

4. Consideration of a motion for the concurrence of the House to join a Joint Committee of the two Houses on the Legal Practitioners Bill, 1959.
5. Consideration and passing of the Kerala State Legislature (Delegation of Powers) Bill, 1959, as passed by Lok Sabha.
- Discussion on the food situation on a motion to be moved by the Minister of Food and Agriculture on 10th December, 1959.

MR. DEPUTY CHAIRMAN: The House stands adjourned till, 2-30.

The House then adjourned for lunch at fourteen minutes past one of the clock.

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

**THE REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL, 195 J)—  
continued**

SHRI BHUPESH GUPTA: Mr. Deputy Chairman, before we adjourned for lunch, I was coming to Mr. Santosh Kumar Basu but I was told by my friend, Mr. Bisht that I had not answered what he considered to be two of his important points. He said in his speech—and I find that he did say this—that when only 40 or 45 per cent, people come for the poll, how is it that I am providing for - recall by two-third of the constituents in a particular constituency? I thought that this simple proposition he would easily understand. Yes, in a multiparty system, it is possible for one to get elected even without getting a majority. We accept that position and we function under that situation, It is precisely because I do not want to upset directly or indirectly this arrangement, that I provide for the signatures by two-thirds of the electors. Otherwise, there may be a frivolous use of this

kind of recall "What does it - mean when we provide that? Assuming that he had been elected with 45 per cent, of the electorate, it means that not only those who had supported him but very many others also had gone against him or the situation is such that two-thirds are so much against him that they sign the paper, they activate themselves to bring them together and the whole process comes in. That process would not normally come in even if two-thirds were not much in favour of -a candidate except for the fact that they disliked him so much that now they have to come together, that is to say, an element of compulsion of good urges and conscience coming in when so many people act. Therefore, I make it difficult for the recall to operate and I provide for the two-thirds proportion. He might say, suppose one gets elected by one-third, the remaining two-thirds will always upset it. Normally such things do not happen. In any case, if the candidate is good, the remaining two-thirds may have divided in voting and they will not have combined to oust him. Therefore this is a hypothetical proposition when we judge it from that angle. Two-third means more people are against the candidate, more people feel that he should go and only then is the process of recall set in motion. I do not know whether my friend, Mr. Bisht, would be convinced by such arguments because when one adopts an argument, especially when they are lawyers, they do not abandon it, at least when they speak publicly, I know it. But in their heart of hearts, they may feel that this appeals to them.'

I now come to Mr. Basu who comes from my State and is a co-Bengalee that way. He said that I convulse the House with my ideologies and ideas. I do not know if I convulse the House but assuming that I had or I do convulse the House, with my ideas, they do not seem to have any effect on him. My convulsion does not seem to have effect on him whatsoever. Therefore I am a little sorry

[Shri Bhupesh Gupta.] for him. I do not know whether it would require something more than convulsion to convince him of - the Tightness of what he should say and do. He said something about Soviet nomination, one party etc. and stated that we cannot, therefore, go by what goes on in the Soviet Union. Naturally, I would not ask him to accept this thing just because it existed in the Soviet Union. I am quite aware that we are entirely in a different set-up, politically, socially and economically. But when I suggested this, I pointed out that it did exist also in some capitalist countries. They have accepted it. On merits I suggested it. He said the whole paraphernalia of election would come into operation. It does not matter if it comes into operation but do not try to create an impression in your speech as if you provide for a recall, the Election Commission will be busy with this kind of election every other day. Not at all. We can trust our people, they are prudent, they are intelligent and they are responsible also. There are some in the mighty high places who look down upon the people as if they are Caesars and others are nobody. Therefore I can trust the people in this matter that if a power or right of this kind is given to them, they will know how to use this or invoke the authority under the law. They will have discretion. You need have no fear that way but then if the Congress or Members of Parliament and the Legislative Assemblies go wrong on a mass scale and corruption becomes infectious sometimes goes very very deep, then we have to look after them. The people would like to become a little active and get the Election Commission to see that these people are removed and replaced by a proper type of people. Therefore when Mr. Basu said that my ideas were fantastic, Well, he was not actually giving or advancing any arguments whatsoever in favour of his contentions. You just cannot brush aside ideas by calling them fantastic. It would seem fantastic to many people who are afraid of facing the

people. But then those who have the courage to face the people and those who think that they are right-minded and are on the right path would not consider the ideas to be fantastic, whether they like them, or not. Therefore he had been somewhat, shall I say, extravagant in denouncing the ideas that I put across, to say the least.

Then another speaker from that side said that it would lead to instability or some such thing. I do not think it would add to the instability of our system. Why should it? After all, bye-elections do take place and some more, if it came to that, would not add to that instability. Yes, those people who are interested in flourishing on violation of pledges, in flouting the will of the people, in disregarding popular interest, in saying one thing at the time of the elections and doing another after the elections, their stability may be a little affected. I concede that. Then it will be all to the good because we cannot stabilise corruption and yet seek honesty. We cannot stabilise violation of pledges and undemocratic principles on the one hand and yet build up our democratic institutions on solid and strong foundations. I want stability there. I want to put the fear of God in every MP. and M.L.A. when he looks at the people. Yes, I want it. Because they are our masters, we are their servants and it is good that a constant reminder in the shape of a law is there to tell an MP. or a Member of the State Assembly 'Should you go wrong: and defy the will of the people, you would be confronted with the demand for recall'. Nothing is wrong there. But I realise the difficulty inside the Congress Party even without a recall. You have a lot of instability there and so many things are 'happening, as you know, in the lobbies of the ruling party in the country. I am very sorry if I make it more unstable but I shall be doing it for a good cause and then good things will stabilise. As you know, so many factions are there inside the party and you know how the dissidents' resignations are given

and withdrawn daily and so on. The exhibition goes on to the amusement of the entire country and to the utter dismay of democratic institutions because the ruling party behaves in this manner, with so many dissidents all around and resignation letters flung about. The whole thing shows that something is wrong in the State of Denmark. I want to set matters right. Let those persons who are , bad go out. Others will remain. You - will remain there.

SHRI SANTOSH KUMAR BASU: It goes on in your party also, but behind the scene. In our party it is all open and placed before the people.

SHRI BHUPESH GUPTA: Yes, I may tell Mr. Basu that his party is such a distinguished party that they hold meetings of the Parliamentary group and agree on certain things and then they conflict with each other when talking to the press. Of course, that is a very interesting phenomenon in the whole party.

MR. DEPUTY CHAIRMAN: Anyway, we are not concerned with parties now.

SHRI BHUPESH GUPTA: But he mentioned it

MR. DEPUTY CHAIRMAN: You began it.

SHRI BHUPESH GUPTA: And he look it up. And we are interested in parties because we want recall. So party comes in. though I am not discussing parties. But apart from parties . . .

MR. DEPUTY CHAIRMAN: No repetitions please.

SHRI BHUPESH GUPTA: I am not repeating. I am going point by point. There may be some English words repeated. I do not have a large vocabulary and so some words may be repeated. But I do not need to repeat, because the points are there. So this point can be left at that.

Then an hon. Member, Mr. Basu, I think, said that it would create pro-

blems. I say, it would not. I can tell him that it will not create problems at all. It may create a problem for two or three, five or six individuals, beyond that nothing. The country will not have to face any new problems.

Then I come to the redoubtable Shri Akbar Ali Khan. Sir, when he speaks, I sometimes feel that the spirit of the Nizam hovers over his head. That is because although he stays with a party which is supposed to be democratic, which claims to be democratic, whenever he speaks, he speaks things in a manner which becomes not understandable even to hon. Members opposite. Just now, he said that except in very small States, this proposal cannot operate. Well, I am not asking that in the whole of India all the people should be recalled at one time. It will operate in respect of small constituencies. I could have understood him if he had said that except in very small constituencies it cannot work, or that in large constituencies it cannot work. But the whole of India is not one constituency. A constituency contains only, say, 50,000 in the case of an Assembly and for Parliament about 200,000 or a little more. So, let us discuss the thing from that point. A country may be small, but the size of the constituency may be the same. They may have a different number of constituencies. That is a different matter. Therefore, Mr. Akbar Ali Khan went wrong in that argument.

And then my hon. friend said that there was something good here. I thank him for that. But he said, taking the whole thing, it was bad. And then he said we should concentrate on economic problems. I am not against that. I am grateful to him for not bringing in the community projects and all that sort of thing. Yes, let us concentrate on economic problems. But what has that to do with the proposition before us? The Election Commission is there. We will concentrate on these things and

[Shri Bhupesh Gupta.] Mr. Akbar Ali Khan, if he is not recalled, will also concentrate on them. Only the bad fellows will not be there.

Mr. Akbar Ali Khan accused us of not having principles or something like that and among other things he said we are supporting the Swatantra Party. Well, Sir, we do not support the Swatantra Party. We fight it. With the Swatantra Party's ideology we have no truck whatsoever. But -what is alarming and disturbing us is that the Swatantra ideology is corroding into the Congress Party opposite and many people are almost waiting on their toes to find a place in the Swatantra Party or to absorb the Swatantra Party within themselves. That is the trouble. Therefore, let Mr. Akbar Ali Khan— half Swatantrist and half Congressman—look after himself.

Then, I come lastly to the speech of the hon. Law Minister.

SHRI AKBAR ALI KHAN: Sir, it is the privilege of Mr. Bhupesh Gupta to abuse others. I will not repay him in the same coin.

SHRI BHUPESH GUPTA: I am not abusing you at all. You said we support the Swatantra Party. I say, we don't.

MR. DEPUTY CHAIRMAN: Yes. yes. Come to the Law Minister.

SHRI BHUPESH GUPTA: Well. Sir, if he is not half-Swatantra, it is very good. Then I come to-the Law Minister as you said, Sir. You are also interested to know how I answer the Law Minister's points. He said that the whole thing was outmoded. But how it is outmoded, he did not show or prove. How is it out-moded? Our Constitution is there and we extend or elaborate the Constitution, bring the Constitution in tune with the requirements of the times, having regard to the living experiences and process of democracy. How does that become outmoded? Is the idea something like *sati* that we

cann6t touch it? Is it so outmoded that we cannot even contemplate it? If that were so, then I would have understood it, that I -am holding an outmoded idea. But this idea or this proposition or political arrangement does exist now even in some modern civilized countries. You decide whether you accept it or reject it. But do not label it as something outmoded as he tried to. That will not be fair. It is very much a modern idea.

Then he brought in, interestingly enough, history. I did not know that he had been a student of history. Certainly he was a student of economics because I saw him in the London School of Economics. He mentioned the Estates General and said that they represented certain groups and aD that—I don't know what relevance that has got here—and that they went round and drew up their own constitution and all that. Naturally at that time social turmoil was . there. Conflicting classes were fighting a headlong battle with industrial people and all that. Everybody was representing one or another Estate or whatever you may call. That is understandable, but that was in a different set-up. There may be conflicting classes now. I am suggesting a measure meant for all, for the representatives of all classes, working class, peasants, multi-millionaire class and also others who do not belong to any or who do not represent any class, but are a sort of divine independent of everybody. Therefore, that argument does not come in here. Mr. Ashok Sen cited the history of France and he read out from the French Constitutions what should b\* the criteria of a representative in an Assembly or Legislature. And then, of course, like all modern politicians, and sometimes Parliamentarians also, he referred to Mr. Edmund Burke and quoted him and pointed out that he was making an argument and somebody at once supported him. I am very glad Burke is quoted sometimes and I hope he will be quoted also in the matter of impeachment, for some people do deserve impeachment. 1

am not suggesting that. All I suggest here is recall, and this is what is being said. Why? Burke said many other things also. I need not go into the other things. Yes, a representative must be a national representative, once he got elected. I agree and agree fully. But does he cease to be the representative of the constituency altogether? No, not at all. If the constituencies' interests were to be in conflict with the national interests in all places in India, there would be confusion. Why, the Five Year Plan is as much acceptable to the whole nation as it is to Mr. Sen's constituency. I was very much amused. Sir, when Mr. Sen was talking about these national interests and forgetting the constituency. If you look at his air travels, you will find his air trips to Calcutta. I know they will be registered there. Of course, he serves national interests here. I don't mind if Mr. Sen nurses that little child, his constituency all the time. So he goes there. He does not go to Tamilnad. He does not go to Mysore or to Mr. Akbar Ali Khan's. Hyderabad. Has, he been to Hyderabad? Have you seen him there? Not at all.

SHRI A. K. SEN: Sir, I have been to Hyderabad.

SHRI BHUPESH GUPTA: Well, then, he did not go to the clubs and for meetings and social functions and so on. He does the right thing and that is why he gets elected, unlike others. So he nurses his constituency and he cannot be unmindful of his electors. Can Mr. Sen say that if he flouts the will of the people of his constituency, it will be the right thing for him to do and to the constituency that chose him? Certainly not.

And then. Sir, he soared high into the realms of big politics, that it is a party pledge and so on, that individuals do not count. Might I ask him, with all humility, "Why did it become necessary for the Congress Party at that time in Calcutta to be in search for a candidate for that particular constituency, instead of finding one from the usual".

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THE DEPUTY MINISTER OF LABOUR (SHRI ABID ALI) : On a point of order, Sir. The hon. Member, while replying to the debate, should meet the arguments advanced by the hon. Minister. When he is introducing new points about the search for a candidate for the Congress Party and all that, then we should be able to give a reply to him. It is highly improper.

SHRI BHUPESH GUPTA: The hon. Minister was not present. He said this thing and if the hon. Deputy Minister were present, then I am all the more sorry for him.

SHRI ABID ALI: You are sorry for me?

MR. DEPUTY CHAIRMAN: Don't enter into personalities.

SHRI BHUPESH GUPTA: I was talking about the constituency from which Mr. A. K. Sen comes.

SHRI ABID ALI: Constituencies and then personalities.

SHRI BHUPESH GUPTA: I am not concerned with personalities. You are right, Sir. In any case, I have nothing against him.

SHRI ABID ALI: • • • • •

MS. DEPUTY CHAIRMAN: Go on with your speech, Mr. Bhupesh Gupta.

SHRI ABID ALI: • • • • •

MR. DEPUTY CHAIRMAN: Go on with your arguments,

SHRI BHUPESH GUPTA: I shall say whatever I have got to say. If it is within the Rules. I should be allowed to go on. I have to say why I say it.

(Shri N. C. Sekhar stood up.)

MR. DEPUTY CHAIRMAN: You flit down. Mr. Sekhar. Your Leader is standing up.

SHRI BHUPESH GUPTA: I am not talking of personalities that way.

\*\*\* Expunged as ordered by the Chair.

SHRI ABID ALI: You were talking of constituencies, recall and then pledges in election.

SHRI BHUPESH GUPTA: You ask him It becomes a question of personality that way. It is done in the elections, perhaps, not you or me.

SHRI ABID ALI: In the elections you were defeated.

MR. DEPUTY CHAIRMAN: You are indulging in personalities.

SHRI BHUPESH GUPTA: I am not. If the Law Minister wishes, I can give him many more examples of what was said. You should understand my point at least.

MR. DEPUTY CHAIRMAN: Go on with your argument.

SHRI BHUPESH GUPTA: I am coming to it but before I come to the point you say, "Come to the point".

MR. DEPUTY CHAIRMAN: But you gave names.

SHRI BHUPESH GUPTA: Yes, it is necessary for everybody to find the proper candidates.

MR. DEPUTY CHAIRMAN: You say anything you want to say without mentioning the names.

SHRI BHUPESH GUPTA: I have not been mentioning any names, and even if I mention names, nothing will be lost.

MR. DEPUTY CHAIRMAN: You should not.

SHRI BHUPESH GUPTA: If I cast reflections on persons or speak about them adversely, you may object.

MR. DEPUTY CHAIRMAN: That is what you are doing.

SHRI BHUPESH GUPTA: I am not saying anything which reflects on any person. On the contrary, even now I was only saying.... *(Interruption)*.

I do not like this kind of interruption all the time.

MR. DEPUTY CHAIRMAN: Go on.

SHRI BHUPESH GUPTA: I do not like this. I make it very clear. It is not as if names are not mentioned. Never have I heard in this House, when the Communist Party is mentioned, any interruptions like this coming.

SHRI ABID ALI: Not five minutes pass when there is not an interruption.

SHRI A. K. SEN: May I point out that to be fair to Mr. Bhupesh Gupta, he was not casting any reflections on me?

SHRI BHUPESH GUPTA: Exactly, but then up jumps he to the conclusion that this is not fair. I know that we are a small party here and we can be treated in this manner but I also know that if such a thing happens elsewhere where we are strong, the proceedings do not take place. I know that you take advantage of the weakness, the numerical weakness of our party.

SHRI SANTOSH KUMAR BASU: Where your number is larger, shoes are hurled at your opponents.

SHRI BHUPESH GUPTA: I was not casting any reflections.

MR. DEPUTY CHAIRMAN: Mr. Basu, let him continue.

SHRI ABID ALI: It is known to the electorate.

DR. R. P. DUBE (Madhya Pradesh): Is not the hon. Member rude to him?

SHRI BHUPESH GUPTA: Rude to-him? I am not rude at all. I will not say anything rude. I was just mentioning facts. I cannot be easily bullied, you know. I would ask hon. Members to remember this thing. There are many people, and I have got the greatest respect for them, who sometimes do something else.

SHRI ABID ALI: Don't deserve even that.

SHRI BHUPESH GUPTA: I will not introduce any personality. All I say is that if a candidate fails to discharge the responsibility, he should be recalled, the constituency should have the right to recall him. A candidate

has to look after his constituency also and if he loses the confidence of the constituency, he has to be recalled if the constituency feels that way. This does not mean that the constituency becomes sectarian and would not look after the national interest. That is not at all the case. I know how people are found. For instance, for a Calcutta constituency, a very eminent lawyer had to be found, a gentleman who was not in active politics. He was put up because he was able and capable and does not get so excited as Mr. Abid Ali who gets excited sometimes. That is why he was found.

MR. DEPUTY CHAIRMAN: Again you are indulging in personalities.

SHRI BHUPESH GUPTA: What is a personality?

MR. DEPUTY CHAIRMAN: Don't introduce personalities. Be impersonal. It may be Mr. Abid Ali or it may be Mr. Akbar Ali Khan.

SHRI BHUPESH GUPTA: Mr. Desai was speaking yesterday and he mentioned my name. Look at the proceedings. No objection came.

MR. DEPUTY CHAIRMAN: I was present yesterday.

SHRI BHUPESH GUPTA: Then you should know. There was no objection and I also kept quiet. I do not want this double standard coming from any set-up. I leave it to you to judge. I do not think it is very fair. Mr. Morarji Desai spoke yesterday and in the best part of his speech he made mention of my name. It was not objected to.

SHRI ABID ALI: Because Mr. Bhupesh Gupta spoke during the debate.

SHRI BHUPESH GUPTA: I was mentioned in the speech many times. Have you read it?

MR. DEPUTY CHAIRMAN: Yes. I was present.

SHRI BHUPESH GUPTA: I do not like this. It irritates everybody. I tell you that I was not casting any reflec-

tion on anyone. I was giving an example. I did not object to Mr. Morarji Desai mentioning my name and I did not interrupt at that except for an interruption on a point of clarification.

Anyway, Sir, it is not a question of election pledges alone. The individuals also count and if the individuals become bad, they are liable to be charged. The Law Minister said something about the national interest. This does not affect the national interest because the nation's interest is looked after in every constituency. It is not as if certain constituencies are bad and others are good. Some -people are there who will look after it. Therefore, it is not a right thing. When this thing comes from him, it becomes a little un-understandable. It becomes especially un-understandable when it comes from quarters which believe in nursing the constituencies.

SHRI SANTOSH KUMAR BASU: Nursing of constituencies becomes necessary because of poisoning of the constituencies by others.

SHRI BHUPESH GUPTA: Well, when the children do not like this so-called nursing, then the children should be given the right to chuck that nurse away. That is all I am saying.

Well, Sir, unfortunately, this interruption came. The material point that the Law Minister made was that the constituencies should not be pitted against the nation. If you read the Statement of Objects and Reasons, you will find that that is not the position at all. I have only said that continuance of such a person weakens the representative character of the Legislature and is an offence against the sound principles of democracy. I say that failure to fulfil the pledges and promises made to the people at the time of the election means forfeiture of the confidence of the electorate. When I stand as a party candidate—naturally on the party pledges—but after getting elected if I do something bad then it may mean loss of

[Shri Bhupesh Gupta.] confidence in me. I am not saying that *my* Bill relates to a particular locality. I shall give you a few examples if you want. We have got people who give so many tubewells at the time of elections and then get elected. We do not mean that. We have got Ministers who give plenty of tubewells. I am talking about national pledges and that is what Mr. Sen should not quarrel with. I would not take a sectarian view of things though local pledges are there backed by national pledges. That is not my

complaint at all. At the same 3 P.M. time should it not be open to

the people to judge as to how you are carrying out the big national pledges? Suppose I give an example, I do not bring in any personalities; I do not blame anybody. Suppose I say that I stand for heavy industries in the Second Five Year Plan, for the public sector and so on and get elected. Assume for arguments sake that I am in the Congress Party. Then I come here and I lobby with the Swatantra and speak against the public sector and say many things against these pledges and do things which are contrary even to the Congress election manifesto. I do not support their policies; on the contrary I work against them. Now, am I not violating the 'pledges given to my constituents and are not my constituents entitled to call my conduct in question and entitled to chuck me out? What is wrong there? Otherwise members of the Congress Party who occupy the Treasury Benches through these pledges will continue to be there all the time violating the pledges that they gave. That is the position. How the contradiction comes in, I do not at all see. And, Sir, violations of pledges are taking place. Co-operatives, public sector, ceiling on land, these are the pledges of the Congress Party and we heard the Prime Minister telling that those who did not believe in them should go out of the party. Now, some of them went out, joined the Swatantra Party and became leaders. But what about the others who do not go? What is to be done with them? The Prime Minister

may not expel them from the party or the Congress Party may not expel them but then why should the constituents be debarred from pulling them out? It was the constituents who returned those candidates and they should have the right to recall when these people who gave those pledges go on violating them. Whenever such people act against the policies of the ruling party even, they should be recalled. That is all what I am proposing. I am not suddenly becoming sectarian in this matter; at least we are not sectarian in such matters, in these elections and other things. I do realise that one need not put too much stress on these local things.

Then Mr. Ashok Sen said that this practice was being given up. I do not know, but in some places it is still in practice. If the people are good, it does not come into operation. Therefore how do you say that it is not in practice? It is not a right argument. Suppose in Switzerland it does not come into operation, does it mean that it is being given up? It may mean that the people are good and the application of this provision of recall has not been found to be necessary. So that is not a correct argument.

Then he raised the question of one party. That is an odd argument. I am taking the constituency as a whole and all that I ask is that the constituents should have the right to recall the people whom they elected. A member may be from any party; he can be there as long as he keeps their confidence.

He also raised the question of disobedience to the party and therefore recall has been provided where the one-party system prevails. I say, yes; extend it also to places where the many-parties system prevails. Give this right to the constituency—not to the political parties—where people belonging to the various parties may exist and they will decide the question

Then he said that by throwing one individual out you don't achieve the purpose. What is the purpose before

me? My purpose, I might tell the Law Minister, is not to oust the Government because I do not think that this recall procedure leads to the ouster of the Government. My purpose is only to take the bad people, unrepresentative people, people who violate pledges, out of the picture. This is the limited purpose I have and that purpose will be well served. Therefore this argument about purpose does not hold water because I am not contemplating the ouster of the Ministry. The elections are there, mid-term elections and so many other things take place and when you come to the Opposition party, there is Central intervention also. Therefore that way I am not suggesting anything.

Then he said that this would have a disastrous effect and this was a retrograde element capable of not achieving any result. As far as result is concerned, it is capable of achieving result inasmuch as it will unseat the person's concerned. Therefore do not quarrel about that. Now, about his point about retrograde element. I do not think it is a retrograde element. It is a progressive element because bad people will make way for good people and that is how progress takes place. Bad ideas will have to quit to make way for good ideas and that is the sign of advance or progress.

The Law Minister also brought in the question of instability. I do not want to say much because I have said that it does not lead to instability at all. He said that there are already movements and if you provide for recall there will be more movements and there will be movements he said—clever as he is—even against persons. What is wrong there? You also start movements when you need them. You needed it in Kerala. If the constituents start movements in a particular constituency, what is wrong there as long as you are within the framework of democracy? We do stand for such movements, for such democratic expression of public opinion. Therefore we need not be frightened about it and we should not discourage such movements because movements are

sometimes essential in order to keep our democracy growing.

The hon. Minister also said that if such a thing is there, the member concerned will be busy in counteracting such movements. What sort of a member can he be if a movement against him goes on all the time in his constituency to unseat him? If such a member is there, then let him be busy in counteracting the movement rather than preaching his ideas here. There is no harm in such a member being faced with the electorate. What is wrong if the electorate were to haunt him all the time? Perhaps the hon. Minister thinks that once you are elected as a legislator or as a Member of Parliament you get a sort of sinecure and you become a kind of piece undisturbed by anything, unfindful and defiant of anything and you will smoothly sail. We do not like this thing. Therefore that argument is not a sound argument from the point of view of democracy. From the point of view of autocracy I can understand it. But it is difficult for me to understand that from Mr. Ashok Sen because he might be anything else but not an autocrat.

Then, Sir, he came to the conclusion that the measure is devoid of all merits. I think that the rebuttal of all the arguments by Members opposite will at least show that the measure has some merits and therefore the Law Minister got up and raised a scare that it is violative of the Constitution. I do not know what this 'violative' is. Mark the word 'violative'; he did not say it violates or contravenes the Constitution because he cannot. Then I might say, 'let us go to the Supreme Court.' So he said it is violative of the Constitution. I would indulge neither in constitutionality nor in logic chopping. This is permissible and if something goes wrong, it could be rectified.

Then he said that the basic structure of the Constitution would be affected by this. Is our Constitution a cardboard affair that its basic structure is affected just by simple things?

[Shri Bhupesh Gupta.] If so, then discard it. Our Constitution, you tell us, has a great foundation, a big foundation. We have got the Preamble, the Directive Principles which are always-forgotten by the ruling party. When we have such a Constitution, then why do you fear? If the Constitution is so strong, then such a simple thing as this will not undermine it. The Constitution will absorb it just like our civilisation which absorbs so many things. Don't give this argument. Article 83 was referred to by Mr. Asoke Sen. He said the House is elected for five years under the Constitution. He has said nothing new. I know that the House is for five years. Whenever it suits you, you forget it. You forgot it in the case of Kerala and you struck it down after 26 months. Then why not the constituents have the right to strike you down if the constituents feel that you have forfeited their confidence or a mass upsurge has taken place? Mass upsurge is not a one-way traffic. Therefore, you must understand it. I accept that it is for five years, but sometimes people are wrongly knocked out before their tenure is over. People go before their tenure voluntarily and others also lose their influence. Therefore, do not bring in this question. I am not challenging the Constitution at all. It is five years—yes—but five years of good conduct, five years in keeping faith.

MR. DEPUTY CHAIRMAN: Please finish it now:

SHRI BHUPESH GUPTA: I will finish. Therefore, that point has to be met. That five year argument does not hold water at all.

Then, he brought in another argument, another specious argument, article 102 (1), to show that it must be of the same species capable of existing at that time. Well, I do not know how he understands the situation. Maybe, there is a subtle point in it. But then if it is not there, rectify it. Otherwise, amend the Constitution

You accept *my* principle. Why *UR* an argument against me like that? Amend the Constitution. Now, if bad people can conduct the election and get elected, when they come after the elections here, it is open to the electorate to take them back. This is what I suggest. Therefore, that article should not be brought in that way!

Now, Sir, I asked him a question. He did not give a proper answer, this sixty days thing. It is provided in the Constitution. Yes, it is provided in the Constitution that absence disqualifies the person! I realise it, but mine is not provided in the Constitution. I am providing in effect a separate law. Can I make or can I not make such a law? That is the proposition. We can make these laws. Otherwise we would not have been discussing this matter. Whether that law is sustained by the Supreme Court or not is a different proposition. We need not quarrel over this matter.

Then, Sir, he said that we add to the powers of the Election Commission. Well, he could have given an amendment. We are giving incidental powers flowing from it, consistent with the general functions of the Election Commission. We are not giving something which gives him very substantial power not at all contemplated in the Constitution and so on. If there is any technical flaw, that could be amended.

I think I have met more or less all the arguments. Now, Sir, you will at least credit me—I do not know if I can expect any credit from any quarters—but I think that it will not be an abuse of one's goodness if one acknowledges the fact that every single argument given by the hon. Members opposite has been met—successfully or unsuccessfully is a different matter. I consider that we have met them successfully. You consider it naturally otherwise. Otherwise, you would be voting for me..

SHRI ABID ALI: Never.

SHRI BHUPESH GUPTA: I do con-Eider that I have met those points. I say this thing because I attach great importance to what the hon. Members say. Even to what the Deputy Minister says I attach importance. Suggestions come from that side. I must answer them and I want to exchange ideas. These are the opportunities. What is a non-official Bill for? Everybody knows the fate of such a Bill. But then we are in a democracy and sometimes vital things have to be said. We have also studied a little bit of democracy and democratic institutions . . .

SHRI ABID ALI: Very interesting.

SHRI BHUPESH GUPTA: Sometimes non-official Bills in the House of Commons give an opportunity to the Members to join issue over policy matters and exchange views over things that do not come in the normal course in the official business, and that should be done. We have done it, and it is for you to judge. I would naturally ask for your support.

Sir, in conclusion I would only like to add that every day we are becoming more and more convinced that the democratic institutions in our country need very badly a provision of this kind for the simple reason that there are people who are out to destroy the democratic institutions . . .

SHRI ABID ALI: Communists.

SHRI BHUPESH GUPTA: ... and abuse their authority.

SHRI ABID ALI: Communists are out to destroy the Constitution.

SHRI BHUPESH GUPTA: Well, then recall the Communists. What is there? Why say this thing? I am not saying that the Communists are out to destroy or not out to destroy. Then, Mr. Feroze Gandhi in the other House said that the Chief Minister of the Punjab State should be suspended— I do not know anything about that, kind of thing—today only. Now, I destroy us if you think that we are destroying democracy. But then be

ready to get yourself destroyed if you are destroying democracy. That is the position. Now, Sir, this is why we say: let us have that experiment. Let us see how it works, because we find that a lot of corruption, a lot of malpractices are going on. We find a small number of legislators—I am not concerned with the parties here—more especially of course of the ruling party who are flouting democratic tenets and principles, violating pledges, indulging in getting permits . . .

SHRI ABID ALI: Question.

SHRI BHUPESH GUPTA: . . . and other forms of corruption. They could be hauled up in a court of law or they could be left to the mercies of the parties concerned. The party may not be guided always in the right interests of the country because of partisanship. Therefore, let the matter be left to the people. Let us stand before the bar of the people all the time, before their eyes, before the public gaze. Let us conduct ourselves in the best way we can. If the people think that we are bad, let them have the right to chuck us out. This is what I am suggesting in this Bill. Otherwise our institutions will be strangled in infancy. Infancy, yes, we do not want the infant to get deformed. We want the infant to grow well and get nourished and it is precisely because of it that we are suggesting to build the foundation, to take away the negative elements, to take away the corrupting influences and elements, to make it difficult, for political time-servers and opportunists, for reactionary conservatives and for other people to somehow or other win their way to the Legislature by taking a party ticket and then carry on their malpractices and misdeeds. We want to stop this sort of thing. Nobody wants men like Shri Jawaharlal Nehru to be called back. Everybody knows him. But if there are some bad people, they should be chucked out, no matter what party they belong to. That is the idea, that is the approach. Why are not the hon. Members in favour of accepting it? Now Kerala.

MR. DEPUTY CHAIRMAN: Don't go to Kerala.

SHRI BHUPESH GUPTA: To Kerala I would go. There two people you could have recalled for throwing us out! Sometimes it is to your advantage also. That is what I am saying to hon. Members opposite. Therefore, I think I have made out a case. If the Congress party does not accept it, the ruling party or the Law Minister does not accept it, it will only show how afraid they are of the people. It will only raise doubts in the minds of the people about their protestations that they want to build up parliamentary institutions. It will encourage the reactionary forces and subversive forces. By 'subversive forces' are meant those who want to subvert democratic and parliamentary institutions . . .

SHRI ABID ALI: That is, Communists.

SHRI BHUPESH GUPTA: Well, the people would be guided by an attitude of this kind. Sir, before I finish, there is just one word if I may address you. When we speak on such matters, we want to be treated on a par with the leaders of the other parties in matters of speech. I think that if we come under strictures, injunctions, interruptions, etc., the Members on the Treasury Benches should likewise be placed under similar things. It should not look as if we are 'B' class citizens sitting here and that they are 'A' class citizens sitting there.

MR. DEPUTY CHAIRMAN: You have taken more than one hour.

SHRI BHUPESH GUPTA: May be. I may take more because my case is so strong.

MR. DEPUTY CHAIRMAN: Is it your case that you are not given sufficient time?

SHRI BHUPESH GUPTA: Not that. You have been very good at that. There is no doubts about that. I do not reflect on . you. Only what I would like to remind you is that

sometimes we feel very very unhappy about it when we are attacked.

MR. DEPUTY CHAIRMAN: You should not create such situations.

SHRI BHUPESH GUPTA: Others also do that. If we create such situations, others also do that. You should not admonish us but we would correct ourselves. But that corrective rod should be used against others also, against the Treasury Benches. The Chair should try to do that.

MR. DEPUTY CHAIRMAN: I do.

SHRI BHUPESH GUPTA: I am glad to hear that you are trying to do that. I wish you success.

MR. DEPUTY CHAIRMAN: Before I put the question, Mr. Abid Ali, you have used some word which is unparliamentary.

SHRI ABID ALI: Sir, I have appreciated it myself.

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Therefore, I would withdraw it

SHRI BHUPESH GUPTA: This is how the Minister speaks. Let it be noted. I would request you to convey this remark to Prime Minister Nehru and the Chairman of the House. This is the mentality—ugly, disastrous, reactionary, counterrevolutionary . . .

MR. DEPUTY CHAIRMAN: It is withdrawn. It will be expunged from the records.

The question is:

"That the Bill further to amend the Representation of the People Act, 1951, be taken into consideration."

*The motion was negatived.*

SHRI BHUPESH GUPTA: Before the Law Minister goes I would request him through you, Sir, to convey this remark to the Prime Minister. Otherwise. I would have to write a letter.

\* • • \* Expunged as ordered by the Chair.