

"That leave be granted to introduce a Bill further to amend the Representation of the People Act, 1950, and the Representation of the People Act, 1951."

*The motion was adopted*

PROF. P. J. KURIEN : I introduce the Bill.

INDIAN TOBACCO COMPANY LIMITED (TAKING OVER OF MANAGEMENT) BILL\*

[English]

SHRI RAM BHAGAT PASWAN (Rosera) : I beg to move for leave to introduce a Bill to provide for the taking over of the management of the undertaking of the Indian Tobacco Company Limited for a limited period order to secure the proper management of the same.

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to introduce a Bill to provide for the taking over of the management of the undertaking of the Indian Tobacco Company Limited for a limited period in order to secure the proper management of the same."

*The motion was adopted.*

SHRI RAM BHAGAT PASWAN : I introduce the Bill.

ONE-FAMILY ONE-JOB NORM BILL\*

[English]

SHRI RAM BHAGAT PASWAN (Rosera) : I beg to move for leave to introduce a Bill to provide for the adoption of the norm of one-family one-job in public services.

MR. DEPUTY-SPEAKER : The question is :

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"That leave be granted to introduce a Bill to provide for the adoption of the norm of one-family one-job in public services".

*The motion was adopted.*

SHRI RAM BHAGAT PASWAN : I introduce the Bill.

CONSTITUTION (AMENDMENT) BILL

(Amendment of article 102, etc.)

[English]

PROF. MADHU DANAVATE (Rajapur) : I beg to move for leave to withdraw the Bill further to amend the Constitution of India.

MR. DEPUTY-SPEAKER : The question is :

"That leave be granted to withdraw the Bill further to amend the Constitution of India".

*The motion was adopted*

PROF. MADHU DANAVATE : I withdraw the Bill.

ANTI-DEFECTION BILL

[English]

PROF. SAIFUDDIN SOZ (Baramulla) : Sir, before I move the motion for leave to withdraw the Bill, I think, there is some objection from certain Members for withdrawing the Bill. So, I must explain my point of view.

MR. DEPUTY-SPEAKER : Do you want to move ? First you move.

PROF. SAIFUDDIN SOZ : I beg to move for leave to withdraw the Bill to eradicate the malpractice of political defections.

MR. DEPUTY-SPEAKER : Motion moved :

[Mr. Deputy-Speaker]

"That leave be granted to withdraw the Bill to eradicate the malpractice of political defections".

SHRIMATI GEETA MUKHERJEE (Panskura) : Sir, I oppose the granting of leave to withdraw the Bill.

SHRI RAM PYARE PANIKA (Robertsganj) : This is unprecedented.

SHRIMATI GEETA MUKHERJEE: At the introductory stage, you have opposed the Bill.

THE MINISTER OF STATE IN THE DEPARTMENT OF HEALTH (SHRI YOGENDRA MAKWANA) : After all, you are a gracious lady. Be gracious and allow him to withdraw the Bill.

SHRIMATI GEETA MUKHERJEE: After all, it is up to you people.

The Bill is property of the House and mine is only the right to oppose.

MR. DEPUTY-SPEAKER : You can be brief in your speech.

SHRIMATI GEETA MUKHERJEE: Naturally, I will be brief.

My purpose in opposing this Bill is this. It is true that a Bill has been passed on anti-defection in January. That was the Coostitution (Amendment) Bill. But Prof. Soz's Bill was not a Constitution (Amendment) Bill. It has given several ideas as to what is to be done with regard to defection etc.

Now, Sir, my specific purpose in opposing the withdrawal of the Bill is that to my mind whether technically or not in reality still in Kashmir a government of defectors is there. I would like to hear what are his opinions on the situation that is prevailing.....

(Interruptions)

SHRI RAM PYARE PANIKA : There is a split. It has been accepted by the High Court. (Interruptions)

SHRIMATI GBETA MUKHERJEE: .... Really from the moral point of view this government should have been dismissed. Therefore, I oppose the leave to withdraw the Bill.

PROF. K.K. TEWARY : Sir, it is very unfair. The hon. Member has cast aspersions on the State Government.

(Interruptions)

SHRI SUDINI JAIPAL REDDY : Mr. Deputy Speaker, Sir, I oppose the leave to withdraw the Bill because the purpose for which this Bill was originally introduced by Mr. Soz has not been served. I may bring to Your notice that Mr. Soz introduced this Bill in 1984 also. It lapsed. so, he had to re-introduce this Bill. In the meantime, of course, Government was good enough to come forward with the Constitution Amendment-Bill in this respect. What happend in Kashmir does not have to be specially recalled. Fifteen members defected.....

SHRI RAM PYARE PANIKA : Mr. Deputy Speaker, Sir, verdict of the High Court is there. High Court has accepted it as a split and not defection.

(Interruption)

PROF. MADHU DANDAVATE : Sir, he is right. The did not defect. The were kidnapped.

SHRI SUDINI JAIPAL REDDY : Now, as I mentioned in may speech on the anti-defection law there must be a provision to say that such of the people who from the so-called break-away group on the basis of split should not be allowed to enjoy and office for one year to come. This I am saying on the basis of the recommendation of the Y.B. Chavan committee. All the fourteen MLAS who defected from National Conference are now Ministers in J & K government and they are ministers because the Congress (I) partly which is now trying for clean politics has support to them. They may lay claim to any concept of clean politics but the Congress (I) partly must instantly withdraw support to the present government.

Sir, it cannot be said to be split also because fifteen members out of the working strength of forty-seven did not even constitute one-third. They had to be sixteen to beame a split under the new law. Therefore, before Mr. Soz is allowed to withdraw the Bill let the

Congress (I) government assure the House that they will withdraw the support to the present government.

PROF. MADHU DANDAVATE : I have to make him one request. Before you seek our leave to withdraw your Bill, you please explain for their misdeeds.

PROF. SAIFUDDIN SOZ : Yes, that I will try. Mr. Deputy-Speaker, Sir, I am indeed very much thankful to my friends Mrs. Geeta Mukherjee and Mr. Jaipal Reddy raising objections to my withdrawing the Bill. Now the point is this. I would like to tell you that I am withdrawing the Bill with a heavy heart because I have been told\*\* that my Bill had become infructuous. There is already a law in our hands. *(Interruption)* I am not yielding. Let the hon. Member not interrupt me now.

SHRI G.M. BANATWALLA : Sir,\*\* You may continue with your argument\*\*

PROF. SAIFUDDIN SOZ : I have not cast aspersion on anybody. I differ with my respected senior colleague. I have not cast any aspersions. I have told that since this august House has already passed a Bill, therefore, my Bill has become infructuous. I am not objecting to anything. I am not casting any aspersion on anybody. I have no grievance, because, I have been explained about the position in this regard. I introduced Anti-defection Law in Seventh Lok Sabha in 1984. It lapsed. I introduced the Bill even before Government introduced its Bill. I had not sought any amendment of the Constitution.

I had suggested that we could have additions made to disqualifications in Article 102 (1) (e) and 191 (1) (e). When I made my point on the Government Bill, Shri A.K. Sen, the Legal luminary, could not explain as to why it was necessary for Government to introduce the Bill seeking amendment of the constitution of India. Actually it was not necessary at all. But he did not

answer this point. Probably the Government of India was trying to create public opinion ; it might be a politically motivated attempt or design. So they thought they were giving a gift to the people of India by way of this Act. Now it has become an Act. True, the spirit behind that Bill is something which we accept. But the point is this. You not solved the problem I wish the Prime Minister well. In a section of the Press he has been called, 'Mr. Clean'. I have no objection to that. I really wish him well because, he has already done certain things which indicate his bent of mind. I wish him all success. But the point is this, the real test lies in Jammu and Kashmir State. Why don't you apply the spirit of Anti-defection law which you have produced to the State of Jammu and Kashmir? The first occasion to prove your credentials and your intentions is here. *(Interruption)* Sycophancy will not pay you any longer. You see things with your own eyes. There is a defector Government in Jammu and Kashmir State which even according to you does not constitute a split. It is not split under the law on anti-defection. There is no provision for split in our law in J & K state. They are defectors. 12 plus 3 means 15. One of them has become the Deputy-Speaker there. There are only 14. National Conference had a strength of 46. It does not constitute even a split according to the law on defection. Now you kindly try to understand the situation. What is the spirit of the anti-defection law which you have passed in this august House?

We expected that you would withdraw your support to that defector Government. But you have not done it so far. But Kindly do it now. I am raising a very important point that the defector government which is not responsible to the people of the State is involved in a big scandalous all-pervading corruption in Jammu and Kashmir State. *(Interruption)* I want to make a practical suggestion to the Prime Minister through his colleagues here that he must rise to the occasion and give a proof that his intentions were honest

[Prof. Saifuddin Soz] when he asked his colleague, Mr. Sen to introduce the Bill concerning defections. That defector Government is not responsible to the people and is involved in the worst kind of corruption which is unparalleled anywhere in the country. They have abolished all recruitment boards and 10,000 people were appointed on an *ad hoc* basis for the last two months and the stooges of the Government were collecting money. Only recently that Cabinet took a decision authorising the Finance Minister to arbitrate on the arrears of Sales Tax. *(Interruptions)* Sir, I must have the opportunity to explain the dimension of corruption in the State. *(Interruptions)* Now, I would like to make some concrete suggestions.

MR. DEPUTY-SPEAKER : You have already made suggestions. Please conclude.

*(Interruptions)*

PROF. K.K. TEWARY : It is extremely a serious matter if he is allowed to mention the State subject here. *(Interruptions)*

PROF. SAIFUDDIN SOZ : But you must know what is happening in Jammu and Kashmir State.

PROF. K.K. TEWARY : Mr. Deputy-Speaker, Sir, matter relating to the State Governments is not discussed here. *(Interruptions)*

PROF. SAIFUDDIN SOZ : I want the Central Government to know the extent of corruptions rampant in the State of Jammu and Kashmir. For that, I want the Prime Minister to convene a meeting with two former Governors, Shri L.K. Jha and Shri B.K. Nehru as also the present Governor and understand the situation in J & K. The P.M must also hold a meeting with MP's drawn from J & K.

MR. DEPUTY-SPEAKER : You have already given your suggestions. You are raising Other matters here. Please conclude.

*(Interruptions)*

PROF. SAIFUDDIN SOZ : Please give me one minute and I will conclude.

MR. DEPUTY-SPEAKER : You have to restrict your points.

PROF. SAIFUDDIN SOZ : The defector Government in Jammu and Kashmir state is not a responsible Government.

MR. DEPUTY-SPEAKER : This is beyond the scope of the discussion.

*(Interruption)*

PROF. SAIFUDDIN SOZ : Therefore, Sir, I would request the Central Government to impose Governor's rule there and then dissolve that Assembly so that we can go back to the people to enable installation of the Government of the people.

MR. DEPUTY-SPEAKER : Are you withdrawing the Bill ?

PROF. SAIFUDDIN SOZ : Yes, Sir. I seek leave of the House to withdraw my Bill.

MR. DEPUTY-SPEAKER : The question is :

“That leave be granted to withdraw the Bill to eradicate the malpractice of political defections”.

*The motion was adopted.*

PROF. SAIFUDDIN SOZ : I withdraw the Bill.

16.00 hrs :

SHRI AJIT KUMAR SAHA : Mr. Deputy-Speaker, Sir, I was not present to introduce my Bills, when you called me. Kindly allow me now to introduce my Bills, now.

MR. DEPUTY-SPEAKER : All right.