

**Resignation by Government before
General Elections**

*932. SHRI CHENGALRAYA NAIDU : Will the Minister of LAW AND SOCIAL WELFARE be pleased to state :

(a) whether it is a fact that due to changes in certain States after the General Elections, it has become necessary to consider the proposal that Government or Ministers should resign before the General Elections so that fair and free Elections could be ensured ;

(b) if so, whether the Opposition parties in power in certain States have agreed to this proposal ; and

(c) if so, whether Government are considering to call the Opposition Parties to discuss the issue ?

THE DEPUTY MINISTER IN THE MINISTRY OF LAW AND IN THE DEPARTMENT OF SOCIAL WELFARE (SHRI M. YUNUS SALEEM) : (a) No, Sir.

(b) and (c). Do not arise.

SHRI CHENGALRAYA NAIDU : All these years, the Opposition Members used to ask and demand that, either in the States or in the Centre, the Government, the Ministers, should resign two months before the elections in order to have fair elections. Now, in some States, the Opposition has also come to power. May I know from them whether they hold the same view now.....(*Interruption*) The Opposition parties used to say that the Congress Government used to take lot of money from big factory-owners and big money bags.....(*Interruption*)

AN HON. MEMBER : That is a fact.

SHRI CHENGALRAYA NAIDU : But now, after the Opposition has come to power in Kerala, for instance, they have taken money and given licences for Birlas in Kerala.....(*Interruptions*)

SHRI VASUDEVAN NAIR : I protest against it. He is a responsible Member

of the House. He is making a wrong accusation. It is all nonsense. It is the Congress party who are taking money every hour from the capitalists and they go on accusing others. What is this nonsense ? How do you allow him to say such things ?

MR. DEPUTY-SPEAKER : Mr. Naidu, the Question is about the resignation by Government before General Elections. Don't bring in any extraneous matters please. (*Interruptions*).

श्री मधु लिमये : उपाध्यक्ष महोदय, बिरला परिवार से 38 लाख रुपया किसने लिया ? इन लोगों ने लिया है, इसीलिये बिरला की जांच नहीं करा रहे हैं ।

SHRI CHENGALRAYA NAIDU : Why should they be so touchy if they have not taken money ? This only shows that something is fishy there. If you have not taken money then I withdraw my allegation. Why should you protest so much ? (*Interruptions*).

MR. DEPUTY-SPEAKER : The hon. members may please resume their seats. I would like to tell Mr. Naidu that the question relates to a particular issue, whether Government is prepared to consider and discuss with the Opposition about resignation of Government before General Elections. He should, therefore, not bring in extraneous matters...(*Interruptions*). Mr. Naidu may put his question straightway. Or shall I pass on to the next Question ?

SHRI CHENGALRAYA NAIDU : In view of these allegations and in order to have fair elections, may I know from the hon. Minister whether he will consult the Opposition parties which are running Governments in some States whether they are agreeable to this proposal which was proposed some years back ?

SHRI E. K. NAYANAR : You resign first.

SHRI CHENGALRAYA NAIDU : How can I ? (*Interruptions*).

THE MINISTER OF LAW AND SOCIAL WELFARE (SHRI GOVINDA MENON) : In the system of Government which we are having in India, the idea that Ministers who run the administration should resign before the General Elections is not feasible, nor is it possible (*Interruption*).

SHRI RABI RAY : Why not ?

SHRI S. KUNDU : Why not ?

SHRI K. LAKKAPPA : Why is it not feasible ? What is the reason ?

SHRI S. KUNDU : It is feasible. (*Interruptions*).

MR. DEPUTY-SPEAKER : You will have an opportunity to put a supplementary question when you can raise this matter, and not like this. Mr. Naidu may put his second question.

SHRI CHENGALRAYA NAIDU : The Minister has not answered my first question. I asked whether he was going to consult the Opposition parties which are running the Government in some States.

MR. DEPUTY-SPEAKER : When it is not feasible, there is no question of consultation. You may put your second question.

SHRI CHENGALRAYA NAIDU : May I ask the Government whether they are going to formulate a policy at least to make the Ministers in the States resign ? (*Interruption*). In the Centre we cannot have President's rule. So in the Centre we must have a Government. In the case of States, the President's rule is possible. So, the Ministers in all the States, whether ruled by the Congress or by the Opposition parties, should resign two months in advance in order to have fair elections.

The second point is this. The Ministers are getting money from Chinese Embassy. They are getting money from Pakistan Embassy.

MR. DEPUTY-SPEAKER : This is not relevant. (*Interruptions*).

SHRI CHENGALRAYA NAIDU : I am only putting the question to formulate a policy. If it is not possible, may I know whether the Government will take a decision

that 2 or 3 months before Elections, no new licence for any factory etc. should be given in States, whether the Minister can do that ?

SOME HON. MEMBERS *rose*—

MR. DEPUTY-SPEAKER : I have said that extraneous matters should not be brought in they have been declared irrelevant. I will permit you to put a question, not now.

SHRI VASUDEVAN NAIR : The member should have a limit. Everybody knows that Mr Naidu has a loose tongue. Nobody take him very seriously.

SOME HON. MEMBERS *rose*—

MR. DEPUTY-SPEAKER : Please resume your seat. I have already observed.

SHRI GOVINDA MENON : There are two suggestions in the question put. When I said under the present system which is in vogue in our country, it is not possible or feasible to have this arrangement, there was an array of friends who raised a protest. If in the States, whether under Congress administration or under the administration led by other political parties, the Ministers have to resign 2 months before the election, the result would be that we shall have to impose Presidential rule in all the various States in India (*Interruptions*) before elections. I do not think that it is desirable nor do I think it is constitutionally proper because President's rule can be imposed only under conditions which are said to exist under Article 356 of the Constitution.

Coming to the Centre, you know that under Article 74 of the Constitution there cannot be even a moment when there is no Ministry to advise the President. So far as Centre is concerned, it is the same as in United Kingdom.

AN HON. MEMBER : Who says that ?

SHRI GOVINDA MENON : He asked 'Who says that'. I say that.

SHRI JYOTIRMOY BASU : What have you done in West Bengal ?

It is all humbug. (*Interruptions*).

SHRI SONAVANE : Why should he say like that ?

MR. DEPUTY-SPEAKER : Whatever your objections it is not clear. Under the scheme of the Constitution he was referring to Art. 74. Is he not entitled to refer to that Article and say how it is not feasible. Unless there is a Ministry to advise the President—that was the question. It is not proper...(*Interruption*).

SHRI RANDHIR SINGH : Why should he say that ? He should withdraw the word 'humbug'.

SHRI A. S. SAIGAL : 'Humbug' should be expunged. (*Interruptions*)

SOME HON. MEMBERS rose —

MR. DEPUTY-SPEAKER : I request hon. Members to resume their seats. The Law Minister was explaining the constitutional position. On that, I do not think, such remarks are called for. That is number one. You may disagree with his interpretation. But he has every right to state the constitutional position (*Interruption*) If hon. Members do not resume their seats, I will pass on to the next question. (*Interruption*) I said, I will permit some supplementaries, because some objection was taken. Now, Shri Vasudevan Nair. Only supplementary.

SHRI CHENGALRAYA NAIDU : Sir, he has not answered my question.

MR. DEPUTY-SPEAKER : He has answered. You have taken 15 minutes.

SHRI CHENGALRAYA NAIDU : He has not answered my question. For the last portion he has not replied.

MR. DEPUTY-SPEAKER : He has replied and I have followed him. Have you disposed of that question ?

SHRI GOVINDA MENON : Yes.

MR. DEPUTY-SPEAKER : He has fully answered. Please resume your seat.

SHRI VASUDEVAN NAIR : Sir, I know, it is too much for me to expect from the Congress Ministry.....(*Interruption*)

AN HON. MEMBER : Ask a question, no preamble.

SHRI VASUDEVAN NAIR : It is too much for me to expect from the Congress Ministry to see the most democratic idea of the Ministry stepping down at least 2 months before the election. But, at least, I should like the Minister to answer this question, whether they will consider the most decent proposition put forth to the Government so many times that they should not misuse, their ministers should not misuse, the official machinery and the public funds at the time of elections, for the sake of party propoganda as the Congress ministers do always in every election, (*Interruption*) as they did in the last election.

AN HON. MEMBER : No.

SHRI VASUDEVAN NAIR : We will establish this with facts. It remains a fact that even in the last mid-term election, the hon. Prime Minister Shrimati Indira Gandhi has spent lakhs of rupees, Rs. 3 lakhs, 4 lakhs or 5 lakhs, for speaking for 2 minutes or 3 minutes or 4 minutes in Congress meetings. Is it not a wastage of public money ? It is not misuse of public money for the congress party's ends ? There are Governments belonging to all parties in various States. Will the Minister devise some ways and means by which it can be ensured that ministers at least do not make use of public funds for party propoganda at the time of election ?

SHRI GOVINDA MENON : I am in complete agreement with the hon. Member. But I would go a step further and say that public funds should not be used, not only at the time of elections, but at all times.

श्री मधु लिमये : क्या ये प्रधान मंत्री का नया मकान रुकवायेंगे ? ..(ब्यवधान)...बन्नी

इधर से सवाल पूछा गया था एलेक्शन के बारे में तो इन्होंने उत्तर दिया कि एलेक्शन के बारे में ही नहीं बल्कि सभी फुल्लर्खिचियों को रोकना चाहिये। मैं जानना चाहता हूँ कि प्रधान मंत्री के नये मकान को रुकवायेंगे और वह पैसा बचायेंगे ?

MR. DEPUTY-SPEAKER : This is most irrelevant.

श्री रणधीर सिंह : प्रधान मंत्री के मकान से बड़े मकान में श्री मधु लिये जी रह रहे हैं।

SHRI KARTIK ORAON : What the eye does not see, the heart does not grieve about. They must have seen something in Kerala and that is why they are raising it here. I want to know from the Minister whether our Communist friends in Kerala have received money from the Birlas for setting up a factory there ?

SHRI GOVINDA MENON : I have no information. It does not arise from this.

MR. DEPUTY-SPEAKER : I will go to the next question. I have to accommodate as many members as possible. We have exhausted twenty minutes on this.

SHRI ANBAZHAGAN : I want to submit that this House should not be derogated to the extent of accusing every State Government Minister, especially during Question Hour. If any member raises a question involving the State Ministers or their conduct, then at least the Minister in charge should reply to that saying that if such things are discussed in the Houses that will affect the dignity of the State Governments. Otherwise the Minister in charge will be failing in his duty and this will have repercussions throughout the country. The Centre-State relations will certainly become very much strained. Therefore, I would request you, Mr. Deputy-Speaker, to at least advise the Council of Ministers to take responsibility for all these things.

MR. DEPUTY-SPEAKER : A very pertinent question has been raised. Even while prefacing your questions you should

take care to see that you do not cast aspersions on State Governments even by implication—State Governments and State Ministers. That much care should be taken by all of you in the present context of the situation. This must be observed by all hon. Members. I would like to observe another thing and I think Shri Jyotirmoy Basu will listen to this particularly. You are running a Government in a State. When certain position is explained on the basis of the Constitution, you should not use words like 'humbug.' It is not good. You can differ from any interpretation, but you cannot use that word. It is not fair.

SHRI RANDHIR SINGH : He should withdraw the word.

SHRI SHIVAJIRAO S. DESHMUKH : The Public Accounts Committee of this House examines the accounts of various State Governments when they do not have their own Assemblies. The Committee comes out with certain findings. Is it not proper for a Member to refer to the findings of the Public Accounts Committee and say that this has happened in a particular State ?

MR. DEPUTY-SPEAKER : If you refer to that particular report where such findings are given, then that is a different matter. But charges should not be levelled against them. That does not add to our dignity. If we want to protect our dignity, we must protect their dignity also.

SHRI CHENGALRAYA NAIDU : I have learnt it only from them.

SHRI S. KUNDU : The object of asking questions on this matter is that the elections in India should be fair and free. They should not be rigged and they should not be controlled by any other means. But the reply has been given in such a fashion as if the Minister wants to score a point over others and not to understand the spirit. I understand that at present there are certain limitations in the Constitution, but I do not think that the Constitution will stand in the way if we want to see that Ministers resign two

months before the Elections or at least they do not use their offices for election purposes. I can point out to you that recently the Orissa Government have passed a law that the Chairmen and Members of all Municipalities and Boards, must resign three months before the election. If they could do it, how could you say that it is not possible here? At the time of election even temporarily you use Government funds furthering...

MR. DEPUTY-SPEAKER : Will you put your question now? The position has been made very clear. Now you put the question.

SHRI S. KUNDU : Under the present condition, even if the Prime Minister of India spends Rs. 7 lakhs of government money for a period of 15 days or one month and then when the bill is sent, the money is put back in the exchequer, it is, I should say, misappropriation.

AN HON. MEMBER : Temporary misappropriation.

SHRI S. KUNDU : Yes temporary misappropriation. When the party opposite will not be here in 1972 and when in States political changes will take place, let us make an attempt and see that the elections are free and fair. I know the constitutional hurdles. Even then I would prefer that one or two months Presidential rule before the elections, the Ministers must resign before Election.

MR. DEPUTY-SPEAKER : I will go to the next question. We have wasted 25 minutes. Instead of putting a question, he is going into other things.

SHRI S. KUNDU : Are Government prepare to have a parliamentary committee constituted, along with some Judicial experts to discuss this problem and after their report, make necessary changes in the law?

SHRI GOVINDA MENON : The constitutional position is very clear and no committee is required. This is the system which obtains in every democratic country in the world where parliamentary institutions such as we have here there are there. Even

in America where there is a presidential system, this is the position.

SHRI S. M. BANERJEE : Do not quote America because there their President was shot dead.

SHRI GOVINDA MENON : I do agreed that misuse of funds at the time of elections or at any other time should be avoided and whatever devices which law can make in this respect will certainly be made in the Representation of the People Act when amendments are sought. Already the Chief Election Commissioner has circularised Governments to the effect that before the elections, no discretionary funds be used etc. This is the matter. I was explaining the constitutional position.

One hon. member shouted 'humbug' which I took to refer to the Constitution, not to me, I referred to Art. 74. According to him, it is humbug.

MR. DEPUTY-SPEAKER : Next question.

SOME HON. MEMBERS rose-

MR. DEPUTY-SPEAKER : I have spent 25 minutes on this.

श्री हुकम चन्द कछवाय : आप ने सदन को वचन दिया था कि हर पार्टी के मੈम्बर को बुलायेंगे। आप उस वचन से पलट रहे हैं।

श्री प्रकाशवीर शास्त्री : आपसे सप्लीमेंट्री पूछने के लिए भी पहले शोर मचाना चाहिये।

Lack of Lighting Arrangements in Trains

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*934. **SHRI S. C. SAMANTA :**
SHRI YASHPAL SINGH :

Will the Minister of RAILWAYS be pleased to state :

(a) the reasons for the inadequacy and on some occasions total non-availability of lighting arrangements in the passenger and fast running trains;

(b) the reasons why these necessities of the travelling public are being ignored ; and