

SHRI LAL BAHADUR: Sir, I move:

"That the Bill be passed."

The question was put and the motion was adopted.

THE REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL, 1961.

SHRI BHUPESH GUPTA. (West Bengal): Sir, before we start, will he kindly explain to the House in the beginning why in the case of the present Bill there was not any Joint Select Committee whereas....

MR. DEPUTY CHAIRMAN: You can make a speech later. He has not yet placed the Bill before the House.

THE DEPUTY MINISTER OF LAW (SHRI R. M. HAJARNAVIS): Sir, I beg to move:

"That the Bill further to amend the Representation of the People Act, 1950, and the Representation of the People Act, 1951, as passed by the Lok Sabha, be taken into consideration."

Sir, based upon the recommendations of the Chief Election Commissioner, we have come forward with this Bill in which, except for an amendment of section 123, the other amendments are of a minor character. This Bill tries to amend two Acts, the Representation of the People Act, 1950 and the Representation of the People Act, 1951.

By clauses 2 and 3 the change that is effected in the 1950 Act is concerning the enrolment of the electors. Under the present Act, an appeal lies from an order of the Registration Officer only when there is a rejection of application. Now the Chief Election Commissioner felt that an appeal should be provided against all the orders whether of inclusion or ex-

clusion. So clauses 2 and 3 make that change.

Clause 4 is an amendment to the provisions relating to the electoral rolls with respect to graduates' constituencies. Under the existing law, a graduate should have two qualifications firstly, he had to be a graduate of a certain standing and secondly, he had to be a resident in a particular constituency for the requisite period. Now teachers and other graduates have to move from one constituency to another and it was felt by the Chief Election Commissioner that it was not necessary that the qualification of residence should be insisted on and the graduate should not lose his right of franchise if he was transferred from one constituency to another. Therefore, by clause 4, the change effected is that if he is a graduate of three years' standing, then he is qualified to be included in the electoral rolls. Similarly the qualifying date is now fixed as 1st November of the year, instead of 1st January, of the preparation of the electoral roll.

Clause 5 requires that every rule that is made under the Act shall be placed before Parliament for 30 days and a motion may be made for any change sought to be introduced in the rule and it shall be debated. I do not believe that there is any change in the law but clause 5 makes the position quite clear.

Clause 6 brings into line the constituencies of the Legislative Council. There are some changes made in the local authorities by the States. The Municipal Committees, the District Local Boards, the Janapada Sabhas, these have different names. In order to bring them into line with the present nomenclature, clause 6 has been devised.

Then we come to the amendments to be made in the Representation of the People Act, 1951. Here, sub-clause 7(a) is designed to reduce the period of ten days which should elapse

[Shri R. M. Hajarnavis.]

between the issue of the proclamation and the nomination. This period is to be reduced to seven days. The general scheme is to reduce as far as possible the period of election. Then in sub-clause 7(b) it is proposed that the scrutiny, instead of taking place on the 3rd day, should take place on the 2nd day.

Clause 8 limits the nomination papers to be filed by any candidate to not more than four. It is the observation of the Chief Election Commissioner that a large number of nomination papers are filed and all these nomination papers have to be entered in the list which has to be prepared and this throws a very heavy burden upon the staff of the returning officer. Usually not more than four are filled in. The Chief Election Commissioner observes that if one candidate cannot fill one of the four forms correctly, he may not be trusted to fill in any other form correctly.

Clause 9 again is of an explanatory nature. The question has been raised whether the returning officer himself can raise any objection to the nomination paper. There is no doubt in my mind—and I think every lawyer will agree with me—that if there is any such objection to the nomination paper, it ought certainly be taken notice of by the returning officer. But this is made quite clear here.

Clause 10 contains another whole-some provision which says that before the returning officer allows withdrawal by a candidate, he must satisfy himself about the identity of the person delivering the withdrawal. Under the present law, the withdrawal can be made either by the candidate himself or by his proposer. Now, unless the condition regarding the identity of the person is satisfied, the withdrawal will not be allowed.

Clause 11 is a consequential change and the period of ten days is being reduced to seven days.

Clause 12 again is consequent on the abolition of the two-member constituencies.

Clause 13 tries to save an election if only one of the ballot boxes is in some way unlawfully taken off.

Clauses 14 and 15 are consequent upon the abolition of the double-member constituencies.

By clause 17 it has been provided that if an election petition contains any serious allegations, then these serious allegations shall be contained in an affidavit. Also the deposit has been increased from Rs. 1,000 to Rs. 2,000 in order to prohibit or rather, discourage frivolous applications. It is within the experience of all, Sir, that election petitions are filed on inadequate grounds by men of straw and when an attempt is made to recover cost, these costs remain unrealised.

SHRI BHUPESH GUPTA: What do you mean by 'men of straw'?

SHRI R. M. HAJARNAVIS: Well, I thought my hon. friend was acquainted with that variety of human beings.

Then we come to clause 23 which seeks to amend a section, namely, section 123. This is the most important change that is being made in the Act. First of all, it was correct practice, Sir, to make an appeal on behalf of a candidate if that appeal was systematically based on caste, community or religion. Now the word 'systematic' is omitted and the result is that that word 'systematic' is no longer there and even one single act of communal appeal or an appeal on the ground of caste, community or religion would invalidate the whole election of that candidate. The range of the disqualification is also widened by the inclusion of the word 'language'. At this stage I must state that the law itself is so clear. But I may again emphasise that what is aimed at is not canvassing of issues on a political level, but an appeal by one candidate or the other on grounds of language,

caste, community or religion. Discussions and debates on these issues on the political level are not barred at all.

Then there is another sub-section which is added, namely, (3A) which brings the law which we have just now passed, into the law of elections. Not only will a person who promotes or attempts to promote feelings of enmity or hatred between different classes of the citizens be criminally liable, but if on the basis of such appeal he gets elected, he will not get the fruits of such appeal and he will lose the election also. I think, this is the most effective check against communal appeals, for caste and communal appeals are most likely to be exploited for the purpose of elections during the time of the elections. This is a salutary provision which is now being introduced in the Act.

Another important section proposed to be introduced is section 127A by which the printer has now the responsibility cast on him firstly, to obtain a declaration signed by two persons who identify the publisher and then within a reasonable time after the printing, send a copy of the document to the Chief Electoral Officer. This is to deter the printing of scurrilous pamphlets and their being issued under fictitious names, and then circulated. The printer will be responsible to see that the person for whom he prints is identified by him and the copy also may be preserved for use, if necessary.

These, Sir, are the main features of this Bill and I commend the Bill for the acceptance of the House.

The question was proposed.

SHRI BHUPESH GUPTA: Sir, I beg to move:

"That the Bill further to amend the Representation of the People Act, 1950, and the Representation of the People Act, 1951, as passed by the Lok Sabha, be referred to a

Select Committee of the Rajya Sabha consisting of the following Members:—

Shri M. P. Bhargava.

Shri Babubhai Chinai.

Shri M. H. Samuel.

Shri M. Govinda Reddy.

Shri K. K. Shah.

Shrimati Seeta Yudhvir.

Shri A. D. Mani.

Shri M. S. Gurupada Swamy.

Kumari Shanta Vashist.

Shri Dahyabhai V. Patel.

Shri Govindan Nair.

with instructions to report by the first day of the next session."

MR. DEPUTY CHAIRMAN: Have you obtained the consent of these hon. Members?

SHRI BHUPESH GUPTA: Yes, Sir.

SHRI H. P. SAKSENA (Uttar Pradesh): May I interrupt my hon. friend? He has probably forgotten to include my name in that list.

SHRI BHUPESH GUPTA: I am very sorry. As a gesture, Sir, if you will allow me, I shall take out the name of a Communist Member from here and accommodate Shri Saksera.

The question was proposed.

SHRI BHUPESH GUPTA: Sir, as far as the other aspects of the Bill are concerned, my colleague, Shri Ramamurti will speak on them, that is, if my amendment is not accepted.

THE MINISTER OF LAW (SHRI A. K. SEN): Sir, with your permission, may I say one thing which my colleague has forgotten to mention, because the hon. Member Shri Bhupesh Gupta referred to it just before the motion was moved. He asked as to why the Bill was referred to a Select Committee of the Lok Sabha and not to a Joint Select Committee of both the Houses. Sir, there

[Shri A. K. Sen.]

were three reasons for this. Very little time was available and this was not a case which Government originally thought it necessary to be sent to a Select Committee. There are only very few provisions, two important ones, which could very well be discussed on the floor of the House but the Business Advisory Committee of Lok Sabha felt nevertheless that many other things should be brought in, outside the scope of this Bill. In any event they thought that there should be a reference to a Select Committee and for the sake of avoiding delay, a Select Committee of one House. That is why it was sent to a Select Committee of one House. If it had to come here for reference to Joint Committee, I do not think we would have been able to finish this Bill this Session and yet it is imperative that this Bill must be passed this Session. That is the main reason. Otherwise, there was no question of not associating both the Houses. I say again, the two important clauses are so clear that it is not necessary in my view that it should be referred to any Select Committee.

SHRI BHUPESH GUPTA: The hon. Minister can give the answer after hearing me but what he has said by way of intervention is certainly more unconvincing, if I may say so, and it only adds to the disrespect that has been shown to this House. He said that the Business Advisory Committee of that House felt the matter to be so important that Select Committee should be appointed and I take it that Government agreed to the appointment of a Select Committee and it was done. Now, Sir, the question arises, was it impossible for the Government to associate Members of this House with the Select Committee by making an immediate reference to this House? How long would it have taken for Government to come to you, Sir, and seek your permission that in view of the importance of the measure and in view also of the fact that there should be a Joint Committee, you should kindly arrange the business of the House in such a manner that it

becomes possible to start the work of the Joint Committee at once? I think, Sir, we would have agreed to such a proposal on your part and you would have had the support of the Business Advisory Committee and of the entire House to see that the Joint Committee that was to be brought about came into existence without any loss of time. Therefore, this is no argument at all. This Bill was passed and even before we got official notice and circulation, we agreed to alter or waive the rules and we are taking up this Bill today. Amendments were also given on the basis of the copies of the Bill we received as introduced in the Lok Sabha. Such accommodation we give. Here you have seen the attitude. We are not in a position to go to that House and speak for ourselves. We must take the opportunity of registering our strong protest against Government acting in this manner. I do not say anything about that House because it was the task of the Law Minister and the Government to point out that it is a measure which could be considered in a Joint Committee of both the Houses since we have gone in for a Select Committee. Sir, it is most unfortunate that it was not done, and it was not done because some people think that the Rajya Sabha should not be associated with such a Select Committee. Their ground is that this is the People's Representation Bill and, therefore, the Rajya Sabha, which had been elected indirectly, should not be brought into the picture. That again is a very fallacious argument because the Bill relates not merely to elections to the Lok Sabha or to directly elected Assemblies but it relates to various other matters connected with elections. Even in regard to the Upper Houses, there is the question of qualification, speeches, graduates' constituencies and so on. Therefore, it is absolutely wrong on the part of the Government not to have pressed for a Joint Committee. We resent this attitude. I can understand the Finance Bill which, of course, has to be done there but here he agreed to a Select Committee, to find a solution to the problem

Committee of the other House only quite forgetting that there is another House across the Central Hall.

SHRI A. K. SEN: How can I forget with the hon. Member sitting over there?

SHRI BHUPESH GUPTA: We have got many eminent lawyers and others experienced in such things and some of them are so experienced that they do not sit in the Lok Sabha but find places here. I think the hon. Minister should accept my suggestion in point of principle, and I would appeal to the hon. Members opposite, whose names I have given with their consent, not to step back. The hon. Minister for Parliamentary Affairs should not give any whip in this matter so that we can have this Select Committee. We will do the business in one single day and assert our right even for a day. Let it go to the Select Committee today and tomorrow you will see how we function. We may be a House of Elders but are quite young in functioning and you will see that by tomorrow we shall give the report. You will have no difficulty at all on that score. If you think that the first day of next session mentioned by me is too late, you can make that change.

Now, Sir, having said that, I would ask the House to accept my suggestion. I expect that my proposition would be accepted and in this connection, I want the Select Committee to consider two or three points. First of all, Sir, I regret that there is no mention about the use of the State apparatus by the leaders of the Government or the Congress Party. That matter should be covered by an amending Bill. We are having a fairly big amending Bill but there is no amendment with regard to that point. I would like the hon. Law Minister to explain that. There are many clauses, qualifying and disqualifying, but nothing about this. In this very House, you know, Sir, we were told

that the Prime Minister, the Leader of the Congress Party, went to Orissa to participate in the election there in an I.A.F. plane. It was said that he took advantage of a scheduled flight—the plane took him there—and he paid a single fare. Now, is it not taking advantage of the State apparatus? We know the other aspect, about the security to be afforded to the Prime Minister. That everybody wants, but he was going there on the invitation of the Congress Committee there, he was being sent from here by the All India Congress Committee at Jantar Mantar Road and he took advantage of the so-called scheduled flight of an I.A.F. plane paying only a single fare, perhaps Rs. 200 or so, for which there was the entire plane, petrol, crew and various other things. In an election, free and fair, why should not that amenity be made available to us? If the Prime Minister had chartered that I.A.F. plane, he should pay for the entire charter, the A.I.C.C. should pay for it, so that it becomes also open to the other parties to charter an I.A.F. plane, if they could find the money and send their speakers and leaders to various constituencies. It is clear discrimination which is more regrettable because this abuse of State resources takes place when the Prime Minister goes there. Sir, it was said that a plane has to put in some time flying every month or so. Then, we should be told in a newspaper as to when these planes fly on a scheduled flight. We can also take advantage of it. I do not think that the plane will collapse or burst in mid air if we get into it. It is quite conceivable that the scheduled flight takes off from Palam and the Prime Minister goes by it paying Rs. 200 as fare. It may be that other parties may also put in their speakers or accompany the Prime Minister, share the money, get more money for the exchequer, and take advantage of this but nothing of that kind was done.

SHRI MAHESWAR NAIK (Orissa): That you can do when you become the Prime Minister.

SHRI BHUPESH GUPTA: You benefited by it, I know, but we are not here concerned with that. This abuse of State machinery is going on and that is why I have suggested that it is important to disqualify those who use the State machinery and authority from standing for any election, no matter who he is. This back-handed method and back-door means of abusing State authority is neither good for our parliamentary system nor does it bring any credit to the system of what you call free and fair election.

Places of worship are mentioned in our amendments, and he would be speaking on that but I have to say one thing only and that is that places of worship, no matter to which community they belong, should be put outside the pale of such political use or political propaganda at the time of the election. At the time of the last election, we cornered the West Bengal Chief Minister in a fight and in a bad way, he just scraped through with 500 odd votes. As you

1 P.M. know, he is Brahmo by religion and he is a very very materialistic type of person. He does not have a particular fascination for any religion that way. He is Brahmo. Now, what happened? Suddenly the Calcutta newspapers publish his photograph showing him sitting in the Juma Masjid by the side of the Pir Sahib and the Pir Sahib is sitting there. Never in our life did we see Dr. B. C. Roy going either to a temple, or to a mosque or to a church or anywhere near any religion but when he was in a tight corner in the election, when it came to tapping the Muslim votes in that constituency which has a large number of Muslim votes, the Chief Minister, Dr. B. C. Roy, finds himself once in his life side by side with the Pir Sahib and that too in the mosque itself. Why is it not covered here? Just because they need it. I should get an explanation from the hon. Law Minister as to why the amendment was not accepted. I would therefore like the hon. Minister to go into it. As far as the Catholic Church

is concerned, I need not go into how it is used. It is they who use it and you can imagine what it is. What is the meaning of talking about secularism when the Chief Minister appears in this form?

Last point, Sir. The other aspect of the matter that the Select Committee may consider is the question of political prisoners. We have got in our jails some political prisoners who have been imprisoned but whose cases are pending. For example, we have got Mr. Kansari Halder, a Member of the Lok Sabha, who has been given life imprisonment in regard to some charges made 12 years ago. He is in the Alipore Central Jail but his case is pending in appeal. He should not be disqualified in any manner from contesting the election because the matter has not been yet finally decided from the judicial point of view. Similarly we have got Mr. Kedar Das of Jamshedpur, an M.L.A. of the Bihar Assembly, who was elected from the Jamshedpur constituency in Tatanagar mainly by the workers. He has got a sentence of 14 years. He is in jail but his appeal is pending. There are such M.L.As. and M.Ps. and they should be able to contest the election even if they are not out. Of course, Mr. Kedar Das is out on bail. So this point is not very clear. We understand that there is no bar to their standing for election provided the case is pending but this point should be made absolutely clear. If it is ambiguous or if there is no such provision, then it should be provided for that in such cases they can stand for election.

One more point and I sit down.

MR DEPUTY CHAIRMAN: You have to close now.

SHRI BHUPESH GUPTA: One minute, Sir. One point, one minute. New jeeps came from Bombay to Orissa; 170 or so we saw, all brand new jeeps carrying Bombay marking BMX. I noted it down. We had information that they had been given from the stocks that were really meant for

the Defence Ministry and the arrangement was that such jeeps would be used here and then returned to them. Whether they sell them to the Defence Ministry or not, the fact remains that they came from the stocks meant for them; maybe the stocks will be replenished by future production. If the Big Business and the capitalists are in a position to place such resources at the disposal of a party or a candidate in this manner, it cuts across the principle of free and fair election.

Sir, this is all that I have to say and I hope Mr. Ashoke Sen will accept my plea for referring this Bill to a Select Committee of this House at least to show respect to this House and I assure him that we shall do everything in our power to expedite the work of the Select Committee so that he does not lose a single moment as far as the enactment of this measure is concerned on account of his having accepted to refer this Bill to a Select Committee of this House.

SHRI P. C. SETHI (Madhya Pradesh): Mr. Deputy Chairman, I rise to support the Representation of the People (Amendment) Bill, 1961, which is a measure to amend the Representation of the People Act of 1950 and 1951. As far as I see, except for the substitution of clauses (3) and (3A) in section 123 of the 1951 Act and insertion of a new section before section 126 and a new 127A after section 127 of the 1951 Act, the Bill deals with minor changes in other sections. For example, the changes suggested in clauses 2 and 3 of the Bill relate to the order of the Electoral Registration Officer under section 22 or 23. Similarly there are amendments of section 27 of the 1950 Act and amendments of section 28 and 30 and so on. These are all minor changes which have been necessitated on account of the experience which we have gained in the working of the 1950 and 1951 Acts. Again the deletion of sections 58 and 63 is necessitated on account of the abolition of

two-member constituencies. These are, as I said, minor changes.

The major change which is most debated is the change made in section 123 of the 1951 Act and also the insertion of a new section 125 and a new section 127A. The Select Committee has considered all these things and made some recommendations. Before coming to the much-debated section 123A I would like to draw the attention of the hon. Minister to this point which came up before the Select Committee also and that is with regard to the enrolment fee which is charged. The Select Committee was of the opinion that this fee should be reduced from Re. 1 to eight annas. Somehow or other it forms part of the rules and it is for the Government to consider this question and amend the rules in such a way so that this fee may be totally done away with because so far as enrolment is concerned, some names are left out not because of the mistake of the person who is to be enrolled but many a time it is due to the negligence of the man who is doing the job of enrolling. Therefore, if the person who comes to register his name is asked to pay even eight annas as suggested by the Select Committee, it is a sort of penalty on him which he need not have to pay. I would therefore request the hon. Minister to amend the rule in such a way so that this enrolment fee may be done away with and the person can get himself enrolled legitimately without having to pay any fee. In this connection I would like to point out to the hon. House that in the U.S.A. even if the name of the voter is not there on the list he can file an affidavit just at the time of the election and he is allowed to vote. This is the sort of facility which is given there to the person whose name is not there on the electoral rolls. Sometimes it may so happen that the person who goes to do this job is a person having Jana Sangh mentality or he may be a communal-minded person and he may leave out the members from the Muslim houses and so on.

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Therefore I would request that the rule should be so amended that there is no fee to be paid.

As far as the much-debated section 123 is concerned, it is said that this would cause a lot of litigation and some Members have said that the word 'language' should be deleted from this clause. This particular change has been necessitated on account of our adopting the amendment to the Indian Penal Code by which we inserted a new section 153A. According to this section 153A a new offence has been created and that has necessitated that a similar change should be brought about in the Representation of the People Act also and that is why section 123 is now being amended here. Now, Sir, whatever may be the criticism of this section, it is an admitted fact that linguism and communalism are on the increase and the very solidarity and integration of the country is in danger. There was a time after 1947—when Mahatma Gandhi was shot—when people were so angry that they turned against the communalists and they even took the law in their hands. This was the time when a sort of integration was reached on account of this tremendous sacrifice. At that time people changed their dresses. They also changed the colour of their dresses. They also changed their parties. A sort of trouble came about in the whole of the country. People took the law in their hands. The Government came to the rescue of even such people. And now the Congress Government is accused of misusing the power. It was at that time the Congress Governments in most of the States that saved these people. Public memory is very short and soon after this event people forgot it. Again, communal and linguistic troubles started and all over the country they came in a new form of linguism. Trouble started on account of this new form of communalism. Communal passions were roused and sometimes they even took the shape of linguism. Our communist friends who are always very, very

alert to fish in troubled waters joined hands with the communal parties on this linguistic trouble. The venom of hatred between one community and another, between one language and another and between brother and brother was let loose in many parts of the country.

It was under this stress and strain that many right-thinking persons in this country made a strong demand for a blanket ban on the communal parties of India. However, there are said to be constitutional hurdles in the way of imposing this ban and, therefore, the Government has come out with this milder remedy. As far as I am concerned, I said it in the Durgapur A.I.C.C. meeting that I am opposed to the banning of communal parties because that would not solve the problem. Communalism lies deep in our hearts and has to be eradicated by putting up a strong fight on all the fronts. It will have to be attacked from all places, apart from the statutory measures that we are going to adopt. But that does not mean that even the type of measure as has been brought before this august House should be decried. My communist friends always proclaim from the housetops that they are opposed to all sorts of communalism, but it is rather surprising that they are opposing even this mild measure which has been brought before the House to oppose communal tendencies. Therefore, it makes it very clear that in order to defeat the Congress Party they are prepared to join hands with all sorts of communal parties, whether they are Akalis or whether it is anybody else. Purity of means has no meaning for them. They always keep their eyes on the end and objective.

I am sure that this measure in itself is not going to solve the problem. It is likely that it may increase a little litigation. In spite of this measure, as in the case of social legislations like the dowry abolition measure, the forces of disruption and disintegration, based on caste, community and language troubles, will have to be fought

at the political level also with greater vigour. That is why I would request the party leaders, including the Congress Party leaders, that henceforth let us have no truck with the communalists. Let us pledge not to give our party tickets to those who are rooted in politics on account of caste and community considerations.

Secondly, let the Government resolve to punish those who discriminate while doing their duty as Government servants on account of these considerations. Thirdly, I would say that I have read the Select Committee's Report and also the Minutes of Dis-sent given by some hon. Members. I am prepared to say that, as far as one of the observations made by Shrimati Renu Chakravarti is concerned, I quite agree with her. If we want to fight communalism, we have to ban the use of religious places for electioneering. Unless we do this, it will not be possible for us to fight communalism from all sources. Of course, that is very necessary. In the present measure it is not provided and time will show that this will have to be done in years to come.

There is the contention of some of the hon. Members that the present law is quite competent to deal with all the troubles and, therefore, we should not adopt this measure. They attribute the failure to the inaction of the Government. We have seen it in the passing of the Indian Penal Code (Amendment) Bill. The measure was not sufficient and, therefore, it was passed. A new section 153A was added to it. The Government officers, who were in charge of the work, would not take proper action and, therefore, it was necessary that we should change the Indian Penal Code. We must change the Representation of the People Act accordingly, so that we can deal with the trouble of communalism. If a new and strong weapon is kept in the armoury of the Home Ministry, then they will be able to deal with communal troubles properly. Therefore, we must support this measure and it is only a natural

corollary to the Indian Penal Code (Amendment) Bill that we have passed.

The handling of the Assam situation and the very successful handling of the Punjab situation shows that as far as the Government are concerned, they are prepared and they are bent upon curbing communal tendencies and that they are not going to tolerate all this sort of things. Therefore, we should congratulate the Government on having realised that any sort of trouble on a communal basis will not be tolerated, as it will ultimately weaken the country. The State Governments had also, at the meeting of Chief Ministers recently, shown their determination to eradicate this evil of communalism. The Report of the National Integration Committee has almost been adopted by all the States and it is quite likely that they are going to enforce these measures very strictly. So, this change in the Representation of the People Act is quite necessary. We should support it and I support this Bill.

Lastly, with regard to the insertion of section 127A after section 127 of the 1951 Act, I have to request the hon. Minister to clarify this. Suppose somebody issues a pamphlet of this type supporting one candidate and decrying the other candidate. Then, he can get it printed in a printing press, which is doing such type of things. The paper can come out from the printing press without any name. Then, naturally the person in whose favour it has come out will be punished, and this would create a lot of mischief. Therefore, we have to consider this from this point of view that even some persons who are opposed to the right candidate may resort to this sort of thing and the person concerned—howsoever it has come out—will get into trouble. Therefore, as far as section 127A is concerned, we have to safeguard the person who is the right candidate. And if somebody does any mischief

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against this right candidate, he has to be given proper safeguards.

With these remarks I wholeheartedly support the measure and hope that it will also get the support of the House.

SHRI M. S. GURUPADA SWAMY (Mysore): Mr. Deputy Chairman, I entirely agree with the motion of Mr. Bhupesh Gupta. While endorsing his motion for reference of the Bill to a Select Committee, I wish to say that with regard to this matter the Minister concerned has not done well, has not treated the House properly and fairly. The whole thing looks to me to be very wrong and improper. I feel that such a thing should not have been allowed to be done, because in a matter like this where elections are concerned, we are all interested as Members of Parliament. Such a measure going to a Select Committee in one House means that the Government are belittling the importance of this House. Such a thing should not have been made. The Bill, however, seems to have improved certain matters in regard to the election laws, and some of the amendments that have been made are good, but some of the amendments seem to be very insipid. The amendments dealing with the curtailment of the time of the nomination period and withdrawal period are certainly to be welcomed. Again, Sir, the matters regarding the publication of the results of the election in the Gazette, I think, are also salutary, and there is also an amendment to suggest certain dates for enrolment of graduate voters, and that is also quite welcome. But what is not welcome is the amendment which deals with the question of deposits. May I say in this connection that the amendment seeks to enhance the deposit of an election petitioner from Rs. 1,000 to Rs. 2,000? I think, Sir, this is not at all proper in view of the fact that the petitioner having been very much exercised over the election that has been fought so hard and—supposing he is a candidate himself—having

incurred so much expense in the election is not to be expected to deposit such a huge amount as Rs. 2,000. The hon. Minister said that it was meant just to do away with frivolous petitions. I do not know whether the mere enhancement of deposit will do away with frivolous petitions. I think enough scope should be given to whosoever is the aggrieved party to have this matter referred to court as cheap as possible. Sir, this enhancement will lead to an increase in the cost of the election petition, and I feel that it is a very wrong thing to do.

SHRI R. M. HAJARNAVIS: May I inform the hon. Member that in a recent election petition in England filed against Mr. Wedgwood Benn on the ground that he was not qualified to sit in the House of Commons having succeeded to the title of his father, the matter went on probably for about four days and the cost there was £8,000? That is why in England they do not have many election petitions.

SHRI M. S. GURUPADA SWAMY: Sir, if there are any aggrieved parties, I think they should not be stifled, they should not be prevented from going to the courts on the ground of finance. India is different from England, and I think this thing has to be looked into from that angle.

Then there is a reference in the Bill to the printer's responsibility. Even here the Government seems to have taken a wrong view. According to the new amendment proposed the printer before printing any poster or pamphlet or any notice is required to get from the publisher—he may be a candidate himself or his agent or he may be a third party—a letter attested by two of his friends that he is a genuine party. I think that will cause a lot of inconvenience and difficulty in the way of the candidate. At the time of election it is difficult to find such friends, and even if it is possible to find such friends to attest, I think it is not fair on the part of the Election Commission to demand such a thing, that there should be a letter

written and that it should be properly attested. I think it is a very wrong thing to do.

Apart from these few minor amendments, there are certain things in the Bill which deal with more serious and more important questions. The question of having free and fair election is recognised by all political parties, and we generally support any steps to assure free and fair election. Before doing that, we here in these benches have to be assured that the proposals made in the Bill do not work in a single direction in favour of one Party and to the disadvantage of other political parties. We have also to see whether certain other steps are necessary to make the election more free and fair. These are the two important aspects of the question. The first is whether the existing proposals in the Bill do not work in favour of one party to the disadvantage of other political parties, and second, whether all steps have been taken to assure free and fair election. Sir, to me it seems that in both these aspects of the question the Government has shown more partiality and a partisan approach. For instance, there is a new election offence introduced that any person or candidate or his agent who appeals to communalism or who appeals to any particular section of the community on the basis of caste, religion, language and the like, or who attempts to disturb the tranquillity or create hatred among the different sections, is not only punishable under the law, and is liable to be sent to prison, but he will also lose his membership in Parliament or in the State Assembly. It is a most serious step that we are taking. Sir, if we want to free elections from communalism, then we have to see whether this particular provision will help us in this direction. For instance, there are various religious places in the country temples, mosques and the like. People may gather in those religious places, and people may be persuaded in those places to vote for a particular candidate or for a parti-

cular political party. There may not be any reference to any caste, community, language or race. There may not be any attempt to create bitterness, but they may make use of these religious places with a view to influencing voters. I do not know whether this particular aspect of the matter is covered under the Bill, and I think . . .

SHRI R. M. HAJARNAVIS: If there is no caste appeal, religious appeal or language appeal, then the section does not apply.

SHRI M. S. GURUPADA SWAMY: That is why I say this. There may not be any appeal on caste, religion or language basis. In a temple . . .

SHRI R. M. HAJARNAVIS: The section does not apply there.

SHRI M. S. GURUPADA SWAMY: It does not apply. So, to that extent, the political party or the candidate may make use of these places to carry on political propaganda, election propaganda, on behalf of candidates, on behalf of political parties. It is also communal. A religious place has got sanctity. If a promise is made in a religious place before the deity, I think that that promise is binding. I think that it is far more serious than making an appeal to the communities to vote in a particular direction. I think that this aspect of the matter should have been covered.

Then again, the Bill refers to certain symbols, that religious or national symbols should not be used. I agree that these symbols should not be made use of for election propaganda but may I point out that some of the symbols which have been allotted to the political parties smack of communal tinge? For instance, the Congress Party, which is now the ruling party, has been very graciously and generously given the symbol of a pair of bullocks. I know—and I think Congress friends are also very well aware—how the propaganda goes on at the time

[Shri M. S. Gurupada Swamy.]
of the election. It is common knowledge that they appeal to the sense of the people; particularly among the Hindus, they appeal to their sense of loyalty and devotion to the cow or to the bullock, and as you know, bullocks and cows are held in such high reverence in the Hindu Society. I think that this sort of an appeal to them will move them in a particular direction, as these animals have got a religious import or implication.

SHRI JAI NARAIN VYAS (Rajasthan): It is the bull, and not the bullock, which has got a religious significance.

SHRI M. S. GURUPADA SWAMY:
Bulls and bullocks all have religious implications, and I think that the election propaganda of the Congress people is not based on any ideology, not on socialism, but on this appeal—'bulls and bullocks are religious, they are objects of worship; do not forget them.' This sort of propaganda goes on incessantly as and when the elections are nearing. So, I feel that when you talk of these symbols, you must do away with this symbol of the Congress Party. I am not suggesting that doing away with the symbol will automatically mean that the Congress will get itself defeated in the election. I do not mean that. But the Congress can stand on its own legs and on its own strength without this symbol. It is a religious symbol. I do not know whether some of the hon. Members know the history of the allotment of the symbols. Without consultation with the other political parties, at that time the Election Commission allotted this symbol to the Congress Party. The P.S.P. was given the symbol 'hut'; the Socialist Party was given the symbol 'tree'. Likewise, the Congress Party was given this symbol because they asked for it. Though others attempted to get that symbol, they said that it could not be done. And there was no lot; if it had been done by lots. I would have understood. . . .

[THE VICE-CHAIRMAN (SHRI RAM SAHAJ) in the Chair.]

SHRI AKBAR ALI KHAN (Andhra Pradesh): What symbol you wanted?

SHRI M. S. GURUPADA SWAMY:
There was a dispute in regard to the allotment of this symbol, the Congress symbol.

SHRI AKBAR ALI KHAN: You wanted this?

SHRI M. S. GURUPADA SWAMY:
There was more than one party at that time which was wanting to have it. So, the best thing at that time could have been to allot the symbol on the basis of a lot, and a lot could have been drawn. That is a separate matter, but now I refer to this particular thing. It has got a religious character of its own. I think that it is very necessary to drop this symbol from the list of symbols and allot a fresh symbol to the Congress Party.

SHRI SONUSING DHANSING PATIL (Maharashtra): In what sense do you say that bullock is religious?

SHRI M. S. GURUPADA SWAMY:
Other people treat it so, I do not treat the cow or the bull or any animal as religious, but other people treat them so. What is your position?

SHRI SHEEL BHADRA YAJEE (Bihar): Do they worship bullocks on your side?

SHRI M. S. GURUPADA SWAMY:
They worship bullocks, cows etc.

DR. W. S. BARLINGAY (Maharashtra): Cows are certainly worshipped. Are bullocks worshipped?

SHRI M. S. GURUPADA SWAMY:
Yes, there is a particular day, I do not know . . .

DR. W. S. BARLINGAY: It is entirely different. I do not believe it.

SHRI M. S. GURUPADA SWAMY: Call it quasi-religious. I crave the indulgence of the House that my suggestion is in the interest of free and fair elections. If this is the object in view, I think that this should be done.

There is one more thing which should have been there in the Bill, and there has been considerable agitation on this point, I mean the question of party election expenses. This is a very important matter over which various sections of the House here and in the other House have been very much exercised. Sir, if we want to have a free and fair election in the country, we have to see that the election expenses are kept to the minimum. And by trying to avoid communalism, casteism or narrow loyalties at one end, they introduce at the other end big money. If the role of big money is allowed to play its part in deciding the destiny of a candidate, that will not be fair. Big money is the worst enemy of free and fair elections; it is the worst enemy of democracy. And I say that this aspect of the matter should have been brought in. I do not know why it was not done. So, my main criticism of the Bill and my criticism against the Government is that they want to introduce such amendments, make such changes, as will suit them in particular but which will not in any way be of advantage to the other political parties. Advantages or benefits, whatever they are, should be shared equally by all sections and all political parties. And today the whole election has become very much demoralised because of this play of money, and now—there is a nefarious, unholy alliance between the ruling party and big business, and the other political parties do not get money. They are under a handicap, a terrible handicap. And today elections are more a battle of resources and less a battle of ideologies and policies. When people are ignorant, illiterate, misinformed or ill-informed, it is natural that money plays a vital part. So, generally speaking, whoever spends, whichever party spends, a

large amount of money will have a better chance of success. The Orissa election is a pointer in this connection. In Orissa the Congress has been able to win so many seats because they had the big money to support them, to support their candidates, and they had the power to get money. So I think we have to seriously think of this problem of money in regard to this. I would suggest therefore that there should be a ceiling on the expenditure of the political parties also, and I may even suggest that to the expenses incurred on a candidate, either by himself or by the political party on whose behalf he is contesting, that ceiling should be applicable. Otherwise the election battle will become a very uneven battle, a battle where some parties will be in a very disadvantageous position, and some in a very advantageous position. Such a situation should not be permitted to go on.

Sir, Mr. Bhupesh Gupta referred to the use of the plane by the Prime Minister while he was to go in connection with the Orissa elections. May I here suggest some of the important things that a Government has to take into consideration if the elections have to be free and fair? Sir, power is always corrupt; and at the time of elections it corrupts most of the people around those in power, and it corrupts even the voters. It has become normal everywhere that on the eve of elections officers are made use of, much more than on other occasions, and usually we find a lot of transfers of officers from one place to the other, and officers who are well suited to particular Ministers or particular candidates or particular parties are posted to certain places, and that goes on on the eve of elections. Sir, what does it mean? If the intention is not to allow officers to dabble in election matters, if that is the intention, why then . . .

THE VICE-CHAIRMAN (SHRI RAM SAHAJ): It is time.

SHRI M. S. GURUPADA SWAMY: I think there is nobody else on our behalf. I want a little more time.

THE VICE-CHAIRMAN (SHRI RAM SAHAI): You have already taken twenty-two minutes, I suppose.

SHRI M. S. GURUPADA SWAMY: I may take about seven or eight minutes more, and I shall finish.

THE VICE-CHAIRMAN (SHRI RAM SAHAI): Take five minutes more and finish.

SHRI M. S. GURUPADA SWAMY: As I was saying, Sir, on the eve of elections transfers and postings take place. Why is it so? They deliberately make these transfers and postings with a view to influencing the voters, with a view to be helpful at the time of elections to the party in power or for those who contest on behalf of the party in power. That is to be done away with. Sir, there should not be any transfer of officials unless for strong reasons—other than the electoral reason—and as far as possible no postings or transfers should take place.

My friend the Home Minister referred to the question of not allowing the officers to participate in the electoral meetings and the like. Sir, the Minister goes in his car with so many officers, and they will be always available to the Minister whenever he addresses a meeting. In meetings addressed by Congressmen they will be there. But in meetings addressed by other people they are prevented from going there. I do not want officers to go to our meetings. That is not my intention. But the same kind of approach is not made, and I feel there will be discrimination made in practice while implementing this particular aspect of the Bill. So I feel and I would suggest that on the eve of elections, at least during the period of three months before the elections, no Minister should go with his officers to any place, and no Minister should pass orders at that time, that is, within the three months prior to elections, on any subject. Sir, it is normal for Ministers to pass orders on many things with a view to tempting people. Suppose a particular

village wants a road. The road will be sanctioned then. For many years there will be no sanctioning of the road but only at that time, prior to the elections, to gain the people's confidence, to secure their votes they do so. This is also a corrupt practice. So I would say that all these things should be taken into consideration and should be properly dealt with.

Then, Sir, coming again to expenses I want to make one more point. In the United States of America, the political parties have to show their collections, have to publish the collections made by them for election purposes, and they will have to give all the names of the firms, and individuals and the amounts subscribed by them. When I was in the other House I demanded it categorically; I moved many amendments to the Company Law at that time, and I would demand again that political parties should publish the entire list of the collections that they may make on the eve of elections. Otherwise they may use all their positions and power to mobilise resources in a most objectionable manner. I think publicity of these collections would, in a way, minimise this kind of development.

Sir, there is one more point that I want to make, and that is about elections in Kashmir. All along Kashmir is represented in the House by nomination. There was a time when Kashmir had to be treated separately, a time when the situation there was in confusion, when there was a lot of chaotic trends prevalent in that region, and some sort of an ad hoc arrangement had to be made for representation of that State in the Lok Sabha. But I do not know why that thing is continued now when normalcy is established. Even today Kashmir is represented by nominated Members. I do not know why. What is the reason now to nominate them? And what is the reason now to continue this kind of system? I am of the opinion that the benefits of election should be given to that area also. I

beg of the Minister to consider this point. I do not want any part of the country to be represented by nominees, as far as possible; why as far as possible, all the time it should be possible that all the areas in the country should elect their own representatives and send them here.

Sir, I do not like this measure to be implemented in a manner which is not advantageous to a particular party or the other, and I have got a deep apprehension—judging from the past—that the election machinery has been very much above board, and whatever decisions the ruling party wants it to take, it is always ready to take. And we feel that in a matter like this if our intention and object is to ensure free, fair and impartial elections in the country on the basis of which you want to promote democracy and democratic principles, I feel all corrupt practices, a few of which I have pointed out now, should be done away with. It requires a little bit of courage and imagination on the part of the Government and it requires a little bit of sacrifice on their part. Otherwise people will laugh at us and say, 'What is this election conducted on the basis of money, conducted on the basis of corruption, by paying money to the voters? This would not do.' So, I would suggest very humbly that the Minister should try to think on these lines and somehow provide for all these things in order to eliminate the misuse of power, the misuse of bureaucracy, the misuse of money and the misuse of many other things which I have pointed out.

Sir, it is no use passing this measure unless we honestly feel that this measure has to be implemented in all its implications. I feel from past experience that we have violated this election law more than once, on many occasions, on many points. Therefore, it calls for greater vigilance and greater control over the various activities which tend to corrupt, which tend to divert the attention of the people from fair practices. So, I beg of the

Minister to consider the suggestions made by me.

In the end I would say that this Bill may be referred to Select Committee, as has been suggested by Mr. Bhupesh Gupta, because it requires certain rethinking, certain amendments. If the Bill is referred to a Select Committee, perhaps it would be possible for us and for this House to consider once again some of the aspects that I have referred to.

SHRI H. P. SAKSENA: Mr. Vice-Chairman, Sir, I see that there is a growing tendency on the part of . . .

SHRI M. P. BHARGAVA (Uttar Pradesh): Sir, let him sit and speak.

श्री हर प्रसाद सक्सेना : मैं देख रहा हूँ कि कुछ अर्थों से एक्जीक्यूटिव की यह टेडेंसी हो गई है कि इस हाउस को, इस राज्य सभा को, बिलिटल करे, बाईपास करे और भारी ताकत जो कुछ है वह सब लोक सभा के हाथ में रखी जाय । जहां तक लोक सभा की फ़ज़ीलत का ताल्लुक है उसको हम पहले ही देख चुके थे और उसके ऊपर मंजूरी दे दी है कि जो मनी-मैटर्स हैं वे वहां से ही एमेनेट हों । उसमें तो कोई मुश्किल नहीं है मगर जो रोजाना के काम हैं, जो मामूली सी चीज है कि सेलेक्ट कमेटी में इस हाउस के मेम्बर हों या न हों, उसमें भी इस तरह का डिफरेंसियेशन किया जाय तो वह ठीक नहीं है । मैं तो अपने को वाच-डाय समझता हूँ इस हाउस की आनर का और रिसपेक्ट का, लिहाजा मैं चाहता हूँ कि किसी तरह से कोई डिफरेंसियेशन उस हाउस में और इस हाउस में न किया जाय । हमारे प्राइम मिनिस्टर तो दोनों हाउसेज की बराबरी के दावेदार हैं और उसके सपोर्टर हैं । यहां तक कि उन्होंने इस बात को देख लिया कि दोनों हाउसेज के मेम्बर्स जो हैं वे अपने को एम० पी० लिख सकें । वह दोनों हाउसेज में बराबरी चाहते हैं ।

[श्री हर प्रसाद सक्सेना]

लिहाजा, जो अमेंडमेंट मेरे दोस्त श्री भूपेश गुप्ता साहब ने पेश किया है उसको मैं सपोर्ट करता हूँ ।

श्री शीलभद्र याजी : वह साहब नहीं हैं, कामरेड हैं ।

प्रो० सत्याचरण (उत्तर प्रदेश) : उप-सभाध्यक्ष महोदय, आज इस सदन के सामने जो यह विधेयक उपस्थित किया गया है उसका मैं हृदय से स्वागत करता हूँ इसलिये कि जिस प्रकार का भारतवर्ष में आज दातावरण है, जैसी परिस्थिति हमारी इस समय है उसमें इस विधेयक का संशोधन के साथ आना अत्यन्त आवश्यक था ।

महोदय, इस विधेयक का उद्देश्य यह है कि जनता के प्रतिनिधि इस प्रकार के सदनों में, अर्थात् लोक सभा, राज्य सभा, विधान सभा अथवा विधान परिषद्, इन सभी कक्षों में, बिना किसी प्रकार के अनूचित दबाव के या बिना किसी प्रकार की लोगों के हृदयों को, भावनाओं को, उत्तेजित करने वाली अनुचित अपीलों के पश्चात् चुने जा सके । ऐसी अवस्था में जितनी कठिनाइयाँ हमें चुनाव के सम्बन्ध में भोगनी पड़ती हैं उनके प्रसंग में यह संशोधन विधेयक अत्यन्त आवश्यक है । सच पूछिये तो इस विधेयक का प्राण अथवा मूल-भाग वह है जिसमें कि १९५१ के एक्ट की धारा १२३ में संशोधन उपस्थित किया गया है और इसका उद्देश्य यह है कि उम्मीदवार अथवा उसका सहयोगी अथवा उसकी अनुमति से कोई व्यक्ति इस प्रकार की अपील जनता से न करे जिसमें धार्मिक भावना, जातिगत भेद की, समाज भेद की अथवा भाषा के भेद की भावना उपस्थित हो ।

यदि एक बार हम भारतवर्ष के इतिहास पर दृष्टिपात करें तो हमारे लिये यह समझने में किञ्चिन्मात्र कठिनाई नहीं होगी कि हमारे देश की एकता, हमारे देश की समुन्नति तथा

हमारे देश के भविष्य के ऊपर यदि कभी आघात लगा है तो उसका बहुत कुछ कारण आपसी भेद और समाज का भेद रहा है ।

महोदय, मैं अधिक दूर नहीं जाना चाहता हूँ, दो सौ वर्ष पुरानी इतिहास की बात कहूँगा जो कि प्रायः सदन के सभी सदस्यों को ज्ञान है । वह १७६१ की पार्नापत की तीसरी लड़ाई की बात है । उस समय मराठों का प्रभुत्व था और अहमद शाह दुर्गनी का हमला भारतवर्ष पर हुआ । प्रयत्न इस बात का किया गया कि किसी प्रकार से भारतीय सेना का संगठन हो सके । लेकिन, एक रात की बात है कि होलकर का इजलास लगा हुआ था और भरतपुर का राजा सूरजमल जाट भी वहाँ उपस्थित हुआ । प्रश्न यह हुआ कि लड़ाई किस प्रकार से लड़ी जाय । सूरजमल ने कहा कि लड़ाई का क्रम यदि कोई हो सकता है तो वह टुकड़ियों में बांट कर हो सकता है, जिसे कि अंग्रेजी में गोर्रिला वार्फेयर कह सकते हैं । इसके ऊपर जो लांछन उसके ऊपर लगाया गया वह यह था कि तू जाट है तुझे लड़ने की विद्या का क्या ज्ञान । यह जातिगत संकेत ऐसा था जिससे कि भारतवर्ष के इतिहास में कलंक आया और भारत-माता का सिद्धर खंडित हुआ । ऐसा इतिहास या ऐसे प्रसंग बड़े मार्मिक होते हैं और इन प्रसंगों में यदि हम आगे की दिशा का अंकन करते हैं तो हमें यह ध्यान रखना पड़ेगा कि हमारे सामने जो भी विधेयक उपस्थित हों, उसमें इस प्रकार की धाराएँ हों जिससे कि भारत का एकीकरण हो और उसमें उसके खंडित होने की कोई भावना न हो । इसीलिये, महोदय, इस विधेयक का स्वागत करते हुए जहाँ तक धार्मिक विषय का प्रश्न है उस सम्बन्ध में कुछ निवेदन करना चाहता हूँ ।

2 P.M.

मैं जहाँ तक इस विधेयक का उद्देश्य समझ पाया हूँ वह यह है कि किसी धर्म का व्यक्ति दूसरे धर्म के व्यक्ति के प्रति यह कह कर उसको नीचा ले जाने की कोशिश न करे कि

उसका धर्म एक विशेष धर्म है। हालांकि मैं जानता हूँ कि आज इस बीसवीं शताब्दी में अमेरिका सबसे आगे बढ़ा हुआ है—जिनको संसार के उस कोने में जाने का सौभाग्य हुआ है वे मेरी बात का समर्थन करेंगे कि प्रत्येक कक्ष में आज संयुक्त राज्य अमेरिका काफी आगे जा चुका है, वैज्ञानिक रूप इसका इस प्रकार का है कि उसके वैभवशाली स्वरूप को देखकर हमारे हृदय में एक आश्चर्य सा उत्पन्न होता है—लेकिन जिस समय वहाँ कैंनेडी और निक्सन दोनों का चुनाव चल रहा था उस समय कैंनेडी के ऊपर यह आरोप किया गया कि यह तो रोमन कैथलिक है। मैं बड़ी उत्सुकता से देखता था कि अमेरिका जो कि प्रजातन्त्रीय शासन और व्यवस्था में काफी आगे चला जा चुका है, क्या वहाँ भी इसका प्रभाव कोई खास पड़ने वाला है? यह कहे बिना मैं नहीं रह सकता कि किसी अंश में पड़ा। तो इस प्रकार की जो धारा इस विधेयक में है या जो विषय उपस्थित किया गया है, वह बहुत ठीक है। धार्मिक विषयों को लेकर चुनाव में जड़वात या भावनाओं की प्रश्रय देना, यह हमारे लिये अनुचित है।

महोदय, इसी प्रसंग में मैं एक बात और कहना चाहता हूँ जो हमारे सदन के अन्य सदस्यों ने भी कही है। वह यह है कि धर्म का स्थान उपासना का स्थान है और धार्मिक मंदिर आदि स्थान किसी प्रकार से राजनीति के स्थल नहीं बन सकते। राजनीति और उपासना दोनों में भेद है। जहाँ सियासी मामला या राजनैतिक गतिधियाँ मुलझायी जाती हैं उसकी जगह और हुआ करती है, इस बात को दृष्टि में रखकर मैं निवेदन करना चाहता था कि आगे चल कर हमारे न्याय मंत्रालय को यह सोचना पड़ेगा कि आया कि इस प्रकार का कानून भी बनाया जाय कि उपासना गृहों में यदि इस प्रकार के व्याख्यान दिये जायें जिनमें धार्मिक भेद की भावना आभासित होती हों तो उसे उन्नी समय नाजायज़ और और-कानूनी करार दिया जाये।

श्री आर० एम० हजारनवीस : मैं आपको थोड़ी सी सूचना दू कि अगरचे इस तरह के भाषण कही भी हों, चाहे देवालयों में हों या बाहर हों, कहीं भी हों, ये कानून के अंदर आ जाते हैं।

प्रो० सत्याचरण : मंत्री महोदय, बात कहने में बड़ी सरल है और उपयुक्त है लेकिन अब सिख गुरुद्वारे के संबंध में आपकी शक्ति कहां काम कर रही है इसे देखकर मुझे विश्वोभ होता है।

मैं इसके पश्चात् दूसरे, अर्थात् जाति के संबंध में कुछ कहना चाहता हूँ। आज दुर्भाग्यवश जाति का विषय जितना काफी भीषण रूप धारण करता जा रहा है उससे हमें आश्चर्य होता है। ज्यों ज्यों युग प्रगति के मार्ग पर ऊपर चढ़ता जा रहा है, ज्यों ज्यों हम देख रहे हैं कि हमारे देश और विदेशों में वैज्ञानिक उन्नतियाँ हो रही हैं और संसार इतना संकुचित होता चला जा रहा है कि हम वायुयान और राकेट के द्वारा अंतरिक्ष की रेखा को पार कर दूर दूर तक चले जा रहे हैं त्यों त्यों उतना ही हमें यह देखकर दुख होता है कि हमारे हृदय इतने संकुचित होते जा रहे हैं कि आज जातिगत भावनाओं के ही आधार पर हम अपनी पार्टियों का टिकट भी बांट रहे हैं। यह भी एक कठिन समस्या हमारे देश के सामने आ रही है। इसलिये निवेदन यह है कि इस प्रकार की भावना को जितना ही नष्ट किया जाय उतना ही हमारा प्रजातान्त्रिक रूप निखरा हुआ, विकसित, संसार के सामने उदय होगा। अतः यह जो विधेयक में धारा रखी गयी है यह बहुत सुन्दर और उचित ही रखी गयी है।

जहां तक भाषा का सम्बन्ध है, भाषा एक ऐसा प्रश्न आज बन चुका है जिसके आधार पर आज फिर इस देश के भीतर विभेद की अग्नि प्रज्वलित की जा रही है, उसकी आंच हमें सब को झुलसा रही है। आज हमारे सामने यह प्रश्न उपस्थित हो गया है कि जितना भी हमारा राजनैतिक

[प्रो० सत्याचरण]

ढाँचा है क्या वह भाषा के आधार पर टूटने जा रहा है ? जब हमारे सामने आन्ध्र और मद्रास के विच्छेद का प्रश्न उपस्थित हुआ था उस समय हमें स्वप्न में भी यह आभास न मिला था कि यह स्थिति इतनी भयंकर होती ही चली जायेगी । उसके पश्चात् महाराष्ट्र और गुजरात राज्य का भाषा के आधार पर गठन हुआ । अन्त में आज हम पंजाब में जो कुछ देख रहे हैं उस के ऊपर हमें विचार करना पड़ेगा । भाषा जाति का प्राण होती है और उस भाषा को यदि रखना है तो हमें इस बात का विचार करना होगा कि उस विशेष कक्ष का भाव क्या है ? भाषा के प्रति आस्था क्या है, इसमें सन्देह नहीं, उसके प्रति हमारा आदर होना चाहिये । किन्तु यदि भाषा के आधार पर हमारे देश में विभेद की भावना पैदा होने जा रही है तो हमें उस भाषा के विवाद के आधार को दूर करने की आवश्यकता है । मैं समझता हूँ, इस विधेयक का यही मन्शा है और एक सही दृष्टिकोण से यह लाया गया है । भाषा के प्रश्न को इतना कठिन न बनाया जाय जिससे जनता के मंच पर एक पक्षपात की बात लोगों के सामने आये । इसलिये मैं इसका स्वागत कर रहा हूँ ।

महोदय, हमारा राज्य एक धर्म निरपेक्ष राज्य है और धर्म निरपेक्ष राज्य का सब से बड़ा स्वरूप यह होता है कि उसमें हम हर विषयों में धार्मिक जमाव के ऊपर अवसर पर बड़े बड़े धर्माध्यक्षों द्वारा जो फतवे निकलते हैं, भाषण होते हैं, केवल उन्हीं द्वारा अनुप्राणित या प्रेरित न हों । हमारे सामने तुर्की का इतिहास है । जिस समय तुर्क लोगों को बताया गया कि यह एक रोगी देश है और जितना ही शीघ्रातिशीघ्र ठोकर मार कर इसको समाप्त कर दिया जाय उतना ही अच्छा है—यह यूरोप के पश्चिमी कक्ष के लोगों ने तुर्की के ऊपर आरोप किया था जिसको अंग्रेजी में Sick man of Europe, अर्थात् यूरोप का रुग्ण प्राणी

कहते हैं—उस समय एक अग्नि उत्पन्न हुई थी तुर्की में । और जो अग्नि उत्पन्न हुई थी उसका स्वागत संसार ने किया, उसने तुर्की के इतिहास को बनाया, उसने प्राण दिया कि तुर्की को और उसे यश की सीमा पर ले गया । जिसने तुर्की को बनाया वह था अतातुर्क मुश्तफा कमाल पाशा का पुरुषत्व, उनका गौरव और उनका महान प्रयत्न । अतातुर्क कमाल पाशा ने जन जाग्रति के साथ, जो कुछ भी गलत ढंग से रूढ़िवादिता धर्म के साथ आयी उसे समाप्त कर दिया । जब हम अपने चौदह वर्ष की स्वतंत्रता पूरी करते हुए आगे बढ़ने जा रहे हैं तब हमारे लिये यह अत्यन्त आवश्यक है कि हमारे देश के ऊपर, जाति के ऊपर, समाज के अंग के ऊपर जो कीटाणु विभेद के आ रहे हैं उनको हम शीघ्रातिशीघ्र समाप्त करें । इस प्रमंग में हमें इस बात को देखना होगा कि इस तरीके से, चाहे वह जाति, धर्म, भाषा अथवा अन्य कोई कारण हो, हम साम्प्रदायिक या क्षेत्रीय प्रवृत्तियों को मिटाने की चेष्टा करें ।

अन्त में, दो तीन बातों की ओर हमें ध्यान देना है जिनके ऊपर अभी हाल में मुख्य मंत्रियों के सम्मेलन में यहां दिल्ली में विचार किया गया है । विचार उसमें यह किया गया कि यदि इस देश के भीतर एकता स्थापित करनी है, इस देश में विभेद भावना को नष्ट करना है, तो हमारी एक लिपि होनी चाहिये, एक राष्ट्रीय भाषा होनी चाहिये, और फिर प्रान्तीय भाषाएं हों, क्षेत्रीय भाषाएं हों और उनमें हम अपनी भावनाओं और विचारों को प्रकट करें । किन्तु जहां तक अन्तः प्रान्तीय भाषाओं का सम्बन्ध है और जहां तक लिपि का सम्बन्ध है, यदि हम उसमें एकता का समन्वय कर सकें तो उसकी बहुत बड़ी शलक उसका प्रतिबिम्ब हमें दिखलाई देगा हमारे अन्य और कार्यों में । यही कारण है कि मैंने इसका स्वागत किया । इस विधेयक के द्वारा जो इस देश को एक सूत्र में बाधने

کی چھٹا کی جا رہی ہے، کیونکہ ان بہد کی भावनाओं के परे यदि संसद् और अन्यत्र विधान सभा और विधान परिषद में आयेंगे जनता के प्रतिनिधि, तो यह निश्चित है कि उनके द्वारा जो विधान उपस्थित किया जायेगा, जो विचारधारा उपस्थित की जायेगी उसमें इस प्रकार के विभेद की गन्ध नहीं होगी ।

महोदय, मैं समझता हूँ, अभी हमारे सामने जो दो चार प्रश्न आ रहे हैं उनको हमें देखना होगा और जिसके बारे में अन्य दलों के लोगों ने शंका उपस्थित की है कि कहीं इस तरह के विभेद की बातों को देकर ऐसा तो नहीं कर देंगे जिससे हमें दवाया जाय । मैं समझता हूँ यह शंका निर्मूल है । संकुचित ढंग से इस विधेयक की मन्गा नहीं रखी गई है । इसका एक व्यापक दृष्टिकोण है, अत्यन्त फैला हुआ दृष्टिकोण है — जिसके अन्तर्गत वे सब बातें आती हैं जहाँ कुत्सित भावना है, जहाँ भावनाओं के द्वारा जनतंत्रवाद के महान उद्देश्यों की हत्या करने की कोई संभावना उपस्थित हो सकती है ।

इसलिये अन्त में विशेष इस के ऊपर न कह करके इतना ही मैं निवेदन करना चाहूँगा कि यह जो संशोधन का विधेयक हमारे सामने उपस्थित किया गया है उसका मैं हृदय से स्वागत करता हूँ और मैं समझता हूँ यह एक ऐतिहासिक घड़ी है क्योंकि हम चन्द कदम प्रजातांत्रिक मार्ग के ऊपर आगे बढ़ा रहे हैं ।

श्रीमती अनिस قدوانی (अتر प्रदेश):

جناب وائس چیمبرمین صاحب - الیکشن ہماری قومی زندگی کا ایک حصہ بن گیا ہے - اسے ہم چاہے پسند کریں یا نہ کریں لیکن اس میں کسی نہ کسی طریقہ سے حصہ لینا ہی پڑتا ہے - اس بل میں جو امیدملت لایا گیا ہے وہ وقت کی

ایک بہت بڑی ضرورت کو پورا کرتا ہے -
مجھے یاد ہے کہ سنہ ۱۹۴۶ء میں الیکشن ہوئے تھے - سنہ ۱۹۵۰ء الیکشن میں نے دیکھے اور اس کے بعد سنہ ۱۹۵۷ء کے الیکشن میں بھی حصہ لیا تھا - جن الیکشنوں میں میں نے کام کیا تھا ان سب میں ایسا تجربہ یہ ہے کہ ہم نے دو الیکشن میں تو ملک کی ایکتا کیلئے کوشش کی تھی - ذات پات کو مٹانے کی کوشش کی تھی اور اسی خیال سے ہم نے دو الیکشن لڑے تھے اور کانگریس کے اصولوں کا پرچار کیا تھا - لیکن تیسرا الیکشن سنہ ۱۹۵۷ء میں ہوا اس کے متعلق مجھے افسوس کے ساتھ کہنا پڑتا ہے کہ اس میں ذات پات کے معاملہ کو بھڑاوا دیا گیا - ہماری پارٹی نے بھی یہ کہا اور ہر پارٹی نے یہی بات کی - پارٹی نے جو کلمہ دیتے کھڑا کیا چاہے وہ کانگریس پارٹی کا ہو چاہے سوشلسٹ پارٹی کا ہو چاہے کمیونسٹ پارٹی کا ہو وہ جس ذات سے تعلق رکھتا تھا اسی ذات اور برادری کی ہمدردی الیکشن میں حاصل کی گئی - ہم نے یہ اتنی بڑی غلطی کی جس کا نتیجہ ۵ سال بعد ہمیں معلوم ہوا کہ ہم نے کتنی بڑی غلطی کی تھی - اور یہ دیکھنے میں آیا تھا کہ اگر کوئی مسلمان کلمہ دیتے تھے تو اس ذات کے لوگوں کا روت حاصل کرنے کے لئے

[یمتی انیس اقدوائی]

اس ذات کے ہی لوگوں کو بھیجا جاتا تھا تاکہ ان کے ووٹ آسانی سے حاصل کئے جا سکیں - اگر کوئی یادو الیکشن میں کھڑا ہوا تھا تو یادو برادری میں اس ذات کے آدمی کو ووٹ حاصل کرنے کے لئے بھیجا جاتا تھا - جس ذات کا آدمی الیکشن میں کھڑا ہوتا تھا اس ذات کے ووٹوں کو حاصل کرنے کیلئے اسی ذات کے آدمی کو پروپیگنڈا کرنے کے لئے بھیجا جاتا تھا - اس کا نتیجہ یہ ہوا کہ ہم نے انجانے طریقہ سے کاسٹ مذہب وغیرہ کو اپنی اپنی جگہ پر چھوٹے چھوٹے طبقوں میں بانٹ دیا اور جو چیز کانگریس برسوں سے مٹانا چاہتی تھی جس چیز کے لئے گورنمنٹ نے قانون بنائے ہوئے تھے ان سب کو ہم نے اپنی غلطیوں سے بڑھا دیا - مجھے انتہائی خوشی ہوئی کہ اس بل میں ایک ایسی دفعہ کا اضافہ کیا جا رہا ہے کہ قانون کے ذریعہ سے اس طرح کی روک تھام ہونی چاہیئے کہ ذات اور مذہب کی بنیاد پر جتنے جھگڑے ہمارے ملک میں ہوئے ہیں اور ہوتے رہتے ہیں وہ اب اس قانون کے تحت روکے جا سکیں گے - ہم اس طرح کے جھگڑوں میں انجانانہ طریقہ سے کسی نہ کسی طرح سے حصہ لیتے رہے ہیں اور ہر

مذہب کے لوگ فرقہ پرست بن گئے - اس سے کوئی بھی صوبہ نہیں بچا ہے - کوئی مذہب ایسا نہیں ہے جو فرقہ پرستی کی بات نہ سوچتا ہو اور اس کا نتیجہ یہ ہوا ہے کہ سب اپنی اپنی جگہ پر دوسرے تھلک سے سوچنے لگے ہیں - آج کوئی مسلمان یہ نہیں کہہ سکتا ہے کہ میری قوم فرقہ پرست نہیں ہے - کوئی ہندو نہیں کہہ سکتا ہے کہ میرے مذہب میں فرقہ پرستی نہیں ہے - سب مذہبوں میں فرقہ پرستی موجود ہے - لیکن ہم اس کو روکنے کی کوشش نہیں کرتے ہیں - ہم اس کو مٹانے کی کوشش نہیں کر رہے ہیں اور اس کا نتیجہ یہ ہوتا جا رہا ہے کہ یہ بیماری بڑھتی ہی چلی جا رہی ہے - انجانے طریقہ سے جب الیکشن آتے ہیں تو ہم ان سب برائیوں کو اور ہوا دیتے ہیں - جو یہ ترمیم موجودہ بل میں ہمارے سامنے آئی ہے اس سے مجھے امید ہے کہ کافی مدد ملے گی - اور ہم سب ٹھیک طرح سے دن کا کام کر سکیں گے -

ایک اور چیز ہے جس کی طرف میں خاص طور سے توجہ ضرور دلانا چاہتی ہوں وہ یہ ہے کہ ہم سب لوگوں کو اس بات کا ذرہ کہ ممکن ہے کہ اس بل میں زبان ذات اور مذہب کی جو بات کہی

گئی ہے اس کا ہمارے آفیسر لوگ غلط استعمال کر کے کہیں لوگوں کو پریشان نہ کریں۔ یہ بھی ہو سکتا ہے کہ آپسی دشمنی کی وجہ سے لوگوں کو یہ چیز معذور کر دے اور وہ بہانہ بنا کر دوسروں کو پریشان کریں۔ یہ بھی ہو سکتا ہے کہ اگر دیہات میں کسی کو نقصان پہنچانا ہو تو اس پر الزام لگا کر رپورٹ کر دی جائے۔ اس طرح کی باتیں کچھ نہ کچھ ضرور ہوں گی۔ لیکن اگر گورنمنٹ چاہے تو وہ اپنے افسروں کے اوپر اس معاملہ میں روک تھام لگا سکتی ہے کہ وہ الیکشن میں ایک آفیسر کی حیثیت سے حصہ لیں۔ ایک ورکر کی حیثیت سے شریک نہ ہوں اور جو مجسٹریٹ ضلع کا ہو وہ ان سب باتوں کی نگرانی کرے۔ اس سے پہلے بھی بہت سے قانون تھے اور وہ سب قانون گورنمنٹ افسران کو طاقت دیتے ہیں اگر ان کا تھیک طرح سے استعمال ہوا ہوتا تو کسی کو نقصان نہ پہنچتا۔ لیکن بہت سی جگہ دیکھتے ہیں ایسا آیا ہے کہ جب کہیں بھی کسی طرح کی فرقہ پرستی نظر آتی ہے یا کہیں دو پارٹیوں میں جھگڑا ہوتا ہے یا جب اس طرح کی کوئی چیز سامنے آتی ہے تو اس وقت کسی نہ کسی طرح پولیس یا ہمارے سرکاری کرنا دھرتا اس میں انوالو ہو جاتے ہیں۔ یہ

ایک ایسی چیز ہے جس کو روکنے کے لئے گورنمنٹ کو سب سے پہلے اپنی مشینری تھیک کرنی پڑیگی۔ جتنے گورنمنٹ کے کمرچاری ہیں جتنے گورنمنٹ کے کام کرنے والے آفیسر ہیں وہ سب ہمارے آذر گھروں ہی سے نکلے ہیں اور جب یہ برائی ہمارے گھروں کے اندر موجود ہے تو یہ جو ہمارے بیٹے اور بھائی سرکاری کام سے لگے ہوئے ہیں وہ اس برائی کو اپنے گھر سے لیکر چلے ہیں لیکن روٹی اور نوکری کا چھوٹ جانا گورنمنٹ کے ریکارڈ میں برا نام درج ہو جانے کا قدر اتنا برا ہوتا ہے کہ کوئی شخص آسانی کے ساتھ اپنی روزی چھوڑنا پسند نہیں کریگا۔ اگر سرکار اپنے افسروں کو تاکید کر دے کہ اگر الیکشن کے موقع پر کسی نے قانون کا ناجائز فائدہ اٹھایا تو اس کے خلاف کارروائی کی جائیگی۔ تو اس کا نتیجہ یہ ہوگا کہ کوئی بھی سرکاری نوکر برا نام حاصل نہیں کرنا چاہے گا۔ اور نہ ہی ایلا کریکٹرول ہی خراب کرنا چاہے گا۔ اس لئے تذبذب وارننگ ایسی ہے جو گورنمنٹ آفیسر کو ناجائز کام کرنے سے روک سکتی ہے۔ اگر گورنمنٹ واقعی اپنی مشینری تھیک کرنا چاہتی ہے اور یہ چاہتی ہے کہ جو قانون وہ بناتی ہے وہ پوری طور سے نافذ ہو اس پر پوری طرح سے عمل ہو تو اس کے لئے یہ لازمی ہو جاتا ہے کہ وہ ان

[شریمتی انیس قدوائی]

لوگوں کا دل بدلے اور دماغ بدلے - جب تک وہ اس طرح کی کارروائی نہ کریگی تب تک اس کو کامیابی حاصل نہیں ہو سکے گی - جب تک ہمارا نیشنل کنگرگٹر ٹھیک نہیں ہوگا اونچا نہیں ہوگا تب تک ہم اس چیز میں کامیابی حاصل نہیں کر سکتے ہیں - ہماری سرکار بڑی بڑی یوجنائیں بنا رہی ہے، بڑے بڑے آفس کھول رہی ہے، یونیورسٹی اور کارخانے کھولے جا رہے ہیں، سب طرح کے کام ہو رہے ہیں لیکن ہمارا نیشنل کنگرگٹر ابھی تک ڈیولپ نہیں ہوا ہے - جب تک ہمارا نیشنل کنگرگٹر اونچا نہیں ہوگا تب تک ہم اپنے مقصد میں کامیاب نہیں ہو سکتے ہیں - اس لئے گورنمنٹ کو اس چیز کی طرف خاص توجہ دینی چاہیئے -

یہاں ہر پانچ سال بعد الیکشن ہوتے ہیں اور گاؤں گاؤں میں پینچایتوں کے الیکشن ہوتے ہیں وہ ہمارے لئے ایک مصیبت پیدا کر دیتے ہیں - ان الیکشنوں کی وجہ سے گاؤں گاؤں میں فرقہ پرستی اور ذات پات کو بڑھاوا دیا جاتا ہے ان سب چیزوں کو ہم کو روکنا ہے - قانون بنا کر ان سب کو روکا جاسکتا ہے مگر اسکے ساتھ ہی ساتھ ہمیں بھی کچھ اس طرح کے اصول برتنے چاہئے جس سے اس چیز

کو بڑھاوا نہ ملے - جب کبھی کانگریس پارٹی یا کسی پارٹی کا کوئی آدمی الیکشن کے لئے کھڑا ہوتا ہے تو اسوقت صرف یہ سوال سامنے ہوتا ہے کہ کس طرح سے الیکشن جیتا جائے - اسوقت یہ سوال سامنے نہیں ہوتا کہ ہماری پارٹی کے جو اصول ہیں ان کو ہی جیتنے کے سامنے لیکر ہم کامیاب ہو سکتے ہیں - بلکہ اسوقت تو ہم اپنے اصولوں کو بھول جاتے ہیں اور الیکشن جیتنے کے لئے دوسری باتوں کی طرف بھٹک جاتے ہیں - اگر ۱۹۵۲ء اور ۱۹۵۷ء کے الیکشن میں ہماری یوجنڈوں کا ہی پورا پرچار ہوتا تو وہ ہمارے لئے زیادہ مفید ہوتا اور جو تاریکی ہم پورا نہیں کر سکے وہ سب پردے ہو جاتے - لیکن ایسا نہیں کیا گیا - اگر پچھلے الیکشنوں میں سرکار پانچ سالہ یوجنڈا کی پوری طرح پبلیسٹی کرتی تو اس وقت صوبوں میں جو زبان کا جھگڑا کھڑا ہو گیا ہے ذات پات کا معاملہ سامنے آگیا ہے اسکو آنے کا موقع ہی نہ ملتا - لیکن جب ہمارے پاس کوئی پروگرام نہیں ہوتا جب ہم کوئی مقصد یا چیز کو لیکر ووٹر کے پاس نہیں جا سکتے تو ہم محض جذبات اور سیلمتی - مہنتل اپیل کی بنا پر لوگوں سے کہتے ہیں کہ فلاں ذات کا فلاں مذہب کا آدمی کھڑا ہوا ہے اور وہ ہمارا رشتہ دار ہے اس لئے اس کو ہی ووٹ دینا چاہئے -

پچھلی مرتبہ ایک الیکشن میں ہم نے کوشش کی کہ ہم اس لائن پر کام نہ کریں۔ آپ کو وہ جگہ نہیں بتلاؤں گی اور نہ ان صاحبان کے نام بتلاؤں گی لیکن نتیجہ یہ ہوا کہ ایک مہینہ کے اندر اس الیکشن کو چھوڑ کر ہمیں اس دستبرد سے بھاگنا پڑا۔ جس لائن پر کام ہو رہا تھا وہ مذہب اور ذات پات کی لائن پر ہو رہا تھا اور اس کے لئے میں تیار نہیں تھی۔ اس لئے ایک مہینہ میں مجھے اس دستبرد کو چھوڑ کر دوسری جگہ بھاگنا پڑا۔ وہاں میں نے اس طریقہ سے کام نہیں کیا لیکن میرے کچھ اور دوستوں نے اسی طریقہ پر کام کیا۔

کوئی ہارتا ہے یا جھٹتا ہے اس کا سوال نہیں۔ سوال یہ ہے کہ دوسری پارٹیوں کے لئے بھی یہ چھوڑ سوچئے گی ہے کہ اگر ان میں دم ہے اگر ان کے پاس ایسا پروگرام ہے اگر واقعی وہ کوئی چیز لوگوں کو اور پبلک کو دینا چاہتے ہیں تو ان کو کوئی ضرورت نہیں ہے کہ وہ جذباتی اپیل کریں۔ وہ اپنا پروگرام لیکر سامنے آویں جیسا کہ دوسرے ملکوں میں ہوتا ہے۔ کہ ہر پارٹی اپنا سیاسی پروگرام لیکر آتی ہے اور الیکشن لڑتی ہے۔ لیکن ہمارے ملک میں چونکہ پروگرام کو زیادہ اہمیت نہیں دی جاتی اور برادری ذات پات مذہب اور ایسی ہی چیزوں کی زیادہ اہمیت ہے اس لئے ایسی صورت

پیدا ہو گئی ہے۔ میں لا ماسٹر صاحب کو مبارکباد دیتی ہوں کہ وہ ایسی ترمیم—امندمذت—لائے ہیں اور ہمیں امید ہے کہ الیکشن میں کام کرنے کے لئے اس سے ہمارے ہاتھ مضبوط ہوں گے۔ لیکن اس کے ساتھ ساتھ میں ایک مرتبہ پھر یہ درخواست کروں گی کہ آفیسرس کو اور گورنمنٹ کے ذمہ دار لوگوں کو بھی اس قانون پر سختی سے عملدرآمد کرنا سکھائیے۔ ہم اس کا تہہ دل سے استقبال کرتے ہیں اور سواکت کرتے ہیں۔ لیکن وہ بھی ایسا کریں اور جب وہ ایسا کریں گے تب ہی مجھے امید ہے کہ اس سے کوئی خاص فائدہ ہوگا۔ اس میں ذات پات مذہب اور دوسرے ایسے ہی مسئلے رکھے گئے ہیں لیکن اگر زبان کا مسئلہ اس میں نہ رکھا جاتا تو زیادہ اچھا رہتا۔ اس سلسلہ میں لوگ سبھا میں شاید کئی تقریریں ہوئی ہیں اور یہاں بھی شاید ایک آدھ صاحبان نے اس کا ذکر کیا ہے۔ کسی حد تک لوگوں کا یہ اندیشہ بھی درست ہے لیکن زبان کے نام پر بہت کافی جھگڑے ہو چکے ہیں۔ زبان کے نام پر جھگڑا کرنے والے جو لوگ ہیں وہ اس مسئلہ کو بھی الیکشن میں لے آتے ہیں۔ لیکن یہ مسئلہ اتنا زیادہ ہمارے سامنے نہیں آیا ہے جس کے لئے قانون میں اس کا تذکرہ کرنے کی ضرورت ہوتی۔ یہاں تو زیادہ تر ذات اور مذہب کے سوال سامنے آتے ہیں۔

[شریمتی انیس قدوائی]

پھر بھی زبان کا مسئلہ جس طرح سے
مہاراشٹر، بمبئی اور دوسری جگہوں پر
اٹھ کھڑا ہوا اور جھگڑے کا باعث بن گیا
اس کو دیکھتے ہوئے یہ بہتر ہی ہوا ہے
کہ اس کو اس بل میں رکھ دیا گیا ہے
تاکہ جو الیکشن میں کام کرنے والے ہیں
جو اسپیکر ہیں وہ جذباتی طریقے سے
زبان کے مسئلہ پر اپیل نہ کر سکیں۔

عام طور پر ہمارے یہاں لوگ
کہتے ہیں کہ جو نیا قانون بلتا ہے وہ
امن پسند شہریوں کو پکڑنے اور سزا
دینے کا ایک بہانہ بن جاتا ہے۔ دراصل
حالات یہ ہیں کہ ہر پارٹی کی
مینی فیسٹو جو ہوتا ہے وہ خراب نہیں
ہوتا ہے اور الیکشن کے سلسلہ میں جو
اسپیچیج ہوتی ہیں وہ بھی زیادہ تر
خراب نہیں ہوتیں لیکن جب کسی
ایک کمیونٹی کے لوگ میٹنگ کرتے
ہیں تو اس میں کھل کر ایسی ایسی
چیزیں آ جاتی ہیں اور ایسی ایسی
بانیں زبان سے نکل جاتی ہیں جو
ہزاروں آدمیوں کے لئے تکلیف دہ ہوتی
ہیں۔ جو امن پسند شہری ہوگا وہ
میں نہیں سمجھتی کہ کبھی کوئی
ایسی چیز کہے گا جس سے بلا وجہ وہ
قانون کے زور میں آ جائے۔ میں
سمجھتی ہوں کہ اگر قانون کا تھیک
طرح سے استعمال ہوا تو ایک امن
پسند شہری اس کے زور میں نہیں
آئے گا۔

میں چند باتیں کہہ کر اپنی
تقریر کو ختم کر دوں گی۔ فرقہ پرستی
کی بدولت اتنے سال سے ہم دیکھتے
آ رہے ہیں کہ جگہ جگہ اور ہر پرانوس
میں جھگڑے ہوتے رہتے ہیں۔ لیکن
دو ایک صوبوں میں مجھے معلوم ہوا
کہ شاید وہاں کوئی ایسا قانون ہی
نہیں ہے جس سے اسکو روکا جاسکے۔ اب
ان الفاظ کو بہت زیادہ صاف کر دیا گیا
ہے۔ میں قانون دار نہیں ہوں لیکن
اتنا کہہ سکتی ہوں کہ جب یہ بل
آیا تو میں نے دیکھا کہ اس میں ایک
ایسی دفعہ پہلے بھی تھی کہ جو لوگ
فرقہ پرستی کو ہوا دیتے ہیں اور جو
لوگوں کے درمیان نفرت پھیلاتے ہیں جو
آپس میں لڑائی جھگڑا کراتے ہیں ان
کو سزا دی جاسکے۔ لیکن اب جو
ترمیم کی گئی ہے اس سے یہ بات اور
زیادہ سے زیادہ صاف ہو جاتی ہے۔ یہ
بھی ہو سکتا ہے کہ اب بھی کوئی چیز
ایسی باقی رہ گئی ہو جس سے
اسٹیٹ گورنمنٹس یہ کہہ سکیں کہ
ہمارے پاس کوئی ایسا قانون ہی
نہیں ہے جس سے ہم فرقہ پرستی روک
سکیں۔ اس لئے اسٹیٹ گورنمنٹ کو
ہدایت دی جائے کہ جو قانون پاس ہوا
ہے اس کو وہ اپنے یہاں نافذ کریں تاکہ
اس پر تھیک طرح سے عملدرآمد ہو سکے
اور وہ یہ نہ کہہ سکیں کہ ہمارے پاس
کوئی ایسا قانون ہی نہیں تھا جس
سے ہم ایسا کام کرنے والوں کو سزا دے
سکتے۔

ان چند الفاظ کے ساتھ میں اس
بل کی تائید کرتی ہوں اور امید کرتی
ہوں کہ جس طریقہ سے یہ سلیکٹ
کمیٹی سے آیا ہے اور لوگ سمجھا میں
پاس ہوا ہے ویسے ہی یہاں بھی پاس
ہوگا۔

†[श्रीमती अनीस किदवई (उत्तर प्रदेश) : जनाब वाइस चेंबरमैन साहब ! इलेक्शन हमारी कौमी जिन्दगी का एक हिस्सा बन गया है। उसे हम चाहे पसन्द करें या न करें, लेकिन उसमें किसी न किसी तरीके से हिस्सा लेना ही पड़ता है। इस बिल में जो अमेंडमेंट लाया गया है, वह वक्त की एक बहुत बड़ी जरूरत को पूरा करता है। मुझे याद है कि सन् १९४६ में इलेक्शन हुये थे, सन् ५२ के इलेक्शन मैंने देखे और उसके बाद सन् १९५७ के इलेक्शन में भी हिस्सा लिया था। जिन इलेक्शनों में मैंने काम किया था उनमें भी अपना तजुर्बा यह है कि हमने दो इलेक्शन में तो मुल्क की एकता के लिये कोशिश की थी। जाति-पात मिटाने की कोशिश की थी और इसी ख्याल से हमने दो इलेक्शन लड़े थे और कांग्रेस के उसूलों का प्रचार किया था। लेकिन तीसरा इलेक्शन सन् १९५७ में हुआ, उसके मुताल्लिक मुझे अफसोस के साथ कहना पड़ता है कि इसमें जाति-पात के मामले को बढ़ावा दिया गया। हमारी पार्टी ने भी ये किया और हर पार्टी ने यही बात की। पार्टी ने जो कैंडिडेट खड़ा किया, चाहे वह कांग्रेस पार्टी का हो, चाहे सोशलिस्ट पार्टी का हो, चाहे कम्युनिस्ट पार्टी का हो, वह जिस जाति से ताल्लुक रखता था, उस जाति और बिरादरी की हमदर्दी इलेक्शन में हासिल की गई। हमने ये इतनी बड़ी गलती की जिसका नतीजा ५ साल बाद हमें मालूम हुआ कि हमने कितनी बड़ी गलती की थी। और ये देखने में आया था कि अगर कोई मुसलमान कैंडिडेट है तो उसी जाति के

लोगों का वोट हासिल करने के लिये उसी जाति के ही लोगों को भेजा जाता था, ताकि उनके वोट आसानी से हासिल किये जा सकें। अगर कोई यादव इलेक्शन में खड़ा हुआ था तो यादव बिरादरी में इस जाति के आदमी को वोट हासिल करने के लिये भेजा जाता था। जिस जाति का आदमी इलेक्शन में खड़ा होता था उस जाति के वोटों को हासिल करने के लिये उसी जाति के आदमियों को प्रोपे-गंडा करने के लिये भेजा जाता था। उसका नतीजा यह हुआ कि हमने अनजाने तरीके से कास्ट-मजहब वगैरा को अपनी अपनी जगह पर छोटे छोटे तबकों में बांट दिया और जो चीज कांग्रेसी वर्गों से मिटाना चाहते हैं, जिस चीज के लिये गवर्नमेंट ने कानून बनाये हुये थे, उन सबको हमने अपनी गलतियों से बढ़ा दिया। मुझे इंतहाई खुशी हुई कि इस बिल में एक ऐसी दफा का इजाफा किया जा रहा है कि कानून के जरिये से इस तरह की रोकथाम होनी चाहिये कि जाति और मजहब की बुनियाद पर जितने जगड़े हमारे मुल्क में हुये हैं और होते रहते हैं, वह अब इस कानून के तहत रोके जा सकेंगे। हम इस तरह के जगड़ों में अनजाने तरीके से, किसी न किसी तरह से हिस्सा लेते रहे हैं और हर मजहब के लोग फिरकापरस्त बन गये। इससे कोई भी सूबा नहीं बचा है, कोई मजहब ऐसा नहीं है जो फिरकापरस्ती की बात न सोचता हो और इसका नतीजा ये हुआ है कि सब अपनी अपनी जगह पर दूसरे ढंग से सोचने लगे हैं। आज कोई मुसलमान यह नहीं कह सकता है कि मेरी क्रौम फिरकापरस्त नहीं है। कोई हिन्दू नहीं कह सकता है कि मेरे मजहब में फिरकापरस्ती नहीं है। सब मजहबों में फिरकापरस्ती मौजूद है, लेकिन हम उसको रोकने की कोशिश नहीं करते हैं। हम इसको मिटाने की कोशिश नहीं कर रहे हैं। और इसका नतीजा यह होता जा रहा है कि यह बीमारी बढ़ती ही चली जा रही है। अनजाने तरीके से जब इलेक्शन आते हैं, तो हम इन सब बुराइयों को और हवा देते हैं। जो यह तर-

[श्रीमती अनीस किदवाई]

मीम मौजूदा बिल में हमारे सामने आई है, उससे मुझे उम्मीद है कि काफी मदद मिलेगी और हम सब ठीक तरह से इलेक्शन का काम कर सकेंगे ।

एक और चीज है, जिसकी तरफ मैं खासतौर से तवज्जो जरूर दिलाना चाहती हूं, वह यह है कि हम सब लोगों को इस बात का डर है कि मुमकिन है कि इस बिल में जुबान, जाति और मजहब की जो बात कही गई है, उसका हमारे आफिसर्स लोग गलत इस्तेमाल करके कहीं लोगों को परेशान न करें । यह भी हो सकता है कि आपसी दुश्मनी की वजह से लोगों को यह चीज मजबूर कर दे और वह बहाना बनाकर दूसरों को परेशान करें । यह भी हो सकता है कि अगर देहात में किसी को नुकसान पहुंचाना हो तो उस पर इज्जाम लगा कर रिपोर्ट कर दी जाये । इस तरह तो बिल कुछ जरूर होंगी । लेकिन अगर गवर्नमेंट चाहे तो वह अपने अफसरों के ऊपर इस मामले में रोक-थाम लगा सकती है कि वह इलेक्शन में एक अफसर की हैसियत से हिस्सा लें । एक वर्कर की हैसियत से शरीक न हों और जो मजिस्ट्रेट जिले का हो वह इन सब बातों की निगरानी करे । इससे पहले भी बहुत से कानून थे और वह सब कानून गवर्नमेंट अफसरान को ताकत देते हैं । अगर उनका ठीक तरह से इस्तेमाल हुआ होता तो किसी को नुकसान न पहुंचता । लेकिन बहुत सी जगह देखने में ऐसा आया है कि जब कहीं भी किसी तरह की फ्रिकापरस्ती नज़र आती है या कहीं दो पार्टियों में झगड़ा होता है या जब इस तरह की कोई चीज सामने आती है तो उस वक्त किसी न किसी तरह पुलिस या हमारे सरकारी कर्तवियों उसमें इनवाल्व हो जाते हैं । यह एक ऐसी चीज है जिसको रोकने के लिये गवर्नमेंट को सब से पहले अपनी मशीनरी ठीक करनी पड़ेगी । जितने गवर्नमेंट के कर्मचारी हैं, जितने गवर्नमेंट के काम

करने वाले अफसर हैं, वह सब हमारे आखिर घरों ही से निकले हैं और जब यह बुराई हमारे घरों के अन्दर मौजूद है तो यह जो हमारे बेटे और भाई सरकारी काम में लगे हुए हैं, वह इस बुराई को अपने घर से लेकर चले हैं । लेकिन रोटी और नौकरी का छूट जाना, गवर्नमेंट के रिकार्ड में नाम दर्ज हो जाने का डर इतना बड़ा होता है कि कोई शख्स आसानी के साथ अपनी रोजी छोड़ना पसन्द नहीं करेगा । अगर सरकार अपने अफसरों को ताक़ीद कर दे कि अगर इलेक्शन के मौके पर किसी ने कानून का नाजायज़ फ़ायदा उठाया तो उसके खिलाफ़ कार्रवाई की जायगी, तो उसका नतीजा यह होगा कि कोई भी सरकारी नौकर बुरा नाम हासिल नहीं करना चाहेगा और ना ही अपना करेक्टर रोल ही खराब करना चाहेगा, इसलिये तन्बीह-वार्निंग ऐसी है जो गवर्नमेंट अफसर को नाजायज़ काम करने से रोक सकती है । अगर गवर्नमेंट वाकई अपनी मशीनरी ठीक करना चाहती है और यह चाहती है कि जो कानून वह बनाती है वह पूरी तरह नाफ़िज़ हो, उस पर पूरी तरह से अमल हो, तो उसके लिये यह लाज़मी हो जाता है कि वह इन लोगों का दिल बदले और दिमाग़ बदले । जब तक वह इस तरह की कार्रवाई न करेगी तब तक उसको कामयाबी हासिल नहीं हो सकेगी । जब तक हमारा नेशनल करेक्टर ठीक नहीं होगा, ऊंचा नहीं होगा तब तक हम इस चीज़ में कामयाबी हासिल नहीं कर सकते हैं । हमारी सरकार बड़ी बड़ी योजनायें बना रही है, बड़े बड़े आफ़िस खोल रही है, यूनिवर्सिटी और कारखाने खोले जा रहे हैं, सब तरह के काम हो रहे हैं लेकिन हमारा नेशनल करेक्टर अभी तक डवलप नहीं हुआ है । जब तक हमारा नेशनल करेक्टर ऊंचा नहीं होगा, तब तक हम अपने मकसद में कामयाब नहीं हो सकते हैं । इसलिये गवर्नमेंट को इस चीज़ की तरफ़ खास तवज्जो देनी चाहिये ।

यहां हर पांच साल बाद इलैक्शन होते हैं और गांव गांव में पंचायतों के इलैक्शन होते हैं। वह हमारे लिये एक मुसीबत पैदा कर देते हैं। इन इलैक्शनों की वजह से गांव गांव में फ़िरकापरस्ती और जाति-पांत को बढ़ावा दिया जाता है। इन सब चीज़ों को हमको रोकना है। कानून बना कर इन सब को रोका जा सकता है। मगर इसके साथ ही साथ हमें भी कुछ इस तरह के उसूल बरतने चाहिये जिससे इस चीज़ को बढ़ावा न मिले। जब कभी कांग्रेस पार्टी या किसी पार्टी का कोई आदमी इलैक्शन के लिये खड़ा होता है, तो उस वक्त सिर्फ़ यह सवाल सामने होता है कि किस तरह से इलैक्शन जीता जाय। उस वक्त यह सवाल सामने नहीं होता है कि हमारी पार्टी के जो उसूल हैं उनको ही जनता के सामने लेकर हम कामयाब हो सकते हैं। बल्कि उस वक्त तो हम अपने उसूलों को भूल जाते हैं और इलैक्शन जीतने के लिये दूसरी बातों की तरफ़ बहक जाते हैं। अगर सन् १९५२ और सन् ५७ के इलैक्शन में हमारी योजनाओं का ही पूरा प्रचार होता तो वह हमारे लिये ज्यादा मुफ़ीद होता और जो टारगेट हम पूरा नहीं कर सके वह सब पूरे हो जाते। लेकिन ऐसा नहीं किया गया। अगर पिछले इलैक्शनों में पांच साला योजना की पूरी तरह पब्लिसिटी करती तो इस वक्त सूबों में जो जुबान का झगड़ा हो गया है, जाति-पांत का मामला सामने आ गया है उसको आने का मौका ही नहीं मिलता। लेकिन जब हमारे पास कोई प्रोग्राम नहीं होता, जब कोई मन्त्रसद या चीज़ को लेकर वोटर के पास नहीं जा सकते तो हम महज़ जज़बात और सेंटीमेंटल अपील के बिना पर लोगों से कहते हैं कि फलां जाति का, फलां मज़हब का आदमी खड़ा हुआ है और वह हमारा रिश्तेदार है, इसलिये उसको ही वोट देना चाहिये। पिछली मरतबा एक इलैक्शन में हमने कोशिश की कि हम इस लाइन पर काम न करें। आप को वह जगह नहीं बतलाऊंगी और न उन साहबान के नाम बतलाऊंगी, लेकिन नतीजा यह हुआ कि

एक महीने के अन्दर इस इलैक्शन को छोड़ कर हमें उस डिस्ट्रिक्ट से भागना पड़ा। जिस लाइन पर काम हो रहा था वह मज़हब और जाति-पांत की लाइन पर हो रहा था और उसके लिये मैं तैयार नहीं थी। इसलिये एक महीने में मुझे उस डिस्ट्रिक्ट को छोड़ कर दूसरी जगह भागना पड़ा। वहां मैंने उस तरीके से काम नहीं किया, लेकिन मेरे कुछ दोस्तों ने उसी तरीके पर काम किया।

कोई हारता है या जीतता है, इसका सवाल नहीं। सवाल यह है कि दूसरी पार्टियों के लिये भी यह चीज़ सोचने की है कि अगर उनमें दम है, अगर उनके पास ऐसा प्रोग्राम है, अगर वाकई वह कोई चीज़ लोगों को और पब्लिक को देना चाहते हैं, तो उनको कोई ज़रूरत नहीं है कि वह जज़बाती अपील करें। वह अपना प्रोग्राम लेकर सामने आवें जैसा कि दूसरे मुल्कों में होता है कि हर पार्टी अपना सयासी प्रोग्राम लेकर आती है और इलैक्शन लड़ती है। लेकिन हमारे मुल्क में चूंकि प्रोग्राम को ज्यादा अहमियत नहीं दी जाती और विरादरी, जाति-पांत, मज़हब और ऐसी ही चीज़ों की ज्यादा अहमियत है, इसलिये ऐसी सुरत पैदा हो गई है। मैं ला मिनिस्टर साहब को मुबारकवाद देती हूं कि वह तरमीम अमेंडमेंट लाये और हमें उम्मीद है कि इलैक्शन में काम करने के लिये इससे हमारे हाथ मज़बूत होंगे। लेकिन इसके साथ साथ मैं एक मर्तबा फिर यह दरखास्त करूंगी कि आफिसर्स को और गवर्नमेंट के जिम्मेदार लोगों को भी इस कानून पर सख्ती से अमल दरांमद करना सिखाये। हम उसका तहेदिल से इस्तक़बाल करते हैं और स्वागत करते हैं। लेकिन वह भी ऐसा करें और जब वह ऐसा करेंगे तब ही मुझे उम्मीद है कि उससे कोई खास फायदा होगा। इसमें जाति-पांत, मज़हब और दूसरे ऐसे ही मसले रखे गये हैं। लेकिन अगर जुबान का मसला इसमें ना रखा जाता तो ज्यादा अच्छा

[श्रीमती अनीत किदवाई]

रहता। इसके सिलसिले में लोक सभा में शायद इतनी तकरीरें हुई हैं और यहां भी शायद एक-आध साहबान ने इसका जिक्र किया है। किसी हद तक लोगों का यह अंदेशा भी दुरुस्त है लेकिन जुबान के नाम पर बहुत काफी झगड़े हो चुके हैं। जुबान के नाम पर झगड़ा करने वाले जो लोग हैं वह इस मसले को भी इलैक्शन में ले आते हैं। लेकिन यह मसला इतना ज्यादा हमारे सामने नहीं आया है, जिसके लिये कानून में उसका तजकरा करने की जरूरत होती। यहां तो ज्यादातर जाति और मजहब के सवाल सामने आते हैं फिर भी जुबान का मसला महाराष्ट्र, बम्बई और दूसरी जगहों पर उठ खड़ा हुआ और झगड़े का बाइस बन गया और उसको देखते हुए यह बेहतर ही हुआ है कि उसको इस बिल में रख दिया है, ताकि जो इलैक्शन में काम करने वाले हैं, जो स्पीकर हैं, वह जजबाती तरीके से जुबान के मसले पर अपील न कर सकें।

आम तौर पर हमारे यहां लोग कहते हैं कि जो नया कानून बनता है वह अमन पसन्द शहरियों को पकड़ने का और सजा देने का एक बहाना बन जाता है। दरअसल हालत यह है कि हर पार्टी का इलैक्शन मैनीफेस्टो जो होता है वह खराब नहीं होता है। और इलैक्शन के सिलसिले में जो स्पीचें होती हैं वह भी ज्यादातर खराब नहीं होतीं लेकिन जब किसी एक कम्युनिटी के लोग मीटिंग करते हैं तो उसमें खुल कर ऐसी ऐसी चीजें आ जाती हैं और ऐसी ऐसी बातें जुबान से निकल जाती हैं, जो हजारों आदमियों के लिये तकलीफ-देह होती हैं। जो अमन पसन्द शहरी लोग होगा वह मैं नहीं समझती कि वह कोई ऐसी चीज कहेगा, जिससे बिला वजह वह कानून के ज़द में आ जाये। मैं समझती हूं कि अगर कानून का ठीक तरह से इस्तेमाल हुआ तो एक अमनपसन्द शहरी उसके ज़द में नहीं आयेगा।

मैं चन्द बातें कह कर अपनी तकरीर को खत्म कर दूंगी। फ़िरकापरस्ती की बंदीलत इतने साल से हम देखते आ रहे हैं कि जगह जगह और हर प्रोविन्स में झगड़े होते रहते हैं। लेकिन दो एक सूबे में मुझे मालूम हुआ है कि शायद वहां कोई ऐसा कानून नहीं है जिससे उसको रोका जा सके। अब इन अलफ़ाज़ को बहुत ज्यादा साफ कर दिया है। मैं कानूनदा नहीं हूं लेकिन इतना कह सकती हूं कि जब यह बिल आया तो मैंने देखा कि इसमें एक दफा पहले भी थी कि जो लोग फ़िरकापरस्ती को हवा देते हैं और जो लोगों के दरम्यान नफरत फैलाते हैं, जो आपस में लड़ाई-झगड़ा कराते हैं, उनको सज़ा भी दी जा सके। लेकिन अब जो तरमीम की गई है उससे यह बात और ज्यादा से ज्यादा साफ हो जाती है। यह भी हो सकता है कि अब भी कोई ऐसी चीज़ बाकी रह गई हो जिससे स्टेट गवर्नमेंट्स यह कह सकें कि हमारे पास कोई ऐसा कानून नहीं है, जिससे हम फ़िरकापरस्ती रोक सकें। इसलिये स्टेट गवर्नमेंट को हिदायत दी जाये कि जो कानून पास हुआ है उसको वह अपने यहां नाफ़िज़ करें, ताकि उम पर ठीक तरह से अमल दारामद हो सके। और वह यह ना कह सकें कि हमारे पास कोई ऐसा कानून ही नहीं था, जिससे हम ऐसा काम करने वालों को सज़ा दे सकें।

इन चन्द अलफ़ाज़ के साथ मैं इस बिल की तार्ईद करती हूं और उम्मीद करती हूं कि जिस तरीके से यह सैलेक्ट कमेटी से आया है और लोक सभा में पास हुआ है, वैसे ही यहां भी पास होगा।]

SHRI P. RAMAMURTI (Madras): Mr. Vice-Chairman, the Law Minister told us about the very great urgency of this Bill but judging from what the mover of the Bill had stated, most of the clauses seeking to amend the Act are of a minor nature. He himself stated that they are of a minor nature. When we are now today seeking to amend the election law, obviously the

intention is to see that the elections, on the basis of our past experience of two General Elections or even before, are made more fair. I would not say that it should be made absolutely fair because it is impossible under the existing circumstances of society. With money and property in the hands of some people, they can always manoeuvre things whatever the law may be. Whatever law you make, you cannot make this thing perfect, I know that, but even with all the limitations existing in society, if we had thought about it, we could have brought out something of a far reaching character. For example, my friend, Shri Bhupesh Gupta as well as Shri Gurupada Swamy, referred to the use of the State machinery. Now, we are to understand that this Government does not know about the use of the State machinery? It knows as a matter of fact. Is it not a fact that just prior to the elections, just about a month or two before the elections, in every constituency, in every village, in every taluk headquarters, some programme for the opening of some hospital, dispensary or school is thought of? All these things suddenly crop up just on the eve of elections. The Ministers go there and open these things, just on the eve of the election or one month prior to the election. Does the Congress Party not know about it? I can give any number of instances. There was a by-election in Tuticorin. It can be verified. There was a village where a particular private managed school was refused recognition by the Director of Public Instruction on the ground that the school happened to be within a mile of another school which had already been given recognition. The Minister goes there and says, 'If, after this election, the majority of the votes in this polling booth is cast in favour of the Congress, does not matter what the rule says, I will give you recognition'.

SHRI AKBAR ALI KHAN: Is this not a matter for the State Legislature? How are we concerned with this?

SHRI A. K. SEN: This comes under corrupt practice and on this ground alone it could have been taken up.

SHRI P. RAMAMURTI: No, this does not come under corrupt practice.

SHRI A. K. SEN: Of course, it does.

SHRI P. RAMAMURTI: Any number of things like this are being done. Just on the eve of an election, you will find a number of roads being opened but afterwards nothing happens there. On the eve of an election, a Minister goes there and opens a road or a bridge. This is being done everywhere. It is the talk of the common people. Don't try to shut your eyes to all these things. These are realities which are happening there. If you had said that these are the abuses which have got to be protected, then I can understand. In this connection I would like you to compare our record. There was the Devicolam by-election in 1950 or 1958. Our Ministry in Kerala was hanging in the balance; we had just one more vote and the result of this by-election was going to decide the fate of our Ministry. What did we do? We made a declaration—we asked our Chief Minister to make a declaration in the Kerala legislature party—that no Minister would go to that constituency, so long as the election was being held; for any purpose whatsoever they would not go to that constituency. This is what we said. This is our record and I would ask the Congress Party whether they would accept that norm.

SHRI H. P. SAKSENA: It is a totalitarian approach.

SHRI P. RAMAMURTI: They are not prepared to accept it. If you are honest, if you are straight-forward, if you really want to prevent these things, you can certainly accept this and declare, 'It does not matter what happens to our Ministry; it does not matter whether we win or lose the election; we will not abuse the powers

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of the State; we will not abuse the State machinery for any such purposes.' If you had said something about these things, I could have understood that but there is no such amendment here but only just some minor amendments. Most of these amendments are of a minor character raising the fees from Rs. 1,000 to Rs. 2,000, providing for appeal and so on. In all cases whether a particular application has been accepted or rejected you have provided for appeal. These are the type of amendments. And the only amendment which is of some importance is in clause 23 which is the crux of the whole problem. But what is the urgency for this, I want to know? Can't we consider this carefully? I would like to read that amendment:—

"(3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language . . ."

Now, there is the case of Dr. Sampurnanand. The election petition was there. In the election there was appeal on the basis of religion that he is the protector of Sanatan Dharma and therefore if you want Sanatan Dharma to be protected, then you must vote for Dr. Sampurnanand. This was the appeal that was made. There is the judgment and the judgment says that these things have been proved. But they say, 'What can be done? How can we connect Dr. Sampurnanand with all these appeals made by the pandas and shastris of Banaras?' Therefore his election can never be set aside.

Then about my friend, Mr. Kamaraj of Madras, Mr. E. V. Ramaswamy Naicker of Madras will go about holding meetings on his own platform and say, 'You must vote for Mr. Kamaraj Nadar because he is the protector of non-Brahmin interests.' That is the open statement that is made.

SHRI AKBAR ALI KHAN: This will come within the mischief of the Act.

SHRI P. RAMAMURTI: Then what will happen is this. As far as the first amendment is concerned, nothing will happen. As far as the second thing is concerned, it will be said that it is for Mr. Kamaraj Nadar to prosecute him and I dare say that Mr. Kamaraj Nadar will not prosecute him. If his election is to be invalidated, in that case I must prove that it is with the consent of Mr. Kamaraj Nadar that this appeal has been made which is impossible to do. As far as prosecuting the persons for making that appeal is concerned, it is for the Chief Minister of the State to do that and I dare say that Dr. Sampurnanand will not prosecute these shastris and pandas for having made that appeal and I dare say that Mr. Kamaraj Nadar in Tamil Nad is certainly not going to prosecute Mr. E. V. Ramaswamy Naicker for making this kind of appeal. These are the things which have to be considered. So when you say that you are working for national integration, that you are going to prevent the generation of communal hatred and that sort of thing, I really wonder whether you are really very serious about it. For example, we are interested in seeing that this communal appeal today is given the go-by. And it is really a distressing fact that 15 years after independence we have got today to talk in terms of national integration. If we are reduced to this position, may I ask the Congress Party whether they do not bear the biggest responsibility for bringing the country to this state of affairs? After all, you were in power all these years; it was not the Communist Party that was in power. We were a tiny party in 1946 and we were a tiny party in 1952 also. Even today you will say we have no support in the country. Obviously we could not have created all this. What has been your policy that was responsible for the creation of a state of affairs inside the country that today you are worried that there is going to be disintegration?

SHRI K. SANTHANAM (Madras): How much cyanide is needed for killing a man?

SHRI P. RAMAMURTI: We know how much cyanide has been injected into the body-politic by the party in power. I shall come to that. I am very glad that the previous speaker, Mr. Saksena, has pointed out how in the last elections in 1957 in canvassing for the Congress Party appeals were made openly in the name of religion. Instance after instance was given by

PANDIT S. S. TANKHA (Uttar Pradesh): Mrs. Kidwai.

SHRI P. RAMAMURTI: Then she also said . . .

SHRI BHUPESH GUPTA: Mr. Saksena would also have said it if he had spoken.

SHRI P. RAMAMURTI: You select the candidates on that basis. I am prepared to place my list before the people. You examine the list of candidates whom we put it up in 1952, whom we put it up in 1957, in every State in every constituency and see whether we went by the consideration that a particular candidate belonged to a particular community. I am prepared to place my list before you.

SHRI J. S. BISHT (Uttar Pradesh): In Andhra?

SHRI P. RAMAMURTI: Everywhere; I am prepared. Let us sit together.

SHRI J. S. BISHT: Your whole party in Andhra is on the basis of community.

SHRI P. RAMAMURTI: That is a different matter. If all the toiling people come from a particular community, what am I to do? The zamindars come from a different community; what am I to do if the toiling people come from a particular community, from the majority community in a particular place? We cannot

help it. Our party is a party of the toilers; it is not a party of the zamindars. Chellapalli might be there.

SHRI J. S. BISHT: They are a well to-do class.

SHRI P. RAMAMURTI: That is a different matter. I am prepared to take the challenge and place my list of candidates for the 1952 and 1957 elections everywhere for the whole country and let us see what is being done. You also see your list; in every constituency which is the majority community, which is the largest single community? A member of that community is selected. Is this not your criterion and is not this poison that is injected into the body-politic which is responsible for this state of affairs? Now, let us leave it. I shall come to something else.

Now, quarrels take place inside your party. Now in Andhra Mr. Sanjiva Reddy might be anxious to become the Chief Minister. Whether actually Mr. Sanjiva Reddy said it or not, I do not know but go to Andhra and see what the position is. You go to Vijayawada, you go to any village in Andhra and what is it that you hear? 'We want a Reddy Ministry; we do not want a Khamma Ministry.'

SHRI AKBAR ALI KHAN: Mr. Sanjiva Reddy has nothing to do with it.

SHRI P. RAMAMURTI: But his partymen had enough to do with it. Mr. Sanjiva Reddy may not want it to be done. Go to Bihar. What is the quarrel there? The quarrel is whether it should be bhoomidar or whether it should be something else.

SHRI JAI NARAYAN VYAS: It be a bhoomidar today.

SHRI P. RAMAMURTI: So this kind of quarrel is there everywhere. Look at the papers; it is the talk in every town, in every village, as to whether the Chief Minister should come from the bhoomidar community or whether he should be a kayasth or a Rajput.

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That is the main quarrel there. Then go to Mysore. What is the quarrel there? Why was Mr. Nijalingappa thrown out? In what way did Mr. Nijalingappa's policy differ from the other man's policy? There the question is vakkaligar or lingayat. They say, 'We want a vakkaligar to be the Chief Minister.' It is on the basis of these considerations of community that your party factions have developed and you have allowed them.

SHRI AKBAR ALI KHAN: Mr. Jatti and Mr. Nijalingappa are both lingayats.

SHRI P. RAMAMURTI: I am talking of the entire history from 1947 onwards. You look at the whole history. Why was the previous man thrown out? On what basis have the factions in the Congress Party developed? It is entirely on this kind of thing.

SHRI A. K. SEN: West Bengal?

SHRI P. RAMAMURTI: Possibly West Bengal is an exception; I do not know. As far as I am concerned, my own reading of the situation is that Bengal probably is the least communal-minded. That is my reading; how far it is true, I do not know. But possibly West Bengal is the least communal-ridden State.

SHRI AKBAR ALI KHAN: At least some compliment to the Congress Party.

SHRI P. RAMAMURTI: It is not because of the Congress; even earlier it has been so. Therefore when this is the actual position, when all these 15 years inside your party you have mobilised people on this basis and when the fight for power has been going on on the basis of castes and communities and when people find that the Congress Party never did anything to put an end to this kind of thing, naturally it spreads in the country. You cannot put an end to that. And when we point out these

things, instead of trying to look into these things with a certain amount of introspection, with a certain amount of humility, they always say 'what are you doing?' For example, I am distressed to read the speech of Mr. Lal Bahadur Shastri. What did he say? In the Punjab what are we doing? Did the Communist Party ever make any exception on this question? Right from the beginning we have stated that we stand for the reorganisation of the States in this country on the basis of language. When we took the stand for the linguistic reorganisation of this country it did not mean and it never meant that we wanted any State to separate. It is an administrative arrangement best suited to the genius of the people, best suited to see that the common people participate in the administration at all levels, so that as far as the State level is concerned, they are able to understand what is taking place, they themselves become parties to the Government. That is how we understood democracy. Right from the beginning we have been stating that position. Even today, for example, if Master Tara Singh says he wants Sikhistan, we will oppose him. Master Tara Singh previously had a different view. I do not know what it is. He wanted Sikhistan. He was talking in terms of Kangra district, though it was not contiguous to the Punjabi area. He was saying at that time that Kangra district could not form part of Punjabi State. We certainly opposed him. And if today Master Tara Singh comes to the position, the position taken up by the Communist Party, namely, the acceptance of the principle of linguistic reorganisation of States as the correct thing, then, are we to blame him for that? On the other hand, the Congress Government must be glad that Master Tara Singh has been compelled by the force of circumstances to give up his earlier demand based on religion and today he has come to accept the principle of language alone, irrespective of the community to which the people may belong. Language alone must be the criterion to

decide this question. Therefore, we are not at all ashamed of it. If we today take up that position, there is nothing for us to feel ashamed. On the other hand it is your position, because the Hindus, 45 per cent. are opposed to it. Why are they opposed to it? I do not know. It is not the Congress Party having their sway, or the Jana Sangh or the Arya Samajists having their sway. The Arya Samajists say, 'do not accept Punjabi as the language.' They say Hindi is their language. Today the other people will certainly abuse you. They will certainly charge you that you are yielding to the communalism of somebody else. Therefore, we have nothing to hide as far as this question is concerned.

Take, for example, what happened in Kerala. Mr. Lal Bahadur Shastri yesterday was saying, 'you forced us'. When Mr. Govindan Nair pointed out how you had an alliance with the Muslim League and all sorts of people, he said, 'you forced it'. How did we force him? He said that the people wanted it. Thousands of people attended your meetings and listened. It shows that the people wanted it. It is a wonderful argument. After all, it is not when the Ministry was there. After the Ministry was dismissed, nearly six months after the dismissal of the Ministry, it was a question of elections. And in that election what did the results show? The results showed that despite all the three of you combining, despite the Catholic church combining with you, despite the Nair Service Society combining with you, despite all these things, the Communist Party increased not only the total number of votes it polled, but increased also the percentage of votes, against the combined strength of the Congress, P.S.P., Muslim League, the Nair Service Society, the Catholic church, everybody put together.

SHRI JOSEPH MATHEN (Kerala): What about the number of seats?

SHRI P. RAMAMURTI: After all, people's ideas are guided by the num-

ber of votes and not by the number of seats. You can have any manipulation regarding the number of seats. Under your particular type of things, anything might happen. Does it show today that we have gained the support of more people or does it show that we have lost the support of the people? That is one aspect of it. The other question is, why did you combine? Because you knew that if you did not combine, if the Muslim League did not support you, if you did not get the support of the Muslim League as well as the Catholic church, then the Congress Party could not get this number of seats. The Communist Party would come back to power. This is the simple truth. If you dispute that, I am prepared to challenge it. I am today asking a simple thing. Resign and stand on your own legs if you dare and then we shall see. You dare not do that, because you know that if you stand on your own legs the Communist Party will sweep the polls. Therefore, when it came to a question of power, somehow or other get back to power, you would be prepared to combine with any force, communalism, religious forces, obscurantistic forces, etc.

SHRI J. S. BISHT: The people did not want the Communist Party.

SHRI P. RAMAMURTI: The people did not want us. That is what you say. The very people never wanted you also. The people wanted you to stand on your own legs.

SHRI J. S. BISHT: It is because the people did not want the Communist Government there, they forced the other parties to combine, so that you may be defeated.

SHRI P. RAMAMURTI: The people never held meetings and asked you to combine. You combined and what happened. Even today . . . (Inter-
ruption). I am not yielding.

SHRI JOSEPH MATHEN: Are we to understand that the Communist Party was contesting all the elections independently?

SHRI P. RAMAMURTI: I am answering your point. As far as we are concerned, we have never, under any circumstances and under any conditions, allied ourselves with the communal parties in any election in our country.

SHRI JOSEPH MATHEN: So many times the Communist Party in Kerala has been after the Muslim League.

SHRI GOVINDAN NAIR (Kerala): It is your privilege to speak untruths and you can do it.

SHRI P. RAMAMURTI: I will answer it. (Interruption). There was election to the Rajya Sabha. Our Ministry had a majority of just two. In the last election to the Rajya Sabha, Mr. Seethi Sahib, the Muslim League leader, approached us to support him in the election to the Rajya Sabha. He said, 'We will support your Ministry'. We said 'No. We are not prepared to support you. Even if our Ministry falls, we are not prepared to support the Muslim League.' This is our record.

SHRI JOSEPH MATHEN: Who organised the progressive Muslim League, the progressive Catholic church . . .

(Interruption)

THE VICE-CHAIRMAN (SHRI RAM SAHAI): Order, order. Let him finish his speech.

SHRI BHUPESH GUPTA: There should not be progressive interruptions!

SHRI P. RAMAMURTI: As far as the progressive Muslim League is concerned, I am prepared to answer that also. As far as the progressive Muslim League is concerned, when the Muslim League did become a powerful force based upon communalism, certain people from the Muslim community, responsible Muslims felt

that this communal approach was bad. They organised a non-political organisation to fight the communalism of the Muslim League. The Congress Party must be glad about it, if you are really interested in fighting communalism. This is the real fact. The communist Party certainly encouraged them and said, 'All right, go ahead and fight this Muslim communalism.' That is our record. (Interruption). I have answered him enough. Therefore, I do not want to be interrupted. This is our position. Therefore, if today you are really interested in fighting this disruption, one can understand it. But I want to ask you this. You can get the police reports for the last ten years. Which is the party in Tamil Nad which has been fighting the ideology right from the beginning, the slogan of a separate Dravidistan? Who are the individuals who have been fighting day and night against this? Get all our papers. Get the Congress Party's papers. Get the speeches of Mr. Kamaraj Nadar. Get the speeches of Mr. Subramaniam. Get my speeches for the last ten years. You will find who has fought that ideology. I am not today ashamed of it. I am certainly glad about it and we will continue to fight that ideology. But it is another thing to ban that. What is it that you have done to fight that tendency? Did you examine the conduct of the Central Government? Did you examine the conduct of yourselves? Have we contributed at all in any measure to the growth of this feeling of North versus South? It is your own conduct sometimes which gives rise to that. I can give a number of examples. For example, last year or the year before last, there was the President's Award for the films. There was a feature film. Everybody received the Award from the President. All that was shown in the news feature, but just when Mr. Meyappa Chettiar, who happened to be a South Indian, was receiving the Award, the thing was snapped. It is not there. The entire cinema world was disappointed and people said that because he was a South Indian it was not there.

SHRI AKBAR ALI KHAN: Are you sure that it was not due to an omission?

SHRI P. RAMAMURTI: I am not saying that. In fact, I have not said that. But it is for you to see. When these feelings are there, it is for the Government to see that those feelings are not created. Take another example. In 1957 when the country was celebrating the Centenary what happened to the film? It was Mr. Bhupesh Gupta who brought it to the notice of the Government. You never bothered about it. You do not think that they were also fighters for freedom. Every one of these things creates terrible feelings against you. Do you understand that? Now take the Central Hall. You find the portraits there. Is there no representative south of the Vindhyas who is fit enough to adorn this Hall? You do not think of that. Every one of these things creates that feeling. When somebody from South India, from Madras or somewhere else, comes to the Central Hall, he begins to feel about it.

AN HON. MEMBER: Shrimati Sarojini Naidu comes from Madras.

SHRI P. RAMAMURTI: I know that she comes from Bengal. As a matter of fact I want to tell Mr. Sen that I do not feel myself that way, but I want to tell him that these are the feelings that are created. You must take note of these feelings. You must first of all take note of these feelings and go out of your way to see that those feelings are not engendered. Unless you do that all this talk of fight against separatism will not do. As far as we are concerned, we have certainly made it clear even today what our stand is. Therefore, all this talk of yours does not take us anywhere.

PANDIT S. S. N. TANKHA: The paintings have been presented to Parliament. They are not put up by the Parliament authorities. So no one has any grievance.

SHRI P. RAMAMURTI: I want to say that it is not my grievance, at all. I want to make it absolutely clear that it is not a grievance of my own at all. But I want to bring to your notice that howsoever the paintings may be put up, whether as a result of presentation or something else, these are the feelings that are likely to be created. Therefore, it is our task, it is my task, it is your task, it is everybody's task to see that those feelings are not created. And you bear a special responsibility, the party in power bears a special and particular responsibility to see that such feelings are not created. That is what I am saying.

PANDIT S. S. N. TANKHA: If any person or any association has presented a portrait, what is wrong in its being put up there?

SHRI P. RAMAMURTI: I am sorry if this thing cannot be understood by my friend. People do not ask whether this is presented by this man or that man. They go by what they see. Therefore, it is from this point of view that I wanted to point out that all these things do not make much sense unless we are prepared to change our approach. Something has got to be done, something has got to be done very seriously. If today in spite of all these things during these fifteen years if communalism comes in, why does it come in? The vested interests want to use communalism, the zemindars want to use communalism, the landlords want to use communalism when they fight a kisan movement, the capitalists also use communalism when they fight working classes. This is what is happening. The remedy for that is to have a class approach and mobilise the peasants irrespective of the particular community to which they belong. For example, if your land reform measures and other measures had really been designed with a view to rousing the patriotism, the loyalty and the sympathy of the ordinary peasants and the ordinary people in the villages,

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then certainly this appeal would not be there. Your own Third Plan admits your failure in that respect. They say these things have not been implemented — I am not going into the reasons for that. Therefore, it is necessary to go into the fundamentals of things with a little more of inspection. I am certainly not happy in making these charges, I am distressed about it. If you find that we have made mistakes, certainly we are prepared to accept that. But let us not discuss this in these terms. Let us discuss these things in a spirit of being able to find out the basic and root causes and with a determination to see that that root cause is removed. If we approach the problem in that way, then obviously something could be done. My feeling is that as far as this amending Bill is concerned, no such approach is there. On the other hand, as I have pointed out, it is going to be an extremely difficult matter to prove these things in a court of law. Nobody can prove it. Nobody can prove the connection between the candidate and the agent and the communal appeal that takes place. Therefore, when such things are done, I have a lurking doubt that this whole thing is just an election propaganda, excuse me for saying this.

SHRI AKBAR ALI KHAN: From this side or that side?

SHRI P. RAMAMURTI: From your own side, from the side of those who brought the Bill, because despite all the pious intentions of the lady Member who spoke just before me, namely Mrs. Kidwai, and despite all the good intentions of my friend, Shri Lal Bahadur, as far as the framers of the recent amendment Bill are concerned, I do not feel that they are very serious about, because if they were serious about it, they would have thought of more fundamental things even with regard to the election laws. That is why we do not want to oppose this. Certainly it is a very difficult matter. We cannot oppose it

because the principles are good. But there are certain things which we want to point out. In spite of your good intentions, there are certain phrases here which are likely to be abused. Mr. Lal Bahadur this morning was talking about that provision in the other Act, that is, either the Government will have to exercise that power or it will authorise an officer to prosecute. He said that that was the biggest guarantee. What sort of Government will be there in the future in the different States we do not know. The courts are not going to accept. Whatever assurance might be given by Shri Sen or Shri Jawaharlal Nehru, the courts will not accept that; the courts are going by the letter of law. There are likely to be abuses, and it is from the point of view of preventing abuses that we have suggested amendments. As far as the amendments are concerned, I will come to them when we take them up. I conclude my speech with these observations.

SHRI K. SANTHANAM: Sir, the hon. friends on that side have got a great advantage over us. They have got a single speech for every Bill for every amendment, for every measure, and for every resolution. In fact Mr. Ramamurti's speech should have been made on the previous Bill. Only he did not get the time then, and so he has made the same speech on this Bill.

SHRI P. RAMAMURTI: They have produced the same thing. What am I to do?

SHRI BHUPESH GUPTA: We have the same reply from the same person.

SHRI K. SANTHANAM: I do not make the same speech on all occasions. Therefore, I am not going to imitate him. I shall confine myself to the actual Bill before us. Probably by

this time the House would have forgotten what they were talking about.

As the mover has explained, it is a comparatively minor Bill, and by accepting that proposition Mr. Bhupesh Gupta's amendment is also blown off, because there is no meaning in our having a Select Committee for discussing minor amendments.

SHRI BHUPESH GUPTA: We want to discuss other things also.

SHRI K. SANTHANAM: It thinks it will be outside the scope to accept things beyond the actual provisions.

SHRI P. RAMAMURTI: That was accepted in the Lok Sabha.

SHRI K. SANTHANAM: I do not think that this House is going to waste its time by putting up a Select Committee for the purpose of this Bill.

SHRI BHUPESH GUPTA: It is not merely a question of prestige.

SHRI K. SANTHANAM: So far as this prestige business goes, I do not think we should insist on it as obligatory that whenever any Select Committee is set up, it should be of both Houses. Of course on many important things that is a reasonable thing. But I think we should have the right to have our own Select Committee when a Bill comes up. It should be left to us to have our own Select Committee whenever we consider a particular case important on merit, and we should not go and beg the other House, the Lok Sabha, that 'on every Bill on which you appoint a Select Committee please include us'. It actually comes to begging when we complain that we are not included in the Select Committee. If it is a very important Bill, I would have supported Mr. Bhupesh Gupta's motion and said: Let us have our own Select Committee, let us examine this and let us move whatever amendments are needed. But the question is whether we want a Select Committee. As I

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have said, there is nothing so difficult or complicated in the Bill which requires a Select Committee. What I have to say about this Bill is not so much about what it contains, as about what it does not contain. I am sorry that the opportunity of this Bill has not been taken to deal with two of the most difficult and rather undesirable aspects of our elections. One is about the election expenses. Sir, it is an open secret that hardly any return is filed which is true and when an election expense return is made, nobody is bothered whether it is true or not but only whether it is formally correct.

[MR. DEPUTY CHAIRMAN in the Chair.]

I know, one of my friends had to struggle for four years with an election petition which alleged that a telegram for twelve annas was not included in the return of election expenses. And it may be that for some procedural defect, the Election Commission may find that the return of election expenses has not been made in the form in which it should have been made, and he will be disqualified from sitting as a Member of Parliament. I think that this requires reform and the hon. Law Minister should have brought in an amendment saying that so far as election expenses are concerned, there should be a simple affidavit of the candidate giving the actual amount and if anybody can prove that that affidavit is wrong, then he should take the consequences. Beyond that, all the other things have no meaning. And then . . .

SHRI M. GOVINDA NAIR: Barbarous . . .

SHRI K. SANTHANAM: I am saying that it is a reform which is worth considering.

[Shri P. Ramamurti.]

Sir, I wish that we could have put an obligation on all the party organization also to file an affidavit as to the total election expenditure incurred by each party.

SHRI M. GOVINDAN NAIR: Propaganda.

SHRI K. SANTHANAM: I am speaking as an impartial thinker, I am not doing any propaganda for any party here.

And then the second difficulty about our election is about the election tribunals. From the end of one election till the beginning of another election, all these election tribunals are going on. I wish the hon. Law Minister had restricted the scope of sections 100 and 123 and divided all the offences into two parts. For offences which are nominal and procedural, the Election Commission itself would be constituted into a tribunal for deciding whether a man was to be disqualified or not, whether his nomination was accepted properly or not etc. And it would be a great simplification if only the issue of corrupt practices would have to go to an election tribunal. These are the two things which I think might have been done in this Bill and which have not been done.

Now, coming to the actual Bill, Sir, I have got one clarification to ask from the Law Minister regarding clause 24. I do not want to say anything about clause 23, because this is only an amplification of a clause which is already there. It only wants to make it a little more explicit and sub-clause (3A) is only a consequential amendment to what we passed—the amendment of the Penal Code. Now what exactly is the basis of clause 24? Though there is some difference in words, this is practically a re-enactment of the amendment to section 153A which we passed today. All right. It is there in the Penal

Code, and so, any person can be prosecuted under that for the very offence contemplated under clause 24. If it is intended for disqualification, they have only to mention that section in section 141 along with the other sections of Penal Code mentioned there. This seems to be a wrong procedure. You add a section to the Penal Code, create an offence and create the very same offence here without any purpose. And now, can a man be prosecuted under both these things separately, for separate offences, because there is some change in the wording? I do not know why it was considered desirable to include this clause 24.

Then, Sir, about clause 26, I think that this clause has been drafted by persons who have no clear experience of how these bills are printed. I have no objection to make a printer and publisher responsible for every poster or pamphlet or whatever is done during the election. But to say that any person who prints or cause any election pamphlet or poster . . .

SHRI R. M. HAJARNAVIS: May I tell the hon. Member that it is drafted by the best draftsmen the Government of India have ever had, by the most competent draftsman?

SHRI K. SANTHANAM: I am not speaking about the draftsmen. I am speaking of the experience of the people who cause these to be printed. Sir, it is said—

“unless a declaration as to the identity of the publisher thereof, signed by him and attested by two persons to whom he is personally known, is delivered by him to the printer in duplicate;”

Now, a candidate goes to a press and gives in writing that a pamphlet should be printed. He must go and get two other people just as it is often done for witnesses. Two people who are much less known sign a declaration . . .

SHRI P. RAMAMURTI: And their names.

SHRI K. SANTHANAM: I have tabled an amendment saying "unless the publisher is known to the printer personally or". Suppose the publisher is not known to the printer and his signed declaration is given to him. What happens? After all, the printer is liable. He cannot be made more liable even if he gets a false declaration. If the publisher signs his name as the publisher, then naturally that publisher will be liable; it will be for that publisher to prove that his name was put in wrongly.

Then, there is another point, and that is this:—

"but does not include any hand-bill, placard or poster merely announcing the date, time, place and other particulars of an election meeting or routine instructions to election agents or workers."

What is the reason why the names of the printer and the published should not be there? They should be there; even in a more hand-bill all kinds of adjectives and other things can be inserted.

SHRI R. M. HAJARNAVIS: May I explain to the hon. Member? The obligation to print the names of the printer and the publisher arises not from this section but from another Act. That obligation remains. So, this exemption is that they may not send the copy to the Returning Officer. That is the only exemption. Attesting is not required so far as.

SHRI K. SANTHANAM: I am speaking about the definition of the election poster. What is the difficulty in printing the names of the printer and the publisher in this also? Often a hand-bill or a placard can contain propaganda matter in various ways. I know how these posters are made. Some kind of descriptions are given, that our great saviour should be elected or not elected. All these

things happen. Therefore, there is no particular purpose in exempting it.

Then, there is one other procedural matter. Here, in clause 8 it says:—

"In section 33 of the 1951-Act, for sub-section (6), the following sub-section shall be substituted, namely:—

'(6) Nothing in this section shall prevent any candidate from being nominated by more than one nomination paper.' "

I agree, there is nothing to be said about it.

"Provided that not more than four nomination papers shall be presented by or on behalf of any candidate or accepted by the returning officer for election in the same constituency."

Suppose a man presents six nomination papers, what happens? Will the returning officer be entitled to say, 'No, you have presented more than four nomination papers, and therefore your nomination papers will not be accepted?'

MR. DEPUTY CHAIRMAN: The remaining two will be rejected.

SHRI K. SANTHANAM: What are the remaining two?

SHRI R. M. HAJARNAVIS: The first four will be accepted.

SHRI K. SANTHANAM: That is exactly what I say. Why cannot you be precise and say, that only the first four nomination papers shall be accepted? Then what does it matter if a person presents any number of nomination papers? It is only in exceptional cases that the returning officer may raise the point. Therefore why not say simply that when more than four nomination papers are presented, only the first four nomination papers shall be accepted by the

[Shri K. Santhanam.]
returning officer, because a man sometimes, in this election confusion, would come with two or three nomination papers on behalf of a candidate, and another person would come at another time with two or three nomination papers on behalf of the same candidate?

PANDIT S. S. N. TANKHA: But what will happen if all the six are simultaneously handed over to the returning officer?

SHRI K. SANTHANAM: I do not know, I apprehend it and that is exactly why I have put in this amendment in a simple form. I do not know if the hon. Minister is going to accept it. I am only pointing out that this is a kind of loose drafting and I have attempted to redraft it precisely, that only the first four nomination papers shall be accepted irrespective of how many are presented—it does not matter. Now as the clause stands, it is possible that the returning officer may say—not looking at the latter part of the provision—‘You have presented more than four nomination papers and so I shall accept none.’ Especially when they are presented at the last moment, he may say, ‘There is no time for argument’, and dispose of the man without accepting any nomination paper. Such a situation will create confusion on account of the bad drafting of this clause. Therefore, Sir, I hope—even though they are minor—that these amendments will be considered on merit.

SHRI P. N. SAPRU (Uttar Pradesh): Mr. Deputy Chairman, the Bill before us seeks to amend the election law in accordance with the recommendations of the Election Commission. There are certain other provisions which have not the backing of the Election Commission, and they have also been incorporated in this Bill. Now it also seeks to provide the procedure of election for Single-Member constituencies, and Two-Member constituencies are going to be done away

with. I do not think that it is necessary for me to invite your attention to those provisions of this Bill which are of a minor or procedural character.

I share the feeling of Mr. Bhupesh Gupta—it would perhaps have been better if we had also been associated with the Select Committee on this Bill, but there is one thing which I would like to mention in regard to this matter. After all, this is a Bill which affects Members of the Lok Sabha much more than it affects us, and therefore, if we have not been associated with that Committee, we should not make too much of that fact.

PANDIT S. S. N. TANKHA: May I point out to the hon. Member that this Bill concerns our constituencies as well?

SHRI P. N. SAPRU: It affects us indirectly, and I am not prepared to make a grievance of the fact that we were not associated with the Select Committee.

SHRI ARJUN ARORA (Uttar Pradesh): In fact they are our voters.

SHRI P. N. SAPRU: I think you are right. Anyway, there are two controversial clauses in this Bill and I wish to say something in regard to them. The first clause I have in mind is clause 23, and it is a substitution for part of the old section 123. Now we had a full discussion on this matter when we were discussing the Indian Penal Code (Amendment) Bill. I personally feel that the omission of the word “systematic” has somewhat made the scope of this clause more wide than it need have been. The point is this. There is no Explanation attached to this sub-clause (3). An Explanation should have been attached to this sub-clause and the Explanation should have clearly stated that if an appeal is made on political or social grounds, then this clause will not apply. So far as religion and caste are concerned,

it is a fact that we all think in terms of religion and caste even when we are selecting our candidates. When we are selecting a particular candidate for a particular constituency, we think of the possibility of his securing the majority vote. Supposing it is a Jat constituency, one belonging to the Jat caste, a Jat candidate will be preferred to a Brahmin candidate or a Kshatriya candidate, and so on. So it is no use ignoring facts and realities. There is therefore this feeling and though it is not a very clean way of looking at things, it is not safe to ignore realities. I do not think that we can find a solution to any problem by ignoring realities.

Then so far as language is concerned, I am bound to say, Sir, that I have a certain amount of sympathy with the linguistic minorities. Language is important for the development of the culture of a people; with language the whole social and cultural life of a people is bound up, and we have got to recognise—whether we like it or we do not like it—that we are a country of many languages. Now I do not like the excesses which have been committed in the name of linguism in many parts of the country. I know that many deplorable things have happened in Assam; I know that many deplorable things have happened in Maharashtra and Gujarat. I know that deplorable things are happening in the Punjab. But we have to give some sort of an assurance to the people that their cultural life will be respected by the Constitution they are working under. We have now the Commissioner for Linguistic Minorities, but I do not know, Sir, whether he has sufficient powers under the Constitution—I have read the article of the Constitution under which he is appointed. But I am afraid that he does not get the co-operation which he is entitled to from State Governments when he is investigating linguistic problems or the linguistic grievances referred to him from time to time

by minority communities. I think it is, therefore, important to emphasise the safeguards which the States Reorganisation Commission contemplated in regard to the protection of linguistic minorities. I think we should reassure them on that point.

There should also be a certain number of officers, say, 50 per cent., serving in States other than their own.

Then, Sir, I feel the omission of the word "systematic" may lead to difficulties. I do not like the word "systematic". We could have substituted some other word, say, "a deliberate appeal" or something like that. Advantage may be taken of the omission of the word "systematic" by unscrupulous people to file election petitions of a frivolous nature. I am glad that an affidavit is to be insisted upon in the case of every application so filed so that the courts would be able to deal with frivolous applications that come before them.

Sir, so far as section 3(b) is concerned, it has my entire sympathy. I think the words "enmity" and "hatred" are words which are capable of legal interpretation and there should be no difficulty, so far as any law court is concerned, in defining the words "hatred" or "enmity", and it should not be open to any person in the name of religion, in the name of race, in the name of caste, in the name of community, in the name of language, to promote or attempt to promote hatred or enmity. I think the case even for linguistic States or for re-arrangement of our existing States can be put in a sober manner. Every grievance can be ventilated in sober language, and where there is an attempt to exploit religion, race or caste or community or language, there should be no quarter shown to the person guilty of any such offence.

I note, Sir, that the imprisonment, under section 24, for promotion of enmity between different classes will be three years. That, as Mr.

[Shri P. N. Sapru.]

Santhanam has pointed out, is a repetition of what we did yesterday. But I think the most important thing is this. A person who promotes hatred or enmity between different classes should be disqualified from seeking election to legislatures. There should be some penalty attached. He should not be regarded as a fit person to exercise the rights of citizenship for voting purposes. That is possible under the Representation of the People Act, as it is, and I think the Election Commissioner would be wise in not exercising his discretion in favour of any person who is found to have created feelings of enmity or hatred between different classes on the grounds mentioned in this section.

I find, Sir, that in a way this clause is somewhat better than the old section 153A because it does not think in terms of capitalists and workers. It thinks in terms of language, religion, caste, race or community and, therefore, I have no quarrel with it.

So far as the other clauses are concerned, I think the changes suggested in them are of a minor character. There may be differences of opinion with regard to some of them but they are not of a basic character. With these words, Sir, I give this Bill my support.

SHRI KRISHAN DUTT (Jammu and Kashmir): Mr. Deputy Chairman . . .

MR. DEPUTY CHAIRMAN: Ten minutes.

SHRI KRISHAN DUTT . . . much has been said in connection with the amendments under sections 23 and 24 of the Representation of the People Act, and we had occasion to speak on this subject in connection with the Indian Penal Code (Amendment) Bill also. I have been listening carefully to the criticism levelled against these particular provisions by hon. Members on the other side, and I have come to the conclusion that so far as the merits of the amendments are concerned, they

have not been able to cite any substantial reason for or any substantial objection to these amendments. Rather the speakers on the other side have conceded the necessity, the logic and the reasoning behind these amendments.

Sir, they have devoted much of their criticism to the failings or defects in the working of the Party in power. They have indulged mostly in tirades against our party. But that is not at this time relevant to the issue before us. That is quite beside the point. At this time what we are concerned with is whether the present amendments which are before us are necessary and essential for the promotion of democracy in India. Therein, I am sure, each one of us here whether on this side of the House or on that side of the House are quite clear and convinced in our minds that the amendments proposed are of a basic character and of fundamental importance.

SHRI P. N. SAPRU: Are they in conformity with the Fundamental Rights in the Constitution?

SHRI KRISHAN DUTT: Absolutely. They are. Another thing to which I want to invite the attention of the House is this. The learned speakers on the other side have very conveniently ignored the past history of India. The considerations of caste, language, community, race have a history behind them and we cannot wipe out that history in fifteen years of independence. I would have been glad if these amendments had been incorporated in the original Representation of the People Act. That would have served the country very well. Anyway, even now we should welcome this day when we have got this amendment before us. I had occasion in 1957 to take part in the general elections and I know from experience to what lengths political parties go in exploiting religion and religious sentiments of the ignorant masses. I know from experience that near the election booths they put the Geeta, the

Ramayana and the pictures of Sri Rama and Krishna and then they ask the voters to put their hands there and take an oath that they would vote in favour of their party. Nothing more despicable and more condemnable can happen than this. It is this sort of thing that has to be curbed and put down with a strong hand if we want to make a success of the democratic experiment which is unique in the annals of India and the world.

Therefore, with these sentiments I accord my fullest approval and appreciation and hearty support to this Bill. I am sure that not a single Member on the other side also will have any objection to these amendments which are being proposed. With these words, I finish my speech.

SHRI PURNA CHANDRA SHARMA (Assam): Mr. Deputy Chairman, I rise to support this Bill, as I find that it is not very much different from the original Act to which some amendments have been proposed by the Government. Already some facts have been ignored, some facts have not been taken note of and action was not taken and so it is for emphasising those vital points that this legislation had to be brought. For instance, the communal propaganda on the basis of religion or otherwise, casteism and other factors which divide our country or our nation into different groups, all these, have been condemned by the previous legislation. In spite of that, because these things are still going on, it has to be repeated with greater emphasis. A new phenomenon has arisen, of course of late, in the horizon of India. It is the phenomenon of linguism which has to be introduced in this Bill because it is feared that this will be exploited in certain areas. It should be naturally so and I welcome this proposal. Another thing which is making a very great headway is the matter of casteism. In every State we hear of candidates invoking castes and doing propaganda on the basis of castes. It is not confined to any particular organisation.

It is happening in the case of many members of all organisations. It is a very unhappy affair that we find.

SHRI SHEEL BHADRA YAJEE: In all the States?

SHRI PURNA CHANDRA SHARMA: Yes. During my recent travel from the Punjab to the South, the same complaint was heard everywhere that so and so got returned only because of his caste majority. That is, members of all organisations generally appeal to the caste or community. That is a very unhappy thing and it is most unfortunate that a man who wants to represent the State, who wants to come to the Legislature in the name of the country or nation should, for his self-interest, go and appeal on the basis of caste and get a seat for himself at the cost of the national integration. That is why I say that this emphasis again depends more not on the legislation alone but on propaganda and the action taken by the different organisations in the country. Unfortunately we are driving the people to this caste-consciousness and by having the Backward Classes Commission the backward classes are making themselves backward castes which is detrimental to the interests of our country. Perhaps originally the idea of backward classes was not to be confined to the castes alone. Now we have created caste-consciousness among all the castes by the Backward Classes Commission. First we made the Scheduled Castes, then again we made the backward classes, in other words backward castes, segregating a section of the people of the country to a different category. This caste-consciousness is growing so rampantly that we have to cry a halt to it and that depends not on the Government alone but on the different organisations in the country. We are giving seats on the basis of communities. Whatever the calibre of the candidate may be, we are giving seats on the basis of communities, on the basis of castes and on the basis of their backwardness. Backwardness is one thing but the basis of caste or community is

[Shri Purna Chandra Sharma.]
most prejudicial to the growth of democracy. That is why although this Bill wants to enact certain legislation for prohibiting this sort of thing, we are preventing it by our own action, by our giving recognition to these different communities for membership of the Legislatures or for any particular public jobs. These things are to be removed. It is good that consciousness has been aroused in us that we must cry a halt to all this and that we must arrest this disintegration. We are disintegrating our society by our own action and if we want to integrate the nation, if we are sincere about it, it depends on our own action by not selecting candidates on the basis of castes or communities in the elections which we are going to have soon.

About all the other items in the Bill I have nothing to say but it depends more on the moral propaganda that we can make. It depends more on our sincerity in not making our selections on the basis of caste or community category. So I appeal to the Government over and over again to see that no quarter is allowed for these feelings to grow among the people. It should take action immediately or as early as possible, on any such propaganda that may be made on the basis of language community or caste in any area. I must say that I am not fully satisfied with this Bill. I want more drastic provisions because we know that the country is being filled with such feelings of casteism, communalism and linguism. Unless we arrest these tendencies boldly and most drastically, we cannot go ahead. On the other hand we are falling behind and we lag behind other democracies on this very ground. Thank you.

SHRIMATI K. BHARATHI (Kerala):
Mr. Deputy Chairman, I support this Bill, though I feel that the attempt is a belated one. Sir, much is being talked about communalism on the floor of the House from yesterday onwards. But accusing and counter-

accusing will not solve our problem anyway. Mr. Deputy Chairman, there is no doubt that in the last two general elections, communal poison had its free play and I am afraid that many of the people who occupy places of power today are not wholly innocent. It is no use denying the fact that there are people who are chosen to or imposed upon places of power because of the communal following that they have been able to build up. Sir, I am not finding fault with any person or any party. In politics, we have to deal with a situation as it exists. When a person has built up a following, whether it is factual or fictitious, no political party wants to leave him aside, uncourted, including the Praja Socialists and the Communists. Yesterday, Shri M. N. Govindan Nair was very eloquent in accusing the Congress party alone, for compromising with communal forces in Kerala. I am happy that the hon. Home Minister answered him fully, clarifying that the position which arose in Kerala was only a temporary electoral alliance with the Praja Socialists who in their fold, protected the Muslim League. After all, I can quite understand—I am sorry the hon. Member is not here now—I can quite understand Mr. Govindan Nair's righteous indignation and also his note of disappointment which naturally came out of a rejected lover like him. Can Mr. M. N. Govindan Nair deny the fact that his party had tried their level best to court the Muslim League in Kerala before and they failed in doing so? Sir, even now we see how the Communist Party is courting the Akalis in Punjab, as they had once courted the Muslim League in Kerala, though they now profess that they are really fighting the League. Sir, just as they support the Punjabi Suba today, once they went to the extent of supporting the Pakistan demand. That is an old story, but the people do not forget that. Sir, theirs is clever tactics. Since they could not sell their own goods, they think that they could sell other people's goods, and slowly and surreptitiously pass on some of theirs too.

Sir, I cannot forget the fact that the Congress too has its own fair share of blame in encouraging communal forces. Perhaps, guided by the exigencies of circumstances, or in the fond hope that they can be digested and absorbed, rank and militant communalists have been swallowed by the Party. Many of these communal organisations which declared that they had dropped their politics, have in effect never done so. The result is that organised pressure is brought to bear from within and without, on a communal basis. Sir, it is not uncommon for a candidate to advance his or her claim on a communal basis and there are some who menacingly organise their community in order to intimidate all political parties. Anyway, Sir, all these have their disruptive reaction on the body politic. How can this be countered? That is the question. It is only human nature to choose short cuts and work for quick results. An appeal to narrow loyalties yields quick results and that is a short cut to power. We harp upon caste, community, language and religion, because these sentiments were already in existence and still they are there, and they yield rich dividends when tickled. Mr. M. N. Govindan Nair is said to be an expert in that and he had tried it and he came out successful in the 1954 elections, and now he is angry because the people could not be duped any more by him.

Sir, because we harp upon these narrow loyalties, these feelings get sharper and sharper day by day. Thus we seem to be swept away into inevitable doom. Can this be stopped by this legislation? That is the question. I say, yes, to a certain extent. We can prevent the overt preaching of communal, regional and other forms of hatred. Mr. Deputy Chairman, these feelings are in us. We are the victims of history and circumstances. We may be able to work them up or work them out as we choose. The latter is a pretty difficult job. But the former is quite an easy job, and therefore, the temptation to do so. Sir, I feel that by this piece of legislation

we are trying to break that temptation and to make it clear that if anyone resorts to communalism and linguism for electoral victory, the same will cheat him out of it ultimately. In democracy electoral processes churn up the nectar as well as the poison in us. We have to keep down the poison.

In this context, Mr. Deputy Chairman, I am reminded of the words of Shree Narayana, the great sage of Kerala. Shree Narayana enjoined on the people the slogan: Ask not, say not and think not of caste or community. He had struck at the very root of communalism and he felt that it could be eliminated only by doing this kind of a sadhana that is to say—Ask not, say not and think not of caste. Sir, this communal feeling is only a *manobhav* and it has its birth and being in mind. It is not a fact but a fiction. But it is inculcated in the young impressionable minds by parents and society and now by electioneering politicians. Unfortunately, this contagion is thick in the air we breathe now. We are all infected by it. Yesterday, the hon. the Home Minister asked us to search our own hearts, and see whether we are completely devoid of that feeling. In fact, we are all carriers of that deadly disease. Unfortunately, many of us feel proud of this disease and consider it a sacred duty even to spread it. This disease of the mind is highly contagious and is in an endemic state. Sir, we have to resort to both preventive and curative treatments and I feel that the present legislation is a preventive measure. Prevention is better than cure and I feel that this should have been applied long long ago.

Sir, this belated attempt at sterilisation of the demagogue is something. But since the disease is almost universal, the curative treatment has to be applied very vigorously. We have to educate our people into a non-sectarian way of thinking. It is a fairly complicated problem.

Sir, I agree that neither the police nor the courts can bring about this

[Shrimati K. Bharathi.]

integration of feelings. By constant discipline of the mind alone can we fight it out. Our parliamentarians, legislators and administrators should inspire the common run of our people to a broader way of thinking. What we need is to have men and women who in every fabric of their being feel in a non-parochial way. Sir, we are blessed, the nation is blessed, in having a Prime Minister who truly uplifts our souls to a broader way of thinking, and our beloved Home Minister is one who truly inspires faith and confidence in us. We still have in our midst a few stalwarts who hold their heads above the clouds of parochialism, linguism and communalism. In spite of all that, we cannot deny the fact that there are people in this country who still reply for their strength and power, on these very feelings that we very ostentatiously condemn here in this House.

श्री शीलभद्र याजी : माननीय डिप्टी चैयरमैन महोदय, मैं इस विधेयक का सहर्ष स्वागत करता हूँ। ज्यों ज्यों चुनाव नजदीक आ रहा है मैं देख रहा हूँ कि इस हिन्दुस्तान में साम्प्रदायिकता, भाषावाद और जातिपात का बाजार बहुत गर्म हो रहा है। अतीत में हमसे क्या गलती हुई इसका तमाम राजनीतिक पार्टियों के जो लोग हैं वे अनुभव नहीं कर रहे हैं। मुझे बहुत ताज्जुब होता है कि अपने को पी० ए० पी०, सोशलिस्ट और कम्युनिस्ट कहने वाले जो उधर की ओर बैठे हुए हैं वे क्यों इस बिल की मुखालफ़त कर रहे हैं। नाम तो समाजवादी है और साम्यवादी है लेकिन मैं समझता हूँ कि सिर्फ़ नाम के ही साम्यवादी हैं या समाजवादी हैं, इनकी जितनी करनी होती है वह उल्टी ही होती है। गत इलेक्शन में महाराष्ट्र में यदि 'शालास पाहिजे' यानी भाषावाद का नारा नहीं लगाते तो कामरेड डांगे किसी तरह से भी पार्लियामेंट में नहीं आते। इसी तरह से और भी जो संयुक्त महाराष्ट्र समिति में थे, वे नहीं आते। जनसंघ,

हिन्दू महासभा, कम्युनिस्ट यः जितने ऐरे गैरे थे सब ने मिल कर भाषावाद का नारा दिया और चुनाव लड़ा। इसके अलावा बम्बई की गलियों में किस तरह के काले कारनामे उन्होंने किये इसको सारा देश जानता है। इससे भी पहले हम जाय तो जब मस्लिम लीग का जमाना था तब एलेक्शन मैनिफ़ेस्टो को कोई सुनने वाला नहीं था, मस्जिद में बैठ कर एक नारा लगता था कि इस्लाम इन डेज़र और सारे के सारे वोट कांग्रेस के खिलाफ़ जाते थे। मस्जिद में बैठ कर नारा लगाते थे और कोई एलेक्शन मैनिफ़ेस्टो काम नहीं करता था। उसी तरह से आज एक नया नारा लोग लगा रहे हैं कि पंथ खतरे में है और ज्यों ज्यों चुनाव नजदीक आता जा रहा है अकाली दल वहाँ जोर पकड़ रहा है। जब हम भाषावाद के, साम्प्रदायिकता के और जातिवाद के खिलाफ़ है तो फिर जो अपने को समाजवादी कहते हैं—ये जो नामधारी समाजवादी हैं और साम्यवादी हैं—उन्होंने क्यों इस विधेयक की मुखालफ़त की, यह बात समझ में नहीं आई। आज जो सही मानों में समाजवादी है उनका यह कर्तव्य हो जाता है कि वे इस बिल का समर्थन करें। उनको तो सरकार से यह मांग करनी चाहिये थी कि जितनी मजहबी पार्टियाँ हैं—जो कि मजहब के नाम पर हैं, रेलिजन के नाम पर हैं—जैसे कि रामराज्य परिषद् है, जनसंघ है, राष्ट्रीय स्वयंसेवक संघ है, हिन्दू महासभा है, अकाली दल है, मुस्लिम लीग है, जमायते इस्लाम है इन सभी पर प्रतिबन्ध लगा कर सदा के लिये इनकी कार्यवाही बन्द कर दे लेकिन इस चीज़ का नाम भी नहीं ले कर सिर्फ़ रेलिजन के नाम पर, कास्ट के नाम पर, भाषा के नाम पर, रैस के नाम पर यदि कोई जनता के प्राणों के साथ सौदा करना चाहता है तो उनको रोकने के लिये इसमें जो व्यवस्था इस विधेयक में की गई है तब भी आज उधर से इतनी चिल्लपों मच रही है और वे इसकी मुखालफ़त कर रहे हैं। विरोधी दल की ओर से कामरेड भूपेश गुप्त और का० राममूर्ति जी ने बड़ी बड़ी

तकरीरे की और उन्होंने बताया कि साम्प्रदायिक संस्थाओं से सबसे पहले कांग्रेस हाथ मिलाती है लेकिन मैं उनको बताना चाहता हूँ कि १९४० में सबसे पहले कम्युनिस्ट पार्टी ने, कम्युनिस्ट पार्टी के लोगों ने टू नेशन थ्योरी को माना था और मुस्लिम लीग की मांग को स्वीकार किया था। जब द्वितीय विश्वयुद्ध चल रहा था तब जितने मुस्लिम कम्युनिस्ट यहां थे उनको कम्युनिस्ट पार्टी की तरफ से यह कतवा मिला था कि तुम लोग मुस्लिम लीग में बाज्जाता दाखिल हो जाओ। तो उन्होंने मुस्लिम लीग की टू नेशन थ्योरी को मान कर के और पाकिस्तान की मांग को मान कर के, मुस्लिम लीग को इस बात के लिये प्रश्रय दे कर के एक जघन्य पाप किया है। इस पाप को कम्युनिस्ट पार्टी ने किया है। हम लोगों ने भी कुछ किया है, कायदे आज़म को आगे लाने में तथा बढ़ाने में हमारा भी कुछ हाथ रहा है लेकिन जो सब से जघन्य राजनीतिक पाप है वह कामरेड राममूर्ति की पार्टी ने किया है। उस पार्टी ने टू नेशन थ्योरी को कबूल किया और तमाम अपने कामरेडों को मुस्लिम लीग में भेजा। वे हमें नसीहत देते हैं। सब से पहले उन्होंने १९५२ के एलेक्शन में पंजाब में अकालियों के साथ समझौता किया। उन्होंने पंजाब में अकालियों के साथ चुनाव समझौता किया और अभी भी उनके साथ समझौते की सांठ गांठ चल रही है। तो जो साम्प्रदायिक पार्टियां हैं उनसे वे सब से ज्यादा हाथ मिलाते हैं क्योंकि इसके बिना वे जिन्दा नहीं रह सकते हैं। अब उनकी दुकान में तो कुछ बिकने को नहीं है। समाजतंत्रवाद तो हमने ले लिया और रूस के साथ हमने दोस्ती कर ली और हमारी ऐसी फ़ारेन पालिसी है जो कि पंचशील के आधार पर है। तो कम्युनिस्ट पार्टी या पी० एस० पी० या लोहिया पार्टी की दुकान में कोई चीज बिकने वाली नहीं है। बिकने वाली एक ही चीज है। और वह है भाषावाद। तो वे अकालियों के साथ समझौता करते हैं क्योंकि चुनाव आ रहा है। अकाली कहते हैं कि पंथ खतरे में है तो कम्युनिस्ट भी समझते

हैं कि हम भी खतरे में हैं। कम्युनिस्ट पार्टी को हमारी बात सुनना चाहिये और इस वक्त उस पार्टी के मेम्बर को हाउस से जाना नहीं चाहिये। जब उनकी मुखालफ़त हो तो उसको भी सुनना चाहिये। मेरा कहना है कि जो समाजवादी है उनको एक स्वर से इस बिल को पास करना चाहिये। हिन्दुस्तान से साम्प्रदायिकता, जानिपांन, भाषावाद की बुराई को निकालना है। जब इंडियन पीनल कोड में इस के बारे में संशोधन करने का बिल आया तो भी कम्युनिस्ट पार्टी की ओर से यह आवाज़ उठाई गई कि भाषा को बिल में रखने की ज़रूरत नहीं है। यहां जो संशोधन किया जा रहा है, उससे किसी की भाषा पर तो प्रहार नहीं होता है लेकिन भाषावाद की वजह से जो झगड़ा होता है उस पर प्रहार है। मैंने भाषाई दंगे के समय दो महीने आसाम में रह कर देखा है कि वहां क्या क्या हुआ और मैंने बड़े बड़े हिन्दू मुस्लिम रायट्स भी देखे हैं लेकिन जैसा साम्प्रदायिकता की घटनाओं में नहीं घटा वैसा भाषावाद की लड़ाई में घटा। तो भाषावाद लिंग्विज़्म, के नाम से एक नई बीमारी आ गई है और मैं समझता हूँ कि यह सब से बड़ा जहर है। नाम तो पंजाबी भाषा आन्दोलन का है लेकिन पंथ खतरे में है ऐसा कहा जाता है। मुस्लिम लीग ने भी इसी तरह का नारा दिया था कि इस्लाम खतरे में है और उससे हिन्दुस्तान टुकड़ों टुकड़ों में बट गया। आज मास्टर तारारसिंह की लीडरी खतरे में है लेकिन वह कहते हैं कि पंथ धर्म खतरे में है और पंजाबी भाषा का इसके लिये नाम लिया जाता है।

इस बिल में जो तरसीम लाई गई है उसका विरोध यदि जनसंघ की ओर से हो, हिन्दू महासभा की ओर से या मुस्लिम लीग की ओर से या तमाम रिएक्शनरी पार्टियां हैं उनकी तरफ से हो तो वह मानने के लायक है और वह बात कुछ समझ में भी आ सकती है लेकिन यदि कोई सोशलिस्ट, लोहिया सोशलिस्ट या प्रजा सोशलिस्ट या कम्युनिस्ट

[श्री शंभु याजी]

इसका विरोध करता है तो फिर यह बात मेरी समझ में नहीं आती है। किस तरह का आप सोशलिज्म चलाने वाले हैं? मैं एक समाजवादी के नाते, सोशलिज्म के नाम पर दरखास्त करूंगा कि यदि यह सचमुच में हिन्दुस्तान में समाजवाद को लाना है तो साम्प्रदायिकता को, जातीयता को, भाषावाद को दूर करना होगा और जो लोग इन चीजों को एलेक्शन में प्रश्रय देते हैं उनको रोकने के लिये यह बिल लाया गया है और इसको एक स्वर से सब को स्वीकार करना चाहिये। अगर इस पर और आज सुबह जो इंडियन पीनल कोड का संशोधन विधेयक पास किया है उस पर ठीक से काम हो, अमल हो, तो मैं समझता हूं कि सही मानों में समाजवाद होगा और इलेक्शन मैनिफैस्टो के नाम पर पार्टियां चुनाव लड़ेंगी। आज जितने चुनाव होते हैं वे एलेक्शन मैनिफैस्टो की बिना पर नहीं होते हैं, उसका तो कोई जिक्र भी नहीं करता है बल्कि जातिपात भाषावाद, साम्प्रदायिकता तथा बिरादरी की गंगा के पानी में डुबकी लगा कर लोग वोट लेने की कोशिश करते हैं। इसलिये मैं सरकार को शाबाशी देता हूं कि इस बारे में उसने प्रथम प्रयास किया है। हमारे पूर्व वक्ताओं ने कहा कि इस विधेयक को बहुत पहिले लाना चाहिये था लेकिन देर आयद दुरुस्त आयद, देरी से आये हैं पर दुरुस्त आ रहे हैं। तो इस बिल को हम लोगों को एक स्वर से पास करने की जरूरत है। इसके साथ ही साथ हम सब लोग यह भी सरकार से मांग करें कि अकाली दल, मुस्लिम लीग, जमायते इस्लाम, राम राज्य परिषद्, राष्ट्रीय स्वयंसेवक संघ, जनसंघ, हिन्दू महासभा, द्रविड़ कण्ठम आदि जो साम्प्रदायिक और डिसरप्शन फैलाने वाली पार्टियां हैं उन सब को गैर कानूनी घोषित करने के लिये भी जल्दी से जल्दी कानून बनाये और वह बिल जल्दी से जल्दी हाउस के सामने लाया जाय। इन शब्दों के साथ मैं इस विधेयक का समर्थन करता

हूं और कामरेड भूपेश गुप्त का जो डाइलेटरी मेथड है कि एलेक्शन के पहले यह बिल पास नहीं हो और वह भाषावाद की गंगा में नहा सकें उसका मैं विरोध करता हूं और जो उनको इसे प्रवर समिति में ले जाने का जो सुझाव है उसका भी मैं विरोध करता हूं।

4 P.M.

शाह मुहम्मद उमेर (बिहार) : जनाब वाला, आज से पहले कल भी इस मसले का बिल आया था . . .

एक माननीय सदस्य : अंग्रेजी में बोलिये।

SHAH MOHAMAD UMAIR: Sir, I pay my tribute to the Ministry concerned for bringing this Bill forward in this House just when another Bill of a similar nature has already been discussed and dealt with by all of us. Sir, my misfortune is, because of certain limitations I could not follow the debate and the speeches of the various hon. Members which are taking place in this House but taking a few points from the speeches of few friends I am tempted to say a few words apart from what was said in my speech yesterday. This Bill and yesterday's Bill which we passed today all concentrate on one point which is the eradication of communalism and the misuse of the law by communal parties and by communal persons. Who can deny that whatever has been done by the Home Minister in the last Bill is the most precious contribution to the country and to the Administration to safeguard against the various mischiefs and evils which have been creeping throughout the length and breadth of this country? Sir, communalism is here on our left, on our right, in front, at our back, in elections, in all spheres of social and political life and it is spreading like anything. It is just like the sort of a germ which brought about the misfortune of this country 12 years back in the form of splitting up the country into two parts. The

same sort of germ is still existing in the country and we cannot deny that it was the outcome of the same germ that we in the heart of this capital city of Delhi saw recently conventions after conventions, Muslim Convention, Hindu Convention and all that sort of thing. I think this is sufficient for all of us who have got even an iota of patriotism in our hearts, those who live for the progress and upliftment of the country, to think about this problem and to decide that the things which are going on in the country today in the name of communalism in the field of education, in the field of elections, in fact in all spheres of social life, must be dealt with with an iron hand. I want to ask this question. Why are our friends on the other side perturbed and upset whenever any such legislation comes up before this House? If this country is to survive and keep its good name not only within the borders, limited and confined to the four walls of India but also outside in the international world and if this country is to achieve anything to its credit, then we shall have to take recourse to this sort of legislation. I congratulate the Home Minister, the beloved Home Minister, for the amendment which he brought forward in the Indian Penal Code in the interest of healthy administration and in the interest of a healthy atmosphere in the country. At the same time I also congratulate the Law Minister also for having brought about a similar amendment in the Representation of the People Act. There is no doubt that our friends here have got their political status and political parties but why is it that, even when they have their own politically independent position in the country, they feel perturbed whenever any such legislation comes up before them, legislation dealing with communalism, casteism, provincialism and all that sort of thing. Of course it is too much to expect gentleness from the opposition parties. They criticise the Government in any form they like but when they criticise even such healthy proposals like the two recent amendments it does not make for the wisdom of our friends

in the opposition. Who does not know why the country was divided? Who does not know that the same germ is still flourishing? I think there is a sort of competition between the communal parties, between the communal organisations and the communal-minded persons, a competition between the Muslim League, the Jana Sangh and the Hindu Mahasabha, as to who wins the race, who travels faster. If this sort of competition goes on in the country, where the country will be after some time, nobody can say. Therefore, Sir, this is a very welcome amendment. As I said, for opposition's sake they may oppose the Government but any real opposition to the promotion of a healthy atmosphere in the country cannot at all be appreciated even by people outside. When some of our friends on that side speak something in terms of opposition, they do it only to get some credit and appreciation from people outside. But the outside people have become quite conscious and they know what is good to the country and when our friends here talk in this manner the masses are not prepared to appreciate. Of course, some people because of their politics, because of some failure and dissatisfaction, may admire it. I would ask my Muslim friends, what did they gain by this Muslim Convention? I do not think that the Muslim Convention has at all in any way served the interests of the Muslims; on the contrary it has rather excited the feelings of other people. And I say the retaliation, this convention on behind the other, all this is a sort of political butchery that is being committed. And that has taken place in the heart of this city and I do not know where it will all end. I cannot spare the Government, though of course I cannot share the views of my opposition friends, because the Government has tried to shake hands with the communal elements. Of course, they themselves have compelled sometimes the Government to come forward with some sort of modest steps which they have taken in Kerala and other places. I do not like that of course but at the same

[Shah Mohamad Umair.]

time it is not the policy of the Government but here you are opposing this as a matter of principle, as a matter of creed and the difference lies there. I can say with full confidence that if all the political parties, who are anxious that they are not being consulted and that their assistance is not being taken in this matter of national integration, were together to take any step in this direction, they will do the same thing as they have done in opposing these two amendments. Sir, I have got nothing more to say except that I again pay my tribute for the achievement of the Home Ministry yesterday and for the achievement of the Law Ministry today.

SHRI M. P. BHARGAVA: Mr. Deputy Chairman, I raise to support the amendment for reference of the Bill to a Select Committee, moved by Shri Bhupesh Gupta. It has always been my privilege to oppose the views of Shri Bhupesh Gupta expressed in this House on several occasions. Even on this occasion at the outset I want to make it very clear that I do not agree with the views or share the views expressed by Shri Bhupesh Gupta or his colleagues, Shri Ramamurti. I am opposed to most of them. I support Shri Bhupesh Gupta's motion on the basic principle on which it has been moved. There has been a tendency in the recent past to bypass this august House and not consult this House on important measures. The other day we had discussion on the Income-tax Bill. We were told that it was a Money Bill and we had nothing to say because the Speaker is the supreme authority as far as ruling about Money Bills or non-Money Bills is concerned. But this House proved its existence by proposing certain recommendations to the Lok Sabha in that Bill and I am sure the other House will accept those recommendations and remove the lacuna which was there in the Bill, at least as far as clause 11 was concerned, wherein the operative words were missing. Now, much has been said about the

reference of the Bill to a Select Committee. I agree with all the views expressed by my learned friend, Shri H. P. Saksena. Mr. Santhanam came out with the plea that this is a simple Bill and it is not necessary to refer it to a Select Committee of this House. If it is a simple Bill as claimed by Mr. Santhanam, where was the necessity of referring the Bill to a Select Committee of the Lok Sabha? If a Select Committee of the Lok Sabha can consider the Bill, we can certainly consider the Bill in a Select Committee. I take great objection to the way in which the Bill has been presented to this House. Mr. Sapru was pleased to remark that this Bill refers mainly to the Lok Sabha and, therefore, it is better that we leave things to them. If that were so . . .

SHRI P. N. SAPRU: On a point of personal explanation, I said while sharing the sentiment that we should also have been associated with the Select Committee, I am not disposed to criticise the Government for its failure to associate us, because it only indirectly affects us.

SHRI M. P. BHARGAVA: Well, if the position was as claimed by him I would have certainly agreed. But the position is somewhat different. This Bill affects not only the Lok Sabha. It affects all the Assemblies in the States and, as the House is aware, the States form the electorate for this House. And, therefore, if anything affects the Assemblies, we have all the more reason to consider the Bill more carefully here and it should have been referred to a Select Committee of this House.

SHRI BHUPESH GUPTA: It affects our House also.

SHRI M. P. BHARGAVA: Now, if I may say so, we have a double responsibility in the matter. Besides being representatives of the people as in Lok Sabha—they are directly elected and we are indirectly elected—we have a responsibility to discharge towards the States from which we come

and, therefore, we must watch the interests of the States also here. Now, probably the Law Minister will say, 'What can I do at this not eleventh hour but twelfth hour, when we are about to consider and pass the Bill?' If I may remind him, a similar situation arose in the other House when the Extradition Bill was under consideration. He had given the motion for consideration of the Bill. Then, certain objections were raised there and he agreed to refer the Bill to a Joint Select Committee. Now, if in that House that concession could be given when the Bill was referred to a Joint Select Committee, I see no justification why a similar concession should not be given to this House and why we should be denied the benefit of referring this Bill to a Select Committee.

I have placed the entire position before the House and it is for the House to decide whether to accept the motion for reference of the Bill to a Select Committee or reject it. If we reject it, we will only be undermining the prestige of our own House.

SHRI A. K. SEN: Mr. Deputy Chairman, I have listened with very great interest to the various speeches made, particularly the ones which came, as usual in a most thundering manner, from Mr. Bhupesh Gupta and his colleague, Mr. Ramamurti. I have also heard carefully the demand for reference of this Bill again to a Select Committee of this House, and along with it the argument that this House has been slighted is not being associated with the Select Committee of the Lok Sabha. I do not apprehend that we shall be adding either to the dignity or to the prestige of the House by being touchy on all points. I think it is a sign of maturity and of dignity not to be touchy and to look at the attitude of others, unless it really affects vitally the interests of this House. I would have listened very carefully and possibly appreciatively to the argument for referring it again to a Select Committee of the House if it was advanced as an argument that the Bill is so complicated and

so difficult that it should really be processed through a Select Committee.

SHRI BHUPESH GUPTA: Now, the Law Minister himself considered it to be complicated enough to refer it to a Select Committee of the Lok Sabha.

MR. DEPUTY CHAIRMAN: Order order. He has not sat down.

SHRI BHUPESH GUPTA: He will sit down.

SHRI A. K. SEN: I do not yield my place so easily. I have learnt to my cost not to yield my place so easily. Now Sir, I never said that I thought it important enough to be referred to a Select Committee. In fact, I said quite the contrary. I said that the Government did give a motion for consideration of the Bill, but then the Business Advisory Committee of the Lok Sabha thought that it should be processed through a Select Committee because there may be various additions made to it. Notwithstanding the fact that the Select Committee was formed, we find that the Bill has not at all been added to or subtracted from by the Select Committee. But that is beside the point. If it were addressed as an argument that the Bill is of such a complicated and difficult nature that this House is entitled to be of assistance and the Bill should have been initially referred to a Select Committee, I would have appreciated it. When that argument is solely to be based on the question of prestige, I have failed to appreciate the strength of that argument.

SHRI BHUPESH GUPTA: The hon. Minister should not prejudge the judgment of the House.

SHRI A. K. SEN: I am not prejudging. I am convincing the House converting the House to my way of thinking which I am entitled to.

SHRI JASWANT SINGH (Rajasthan): That is one of the reasons—prestige—not the reason.

SHRI A. K. SEN: It has never been put forward on the ground that the Bill is complicated or is very difficult.

[Shri A. K. Sen.]

If I had understood the language in which the arguments have been made, both in Hindustani and English, not one speaker has said that this Bill is of such a complicated or difficult nature that the House was entitled to the assistance of a Select Committee.

SHRI BHUPESH GUPTA: How many speakers in Lok Sabha have said it? My submission is to you, Sir.

MR. DEPUTY CHAIRMAN: You please sit down.

SHRI BHUPESH GUPTA: Let him face the music.

SHRI A. K. SEN: This is not the first time when I find that when arguments are being demolished, it rouses the temper.

SHRI BHUPESH GUPTA: This is not the first time the Minister does not yield.

SHRI A. K. SEN: As I have said, it is very difficult to make me yield.

MR. DEPUTY CHAIRMAN: You are very good friends. You understand each other.

SHRI BHUPESH GUPTA: He is making his argument stand on its head.

SHRI A. K. SEN: As I have said, I have not heard any hon. Member advancing the argument on the ground that this House was entitled to the assistance in a difficult matter of a Select Committee. If I have understood the argument properly—I am sorry if I have not understood it rightly, I am subject to correction....

SHRI BHUPESH GUPTA: Sir, you correct him from the proceedings. I suggest you adjourn the House for a while to correct him.

SHRI A. K. SEN: Sir, you please tell the hon. Member that this is a figure of speech, a polite way of saying that the other side is not right. It is a polite way of saying that the

other side's argument is devoid of substance, Sir, as I was saying. I am really pained to find that this House of elders as we call them should stand on a question of prestige. On the contrary I should have thought that this House should always negative any argument based on the ground of prestige. No House can establish a tradition for ripe or mature judgment if it tries to rival the other House on matters of prestige alone.

SHRI BHUPESH GUPTA: Sir, on a point of order. Is it in order for the hon. Minister while replying to the debate to distort the proceedings of the House in such a manner as to make this House look as if it is infantile, as if it is standing on prestige only, as if it has no right, it has no dignity and so many other things? Therefore, I say that all the remarks of the hon. Minister made in regard to the prestige of the House should be expunged.

MR. DEPUTY CHAIRMAN: It is no point of order.

SHRI BHUPESH GUPTA: It is a point of order and I have raised it. Otherwise it will be misunderstood in the country. We are not children here. This is not kindergarten.

SHRI A. K. SEN: It is my business to prove to the satisfaction of the House, and it is for the House to accept it or not, that the arguments advanced fall to the ground. I am entitled to advance such arguments based on the facts as disclosed in the course of the proceedings that the arguments sought to be advanced in support of the demand for a Select Committee cannot stand, and I am sure the House will be with me when the time comes for expressing its verdict in rejecting any argument based on prestige alone.

SHRI BHUPESH GUPTA: Again, Sir, he is saying that.

SHRI A. K. SEN: That disposes of completely the question of a reference

to a Select Committee and brings us back to the substance and merit of the Bill itself.

As I had anticipated, the arguments advanced from the other side mainly centred round a dissection of the disease which we are seeking to tackle with the provisions which we have brought before the House. Mr. Ramamurti tried very sincerely to put the blame entirely on the Congress Party for the disease which we are all anxious to cure and to prevent. I do not think trying to apportion blames for the disease would help us in finding a solution, and I shall not compete with him in trying to find who the main persons or parties are who are responsible for this rather unhappy state of affairs, nor would I try to fasten the responsibility for this unhappy state of affairs on particular groups or parties. It is the result of our history, of our subjection, of the various forces of disintegration which were let loose in olden days to divide the country into diverse groups, and sometimes hostile groups, which unhappily ended in a partition of the country—and it remains a sore point with us and it will continue to remain a sore point so long as we exist. But will that help us in trying to find a solution? Mr. Ramamurti said many things with which I agree, and I agree also with regret that there are many among us even on the Congress side who have not rid themselves completely of caste bias, but that does not mean that the other side is completely rid of it.

AN HON. MEMBER: They have not accepted it.

SHRI A. K. SEN: I think it is better to acknowledge one's own fault in order to be able to find the remedy instead of ignoring the fault completely. I agree with him, and I am not trying to blame others in the same position. I agree with him that there are among us in the Party which has a majority in both Houses of Parliament people who have not possibly yet rid of themselves fully of all caste

bias, regional bias, communal bias or religious bias, and in whom possibly the old echoes of sectarian life still find a ready response. But that again is not trying to tackle the problem. That is trying to find who the man is who is responsible. I am not trying to exploit that position either to the advantage of one group or party or the other. But if we are anxious, as we must be and as I am sure all of us are, sincerely and truly to completely eradicate this festering sore in our body politics which seeks today to overwhelm the entire health and wellbeing of our society and our nationhood, then we must face the responsibility bravely and try to declare without any uncertainty that this House and Parliament will never allow anyone to influence the course of elections by appealing to sectarian interests, and in that declaration let there be no room for doubt or uncertainty lest we do not make our voice as strong as it should be in such vital matters concerning our nation. It is therefore absolutely imperative and I appeal to all sections of the House to rise above all party differences and to declare the voice of Parliament in no unmistakable terms, which will go down in the history of our country, and tell the people once and for all that this House and Parliament do not tolerate any sectarian vivisection of our country and of our nation and much more so far the purpose of winning elections. What is there far wrong in the provisions which this Bill seeks to introduce by way of amendment? The first important provision is to the effect that no one shall make even a stray attempt to influence the results of an election by appealing either for or against a candidate on the ground of his religion, caste, community or language. I suppose it voices the feelings of all of us, I have no doubt about that. However much we are obsessed with the remnants of residue of our past inhibitions . . .

SHRI P. N. SAPRU: May I ask a question for clarification? Suppose I am a candidate for the Lok Sabha and

[Shri P. N. Sapru.]

I say in my manifesto that I will stand up for the right of the Urdu language to be regarded as a State language for certain purposes in the State of Uttar Pradesh, would I come within the mischief of the clause as it is worded here? Suppose I take this line and say that I am opposed to the Devanagari script being the script of India and that I would like the Roman script to be adopted as the script of India, would I come within the mischief of this section or not, because the difficulty is that there is no explanation attached to this clause? And I would like the hon. Law Minister to answer this point.

SHRI A. K. SEN: The facts cited by the hon. Member certainly do not come within the mischief of the Act. As I explained to the other House—the hon. Member is a reputed lawyer; if he reads the language, he will know—it will negative any such suggestion. And in fact, the amendment which I myself introduced makes the matter clear beyond all possible doubt. The language in clause 23 is—

“The appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language”

It is a simple thing and the hon. Member—a reputed lawyer as he is himself—I think, will appreciate that this is a penal section. And, of course, it has to be construed very strictly. It penalise one particular situation, namely, where there is an appeal—even a stray one, not a systematic one necessarily—by a candidate to the electors to vote for him on the ground of his language, religion or caste and so on. That does not take away the right to support a particular language or script and so on. In fact, the support for the preservation of one's own language is guaranteed under article 29 of the Constitution itself,

and this cannot possibly threaten to take away that right.

SHRI P. N. SAPRU: But the word is . . .

SHRI A. K. SEN: Yes it is quite clear. Therefore, I inserted the word deliberately in the Select Committee. The hon. Member will see that the word is not there.

SHRI SATYACHARAN: I presume that what you mean is this. Where there is an element of acrimony and hatred, only then you will be taking cognizance.

SHRI A. K. SEN: If I say, ‘Vote for him because he speaks the Urdu language’, then I come within the mischief of the Act. If I say, ‘Do not vote for him because he speaks the Urdu language’, then also the mischief will be attracted. Or if I say, ‘Vote for him because he is a Muslim’ or ‘Do not vote for him because he is a Muslim’, then also the mischief will be attracted. It is a purely restricted area.

SHRI P. N. SAPRU: Suppose I say, ‘Vote for him because he is a candidate of a minority community and minorities should have a certain amount of representation’. That does not come within this?

SHRI A. K. SEN: That does not, as the hon. Member knows it himself.

SHRI JASWANT SINGH: I want a small clarification. That is this. Suppose a candidate from Bengal is sent to Rajasthan to stand for election from that constituency and somebody says that there is nothing common between this candidate and the people of his constituency and that, therefore, to vote for him will be a futile vote because he will not be helpful. For example, we understand that Mr. Dey, the Minister of Community Development and Co-operation, is being given a seat from Nagaur in Rajasthan and that he has been asking several members to help him.

SHRI SANTOSH KUMAR BASU (West Bengal): Can he mention names here?

SHRI BHUPESH GUPTA: Let us understand it.

SHRI JASWANT SINGH: Our understanding will be that if he is allowed a seat from Nagpur, then some one says that there is nothing common . . .

SHRI A. K. SEN: May I appeal not to cite examples?

SHRI JASWANT SINGH: Suppose a candidate comes from Bengal and he is allotted a seat from Rajasthan. There is nothing common between the people of Rajasthan and the particular candidate.

SHRI SANTOSH KUMAR BASU: He is not a candidate in Bengal; he is not even a voter in any Bengal constituency.

SHRI JASWANT SINGH: I am not taking any names. Suppose a candidate from one end of the country is allotted a seat in the other end, there is nothing common between the people of that place and this particular candidate. He cannot speak to them, he cannot understand their language; they cannot make him understand.

DR. SHRIMATI SEETA PARMANAND (Madhya Pradesh): There is everything in common, above all the Common citizenship.

SHRI JASWANT SINGH: Let me finish my sentence.

MR. DEPUTY CHAIRMAN: Order, order.

SHRI JASWANT SINGH: So, I want to know whether in this case it will be a disqualification for him, if they say, 'If you vote for him, your vote will be futile because there is nothing common there'.

SHRI A. K. SEN: I am surprised to hear this from the hon. Member. The

hon. Member will extend to me the same patience which I had tried to extend to him so far. Sir, I am surprised that it should be said in this House—I hope that the hon. Member did not mean it that way, but it may be interpreted that way outside this House—that a man coming from Maharashtra has nothing in common, if he goes and stands in Gujarat or in Rajasthan. Are we going to cut out the very root of our nationality and our history? I am really surprised that such a statement should be made even by way of illustration. We have the proud privilege of electing three members hailing from Rajasthan to the West Bengal Assembly. There are three beloved members. Mr. Gupta knows, though they belong to the Congress, they have been very good friends, and even the Communists. . . .

DR. SHRIMATI SEETA PARMANAND: In every part of the country, there is much in common . . .

SHRI A. K. SEN: What we want to penalise and penalise very greatly. .

DR. SHRIMATI SEETA PARMANAND: In seven out of ten names the name Rama is . . .

MR. DEPUTY CHAIRMAN: He is on his legs.

SHRI JASWANT SINGH: He is not giving the reply.

MR. DEPUTY CHAIRMAN: You cannot go on like this.

SHRI JASWANT SINGH: He must reply to my question.

SHRI A. K. SEN: If, as the hon. Member says, a man goes from Maharashtra—I am taking a hypothetical example so that realities would not be attracted—to Rajasthan and stands there for election and somebody says, 'Why vote for him? He does not speak Rajasthani', that is going to be penalised, and *vice versa*. That is exactly what we are going to penalise. Suppose a Muslim goes to a

[Shri A. K. Sen.]

Hindu majority area and the people there say, 'Why vote for him? He is a Muslim', . . .

SHRI BHUPESH GUPTA: Suppose somebody says—not like that—'Vote for him'. Suppose in a minority area or where the minority lives, they say that it is the man who has been fighting for the rights of the minorities. It may be Bengalis, may be the linguistic minorities living in Bengal, the Nepali people. What happens in such a case?

SHRI A. K. SEN: Nothing whatsoever. He is entitled to safeguard his own language and culture under article 29.

Therefore, Sir, the area of operation of this section is very limited as the language itself suggests.

Then the next important provision is in clause 24 by which we have introduced a penal section for a similar offence which is provided for in the new amendment to the Penal Code, but for an offence committed in connection with an election. This has two aspects. I am saying this because Mr. Santhanam raised this point and his argument was that this was unnecessary because an amendment to the Penal Code has already been provided for it. Well, in the wider sense, it is possible, but it is necessary to focus our attention on the problem of elections and make it penal for anyone trying to do something in connection with the elections, so that not only will it be penalised if he commits that offence in connection with the elections but he will incur disqualification automatically on account of that. In a far-fetched way, it will be regarded as redundant, and it might have been provided for the disqualification section only. And on the whole and in the balance, the purpose of drafting it is to make it perfectly clear by Parliament that nothing of this sort will be allowed in connection with the election. It is necessary that we retain this provision. That

really disposes of the main two provisions on which arguments have really been directed, and I think, Sir, that it will be only our duty, in enacting this Bill, to make it certain for all time to come that no election shall be influenced in any manner by appeal, first of all, to sectarian interests and secondly, by trying to create enmity and hatred between the different communities at the time of the election. These are the two things which, unfortunately, we have seen during the last two General Elections being resorted to by people even belonging to the so-called educated class, and if I may say so, more by the so-called educated class than by the uneducated class, and it is perhaps necessary and imperative.

SHRI K. SANTHANAM: I wish to ask only one question. Can a man be prosecuted under this new section 125 appearing in this Representation of the People (Amendment) Bill, and also under the new section 153A of the Indian Penal Code?

SHRI A. K. SEN: As you know, in a criminal cases the charges are combined, and if it is in connection with an election, he will be charged both under this and under the other. But it is academic really, in such a case, and, as you know, more or less similar offences come in the same charge.

(Interruption)

Yes, it will be the same charge, and as I said, it will be academic from the point of view of actual trial.

SHRI SANTOSH KUMAR DASU: When a person is convicted under one section, it will be *autrefois acquit* in a subsequent trial when he is tried under the other section.

SHRI A. K. SEN: Certainly. So this is the position and I therefore strongly recommend again to the House to accept this Bill without any division whatsoever so that, as I said, on such a vital matter of national importance, the voice of this House is not marred by any doubts or uncertainties.

MR. DEPUTY CHAIRMAN: I shall first put Mr. Bhupesh Gupta's motion to the vote of the House. The question is:

"That the Bill further to amend the Representation of the People Act, 1950, and the Representation of the People Act, 1951, as passed by the Lok Sabha, be referred to a Select Committee of the Rajya Sabha consisting of the following Members:

Shri M. P. Bhargava
Shri Babubhai Chinai
Shri M. H. Samuel
Shri M. Govinda Reddy
Shri K. K. Shah
Shrimati Seeta Yudhvir
Shri A. D. Mani
Shri M. S. Gurupada Swamy
Kumari Shanta Vasisht
Shri Dahyabhai V. Patel
Shri Govindan Nair

with instructions to report by the first day of the next Session."

(After taking a count)

Ayes : 6.

Noes : 53.

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill further to amend the Representation of the People Act, 1950, and the Representation of the People Act, 1951, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

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

Clause 2 was added to the Bill.

Clause 3—Insertion of new sections after section 23

SHRI P. RAMAMURTI: Sir, I move:

2. "That at page 2, lines 3 to 5 be deleted."

The question was proposed.

SHRI A. K. SEN: If I may say, Sir, this is covered by section 8(c) and if the appeal is pending, it will not operate as a disqualification. If the hon. Member looks at section 8 . . .

SHRI P. RAMAMURTI: But this is not only in respect of appeals. If the hon. the Law Minister reads another amendment that I have tabled, it says:

"If, whether before or after the commencement of the Constitution, he has been convicted by a Court in India of any offence involving moral turpitude, immorality, bribery or corruption,"

for a period of more than two years, then for a period of five years after he is released he cannot stand unless of course he has been exempted by the Election Commission. Now the amendment that I am seeking to make is this. There are unfortunately in our country no such specific offence as political offence. Unfortunately, the party in power, when it wants to put down some people outside, I mean the opposition parties, they are always taking recourse to the normal criminal law—some sections are found out and they are booked under that law. Therefore I would seek to make a distinction in the matter of offences involving moral turpitude, immorality, bribery or corruption—these are all well known things. What is moral turpitude, what is bribery, what is corruption, what is immorality, all these things are known. If, unfortunately there is this offence, that somebody has been forced to commit an offence under the existing conditions for a good cause, then in that case he should not be penalised. Therefore I seek to specify the offences for which a person will be debarred from standing. I suppose Government cannot have any objection to accept a very good principle I am laying down.

SHRI A. K. SEN: I am afraid, Sir, we cannot accept it. In fact the existing

[Shri A. K. Sen.]

law is very satisfactory. Who is to judge what is moral turpitude, what is this and that? As a matter of fact, no man, since the Constitution, has been convicted for more than two years on political grounds alone.

SHRI P. RAMAMURTI: Oh, yes.

SHRI A. K. SEN: I shall be very happy to get such an instance, and in any case, unless an offence involves violence and other things, the Election Commission readily removes the disqualification.

SHRI P. N. SAPRU: 'Immorality' is a most difficult word to define

MR. DEPUTY CHAIRMAN: The question is."

2. "That at page 2, line 3 to 5 be deleted".

The motion was negatived.

MR. DEPUTY CHAIRMAN. The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clauses 4 to 6 were added to the Bill.

MR. DEPUTY CHAIRMAN: Your New Clause 6A is out of order. Section 7 is not being amended. It cannot be considered.

Clause 7 was added to the Bill.

Clause 8—Amendment of section 33

SHRI K. SANTHANAM: Sir, I move:

4. "That at page 3, for lines 30 to 32, the following be substituted, namely:

'Provided that only the first four nomination papers presented by or

on behalf of a candidate shall be accepted by the returning officer for election in the same constituency'."

This is purely a drafting amendment. The present provision may create some confusion. If a man presents more than four nomination papers—it is said that he shall not present more than four nomination papers—then the returning officer may say, as a penalty, "All your nomination papers are rejected". I was trying to find out whether something can be done under the rules, and I find the rules under the original Act cannot provide for the action of the returning officer at all; they have not taken that provision in the rules also, and so this is something which may cause—though it is not intended—difficulty; if it goes in this confused form, there may be some difficulty somewhere.

The question was proposed.

SHRI A. K. SEN: There is no ground for confusion. It is purely a drafting amendment that the hon. Member seeks to introduce. Let us keep it as it is. If we find that there is any such ground for confusion, we may think of revising the rules.

MR. DEPUTY CHAIRMAN: So what about your amendment?

SHRI K. SANTHANAM: I beg leave to withdraw my amendment.

The amendment (No. 4) was, by leave, withdrawn

MR. DEPUTY CHAIRMAN: The question is:

"That clause 8 stand part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill.

Clauses 9 to 21 were added to the Bill.

Clause 22.—Amendment of section 120

SHRI K. SANTHANAM: Sir, I move:

5. "That at page 6, after line 7, the following further proviso be inserted, namely:—

'Provided further that where the petitioner is declared to have been duly elected, the petitioner shall be entitled to the costs incurred by him for the petition and, accordingly, the Tribunal shall make an order for costs in favour of the petitioner'."

Sir, they have put an amendment to the effect that where a petition is dismissed the returning candidate shall compulsorily get the costs. A petition, though it is a reasonable petition, can be dismissed on technical grounds and the judicial officer will have no right not to allow the costs. Therefore, if a man brings a petition and brings enough proof and then displaces the returned candidate and installs himself as a returned candidate, I do not see why he should not be put in the same position as the returned candidate and get the costs. It is a matter of sheer justice and I think they have made a mistake, and the hon. Law Minister will do well to correct it.

The question was proposed.

SHRI A. K. SEN: It is not necessary to provide all these things in the Bill because costs will always follow. Discretion is always left to the court because it may be that in a particular case even though the successful party may win, in the results of the petition he may be deprived of the costs. These are matters which should be best left to the court itself.

SHRI K. SANTHANAM: Sir, I beg leave to withdraw my amendment.

The amendment (No. 5) was, by leave, withdrawn.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 22 stand part of the Bill."

The motion was adopted.

Clause 22 was added to the Bill.

Clause 23—Amendment of section 123

SHRI P. RAMAMURTI: Sir, I feel that all the amendments can be taken up together and we can discuss them all instead of discussing each amendment piece by piece. They are all for one clause.

MR. DEPUTY CHAIRMAN: Very well.

SHRI P. RAMAMURTI: Sir, I move:

6. That at page 6, for clause 23, the following be substituted, namely:—

"23. In section 123 of the 1951 Act,—

(i) for clause (3), the following clauses shall be substituted, namely:—

'(3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to, religious symbols or the use of, or appeal to, national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

(3A) The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community, or language, by a candidate or his agent or any other person

[Shri P. Ramamurti.]

with the consent of a candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.’;

(ii) in clause (5), the first proviso shall be omitted.”

7. “That at page 6, lines 13-14, after the words ‘or the use of’ the words ‘places of religious worship or religious congregations for election propaganda, or the use of’, be inserted.”

8. “That at page 6, line 14, after the words ‘religious symbols’ the words ‘or sacred books and religious sentiments by priests and religious dignitaries’ be inserted.”

9. “That at page 6, line 21, for the words ‘community or language’ the words ‘or community’, be substituted.”

10. “That at page 6, after line 25, the following proviso be inserted, namely:—

‘Provided that no expression of grievances under which any caste or community or minority group may suffer or any criticism or practices based on caste or community resulting in social oppression shall be regarded as an offence’.”

The questions were proposed.

SHRI P. RAMAMURTI: Sir, I would like to make a few observations in connection with these amendments. The Law Minister just now had stated that as far as we are concerned, we are not opposed to the spirit of the whole amendment. It is a very correct statement and I only wish that the whole Bill had been approached in that spirit. If I had made certain remarks, it was with a view to making the Congress Party itself think about the whole problem. As a matter of fact, I would like to remind the

Minister and his party that about three or four months back the Secretary of our party had addressed the Prime Minister himself and he had drawn his attention to the serious state of affairs were developing inside our country on account of the development of communal and casteist forces, and he had offered to sit together to find out basic remedies for this problem. We certainly stand by that offer. We are not today resiling from that position. It is unfortunate that that thing has not yet been accepted. Therefore, if I had made certain remarks, it was with a view to finding out the basic causes for these things. What I stated was that merely passing this law was not going to solve the basic problem with which we were faced, and it is in that connection, Sir, that one or two things I would like to point out.

It is all right for us to say that no appeal should be made on the basis of caste, community, religion and all these things. We have always stood for that. But is that enough? At the same time despite a lot of explanation that has been given to us on the floor of this House as well as on the floor of the other House, I feel that there is a possibility of it being misused. For example, take the question of communalism. Yesterday itself we had pointed out and Shri Lal Bahadur Shastri had given a certain explanation. But what I do want to point out is that giving explanations on the floor of this House does not take us anywhere because the law must be written in such a way that a court will not misinterpret it. This is all that I am concerned with. It is for that purpose that we want certain Explanations to be provided for.

First of all, for example, we want to point out that:—

“Provided that no expression of grievances under which any caste or community or minority group may suffer or any criticism of practices based on caste or community resulting in social oppression shall be regarded as an offence.”

It is a very clear statement. If you criticise a particular practice on the basis that this particular practice has led to social oppression inevitably, it is likely that it might be taken as spreading communal hatred. We cannot help it. Such things do happen. Even a mere expression of opinion or the ventilating of grievances against a particular practice based upon caste, or community which leads to social oppression might be interpreted by the court, despite the best intentions of the framers of this law, despite the assurances that are given on the floor of this House by saying, 'Look here. I am concerned only with the letter of the law. The law says that anything creating communal hatred or disharmony is an offence. You may have the best of intentions and you might have been ventilating your grievances, but according to me it leads to communal hatred and I am bound to convict you'. Therefore, make it clear. I do not see what objection the Government can have to accepting this explanation. It is a very clearly worded statement:

"Provided that no expression of grievances under which any caste or community or minority group may suffer or any criticism of practices based on caste or community resulting in social oppression shall be regarded as an offence."

It is very necessary that all these practices which lead to social oppression should be fought. In order to create a proper society in our own country all these practices have got to be fought. Therefore, let us not make any mistake about them. This is one thing that I would like to point out.

Secondly, for example on the question of language policy, what is it that we are dealing with? After all, the language problem has now come up in certain States. But in most parts of the country the problem of language has been solved. For example, during elections in Madras, or Kerala, or Andhra, or Mysore or in any of

these places, the language question is not going to be raised at all. After all, it is a question which is going to be raised either in Assam or in Punjab. Let me say that the manner in which this problem is going to be raised in these two States, this law is not going to help. It is a political problem, and we have to think of a solution to the problem with that approach. What I am afraid of is this. For example, suppose a lover of one's own language, even without any feelings of hatred or enmity against any other languages, always praises one's own language. I can talk of Bharati as the biggest national poet of our State who taught love for the unity of the country and so on. Now what does he say about the Tamil language? He says in a song that there is no language which is as good as the Tamil language. This is the song that he sings. What am I to do? This is the song which we used to sing when we were going to Vedaranyam Camp in 1930. When we were offering Salt Satyagraha, we had sung this song in Prabhat Pheris. Now, if in the elections somebody talks of these things, he will come under the mischief of this Act because they would say that he is saying that Tamil language is the best language, Hindi is not the best language, Hindi is inferior or some other language is an inferior language. These things are likely to happen. That is why I say these are things which are likely to happen. Therefore, it is not right that you should include language also in this thing.

I would like to point out another thing today. For example, the Chief Ministers' Conference has decided that Devanagari script should be accepted as the common script for all the languages in India.

SHRI P. N. SAPRU: Shrimati Bharathi the other day suggested that Roman script should be adopted.

SHRI P. RAMAMURTI: Whether it should be Devanagari script or whether it should be Roman script, that is not the problem. These are all short-cuts.

[Shri P. Ramamurti.]

Now, English script is the script for English language, for French language as well as for the German language. Just because the English script happens to be the common script of all these languages, is there unity among these language groups? Now, for example, Devanagari script has been accepted to be the common script of the entire country. Now, what is going to happen? For example, Mr. Kamaraj Nadar, who attended the Chief Ministers' Conference, I do not know what he said there, but according to the communique he also is a party to that. But Mr. Subramaniam, the Finance Minister and the Education Minister in the Madras Government, has repudiated it because it would not be accepted by these people. Shri Lal Bahadur, for example,

this morning, was talking
5 P.M. about the acceptance of the Devnagri script. We should like the Hindi-speaking people to accept the Tamil script or the Malayalam script or the Telugu script as the common script of all the languages. If they had come forward to do that, then things will be different. They will find that it is not acceptable.

SHRI SATYACHARAN: It is a question of popularity. (Interruption).

SHRI P. RAMAMURTI: All these things may be stated. Therefore, inevitably the question of script and all these things are evolved as a result of common association and people finding it convenient. A common language is evolved in history as a result of association of people, when people begin to feel the necessity for a common language. Languages themselves evolve as a result of a historical process. Therefore, you cannot artificially impose a particular script or language on a group of people. All these questions will be canvassed in the elections. I am not going to canvass, I can assure Mr. A. K. Sen. As far as our Party is concerned, we are not going to bother but these questions will inevitably come up and

I can assure you that there will be a number of Members of the Congress Party itself who will also canvass about this particular thing. All these things, unfortunately, will be termed as coming under the mischief of this clause. Therefore we have asked that these particular matters might be removed, that the question of language may be dealt with in an entirely different political plane and that is not the means to solve the question of national integration. We can think of it in a different way but as far as election law is concerned, remove it from the mischief of this law and have this Explanation. It is absolutely necessary so that the people are not deprived of the opportunity to ventilate their legitimate grievances. That is all I say. Therefore I do not think the Government can have any objection. What is their objection? The proviso says, 'provided that no expression of grievances, etc. shall be regarded as an offence'. The mere refusal to accept it might be interpreted by some courts later on in some way and they may say, 'Look here, it was discussed on the floor of the Parliament and particularly the Government refused to accept it'. The mere fact that the Party has refused or the Parliament has refused to accept this amendment would mean that even if there is an expression of grievance based upon these practices, even that will come under the mischief of this clause and therefore it will be punishable by law. Some courts might interpret it that way.

(Interruption).

SHRI BHUPESH GUPTA: We will not allow it to pass without resistance. The point is, to what my colleague has said, I hope the hon Law Minister will give proper replies to the arguments. Why is the Government after language? We cannot understand it. Previously they were not so. Now suddenly, because certain linguistic trouble took place in some places, they have brought in language. When the amendment is given that this shall not cover the criticism that

may be made against the Government, he is not agreeable to protection being given. I cannot understand it. For example, in the Chief Ministers' Conference that took place here, Devanagari was proposed as the script for all the States. Some Chief Ministers, fourteen of them, met in a certain house and decided that Devanagari should be the script. Suppose, assuming that somebody in Tamil Nad gets up at a public meeting and says, 'Mr. Kamaraja Nadar took a very wrong step in regard to this matter. Therefore the question of cultural interests is not safe in his hands because as a Chief Minister he went to the Conference in Delhi and in that conference he signed away the cultural distinctiveness, at least to some extent, where he wanted to impose a certain particular script on a language which is very rich, which has its fine literature, which is perhaps second to none in India'. If he says it, in the ruling party—because Shri Kamaraja Nadar rules in that part—somebody might get up and say after the elections that this man made propaganda which aroused the hatred—of whom? Kamaraja Nadar and bring certain witnesses before the court and say that those people would testify to the fact that the hatred of some people was aroused like that. This is how it can be done. Shri Kamaraja Nadar or anybody for that matter would be in that position. In effect, here is an attempt on the part of the Government to shut out and silence very legitimate criticisms that are likely to be made. Here is the Government, which has failed on the language question. It has failed on the caste question in the sense that certain backward communities are not uplifted, where the grievances have accumulated. It has failed on the Adivasis question. Naturally, at the time of the elections, people will be entitled to come and speak for their rights, for their language, speak for their literature, speak for their culture and condemn the Government and the Minister concerned. Now what is the protection? After the elections are over, they have the

money, they have the courts at their disposal, they have the leisure time because they are the upper class people, they can go and file petition, bring in witnesses and punish and disqualify such people. This is the thing. Therefore, here is a political manoeuvre of the ruling Congress Party to shut out the legitimate criticism that may be made from the democratic popular angle against their language policy, against the policy towards the scheduled castes and scheduled tribes and the backward communities. That is the crux of the matter. That ugly game has to be unveiled in the interests of the country.

SHRI H. P. SAKSENA: It is a far-fetched imagination.

SHRI BHUPESH GUPTA: I know that many of you would be provoked by me. I get up to provoke you. Now the position is this. What is the protection? Even a proviso would not be accepted. Why is he afraid of the proviso? If he means what he says, then the proviso should be accepted. It is a very legitimate thing. As you know the Adivasis have very many grievances and . . .

MR. DEPUTY CHAIRMAN: No repetitions now.

SHRI BHUPESH GUPTA: . . . and here they have brought in all kinds of things—I am not concerned with it—like the language and the community—the way they have brought them in—and here I am afraid it is an announcement in advance to the people and the electorate that if they would criticise the failures of the Government policy in regard to the language, etc, even on a democratic basis, they would be liable to be disqualified because it will be always open and easy for the ruling Party to mobilise witnesses, file petitions and then get the people disqualified. The mischief of this particular clause lies in here. The virtuosity that is pretended in this House is something

[Shri Bhupesh Gupta.]
which wears very thin. Therefore, we say that this thing should be accepted. This is the test of your *bona fides*. Whether you accept this proviso of ours or not is the test of your *bona fides*, whether you have some political game up your sleeves or you really want to tackle casteism and so on. This is the thing.

SHRI SANTOSH KUMAR BASU: I would like to say one or two words. I do not think that my friend should flatter himself to such an extent as to hold that the provocations that he gives us always succeed in provoking us. When provocations become stale, hackneyed common-place, they fail to produce any effect at all. My friend has gone to the extreme in saying that the Government has got the courts at their disposal. That is the statement he has considered to be safe, sound and fair on his part to make on the floor of this House. That characterises the kind of statements that my hon. friend makes in this House when his imagination and eloquence run riot. On the other hand I was listening with some respect to the speech of my hon. friend Shri Ramamurti. When he quoted one line from a famous Tamil song, it brought to my mind the opening lines of a famous Bengali song and that song, so far as I remember, was sung every day on the All India Radio in Calcutta as an introduction to its literary programme.

SHRI BHUPESH GUPTA: What is that?

SHRI SANTOSH KUMAR BASU: It is:

‘आ मरि बांग्ला भाषा,
मोदेर गरब, मोदेर आशा।’

“Oh! Beautiful Bengali language, our pride, our hope”. So my question to the hon. Minister is this that if in a particular election meeting, the proceedings start with a song of this character . . .

DR. W. S. BARLINGAY: That is true of every language . . .

SHRI SANTOSH KUMAR BASU: If any candidate in that constituency happens to be speaking some language which is not Bengali, will that song in an election meeting bring the sponsor of that meeting or the candidate himself within the mischief of this law?

HON. MEMBERS: No.

SHRI SANTOSH KUMAR BASU: I am asking him whether some safeguard or Explanation could not have been provided in this clause in order to obviate situations like that.

SHRI P. N. SAPRU: May I say two words? In the first place, my criticism of Mr. Ramamurti's amendment is that the proviso that he wishes to be inserted after line 25 should have been inserted after line 19. It is to clause (3), that it should be attached.

SHRI P. RAMAMURTI: I have no objection, Sir.

SHRI BHUPESH GUPTA: He has no objection, if the Government accepts it.

MR. DEPUTY CHAIRMAN: You may leave it to the Minister to reply.

SHRI P. N. SAPRU: In the second place, I prefer it to be attached as sub-clause to clause (3). I think the position has been clarified for all practical purposes, by the Law Minister, for the courts are likely to take a reasonable view when they deal with a stringent statute like this in election law and they will agree to a liberal interpretation of a law like this.

SHRI A. K. SEN: Sir, I must say that Shri Ramamurti has put his case in a very fair manner.

SHRI ARJUN ARORA: And Mr. Gupta has ensured that the case is spoilt.

SHRI A. K. SEN: He has given expression to certain apprehensions which are not uncommon and which are to be expected when a provision of this nature is introduced for the first time, and I have taken pains as much as I could, to explain the various doubts which have arisen in the minds of hon. Members here in this House and in the other House. Hon. Members here who are lawyers will know that these penal provisions are construed very strictly. All these examples are not cases where the appeal is made to vote for a man, because he is of a particular religion, caste, community or language group. That is the whole question. Once you remember that, you find that all these apprehensions are unnecessary.

Sir, I do not think I can do much better by repeating what I have already said. I have no doubt that the tribunals and courts who will be in charge of interpreting these sections and applying them whether for the purpose of disposing of election petitions or for the purpose of convicting an accused, will not be at the beck and call of the Government. And one thing I can say with pride, that our tribunals and courts have done their duty and it will not serve the interests of anyone if he tries to run them down in public estimation or if he says that they will be the willing instruments for the misuse of authority or power. I have no doubt that all these sections are in the hands of very able and impartial tribunals and courts and I have also no doubt that those who will be hauled up before those tribunals will have a fair deal.

Sir, this actually disposes of all the aspects concerning this amendment.

MR. DEPUTY CHAIRMAN: The question is:

6. "That at page 6, for clause 23, the following be substituted, namely:—

"23. In section 123 of the 1951 Act,—

(i) for clause (3), the following clauses shall be substituted, namely:—

"(3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his election agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to, religious symbols or the use of, or appeal to, national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

(3A) The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, race, caste, community, or language, by a candidate or his agent or any other person with the consent of a candidate or his election agent for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate."

(ii) in clause (5), the first proviso shall be omitted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

7. "That at page 6, lines 13-14, after the words 'or the use of' the words 'places of religious worship or religious congregations for election propaganda, or the use of' be inserted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

8. "That at page 6, line 14, after the words 'religious symbols' the

[Mr. Deputy Chairman.]

words 'or sacred books and religious sentiments by priests and religious dignitaries' be inserted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

9. "That at page 6, line 21, for the words 'community, or language' the words 'or community', be substituted."

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

10. "That at page 6, after line 25, the following proviso be inserted, namely:—

'Provided that no expression of grievances under which any caste or community or minority group may suffer or any criticism of practices based on caste or community resulting in social oppression shall be regarded as an offence.'

The motion was negatived.

MR. DEPUTY CHAIRMAN: The question is:

"That clause 23 stand part of the Bill."

The motion was adopted.

Clause 23 was added to the Bill

Clauses 24 to 29 were added to the Bill.

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

SHRI A. K. SEN: Sir, I move:

"That the Bill be passed."

The question was proposed.

SHRI P. RAMAMURTI: Sir, the hon. Law Minister has stated that my apprehensions are not correct. I agree, if the question here was only about the appeal by a candidate or his agent on grounds of religion and so on. But there is another section which deals with the promotion of, or attempt to promote, feelings of enmity or hatred between different classes on grounds of religion etc. Therefore, there is no question of any appeal on the basis of religion and so on. It is a general statement. It is with regard to that, as I pointed out, that, this amendment of mine was relevant. That is where I sought protection. Expression of grievances based upon religion, caste and so on, should be protected. I am afraid the Law Minister did not catch my point. It was with reference to this particular section that I wanted the amendment. He agrees, as a matter of fact that this will not be covered by the previous provision. Therefore, this protection is necessary and therefore, I moved my amendment not to the earlier clause but to the latter clause where it is very essential.

SHRI A. K. SEN: Sir, I do not want to shirk any point on such an important piece of legislation as this and all explanations should be forthcoming from Government. The insertion of the Explanation as in the original section will be throwing the onus of proving the case on the prosecution which has made the section very difficult of enforcement. Therefore, we have deliberately excluded this Explanation. If anyone seeks protection under the Explanation, then it will be for him to prove it and that will be rule now. If you keep the Explanation, then the prosecution will have to prove in each individual case that all the circumstances do not apply and therefore, the case is not covered. Lawyers will appreciate the difference between the two. We want the provision to be really operative and not be a dead letter as it has been so long. It is necessary that the Explanation should not be there.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

MESSAGE FROM THE LOK SABHA

THE DELHI MUNICIPAL CORPORATION (AMENDMENT) BILL, 1961

SECRETARY: Sir, I have to report to the House the following message received from the Lok Sabha, signed by the Secretary of the Lok Sabha:—

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha. I am directed to enclose herewith a copy of the Delhi Municipal Corporation (Amendment) Bill, 1961, as passed by Lok Sabha at its sitting held on the 6th September, 1961"

Sir, I lay the Bill on the Table.

THE MINISTER OF LAW (SHRI A. K. SEN): Sir on behalf of Shri Datar, I beg to leave to request that this Bill may be taken up tomorrow, as it is very urgent.

SHRI BHUPESH GUPTA (West Bengal): Which one?

SHRI A. K. SEN: The Delhi Municipal Corporation (Amendment) Bill, 1961.

SHRI BHUPESH GUPTA: No, Sir.

SHRI A. K. SEN: Sir, the elections have to be held in March and the constituencies have to be split for this purpose and unless this Bill is passed in this session, it will be too late for them to finish the work.

SHRI BHUPESH GUPTA: Sir, I object to this. We have got the Bill only just now and this is what we do not like. You can have an earlier

session, call the next session earlier, if you like. We got the Bill just now. How can we take it up tomorrow? Three days' time should be given, but you want to take it up tomorrow. Sir, this is the way they deal with this House and that is what we do not like. Even in the Business Advisory Committee the thing was not put that way and suddenly they come forward with this. Sir, this is what happens. You see, this Bill that was passed just now we finished before time. The time allotted for it was five hours and we did not take that much. Here this Bill has come now and the hon. Minister makes this request that it be taken up tomorrow. Sir, I say this is not a simple thing. There are certain controversial points in this Bill. There are controversies in the Delhi Municipal Corporation in this matter and I have been informed of it by our members in the Municipal Corporation that there is divergence of opinion over this matter. Therefore, we want to consult the members also and we must take adequate and reasonable time. Sir, this is absurd. I say it is simply absurd, hustling us and leading us by the nose. We are not going to put up with this kind of thing.

SHRI K. SANTHANAM (Madras): Let us have it the day after tomorrow. We would like to look into the Bill, Sir.

MR. DEPUTY CHAIRMAN: We may take it up day after tomorrow, after five.

SHRI BHUPESH GUPTA: Sir, I am not committing myself. Let me see the Bill.

MR. DEPUTY CHAIRMAN: The Bill has been circulated.

SHRI BHUPESH GUPTA: That is not the point at all

MR. DEPUTY CHAIRMAN: We will take it up the day after tomorrow.

SHRI BHUPESH GUPTA: In that case, let us take it up on Saturday.