

## THE CONSTITUTION (FOURTH AMENDMENT) BILL, 1954

SHRI S. BANERJEE (West Bengal):  
Mr. Chairman, I beg to move:

"That the Bill further to amend the Constitution of India be circulated for the purpose of eliciting opinion thereon by the 31st May 1955."

The other day when I moved for leave of the House to introduce the Bill, the hon. Shri Satya Narayan Sinha, Minister in charge of Parliamentary Affairs, was very generous not to oppose me at the introduction stage, but at the same time warned me that the Government would oppose the Bill at the proper time. I do not know whether the proper time has come. My motion only seeks to circulate the Bill for eliciting opinion thereon, and I do not think Government will consider this stage as the proper time for opposing me and, Sir, I am emboldened by the observations of the former Chief Justice of India. Shri Patanjali Sastry, when he delivered the Convocation Address at the Delhi University. He said that constitutional amendments of great importance to the community should have the sanction of the people before they are considered. My motion only seeks to do this, nothing more, nothing less than eliciting the opinion of the people on the amendment which I am moving to the Constitution. The Bill, Sir, is a very simple one. It only seeks to insert a new article after article 329 of the Constitution, namely, 329A and it says: "Notwithstanding anything in the Constitution, all members directly elected to Parliament or to the Legislature of a State by the voters of their respective territorial constituencies shall be subject to recall by the voters concerned at any time in accordance with the procedure prescribed by law."

Sir, what is this Constitution of India? It is conspicuous by many commissions and omissions and the most outstanding of all commissions of which there are many in the Constitution is that article 31 which provides for compulsory compensation to the

owners of private property and which is causing so much headache to the Government at the present moment and the most glaring omission is the want of provision for the right of recall, which is an inherent and fundamental right, of the electors and which is inseparable from the sovereignty of the people.

It was my privilege some time back to move an amendment of the Constitution with regard to article 31 which envisaged acquisition of property even without compensation and it is my privilege today to move another amendment which seeks and provides for a recall to fill a lacuna in the Constitution of India. I confess I have been unrelenting in my attention to the amendment of the Constitution because I feel that the Constitution of a country being the fundamental law, if not properly framed or amended, makes or mars the future of the people of the country and therefore I will continue to give unrelenting attention to it and will knock at the door of the sleeping and confounded Ministry and try to rouse it to a sense of duty and the growing danger of coming events which may in course of time sweep off the present Government and throw them into the scrap-heap of history.

Recall, Sir, is the complement of popular election to representative bodies. Recall completes the picture of democracy and popular Government. It is the inherent right of the people to terminate the services of the representatives when they cease to represent them. The principle of recall does not accept the underlying principle of representative system according to which the people have merely the right to elect their rulers at certain intervals and to keep mum during that interval.

The principle of recall means that the representative is a servant, an agent and not a master. It is a continuing right calculated to preserve at all times the relations of master and servant, of principal and agent

between the electors and the elected. The true purpose of this right of recall is to preserve for the people the continuing right of terminating the services of faithless, incompetent, inefficient, self-seeking and corrupt representatives and the obverse of this purpose is manifestly the reserved right to keep a good representative for an indefinite period so that the people may profit by his experience. Recall does not only involve removal for a legal cause, for malfeasance or misfeasance but also removal purely in the discretion of the people for any reason which appears to them sufficient—it may involve a simple difference of opinion on matters of public policy.

It is feared that recall would tend to weaken the courage and independence of the representatives; it has absolutely no foundation. When the representative has the courage and independence to do wrong, when he has the courage and independence to turn on the people and combat their interests, when he has the courage and independence to ride rough shod over the public sentiment, then and then only the right of recall which is the only right thing in the circumstances comes into play to put a check on the vagaries of that courage and independence of the elected representative. It is further feared that able and top-ranking men will be deterred from standing as candidates if the right of recall hangs as a sword of Damocles on their head. The truth is rather otherwise. The interests that often control the Government do not want honest or able men to represent the people in the Legislature. The men who are the creatures of Big Business may be deterred by the right of recall but men trained in public service with a capacity for democratic leadership will certainly not be deterred. On the contrary, they would only come into their own. The arguments, Sir, in favour of recall are therefore unassailable and unanswerable. Sir, recall is not an idea only. It has found expression in many of the Constitutions of different

States of the world. Some of the States of America have the right of recall—California, Washington, Oregon, Arizona and some other States, several Cantons of Switzerland have the right of recall for long and it is working well. If we come nearer, it was only after the Great Socialist Revolution of 1917 that the idea of recall was brought again before the public mind; it was for the first time in recent history that the right of recall was embodied in the Constitution of Russia—and has been continuing till today—and showed the peoples of the world that if they want democracy, if they want a real, democratic and popular government, the only thing—rather the main thing—that has got to be done is to give the people the right of recall of their representatives. It was long long ago, Abraham Lincoln, that great President of the United States of America in one of his shortest speeches which he delivered at Gettysburg formulated the idea of democratic government as a government of the people, for the people, by the people. And it is to give effect to this idea of “government by the people” that recall has become one of the most important matter widely discussed by statesmen and political philosophers all the world over. The right of recall is only the expression of that part of the dictum “government by the people”. If we really want representative government, popular government, the people should have the right at every stage to express their opinion not through their representatives who could be traitorous to them, who may be faithless to them, who may have broken their pledges to them, but it should be in the hands of the people themselves to correct them and call them back, if necessary and that is the right of recall.

Sir, I have ransacked the proceedings of the Constituent Assembly. I did not find anything. As a last resort, I asked my esteemed friend, my very learned friend, Dr. Hirday Nath Kunzru, who was a Member of the

[Shri S. Banerjee.]

Constituent Assembly, to enlighten me as to whether there was any such reference or discussion about the right of recall in the Constituent Assembly. He paused for a moment and said that it was only Prof. K. T. Shah who referred to it but it had received the fate that it certainly not deserved but the fate that the framers of the Constitution desired.

SHRI RAJAGOPAL NAIDU (Madras): May I point out that Mr. Kamath tabled an amendment to that effect and it was negatived by the Constituent Assembly?

SHRI S. BANERJEE: I stand corrected. My authority in this matter is Dr. H. N. Kunzru. I will now accept the authority of Mr. Rajagopal Naidu in this matter.

SHRI RAJAGOPAL NAIDU: Clause 82.

SHRI S. BANERJEE: Thank you very much. My position is easier. Therefore this came up before the Constituent Assembly and the Constituent Assembly in its wisdom rejected it. Perhaps they were afraid that if the right of recall was there, their future might be in jeopardy.

Sir, let me give you some solid ground to stand upon, let me put before you the countries which have the right of recall in their Constitution. I begin with that great country, the Union of Socialist Soviet Republics. I quote this from their Constitution. It is the only country in the world which has real democracy. (*Interruptions*). Article 142 of their Constitution says this: "It is the duty of every Deputy to report to his electors on his work and on the working of his Soviet of Working People's Deputies, and he may be recalled at any time upon decision of majority of the electors in the manner established by law." This is with regard to Soviet

Let me now come to Yugoslavia, the great President of which country

has already arrived in Bombay and is expected in Delhi perhaps this afternoon. Article 7 of the Constitution of Yugoslavia says: "All the representative organs of State authority are elected by the citizens on the basis of universal, equal and direct suffrage by secret ballot. The people's representatives in all organs of State authority are responsible to their electors. It will be determined by law in which cases, under what conditions and in which way, the electors may recall their representatives even before the end of the period for which they were elected.

Let me now come to Rumania. Articles 3 and 4 of their Constitution which was framed in 1948 read: "The people exercise their power through representative bodies elected on the basis of universal, direct and equal suffrage by secret ballot. The people's representatives in all the bodies of State power are responsible to the people and are liable to be revoked upon the will of the electors in conditions established by law." Bulgaria also has the same provision in their Constitution of 1947. Article 4 says: "The people's representatives in all representative organs are responsible to their electors. They may be recalled before the expiry of the term for which they have been elected. The manner in which elections are held and the rules for recalling people's representatives are determined by law."

SHRI B. K. P. SINHA (Bihar): All democratic countries?

SHRI S. BANERJEE: Certainly, more democratic than the democracy that prevails in this part of the world .....

SHRI B. GUPTA (West Bengal): There is smiling democracy on that side!

SHRI S. BANERJEE: Now, let me come to Czechoslovakia. Article IV of their Constitution also says: "The

Sovereign People discharge the State power through representative bodies which are elected by the people, controlled by the people and accountable to the people." Last but not the least let me now come to the great neighbour of ours, the People's Republic of China, who had passed their newest Constitution only the other day and there we find in article 38 thus "Deputies of the National People's Congress are subject to the supervision of the units which elect them. These electoral units have the right to replace their elected deputies at any time according to the procedure prescribed by law."

It appears to me that the framers of the Constitution of India were afraid of the sovereignty of the people. Nowhere in the Constitution do we find that sovereignty lies with the people, impliedly they say that the Preamble contains something which may refer to the sovereignty of the people. If you really mean the sovereignty of the people, not of their representatives, the right of recall is the only thing that you have to guarantee in the Constitution. That is the simple thing that I have asked. I have asked nothing more, nothing less. I have only asked to amend the Constitution in such a way that the electorate may have the right to recall their elected representatives in cases where they have ceased to represent them, where they have been corrupt, they have been inefficient, and they have been incompetent. This is a thing which, I think my friends on the opposite, who are as alive to the welfare of the people at large as we on this side,—we appeal to them—will accept. This is a sacred trust which I place before them and ask them to accept. Nothing will be lost by circulating the Bill for the purpose of eliciting opinion thereon by the 31st May 1955. We will, then, only be doing what as the former Chief Justice of India asked us in his convocation address to the Delhi University the other day to do. If the people decide that there should

be recall, it should be accepted. You might represent the people in 1952. What right have you to say that you represent the people even now? Even in 1952 you did not represent the whole people not even the majority. You came to power through the back door. You had not won the majority of votes cast all over the country. Therefore even at that time you had not secured the voice of the majority of the people. Even now, I will ask you to accept the proposition which is very simple and clear: go to the people with this Bill. Circulate to them. Have their opinion and then if the people desire that their should be a right of recall, what on earth will stand between that decision and you? I ask you again—only Shri Pataskar is here on the side of the Government who is hearing and who is here on behalf of the Government.

SHRI B. GUPTA: Others have been recalled!

SHRI S. BANERJEE: He will not be recalled so soon, he has been on the governmental 'gaddi' only a few days back. There is an apprehension that the right of recall will be misused. If you look at the history of other countries in which there is a right of recall, you will find that it has never been misused. The right of recall has been exercised few and far between. It is only the right you give to the electors to terminate the services of their elected representatives. Therefore, you will lose nothing, but will gain everything in prestige inasmuch as you give the electors a right which is their due. If you rise to the occasion to accept my motion, I think you will have done a great thing and for that posterity will be giving you your due. Otherwise, as I said, you will be swept away and thrown into the scrap heap of history. Mr. Chairman, I have done.

MR. CHAIRMAN: Motion moved:

"That the Bill further to amend the Constitution of India be circu-

[Mr. Chairman.]

lated for the purpose of eliciting opinion thereon by the 31st May 1955."

SHRI S. MAHANTY (Orissa): Mr. Chairman, I rise to lend my full support, unqualified support and unstinted support to the motion of my esteemed colleague, Mr. Satya-priya Banerjee, except his reference to the democracy in the U.S.S.R. In U.S.S.R. or the People's Republic of China, there is a different kind of democracy—the people's democracy. But what we are discussing at the moment is bourgeois democracy, the Western democracy, of which ours is **also** one. There is no gainsaying the fact that democracy is the highest political ideal that man has evolved through centuries of trial and error. There is no gainsaying the fact also that democracy is a form of government, is a form of rule of the people, by the people and for the people. But democracy, due to its inherent defects, due to its imperfect mechanism, always fails in translating those highest ideals into reality. Therefore, sometimes I have thought that if people have leaned more towards totalitarianism, if people have lost faith in democracy, it is due to these inherent imperfections of formal democracy. We all know that democracy is of the people, by the people and for the people. But having participated in my own humble way in the experimentation of democracy in India, I should like to say that it may be "of the people"—because which Government is not "of the people"? Every Government is of the people. It may be, once again, for the people, because every government is for the people, it is always for the people. But it can never be "by the people", because though we concede, though we agree that people are the sovereign masters, they are sovereign masters only for one day in five years, the day of giving votes. The day they go to the polling booths to cast their votes, they are free on that day alone, because they are quite sure of the fact the highest

of the highest, the Prime Minister of India, may also run to their door and beg for their votes. Therefore, the voters in India, the people in India are free only for one day and that too for a fleeting moment and they are free and sovereign only for that brief minute. After they cast their votes, they are reduced to atomised individuals. They have got no say later. For example, now the great debate has been going on preventive detention. There are my friends on that side, they say: "We are the trustees of this great Republic, of its law, of its order. Therefore, we have got the sanction behind us to bring that kind of Bill, however opposed you may be." Sir, I will not go into controversies. I ask you, Sir, to consider this question objectively and dispassionately. Now I throw this challenge to the Government. If they go to the country with this before the public, then, Sir, I am sure the Government will be defeated in a measure which they can never comprehend. After all, what does the word 'recall' mean? It means that if, in spite of the popular opinion that may be expressed on a particular subject, you carry on your own policies, guided by your own whims and fancies, then certainly you have no right to represent them. As the hon. Member, Shri Banerjee, has pointed out, referendum has a place in the Constitutions of many a country. After all with referendums heavens do not fall. Then again, Sir, there are three devices which can go to make our democracy perfect. One is recall, and the other two are referendum and initiative. Therefore I request my hon. friends on the Government benches—they are pledged to democracy and they want India to become a democratic Republic—to try to, to endeavour to, make this mechanism of democracy as foolproof as possible. They should try to do that in the fitness of things.

Now, Sir, one possible argument can be adduced against this, and that is that it will be misused. Sir, this

is a kind of most atrocious and retrograde argument that I have heard on many an occasion on the floor of this House. When the British were there and when we had been fighting for our independence, what were the British saying? They were telling us "You will misuse it: the Indians have not come to a stage when they can make a proper use of their political liberty." And the same argument is being trotted out here, when any attempt is made to enlarge the scope of political freedom. If we want that the scope of freedom should be enlarged to some extent, there is the Home Minister saying "You will misuse your absolute liberty; no liberty can be absolute." He thinks that the fundamental right of the citizens in India is Preventive Detention. And whenever any attempt has been made to enlarge the scope of the political freedom, always this kind of argument has been adduced here to frustrate it. But I say that if the people misuse it, the people are not responsible for it, but you are responsible for it, you, the rulers, whose primary business is to educate the people and not to put them in preventive detention. Therefore, Sir, without importing any heat or controversy into this simple proposition, I would once again ask this House to consider most dispassionately the desirability of accepting this motion. After all, what does it seek? It does not seek that this will be inserted immediately into the Indian Constitution. It only seeks that the Bill further to amend the Constitution of India in this respect be circulated for the purpose of eliciting opinion thereon by the 31st May 1955. Now, you circulated it for eliciting public opinion. You have been circulating Bills like the Code of Criminal Procedure (Amendment) Bill, the most atrocious pieces of legislation. You have been circulating measures for curtailing the liberty of the press, the liberty of the individuals. Well, the people are swallowing all these bitter pills.

SHRI RAJAGOPAL NAIDU: Sugar-coated.

SHRI S. MAHANTY: The layer of sugar is not even very thick in this case. So, what does this motion seek? This motion seeks that let this Bill, for whatever it may be worth, be circulated for eliciting public opinion. And if the public of India will express itself against it, well, I think, Mr. Banerjee will be the first person to withdraw this kind of Bill from this House. But, on the other hand, if the public opinion is expressed in favour of this Bill, then I do not understand why the Government should not accept it. Let it be said once again with all respect to the Members of the Constituent Assembly of India—they were the framers of our Constitution, and therefore all glory to them, all honour to them—that their labours cannot be considered as the last word of human intelligence. There is nothing which can be called last word of human wisdom. If the Constituent Assembly did not incorporate it, if they negatived it, there is no reason why this Parliament should also negative it. After all, Sir, we have taken our oath under this Constitution to change it by peaceful means and by all the constitutional means at our disposal. Therefore, once again, Sir, I will urge this House to accept this motion and agree to the circulation of this Bill for eliciting public opinion. Thank you, Sir.

DR. SHRIMATI SEETA PARMA-NAND (Madhya Pradesh): Mr. Chairman, with great reluctance I am rising to oppose the motion for the circulation of this Bill, and I would give my reasons for the same. I need not point out here, Sir, that it is not proper to think of changing every now and then the very principles on which the Constitution has been framed after a great deal of thought, and after inviting opinions from the country for a long time, and after consulting many jurists and constitutionalists, even before the Constituent Assembly actually started working. And, Sir, it is not proper to change the very principles in such a short time, namely, of giving the right to

[Dr. Shrimati Seeta Parmanand.]  
the electorate to unseat a Member, perhaps within a year or even the very next day, because political parties, with certain exceptions, form certain combinations and they find the next day, after the elections are over, that a particular step or a particular combination would have been better, and they could have got the majority by taking a certain step. If a particular step has been taken by one in accordance with the rules provided by the Constitution, if after that somebody tries to take the advantage of certain provisions in the Constitution, it is really trying to work the Constitution to one's benefit and not in the interests of the country. Particularly, Sir, when it has come from a Member of the Opposition, it tends to create a suspicion; I am very sorry to point that out.

Sir, leaving that point aside, I would like to deal with the examples given by the learned mover of the motion, who has had the benefit of going to Soviet Russia twice, and perhaps to China once or twice. I do not know how many examples have been given by him from the Constitutions of those countries. But may I ask him to say very frankly whether he thinks that the freedom given in that country even to the electorate to recall a candidate can be exercised? They do not enjoy the least freedom and there is no right to speak freely even when they have to express an opinion not necessarily to change the Constitution, but to say, in their own humble way, that this particular thing should have been so or should not have been so. The name 'democracy' given to these Constitutions, we have frankly to admit, is really only in name. They are really dictatorships. Maybe they feel that to achieve their object of bringing about the greatest good to the greatest number of people in the shortest possible time this is the best way, but our Constitution has been evolved after weighing in the balance both the systems, viz. whether it is better to achieve that aim of bringing about the

greatest good of the greatest number of people in the shortest possible time by gagging all freedom of thought and expression in the name of democracy, or whether it is better to go a little slower but preserve the right of the individual to do things as he likes, without, in other words, taking away their right of freedom of thought and expression. Here we saw yesterday the people on the other side holding forth in a very eloquent manner on the Preventive Detention Bill as it was curtailing the liberties of the people and putting them in jail without trial, but here today they want to adopt, under the guise of democracy, a system which, if anything, means the negation of democracy. Sir, I have seen for myself what kind of freedom there is in those countries, where nobody would even talk freely to you about what they feel in their heart of hearts. Nobody is ready to speak out freely to the extent, if I may say so, that people who can speak in English very fluently, people who have been to Oxford and Cambridge Universities, have sometimes to tell that they have forgotten the language only because they do not feel that it would be safe on their part to talk about ideas which they along with some of us have imbibed in other countries, ideas like freedom of speech and expression. I do not want to dwell on that but people on this side did not want to speak because these things were so obvious in themselves, but having felt that the mover of the motion has seen for himself what things are in these democracies referred to by him and having myself had the opportunity of seeing the same things which he has seen, I could not sit with complacency here, as it would give the impression that nobody was prepared even to contradict some of the things the mover had said.

Then, coming to the question of recall, the right of the electorate to ask their representative to come back because he has no sense of his responsibility or he has misused his

privileges, I would ask whether it would be feasible in a country such as ours, where there is so much ignorance, where the electorate is not educated enough even to understand the subtle differences between the various manifestoes of the different parties—and how many parties we have! Even today I do not follow the difference between parties like Ram Rajya, Jan Sangh, Hindu Mahasabha, Forward Democratic Bloc, Backward Democratic Block, etc. How can we expect the electorate to understand and weigh very carefully what exactly had been the manifesto of a representative and his party, except perhaps through the people of the opposition or the opposition to that particular group. I would also ask this question: Does the mover of the motion really think that instead of settling down to doing constructive work, if this perpetual turmoil of election goes on in a constituency of a first election, then a second election and so on, it would be possible for the people of that constituency to derive any benefits of the constructive programmes of whatever party may be in power? I take it for the sake of argument that even the opposition are in power today. I would like to ask them whether they do not think that even a bye-election does not disturb the work of the executive officers. I know for myself that in my district of Chinwara, when there was to be some bye-election because the first election was set aside on account of some irregularities, it was impossible to get the D.C. and the other officers at Headquarters for certain important labour work that could not wait. Again, is this country rich enough to bear the expenses if we were to have a series of elections? I have been wondering myself how this country is going to bear the heavy expenditure that will have to be incurred on the elections during the next twenty years. Andhra is to have an election now. Travancore-Cochin would probably have to hold another election. How can we find time for constructive programmes and other work if we are to continually

engage ourselves in elections resulting from recalls?

Then, Sir, I would ask whether there would be any limit to that kind of elections. If you look at the history of our local bodies, the kind of intrigues that exist there and the way in which candidates are sought to be discredited, the way in which allegations are brought against the people in power, you will realise how impossible would be the system which is now proposed. Probably that is a tendency which we have inherited from the days of the Peshwas and the Moghuls, this tendency to be jealous of the people in power. Perhaps that is one of the reasons for the Opposition here saying all this, trying to bring all kinds of charges, false or correct, against the people in power, doing discredit not only to themselves but also in the long run to the country. Again and again, local bodies have had to be taken over by Government. What does this mean? It means a reflection on the people themselves, and it gives a bad example to the children. I know the kind of things that are hurled against each other in elections, and the kind of effect it has on our children. The kind of things that are published in the election propaganda leaflets with a view to ridiculing a particular candidate and bringing him down in the eyes of the people and these become in small places where there is no other means of entertainment, something of an entertainment for children to read and laugh about. Do we want this kind of thing repeated again and again? Is it not enough to have them once in five years? Sir, the hon. the mover of the motion. I think, was an educationist. I do not know whether he was a professor or a principal. I would like to say that all the faults, all the weaknesses and drawbacks in our system like the candidates not being conscious of their duties, having no sense of responsibility, etc. is due to defective education and so we should set ourselves to the task of seeing that not only we set up a Secondary Education Commission, a University Education Com-



[Dr. Shrimati Seeta Parmanand.] mission and, perhaps may be, a Primary Education Commission to ensure that our children get proper education but see that use is made of the recommendations. How many of us spare the time to devote to the education of our children, to seeing, apart from giving them their fees, clothes, etc. what type of education they are getting, what kind of associates they have, what kind of education is given to them by their teachers, etc.? If we do these things we would have made adequate provision against candidates not doing their duty properly, not having any sense of responsibility, etc. That is the best way to work a democracy rather than threatening the electorate and the candidate with a spectre of perpetual elections, perhaps may be every day, every morning or maybe every few months and this is not a one-side weapon. The weapon may be used against the party in minority too but who will be the sufferers? The poor electorate will be the sufferers. So I am quite sure why the framers of the Constitution put this five year limit for the period and did not give this additional privilege which they say, is enjoyed by the dictatorship countries—let there be no mistake about it and by countries who would not allow their even ordinary holders of not Government offices but special bodies, to talk freely to visitors about things in their country, who have no interest in the things that are happening in that country but they of course have the best interests of doing something for the people and they are trying to do and even then these visitors who have gone there—including myself—we have no means of finding out whether many of these things are being done for all the people on a large scale. We don't know, what the results are and what the people feel about them. So let us be quite sure that, that heaven on earth that is reigning in those countries is not what this country would require and that the Constitution framers have given full thought to it and therefore I feel it is wrong to circulate this

measure for eliciting public opinion. We know how difficult it is for the people to send in opinions on a difficult measure like this and what type of people have been sending opinions. So I would appeal in the name of Bhagavad Gita:

न बुद्धिभेदं जनचेद्वद अज्ञानां कर्मसंगिनाम् ।  
जोषयेत् सर्वकर्माणि विद्वान्मुक्तः समाचरन् ।

That is one should not confuse ignorant people by various stunts but on the other hand should try to reassure them by acting correctly.

Thank you.

SHRI B. K. P. SINHA: Sir, I listened to the great speech of the hon. mover with rapt attention, with the same attention with which I used to hear the speeches of Mr. Kamath and Prof. Shah two great theoreticians, scholars well-versed in what is contained in books but rather innocent of practical affairs. Sir, the first thing that struck me about the amendment is that it is put in a most inappropriate context. It is put in Part XV, of the Constitution. Sir, Part XV of the Constitution, if my hon. friend will look at it, has the heading "Elections". That Chapter simply prescribes the machinery as to who shall conduct the elections, what shall the voters' list be like, how shall election disputes be fought out—that is the only thing contained in that Part. So far as the substantial things or matters are concerned, they are contained, so far as Parliament is concerned, in Part V Chapter II where it lays down what shall be the life of the Parliament, what shall be the qualifications of a Member, how long shall the membership endure—these are all put in Part V Chapter II. So if at all, the amendment should have been made in that chapter and not in the Chapter under elections. In that sense I feel that he has not put it in the proper place and rightly so because he is a great theoretician. My hon. friend has given us some examples—examples of other countries and the names he mentioned were all from the list of what we know now as People's Democracies. Sir, the Peoples' Democracies

are democracies in a particular dialectical Marxian sense. According to the dialectics of our friend the Marxian, a thing is potentially its opposite. What it is today, after a century or so, it shall cease to be and it shall change into its exact opposite. By the same process of dialectics, what appears to us to be democracy, they say.....

SHRI B. GUPTA: Don't do this injustice to Marx.

SHRI B. K. P. SINHA: What appears to us and the people who have written on democracy, the exact negation of it they assert as democracy. After all what are their Constitutions like? I would not go into details. But only two days back I read in some report by the present speaker of West Assembly or Council.

SHRI B. GUPTA: <sup>Bangal</sup> Assembly.

SHRI B. K. P. SINHA: Assembly, that the Parliament of China or Russia meets once in a year for 10 or 15 days. They are provided with comfortable quarters, they assemble, the leaders enter and there is loud cheering and clapping in the House and speeches praising their leaders are delivered and thereafter some general Resolution is passed and the great Parliament of the great Democracy suspends its sittings for the whole year or adjourns for the whole year.

AN HON. MEMBER: So that no question of recall arises.

SHRI B. K. P. SINHA: In those countries the members are not really representatives of the people, they are delegates and delegates not of the people but of particular parties. They eat according to order, sleep according to order, speak according to order, vote according to order. They are automatons <sup>whether the</sup> provision for recall is there, it does not make any difference. The automatons remain automatons whether the provision is there or not.

SHRI S. N. MAZUMDAR: But your Prime Minister could not discover such a thing here.

SHRI B. K. P. SINHA: The Prime Minister has not given his report on that aspect.

SHRI B. GUPTA: But he has spoken to you.

SHRI B. K. P. SINHA: The next question is really the practical question. My hon. friend while dilating on the theory of democracy, gave us the example of certain countries. He has not given us the machinery for this purpose. He simply read out "prescribed by or according to law". What machinery has the law prescribed? How does the machinery become effective? These are all practical questions and if we are really to pay some attention to the amendment of the hon. mover, we must know the machinery. Moreover I would like to know from him how many times has this right been exercised and in what countries? He has very conveniently ignored to enlighten us on these points. I am reminded of some political saying that theories are for men and men are not for theories. It applies equally to Constitutions. Constitutions are for men and not men for the constitution. The theory of democracy is there. Yes, some great writers theoreticians have asserted that if democracy is to be effective then there must be a provision for recall but then what is effect of this? That is the great thing. What is the effect on the affairs of our country, effect on men, effect on the representatives themselves. Sir, P. R. is considered to be a very very democratic procedure—proportional representation—but the experience of continental countries has been that wherever this system has been introduced it has produced instability in Government, group rule, absence of responsibility and the result has been that power, instead of being vested in the representatives of the people has really.....

MR. CHAIRMAN: You stop now. Mr. Datar has to make a statement.