

LOK SABHA DEBATES

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LOK SABHA

Tuesday, September 15, 1964/Bhadra,
24, 1886 (Saka)

The Lok Sabha met at Eleven of the
Clock

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Ban on Communal Parties for Election Purposes

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Shri Surendra Pal Singh:
Shri Jagdev Singh
Siddhanti:
Shri Prakash Vir Shastri:
Shri Rameshwar Tanti:
Shri B. P. Yadava:
Shri Dhaon:
Shri Surendranath
Dwivedy:
Shri D. C. Sharma:
Shri Yashpal Singh:
Shri L. M. Singhvi:
Dr. Vishram Prasad:
*177 Shri Bade:
Shri Hukam Chand
Kachhavaia:
Shri P. E. Chakraverti:
Shri P. C. Borooah:
Shri A. S. Saigal:
Shri Inderjit Gupta:
Shri D. J. Nalk:
Shri Swell:
Shri Vishwa Nath Pandey:
Shrimati Savitri Nigam:
Shri Bagri:
Shri Kajrolkar:
Shrimati Renuka Barkatai

Will the Minister of Law be pleased to state:

(a) whether Government are considering a proposal to set up an Advisory Committee to advise Government and the Election Commissioner regarding the advisability of banning communal parties from taking part in elections; and

(b) if so, the main features of the proposal?

The Deputy Minister in the Ministry of Law (Shri Jaganatha Rao): (a) No, Sir. There is no such proposal under consideration of Government at present.

(b) Does not arise.

Shri Surendra Pal Singh: May I know whether some time before the present emergency was proclaimed, the National Integration Committee undertook the work of defining as to what constituted communalism, and if so, what were the findings of that committee on this matter?

Shri Jaganatha Rao: No final decision seems to have been taken as such.

Shri Surendra Pal Singh: The hon. Deputy Minister has just stated that Government do not propose to take any action in the matter. May I know whether this decision is based on the fact that Government are not in agreement with the Jain Report on principle or whether it is because they have certain difficulties in the way of implementing the recommendations of the committee?

Shri Jaganatha Rao: There are some constitutional and legal difficulties in defining communal parties. Firstly, it will be rather difficult to define which is a communal party. There are already provisions in the various Acts. For instance, there is section 153A in the I.P.C. which has been substituted recently in 1961. A substantive offence under section 125 has been created under the Representation of the People Act, 1951. Government feel that these various provisions are enough to meet a situation of this kind.

श्री जगदेव सिंह सिवान्सी : भारतीय न्याय पद्धति के अनुसार साम्प्रदायिकता या कम्यूनलिज्म की परिभाषा राजनीति के अन्दर क्या है क्या यह भी आप ने कुछ निश्चय किया है ?

अध्यक्ष महोदय : यह तो कहते हैं कि उन से यह बात होती ही नहीं ।

श्री प्रकाशबीर शास्त्री : मैं जानना चाहता हूँ कि जब भारत सरकार साम्प्रदायिक दलों पर प्रतिबन्ध लगाने की बात सोचती है या इसके लिये यदि कोई जापन उसे मिले हैं तो क्या उन में कुछ निश्चित पार्टियों के नाम बतलाये गये हैं या सरकार ने कुछ निश्चित किया है कि यह दल साम्प्रदायिक आधार पर कार्य कर रहे हैं ।

Shri Jaganatha Rao: Government have not considered any party as being communal.

Shri D. C. Sharma: May I know whether the guarantees in the Constitution against inflaming communal passions at the time of elections are sufficient to meet an appeal to sectional interests in the name of communalism and make it a corrupt practice?

Shri Jaganatha Rao: As I have stated already, the amended section 153A of the I.P.C. is there. Section 123 of the Representation of the People Act, 1951, defines an appeal by an electoral agent or a candidate in the name of community, religion or caste as a corrupt practice, and the election could be set aside. Secondly, as I have stated, under section 125, a substantive offence has been created in the same Act in 1961, declaring such appeals by an election agent or a candidate as amounting to an offence punishable with 3 years imprisonment.

श्री रामेश्वरानन्द : अध्यक्ष महोदय, मेरा व्यवस्था का प्रश्न है। जब सरकार यह निश्चय नहीं कर पाई कि साम्प्रदायिक पार्टियाँ कौन

सी हैं और साम्प्रदायिकता क्या है, तो क्या इस प्रकार का प्रश्न लोक सभा में उपस्थित हो सकता है। मैं जानना चाहता हूँ कि यह कैसे हो सकता है जब सरकार निश्चय नहीं कर पाई। इस प्रश्न का उत्तर मैं आप से चाहता हूँ।

अध्यक्ष महोदय : मेरी व्यवस्था यह है कि इस प्रकार का प्रश्न हो सकता है।

श्री रामेश्वरानन्द : जब यह निश्चय नहीं है तब यह कैसे हो सकता है। आप कैसे यह व्यवस्था दे रहे हैं।

अध्यक्ष महोदय : मैं ने उत्तर दे दिया है। यह प्रश्न हो सकता है।

श्री यशपाल सिंह : क्या सरकार ने कभी इस बात पर भी गौर किया है कि जिस पार्टी ने कम्यूनलिज्म के बेसिस पर देश का बटवारा मंजूर किया और जिस ने टू नेशन थ्योरी के सामने सरेंडर किया, क्या वह नेशनलिस्ट पार्टी हो सकती है।

Mr. Speaker: That is not a question to be answered.

Dr. L. M. Singhvi: May I know whether at any time a suggestion has been made during the last two and a half years that communal parties should be banned, and whether as a consequence of this suggestion, Government have made any study of communalism as a factor in Indian politics?

Shri Jaganatha Rao: The question is always under the study of Government, but no decision has been taken, because Government feel at present that there is no need to take any such decision.

श्री हुकम चन्द कछवाय : प्रश्नी कुछ महीने पहले हमारे भूतपूर्व मंत्री श्री प्रजित प्रसाद जैन द्वारा एक रिपोर्ट प्रकाशित की गई थी जिस में बतलाया गया था कि जन संघ साम्प्रदायिक संस्था है। क्या सरकार ने इस सम्बन्ध में कुछ विचार किया है। यदि हाँ,

तो उन्होंने जो रिपोर्ट दी वह पुरानी रिपोर्ट थी या उन्होंने स्वयम् किसी आधार पर विचार कर के निर्णय दिया है।

Shri Jaganatha Rao: Government is still considering several reports which are before it. But no decision has been taken. Government feels at present there is no need to take a decision.

Shri P. C. Borooah: What action does Government propose to take against those parties which while posing themselves as political parties, indulge in communal propaganda?

Shri Jaganatha Rao: The results of the recent elections show that communal parties have not come up in large numbers either to Parliament or to State legislatures.

Shri D. J. Naik: Are there any political parties which are hampering the development of emotional integration between class and class and religion and religion? If so, what action does Government propose to take against them?

Shri Jaganatha Rao: Under the Constitution, freedom of association is guaranteed. This freedom extends to all fields of human activity. Therefore, it is rather difficult to take a decision. Government does not also want to take a decision. It does not want to limit the freedom of the citizens.

Shri Swell: Is it a fact that in 1953 a Bill to ban communal parties and organisations was drafted, circulated and considered by the Chief Ministers of various States and was talked out? May I know the reasons which led Government to drop the Bill?

Mr. Speaker: He has stated that Government has found certain difficulties and it has not been able to ascertain or come to a conclusion.

Shri Swell: I want to know some of those grounds.

Mr. Speaker: The grounds are that there are difficulties in coming to a conclusion as to which are communal parties; then there are constitutional difficulties; then there is the question of allowing freedom of expression and association unhampered.

Shri A. S. Saigal: Is Government collecting data as regards these communal organisations which are functioning since so long?

Shri Jaganatha Rao: There are some organisations. But it is very difficult to say which is communal. When we say a particular organisation is communal, it denies it. So it is rather difficult to brand any organisation communal.

Shrimati Savitri Nigam: Has Government got any information as to how many elections were set aside because of indulgence in communal publicity? Is Government aware that there are parties which are using all sorts of communal propaganda in elections?

Mr. Speaker: Government does not agree there. The first question is not relevant.

Shrimati Benuka Barkataki: Does Government propose to amend the Constitution to remove the constitutional difficulties referred to by the hon. Minister?

Shri Jaganatha Rao: At present, Government considers there is no need to amend the Constitution in this regard.

Shri Kapur Singh: Does Government propose to set up a commission to report on the stranglehold which majority community has on the minorities in India in fighting elections under the Constitution Act? If not, why not?

Mr. Speaker: That is a different thing altogether.

Shri Kapur Singh: It directly arises out of the original question.

Mr. Speaker: The only difficulty is that I have to decide.

Shri Bhagwat Jha Azad: If Government cannot think of totally banning political parties, is Government going to take such measures as can be effective during elections against religious and other propaganda which goes against the secular type of elections in our country?

Shri Jaganatha Rao: As I said earlier, sec. 153 of IPC is sufficient to meet the situation. Then there is sec. 123 of the Representation of the People Act which together with sec. 125 of the same Act is sufficient. If any new situation arises, the arm of the law is long enough to meet it.

Shri Tulshidas Jadhav: May I know the names of the communal parties and organisations in the country?

Mr. Speaker: They have not been able to define them.

Shri S. N. Chaturvedi: Are there any political parties whose membership is confined to only particular communities? If so, what is the difficulty in defining them as communal parties?

Mr. Speaker: He is arguing.

श्री बिशनचन्द्र सेठ: मिनिस्टर महोदय ने फरमाया कि जो पार्टीज कास्ट सिस्टम में विश्वास करती हैं वे कम्यूनल पार्टीज की संज्ञा में आती हैं। सब से ज्यादा कांग्रेस इस में विश्वास करती है। मैं जानना चाहता हूँ कि क्या वह भी इस संज्ञा में आती है या नहीं ?

Shri Ramanathan Chettiar: May I know whether the report of this committee referred to by the hon. Deputy Minister will be placed on the Table of the House?

Shri Jaganatha Rao: Which report?

Shri Ramanathan Chettiar: The committee which had gone into this question.

Mr. Speaker: Order, order. He should put the question to the Chair.

Shri Ramanathan Chettiar: He asked me.

Mr. Speaker: If he asked him, he need not answer it. Next question.

पाकिस्तान के साथ वस्तु-विनिमय करार

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- श्री म० ला० द्विवेदी :
- श्रीमती सावित्री निगम :
- श्री स० चं० सामन्त :
- श्री सुबोध हंसवा :
- श्री बिशनचन्द्र सेठ :
- श्री रामेश्वर टांटिया :
- श्री धवन :
- श्री भी० प्र० यादव :
- श्री श्रीकार लाल बेरवा :
- श्री विश्राम प्रसाद :
- श्री प्र० चं० बद्रा :
- श्री विश्वनाथ राय :
- श्री सोलंकी :
- श्री बी० चं० शर्मा :
- * 178. श्री नरसिम्हा रेड्डी :
- डा० लक्ष्मीमल्ल सिधबी :
- श्री स० मो० बनर्जी :
- श्री विभूति मिश्र :
- श्री क० ना० तिवारी :
- श्री प्र० रं० चक्रवर्ती :
- श्री बासप्पा :
- श्रीमती ज्योत्सना चन्दा :
- श्री रामचन्द्र मलिक :
- श्री मुहम्मद इलियास :
- श्री फ० गो० सेल :
- श्रीमती रेणुका बड़कटकी :
- श्री श्यामलाल ल्हरी :
- श्री बीरप्पा :

क्या साख तथा कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) भारत और पाकिस्तान के बीच हाल ही में जो वस्तु विनिमय करार हुआ है उसकी शर्तें क्या हैं;