House to see political nomination of a political party when he knew that the Syndicate had decided that it would give the nomination to a strong partyman for the Presidentship. Mr. Reddy thought he was qualified to be the strong partyman and hence he could attract the support of the Syndicate. Before you talk about defection, you should stop this because the Speaker occupies a special position—the honour of the House, honour of every individual member. Tradition and conventions are all concentrated in the Chair in which you are sitting and the incumbent of that chair is under moral, political and special obligation to maintain them by his conduct, and be worthy of the dignity of the position you occupy and the Speaker in the other House occupies. This is the example we have set before the country. It is a matter of sorrow that he is a candidate of a caucus, not even of the Congress Party and it is clear. You can see that if the Speaker offers himself to be the candidate of a political party—and that, too, of a caucus in that party—throwing overboard all pretensions of impartiality, parliamentary democracy is degraded, defamed before the eyes of the world.

SHRI A. G. KULKARNI : What about the Vice-President?

SHRI BHUPESH GUPTA : I am sorry you have brought in the Vice-President. The Vice-President comes to occupy the chair by reason of his being the Vice-President. He is a different proposition. He is Vice-President first and overtime he does here; but the Speaker we elect as speaker ! We reflect on him. We say who from amongst us should be elected as Speaker. The Vice-President may not be from the Members of the House at all.

Therefore, Mr. Vice-Chairman, since you are ringing the bell, let me at least say this. Today it is useless to talk about such things any more when the ruling Congress Party and its leadership, particularly one section of the leadership which goes by the name of 'syndicate' and now expanded with the association of Mr. Balraj Madhok and Mr. Masani, have thrown overboard every principle of parliamentary democracy, have thrown overboard parliamentary decorum.

Mr. Vice-Chairman, I would therefore request that this Report be referred back to another body—I do not know what body. Now we have become defunct; we do not exist, but I think the question should be discussed, the recommendations I have read out to you. Today, Sir, much bigger things are at stake. We are now faced with the theory of an independent President, a strong President. Mr. Vice-Chairman, we want a constitutional figurehead President, totally, completely, loyal to the supremacy of Parliament. His sole job should be to respect the will of Parliament and go by the advice of his Council of Ministers. That is what is happening in England and that is what should be. We shall consider him a strong man so long as the man can hold a pen, dip it in the inkpot, take it out and put his signature where his signature is required. Such a man is strong enough for our purposes provided he is a man of probity, he is a man of intellect, he is a man of character without any High Court or Supreme Court structures against him, provided he is a nationally accepted man, provided he has a record of service to the nation and has been a freedom-fighter, provided his image is one which people recognise, not one forced upon the nation by an intransigent, conspiring and plotting 'syndicate', as is sought to be done in the case of Mr. Sanjiva Reddy.

Mr. Vice-Chairman, thank you very much for the indulgence you have shown me. I am always grateful to you for the indulgence you show me. But today my feeling is that we are almost on the last days of parliamentary democracy because, Mr. Vice-Chairman, the modern guy foxes of the 'syndicate' are entering the premises and precincts of Parliament, and I am sure they will like to do us a spot of arson, incendiarism. Therefore, betimes we should take note of that, and I believe, if Rashtrapati Bhavan is placed in the hands of the 'syndicate', parliamentary democracy here will be endangered and jeopardised, and it will be a

matter of time before it is degraded and destroyed. Whether it will be finally destroyed, I do not know, but certainly the forces are at work.

Thank you very much, Mr. Vice-Chairman, but I beg your blessings so that the country can be saved from the 'syndicate', --Jan Sangh—Swatantra plot, and we do succeed in placing the national candidate, Mr. V.V. Giri, in Rashtrapati Bhavan.

SHRI BRAHMANANDA PANDA (Orissa) : Mr. Vice-Chairman, the word 'syndicate' has become very stale. Let us say 'spinster aunts' of the Congress.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Mr. Chagla.

SHRI M. C. CHAGLA (Maharashtra): Mr. Vice-Chairman, Sir, the House is discussing a very serious, important and vital question, a question which affects the working of democracy and the functioning of parliamentary institutions. All of us who are interested in parliamentary democracy must give serious consideration to what is happening in the country today. I have looked into this Report which is signed by some very distinguished people, but I must confess that it strikes me as being extremely sketchy and scrappy. I am surprised that people of such distinction should not have given a little more thought to such an important subject and should not have suggested proper remedies for putting an end to defections.

Now, Sir, France is an illustration which our country should always bear in mind. You remember, Sir, that in France Ministries used to fall every six months and eight months. It was supposed to be a Ministry of very great stability if it lasted ten months or twelve months—which was hardly ever the case. Why was that? Because there were no fixed parties, because there were constant fluctuations in Parliament, because people did not adhere to any convictions or any principles. The result of that was that a dictator appeared on the scene, and the dictator was General de Gaulle, who practically put an end to the old system and introduced a system where there was stability in the country.

Now, Sir, in my opinion, crossing the floor may be the result of one or the other thing, and you must judge it accordingly. It may be the result of a change of conviction, or it may be the result of some temptation or some bribe given. If it

is a change of conviction, you must consider whether crossing the floor should be allowed. If it is the result of a bribe offered or some temptation offered or some reward offered, you must consider how that should be put down.

Now, Sir, in my opinion, you cannot prevent people from voting against their party. If it is a matter of conscience, they will vote against their party, and they should not be prevented except in extreme cases, to which I shall presently refer. I agree that for the working of parliamentary institutions you do need parties which are more or less stable. I do not agree with the observations in this Report that there will be freezing of parties if crossing of the floor is not permitted. The so-called crossing of the floor or change of conviction should normally take place at the General Elections. It is at the General Elections that the electorate decides who should be its representatives. And once those representatives are sent to Parliament and to the Legislatures, by and large there should be stability in the formation of parties or groups of the Opposition. This constant change is not desirable from the point of view of parliamentary institutions. Therefore it is incorrect to say that you will freeze the situation if you try and prevent people from crossing the floor. There is always the General Election. There is always the electorate. Let the electorate decide. But once it has decided, normally it is the duty of the Member to respect the wishes of the electorate and to remain in the party to which he has been elected. But, Sir, I would like to make one suggestion. I think the members of the Congress Party—of other parties as well—are much too strict in issuing whips. On every subject a whip is issued, thereby testing the loyalty of the member and compelling him to vote with the party, whether he believes in the particular matter which is before the House or not. I think whip should be issued very rarely, and a party should not look upon a defeat in the House necessarily as a vote of no confidence. Now take the United States—you have the Senate; you have the House of Representatives—where the parties are perhaps not so strong as they are here or in the U.K., but nobody minds if the President is a Republican and the Democrats carry a particular measure or pass a particular Resolution. Therefore, parties should not look upon every topic that comes before Parliament as something that involves a vote of confidence.

[Shri M. C. Chagla]

It is only in matters of policy, in matters of grave importance, in matters of national emergency that a whip should be issued, the matter being looked upon as a vote of no confidence. And even there you should permit your members if they say it is a matter of conscience to vote against you or at least abstain. You know it is the usual practice. Take the Labour Party; a member says: I do not agree with the policy. Serious attention might be taken if he votes against the party but he is permitted to abstain if he says it is a matter of conscience. Therefore we should not be in a hurry to take disciplinary action against members of the party because as a matter of conscience they do not see eye to eye with the party and they abstain or do not vote for the party.

The other remedy suggested by this Report is that the Council of Ministers should not be as large as it is today either at the Centre or in the States. Now, I am not one of those who believes that you should have a proportion fixed with regard to the Council of Ministers. To me it seems an absurd proposal that we must have 5 per cent. or 10 per cent. or 15 per cent. of the members of the legislature constituting the Council of Ministers.

SHRI M. N. KAUL : There is no principle behind it.

SHRI M. C. CHAGLA : No principle at all. You appoint the Council of Ministers to do work. You must decide what the work is. You must decide how many Ministers you want among whom the work should be distributed. You must decide how the work will be done efficiently. But why is it that we have such large Council of Ministers? Because nobody is thinking of work. Nobody is thinking of administration. What we are thinking all the time is how to retain certain groups and factions and each group and faction has to be represented in the Ministry. That is the course of our country today. What happened in Bihar? For one month you had Ministers without portfolios, who were drawing salaries out of the public revenue without doing a stroke of work. I have never known in the history of the world in any country where you have parliamentary institutions such a thing happening. It happens in our country and what do we do? Nothing, but shrug our shoulders. Therefore the first principle that we should lay down is that the Council of Ministers

should not be large either but its number should depend upon the extent of the work, the nature of the work, the quality of the work and the ability of the Minister who is going to do the work. But, no, that is not the principle. The first thing we do is, we say this group has to be represented, this caste has to be represented, this community has to be represented. Is this democracy? Is this parliamentary institution?

The other thing I would say is this. I quite agree with the Report that crossing the floor should not entail disqualification. I see a suggestion was made that if a member leaves the party on the ticket of which he had been elected he should be disqualified. I think it is an impossible suggestion. We might amend the Constitution but it would not be right. But what can be done? It is strong public opinion which should condemn the action of a member who crosses the floor not out of conviction but because he has been offered a ministership or offered some bribe or some reward. I am very much interested in the suggestion which Mr. Bhupesh Gupta made about recall. It is a highly democratic process. It may be difficult to work it but this Committee should have given some thought to it. Suppose a man is elected on the Congress ticket. The electorate had elected him because they wanted a Congressman. If he crosses the floor and joins the Communist Party or the Jana Sangh or the Swatantra Party, why should not the electorate be given the right to say, 'We do not want this man; we want a Congressman' or they might say, 'Now, our views are changed; we want our representative to be Jana Sangh or Swatantra or Communist.' Therefore I think this suggestion of recall is a suggestion which should be carefully considered. I know it is difficult; I know it might be expensive but it is democratic, and it is one of the ways of preventing defections which is what we need most.

But, Sir, I do want to emphasize the fact that defections may ultimately lead to the complete breakdown of parliamentary institutions. If we do not have stability of Government how can democracy function? I know of many States where the Ministers have no time to attend to administration. Files are piling up all the time while they are busy playing politics. Let us ask ourselves this question: what does the average citizen in our country want? He wants an honest

clean administration. He is not interested in politics; he is not interested in parties. He wants, as I said, honest clean administration. For heaven's sake give it to him. But no; the Ministers have no time for it. As I said there are other things to do besides attending to administration. Therefore unless we stop this crazy game, this foolish game, this mad game, of having Ministries every six months or eight months, of members crossing the floor, of defections, I think parliamentary institutions will not be able to function in this country. I have often suggested—and I know I have been criticised and condemned for it—that we must give serious thought to the question whether at least in the States we should not have a presidential form of Government. The presidential form of Government is as democratic as the parliamentary form of Government. The advantage is that for five years—the President will not be constitutional President but he will be the same as the Chief Minister—the President will have his colleagues who will not be removed, who cannot be removed, and who will attend to administration during those five years. They will not have to be looking behind their back all the time to see whether there is a faction or a group supporting them. For five years you will have strong clean administration. After all the parliamentary form of Government is the most difficult form of Government to work. You need certain requisites. You need a strong party in Government. You need a strong alternative Opposition to take over from the ruling party. England has it; some other countries have it. France tried it and failed. As I said, there is nothing wrong in considering whether the alternative of presidential system is not an improvement as far as our conditions are concerned compared to the parliamentary form of Government. I myself think that the parliamentary form of Government is the best form and we rightly selected it but having selected it we must work it efficiently. We must not allow this terrible corruption, this erosive factor which is eating into the vitals of our country to permit parliamentary democracy to break down.

Sir, I do not want to continue my speech. I only want to say that this Report is not satisfactory, that this is a subject which cannot be slurred over. You cannot just sit down and discuss it in two or three hours. I think there should be another Committee or some other machinery should be convened which will give

more time and more thought to this problem which is of vital national importance for us.

5 P. M.

SHRI K. CHANDRASEKHARAN : Mr. Vice-Chairman, Sir, I think it was the then Rt. Hon. V. S. Srinivasa Sastri who said that the cross-bencher in Parliament is a much hated man, but the cross-bench mind is an ever-present had evergrowing need. Most of the troubles that we have seen in this country today are on account of the fact that we have not been able to understand and appreciate the way in which political parties should work in a democracy. I am suggesting that if we want to avoid the growing defections that are taking place and have been taking place in the country, we have got to go to the root causes of defection. My complaint against the Report of the Committee is that the only thing that they have failed to examine is the root cause of defection in this country which has been taking place ever since the date of the Constitution. A minority in charge of the leadership of a political party, at a particular point of time, may be able to take a steam-roller attitude. A particular political party, as against all the other political parties in the country, might be able, at a particular point of time, to take an attitude of defiance and arrogance as against the other parties, but when the leadership changes or the situation changes, difficulties do arise and then there are large-scale defections. That is what we have found during these years in this country. The essence of parliamentary democracy consists in standing the test of the right functioning of the political party system and in a democracy within a political party and as between political parties there has got to be a large measure of give and take. That approach on the basis of compromise has been significantly absent within the political parties of this country and so far as the relations as between the political parties are concerned, the ruling party, the majority party, has signally failed to play its role in discharging its responsibilities. During the period between 1952-67, for about fifteen years, we had in this country as many defections in number as took place in a period of about one and a half years from 1967, but there was a difference in the pattern of these defections. For about fifteen years till 1967 the defections were all to the credit of the Congress Party. They were all from the Opposition Parties to the Congress Party

[Shri K. Chandrasekharan]

but during the period 1967-69, of the number given by the hon. Home Minister and conveyed in the Report also, about 80 to 85 per cent. of the defections were from the Congress to the Opposition parties.

SHRI NIRANJAN VARMA : It is now 5 O'clock.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : We shall continue the debate if Members want to sit.

SHRI K. CHANDRASEKHARAN : When it became a loss so far as the Congress is concerned, this factor appears to have been given rather great importance, which importance ought to have been given much earlier, when the Congress failed to do that, because it was profitable for them at that juncture and today it is a loss for them.

If you look into the political history, you will find that the Congress, for the first fifteen years after the Constitution, had deliberately encouraged defections and when the tide turned in 1967 there was great difficulty politically for the Congress. This Report was submitted to Parliament some time in February. Even before the ink was dry on the Report, what happened in Bihar? Immediately after the mid-term elections, the Congress, just for the purpose of forming a Ministry in that State under the leadership of Shri Harihar Singh, encouraged defections, took in defectors, when the Report had stated, when the consensus was that no defector should be given any office. They took as many as six defectors and one of them during the period between 1967 and 1969 had changed party five times. When such sort of Ministry is formed in Bihar, certainly there is no stability. The result is that the views expressed in this Report and signed also by the hon. Home Minister, along with the other Committee members, do not bear any significance so far as implementation is concerned.

There is a lot of talk of defection today, particularly in the contest of the Presidential election and the Vice-Presidential election. I would like to utter a word of caution, that defection has got to be distinguished from internal party matters, may be amounting to indiscipline or some sort of absence of discipline. Defection is used only for the purpose of crossing the floor, from one political party to another, but so far as cross-voting within

a political party itself is concerned, certainly it may amount to some sort of indiscipline, but not defection. It cannot be prevented because as to how discipline is to be maintained and retained in a particular party is, by and large, the lookout of that political party. It cannot be prevented by any sort of law or even by recommendations made in a report. This Report does not contain any recommendation as to what exactly should be done to prevent defections. Everybody agrees that the way in which defections have taken place in this country it is not good and if it continues hereafter, the very democratic set-up is likely to be eroded. Then we may reach the twilight of the Constitution if we have not already reached. So that point is of supreme importance, and yet this Committee has failed to tackle the situation and suggest remedies and, as I stated earlier, has failed to go into the root causes of defection itself. In this state of affairs I thought, Sir, that the hon. Home Minister might be suggesting something before this House as to what exactly should be done. Except formulating the various views expressed either unanimously or by various other members of the Committee in the course of that report that we are discussing, the Home Minister on behalf of the Government has nothing to suggest. It was thought that a right of recall might be taken as some sort of remedy to the situation, but I have no doubt to submit, Sir, that in the circumstances existing in this country today particularly with the large number of voters in each constituency, a right of recall will be very difficult to implement, and in such circumstances if a right of recall is given, we are likely to be confronted with a large number of constituencies in which there is the exercise of the right of recall, and that again would disturb the working of the democratic set-up.

The Home Minister stated that public opinion should be strong against defections, but who is responsible for the formulation of this public opinion? We just heard the hon. Member, Mr. Chagla, telling us that so far as the common man is concerned he wants only a good, honest and efficient administration. But have we been able to give such an administration anywhere? Why is it that we have not been able to give it? Why is it that we have taken even decisions of far-reaching economic consequences under the pressure of politics, in situations which

primarily arise on account of may be political happenings at the moment? We have not been able to formulate basically any economic programme and implement it. The freedom that we have attained, we have not been able to convert that freedom to the benefit of the masses in this country, and therefore when there is all-round discontent and a feeling of despair has arisen not only in the masses of this country but in the intelligentsia of this country, there is chaos and as a result of that chaos defections are on the increase. Unless therefore we are able to build up economically the situation that projects itself in the country and solve the problems on the economic plane, the political problems that we are facing today will be on the increase, and defection is only an offshoot of that political problem that we are having and we were having in this country.

Sir, a number of other suggestions were made as to whether the Prime Minister and the Chief Minister should be a Member of the Lower House or the Upper House, as to whether a defector should be permitted to continue in office or be put out of office for a period of one year, the size of the Council of Ministers, and so on, but I submit that these are matters of little significance. By tackling these matters and trying to solve or trying to find out a solution mathematically for these questions we will be going astray and we will not be solving the problem of defection that the country is facing. It was said by one hon. Member that coalition Governments might be an answer to defections. I personally feel that strong coalition Governments, coalition Governments working in such of those States which have got the experience of coalition Governments, certainly contribute themselves as an answer to these defections. Take, for example, the State of Kerala where political instability was writ large some years back. Not that I am saying that there is no political instability there, but compared to other States certainly the coalition is able to work without defections. There may be other disadvantages, there may be other criticisms, but I am certain that in a State like Kerala where there is so much of public opinion, where every citizen is politically opinionated, it will be impossible for a public man to walk on the streets if he defects. Such sort of public opinion has got to be built up in other States and in the country as a whole, and I am sure that with coalition Governments existing

in almost all the States and probably at the Centre also this problem of defection might go into the background.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : What about the problem of time ?

SHRI K. CHANDRASEKHARAN : I know that you are looking at me. I am finishing. I have no doubt that this country is out for a long period of coalition Governments in the States and at the Centre. In the majority of States we are having coalition Governments. The pattern and structure of the coalition Governments may differ, but if coalition Governments come to stay in most of the States and at the Centre, no doubt the country would be faced with other problems of a political nature, but the problem of defection is likely to cease thereafter. Thank you.

SHRI AKBAR ALI KHAN : Sir, so far as the members of this Committee are concerned, I entirely agree with the Home Minister and other friends that it contained persons who are respected and honoured in this country. But so far as the report is concerned I think it is equally true that it has not given a definite direction or proposals which would really have solved the problem for which this Committee was appointed. Sir, I was still more surprised when after hearing the Home Minister I found that he wanted only the reaction of the House to this report and did not come out with definite and specific proposals to meet the situation.

Sir, I will not go into the history of the case as Mr. Bhupesh Gupta or my friend, Mr. Chandrasekharan has said that defection has not started from 1967 but it has been an old story. Whatever it is, after the fourth general elections it came to such prominence that the people and the masses began to feel that there was something seriously wrong with our democracy. It was not only the instability of the administration of the government, but it brought democracy into disrepute and disgrace. It is with this all-round feeling, I think, that the Resolution was passed and this Committee was appointed. And now without going into the details, I would say this. If you go through the recommendations and if you go through the discussion, you will find that there are certain things on which you can take a definite stand. It has been suggested that if a person defects—and let me clear up the position here—if somebody on

[Shri Akbar Ali Khan]

account of honest difference of opinion leaves one party and goes to another party and resigns from that post and gets re-elected, that does not at all come under the scope of defection. Everybody in a democracy has got that right and it is very honourable, and the great leader, Acharya Narendra Dev, and others left the Congress; they resigned and stood for re-election. So, let us clear up that position. That has nothing to do with defection. But when it is done with a certain motive or with a certain object to take advantage of something, then that is the position that we have to safeguard against, and for that purpose, I think two or three proposals should be supported by this House and the Government of India and the Home Ministry should be asked to come forward with legislation at an early date to see that those things are given legislative sanction.

The first is, when there is a defection—that is to say when a person has come on a certain party ticket and after a certain period, he changes it with some idea—he should immediately cease to be a member of that Assembly or Parliament. I think the Minister of State will listen to me. He can have a talk with the Labour Minister some time else. If he does not listen I can better sit down. I am definitely suggesting that the Home Minister should come forward with a proposal that anybody who defects with whatsoever motive and object should cease to be a member immediately.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : They were jointly listening.

SHRI AKBAR ALI KHAN : I agree but I had the feeling that they were talking about something else.

Then the other proposal that I want to place is this. It is true, as Mr. Chagla said, that you have to create public opinion, public standard. And you have to limit the proportion of the Ministers also. We have seen—there has been some 15 per cent. of Ministers, and that has also brought democracy into ridicule and disrepute. In order to control that, I would suggest that it should be 10 per cent. Whether it is at the Centre or the States, that must be adhered to.

And when we want to bring about some reforms we must be prepared to make sacrifices. If the Congress has to lose

something even, we must be prepared to lose. It is only in that way that we can create a climate and confidence not only in the Opposition parties but in the country also.

Finally, I entirely agree with the suggestion that so far as the Chief Minister and the Prime Minister are concerned, they should be from the Lower House and a period may be given—six months as it is—within which they can get elected if they belong to the Upper House or if they do not belong to any House. But the Chief Minister and the Prime Minister should be from the House of the People, or the Lower House.

AN HON MEMBER : It is no solution to the problem.

SHRI AKBAR ALI KHAN : That is one of the ways in which you can create more confidence in the people.

Thank you.

SHRI THILLAI VILLALAN (Tamil Nadu) : Mr. Vice-Chairman, today we are discussing about political defections—a proper time I think because in a week the whole country is going to face a very big election, that is the Presidential election. Hon. Members, when they were giving out their suggestions, said that political defections started in the year 1950 or afterwards. Sir, they are mentioning about *Aya Rams* and *Gaya Rams*. But defection started from the days of Rama. Even in the Ramayana we can find the very same defection. But it was not called defection, it was called treachery. Vibhishana, brother of Ravana, defected from Ravana and joined Rama, and he was responsible for the defeat of Ravana. So, defection started even from the days of Rama. But now we are experiencing a different kind of defection, being wedded to parliamentary democracy. Political instability is the basis. The main defect, the main malady is defection, we can call defection as political cancer. We are now here to diagnose the disease and also to find out the very roots of the disease. Then only we can treat the disease properly.

The Committee has given its recommendation. According to me, we can divide it into two parts. One is medicinal and the other is surgical. So far as the ethical and political aspects are concerned, we can call them the medicinal treatment, so far as the constitutional and legislative aspects are concerned, we may call them

the surgical treatment. I shall deal with one point in the medicinal aspect and one point in the surgical aspect. In the Report itself they have given the correct solution by saying—

“...a lasting solution to the problem can only come from the adherence by political parties to a code of conduct or set of conventions that took into account the fundamental proprieties and decencies that ought to govern the functioning of democratic institutions.”

First of all, the political parties and the persons representing their constituencies in the Assemblies and in Parliament, they must follow a certain code of conduct, they must exercise self-restraint. We must give political education to the people who are representing the people in the Assemblies and other Houses. At the same time, the political parties must also take an oath that they would follow a certain code of conduct in the conduct of elections and also in the participation of democratic way of life.

So far as the political parties are concerned, my humble suggestion would be this. I am not going to say about other parties. I will talk about the experience of our own party, that is the Dravida Munnetra Kazhagam. Our revered leader, Anna, when he started the party gave us three words—we call them as political gospels. In Tamil we call them *kadamai, kahniyam, kattupadu*. In English we call them duty, dignity and discipline. These are the three principles to be strictly followed by the members of the party. When he started the party, he said that these strict principles should be followed by the followers of D.M.K.

After his demise the present President of our Party, our Chief Minister, Mr. Karunanidhi, added one more, that is, unity, i.e. *Orrumai* the fourth gospel that we are now following. So my submission would be that all the political parties must sit together and find out a solution. So far as their own members are concerned, they should follow a certain code of conduct and thereby they can restrict defections in the country.

Further, there is a couplet from Thirukural :

Chirai Kakkum Kappevan Seiyum
Magalir Nirai Kakkum Kappe Talai.

which means the chastity of a woman can be saved only by her own self and not by anybody outside.

[THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) in the Chair]

So the defector must control himself because he participates in an election conducted by a political party. He wants to represent a constituency. He wants to represent a part of the country. Therefore, he must be a man with some principles. First, he must control himself because, according to this couplet, the woman alone can save her chastity, not any outside force. The defector must know that he is a man representing a number of people and so he must control himself. The political party to which he belongs also must have control over him. These things are to be decided in a conference of leaders of all parties to be convened by the hon'ble Home Minister.

So far as the surgical part of the treatment regarding defections is concerned, my humble submission would be only this. We can have an amendment in the Representation of the People Act as also the Constitution. Added to the recommendations by the Committee. I want to submit, there should be a right to the electorate to recall a defector. This is there in Switzerland. Because it is expensive, the proposition may not be practicable here. But it is the most democratic way of checking defections. We must amend the Constitution so as to provide for the right of recall to the people because it is the people who have given him the right to represent themselves to ventilate their grievances, to express their own feelings in the the Houses. But when the person gets elected, the people are left out. It is not democracy at all, Sir.

In our part a poem of poet Bharathi used to be sung in all public meetings in which it is said that we are the monarchs of the country :

Ellorum Innattu Mannar

The people are the monarchs of the country until the vote is cast. After that the representative becomes the monarch and the people become the servants. That is the way of life in our parliamentary democracy. After the counting in the election is over the representative becomes the monarch and the voters become his servants. This should be changed. If we want to change this position, I would advocate the right not only to elect but the right to recall to be given to the voter. Even if the right is there, we need not

[Shri Tnillai Villalan]

necessarily exercise it. So my submission would be on the side of the medicinal part of the disease. We must have a regular code of conduct of all political parties. So far as the surgical part of the treatment of the disease is concerned, my submission would be that there must be an amendment of the Constitution so as to provide the right to recall for the electorate. With these words I conclude.

SHRI P. CHETIA (Assam) : Mr. Vice-Chairman, Sir, from the statement of the Home Minister as well as from the report submitted by the Committee on Defections it is clear that the problem of defection has assumed great dimension in our political horizon. It is seen from the report that during the course of the last 18 years, out of 543 defections 433 defections took place after the Fourth General Election, that is, after 1967. On account of this large-scale defection there were unstable Governments in five States, namely, Haryana, Punjab, Uttar Pradesh, Bihar and West Bengal. In the absence of stable Governments in these States, the Central Government had to introduce the President's Rule. So as a result of this large-scale defection a resolution was adopted in the Lok Sabha and in pursuance of that resolution this Committee on Defections was constituted.

Sir, the Committee recommended four concepts, political, ethical, constitutional and legislative. I do not like to discuss all matters relating to political or constitutional recommendations, but so far as ethical and legislative recommendations are concerned, I would like to confine my observations in the sphere of these two recommendations.

The Committee says :—

“... a lasting solution to the problem can only come from the adherence by political parties to a code of conduct or set of conventions that took into account the fundamental proprieties and decencies that ought to govern the functioning of democratic institutions.”

Then again, it says :—

“One suggestion placed before the Committee was that this could be achieved by having a Standing Committee or Board comprising leaders of political parties and men with legal background who were highly regarded in the country for their experience of public affairs, objectivity, integrity and political

neutrality. Any political party which had a grievance against another for non-observance of the code could take-up the matter before the Board which, if the material before it was adequate, could convey its censure or disapproval which in due course would acquire moral sanction. When the Board censured a particular member for violating political proprieties, the political parties could be asked to ensure that he was kept out of public life for a prescribed period.”

So, it is intended that under these “ethical” recommendations the political parties should evolve certain healthy conventions or traditions about moral code of conduct. But we should remember that we are in a transitory stage. We attained independence only 22 years ago. Ours is a nascent democracy. So it is not possible on our part to evolve such healthy political traditions or conventions or evolve a moral code of conduct as it has been done in Western countries. My friend, Mr. Parthasarathy mentioned the examples of the U.S.A. and the U. K. If you look into that matter, you will find that there is a strong public opinion in those countries. How has that public opinion been created? It is because they are highly educated and democracy has been functioning there for centuries. In the U.S.A., for example, for every 1,000 people, more than 500 people read newspapers; i.e. the circulation of newspapers is over 500 for every 1,000 people. In the U. K. it is 350 or more. But in India, it is only 44 out of every 1,000; i.e. only 44 people out of every 1,000 read newspapers. The newspaper circulation is only 44 per thousand. So on account of this and on account of the backwardness of our country—so far as our countryside is concerned, our people are illiterate—people here cannot be expected to formulate a strong public opinion against defections among political parties. So, Sir, I do not think that an evolution of such a moral code of behaviour for the political parties is possible. The Home Minister expressed his doubt about this matter and I share his doubt in full.

In this connection, Mr. Bhupesh Gupta introduced certain matters which have no bearing on the subject matter of this discussion.

SHRI DAHYABHAI V. PATEL : He always does.

SHRI P. CHETIA : He made an allegation against the Congress by introducing the matter of the ensuing Presidential election. I am very sorry that he has alleged that our Congress President, Shri Nijalingappa, aligned himself with the Jana Sangh and the Swatantra Parties so that the Congress could combine with them. I should like to say that there is absolutely no foundation for such an allegation. There is no basis for such an allegation. It is a propaganda launched by parties who are opposed to the Congress. In this connection, may I remind him about the defections in his one party which took place not on account of any political opportunism or desire for power, but on account of clash of personalities? Take, for instance, the division of the Communist Party into three camps. On what ground did that take place? It was on account of clash of personalities and not for any other reason. So far as political ideologies or political approaches were concerned, there was no difference. Only on account of a clash of interests among themselves, among the personalities, that they got divided into three political parties.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Thank you.

SHRI BHUPESH GUPTA : I tell you, he may not be knowing, but we know that he is discussing with them about a coalition Government.

SHRI P. CHETIA : There is no basis for that.

SHRI BHUPESH GUPTA : The issue is, how it should be brought about and whether they should immediately join it.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Please sit down, Mr. Gupta.

SHRI P. CHETIA : So far as the "legislative" recommendations are concerned, I would like to submit that political parties run their candidates on a certain economic programme and on a certain political ideology. If somebody, after getting elected on the ticket of a certain party, defects to another party, there should be some provision in the Representation of the People Act that he shall have to resign from the membership of Parliament or of the State legislature as the case may be. Unless this is provided, I do not think any evolution of such a moral code of conduct, as has been suggested by the Committee, will help us against defection.

SHRI M. N. KAUL : Mr. Vice-Chairman, . . .

SHRI BHUPESH GUPTA : We must hear something about the Speaker also.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : He has limited time. Please sit down.

SHRI M. N. KAUL : It has been shown in the course of this debate that defection is not a post-1967 problem, but it has existed for a long time. It came into relief after 1967 because of instability in some of the States, particularly, Haryana, Uttar Pradesh, Bihar, Punjab, Madhya Pradesh and West Bengal. In one State, I must point out, it had an apposite effect. In fact, there defection has led to stability and that is Rajasthan. The Chief Minister of Rajasthan has so managed the affairs of that State that although the Congress was in a minority in 1952, . . .

AN HON. MEMBER : 1957.

SHRI M. N. KAUL : In 1957 they had a comfortable majority. In 1962 they were in a minority and in 1967 also they were in a minority. But the whole thing was so skilfully managed that there has been stability. At what cost is a matter of political judgment. But that is the sole exception where defections have, in fact, led to political stability. In regard to the other States, in Haryana, there were first rewards for defections and then there were penalties for defections in the elections. In Uttar Pradesh, there was the same old problem of factions and defections. In Bihar we had the spectacle at one time of defectors being Chief Ministers. In Punjab we had a very curious example of a Government by defectors. In Madhya Pradesh, political defections became a routine. In West Bengal, it was in addition to the problem of defections a challenge from the United Front which succeeded in the last general elections in that State.

SHRI BHUPESH GUPTA : There were defections before. The Congress organised it. (*Interruption*)

SHRI M. N. KAUL : Whatever it was, the main characteristic in that State was that it was a challenge from the Left. Defection was part of the problem. The main thing was the challenge from the Left, and the severe defeat of the Congress.

SHRI BHUPESH GUPTA : The challenge from the Left was met by the Right, namely the Congress, by organising defections.

SHRI M. N. KAUL : My personal opinion is that the challenge from the Left gathered momentum because of the dismissal of the Ministry by Governor Dharma Vira. I took the view when the crisis arose, and I have adhered to that view, that that was a mistaken Constitutional judgment which led to very important consequences. But opinions may differ on that point.

SHRI BHUPESH GUPTA : Probably the Syndicate is thinking of making Dharma Vira Secretary to the Rashtrapati should Sanjiva Reddy get elected.

SHRI M. N. KAUL : Now, when I look at the composition of the Committee, it is a very strong Committee. But I am afraid the same cannot be said of the report. The report really does not present any clear-cut solution of the problem. There is one school of thought which says "Let conventions evolve, and a solution will come by itself." There is the other school of thought which believes that some constitutional remedies should be adopted to curb this growing evil. Now, the House is aware of the classical example, which has often been cited, of Mr Churchill. He began his parliamentary career as a conservative in 1900. He defected from the Conservative Party and crossed over to the liberal Party in 1904 on the issue of protection *versus* free trade. Churchill, however, announced in Parliament that his constituents were entitled to be consulted on the change of allegiance and if they so desired he would resign and submit himself for re-election. That was not pressed in view of the impending general election. But the important thing is the statement made by him in Parliament itself that if that was the wish of the electorate, then, he should resign. That is to say the British model that we have adopted, assumes and proceeds on the basis that when you have been elected to the House on the label of a particular political party, then, it is assumed that you will adhere, that you will stick, to that political party. Of course, that political party must give you freedom of vote in certain matters and the whip should not be very rigorously applied. That has been stated in this House also with which I agree. But if he discards that label, if he renounces that label, then, he must resign. He must resign his seat and seek re-election. That is a strong convention and those who do not follow that convention in Britain, lose in political stature. That is the convention. In India it will

take a long time, for a code of conduct to develop.

श्री निरंजन वर्मा : श्रीमान, कवेशन तो पड़ा ही नहीं, कवेशन तो जब होता जब चर्चिल साहब इस्तीफा दे देते, चाहे तुरन्त उसके बाद ही एलेक्शन होता ।

THE VICE-CHAIRMAN (SHRI AK-BAR ALI KHAN) : Mr Varma, you are getting an opportunity when you can speak about it. Now you please do not interrupt him.

SHRI M. N. KAUL : So, there are two schools of thought. One school believe and that is the view represented by the Committee that small changes like limiting the size of Ministries and barring the appointment as a Minister of a defecting legislator for a period would suffice for the present. On the other hand, the Lawyers' Committee clearly stated after a very careful consideration of the constitutional and legal position—

"As standing for election to Parliament or State Legislature is only a statutory right as distinct from a fundamental right, it is open to Parliament to impose such restrictions or conditions on the exercise and enjoyment of that right as it considers necessary or reasonable in the public interest. On this basis it is possible to provide in a special legislation that a legislator who renounces his membership of or repudiates his allegiance to a political party, shall be disqualified from continuing as a Member of Parliament or of State Legislature."

Now, that is the basic solution. That is the one real, quick, surgical operation that should be performed and that will tend to improve the situation. That view the Committee has rejected. And one should mark the words in which the Committee has rejected it.—

"The proposal would have the effect of freezing political parties in their present state and thereby hinder their organic growth which was an essential part democratic process. In the present situation it would be harmful to do anything that would prevent polarisation of political forces, splits, mergers, amalgamations, etc were part of the process of ideological consolidation and they should not be interfered with."

What it means to a person like me when I read it—the impression that it conveys to me—that behind those who agree with

that view, and perhaps behind most of the political parties, there is a subconscious feeling that in the present state of political affairs in India, defections may favour them some time or the other, in some circumstances, to capture power in a particular State. So, they do not want to give up what amounts to 'privilege of defection.'

Now, I have another point to make in regard to the size of the Ministry. I agree with Mr. Chagla that you cannot place an artificial limit on the size of the Ministry. The size of the Ministry must be based on scientific principles. I spoke on this matter some time ago in this House and I suggested that Parliament should devote its attention to this subject. In our Constitution the executive has been given the power to make as many Ministries or departments as it likes by advising the President and issuing a Presidential order. The country which we follow is Britain and in Britain they have built up their conventions. The whole thing is regulated either by well-established customs or by legislation. Ministries are created by an Act of Parliament. The Education Ministry was first created by an Act of Parliament. Similarly in the United States of America departments are created by Acts of Congress. An impartial committee should assess the quantum of work, how it should be scientifically divided, how it should be rationally divided, how it should be divided into various Ministries. And there should be no change in that basis until you come to Parliament. I remember an example which one of the officials told me as to how things proceed particularly at the time of Cabinet formation. One of the Secretaries was rung up at 10' clock in the night and asked, "Shall we separate this department and call it a Ministry?" He replied, "Do as you like. I am feeling very sleepy." The way Ministries and Departments are divided to suit the whims of particular individuals, to suit particular political conveniences, is something very unscientific, and if the Parliament does not play its role in regard to this, there will be confusion. The working of the Government of India Ministries and their regulation is not a matter that should be left entirely into the hands of the executive. It should be debated. It should be settled by legislation and till that provision is made in the Constitution, the Parliament should insist that the Government should, during the course of the present Parliament, make a statement on this matter. Let a

statement be laid on the Table of the House that these are the Ministries into which the work is divided. And once these Ministries are settled, they should not be changed without reference to Parliament.

Particularly the practice of splitting up Ministries has led to great confusion. Let me disagree a little. Take the case of Mr. Manubhai Shah. In this House the other day a question arose that when he was a Minister he gave wrong information in regard to a certain supplementary question. I asked the present Minister, "Where is the old pad?" And the Minister replied, "The pad is not there." It so happened that Mr. Shah spoke to me about this. He said he kept a pad. Files are not traceable in Government departments when Ministries are broken up several times.

I think we should find a proper approach to this question. I entirely agree that it should not be left to the whims of the executive to fix the number of Ministries. It should be a matter for decision and approval by the Parliament. Thank you.

श्री निरंजन वर्मा : श्रीमन्, जब यह रिपोर्ट सदन के सामने आयी तब मुझे इस पर बड़ा आश्चर्य हुआ और आश्चर्य इस लिए हुआ श्रीमन्, कि इस सदन का बहुमूल्य समय व्यर्थ ही ख़ाया गया। इस रिपोर्ट में कोई ऐसी बात नहीं मिली कि जिस के आधार पर यह कहा जा सके कि डिफ़ेक्शन्स के ऊपर या तो कहीं पर कोई चीज़ प्राप्त कर ली गयी है या उस का निदान कहीं पर ढूँढ लिया गया है। यह दोनों बातें इस में नहीं हैं। पूरी रिपोर्ट पढ़ने के बाद श्रीमन्, ऐसा मालूम पड़ता है कि इस में केवल शब्दों का ढेर लगा हुआ है। कोई एक सदस्य किसी दूसरे सदस्य से कही बातों में मिलता नहीं और न एक दूसरे की विचारधारायें किसी तरह मिलती हैं। इस में बहुत से माननीय मित्रों ने यह कोशिश की है कि यह डिफ़ेक्शन्स कांग्रेस ने प्रारम्भ किये जब कि कांग्रेस पक्ष की तरफ से कहा गया कि यह डिफ़ेक्शन्स अपोजीशन की तरफ से प्रारम्भ हुए और अधिकांश में बहुत से मित्रों ने यह बताया कि यह 1967 के चुनाव के पश्चात् प्रारम्भ हुए। हमारे

[श्री निरंजन वर्मा]

माननीय मित्र कोल साहब को भी यही भ्रम है कि अधिकांश में ये 1967 के चुनाव के बाद से प्रारम्भ हुए ...

श्री महेश्वर नाथ कौल : मैंने यह नहीं कहा। मैंने कहा कि उस से पहले से यह चले आ रहे हैं, उस के बाद यह लाइम लाइट में आये।

श्री निरंजन वर्मा : मैं यह भ्रम दूर करना चाहता हूँ कि यह डिफेक्शन की देन 1962 की है और यह कांग्रेस की देन है। मैं इस के लिए उदाहरण देता हूँ। 1962 में मध्य प्रदेश में 141 मेम्बर कांग्रेस के चुन कर आये और 147 मेम्बर अपोजीशन के आये। तो केन्द्र से और स्टेट से, दोनों से आपस में लगभग 15 दिन तक बराबर गाड़िया चलती रही, कोई यहाँ आता था, कोई वहाँ जाता था, क्योंकि किसी को पैसे लगते नहीं थे। सारे आने जाने में, आवागमन में, जितना व्यय होता था वह भारत सरकार का या वहाँ की सरकार का होता था, और अन्त में यह हुआ कि श्री द्वारिका प्रसाद मिश्र ने छः सात अपोजीशन के आदमियों को तोड़ कर के कांग्रेस मंत्रिमंडल का निर्माण किया। तो यहाँ से यह चीज प्रारम्भ हुई। अगर उसी समय कांग्रेस के वरिष्ठ नेतागण यह सोचते कि यह कार्यवाही बिल्कुल गलत है और अनुचित है तो यह डिफेक्शन की प्रणाली प्रारम्भ नहीं होती और न हरियाणा या पंजाब या किसी दूसरे स्थान पर इस प्रकार की बातें दुहराई जाती।

इसकी जड़ कहा है ? श्रीमन्, इसकी जड़ यह है कि आदमी को सत्ता का लोभ जब हो जाता है और वह अपनी कुर्सी से इतना चिपक जाता है कि वह कुर्सी छोड़ने को तैयार नहीं होता तो वह सब कुछ ऊँच नीच, बुरा भला करता है। प्रजातंत्र की बात तो अलग है, राजतंत्र में भी राजसत्ता के लिये इसी प्रकार की बात होती थी। मुगल इतिहास का उदाहरण आपको मालूम है कि सैयद ब्रदर्स के समय क्या हुआ, एक को बैठवा कर

दूसरे को हटा दिया और फिर तीसरे को बैठा कर दूसरे को अलग किया और फिर चौथे को बैठाया और फिर चौथे को भी हटा दिया। तो सत्ता का लोभ कांग्रेस के मुँह में खन की तरह लग गया है और कांग्रेस यही चाहती है कि किसी प्रकार से हमारी सत्ता बनी रहे, चलती रहे। अगर वह चाहती होती तो निश्चित रूप से हमारे चरित्र का हनन देश में नहीं होता। जो सब से बड़ी पार्टी होती है, जिसके हाथ में देश की सत्ता होती है, उस पार्टी का कर्तव्य भी सब से बड़ा होता है और उसका चरित्र भी बड़ा होना चाहिये। छोटे आदमियों और छोटी पार्टियों से आप यह आशा नहीं कर सकते कि उनका चरित्र बड़ा होगा या जो कुछ वह करेंगे उसका देश पर प्रभाव पड़ेगा। यह कांग्रेस वालों को, हमारे मित्रों को समझना चाहिये।

फिर, हमारी समझ में नहीं आता कि इस रिपोर्ट में अनावश्यक बातों का समावेश क्यों कर लिया गया। अनावश्यक बातें ऐसी जैसा कि इस रिपोर्ट में यह बताया गया है कि कोई फीफ मिनिस्टर या प्राइम मिनिस्टर अपर हाउस का हो या नहीं हो। हमारी समझ में नहीं आता है कि इससे डिफेक्शन के मामले में क्या प्रभाव पड़ने वाला है। इस तरह की अनकाल्ड, अनइनवाइटेड ओपीनियन देने की आवश्यकता क्या पड़ गयी। इस प्रकार की व्यर्थ की चीजों से इस कमेटी की रिपोर्ट का पेटा पूरा किया गया है जब कि इसकी कोई आवश्यकता नहीं थी।

इसी तरह से एक बात इसमें और दी गई है। यह बताया गया है कि अगर कोई डिफेक्ट कर के चला जाय तो उसका निदान यह है कि उसको एक सर्टेन पीरियड के लिये डिबार कर दिया जाय। और कमेटी के इस निर्णय पर भी सब के सब सहमत नहीं है। यह तो एक भाग्य की बात है कि एकाध वाक्य पर सब सहमत है नहीं तो किसी बात पर सब सहमत नहीं है, सब अपना अपना राग अलाप रहे हैं और दुख की बात है कि वह किसी एक

ठिकाने पर पहुँच नहीं पायें। तो इसमें यह कहा है कि उसको एक वर्ष के लिये अलग कर दिया जाय ताकि एक वर्ष के पीरियड में वह ठीक हो जाय लेकिन जिसको एक दफा सत्ता का खून लग जाता है वह एक वर्ष क्या, दो वर्ष क्या, दस वर्ष क्या, वह बराबर यत्न करता रहता है कि किसी न किसी तरह से इधर से या उधर से अपना उल्लू सीधा करे और मौके पर पहुँच कर मिनिस्ट्री में पहुँच जाय। यह उसकी इच्छा रहती है। तो मेरी समझ में नहीं आता कि एक वर्ष के लिये उसे अधिकार से वंचित कर दिया जाय या उसे कोई मिनिस्ट्री में न लिया जाय या उसे कोई लाभ का पद न दिया जाय, उसके ऊपर यह कैद लगाने से कोई फायदा है। इस कैद को लगाने से भी हम समझते हैं कि कमेटी का मंशा पूरा नहीं होता है। ठीक इसी तरह से हमारे योग्य मित्र श्री चागला साहब ने अभी कहा, हमारी समझ में तो नहीं आता है कि इस तथ्य को कैसे रखा गया कि मिनिस्ट्री की साइज़ कम कर दें, हमारी समझ में नहीं आता कि मिनिस्ट्री की साइज़ कम कर देने से या बढ़ा देने से डिफेक्शन की प्रणाली पर कोई आघात पड़ सकता है। ज्यादा से ज्यादा यह तो कहा जा सकता है कि बहुत से जो डिफेक्शन होते हैं वह इस आधार पर होते हैं कि हम तुमको मिनिस्टर बना देंगे और मिनिस्टर बनने का उनको लोभ देने की वजह से वह डिफेक्ट करते हैं, इस कारण से उनको डिफेक्ट कराया जाता है और अन्त में उनको मिनिस्टर बना दिया जाता है लेकिन हम समझते हैं कि मिनिस्ट्री का साइज़ कितना बड़ा हो, मिनिस्ट्री का रूप कितना बड़ा हो यह तो उस समय की तत्कालीन परिस्थिति के ऊपर निर्भर रहता है। अगर किसी मिनिस्ट्री में चार या पाँच मिनिस्टर भी हों तो भी वह मिनिस्ट्री बहुत अच्छी चल सकती है और किसी मिनिस्ट्री में हमारे भारत सरकार की तरह 50 या 55 मिनिस्ट्रों की एक फौज हो गई तो भी वहाँ काम चलता नहीं है। हम समझते हैं कि बहुत ठीक हमारे

कौल साहब ने कहा कि यहाँ पर कई आदमी सो रहे हैं और सोते सोते किसी ने कहा कि मिनिस्ट्री बदल रही है। तो यहाँ आदमियों को देख कर के मिनिस्ट्री का निर्माण होता है...

उपसभाध्यक्ष (श्री अकबर अली खान) : इसीलिये उसकी तादाद मुरायन करना अच्छा है।

श्री निरंजन वर्मा : श्रीमन्, अपने यहाँ पर मिनिस्ट्री में ऐसे उदाहरण हैं और यह बड़े दुख की बात है कि बहुत से मिनिस्टर विदाउट पोर्टफोलियो रहते हैं और उसका मतलब यह है कि उनके लिये कोई मिनिस्ट्री उपलब्ध नहीं रहती है इसलिये उनको किसी तरह से बना कर तो बिठा दिया और फिर सोच रहे हैं कि उनके लिये कौन सी मिनिस्ट्री बनाई जाय, कहां से कोई लेबर की मिनिस्ट्री आये या कहीं कोई इंफार्मेशन की मिनिस्ट्री आवे, कोई किसी तरह से स्प्लिट हो और उनके लिये एक मिनिस्ट्री दे दें। तो यह कारण ऐसा है कि जिन कारणों से मिनिस्ट्री का, मंत्रिमंडल का विस्तार होता है और मंत्रिमंडल का विस्तार होने के साथ में उनमें इनइफिशियेंसी की, अयोग्यता की वृद्धि होती है। यही कारण है कि देश में इस प्रकार की बातें बहुत चलती हैं, बराबर चलती रही हैं। तो मेरा निवेदन है कि यह जो कमेटी का निर्माण किया गया और कमेटी ने अपना इतना समय खोया, किन्तु उसके पश्चात् भी किसी निष्कर्ष पर नहीं पहुँची और होम मिनिस्टर साहब ने भी कुछ नहीं कहा, श्री होम मिनिस्टर साहब पर ऐसा मालूम पड़ता है कि आज कल संकट के बादल छा रहे हैं और इसलिये अपना थोड़ा सा वक्तव्य दे कर चले गये, इस हाउस से चले गये, लेकिन उन्होंने कोई कुछ भी ऐसा नहीं कहा जिसके आधार पर यह कहा जा सकता कि यह कमेटी इस निश्चित परिणाम पर पहुँची है। किसी भी परिणाम पर हम पहुँचे नहीं हैं। भूतकाल में इस प्रकार की कोई योजना सफल हुई नहीं, न इस समय कोई है और न इसकी रिकमेडेशन

[श्री निरंजन वर्मा]

अपनाने के बाद, इस प्रकार की रिकमेंडेशन आने के बाद, भी भविष्य में डिफेक्शन नहीं होंगे, ऐसी कोई गारंटी दे नहीं सकते। हम तो एक बात और भी कहते हैं, मंत्रियों में से कोई मंत्री इसका उत्तर दे दें, कि यह मान लिया जाय कि इधर से उधर जाना रुक गया और कोई नहीं गया तो भी चुपचाप उसी स्थान पर बैठे बैठे सुरंग लगाते रहे तो क्या हो, क्योंकि चरित्र जब मनुष्य के पास नहीं रहा तो इधर से उधर क्रास करने को, उधर से इधर क्रास करने को तो रोका जा सकता है लेकिन एक ही स्थान पर बैठ कर के सुरंग लगाते हैं तो इसको रोका नहीं जा सकता है। यह सब तो चरित्र की बात है और दुख की बात है कि कांग्रेस के रेजीम में चरित्र के ऊपर कोई ध्यान नहीं दिया गया और जब तक चरित्र के ऊपर ध्यान नहीं दिया जायगा तब तक इस प्रकार की कई रिपोर्ट सदन के सामने प्रस्तुत हो जायें तो भी उनका कोई परिणाम नहीं होगा, उनसे कोई लाभ नहीं होगा और ऐसे बुरे बुरे अध्याय जुड़ते ही चले जायेंगे।

SHRI SUHRID MULLICK CHOUDHURY (West Bengal): Mr. Vice-Chairman, Sir, defection has its root in ambition and greed. If one changes party really from political conviction, I shall not charge him for defection. Almost all the Right parties, particularly the Congress, are guilty of helping defection in this way or that way. In our State of West Bengal, in 1967 we saw that about 17 M. L. As. defected from the United Front to form a new party, the PDF, and 11 of them were

made Ministers including one Chief Minister on the backing of the Congress party having 127 M. L. As. Hence, was it not naked bribery by way of Minister-ship? As a consequence of this, the people in our State revolted against this and the Congress P. D. F. Ministry fell in course of few months. Thus the result was clear; defection paid to those 17 defectors only temporarily. The country did not benefit thereby. The Congress party did not gain. Our experience shows that none from small parties did defect. They did not do so because of their immense faith in their future. History teaches us that it is the small party which becomes big and big party is reduced to small in course of time. There is no point in abusing small parties which we notice sometimes in this House. Such abuses by some friends, who always speak like the chattering busy birds, stem from a feeling of big party bossism, or big party chauvinism. The big parties must be conscious that defections have become their features, one tempting the other.

To stop this defection I, after considering the recommendations by the Committee on Defections, suggest that no defector should be given any post of honour, far less the post of a Minister, at least in the course of two years from the date of defection. That will be a test of the *bona fides* of any defector if he defects knowing this hard fact to be his fate or consequence.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): The Home Minister will reply tomorrow. The House stands adjourned till 11 A. M. tomorrow.

The House then adjourned at ten minutes past six of the clock till eleven of the clock on Wednesday, the 13th August, 1969.