

MR. CHAIRMAN: We have not yet got copies of that Report.

SHRI SUNDAR SINGH BHANDARI (Rajasthan): It has been laid on the Table.

MR. CHAIRMAN: But copies have not been had so far. Copies are being made, and I have instructed them to send the copies as early as possible today so that you can study it.

SHRI BHUPESH GUPTA: I am not blaming the office for it; I am not blaming the Secretariat for it. All I am saying is that we have seen it only in the newspapers. We have not read the authentic report, but whatever the newspapers have given, we have read it, and in that newspaper report it is shocking disclosures which have been made. On such things an adjournment motion . . .

MR. CHAIRMAN: You need not speak on that report now. Authentic copies of that Interim Report would come before this House, possibly today, as I said, and I hope they would be in your hands today. I have admitted your Motion, and if time can be found for discussion of the Interim Report in this term, we will discuss it. Otherwise we will have to wait for the next session.

SHRI BHUPESH GUPTA: You have admitted my motion, Sir; I know, but on Monday we have got only one Bill left, I think. Also, on Monday we can sit a little longer and have our initial reactions to this Report. This is all I am suggesting. I hope you will kindly accommodate us in this matter.

श्री राजनारायण (उत्तर प्रदेश) : श्रीमन, एक प्वाइन्ट ऑफ ऑर्डर हमारा है मुबह से आपके कार्यालय को मैं खटखटा रहा हूँ कि हजारा साहब की जो रपट है अन्तरिम, जिसकी अखबारों में वाईडली पबलिसिटी हुई है उसकी कापी हमें मिले। हमने मोशन भी दिया है उसको डिस्कस

करने के लिये, मगर हमें अफसोस है कि अभी तक नहीं मिली। क्या यह व्यवस्था संसदीय है ?

श्री सभापति : मिनिस्ट्री ने अभी भेजी नहीं है।

श्री राजनारायण : सवाल यह है कि क्यों नहीं भेजी है। जब मिनिस्टर ने टेबिल पर रख दी तो क्या मिनिस्ट्री या डिपार्टमेंट को यह कहने का हक रहेगा कि उनकी कापी छपी नहीं हैं, इसलिए हम मेम्बरों को नहीं दे सकते, जबकि आलरेडी अखबारों में यह चीज आगई। मैं समझता हूँ कि यह सरकार बिलकुल असंसदीय ढंग से काम कर रही है। श्रीमन, मैं आपकी रूनिंग चाहूंगा इस पर कि जब मिनिस्टर की ओर से रपट टेबिल पर रख दी जाय और अखबारों में उसकी वाइड पबलिसिटी हो जाय, तब भी क्या सरकार की ओर से यह सफाई आ सकती है कि उनके पास किताब छपी नहीं हैं, इसलिए मेम्बरों को नहीं देंगे ?

श्री सभापति : आ सकती है। चूंकि उसकी एक कापी इस सदन के एक आनरेबिल मेम्बर के पास थी, इसलिए अखबारों में में वह आ सकती है। कापियां उसकी अभी नहीं हो पाई है।

श्री राजनारायण : क्यों नहीं हो पाई ?

श्री सभापति : उसमें कुछ वक्त लगता है।

श्री राजनारायण : तो श्रीमन आप उसे आगे टाले नहीं। कुछ समय जरूर निकालें, उस पर चर्चा जरूर होनी चाहिये।

THE REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL, 1967

THE MINISTER OF LAW (SHRI P. GOVINDA MENON): Sir, I beg to move:

"That the Bill further to amend the Representation of the People

Act, 1951, as passed by the Lok Sabha, be taken into consideration."

Sir, the object of this Bill can be very briefly stated.

[THE VICE-CHIRMAN (SHRI M. P. BHARGAVA) in the Chair].

After the general elections were over in February last, it became necessary to constitute the fourth Lok Sabha because a decision was taken that the third Lok Sabha need not meet in a lame duck session. That decision was taken after consultations with the different political parties. It became necessary to call the fourth Lok Sabha to meet and to constitute the fourth Lok Sabha under section 73 of the Representation of the People Act. This amendment had been made by Ordinance towards the end of February, and this Bill seeks to replace that Ordinance by a regular Act of Parliament. I hope the House will support the passage of this Bill. It is such a simple matter.

The question was proposed.

SHRI DAHYABHAI V. PATEL (Gujarat): Mr. Vice-Chairman, it is good to see that democracy is coming into its own in the real sense after the last general elections. It is good that the ruling party responded to the request of the Opposition parties that there was no use holding a lame duck session. Therefore we support this motion which is consequential to the acceptance of that suggestion. But, Sir, I would like to say at this stage that I do not know why the Government has faltered after that. Why did the Government not accept the normal democratic process of accepting and coming to an understanding with the Opposition parties in the matter of the election of the Speaker, the election of the Deputy Speaker and in other matters? This should have been the normal consequence and the people were expecting that the Government would change its attitude and respond to the Opposi-

tion as is the case in most democratic countries. The manoeuvrings that took place, to say the least, Sir, were not in consonance with the spirit in which this beginning was made. Sir, if I may say so, the elections in the Congress party yesterday reflected many things and we see that the Congress party voted for glamour rather than for what they were asked to . . .

SHRI BHUPESH GUPTA (West Bengal): Glamour? What do you mean by glamour?

SHRI DAHYABHAI V. PATEL: Look at the names. Shrimati Vijayalakshmi Pandit, is she the official candidate? Shrimati Tarkeshwari Sinha, is she the official candidate? Don't you know them? Don't you look at them?

SHRI AWADHESHWAR PRASAD SINHA (Bihar): Sir, I rise on a point of order. I can assure you, Mr. Vice-Chairman, that the hon. Member who is speaking just now is like an elder brother to me. He is a distinguished man. But he is touching on a point which is totally irrelevant to what he is supposed to speak on, to the subject before the House now. He is not speaking a word or advancing a single argument on that subject. Why should he trespass into other parties' internal affairs? Why speak about things which come in the papers and which have nothing to do with the facts and realities?

SHRI RAJNARAIN (Uttar Pradesh): It is a reality.

SHRI AWADHESHWAR PRASAD SINHA: The Chair is there to say that. Who is the hon. Member to do it?

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Order, order. Please resume your seats.

SHRI RAJNARAIN: I know more than the hon. Member.

SHRIMATI LALITHA (RAJAGOPALAN) (Madras): I want to make

[Shrimati Lalitha (Rajagopalan).]
a submission, Sir, that all these things mentioned by Shri Dahyabhai Patel should be expunged.

SHRI BHUPESH GUPTA: Why expunge? You can say "no" to it.

SHRI DAHYABHAI V. PATEL: I do not understand why Congress Members have become so sensitive when I say things which are so glaring.

SHRIMATI LALITHA (RAJAGOPALAN): On a point of order, Sir. All this has nothing to do with the business before the House. This concerns only a party and the Opposition should not discuss all this here.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): What is the point of order?

SHRIMATI LALITHA (RAJAGOPALAN): The point is that the hon. Member should not be allowed to say anything about other parties. That does not concern the House now.

SHRI DAHYABHAI V. PATEL: Mr. Vice-Chairman, I think that you realise that in the normal democratic process elections to . . .

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Let us confine ourselves to the Bill.

SHRI DAHYABHAI V. PATEL: Exactly. I am making my observations on the Bill only.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Only on the Bill.

SHRI DAHYABHAI V. PATEL: Exactly, Sir. It is on the Bill that I am speaking.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Whatever is relevant to the Bill, I shall allow. Whatever is not relevant to the Bill, I will not allow.

SHRI BHUPESH GUPTA: Sir, on a point of order. We speak of a

"lame duck" session. We say there is a lame duck sitting of Parliament. That is the expression and we like the words, though there is neither a duck nor anything lame. These are metaphors, similes. Similarly glamour and so on. These words we can use, and these and the reference to the ruling party are absolutely relevant. It may be a tiger session or a lame duck session and . . .

SHRI AWADHESHWAR PRASAD SINHA: There is no point of order.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Mr. Sinha, I have to control the House, not you. What is the point of order, Mr. Gupta? I find no point of order in what you have said. There is no point of order. Please sit down.

SHRI BHUPESH GUPTA: I say everything is relevant.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Please resume your seat. Yes, Mr. Dahyabhai Patel, continue please.

SHRI DAHYABHAI V. PATEL: I was pointing out that this is a welcome measure and that the Government had done well in accepting the suggestion made by the elected Members and the leaders of the parties that there should be no lame duck session. Consequent on that it was expected that the Congress party—which happens to have the majority in this House, though a very doubtful majority, a majority which may vanish tomorrow as it has vanished in Uttar Pradesh—should behave accordingly. I do not see why my friends should become so sensitive. We had very nearly a "scene" about it in the House when the Short Notice Question was being discussed. Why should people be so sensitive, I don't know. Two Members, who were, I think from U.P., were having a heated argument in that corner when the Short Notice Question was being dealt with in the House.

AN HON. MEMBER: How is all this relevant?

SHRI DAHYABHAI V. PATEL: It is very relevant. Why should the Congress Members become so sensitive? They should realise that the times have changed. An hon. lady Member pointedly referred to a Gujarati couplet—

पीपल पात खरनां हसती कूपलीयां,
मुझ न पाव्यु नुज गिरा झरा बावलीयां ।

It was most appropriate. The lady Member sitting opposite said it and she happens to be my sister.

What we have suffered all these twenty years you will have to suffer. The times have changed and they should recognise that and adjust their behaviour accordingly. If they do not do it then what happened in the matter of the elections to the Congress Executive recently, will happen again. You cannot force people in a democracy. The will of the people will prevail whether you like it or not, and in this country democracy has come to stay. It has acquired a type of maturity which unfortunately under the towering personality of Nehru it did not acquire. After the weight of that towering personality had vanished, democracy is coming into its own. Let us realise that fact. Therefore the Government must realise and respond and change its behaviour accordingly. What happened in U.P. only a few days ago will happen perhaps in Andhra tomorrow and in Mysore the day after and in New Delhi also at no distant date. Please remember that. Therefore, let the Members of the majority party first learn to control their temper and listen patiently as we have listened patiently to the long orations and sermons that they have been in the habit of delivering for so many years. Not only Members but Ministers also were delivering long prepared speeches of their Secretaries. What is the result of all this? We see that. Where are we today? With all the promises

that were made to us all these years, where is the country now? In these twenty years the country has gone down financially, economically and worst of all, morally. The country has voted against you primarily because of the moral degradation that you have brought upon the country and morally the Congress party is not entitled to sit there and if they were a bunch of honourable people they would have resigned long ago.

SHRI BHUPESH GUPTA: Mr. Vice-Chairman, we are very happy to support this particular Bill which has been brought to validate or bring it in consonance with the Ordinance. Now I wish to deal with the concept of the lame duck session. It is a good thing that the session was abandoned but we are a little sorry that some people in the Congress Party wanted the so-called lame duck session to be convened in order to utilise the Congress Members who had not been elected for certain party purposes. These reports were in the Press. Therefore even over this matter there was controversy. What was that purpose? They thought that if those old people had been called, those Members who were supporters of some gentleman would be in a position to do a little canvassing for the leadership battle. Well, others thought that it would not be to their advantage. Therefore when the Congress Party decided on the question of the lame duck session, I must say that the decision to some extent was clouded by certain extraneous and none too welcome considerations. Those who wanted the session to be called were putting pressure but ultimately the Opposition won and I think on this occasion we must congratulate the Opposition. After the elections, when the opposition parties in some places fought each other, were over they all came to a common agreement that they should vote together in order to stall this lame duck session. Well, it was done. Here I say there are matters on which the Opposition parties

[Shri Bhupesh Gupta].

in Parliament despite their serious ideological and political differences can combine and force the hands of the Government as indeed was done in this particular case.

But the issue involved is not merely one that concerns the Opposition and the Treasury Benches or the Government Party. The issue is one which concerns the functioning of parliamentary institutions, the functioning of the parliamentary system. I think we should not have provided for this kind of session being convened in our Constitution. After all, when the elections are over then the old Parliament or the old Lok Sabha or the old elected body goes out of existence and becomes really defunct. Technically still it may remain till the Election Commission by issuing a notification constitutes the new Lok Sabha or till that particular Lok Sabha gets dissolved but politically and morally that particular Lok Sabha, the outgoing Lok Sabha, becomes defunct the moment the election results are out.

Here I would raise another question. In some other countries, before the elections are fought the Parliament is dissolved. The House of Commons, as you know, is dissolved before the election. I am not suggesting that it should be done exactly in the same way, here but this thing should be considered. I am not suggesting that it should be dissolved; we need not dissolve it. It should be there but the moment the poll results are out, the moment the Election Commission declares the poll results, immediately there should be an announcement constituting the new Lok Sabha or the new Assembly and simultaneously, *ipso facto* I would say the old House, whether it is Lok Sabha or the Assembly, should be deemed to have been dissolved. An announcement can be made in order to maintain the formality. It cannot remain even for two or three days because then you will have two sets of Parliament. Suppose you do not dissolve it, the

lame duck session comes with the old Members and there are the newly elected Members. We will have at least for that duration a larger number of Members of Parliament than the total strength of the Lok Sabha. For example, if the lame duck session had been held on the 13th March, we would have had perhaps 700 Lok Sabha Members or, say, 600 Lok Sabha Members whereas the strength of the Lok Sabha on that date would be only 500 or so. Because the old House had not been dissolved it would have been in session and yet you would have had another set of new Members who had been elected. That anomaly is not a good thing. That is why I say that the matter should be considered as to how best we can evolve a system where there will be no such anomaly. It may well be on the 13th March one Member would have been sitting in the Lok Sabha representing a particular constituency and if he had been defeated in the election another would be waiting outside to be summoned to come and take his place in Lok Sabha. This is an anomalous situation. It is not for me to suggest how to solve this Constitutional and political ingenuity are called for in order to find out a proper solution and I think the matter should be thought over a little. It is not a good thing and the Government itself should have done it but even about this they faltered. First of all they made a statement to say that the lame duck session shall be held and later on they had to change their mind and announce that the session would not be held. I think the Government should not have put themselves in this position. They should have taken a serious note of the electoral verdict. This time the verdict had been qualitatively different from the verdict in the past for the simple reason that the Congress Party had been shattered in many places very severely and the mandate of the people was clearly and decisively against the reinstallation of the Congress Governments anywhere in the country if I may say so. Of course,

certainly in Parliament a few seats more were obtained but that is another aspect of the matter which should be borne in mind.

As far as the other thing is concerned, I think we should not be bothered so much about the lame duck business. Even now there are lame duck Houses. What happens to the Legislative Councils in the States? They do not reflect the electoral verdict of the people. These Legislative Councils in the various States, wherever they exist today, do not reflect the mandate of the people. Already you have a peculiar situation where you have in the Assembly one Party or one block controlling a majority and forming the Government while in the same legislature in the Council those who sit in the Opposition in the Assembly happen to have the majority. This is an anomaly and you may call it lame duck or whatever it is but this matter is serious because when the session of the Assembly is called, both the Houses are called to meet. That is why I am dealing with the other House also. Now take the example of Punjab. The Punjab legislature has been obliged to take up the question of the abolition of the Council. I think the State Councils should be abolished; the Legislative Councils in the States should be abolished. Here as far as Rajya Sabha is concerned, we can discuss that question because it is a different concept. Here again we have the lame duck business because we also meet when the session is inaugurated.

SHRI G. RAMACHANDRAN (Nominated): Will the hon. Member at a suitable time move a motion for the abolition of the Rajya Sabha? And I promise my support.

SHRI BHUPESH GUPTA: I am very glad but we shall consider it. As I said we have a different concept here. Rajya Sabha is supposed to represent the States. That is the idea but the Council is not there to represent the Districts or anything like

that. Now it is conceivable in a parliamentary agreement to have two Houses as such as we have in Italy. Under the Italian Constitution they have a Senate. The Italian Constitution was framed with the participation of the Communist Party there. They have a Senate there. In France also they have an Upper House. There also the Constitution was framed by other parties but I believe the Communist Party at that time when this was done was in the Government for a short while. Anyhow it is there. I have a suggestion to make here. If the Rajya Sabha continues in the way it is continuing, then it had better be abolished. I frankly say that unless you reconstitute the Rajya Sabha in a proper way it will become some kind of an anachorism in our constitutional set-up. You see what has happened today. I am very glad that Mr. Ramachandran raised this question because it gives me an opportunity to elaborate the point a little. You know, in the Lok Sabha the Congress majority in a House of well over 500 seats has been reduced to 41 while in the Rajya Sabha—this House is supposed to be indirectly elected—where the number of seats is less than half that in the Lok Sabha, the Congress has a majority of 155.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): But Mr. Gupta, unless you change the Constitution, this is bound to happen. The position in the States is to be reflected here but it will take time because one-third of the Rajya Sabha changes every two years. There is no question of any lame duck. You have to go by the Constitution.

SHRI BHUPESH GUPTA: Therefore, I say change the Constitution.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): That is a different matter. Come to that.

SHRI BHUPESH GUPTA: I am coming to that. He raised that point. You are quite right. I am not disputing what you are saying. Now, an anomalous situation has arisen. What is the situation today? In the State Legislatures, all put together, we, who are in the Opposition, are in a clear majority. Those gentlemen and ladies, who are sitting here, are in a majority in the majority of the States today. Not only that. Take the latest census figure. I have found it out from the census office. India's population today is 507 million—not 1961 figure. According to that if you take the States' figures, you will see that 300 million today have gone out of the orbit of the Congress rule at the State level. Even as I speak here today, not counting Rajasthan, 228 million people live under Governments which are non-Congress Governments. Clearly three-fifths of our population today, even under this Constitution with all its limitations, have discarded at the State level Congress rule. Now, what happens to the federation? The federation should not be a constitutional usurpation and yet it is so today. Here, in Parliament, well, the Congress Party, discarded at the State level by three-fifths of our people, controls this federal Centre. When such a situation arises, two things happen. Either the concept of federation becomes a casualty in the long run or the unitary concept grows and a kind of constitutional crisis and, later on, a political crisis begins to grow, and the symptoms of it you see now. If today the Rajya Sabha reflected even 75 per cent of the nation's mandate, the nation's post-election composition of political forces at the Legislature level, the Presidential election would have been determined by those who sit in the Opposition and not by them. As you know, the votes in the Presidential election are counted or computed in a particular manner. In the States we have a clear lead over the Congress Party. In Parliament we would have had a lead, even with their 41-Member majority in the Lok Sabha, were it not for the

fact that the Rajya Sabha Members have a weightage in favour of the Congress Party of the order of 150 Members, which, translated in terms of Assembly Members, clearly come to 500 Assembly Members. This is the position. As you know, the value of Parliament's total votes and the value of all the Assemblies put together are equal. That means the value of the votes of 3,000 people is equal to the value of the votes of 700 people. We are 700 Members. The value of the vote of a Member of Parliament is roughly four times the value of the vote of a member of a State Assembly and we constitute the electoral college.

Now, this is very interesting. We have a lame-duck Presidential system. Now, the Congress Party today understand it. They are afraid of the risk now. That is why they are not in a position to lay down the rule. The moment we have suggested two names, almost all the Opposition parties agreeing together, the Congress's decision is in abeyance, at least, for the time being. They are discussing as to where the risk is less and which candidate is more risky from their point of view and which candidate is less risky. I can understand that from their point of view, I am not concerned with the Presidential election now, but that only shows that the entire parliamentary system, the scheme of it, has come up against certain staggering realities of our political life. Adjustment is called for. It is a good thing. They made an adjustment in cancelling the lame-duck session, but that is nothing. That is only a drop in the ocean. Now, the situation is such that many more such adjustments will be required.

Therefore, I am coming to the very legitimate point that you raised. I think the time has come for us to reconsider an amendment to the Constitution, especially the provisions concerning the Rajya Sabha and the State Legislative Councils. It is absolutely essential. It cannot be that democracy should be allowed to

be held to ransom or parliamentary institutions should be allowed to be held to ransom by an artificial and unrealistic majority which has outlived its sanction, as in the case of Rajya Sabha. This is what I say. It is absolutely essential. Some of us may fall in the process. I agree. I do not mind it. After all, who are we? We are here to serve our parliamentary and democratic institutions. If some of us fall in the process, we may treat ourselves as martyrs to a great cause. Therefore, when I say this thing, it is not in a personal sense at all. I think it would be a good thing. Whether you retain this House or not, it is a matter to be discussed. If so, how are we going to retain it? What should be its composition? How should its composition change? After the general elections it has to adjust itself to the realities of the general elections and the result of the general elections, in the event of a big hiatus developing between the mandate of the people and the reality and the existence of the Rajya Sabha. Today a big gap has arisen between this House and the national mandate in the election. I do not say that it can be overcome immediately, but certainly you have to apply your mind to see that this gap is narrowed. If we do not do so, certain other forces may be at work in order to undermine the whole thing. Therefore, parliamentary institutions at this level have to be changed, if I may say so.

Well, you have seen the demand has come from a number of States for more federalism. Our Constitution is a cross between the concept of federalism and the concept of a unitary government. Decisions were not taken in a forthright manner by those who framed the Constitution as to whether India was going to have a really federal system or a unitary system. The federal system does not mean that we have undone unity. No. The United States has a federal system and yet the unity of the United States is very well maintained. The Soviet Union has a federal system where the States have even the right

given under the Constitution to secede, if they like, and yet they are a strongly unified country. Therefore, this thing should not be counterpoised, namely, federation and unity. Unfortunately our constitutional lawyers at that time or those who formulated the Constitution did not apply their mind partly because they did not know or could not foresee perhaps how the situation was going to develop, even though they had before them the example of the American and certain other Constitutions by which they could go and settle the matter. This very, very important point I want to make in this connection. Therefore, the Government should realise that times have changed; the canvas has changed; the picture has changed; new forces are in operation. That is why more of such adjustment is called for. Adjustment cannot be brought about by Ordinances. The Constitution in some cases will have to be changed.

Here I may say before I end that the Central Government, if I may say so, must develop now a federal outlook, not in words but in practice. A federal outlook means a complete reorientation of their old ways of thinking. When they were ruling under the sunshine of monopoly of power at the Centre and in the States, they were conditioned by a certain political reality which bred in them arrogance, authoritarianism and love for concentration of power all along the line. Today that landscape has changed where you have to find your course when a number of States holding power under different types of party Government co-exist side by side along with the Centre which may not be in the hands of a party which controls even three-fourths of the States or two-thirds of the States or even half of the States as is the position today. Therefore, I think it is absolutely essential that a federal concept should be developed.

Here comes the question of the functioning of the Central Government and the functioning of our

[Shri Bhupesh Gupta]. Parliament. Mr. Vice-Chairman, in Parliament we should function now more as a federal institution. In the past the Congress ran it as an instrument of unitary system although with some federal strain in it. Today it is not possible. You have to function in Parliament as the centre of federal authority, and if you do not so, you will be creating a crisis in our political life the responsibility for which would rest on you. How to function in this concept of federation is very, very important. First of all you have to develop an outlook of adjusting to the realities in the States. You must think that the time has come when there should be a diffusion of authority and power including financial power. Financial powers are very important. Now you should be directing your course in such a manner that the constituent States of the Indian Union assume more and more responsibility and authority; not only that, but a greater say in the matter of resources without which the responsibility cannot be discharged. Therefore, autonomy in the sphere of economy and the management of the economy have got to be enlarged if the federal concept is to flourish at the Centre. If you dry up the springs of federal power, federal system at the State level, what goes under is the federal foundation here. It may look temporarily as if you are in authority but you will be undermining thereby the very foundation of a federal system if you come up and destroy or choke the spring wells of power or authority at the State level.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): I may tell you that you have taken 25 minutes.

SHRI BHUPESH GUPTA: A few minutes more. I am not bringing you glamour and other things. Glamour is a part of bourgeois democracy; glamour is a part of bourgeois parliamentary system; glamour is a part of bourgeois diplomacy; that is why Ambassadors must have beautiful wives, as you know very well. There-

fore, I am not going into all that. I say you must understand the import of the cancellation of the lame duck session. We must wake up to the course that we need to take. Many things will now happen unforeseen in the days when the Constitution was framed some seventeen years ago. Many things are now happening. They are happening before our eyes. I think by and large you subscribe to certain democratic concept. We should bring our collective wisdom and collective thinking to bear on the theme and the subject in such a manner that we can review our constitutional practices and conventions and even the provisions of our Constitution in the light of reality. A constitution gets ruined sometimes if it is dogmatic, if it is rigid, if it does not know how to answer to the changing times and the changing situations. After all a constitution is supposed to serve a policy, a changing political situation and economic situation. It is supposed to give urges to the political, economic and other aspirations of the masses at the level where the Constitution operates, and therefore it is absolutely essential that we make certain changes.

Mr. Vice-Chairman, I am very sorry that we do not have the chance because of Rajya Sabha—and therefore, I feel very guilty about it. As I walk in the street, people will feel that I belong to a community of men in this House which is preventing the Opposition from electing the President as the Opposition likes. This is not a happy position for one to be in. People ask, what are you? Once I went to England in 1953. I met some of my old Communist friends in the student days—they were all well placed in life. They said: "Lord Gupta, how are you"? They thought that this House was a kind of House of Lords. Even though they said it jokingly, it is so. We should not become a kind of House of Lords. Now Mr. Vice-Chairman, why should we as the ruling party—when I say that, we are a ruling party, you are a ruling party, they are also a ruling

party, why should the ruling party be interested in maintaining a Second Chamber if we think that only those who can get directly elected should have the say? That should be the general principle. Even if in some places for some reason the bicameral system obtains, the Second Chamber should not have the veto over the mandate of the people. I think, as you know, this place has become a place for retiring people. What is this Chamber? As far as the Government is concerned, they retire people here. Why should Governors become Rajya Sabha Members? I do not understand. With all respect to them, I personally like them very much. But why should Governors become Members of the Rajya Sabha after they retire after serving three times as Governors? They come to Rajya Sabha at the end of their life.

SHRI D. L. SEN GUPTA (West Bengal) : They come as nominated Members.

SHRI BHUPESH GUPTA : I can understand, but nomination is done by whom? By the President. The President acts on whose advice? On the Government's advice. Which is that Government? The one-party Congress Government! Here nominations will be there. Every two years the Congress Government will advise the President and the President will nominate. But to bring in people of service and so on from the country as under the provisions of the Constitution, how can we leave this task to the Congress? I say the Congress should also be a party to the decision nomination, but why should Congress unilaterally nominate? They should consult the Opposition.

I.P.M. : And choose according to the terms of the Constitution as to which people should come, not the retired Governors. Once Governors they would not always be Governors. Therefore this is very, very important. For example, in the Union Congress States why should they have Congress Governors? Tell me. Is there

any justification for it? If we have some of us like the Governor, we would like that institution to be abolished. After all that post should be abolished and some other solution should be found in order to meet certain constitutional intricacies. But why should the Centre here nominate the Governors of the non-Congress States? One party making an imposition on nine non-Congress Governments that they should take the Governors of its choice. The same should

Suppose a Congressman is very loyal and very rigid Congressman like to Mr. Ahid, Ah, an angry man appointed as the Governor. Suppose he goes to West Bengal and there is a clash between him and the Council of Ministers. And suppose a constitutional situation arises. Either he has to completely bow and become very good in this matter or he has to resign. Now, why do you create such a situation? Therefore today my suggestion is that an advisory body should be created of all non-Congress Chief Ministers of the States and that Advisory Committee should be presided over by the President of India. And in that Advisory Committee the Prime Minister will be the representative of the Centre and that Advisory Committee should discuss the question of the personnel of the Governor, keeping in view the changing reality of the situation and then a recommendation should be made then and there and a panel should be given. The President will under convention be called upon to nominate one in such a manner that impositions do not take place that contradictions do not develop. For example, in a State run by a Communist Government or a Communist-dominated Government, Swatantra Party Governors should not be nominated. Likewise, perhaps the Swatantra Party will say, wherever they are controlling, that a Communist should not be sent as a Governor. It is understandable because let the Swatantra Party have its trial, if it has succeeded in getting the mandate of the people. Let the leftist

[Shri Bhupesh Gupta.]
and democratic parties also have their trial when the people have mandated them to rule their States. All these factors should be taken into consideration.

These are only suggestions, by no means are these exhaustive suggestions nor perfect ones. But along these lines we must work.

The lame-duck session—the abolition of the lame-duck session should be the beginning of a new chapter, of the rearrangement of our constitutional activity, of our constitutional approach, at the parliamentary level, at the governmental level, at different levels. That is my suggestion.

I do not wish to say very much. Many things I could have said. But I would like only to say here that with regard to the Rajya Sabha and other things, this matter needs a little consideration now. Let us take a little time if we must take a little time. My suggestion, therefore, is that the Central Government should convene a meeting of the various Opposition parties and also of the Congress Party—their representatives—and discuss this matter as to how certain constitutional positions have to be adjusted to the reality, quite irrespective of which party rules which State, or what is going to come. This has become very essential.

Well, finally, before I sit down, I am very glad today that the lame-duck session is going, into the background. What we want is not a lame-duck session but in its place, a roaring tiger session against the Congress policy. Well, that is the need. That is made possible because not even the arrogant Congress Government could ignore the temper of our people, the mood of our masses. And the representations made by the representatives of the people acting together in some places and acting in other places differently brought down the Congress in this manner. The abolition of the

lame-duck session is a sign of victory of our people.

Here, before I sit down, I just want to say how, when the election results were coming out, the British evening papers gave their headlines—"Shock after shock in India's elections: right and left hits to Mrs. Gandhi". That was how the British papers ran their headlines on the 22nd February as the results were coming. It is true that the lame-duck session has been hit by the election results. Therefore, I think it is essential that you take note of it. People have won; people have made their impression even before the new Parliament met. And it is all to the glory of our people and the electorate that they dealt such magnificent and destructive blows to the ruling Congress Party, to the concentration of power, to the monopoly of power, resulting in the first place in the abandonment of the lame-duck session. I hope these forces will go together and will bring strength to our parliamentary institutions, enliven them further and adjust them to the changing patterns of our political and social life with the common man coming on to the top of the world. The new Parliament has begun with the reduction in Congress Party's influence, it is a great augury, a good beginning and a heartening task. I hope this will continue in the coming days and years so that by the time we reach the next Parliament, the Congress Party will be turned into a minority and assigned seats in the opposition. Change of place is essential for the sake of democracy. The lame-duck session has been slaughtered but the lame-duck Government has to go.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): If the House has no objection, we may sit up to 1.30. Shall we sit up to 1.30? (After a pause) Well, then the House stands adjourned till 2.30 p.m.

The House then adjourned at seven minutes past one of the clock.

The House reassembled after lunch at half-past two of the clock, THE DEPUTY CHAIRMAN in the Chair.

श्री सुन्दर सिंह भंडारी (राजस्थान) :
उपसभापति महोदया, वैसे तो अपने देश में तीन बार पहले भी ग्राम चुनाव हुए, लेकिन उन तीन ग्राम चुनावों के बाद व परिस्थितियां प्रगट नहीं हुईं जो इस बार चौथे ग्राम चुनाव के बाद हमारे सामने आई हैं क्योंकि तीन ग्राम चुनावों के बाद भी केन्द्र में और प्रान्तों में कांग्रेस पार्टी ही बहुमत में रहती आई और एक अलग बात यह भी हुई कि जो चुनावों के पहले केन्द्रीय मंत्रिमंडल के सदस्य थे उनमें से अधिकांश जीतकर आते रहे, लेकिन इस बार इन दोनों चीजों में परिवर्तन हुआ है। मैं उन सारी बातों को नहीं दोहराऊंगा, जो मेरे मित्र श्री भूपेश गुप्त ने इस सम्बन्ध में कही हैं, लेकिन आज हिन्दुस्तान के जनसाधारण को इस ग्राम चुनाव के कारण एक अवसर मिला सरकार की नीतियों के सम्बन्ध में राय बनाने का, उसको आगे मौका दें या न दें उसके बारे में निश्चय करने का और देश के बहुत बड़े भाग में व सरकारें जो ग्राम चुनाव के पहले थीं बदल गई हैं और केन्द्र में और केन्द्रीय मंत्रिमंडल में भी सब बड़े बड़े दिग्गज इस चुनाव में हारे। यह स्वाभाविक था कि ऐसे मंत्रिमंडल को ले कर जिसके अधिकांश लोग चुनाव में हार गए, कांग्रेस के लिए भी बड़ा अटपटापन होता अगर वह उन्हीं लोगों को जो चुनाव में हारे हैं उन्हीं के माध्यम से इस लोक सभा का अधिवेशन बुलाने का प्रयत्न करती। मैं इस बात के लिए उनका अभिवादन करता हूँ कि उन्होंने यह व्यावहारिक सुझाव मान लिया और एक अन्तरिम कालीन अधिवेशन जो चुनावों के बाद हुआ करता था उसको स्थगित करने का फैसला किया।

इसी सवाल से दो प्रश्न और खड़े होते हैं। इस बार ग्राम चुनाव के पहले भी देश के कुछ हिस्सों से यह आवाज आई थी कि यह

फरवरी का महीना ग्राम चुनावों के लिए उपयुक्त नहीं है, हिमालय की तराई में ऐसे अनेकों भाग हैं जो बर्फ से ढके होते हैं, जहां वर्षा होती रहती है और वहां पर चुनाव के लिए उस समय स्वाभाविक स्थिति नहीं होती और इसलिए यह मांग की गई थी कि इन चुनावों को इस समय न कराया जाय, उन प्रान्तों में जहां पर बहुत बड़ी मात्रा में चुनाव प्रभावित होते हैं उन सारे के सारे प्रान्तों के अन्दर फरवरी में चुनाव न करा कर आगे कराए जाय, लेकिन कुछ मजबूरिया सरकार ने बताई और कहा कि चुनाव इस समय होना चाहिए।

उसमें एक मजबूरी हमारी एक अप्रैल से शुरू होने वाले आर्थिक वर्ष की मजबूरी है। अप्रैल के पहले सारे चुनावों के बाद—लेम डक सेशन में ही क्यों न हो—वोट ग्रान एकाउन्ट लेने की आवश्यकता पड़ती है। इस बार राष्ट्रपति महोदय ने अपने भाषण में इस आर्थिक वर्ष के बदलने के प्रश्न को छूने का प्रयत्न किया है। मैं समझता हूँ कि भारत वर्ष की साधारण परिस्थिति में यहां की सारी कृषि उत्पादन की समस्याओं को लेकर हम चले तो यह प्रश्न धीरे धीरे एक व्यावहारिक कठिनाई के रूप में सामने आता जा रहा है कि हमारा यह आर्थिक वर्ष एक अप्रैल से शुरू न होकर वर्षा के बाद शुरू होना चाहिए ताकि हमको रबी की फसल का सही अंदाज लग जाय और यह जो एनोमेली बजट पेश करते समय हर बार उपस्थित हुआ करती है कि हम अपनी आय की स्थिति के बारे में ठीक प्रकार से निर्णय नहीं ले सकते, उसका भी निराकरण हो जाय। मैं चाहूंगा कि इस प्रश्न पर समय रहते निर्णय हो जाय और हम आर्थिक वर्ष के प्रारम्भ को वर्षा के बाद स्थगित करने का निर्णय ले सकें। फिर ग्राम चुनाव के प्रश्न पर जो प्रेशर रहता है टाइम का, समय अनुकूल न रहते हुए जो फरवरी के महीने में कराने की मजबूरी होती है, और हर बार हुआ है, वह भी

१२[श्री सुन्दर सिंह भंडारी]

सामने न आए। यह कुम्भ का मेला लगभग उसी समय आकर अटक जाता है जब आम-चुनाव हम कराना चाहते हैं। मसियों के मौसम की वर्षा, बर्फ, श्रोलो और तराई के क्षेत्र में मौसम की खराबियां हमें हमेशा तकलीफ देती हैं। इसलिए इन दोनों मसालों को हम गार और यह निश्चय करें कि आम चुनाव के इस महीने को हम फरवरी में आगे बढ़ा देंगे और यह बड़ा सरल हो जायगा अगर हम आर्थिक वर्ष के प्रारम्भ को इसके साथ जोड़ कर उसकी वर्षा के बाद स्थगित करने का निर्णय लें।

चुनावों के सिलसिले में एक प्रश्न यहां पर राज्यों में जो परिषदें हैं उनके भंग करने का उठा। इन परिषदों का गठन, परिषदों की रचना आज की राजनीतिक भावनाओं के साथ मेल नहीं खाती। मैं यह महसूस करता हूं कि राज्यों के अन्दर परिषदें तोड़नी चाहिए। राज्य सभा का प्रश्न मैं भी मानता हूं भिन्न है। इनतर्का का मैं दोहराना नहीं चाहता। राज्य सभा रहनी ही चाहिए इस मत का मैं नहीं हूं। साथ बँध कर मारे राज्यों का सामाजिक विकास करने के लिये राज्यों के प्रतिनिधियों के रूप में हम अपने कर्तव्य का पालन करें—प्रजापति के परिणामों को एडवर्सली प्रभावित करने की दृष्टि से नहीं—इसके लिए ग्राज आवश्यक है कि राज्य सभा का कम्पोजीशन ऐसा हो कि राज्य सभा में आम चुनावों की भावनाओं का सही प्रतिनिधित्व हो सके। इसको हम किसी तरह अपने यहां लागू करें ताकि राज्य सभा का गठन और राज्य सभा के अन्दर बैठे हुए सदस्य देश के अन्दर उभरती हुई राजनीतिक परिवर्तन के मार्ग में रोड़ा न बने, वाश उल्लिखित न करें और सार्वजनिक रूप में जो मेन्डेट है देश के बहुमत का उस बहुमत का हम सही रूप में प्रगट करवाने में सहायक बने, अपना मार्गदर्शन दे सकें, उसको पृष्ठ करने के लिए हमारा यह इस्टीमेशन मदद दे सकें, लोगों की राजनीतिक भावनाओं के विकसित होने में किसी प्रकार की बाधा का अग्रभास न हो—

इस प्रश्न पर हम सम्भावना के साथ विचार करने चाहते हैं। इससे हमें पता चलता है कि हमें क्या करना है। मैं कहना चाहता हूँ कि इन सब परिस्थितियों में अगर हम राज्य सभा की आवश्यकता अनुभव नहीं होती तो मैं इस पक्ष का दृढ़ता से कहूँ कि इसका समाप्त कर देने में हमें कोई हर्ज नहीं आती। मैं यह कहना चाहता हूँ कि हमें इन सब प्रश्नों को नहीं लेना पड़ेगा, लेकिन यह बात यह है कि कम से कम अलग अलग राज्यों में प्रत्यक्ष-अलग विधान-परिषदों का कार्य सम्पन्न नहीं हो पाया है। मैं चाहता हूँ कि जब यह प्रश्न उपस्थित हो तो कम से कम सरकार अब जो नई विधान परिषदें बनाने का फैसला कर रही है उसके सम्बन्ध में यह पर हमें विचार करने के लिए सज्ज होना पड़ेगा। इस दृष्टि को सरकार अभी से अपने विचार में रखे कि इस बदली हुई राजनीतिक परिस्थिति में अब मध्य प्रदेश या और किसी प्रदेश में लेजिस्लेटिव कोमिटी की कोई आवश्यकता नहीं प्रतीत होती, और इसके लिए प्रयत्न न करें।

इस दृष्टि का अपना एक कैरेक्टर है। हमारे देश का एक जन-मानस है। हमने अपनी प्रणामनिक मुविधाओं के आधार पर उनको राज्यों में बाँटा है परन्तु हमारे आभूत का एकता पर, हमारे मारे लोगों की सार्वजनिकता पर उन राज्यों की प्रणामनिक व्यवस्थाओं के आधार पर कोई भी आधार, किसी प्रकार की सीट पड़े तो मैं समझता हूँ हम उन प्रणामनिक मुविधाओं को बहुत ज्यादा बजान दे रहे हैं और इस संबन्धित एकता को, सार्वजनिकता का हम भलाकर उसकी सज्ज-अंदाज करना चाहते हैं। हमने अपने देश में एक संघात्मक शासन प्रणाली स्वीकार की और वह अभी तक इसलिये नहीं अग्रव पाई कि हम मारे देश में कांग्रेस पार्टी का ही शासन रखें और बाकी कमियाँ उस संघात्मक शासन प्रणाली के द्वारा देश की एकात्मता और एकता को प्रगट करने में जो गुंजाइश थी वह एक पार्टी की ही सार्वजनिकता से सब राज्यों में कांग्रेस पार्टी का शासन होने के कारण

नहीं पायी। लेकिन हमारे सारे देश का एक सामान्य है, हम सब एक जन है, हम सारे एक देश के निवासी हैं। यहाँ पर कहीं भी हमने जाइ जाइ कर भानुमती के कुम्बे को इस देश के संघ में शामिल नहीं किया है। अब रियामनों में अलग अलग पार्टियों का शासन आ रहा है, शरन्तु फिर भी ऐसे प्रश्न हैं राष्ट्रीय महत्व के, जिन प्रश्न की समस्या है, सुरक्षा का प्रश्न है, राष्ट्रीय विकास के सवाल है—ये ऐसे सवाल हैं कि जिसको हम एक राज्य के दायरे में सोमित नहीं कर सकते, एक राज्य की सम्पन्नता हमारे राज्य का भूखापन, दोनों एक दूसरे को प्रभावित किये बिना नहीं रह सकती और हमें दूसरे से इस देश की एकता का और बचपन के लिये, उसको सबल बनाने के लिये हमें निश्चित रूप से विचार करना चाहिये। इतिहासकों के बाद ये सारी चीजें बहुत तेजी से हमारे सामने आ रही हैं। मैं चाहूँगा, जब हम इस रिजोल्यूशन आफ दिप्लोमैटिक एक्ट में अमेन्डमेंट पर विचार कर रहे हैं तो जो चुनावों के कारण देश के अंदर आवश्यकताएं प्रकट हुई हैं, हमें उस व्यवस्था मचानी भी, उसके साथ साथ देश की बलवान बनाने की कल्पना करके हमने अलग अलग पार्टियों को मौका दिया है अलग अलग सरकारें बनाने का। लेकिन वह अलग अलग पार्टियों को मौका देने का मतलब यह नहीं है कि हम उन राज्यों की इकाइयों को एक करना चाहते हैं या उनमें से देश के अंदर कोई नयी चीजें पैदा करना चाहते हैं जो सब राज्यों में केवल कांग्रेस की राज्य सरकारें बनने के कारण पैदा नहीं होती थी—इन दोनों चीजों को जोड़ने की, प्रेम निर्माण करने की कोशिश न करें। मैं चाहूँगा कि इन चुनावों से पैदा होने वाले उन मूलभूत प्रश्नों पर विचार करके एक नयी नीति निर्धारित करने का हमें जल्द से जल्द मौका मिलना चाहिये।

SHRI D. L. SEN GUPTA: Madam Deputy Chairman, I support the Bill and I am glad that the process of re-thinking has started. In this process,

many things must be done. I would particularly draw the attention of the hon. Minister and of this House to certain anomalies that you find in the Constitution Scheduled Castes Order, Part XIII, West Bengal. They appear on pages 57 and 58 of the Manual of Election Laws. I am referring to certain features of that. In West Bengal, throughout the State, certain castes numbering 12 are considered Scheduled Castes. Then there are 41 castes in respect of which the heading is "Throughout the State except in the Purulia district and in territories transferred from the Purnea district of Bihar". These 41 castes who are Scheduled Castes in Bihar, are not Scheduled Castes in these two districts, but so far as the rest of West Bengal is concerned, these 41 castes are Scheduled Castes.

THE DEPUTY MINISTER IN THE MINISTRY OF LAW (SHRI D. R. CHAVAN): Madam Deputy Chairman, what is the relevance?

SHRI D. L. SEN GUPTA: The relevance is to what are the processes you have got to adhere to. You have started only one process. I have prefaced my speech by saying that. If you did not follow it, I repeat that there are many things to be done. This is an amendment and we are entitled to refer to the difficulties of the enactment as a whole. That is a principle well settled and the hon. Minister may take note of it. So these 41 castes are not treated as Scheduled Castes in the two districts of West Bengal, namely, Purulia and Purnea.

THE DEPUTY CHAIRMAN: The subject here is quite different.

SHRI D. L. SEN GUPTA: I know. The Secretary should not mislead the Assembly about the subject.

THE DEPUTY CHAIRMAN: I am not being misled.

SHRI D. L. SEN GUPTA: True, Madam, what I am saying is that this

[Shri D. L. Sen Gupta.]

is an amendment of the Representation of the People Act. This is an amendment and so I am suggesting that there should be an all-comprehensive amendment.

THE DEPUTY CHAIRMAN: That suggestion you may make.

SHRI D. L. SEN GUPTA: I am making. What I am saying is that this is a piecemeal legislation and so there should be an all-comprehensive legislation and I am suggesting in what direction it should be. I think one's wisdom will not fail in respect of the appreciation of my part of the argument. So I am indicating that if legislation hereafter is to be enacted by changing or amending in this manner, it will take a long, long time. I am highlighting an anomalous position as it stands now. Similarly, another thing I want to indicate is that the Representation of the People Act provides for fair and free election. This fair and free election business, in my submission, is not possible because of the present system of allotment of symbols as it stands now, that is, Rule 5 of the Conduct of Election Rules, 1961—page 371 of the Manual. Now, fair and free election means that every contestant should have the same opportunities—same difficulties or same opportunities. If that is so, then how is it that the Congress Party or any other party gets five years to popularise their symbol—as a matter of fact, for the last four elections, the Congress Party knew what their symbol was and so did the other parties—while there are other parties, smaller parties, who are not given symbols early? In their cases, for the Lok Sabha, a candidate gets one symbol and for the Assembly, another symbol. The symbol difficulty can be removed thus. If a person contests for the Lok Sabha belonging to a small party, whatever party it might be, his base candidate for the Assembly should be given the same symbol along with him, to avoid confusion. These two important suggestions may be noted and in the future, a comprehensive amendment

may be brought incorporating these suggestions.

SHRI GULAM NABI UNTOO (Jammu and Kashmir): I rise to support this Bill further to amend the Representation of the People Act, 1951. I think my hon. friend who preceded was not entirely relevant to this Bill and he devoted much time to the symbols and other Castes. The purpose of this Bill is to bridge the gulf caused by the earlier dissolution of the Third Lok Sabha and the enforcement of the Ordinance passed by the President. It is now necessary to adopt that Ordinance which is an amendment to section 73 of the Representation of the People Act. Section 73 related to the publication of the results of the general elections to the House and to the State Legislatures. The purpose of the Act makes it necessary to read sections 30, 53 and 66 which relate to nominations, scrutiny and fixing of the final dates for the elections. In our elections, the final day of the completion of the elections as notified by the notification on 13th January, 1967 was 1st April. In the principal Act, section 73 to which the present amendment is sought, related that soon after the date of the completion of the elections, the Election Commission shall notify the list of candidates who are elected and therefore it can be said to have been duly constituted the House or the State Legislature and therefore it was quite essential for the President to issue an Ordinance to bridge that gulf.

As the House is aware, soon after the results were out, the Opposition parties, to gain a psychic victory over the Congress, manoeuvred to represent to the President that the old House should be dissolved before the then scheduled date for the lame-duck session. The tradition of the lame-duck Session was not followed here only but is being traditionally observed in many other parliamentary democracies of the world. However, this half-baked triumph of the Opposition could not saddle them in

power. The Ordinance was a 'must' because, as per the interpretation we had to wait for an official gazette notification from the Election Commission for the list of duly elected Members and in the absence of such a notification, no duly House or State Legislature could have been constituted and such list could be notified only after 1st April 1967 and not before. The dissolution of the old House before the scheduled time made it incumbent upon the President to issue such an Ordinance which could remove the limitation of the time-bar on the Election Commission to notify the list after the results are out. I would therefore pray that such a step is quite in accordance with the democratic traditions of the country.

As for the points of Shri Bhupesh Gupta as to the federal status of the country and the tradition of dissolving the lame-duck Session, I think that our country, in view of its various languages, races, colours, etc. at the time when the Constitution was framed, when the Constitution was being framed, the Constitutional Pundits thought it necessary because the Britishers had left the country and the various other States that were functioning under the British regime were of such a character that a unitary character of the Constitution was a must or the need of the hour. Therefore the step taken by the then Home Minister, Sardar Patel, to unite the entire country was the correct one.

SHRI D. L. SEN GUPTA: That is not in the Bill.

SHRI GULAM NABI UNTOO: That is the point. One of the Members raised that the need of the hour was that we should have gone towards a federation and they were not proceeding so at the time when they framed the Constitution and that a unitary type of Constitution would not suit the country. My point is that a unitary type, a quasi-federal type that our Constitution is, is quite in accordance with the taste and mood of the people living here because ours is a

country where there are divergence of culture, language, religion, etc. and unless we have such a Constitution as we have, we cannot remain as India, in spite of the fact that we have various languages, religions, etc. If we have to continue in a united way as an integrated India, the present type of Constitution is well suited and in accord with the times.

As for the reference of Mr. Dahyabhai V. Patel regarding inside elections in the Congress Legislature Party, the point he referred to in his speech, was not relevant. It is for the parties to look to their own interests and to elect their own office-bearers.

Thank you.

श्री बी० एन० मंडल (बिहार) : डिपुटी चैयरमैन महोदया, जो पीपुल्स रिप्रेजेंटेशन एक्ट का यह अमेंडिंग बिल आया है मैं इसका स्वागत करता हूँ। एक यह जो गड़बड़ी थी कि जहाँ पर चुनाव हो गया हो चुनाव के बाद रिजल्ट डिक्लेयर हो गया हो वैसी स्थिति में पुराने मेम्बरों को बुला कर पार्लियामेंट का सेशन करते थे। यह जनतंत्र के खिलाफ बात होती थी। जो एक चुनाव हुआ आदमी है उसकी राय न ली जाय तथा जो हारे हुए हैं उनको पार्लियामेंट के सेशन में बुला कर उनसे किसी बात की राय ली जाय यह जनतंत्र के खिलाफ परम्परा चली आती थी। वह परम्परा इस अमेंडिंग बिल के जरिए खत्म हो रही है। इसका मैं स्वागत करता हूँ।

साथ ही साथ भूपेश जी ने कुछ सुझाव दिए थे कि जो जनतंत्र हिन्दुस्तान में चल रहा है उस जनतंत्र को सही रास्ते पर लाने के लिए कोई रास्ता निकालना चाहिए। जो पहले की शासक पार्टी थी इस हार के बाद उनका भी ध्यान इस ओर गया है कि सही तरीके पर जनतंत्र चलाया जा सके। इसलिए इस परिस्थिति में जनतंत्र को चलाने में जो

[श्री बी० एन० मुंडल]
 कुर्मी, है। जो किम्वदन्त है उसको दूर किया
 जाय। और उसको एक सही रास्ते पर लाया
 जाय। इसके सन्तुष्टि में इन्होंने गवर्नर के बगैरे
 मैं जो सुझाव दिया है उसे अपना भी स्वागत
 करता हूँ। मैं भी चाहता हूँ कि एक पैनल
 हो। जो कि प्रान्त के लोकमिनिस्टर और प्राइस
 मिनिस्टर भिन्न-भेद करके और जिसके
 अन्दर से ही गवर्नर का चुनाव हो। मैं
 समझता हूँ कि ऐसा हो जाय। तो राजा जो
 गवर्नर होनी है वह गवर्नर ही हो सकती।
 जो गवर्नर राजस्थान में हुई वह नहीं हो
 सकती। और अगर इस देश से तम्रवर का चुनाव
 हुआ होता। इसी तरह से प्रेसिडेंट के
 बारे में भी जो चुनाव की बात चल रही है
 उसमें जो समझौते से बात पहले वह अच्छी
 बात है। इसी तरह से स्पीकर और
 डिप्टी स्पीकर के बारे में अपोजिशन और
 गवर्नमेंट पार्टी के मेल से कोई बात हो
 तो जर्मतव की चलाने में सहाय्य होगी।
 मैं इसे
 मैं इसे बातों के साथ साथ एक बात की
 और मैं इस हाउस का ध्यान खींचना चाहता
 हूँ कि हमारा कांस्टीट्यूशन बहुत है
 कि डेमोक्रेटिक तरीके से यहाँ की गवर्नमेंट
 चलेगी। जो बालिंग मताधिकार है
 उसके आधार पर चुनाव होगा और उसी से
 जो सन्तुष्टि चलाया जायगा—ऐसा संविधान
 मैं कहना चाहता हूँ। बालिंग मताधिकार के
 आधार पर जो पार्लियामेंट को बनाने की बात
 और जर्मतव की चलाने की बात है उसको
 करी आउट करने के लिए यह पीपुल्स रिप्रेज-
 टेशन एक्ट बना है लेकिन अब तक जो अनु-
 भव हुआ है उस अनुभव के आधार पर यह
 जिम्मेदार रूप से कहा जा सकता है कि हिन्दु-
 स्तान की जो पार्लियामेंट की बनावट है
 जिसमें का आदमी हिन्दुस्तान में रहता है
 वह जाति के आधार पर, धर्म के आधार
 पर या कस्बेवासी के आधार पर या
 प्रिजेड समुदाय के गिरोहबन्धियों के चाहे
 कि मैं चाहूँ कि इनमें से कोई भी

कास्ट की हो, चाहे धर्म की
 अर्थ की हो जो गिरोहबन्धियों की हो
 है उनका गवर्नमेंट में जो रिप्रेजेंटेशन हीना
 चाहिए और गवर्नमेंट के चलाने में यानी गवर्न-
 मेंट की नीतिरियतों में वह सब। तक नहीं
 हो पाया है। इसीलिए हिन्दुस्तान को
 जर्मतव दी है। मैं चाह रहा हूँ। आज
 हिन्दुस्तान में जो बानूना बने हैं उन कामूनों
 के जरिए जो की समाज में हीना चाहिए
 वह नहीं हो रहा है। उसकी जड़ में एक
 बात यह भी है कि जिस देश की हमारी पार्लि-
 यामेंट है जिस देश की ब्यूरोक्रसी है इस
 सबके जरिए जो जो ज्ञानून बनना चाहिए
 काबू में जो अभिय होना चाहिए जिसकी
 वजह से हिन्दुस्तान के अन्दर जो रहने वाले
 हैं जो हिन्दुस्तान की प्रोब्लम है वे पैनप
 से इस देश की सत्ता शासन में नहीं हो पाई
 है। इसके लिए सोचने की जरूरत
 है। यह कैसे किया जायगा चाहे पीपुल्स
 रिप्रेजेंटेशन एक्ट को एमेंड करके हो। चाहे
 कांस्टीट्यूशन को एमेंड करके हो। या पैनप
 एमेंड करके हो। प्रश्न जिससे हिन्दुस्तान
 के पास एक पैनप सके। हमारी पार्टी
 में एक सजिव दिया था कि पिछड़े हुए लोगों
 के लिए जो 95 फीसदी हैं उनकी प्रगति को
 लिफ्ट बिजो प्रयास करना पड़ेगा। से
 लोगों में हम स्त्री, आदिवासी, शूद्र हरिजन
 और पिछड़े वर्गों के प्रगतिमान और इसी
 की वजह है जो हिन्दुस्तान की आवाज में
 सैकड़ों में 95 लोग हैं। इन लोगों को
 रिप्रेजेंटेशन पार्लियामेंट के जिस्लेचर या
 गवर्नमेंट की सविसेज में जो होना चाहिए
 वह नहीं हो रहा है। इसमें नहीं सक्ति
 गई नहीं हो। है। इसको हम जो पैनप दिव
 रस के लिए है। अगर एक भाग में सौ आदमी
 है उनमें से 99 आदमी एक तरफ है और
 एक आदमी दूसरी तरफ है। एक आदमी
 अगर गवर्नमेंट सर्वे की जान पहचान का
 या सजिव है तो उसके मुताबिक आस का
 हो रहा है। मुताबिक नहीं होगा। इस
 तरह की भाषा में ही है अस्तित्व जल

और सरकार के बीच है उसे को हटाने की जो जरूरत है। (प्रवाही जनसंख्या सही रास्ते पर चल सकती है।) इसलिए मैं चाहता हूँ इस पर भी सरकार विचार करे सरकार एक काम्प्रोमिसिबल एसेटिड बिल लावे चाहे वह रिपब्लिक रिप्रेजेंटेशन एक्ट को एमंड करने से हो या कंस्टीट्यूशन को एमंड करने से हो ऐसा बना कर लावे जिस में हिन्दुस्तान के सर्वसाधारण की उठायी जा सके उनको रिप्रेजेंटेशन पार्लियामेंट, लेजिस्लेचर तथा संघ परिषद में हो जाय ऐसा होने पर जो उनका इख तकनीक और कठिनाई है उसके लिए वे अपनी नीति अपने आप ही बना सकेंगे। आज दूसरे बनाने है उनके लिए नीति इसलिए वह सफा नही हो पाती। इस और भी मैं सरकार का ध्यान की बना रहा हूँ। श्री राजनारायण आपका नाम बुलाया गया था, आप नहीं थे। महोदया श्री शालभद्र माजी, लेकिन कुछ ऊपर कलकत्ता का है, अभी दक्कन की गई, इसलिए मुझे मजबूर होना पड़ा इनको अच्छी तरह से जवाब देने के लिए। 52 से लेकर आज तक जो लोक सभा के सदस्य चुनकर अस्तित्व, उनकी अवधि रिपब्लिक रिप्रेजेंटेशन एक्ट में निर्धारित थी, उनके मुताबिक उतने साल तक रहते थे, चाहे राज्यों सभा के मेम्बर हो या लोक सभा के मेम्बर हो, लेकिन इस बार कुछ अप्रोजिक्शन पार्टीज के डिफरेंस करने की वजह से कुछ लोग बैठ नहीं पाए। कहते थे कि जनता की राय है कि मैं चुनोती देता हूँ जितने संसद पार्टी जनसंघ और एम० एम० पी० एम० एम० पी० के बैठे हुए हैं, इस चुनाव में एक ही नतीजा निकला कि कांग्रेस एक पार्टी है या फिर

एम० के० पार्टी है जो इस वक्त मद्रास में बैठी हुई है। इस इलेक्शन से जनता ने बतलाया कि सब जगह कांग्रेस आई है, नही तो डी० एम० के० आई है। जो उधर छुटभट्ट बैठे हुए हैं वे कहते हैं कि इस सरकार की बैठने का हक नहीं है। दुनिया भर की पार्लियामेंटरी डेमोक्रेसी में एक सबसे ज्यादा बहुमत वाली पार्टी सरकार बनाती है। अखबारों में पढ़ते हैं कि इतना बहुमत होने पर भी 'मान न मान मैं तेरा मेहमान', 17-18 पार्टियों का चूँ चूँ का मुरब्बा बनाया। कहां जनसंघ, कहां लेफ्ट कम्युनिस्ट, राइट कम्युनिस्ट—सब मिल कर कोई पार्टी है। मद्रास की जनता ने दिखलाया है कि हम यदि कांग्रेस को नहीं चाहते हैं तो डी० एम० के० को चाहते हैं, लेकिन किसी और एक पार्टी को नहीं बनाया। यह चूँ-चूँ का मुरब्बा और यह अनहोली एलाएंस चलने वाली नही है। फिर भी बराबर चुनोती देते हैं कि जनता ने बता दिया कि बैठने का हक नहीं है। तो मैं आप से जो विरोधी दल के लोग हैं उनसे कहना चाहता हूँ कि अगर आप पार्लियामेंटरी डेमोक्रेसी की बात मान कर चलना चाहते हैं तो हमारे प्रधान मंत्री और कतिपय जो विरोधी दल के लोग हैं उनको इस तरह से करना नही चाहिए था। लोक सभा के सदस्यों की जो अवधि नियत थी उसे इस तरह से कम नही करना चाहिए था। इसलिए मैं दबी जवाब में इस विधेयक का स्वागत करता हूँ क्योंकि हमारी सरकार की तरफ से आया है तो कांग्रेस सदस्य होने के नाते हमें भी कहने का अधिकार है। चाहिये यह था कि जिन प्रांतों में जो पार्टी सबसे बड़ी तादाद में आई हो उसको राज्य चलाने के लिये कहना चाहिये था। एक मद्रास को छोड़ कर सभी राज्यों में कांग्रेस के सदस्यों ज्यादा तादाद में आए हैं। ठीक है, आज राजस्थान की दुहाई दी जा रही है और इलेक्शन कमिश्नर को कहा था कि वे बिना लगाम के जो खड़े होतें हैं उनको बैध कर दिया जाय। एक राजस्थान

[श्री शीलभद्र याजी]

डिया जी को पकड़ते हैं, एक रोज राजा महारावल को पकड़ते हैं, राष्ट्रपति जी के यहाँ जाने किस किस को पकड़ कर ले आते हैं, खड़ा करते हैं। अगर आप सचमुच चाहते हैं कि पार्लियामेन्टरी डेमोक्रेसी पनपे और हिन्दुस्तान में पार्लियामेन्टरी डेमोक्रेसी से समाजवाद की स्थापना हो तो इस तरह से कहने से काम नहीं चलेगा। हो सकता है एक उसूल के लोग एक साथ हो जायें तो शायद पार्लियामेन्टरी डेमोक्रेसी सफ़ल हो जाय नहीं तो ऊलजलूल बातें करने से, शासक पार्टी पर प्रहार करने से कुछ काम होने वाला नहीं है।

इन शब्दों के साथ मैं यह कहना चाहता हूँ कि या तो एक आदर्श वाले, एक अकीदा रखने वाले एक साथ मिल कर सरकार बनाएं नहीं तो हिन्दुस्तान की जनता को बतला दिया जाय कि सारे हिन्दुस्तान के सभी प्रान्तों में, सिर्फ़ मद्रास को छोड़कर, और केन्द्र में कांग्रेस की सरकारें बनेंगी। जो ऊलजलूल बातें करते हैं उनके मामले सरकार को झुकना नहीं चाहिये।

THE DEPUTY CHAIRMAN: Mr. Abid Ali.

SHRI ABID ALI (Maharashtra): I may speak after my hon. friend over there.

THE DEPUTY CHAIRMAN: I have called you.

SHRI ABID ALI: He wants to speak, Madam. Let him speak.

श्री राजनारायण : क्या आप अभी तैयार नहीं हैं ?

THE DEPUTY CHAIRMAN: Mr. Mandal has already spoken

श्री आबिद अली : तैयार तो हमेशा रहते हैं मगर आपके साथ अच्छा लगता है।

श्री राजनारायण : वे समझते हैं कि शीलभद्र जी की स्पीच हो गई है, उनका

मुकाबला उन्हें नहीं करना है।

SHRI ABID ALI: Our friends from the Communist benches have made certain statements, Madam, and I feel that I should make a reference to those statements, particularly to their suggestions about unitary type, federal type and so on. May I ask them this question? Is it not a fact that the Congress is the only party which has gone to the people as one party and got a mandate from the people? I say no other party in this country has so far attained that status of enjoying the mandate of the people. It is true that so far as the particular State of Madras is concerned, the D.M.K. has been elected. But as the hon. Member was making a reference to Bengal and other States where non-Congress Ministries have been formed, I want to say one thing. Madam, one thing in particular is forgotten when they say this and that is that still Congressmen, that too senior Congressmen, are the Chief Ministers in those States, and it is the Congress organisation which has the honour of supplying Chief Ministers. Except in two States in the South, in all those parts where non-Congress Ministries have been formed, they had to take shelter under the leadership of Congressmen. As for these hotchpotch Governments, one has already toppled in Punjab and others may, in the near future, also topple down.

श्री राजनारायण : बहुत जल्द।

श्रीमती सरला भदोरिया (उत्तर प्रदेश): हरियाणा का भी जिक्र है।

SHRI ABID ALI: In Haryana also a congressman is the Chief Minister. That should not be forgotten. As for Bengal, Bihar and U.P., I say that senior Congressmen are the Chief Ministers there. They say that the Congress has not got a majority of votes. But is there any party which has got more votes than the Congress has got? None. Therefore, to say that at the Centre the Congress has no right . . .

श्रीमती सरल भदौरिया : प्रतीक्षा
कोजिए, 1972 में वह भी हो जायगा।

श्री आबिद अली : क्या मालूम वह
भी होगा कि बाकी नाश हो जायेगा।
यह तो, जो जिदा रहेंगे वे देखेंगे। आते हैं, जाते
हैं, रहते हैं, दुनिया इसीलिए बनी है। हमेशा
रहेगा कौन, सिवाय नाम अल्लाह के।

Madam, I was saying that we have
the right. If they say that it is not
proper for the Congress to be here and
has no right to form a government
here, then it is for those, who make
that statement or claim to resign, to
quit. After that, let them go again to
the electorate and get their mandate.
But for that nobody has got the cour-
age. Those who have got lesser votes
than we have, they are forming Gov-
ernments in some States. They got less
number of votes than we did and still
they blame us for forming the Gov-
ernment here.

श्री राजनारायण : बड़ी मुसीबत में
फंसे हो।

श्री आबिद अली : मुसीबत में? मुसीबत
में, आफत में, नाकामियों में वही आदमी
आदमी है जो हिम्मत न हारे। अगर है भी
मुसीबत तो उसका मुकाबला मर्द इन्सान
ही करता है, बाकी रोते रहते हैं।

He said that we bring in people here
who have been defeated in the elec-
tions. I would ask these friends to
make their statements after making a
little study of the points on which
they want to make their statements.
Let them make a list of the persons
of the respective parties sitting on
those benches and see how many of
their stalwarts have been brought here
into the Rajya Sabha, after they had
been disowned and defeated by the
electorate. And then make a list of
the persons on this side. On this side

they will not find even one per cent
of what they have been bringing in.
Is it not a fact that recognised leaders
of the respective parties in the Oppo-
sition have been defeated and they
have come here to sit on the front
benches? Hafiz Mohammad Ibrahim
was a Member of the Rajya Sabha
and when he got defeated in the elec-
tions, immediately he resigned and
went out.

SHRI S. S. MARISWAMY (Madras):
And became a Governor.

SHRI ABID ALI: Of course.

SHRI S. S. MARISWAMY: Bringing
them to the Rajya Sabha is one matter
and making them Governors is a dif-
ferent matter?

SHRI ABID ALI: My hon. friend
was not here when that statement was
made to which I am making a refe-
rence. That statement was made by
one who is a beloved of the hon.
Member also. Although they both may
fight each other as Swatantra and
Communists, how much they are hand-
in-glove here, is known only to them-
selves.

The hon. Member made a reference
to an ex-Governor here. I am refer-
ring to the hon. Member who deliver-
ed his speech earlier here. Now,
Shri Jairamdas Daulatram has been
nominated by the President to repre-
sent a special interest, the interests
of the Sind. Unfortunately Sind went
to Pakistan. Shri Jairamdas Daulat-
ram is a recognised leader of Sind
and . . .

SHRI SHEEL BHADRA YAJEE: Of
India.

SHRI ABID ALI: Yes, of India. Of
course, he was a prominent freedom-
fighter.

श्री राजनारायण : विश्व कह दीजिए।
हम लोगों को क्या ऐतराज।

श्री आबिद अली : इतना झूठ बोलना
आपके लिये छोड़ दिया।

[Shri Abid Ali]

I was referring to the fact that he is protecting those interests and if the President thought it appropriate to nominate Shri Jairamdas Daulatram here, it is something which should be very much appreciated and not something that should be criticised. When Shri Jairamdas Daulatram proposed the inclusion of the Sindhi language in the list of languages mentioned in our Constitution, that was very much appreciated by those hon. Members the day before yesterday and today they stand up and criticise him. That, of course, is very unfortunate. Now they talked about lions roaring and all that. These are the lions as they are called गजों के शेर, lions made on the carpets. These are lions of that kind only; nothing more than that. Who is roaring and where are the lions? One would want to see them. But if they are happy with that position, I do not criticise it.

Now it should be remembered that we also belong to the masses. We have been very much with them. What are the conditions which prevailed in the country and what are the expectations which they raised in the people? One of them was about food. We know there is difficulty about food and it is a thing which everybody dislikes. Of course, an attempt is being made to improve the position but people in the South seem to have thought, 'Let us try and vote for some other party; perhaps they may be able to be helpful in regard to food'. And what was the promise given? The promise was that they would get three measures of rice for a rupee. We all know that three measures means 9 lbs. And people are getting disillusioned already.

SHRI S. S. MARISWAMY: Not at all; you are wrong.

SHRI ABID ALI: Accepting the suggestion of the hon. Member, I would ask him: Have they been given 9 lbs.? If they are not given 9 lbs. then there is bound to be terrible disappointment. It is obvious.

If not now, it is bound to come about a little later. Perhaps people are waiting and perhaps they believe, they appreciate that within a month the new Government may not be able to give them 9 lbs. It may take time. But certainly they are getting disillusioned because it was said the moment the party came to power, three measures will be given. All the same, there is some slight reduction in the price of foodgrains in Tamil Nadu. I accept that, but again it should be remembered...

SHRI S. S. MARISWAMY: I want to clarify the position. He is building up his case on wrong premises. Kindly excuse me for my interruption. The D.M.K. leader said that they would try to give one measure for a rupee after assumption of office and their endeavour would be to give three measures per rupee. Not immediately, let him correct his statement and then proceed.

THE DEPUTY CHAIRMAN: In any case it is beside the point. Come to the Bill.

SHRI ABID ALI: Here in this Rajya Sabha the way things are going nothing is beside the point. You may say that I am beside the point.

THE DEPUTY CHAIRMAN: That will be a poor imitation for you.

SHRI ABID ALI: Maybe; I wish that we stick to the rules and I wish...

श्री राजनारायण : जी चाहिये, गो बोलिये।

श्री आबिद अली : अरे भाई, वह एक आपका है। इसीलिये मैंने मुँह बंद कर दिया था कि जिसके को सहयाई उसने खाई उधर खाई और हम वसने उम हद तक जा नहीं सकते।

So it is not that that three measures were promised and three measures

are not given? It may take some time; I also appreciate it but it may not be possible for the Government of Tamil Nad to give three measures of rice for a rupee and therefore people will be disappointed. If the hon. Member says that they are not already dis-
sioned.

SHRI S. S. MARISWAMY: They are going to give it; you will see that.

SHRI ABID ALI: Nine lbs.? Then I will honour them. I will love them.

SHRI S. S. MARISWAMY: For the information of the hon. Member let me tell him that at the time when the Britishers were there, they were giving 9 measures per rupee.

SHRI ABID ALI: The Britishers?

SHRI S. S. MARISWAMY: Yes; so it is not an impossible thing to give three measures.

THE DEPUTY CHAIRMAN: In any case, it is hypothetical. Why not wait and see?

SHRI ABID ALI: I was also having 18 measures when I was a child. That is not the question. The question is ...

SHRI P. GOVINDA MENON: What is the volume of the measure?

SHRI ABID ALI: It is 3 lbs.

SHRI P. GOVINDA MENON: You say that; nobody has said it.

SHRI ABID ALI: The accepted volume is 3 lbs.

Anyway, Madam, what I say is on this wrong premises assertions were made and propaganda was done and they have been able to win in some constituencies. But always to stand up and say that the Congress is defeated, the Congress has gone, the Congress has no business to remain here or remain there, all this does not cut

much ice. Nobody, as I have submitted earlier, has been able to get the mandate of the people; it is only we who have been enjoying that privilege. But already from what they are doing, in spite of the stunts that are being created here and there—people know what is stunt and what is reality—if we were to ... (Time bell rings.) Can I continue?

THE DEPUTY CHAIRMAN: You may go on if you want to but you are speaking on food.

श्री राजनारायण अब इसके पास कोई प्वाइन्ट नहीं रह गया है।

श्री आबिद अली : जो हा, वाइन्ट तो हमारे पास कभी रहता ही नहीं है मगर आपने कुल्फी लड्डे के लिए हमेशा न्याय रहते हैं। फिर भी अब्बाह आप पर ज्यादा मेहरबानी करें, ज्यादा ताकत दें और ज्यादा आप बजनी हो जायें।

Any way, Madam, my request is that the Government should not be bullied and not get entangled in these phrases. It should feel that it has a right to be here and this idea of pleasing too much the Opposition parties will not bring good to the country.

Thank you.

श्री राजनारायण : माननीया, मैं आबिद अली साहब की मुसीबत को समझ रहा था। कोई इंसान जब किसी लचर केस को ले कर चलता है तो उसकी वही मुसीबत होती है जो आबिद अली साहब की हुई। वे बेचारे कह भी नहीं पाते थे कि क्या कहना चाहते हैं।

मैं कुछ अपने प्वाइन्ट्स को पहले ही रख दूँ। जो मुसीबत पड़ी थी और जिम की तह में अमेन्डमेंट को विधेयक के स्वरूप में लाने की जरूरत पड़ी, उसमें हम लोगों को काफी तकलीफ उठानी पड़ी थी। राष्ट्रपति के पास बहुत रिप्रिजेंटेशन करने पड़े थे समाचारपत्रों में बहुत बयान देने पड़े थे और पूरे आकड़े

[श्री राजनारायण]

उम समय भी दे दिये गये थे कि इतने लोग हारे हैं कि इन लोगों को ले कर के अगर यह अन्तराल अग्निवेशन बुलाया जाय तो यह उचित नहीं है। इस बात की खुशी रही कि राष्ट्रपति महोदय ने हम लोगों के तर्कों को गुरा और सुनने के बाद उन्होंने हमारी बात का तरजीह दी और तब उसके मुताबिक काम हुआ। इसके लिये हमें प्रसन्नता है। मगर आविद अली साहब पता नहीं कहाँ चले गये। चले गये। मगर मैं यह अवश्य कहना चाहता हूँ कि जब अमेंडमेंट इस तरह का आया ही है तो इसकी परिधि व्यापक होती, इसका स्कोप और बढ़ता क्योंकि कभी ग्राम चुनाव के पूर्व सरकार का पतन हो जाय तो सरकार नहीं रहनी चाहिये। मैं एक नहीं, अनेक उदाहरण इस समय सदन के सम्मानित सदस्यों की सेवा में आपके द्वारा प्रस्तुत कर सकता हूँ। जहाँ से प्रधान मंत्री जी चुनाव लड़ रही थीं, वहाँ के सम्बन्ध में अगर कोई एक इन्वायरी कमेटी बँटे तो वह कमेटी इस नतीजे पर आयेगी कि जिन बातों को मैं कह रहा हूँ कि ये घटनाएँ वहाँ घटीं। राय-बरेली के प्लेटफार्म पर कोई चला जाता और अगर वह तनिक भी नौजवान आदमी होता तो उसके पीछे चार ठी सौ० आई० डी० के लोग लग जाते थे और पूछते कि कहाँ आये हो, कहाँ जा रहे हो, तुम्हारा क्या नाम है, क्या तुम सोशलिस्ट तो नहीं हो। कम से कम दर्जनों रेलवे के कर्मचारी, टिकट कलेक्टर, जो कभी मजा लेने के लिये वहाँ जाते रहते थे छुट्टियों में उन्होंने हम में शिकायत की कि आज बहुत हम बच गये और इस तरह की ब्रमकी दी जानी थी कि देखो, ठीक मे बोलो, अगर तुम सोशलिस्ट हो तो तुम को बन्चू पकड़ कर के जेल में डाल देंगे और जब चुनाव बीत जायेगा तब छोड़ेंगे। बरना प्लेटफार्म पर से टिकट कटाओ और जहाँ से आए हो वहाँ चले जाओ। सारा राय बरेली बाहरी खुफिया से आच्छादित था। बाहर की खुफिया और पुलिस के लोग सादे वेश में पोशाक बदल कर अपने को सिविल

नागरिक के रूप में रख कर एक दम से छाए हुए थे और पूरी कन्वेसिंग कर रहे थे प्रधान मंत्री के लिए।

SHRI P. N. SAPRU (Uttar Pradesh): Why do you not bring forward an election petition?

श्री राजनारायण : जैसी कि जज माहब सलाह दे रहे हैं, मैं उनकी सलाह का जरूर मानना चाहता हूँ मगर सब बड़े बड़े मसले इलेक्शन पिटीशन से तय नहीं होते; दूसरे रास्ते हैं उनसे तय किए जायेंगे। इलेक्शन पिटीशन बड़ा लम्बा प्रोसेस है जो हमारे मुल्क में हो रहा है। मैं इस बात पर जोर दे कर कहना चाहता हूँ कि ग्राम चुनाव के पूर्व सरकार का इस्तीफा अवश्य होना चाहिए और कोई कैबिनेट सरकार चलाए? एक मंत्री, मंत्री की हैसियत से चुनाव न लड़े। जब वह मंत्री की हैसियत से चुनाव लड़ता है और अपने निर्वाचन क्षेत्र में जाता है तो अपने आप स्वतः तमाम सरकारी साधनों का उसके लिए इस्तेमाल हो जाता है, तमाम सरकारी प्रभाव का उसके लिए इस्तेमाल हो जाता है, तमाम एनवायरनमेंट बदल जाता है। इस मौके पर बोलते हुए मैं इस बात का भी नाफ कर देना चाहता हूँ कि सदन के सम्मानित सदस्य जो इस बात से और गहराई से जाना चाहते हैं वे रायबरेली चले जायें, किसी टी स्टाल पर बैठ जायें या रेस्ट्रॉ में बैठ जायें और चर्चा चलाई जायेगी तो खुद पता चल जायेगा कि हाँ बाहर से उन दिनों में कितने आदमी आए थे और प्रधान मंत्री के लिए उन लोगों ने कितनी कन्वेसिंग की। अगर खर्च देखा जाय तो हैरत में पड़ जायेंगे, शायद कुछ लोग उसका अनुमान नहीं करेंगे कि इतनी ज्यादा रकम प्रधान मंत्री को चुनाव में जिताने के लिए खर्च हुई।

इसी के साथ-साथ प्रेजिडेंट के बारे में, स्पीकर के बारे में, चैंबरमैन के बारे में, जनरल और बालिव मताधिकार के बारे में—तमाम

चर्चाएं हुई। एक 'जनतंत्र' की परिभाषा मैं जरूर चाहता हूं यहाँ पर होनी चाहिए। जनतंत्र क्या है? सिर्फ एक शब्द है या उसका कोई अर्थ है? मैं अब किसी और का पत्र नहीं पढ़ रहा हूँ, मैं अपना पत्र पढ़ रहा हूँ ताकि लोग समझ ले कि कितनी दिक्कतों से मैं गुजर रहा हूँ। 2-4 का लिखा हुआ है :—

“माननीय राज्यपाल जी,

उत्तर प्रदेश, लखनऊ।

आपको पूर्व जानकारी थी कि यहाँ पर एक संयुक्त विधायक दल है। श्री रामचन्द्र विकल उसके नेता थे। विधान सभा में कल साढ़े 4 बजे भूतपूर्व मंत्री श्री चन्द्रभानु गुप्त ने ऐलान कर दिया था कि वह अपना इस्तीफा आपको दे देंगे क्योंकि विरोध पक्ष के साथ बहुमत है, उनके साथ नहीं। यह वह तिथि है जिस दिन राज्यपाल के सम्बोधन पर विरोध पक्ष के द्वारा रखे गये संशोधन पास हो चुके थे। मैं चन्द्रभानु गुप्त की तारीफ करना चाहता हूँ कि ज्यों ही संशोधन पास हुआ, त्यों ही उन्होंने उठ कर कहा कि चूँकि विरोध पक्ष के साथ बहुमत है मैं अपना इस्तीफा दूँगा। उन्होंने स्पीकर से कहा कि आगे की सदन की कार्यवाही रोक दी जाये; मैं चाहता हूँ कि अपना इस्तीफा राज्यपाल को दे दूँ तब आप अपनी आगे की कार्यवाही चलाएँ। इस चीज के लिए मैं उनकी तारीफ करता हूँ।”

श्रीमती विद्यावती चतुर्वेदी (मध्य प्रदेश) :
हम लोग हमेशा अच्छे काम करते हैं।

श्री राजनारायण : ठीक है “साढ़े पाँच बजे के करीब श्री चन्द्रभानु गुप्त ने अपना इस्तीफा आपको दे दिया। मेरी समझ में उत्तर प्रदेश की वर्तमान स्थिति में आपको फौरन श्री रामचन्द्र विकल को आमंत्रित करना चाहिए। जो संयुक्त विधायक दल के

नेता थे श्री राम चन्द्र विकल को जाँ कहना होता आपसे कहते। अस्तु करीब साढ़े दस बजे रात्रि में श्री राम चन्द्र विकल संयुक्त विधायक दल के अन्य प्रमुख प्रतिनिधियों के साथ आपके पास गए। उन्होंने आपसे करीब 11 बजे रात्रि में बात भी की। नए नेता का चुनाव फल भी बताया। हमारे भूतपूर्व नेता श्री रामचन्द्र विकल ने आपको स्पष्ट किया कि अब दल के नेता चौधरी चरण सिंह जी चुने गए हैं। रात्रि में नहीं तो आज प्रातः आपको चौधरी चरण सिंह को बुलाना चाहिए, उनसे तत्काल मंत्रिपरिषद् गठित करने को कहना चाहिए। उनका शपथ आज हो जाना चाहिए। उसमें विलम्ब करना जनता की भावना की पूर्ति की दूरी को बढ़ाना होगा। सुनने में आया है कि आप श्रीमती इन्दिरा नेहरू गांधी, प्रधान मंत्री से मिलने वाराणसी जा रहे हैं।” मुझे रात डेढ़ बजे मालूम हुआ कि दिल्ली से राष्ट्रपति महोदय का कोई सन्देश राज्यपाल महोदय के पास आया कि प्रधान मंत्री सुबह वाराणसी जा रही हैं तुम वाराणसी जाओ और उनसे मिलो और प्रधान मंत्री जिस तरह की हिदायत करें उसके मुताबिक काम करो, क्योंकि चन्द्रभानु ने डिसीजन ले लिया बिना केन्द्र से पूछे ले लिया उसने ऐलान कर दिया उत्तर प्रदेश की विधान सभा में कि मैं इस्तीफा दूँगा। उसका कर्तव्य था, फर्ज था कि वह इस्तीफा देता और उसने इस्तीफा दिया, मगर दिल्ली घबड़ा गई क्योंकि दिल्ली ने सोचा जब उत्तर प्रदेश, 8 करोड़ की आबादी का राज्य कांग्रेस के नीचे से हट गया तो उसका असर दिल्ली पर पड़ेगा, अब दिल्ली भी कांग्रेस के असर से जायेगी। इसलिए यहाँ से घन्टी खटकी और डेढ़ बजे रात मुझे मालूम हुआ। इसलिए हम 6 बजे उठे, यह चिट्ठी लिखाई और ए० डी० सो० को टेलीफोन किया। उन्होंने कहा कि 7 बजे सुबह राज्यपाल महोदय वाराणसी जा रहे हैं। हमने कहा जो हो मैं उनसे मिलूँगा। उन्होंने कहा राजनारायण जी अपनी चिट्ठी भेज दीजिए, मिल कर क्या करेंगे। मैंने कहा “आता हूँ”। ठीक

[श्री राजनारायण]

15 मिनट पहले, पीने-सात बजे चला गया। ज्यों ही पहुँचा हूँ, उनको चिट्ठी देता हूँ, चिट्ठी का भाष्य करता हूँ। चिट्ठी पर ए० डी० सी० का दस्तखत सब मौजूद है।

उपसभापति : अब क्या पढ़ते हैं ?

श्री राजनारायण : वही वही। इसकी बारीकी तो देखें —

“सुनने में आया है कि आप श्रीमती इन्दिरा नेहरू गांधी प्रधान मंत्री से मिलने वाराणसी जा रहे हैं। यह बात मुझे अच्छी नहीं लगती कि आप प्रधान मंत्री के स्वागत के लिए वाराणसी, बावतपुर जायें। राष्ट्रपति के स्वागतार्थ आपका जाना ठीक है न कि प्रधान मंत्री के स्वागतार्थ।” संविधान में राज्यपाल को एक संसदीय जनताधिक मर्यादात्मक स्थिति में रखा गया है। राज्यपाल प्रधान मंत्री के स्वागत के लिए नहीं जा सकता, राज्यपाल राष्ट्रपति के स्वागत के लिए जाये तो जा सकता है। उसमें हमें आपत्ति नहीं है, मगर राज्यपाल जाता है प्रधान मंत्री के स्वागतार्थ। इस चीज से निश्चित रूप में हमारे संविधान के ढाँचा जो राज्यपाल पद की गरिमा और महिमा है उसको राज्यपाल ने गिराया है। “मुझे ज्ञात हुआ है कि आप राष्ट्रपति जी से मन्देश पर ऐसा कर रहे हैं यह आज की स्थिति में और भी चिन्ता का विषय है।” चूंकि तमाम चर्चा हो गई है कि प्रेसिडेंट क्लब होगा इसलिए मैं आपसे मविनय स्पष्ट करना चाहता हूँ कि यदि आप चौधरी चरण सिंह को बुला कर सरकार गठित करने का निर्माण देने में और उन्हें तत्काल शपथ दिलाने के पवित्र कार्य में विलम्ब करेंगे तो परिणाम भयावह होगा।” हमने जितनी भी वेदी की अगर आज उनका शपथ नहीं होता और शपथ दिलाने के काम में आप विलम्ब करते हैं तो उत्तर प्रदेश की वह जनता जिसने कभी से सत्ता से हटाने के फैसले को मूर्तिमान स्वरूप प्रदान किया है, वह जनता वर्धित नहीं करेगा।

और जो कुछ भी होता होगा हो जायगा, स्थिति पर भयावह हो जायगी। “आप देखें। कांग्रेस सरकार का पतन होते ही सारे शहर में खुशी की लहर दौड़ गई। रिकशा वाला, खंवाला, पान वाला, राज्य कर्मचारी अध्यापक, गरीब, मध्यम वर्ग सभी ने प्रफुल्लित होकर छोटे-छोटे जलूस और सभाओं का व्यापक आयोजन किये, श्री चरण सिंह जी को रास्तों में घेर-घेर कर स्वागत और माल्यार्पण किए केवल इसलिए कि राक्षसी कांग्रेस राज का खात्मा हुआ। अतः बार बार निवेदन है कि आप चौधरी चरण सिंह जी को आज बुलावें शपथ दिलावें और उनको मंत्रिपरिषद् गठित करने को कहने की कृपा करें।” काशी राज्यपाल के ए० डी० सी० द्वारा सुबह सात बजे प्राप्त की जा चुकी है—दस्तखत। अब यह एक पत्र सदन के सम्मानित सदस्यों को काफी रोशनी दे चुका है कि हमारे यहाँ क्या हो रहा है।

अभी मैं आ रहा था तो एक अखबार हमको सेन्ट्रल हाल में किसी ने दिया। उसमें लिखा है—उत्तर प्रदेश हेडिंग टुवर्ड्स प्रेसिडेंट्स क्लब। अंग्रेजी में उसमें लिखा हुआ है कि उत्तर प्रदेश राष्ट्रपति शासन की ओर बढ़ रहा है। इस मौके पर मैं राष्ट्रपति जी से, जिन्होंने कि हमारी भावनाओं की कद्र कर के अध्यादेश जारी किया था कि अन्तराल अधिवेशन न हो, जिसके फलस्वरूप यह विधेयक यहाँ पर आया हुआ है विनम्रता से निवेदन करूँगा कि ऐसी कल्पना अपने मस्तिष्क में न लाएं वरना यह उत्तर प्रदेश विचित्र है, मामूली नहीं है। उत्तर प्रदेश की स्थिति को जिसको किमिमझना है उसको 10 मई, 1957 में जाना होगा अगर और पहले में न जाये तो। जितनी क्रांतियाँ हुई हैं जितने राष्ट्रीय आन्दोलन हुए हैं, गहराई के साथ अगर देखा जाय तो सबकी अनुग्राही उत्तर प्रदेश ने की है, और समाजवादी क्रांति हो रही है तो उसमें भी उत्तर प्रदेश अनुग्राही करेगा, वह पीछे नहीं रहेगा—इसको मैं माफ बता देना चाहता हूँ।

इसलिये ऐसी अपवित्र कल्पना अगर राष्ट्रपति महोदय के मजिष्क में आयेगी तो भयावह होगा, भयंकर होगा । इसकी मैं चेतावनी देना चाहता हूँ ।

आगे माननीया अन्य बातें कही गई हैं कांग्रेस के पक्ष की ओर से । मैं चाहता हूँ कि जनतन्त्र का अर्थ बहुत आसानी से समझ लें । जनतन्त्र वही है जहां मैजोरिटी माइनोरिटी को उन तमाम सुविधायों से पुष्ट करें जिसे माइनोरिटी अबाध गति से जब चाहे अपने की परिस्थित्यानुकूल मैजोरिटी में बदल सके । अगर मैजोरिटी कुत्तित साधनों का इस्तेमाल करें और बराबर अपनी माइनोरिटी को दबाती रहती है तो वह जनतन्त्र की हत्या है । एक साधु परिभाषा में जनतन्त्र की किये दे रहा हूँ । हमेशा, सर्वदा, बहुमत को तैयार रहना चाहिये । उन तमाम शांतिप्रिय प्रयासों को सुलभ कराने के लिये अल्पमत को कि अल्पमत उनका इस्तेमाल करके अपने को बहुमत में बदल ले । यही जनतन्त्र की शोभा है, जहां ऐसा न हो वहां जनतन्त्र नहीं है, वहां जनतंत्र की हत्या है ।

माननीय, मैं दो उदाहरण रखना चाहूंगा । आज हमारे यहां क्या कोई जनतन्त्र है ? जैसे आप डिप्टी चेयरमैन हैं, डिप्टी चेयरमैन ने हनको नेम किया, "आफ्टर नेमिंग" अगर लॉर्ड आफ द हाउस या कोई सीनियर मेम्बर ने नहीं करता कि "मेम्बर शुड बी रिमूव्ड फ्रॉम द हाउस" या जो भी कहे, तो क्या माना जायेगा—चेयर में डाइरेक्ट तो कन्फिडेंस का रिजोल्यूशन। जो विद्यार्थी हैं पार्लियामेन्टरी डेमोक्रेसी के वे जानते हैं कि "इट विल अमाउन्ट टु नो कान्फिडेंस इन चैर" । चैयर अगर किसी सम्मानित सदस्य को नेम कर दे, और नेम करने के बाद अगर लॉर्ड आफ द हाउस उस सदस्य को सदन से हटान के लिये प्रेज नहीं करता है, तो वह माना जायेगा कि चैयर में अविश्वास है । चैयर अगर डिमोक्रेटिक है तो ठीक

हैं हट जायेगा । मैं इस के आगे उदाहरण नहीं दूंगा । अगर देखा जाय अनेक उदाहरण हैं । मैं चाहूंगा कि जब कभी यहां पर स्पीकर्स काफ्रेस हों तो अब तक हमारी जितनी चिन्टियां वहां गई होंगी उनको आप मंगवा कर पढ़ा लीजियेगा ।

आगे मैं चेम्बरलेन और चर्चिल का एक उदाहरण देना चाहता हूँ । 1940-41 की लड़ाई चल रही थी । लोक सभा में प्रस्ताव हो रहा है चेम्बरलेन के समर्थन के लिये । चेम्बरलेन की पार्टी के बहुत से सदस्य उस दिन वोट में भाग नहीं लिये फिर भी सरकार बच गई । चेम्बरलेन ने कहा चर्चिल से कि हमारा प्रधान मंत्री पद से इस्तीफा, अब तुम आओ और प्रधान मंत्री बनो । चर्चिल कहता है कि नहीं तुम्हारे ऊपर अविश्वास तो हुआ नहीं, तुम्हारे ऊपर सेन्सर तो पास नहीं हुआ । तो चेम्बर ने कहा, नहीं, डिमोक्रेसी क्या है जब हमारे ही दल के सदस्य इस क्यूशियल मूमेंट पर एक्सटेन करते हैं, "फ्राम वोटिंग" और हमारी पालिसी से हमारे दल की संख्या में कमी होती है तो मैं समझता हूँ कि ये डिमोक्रेसी हमको प्रधान मंत्री नहीं रहने देना चाहते । क्यों कहा ? तब चेम्बरलेन हटा है, चर्चिल आया है, युद्ध के समय प्रधान मंत्री बना है ।

यही उदाहरण मैं उत्तर प्रदेश के मुख्य मंत्री सम्पूर्णानन्द जी का देना चाहता हूँ । यह 1960 की बात है, माननीया, जब उत्तर प्रदेश के मुख्य मंत्री सम्पूर्णानन्द थे, उस समय मैं जेल में था, तब मुनीश्वर दत्त उपाध्याय उत्तर प्रदेश के कांग्रेस संगठन के प्रेसीडेंट पद के लिये कांग्रेस के ही चन्द्रभानु गुप्त जी के विरोध में खड़े हुए । मुनीश्वर दत्त जो सम्पूर्णानन्द जी के द्वारा प्रेरित थे, प्रस्तावित चुनाव हार गये और चन्द्रभानु गुप्त जीत गये । सम्पूर्णानन्द जी ने कहा, मैं मुख्य मंत्री था, मुनीश्वर दत्त उपाध्याय को हमारा सारा समर्थन था, हमने कहा था कि मुनीश्वर दत्त हार जायेंगे तो मैं समझूंगा

[श्री राजनारायण]

कि कांग्रेस संगठन को मेरे ऊपर विश्वास नहीं है। बहुमत वाले चाहते थे कि सम्पूर्णानन्द जी इस्तीफा न दें। लोगों ने उनको कहा कि बाबू लोग उनको बाबू कहते थे आप काहे को इस्तीफा देते हैं, आपको तो लॉजिस्लेवर का बहुमत प्राप्त था, संगठन से क्या मतलब? अंततोगत्वा भूतपूर्व प्रथम प्रधान मंत्री श्री जवाहर लाल जी के पास यह मामला रेफर हुआ। (*Time bell rings*) जवाहर लाल जी ने कहा, नहीं, सम्पूर्णानन्द जी को इस्तीफा देना चाहिये। कांग्रेस पार्टी के जो उत्तर प्रदेश के लोग हैं या तो राजनीति को समझना चाहते हैं वे जानते होंगे कि सम्पूर्णानन्द जी इस्तीफा दिया और उसके बाद चंद्र भानु गुप्त मुख्य मंत्री पद पर बैठे हैं। तब हमने उनको चिट्ठी लिखी कि चंद्र भानु, तुम कांग्रेस के प्रेसीडेंट थे, अच्छा था तुमको मुख्य मंत्री नहीं होना चाहिये था, अगर कोई दूसरा बनता तो ठीक था। खैर, मैं हैरत में हूँ कि जो हमको जनतन्त्र का सबक पढ़ाना चाहते हैं—जन तन्त्र के सारे दिल्ली के अखबारों आज चिल्ला रहे हैं कि यह कोई बाहर के संकट की बात नहीं है लोक सभा और राज्य सभा के सदस्यों में; लोक सभा के सदस्यों में जो कांग्रेस के एक्जीक्यूटिव का चुनाव हुआ है उसमें जो सरकारी पक्ष, सत्ताधारी पक्ष की लिस्ट थी जिसमें कुछ लोगों को मना किया गया था कि उनकी वोट न मिले, सारी की सारी लिस्ट गुम हो गई। मैं जानना चाहता हूँ, आज वह कौन सा जनतन्त्र का विद्यार्थी है, अध्यापक है, जो उसको अविश्वास का प्रस्ताव न माने?

एक स ननीय सदस्य : गलत है।

श्री राजनारायण : गलत कहने वाला गलत है। मैं कहता हूँ इतिहास साक्षी है, इतिहास गवाही देगा कि निश्चित रूप में अगर सम्मानित और जनतांत्रिक प्रधान मंत्री हो, तो उसको इस्तीफा देना चाहिये। उसका उदाहरण उत्तर प्रदेश का सम्पूर्णानन्द है,

उसका उदाहरण ब्रिटेन का है, जो पार्लियामेंटरी पद्धति की जननी है, जहां चेम्बर-लेन ने इस्तीफा देकर के चांचल को बैठा कर दिया। मैं ईमानदारी से कहना चाहता हूँ, इतिहास जब से मैंने इसको पढ़ा, मैं समझता हूँ कि शायद प्रधान मंत्री का इस्तीफा हो गया होगा मगर वह अभी तक नहीं हुआ। मगर जो लोग उधर बैठ कर कहते हैं यह जनतन्त्र नहीं है।

उपसभापति : अब आप समाप्त करें।

श्री राजनारायण : थोड़ा सा और।

उपसभापति : आपने तो बीस मिनट ले लिये हैं।

श्री राजनारायण : हम तो महत्व की बात कह रहे हैं।

उपसभापति : दो मिनट और ले लीजिये।

श्री राजनारायण : आपने दो मिनट दिया है तो बीच में काहे टोक रहीं हैं? तो उसी तरह से मैं कहना चाहता हूँ; आज प्रेसीडेंट के चुनाव में और वाइस प्रेसीडेंट के चुनाव में क्या हो रहा है? आज सत्ताधारी दल एक दिमाग का नहीं हो पाया कि हमारे प्रेसीडेंट का चुनाव, राष्ट्रपति का चुनाव किस ढंग से हो? यह कोई पार्टी है। वे कहते हैं "चूचू का मुरब्बा", मैं कहता हूँ शूद्धतः चूचू का मुरब्बा है आज कांग्रेस की सत्ता। दुनिया के राजनैतिक इतिहास में जो पोलिटिकल साइंस का विद्यार्थी होगा, किसी भी एक मुल्क की मज़ीर हमें बताये कि जिस रफ्तार से कांग्रेस पार्टी का पतन हुआ, दुनिया के राजनैतिक इतिहास में कोई राजनैतिक दल ऐसा नहीं है जिसका इतनी तेज रफ्तार से पतन हुआ है। कहते हैं, हमने बहुत दल बनाये। अब तो हमारा श्रेय है, यह श्रेय विरोधी दलों को होना चाहिये कि हम लोगों ने आज इस देश में नयी धारा बना दी है।

जैसे उत्तर प्रदेश है, बिहार है, वहाँ विभिन्न दल जो अपने को कहते थे जिनके चुनाव घोषणापत्र और कार्यक्रम अलग थे, वह बैठकर एक मिनिमम प्रोग्राम बना लिये हैं और उस मिनिमम प्रोग्राम को मुस्तेदी और तत्परता के साथ कार्यान्वित करने के लिये संलग्न हैं। फिर भी जो तारीफ की चीज है, प्रशंसा की चीज है, उसको ये शीलभद्र याजी और अबिद अली साहब मखौल कहते हैं। कहते हैं चूँ चूँ का मुरब्बा है। मालूम नहीं चूँ चूँ के मुरब्बे से क्या मतलब निकालते हैं।

तो मैं उन्हीं के शब्दों के साथ आपसे और आपके द्वारा सदन के सामने जो यह विधेयक प्रस्तुत है, इस विधेयक के साथ अपने को रखता हूँ क्योंकि अंततोगत्वा यह विधेयक हम लोगों को प्रेरणा दिये जा रहा है और हम लोगों के निवेदन पर राष्ट्रपति जी ने जो अध्यादेश था उसी को कानूनी शकल देने के लिये यह आया है। इसका विरोध करने की कोई बात नहीं आ सकती। लेकिन, हाँ, हम आपके द्वारा यह जरूर निवेदन करेंगे कि एक सामयिक तथा सम्पूर्ण विधेयक इस सदन में जल्द लायें जिससे तमाम दोष मिटें और सही मानों में जनता की सच्ची भावना प्रतिबिम्बित हो। आज जो पैसे के बल पर, तिकडम के बल पर, साजिश के बल पर, करोड़पतियों के नोटों के बल पर दबाय जा रही जनता की भावना है वह भावना दब नहीं पाये इसी लिये कहता हूँ कि इस पीपुल्स रिप्रेजेंटेशन बिल पर विचार करते समय सदन के सम्मानित सदस्य इस बात पर ध्यान रखेंगे कि जब तक इकोनॉमिक इक्वेलिटी नहीं होगी, आर्थिक समानता नहीं होगी तब तक जनता को दबाने में पैसा अपना जोर डालता रहेगा। इसलिये जनतन्त्र के चाहने वालों ! आज सबसे बड़ा तुम्हारा कर्तव्य यह है कि इस देश में इकोनॉमिक इक्वेलिटी के लिये, आर्थिक समानता के लिये, जबर्दस्त कदम उठाओं और एक विधेयक लाकर उसके कार्यक्रम को पूरा करो।

SHRI P. GOVINDA MENON:

Madam, this is the first time that I have the honour to pilot a Bill in the Rajya Sabha. When I proceeded to take up this task, I never thought that I would have to listen to a large number of speeches which have very little to do—to put it very mildly—with the subject-matter of the Bill before us. The object of the Bill is very limited. It was decided not to have the Third Lok Sabha to meet after the general election in 1967. From the trend of the speeches of some of the hon. Members on the other side of the House, one would get the impression that the Congress Party or the Government had a vested interest in the matter that the Third Lok Sabha should meet, even after the general election of 1967. I would like to take a few minutes to inform ourselves about the reason why in 1952, in 1957 and in 1962 the Lok Sabha met even after the general elections were held. Members would know that in Britain the Parliament is dissolved and simultaneously with the order of dissolution, a writ is issued for summoning the new Parliament, that is, for electing a new Parliament. For good reasons, we did not follow that rule when the Representation of the People Act and the Constitution earlier were enacted in India. You might remember, Madam, that the election which was held in December, 1951 which extended up to January, and February, 1952 was the first election in India on the basis of adult franchise. And there were 1 to 18 crores of electors who had to participate in that election. We did not know that it would be possible for us to conduct the election in the course of a few weeks. In that election, the election took a large number of days, I think, several weeks, before it was completed. And in England, on the other hand, the election is held in one single day and the results are announced by the night. We are now approximating year by year to a situation in which the number of days which would be taken for the process of election will be reduced. In my own

[Shri P. Govinda Menon]

State of Kerala, the entire election was held in one day and in certain other States in two days and in some of the bigger States three days were taken. That shows that we are progressing in the matter of perfecting the machinery of election in India.

Now, in 1952, by the time the election was completed, the first day of April was nearing and because that day is the beginning of the financial year, it became necessary to have a vote on account to enable the Government to carry on for the first few months of the year 1952-53. And therefore it became necessary to call the earlier Lok Sabha which had not been dissolved to assemble and to pass the vote on account. That is how it happened that in 1952 the so-called lame-duck session of Parliament was called. This happened in 1957 and also in 1962. I should say that by sheer force of habit in 1967 also the Third Lok Sabha was called to meet, I think, on the 13th of March. It was then pointed out that all the elections except for four seats having been completed from out of 500-odd seats for the Lok Sabha, it would be an anachronism, it would be wrong, it would be unnecessary to ask the Third Lok Sabha again to meet. And then it happened that this idea was mooted by some of the Members in the Opposition and by some Members in the Congress Party also; they made that suggestion and the matter was looked into. And it was found that there was a good deal of substance in what they placed before the leader of the Congress Party. It was under those circumstances that it was decided not to call the Third Lok Sabha on the 13th of March this year. But in order to enable us to do it, that is to say, to dissolve that House and to call the Fourth Lok Sabha, it became necessary to issue an Ordinance. It was not an attempt to have an amendment to the Representation of the People Act.

The House will remember that in 1966 the then Law Minister brought forward a rather comprehensive amending Bill for the Representation of

the People Act. So, this Ordinance was issued just to enable the Fourth Lok Sabha to be constituted. At the time the election process was started, it was made clear that the election would be completed only on the 1st of April. That is just a technical term. A date was fixed for calling the election; then a date was fixed for filing of nominations, scrutiny, poll, counting, declaration, etc. And the last of the dates was the 1st of April. And under section 3 of the Act, it is only after that date that the Election Commission could issue a notification constituting the new Lok Sabha. In order, therefore, to call the new Lok Sabha, an amendment had to be made and that amendment at that time could be made only by an Ordinance. And here the object is only to replace that Ordinance by an Act of Parliament. That is the very limited object of the amending Bill now before the House.

In the context of the discussion on this Bill, many things have been stated here. I resist the temptation to answer the several points which were made here. But I want to point out and make a statement and that is about the federal character of the Central Government and all that. Now, it is well known that under our Constitution, the powers of the Government are divided—that is the characteristic of a federation—and the States have given certain areas of operation; the Centre has been given certain enumerated areas of operation, and residuary powers are with the Centre. Now, that has been the nature of the Constitution that has been enacted by the Constituent Assembly in 1950. Now, there is absolutely no attempt on the part of the Central Government to invade any of the rights of the State Governments which have been given to these Governments by the Constitution. If the complaint is that, in the situation such as we are having, the powers of the Centre are larger and wider than those of the States, that is a different matter. That was what the Constituent Assembly in its wisdom did, and it is open to us, the peo-

ple of India, to amend it, if necessary. But this is not the occasion to complain against the Centre about the invasion of the rights of the States and all that. Nothing like that is happening.

One friend on other side, for example, stated that we do not want Councils in the States, that is Upper Houses. Who said that? Which is the Government at the Centre which is compelling any of the State Governments to have these Upper Houses there? I invite the attention of the hon. Member to provision in the Constitution, in article 169, which says that it is open to the legislatures of those States to pass a Resolution saying that they do not want the Upper House. And if that is done, Parliament will take up that matter and legislation will follow. Therefore, in these matters, there is complete autonomy for the States. What has been given to the States under the Constitution, in those matters the State Governments are supreme; the State Governments are sovereign. What has been given to the Centre, in those matters the Central Government and Parliament are sovereign. That is the way in which our Constitution has been conceived.

Let us, therefore, not have 4 P.M. too much talk on this matter. We have to get on together and we are getting on together. But this kind of statements that the election in the Congress Parliamentary Party, this, that and the other . . .

SHRI P. N. SAPRU: Is irrelevant.

SHRI P. GOVINDA MENON: The word 'irrelevant' is too weak to characterise that kind of talk. Madam, I move.

THE DEPUTY CHAIRMAN: The question is:

"That the Bill further to amend the Representation of the People

Act, 1951, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE DEPUTY CHAIRMAN: We shall now take up the clause by clause consideration of the Bill.

Clauses 2 and 3 were added to the Bill .

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

SHRI P. GOVINDA MENON: Madam, I move:

"That the Bill be passed."

The question was proposed.

श्री जगत न रायण (हरियाणा) : मैडम डिपूटी चेयरमैन, मैं इस बिल के हक में हूँ, सपोर्ट करता हूँ, मगर मैं वजीर साहब की खिदमत में दो-तीन बात अर्ज करना चाहता हूँ जो इस इलैक्शन के सिलसिले में देखने में आये हैं ।

सबसे पहली बात तो मैं यह अर्ज करना चाहता हूँ कि दोनों बैलेट पेपर, पालियामेंट के और विधान सभा के, इकट्ठे दिये जाते थे वोटर्स को और उनको कहा जाता था कि जाकर मार्क कर दो । उसमें बहुत गलतियाँ हुई । इससे पहले जो जनरल इलैक्शन हुआ था उसमें विधान सभा का बैलेट अलहदा दिया जाता था और पालियामेंट का अलहदा दिया जाता था । वह सिस्टम अच्छा था, यह सिस्टम जो किया गया है इस बार यह बहुत गलत है । इससे बहुत गलतियाँ हुई हैं इसलिये मैं चाहता हूँ कि इसको बदलने की कोशिश करें । जो पहले सिस्टम था वह अच्छा था ।

दूसरी बात मैं यह अर्ज करना चाहता हूँ कि इन दफे बैलेट बहुत कौंसिल हुये हैं । पालियामेंटरी कांस्टीट्यून्सी में दस-दो हजार बैलेट कौंसिल हुए हैं । विधान सभा में 5-5 हजार तक कौंसिल हुए हैं । इसकी भी रोक-थाम होनी चाहिए । यह निहायत

[श्री जगत नारायण]

जरूरी है क्योंकि इतने वोट कैसिल होता बहुत अच्छी बात नहीं है।

तीसरी बात जो मैं कहना चाहता हूँ वह यह कि—पंजाब और हरियाणा की बात मैं कर रहा हूँ—जो स्याही उंगली पर मार्क की जाती थी चाहे वे कांग्रेसी हों या अपोजीशन के उनके पास कोई ऐसी चीज थी कि उसे लगाते थे और स्याही फौरन मिट जाती थी। ऐसी स्याही हो जिससे जाली वोट न डाले जा सकें। अगर वे चाहें तो बेशक वहां अपनी सी० आई० डी० से इन्क्वायरी करा सकते हैं कि यह दुस्त है या गलत है।

श्री जगजय याजो : कभी नहीं मिट सकती।

श्री जगत नारायण : आप इन्क्वायरी करके देख लें। कोई चीज थी उनके पास कि उसको लगाते थे और स्याही मिट जाती थी। एक-एक आदमी 4-4 जाली वोट भगताता रहा। जो दी-तीन बातों के मुतालिक मैंने अर्ज किया है उनको देख लें क्योंकि हिमाचल प्रदेश में और दूसरी जगहों में इन्तखाबात होने वाले हैं।

चौथी बात यह कहना चाहता हूँ कि यह जो शर्त लगाई गई है 7 हजार रुपये की या 15 हजार रुपये की उसका क्या फायदा है जब कि विधान सभा के इलेक्शन पर ही लोग 15-20 और 25 हजार रुपये तक लगाते हैं। आपने ट्रांसपोर्ट की बर्दश लगाई है। एक-एक आदमी 50-50 ट्रांसपोर्ट चलाता था। यहां आकर जो एक्सपेंस देते पड़ते हैं झूठे एक्सपेंस देते पड़ते हैं कि 7 हजार खर्च हुआ चाहे 50 हजार खर्च किया गया हो या एक लाख खर्च किया हो। इलेक्शन बहुत एक्सपेंसिव हो गया है इसको भी दूर करने की

कोशिश करें। कोई तरीका सोचें जिससे इलेक्शन इतना एक्सपेंसिव न हो ताकि ग्राम आदमी इलेक्शन लड़ सके। इसकी तरफ वजीर साहब जरूर ध्यान रखें जब अगला अमेंडमेंट इसमें लाने की कोशिश करें वैसे मैं इस बिल को सपोर्ट करता हूँ।

SHRI P. N. SAPRU: Madam Deputy Chairman, I would first like to congratulate my friend, our new Law Minister, on the excellent speech that he delivered in this House. It was a speech marked by a considerable grasp over the subject.

Madam Deputy Chairman, I would just like to say one word about our election, and that is this. I support this Bill but I have been wondering whether it is not necessary for us to bring about some drastic change in our electoral system. My mind though somewhat old-fashioned but thinking on radical lines has been running in the direction of proportional representation. Let me not be misunderstood. Proportional representation is used in a very vague term. I have been thinking in terms of preferential voting. What I mean to say is this. You are given a voting paper. Suppose there are eight candidates. Now you vote according to your preference. You mark your preference 1, 2, 3, 4, 5 and so on. In that way it becomes possible for us to know whether the candidate who has been elected has the majority of the electorate behind him or not.

There are various ways of achieving that end. The defect with our present electoral system is that a person can be elected representing a minority of the electorate. A party can be put into power representing a minority of the votes. But that is a very big scheme, and it may be difficult to work out the scheme of preferential system in a country where the mass of our people are ignorant and where we have no trained electoral personnel. Therefore, that is the suggestion which you might keep in your mind.

Thank you, Madam Deputy Chairman, for giving me this opportunity of congratulating my friend, the new Law Minister, on the excellent impression that he has created by his speech in this House.

SHRI P. GOVINDA MENON: Madam Deputy Chairman, I am extremely thankful to Dr. Sapru for the compliment which he paid to me. It is a great honour. I agree with the hon'ble Member there when he referred to too many invalid votes in this election. I believe it is on account of the ballot papers for the Lok Sabha and the Vidhan Sabha being simultaneously given to poor, ignorant voters. I have noted that in my own parliamentary constituency there were about 16,000 invalid votes. On similar account I got many complaints from many other constituencies also that this has happened. It has come to my notice. A few election petitions have also been filed by defeated candidates and they have adduced as one of the grounds of their complaints the simultaneous supply of ballot papers to the same elector. I shall take note of this complaint and convey my views to the Election Commission to act upon it.

SHRI JAGAT NARAIN: What about the ink?

SHRI P. GOVINDA MENON: I do not know what to say about it. People have contrived all kinds of tricks to remove this ink from their fingers. All that we can say is that all of us, belonging to all political parties, should try to teach the people not to vote twice. Sometimes the temptation is there. If the second vote is in our favour, to tolerate it, but . . .

SHRI P. C. MITRA (Bihar): It is not a practical proposition.

SHRI DAHYABHAI V. PATEL: It is a question of dozen votes, not one or two.

SHRI P. GOVINDA MENON: That is all right. This has benefited cer-

tain parties in certain constituencies, certain other parties in certain other constituencies. If a foolproof method could be devised, I think we should try to devise it. Regarding proportional representation, preferential vote and other things, I am sure Dr. Sapru does not expect me to give an answer on this occasion.

THE DEPUTY CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

THE LAND ACQUISITION (AM- ENDMENT AND VALIDATION) BILL, 1967

THE MINISTER OF STATE IN
THE MINISTRY OF FOOD, AGRI-
CULTURE, COMMUNITY DEVELOP-
MENT AND COOPERATION (SHRI
ANNASAHEB SHINDE): Madam, I
beg to move:

"That the Bill further to amend the Land Acquisition Act, 1894, and to validate certain acquisitions of land under the said Act, as passed by the Lok Sabha be taken into consideration."

Madam, at this stage, I would like to make a few observations about the Bill. As the hon. Members are well aware, in a developing economy, land is needed for various projects of the States and the Centre. Whether it is construction of an irrigation canal, a dam or a fertiliser factory, a defence installation or a ship yard, land is a basic requirement. The law for compulsory acquisition is embodied in the Land Acquisition Act of 1894. This is not only one of our oldest Acts on the Statute book, it is also one of the most controversial, mainly because it affects the private property. It is also true that the administrative processes and procedures that have grown around the Act during the last so many decades are responsible for much de-