

[MR. DEPUTY-SPEAKER in the Chair]

MESSAGE FROM RAJYA SABHA

MR. DEPUTY SPEAKER: Message from Rajya Sabha. Secretary-General.

SECRETARY-GENERAL: Sir, I have to report the following message received from the Secretary-General of Rajya Sabha:—

"In accordance with the provisions of rule 111 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to enclose a copy of the Indian Penal Code (Amendment) Bill, 1995 which has been passed by the Rajya Sabha at its sitting held on the 22nd March, 1995;

14.35-1/2 hrs.

INDIAN PENAL CODE (AMENDMENT) BILL

As Passed by Rajya Sabha

SECRETARY-GENERAL: Sir, I lay on the Table the Indian Penal Code (Amendment) Bill, 1995, as passed by Rajya Sabha on the 22nd March, 1995. (Interruptions)

[English]

14. 36 hrs.

At this stage, Shri Chhedi Paswan and some other hon. Members came and stood on the floor near the Table.

MR. DEPUTY SPEAKER: Now the House stands adjourned to meet at 4 p.m.

14.37 hrs.

The Lok Sabha then adjourned till Sixteen of the Clcck.

[English]

1600 hrs.

The Lok Sabha re-assembled at Sixteen of the Clock.

(MR. SPEAKER in the Chair)

RE: POSTPONMENT OF ELECTIONS IN BIHAR

DR. MUMTAZ ANSARI (Kodarma): Sir, so far as Bihar election is concerned, whatever things are going on in that State, you know better because it was scheduled to be held in the month of February. Since December, after the notification was issued by the election Commission, every development work has been just stopped. No development work is taking place in that State after that. It was scheduled to be held in the month of February. Again, it was rescheduled on one pretext or the other. It was scheduled to be held in the month of March, namely, 5th March, 7th March and 9th March. It was again deferred. Again, rescheduling took place—at whose behest, at whose instance, we do not know exactly. After that, it was deferred to 11th March, 15th March and 19th March. we were very much satisfied earlier with whatever the Election commission was doing. We were hoping against all hopes that the elections would be held and a Government would be formed in Bihar before 15th March, because this was the deadline, this was the expiry date. After that, the Government would not have existed. We waited with all patience and persavrance. We hoped that the Election Commission would do justice to that state...⁴

MR. SPEAKER: Mr. Ansari, you please hear me first. I am allowing you. Please express your views in such a fashion that if there is some grievance it is redressed. We are all Constitutional authorities, Parliament, Election Commission and others. We shall do it in such a fashion. That portion is not going on record. I will look into it.

(Interruptions)

DR. MUMTAZ ANSARI: With all respect, I am speaking, Sir. The dates have been shifted again and again, time and again. This has made a mockery of the entire democratic process. We also hoped that the elections would be held within the scheduled time and a Government would be formed. But the people who were afraid of the elections and the parties which were afraid of the elections were making all sorts of frivolous and baseless charges against our Government which was running for the last five years with normal law and order situation and with all normalcy, without any sort of disturbance or without any sort of problems. Now, the people are raising all sorts of voices against the Government which was democratically elected by the people. Now, the Election Commission has also taken a view. That is why, I am telling you that this shows the intention of the Election Commission. I am not mud-slinging against the Election Commission; I am not accusing the Election Commission; I am not blaming the Election Commission. But, at the same time, I must say unequivocally in clear terms that this shows the intention of the election Commission. Our Government and the Chief Minister challenged in the Supreme Court that the identity cards were going to be foisted on the State. I am telling you the truth. (Interruptions)

MR. SPEAKER: Mr. Ansari, you may please understand. There is a nice balance which you should maintain. I will go into the record and that portion which cannot go into the record will not be allowed to go on record. You may please weigh every work you speak because we are in Parliament.

(Interruptions)

MR. SPEAKER: You may please hear me first. We are in Parliament; we have a duty to protect the Constitution and whatever is there in the constitution. Why do you not speak in that fashion?

(Interruptions)

DR. MUMTAZ ANSARI (Kodarma): I am maintaining a nice balance, Sir. (Interruptions)

MR. SPEAKER: You can do it in a very very fine manner and in an effective manner without using something which goes against the spirit and the words of the Constitution.

(Interruptions)

DR. MUMTAZ ANSARI: I am presenting the facts, Sir.

⁴Not recorded.

(Interruptions) The Election Commission postponed the date of the election after the 15th of March also. We came here; we asked and we requested; we saw the Parliamentary Affairs Minister, through you, Sir, and asked him that a request must be made to the Election Commission not to postpone further the dates; and finally, it was assured on the floor of this House, before you, Sir, that this date will be preponed from the 21st of March....(Interruptions)

MR. SPEAKER: I must set the record correct that no such assurance was given.

(Interruptions)

DR. MUMTAZ ANSARI: A feeling was expressed by the Parliamentary Affairs Minister that it will be preponed from the 25th of March, but nothing has happened. Anyhow, we were satisfied....

MR. SPEAKER: This is going off the record.

(Interruptions)

DR. MUMTAZ ANSARI: The Election Commission was in full knowledge and it was within the information of the Election Commission that after the 15th of March, the life of the Government will expire. Again, the Election Commission knows fully well that after the 31st of March, there will be a need for financial help and before that date, the Financial Bill and the Budget have to be passed. In spite of all this information and in spite of all these facts.....

MR. SPEAKER: This is not going on record.

(Interruptions)

DR. MUMTAZ ANSARI: Again, from whatever news is trickling through and whatever telephonic messages are coming from Bihar, we come to know this. After 25th of March, it has been just postponed to the 28th of March. It has been told by the election Commission that the date will again be postponed to the 1st of April.....

MR. SPEAKER: It is going off the record.

(Interruptions)

DR. MUMTAZ ANSARI: One fact which is very important is that in Central Bihar, at least from 10 Constituencies where the election was completed and where the polling was held, at least 5,000 people are being invited by the Election Commission—to Delhi—and they will be just called here on the 2nd of April; and they will have an interaction with the Election Commissioner; they will have personal interviews with the Election Commissioner. This will include not only the candidates, but also the polling agents and a large contingent of persons....(Interruptions)

MR. SPEAKER: Mr. Jena, why do you put up a candidate like this?

(Interruptions)

DR. MUMTAZ ANSARI: They have been invited. (Interruptions) Now, on this plea or the other, the Election Commissioner is telling that the paramilitary forces were not supplies to him; they were not given to him. On the

other hand—just now, a few hours back—the Minister for Internal Security said that never, in any part of the country, such a large contingent of paramilitary force was requisitioned by any State Government. But, in the justice and fairness of the Election Commission, for ensuring free and fair poll, our State Government and the Chief Minister of Bihar called for a larger contingent of paramilitary forces. Again, these paramilitary forces were not sent to that state; a large number of contingent has been deployed....

MR. SPEAKER: This is not going on record.

(Interruptions)

DR. MUMTAZ ANSARI: There is a caretaker Government. Reports are being sent by the Governor of that State directly to the Home Minister without any consultation and without any consent by the caretaker Government, without any consultation with the Chief Secretary and without any consultation with different officers....(Interruptions)

MR. SPEAKER: Mr. Ansari, you should please understand what is provided in the Constitution. If you have to allege anything against any constitutional authority, you shall have to give 14 days' notice. Without understanding these niceties, if you speak, that will not be allowed to go on record. If you are given an opportunity, you should make use of that opportunity in a proper manner.

(Interruptions)

DR. MUMTAZ ANSARI: Sir, I am speaking the truth.

(Interruptions)

MR. SPEAKER: You are not speaking....

(Interruptions)

DR. MUMTAZ ANSARI: The election was peacefully held.

(Interruptions)

MR. SPEAKER: You are neither understanding the Constitution nor understanding what I am saying.

(Interruptions)

DR. MUMTAZ ANSARI: No, Sir. We do understand a bit of the Constitution. And we are speaking within the framework of the constitution.

MR. SPEAKER: Please make use of this opportunity to make the point.

DR. MUMTAZ ANSARI: So, thank you, Sir.

MR. SPEAKER: All right. Thank you.

SHRI SRIKANTA JENA (Cuttack): It is not our intention to stall the proceedings of the House.

MR. SPEAKER: Mr. Jena, I have no objection. If you have a strong feeling, you have to demonstrate it.

SHRI SRIKANTA JENA: We are recording our protest. We are concerned about it.

MR. SPEAKER: We understand you feelings.

SHRI SRIKANTA JENA (Cuttack): We came to know that election to the Bihar Assembly scheduled for 25th again been put off to 28th. It has been phased out. Again,

the information is coming that the election proposed to be held on 28th is being postponed to 1st or 2nd April. Nobody knows whether it will be held in the month of April or it may go to May or June. Or it may go up to the Monsoon Session.

The whole problem is that we are interested that the election should be held there immediately. The schedule fixed up to 25th March was also changed four times. First, it was scheduled for 5th, 7th and 9th March. It was again changed to 11th, 15th and 19th March. Then, it was again changed to 21st and 25th. And now, it has again been changed to 25th to 28th March. And from 28th March, we are told, it is again being shifted to the month of April.

This matter was raised last time also. We asked the Minister for Parliamentary Affairs, that is, the Union Government that they should at least request the Election Commission to avoid President's Rule in the State and prepone the election. Instead of 25th March, they can hold it on 19th and 21st March. But nobody listened to us. We do not know what exactly is the position. Has the Government of India taken up this matter with the election Commission or not? That was also not told to the House.

You know that Bihar is being discriminated. First, the election Commission's request to the Union Government was that the Central Budget should not be placed because that might influence the elections which were going to be held.

MR. SPEAKER: On that point, let me make it clear that the Budget can be presented on date. It could have been presented on date. But because some members had expressed that they would not be able to participate in the election, probably some adjustment was done. But nobody would be in a position to direct this House to take up the Budget on the date or not.

SHRI SRIKANTA JENA: Thank you for that position which you and the House have taken. But the Election Commission took this decision that the Central Budget should not be placed before the Assembly elections were over.

After that, the Budget came but the elections to the Bihar Assembly could not take place. The Election Commission's view was that it might influence the electorate of different States if the Central Budget were to be placed before the elections were held. He did not react. The Budget was presented. That was also not taken care of by the Election Commission.

Apart from the Central Budget, the counting was also postponed. The election results were not declared because it might influence the other States. But in the case of Bihar, the Election Commission asked for the results of other States and these were also announced.

Subsequently also, we wanted that whatever may happen, there should be elections. We are only interested that the election date should not further be postponed. But to everybody's surprise, the elections are being shifted from one date to another date. And nobody knows what kind of para-military forces are required by the Election Commission. The elections have been peaceful wherever

these have been held. Even the National and the international Press have been covering the elections in Bihar. The elections to 200 seats have already been over. About 124 to 130 Assembly seats have been left. There is no incident. Even in States where the elections have already been held, some kind of incident of violence had been reported. But from Bihar, no report of violence has been reported in the newspapers.

So, normal and smooth elections could have been held. In spite of all that, elections are being put off and nobody knows for how long will the election process continue. Therefore, the whole issue is a constitutional crisis. The Election Commission is supposed to hold the elections. The Election Commission is not there to just debar the right of the common citizens to exercise their franchise. Therefore, we are all concerned about this matter. That is why, it should be taken up immediately. Let the Government of India say as to what is their position. Why did the Election Commission not hold the elections when the life of the Assembly was over? Even when the life of the Assembly was over, before the 15th of March, elections were not held. They announced the rescheduled dates. Even now we are doubtful whether the elections will be held on the 28th or not. That is the position and that is why, we are all concerned. What to do at this juncture when the whole parliamentary democracy is at stake in the hands of the Election Commission? What to do now? The highest body of the nation is the Parliament. We are interested that there should be some code of conduct for the Election Commission. There is code of conduct for us. Sir, you were always cautioning us that we must maintain our code of conduct always.

MR. SPEAKER: You leave that. You have made your point.

SHRI SRIKANTA JENA: We are maintaining our code of conduct but the Election Commission is violating its code of conduct. If the Election Commission violates whatever has been given in the Constitution, then what will happen to the parliamentary democracy of this country? That is our concern. That is why, we are agitating on this issue since morning.

MAJ. GEN. (RETD.) BHUWAN CHANDRA KHANDURI (Garhwal): Sir, I am not happy with the frequent postponements of elections in Bihar. I would like to start with this. But I would like to remind the House about the reasons as to why we have reached this state of affairs today. If we look back, to my mind, there are two major reasons. The first reason was that the CEC had planned the elections well in time in February and he had given adequate time but the Central Government and the State Governments took it upon themselves to take obstructive attitude on identity cards. And consequently, the first postponement was because of the identity cards problem.

DR. KARTIKESWAR PATRA (Balasore): The Central Government has no say in it.

MAJ. GEN. (RETD.) BHUWAN CHANDRA KHANDURI: The Central Government is the major culprit, according to my view. I am saying this because the CEC

had said, one-and-a half years back, that he would have these elections only if identify cards were made. Why did you people sleep over it for one-and-a-half years? If you had to take any action, if you had to go to the court, you could have done that. That is the first contributory reason.

The second contributory factor was the non-imposition of President's rule on the 15th of this month. Mr. Ansari talks about democratically elected Government. Is there any democratically elected Government in Bihar today? It is a caretaker Government which has no public mandate. It is a Government other than people's mandate. Therefore, Sir, while I agree and strongly convey my views that frequent postponements are not good because it creates hardship for the common man and therefore, it ought not to be done, at this point of time, I am not in a position to give the reasons as to why the CEC has done so..
....(Interruptions)

SHRI SOMNATH CHATTERJEE (Bijapur): What should be done now? You may give your suggestions.

[Translation]

MAJ. GEN. (RETD.) BHUWAN CHANDRA KHANDURI: I will, if you allow me. (Interruptions)

[English]

I will give you my view. You are very learned people and experienced parliamentarians. Therefore, Sir, I agree that frequent postponements should not be there. But today, are we in a position to say why these postponements, including even this latest postponement, have come about? We do not know; I also do not know. But I do hope and expect that CEC had very good reasons to do it. We do not know the reasons.(Interruptions) I am saying that I do hope— I am not condoning the postponement of elections and if there are no justifiable reasons for postponement, we should hold elections and there must be a method of doing it. I suggest that such frequent postponements are creating hardship and therefore, I request him— and this House also should request him — to kindly consider this hardship and if possible and justifiable, further postponement should not take place.

SHRI SOMNATH CHATTERJEE: Sir, it is very unfortunate that even at this very important juncture of our Constitutional history, this House cannot speak in one voice. Speaking for myself, it is very unfortunate because it is an extraordinary situation that has developed in this country, really for the first time, when regular elections could not be held on time. We all know that this is not a case where elections are to be held after a sudden dissolution. It was known that the Bihar Assembly was going to be dissolved on the 15th of March automatically as per the normal Constitutional provisions. And today, on the 23rd of March, we are discussing as to when, how and whether at all, elections will be held in one of the States of this country! Let me explain why I feel we have a duty to the people of this country as also to the posterity. I am asking myself whether the Parliament of India has a role or not. I also request the hon. Members here on all sides of the House to kindly advert to this question. For the

functioning of our Constitution should the Parliament of India sit as a mute spectator, waiting for somebody's decisions and good wishes, however high a Constitutional authority he may be? I want to know whether the question as to how democracy should function, will be depending on 'a', 'b' or 'c', or whether it will be the conjoint wisdom of all the Constitutional bodies and authorities of this country.

This is my submission. I say this has to be answered. Such a situation has never arisen in the past. Last week also, we were agitated on this aspect. There is no doubt about it. The Prime Minister had to intervene and he did say that till that time, they had not decided about the declaration of President's Rule and that he had not closed his options. But today, what are we finding? Is nobody to give any reasons for this postponement? On the subjective determination of one individual, however high an authority he may be, can the entire democratic process come to a halt? The very basis of our Constitution and Parliamentary Democracy is elections with adult franchise. Everybody has a right to express his views through a ballot paper. But how do the people of Bihar exercise this right of theirs? Why should they have a Government in caretaker form? Everybody knows in this country, maybe rightly, that even before the declaration of elections itself, all developmental activities come to a halt. Really speaking, normal governance of the State itself comes to a standstill. We are all aware of this fact.

Secondly, we have all participated in elections and we know how the very process of elections in this country is dependent on various factors. There has to be some organising and there has to be campaigning because the people have to be reached. This is the normal feature of elections. Whether you spend or do not spend to much money, certain campaigning has to be done, people have to be approached and people have to be told about the programmes and manifesto of my party. I have to explain to them about all these aspects. This cannot be extended indefinitely in this manner. Therefore, according to us, a very explosive situation has now developed. And our friends from Bihar rightly remind us that there is a complete standstill so far as the developmental activities in that State are concerned. Not only that. Normal life in Bihar is disrupted. Tension is being created among political parties, among the candidates and amongst the people themselves. Will it be dependent on one single authority, however high he may be? I respectfully submit and I request my friends on all sides of the House. Please let us not do politicking on this. The Parliament of India cannot just be sitting idle here, indifferent to whatever is happening to this country. Our Constitutional framework is being decimated its very foundation is being weakened; and people's right to participate in elections is being postponed indefinitely. As everybody knows, after 31st March, there will be a complete breakdown of the Constitutional machinery because not a single paisa can be spent. This House has to intervene them.

Sir, is this the way this country is to be governed? Therefore, I appeal to all sections of this House, let us unanimously express our greatest concern about this

postponement. We must express our unanimous view that there should be no further postponement. As it is, we — this Parliament, this House of the People of India — did make a request that the elections had to be advanced to an earlier date from the rescheduled date of 25th of March. In spite of our request, instead of advancing the date, it is again being postponed. This is the respect shown to this House, this Parliament of India!

Sir, therefore, I am saying, let it be made categorically clear to every authority in this country that enough is enough; hold elections; let the Government there come into existence.

Sir, the CEC or the Election Commission will have absolute authority to cancel the polls, but in anticipation they cannot go on postponing the elections. If anybody wants to exercise authority *bona fide*, he can do it. I am saying, that power is there. He will not be without power, without any remedy; but today, in anticipation, elections are being postponed and today it has come perilously near the last possible date. This will be a tragedy in our constitutional process in this country.

Therefore, I submit that we should unanimously pass a Resolution saying, let there be no further postponement; let elections be held. I beseech you, Sir, occupying the highest position in this House that you express the views of the Members of this House; thus far no further postponement of elections; elections must be held come what may so that the results could be announced and whatever is the Government there, can be formed well before the last date so that the Parliament does not have to intervene for the purpose of passing the financial business of the Bihar Assembly.

Therefore, I request, let that be made absolutely clear that we cannot be mute spectators of the total dismantling of the constitutional process.

SHRI P.G. NARAYANAN (Gobichettipalayam): Mr. Speaker, Sir according to the Constitution, the elections must be held before the expiry of the term of the State Assembly. The Election Commission is the creation of our Constitution. I think, the Election Commission has failed in its duty in not holding the elections before the stipulated time.

Sir, this election has been postponed in Bihar so many times. This arbitrary action of the Election Commission has destroyed the basic structure of our Constitution. Today, the passing of the Vote on Account is also in question. It has created so many problems. We cannot keep quiet on this. The Government cannot sit idle on this very vital issue. This is a very serious situation. So, we must find a way out to solve this crisis and take action to see that elections are not postponed further. We must find a way out to solve this problem.

SHRI JASWANT SINGH (Chittorgarh): Mr. Speaker Sir, I heard with great attention and great respect my eminent colleague, a renowned constitutional authority Shri Somnath Chatterjee. I claim to know such a distinction, but I must, in all honesty differ in some aspects of his plea to the Parliament. Sir, as I have to carefully phrase what I

have to say, I would beg your indulgence, not normally done, to actually read out a few lines that I have written here.

Sir, Shri Narayanan said that the basic structure of the Constitution is being broken and that it is the CEC's responsibility to ensure that elections are completed by the scheduled date etc. Therefore, I think, I must respond to this very briefly.

Sir, the constitutional scheme of things to my way to looking at it and understanding, this arrangement of responsibility between the various organs of the Republic is a delicate and finely balanced arrangement. Each of the organs has to be extremely mindful of the undefined territorial demarcations and none must encroach upon the territory of another.

Therefore, Sir, I submit to you, as a reflection, that the overriding requirement of all the Constitutional authorities, I repeat all Constitutional authorities, is of restraint both in the interpretation of the responsibilities and in the discharge of those responsibilities. This applies as much to this assembly in which we have the honour to sit as to those that are not part of this assembly. To my understanding, the Constitution enjoins upon the Chief Election Commissioner the responsibility for a proper supervision and conduct of elections. That is very specific and that is an area or a territory in which no other organ of the Republic can encroach. Indeed I am of the view that the Executive has a bounden duty to assist the CEC in every respect; in the discharge of the CEC's Constitutional obligation of supervision and conduct of elections in the manner in which the Constitution had demanded.

What then, Sir, is the role of the Parliament, because that is the substance of what my eminent colleague Somnathji has said? What is the role of the Parliament if we find a situation as we find ourselves in today? What is the situation in which we are placed at present? We are talking of a particular State of the Union, an important State and State which is going to elections after completion of its scheduled period of elected life. That scheduled period or elected life, to my understanding, ended on 15th March. It was the responsibility of the Executive, both of the Government of Bihar, indeed more of the Union Government, to ensure that whatever the Chief Election Commissioner of the Office of the Chief Election Commissioner wanted for a proper conclusion of elections before the 15th of March was made available to him. Why the Chief Election Commissioner found it necessary to go beyond the date of 15 March is an aspect that the Government of India alone can answer because they alone are in consultation or ought to be in consultation with the CEC because the CEC must have told the Government of India what his requirement was.

The second responsibility of the CEC is proper supervision and conduct of election. The sacrosanctity is not of the date of 15th March. Even by 15th March, for whatever reasons inclusive of natural calamities, the elections could not have been completed, then another Constitutional obligation which would have fallen on the

Union Government, the Governor of Bihar, indeed of the State of Bihar was the imposition of the President's Rule. Had the President's Rule been imposed on the 15th of March, all these attendant difficulties about payment, vote-on-account, money, etc. would not have arisen. Therefore, these two cannot be equated.

As a consequence of elections, we are in the Parliament. Each and everyone of us knows intimately what elections are all about, including—if you permit my saying so—you, Sir because you too are the consequence of elections. If we have to go through a process of elections which is undefined, which is indetermined, which keeps on prolonging itself, the consequences are not upon those of us that finally get elected, the consequences are far widespread. The society at large of that particular region or State has also got to pay a price and that has to be taken into account because we represent that society. We become the distillate of that society. In this context, we say that we are greatly concerned at this frequent and repeated postponements of elections in Bihar. It is not a matter that can be treated lightly. I have no doubt in my mind that the Office of the CEC, the autonomy of the CEC is mindful of the difficulties if frequent postponements take place. No doubt the Office of the CEC has applied its mind to this aspect of frequent postponements. We do not know why postponement had taken place. Indeed, some of us pleaded that when the dates of election coincide with Holi, they will casue enough self-evident difficulties. So, that resulted in postponement. Our State Unit as of yesterday or today had made a demand that in the final phase of the election because of the absence of suitable security arrangements, the elections must be spread out. Therefore, a decision was taken by the office of the CEC that yet another round will take place on the 28th March. Now, these are matters of detail and on each and every action of the CEC if the Parliament were to sit upon judgement, then I submit to my hon. colleague in all humility that the Parliament would be grossly over-stepping its territory. You leave alone the CEC, if the Parliament starts sitting upon judgement on each and every action of an autonomous organ of the Republic, then the Parliament would not fulfil its obligations constitutionally. The Parliament could well turn around and say, you are on error viz., Mr. Jaswant Singh's interpretation of the Parliament's role is not what it ought to be. It is possible. But that is the interpretation that I subscribe to. The Parliament's function is to permit the autonomous organs of the Republic to function autonomously. No doubt, Sir, each organ of this Republic must be inspired by a sense of restraint.

There are three or four aspects which I would like to submit now. What are the constitutional obligations of the CEC? On the question of the caretaker Government, I had even on an earlier occasion said and I say it without meaning any disrespect to the committed and stated political positions of all sections of the House that; if after all on 15th March, the Constitutional life of that elected Assembly and the Government of Bihar had expired, then Heavens would not fall if this Government of Bihar had

resigned for ten days or fifteen days or whatever it is, and if it had...*(Interruptions)*

[Translation]

SHRI RAM PRASAD SINGH (Bikramganj): The Election Commission has its own convention and its own prerogative*(Interruptions)*. The Chief Minister submitted his resignation to the Governor who in turn submitted his report to the Government and we urged that election process should be completed in Bihar under the caretaker Government of Lalooji....*(Interruptions)*

SHRI JASWANT SINGH: I agree that he submitted his resignation. I would like to put fourth my opinion here before my friends that though he submitted his resignation, yet the Central Government did not take the action, it should have taken. It was a political manoeuvring on the part of the Centre which gave rise to this situation and in spite of all this, the Central Government is not being blamed for it.*(Interruptions)*

SHRI VIJOY KUMAR YADAV (Nalanda): Now you are demanding that the date of 15th should be fixed. Prior to this, you demanded imposition of President's rule there.*(Interruptions)*

SHRI JASWANT SINGH: That is true.

SHRI RAM PRASAD SINGH: The Government of Bihar moved the Supreme Court in connection with the identity card issue and the Court gave its verdict in favour of Bihar saying that elections can be conducted in the absence of identity cards as well. Shri Seshan got annoyed with this move and is trying to defer elections in Bihar on one or the other pretext. This is indicative of his mala fide intentions and with a feeling of vengeance, he is trying to stall election process there until President's Rule is imposed. That way, he is himself bringing his office into suspicion in the eyes of the people which is harmful for democracy.

[English]

SHRI SAIFUDDIN CHOUDHURY (Katwa): Sir, Shri Jaswant Singh has yielded that the non-imposition of President's Rule in Bihar should not become a matter of prestige.

SHRI JASWANT SINGH (Chittorgarh): Sir, I agree with my friend that it is not a matter of prestige.

[Translation]

I agree with you. You are right in saying that our party had demanded that elections in Bihar should be conducted after imposing President's rule there. This has been our political stand and we are not backing out from it even today. I would like to submit that now there is no need of going into the details and analysis of the reasons which prompted us to raise such a demand. I will conclude in just two minutes.

SHRI CHHEDI PASWAN (Sasaram): Then elections should be conducted under President's rule throughout the country.*(Interruptions)*

SHRI JASWANT SINGH: That is also true. Somnathji had also said that you should not insist on conducting elections after the imposition of President's rule because

that will be a wrong precedent and, then, this should apply to the whole country.

MR. SPEAKER: Is there any such provision in the Constitution?

(Interruptions)

[English]

SHRI SAIFUDDIN CHOUDHURY: In Bangladesh they are demanding that the existing Government should go and a caretaker Government should be formed to conduct elections.

[Translation]

SHRI JASWANT SINGH: With your permission, I would like to put forth my view for a minute. It is true that we demanded and were of the opinion that under the present circumstances it would be prudent to conduct elections in Bihar under President's rule. There is no need of going into its analysis. I would like to submit very seriously before my friends that we may in the heat of moment say something about the imposition of the President's rule but I must say that Janata Dal has ruled Bihar for a more 5 years but do you forget that the present state of affairs in Bihar owes its origin to the 45 year long Congress rule that has ruined it and pushed the state to its present miserable condition. Why were you sleeping over it for so long? *(Interruptions)*

MR. SPEAKER: Your speech is now touching new points.

(Interruptions)

[English]

SHRI JASWANT SINGH (Chittorgarh): I will make a final point. My hon. colleague, Shri Somnathji with great and his usual compelling.....

MR. SPEAKER: Mr. Somnathji has said whatever he wanted to say without crossing an inch beyond the Constitutional limit.

[Translation]

SHRI JASWANT SINGH: I know. If I have somewhere.....

MR. SPEAKER: No, Not at all. Only that your area of speech is expanding little more.

SHRI JASWANT SINGH: It is expanding because of the comments being made.

[English]

One final point. Mr. Somnathji has said that postponement of elections is denial of democratic rights. I submit that if postponement of elections is treated as denial of democratic rights, democratic rights being equated to fair and proper elections, fair and free election under the present arrangement being not possible, then unfair and improper elections are also denial of democratic rights and it is better to postpone elections till you can have fair and proper elections. The only Constitutional authority that can determine the method and the time for the fair and proper elections is the Chief Election Commissioner. My appeal to this entire House is that let us not transgress the territory which is not Constitutionally our territory.

SHRI SOMNATH CHATTERJEE: He took my name eight times. I should be allowed to speak. Mr. Speaker, Sir, I never attributed any motive to any authority here. What I say is let us not assume infallibility of anyone in this country. Mr. Jaswant Singh because of the company he keeps, forgets good and relevant things. The decisions of the Constitutional authority have been set aside by the Supreme Court of India and I hope you accept that authority's decisions.

Therefore, why must we always say that somebody is infallible in this country. What I said is that Parliament should not be a mute spectator. Let her express its own opinion. I have never said 'dictate', I have never said, "we command or we force any authority in this country to do a particular thing in a particular manner or not". As we cannot dictate to the Supreme Court, we cannot dictate to the Election Commission or the C&AG either. These are the constitutional authorities whom we cannot dictate. But in Parliament let us express our views. It is for him to decide whether to pay heed or not or what decision ultimately to take.

I am saying that let us express our views, let us not divide the House for narrow political reasons. That is my appeal to you. That appeal has been rejected. Then, let us express our views at least. If I am not misunderstood let at least the more democratic section of the House express its views.

SHRI SYED SHAHABUDDIN (Kishanganj): Mr. Speaker, Sir, it seems to me that the canvas of the debate has been widened beyond, what I would say, the desirable limit in the situation.

MR. SPEAKER: I think let us apply the paint, colours only to the limited area.

SHRI SYED SHAHABUDDIN: Therefore, I would like to be very brief. First I would take up one point which Shri Somnath Chatterjee made just now. Yes, the decisions have been upset by the constitutional authority, namely, the Supreme Court. So long as that is not done that decision stays.

It is always open for anybody to challenge a given decision of the Chief Election Commissioner. That has not been done. Therefore, under our jurisprudence a person is innocent unless he is proved guilty. I am not acting as an advocate of Mr. Seshan. But this is what occurred to me just now.

There is no doubt that the Constitution sets down that it is the prerogative and the responsibility of the Chief Election Commissioner to conduct the elections. On that we have no doubt at all. I think everybody accepts that.

Now, what has happened in Bihar is that due to the very complex situation obtaining in Bihar the elections have been staggered in various phases and some phases have been postponed. Yes, today the only thing that we have is that a particular area of Bihar which was also to go to polls on 25th is now to go to polls on the 28th of March.

As far as I understand, the reasons is very simple. In view of the experience of the elections that have been held so far it has been found necessary that every single booth,

without exception, should be manned by a minimum force of one plus four. That has been the direction of the Chief Election Commissioner in his wisdom and I personally stand by that knowing the situation in Bihar. But that is a decision of the Chief Election Commissioner.

Therefore, the Executive authorities concerned worked out and found that they could not possibly conduct the elections in this entire area on one single day. They made a request that it should be staggered and that request was supported and recommended by the Governor of Bihar. On that the Chief Election Commissioner has taken a decision. I see nothing wrong in the procedure.

A postponement of election in a limited part of Bihar for three days does not upset the apple cart of democracy in any sense of the term. It is not such a revolutionary thing that should have given rise to the explosion of the dimension that we have witnessed today on the floor of the House.

Sir, I submit to you that in Bihar there is an abnormal situation. I would not like to make any allegation, but anybody in Bihar knows that this is an unprecedented situation and therefore, certain extraordinary measures have to be taken. We had never heard of ballot papers being misprinted. That is simply beyond our imagination. We had not heard about a *Chowkidar* guarding a booth. It might have been done but then those days were different and the system had credibility. Today that has no credibility at all. Therefore, free and fair elections do demand that a certain minimum force be deployed and if the Chief Election Commissioner is doing that I see nothing wrong in that. He is basing himself on his experience and I am sure he must be giving a written order. I am sure it is not just something that he has done in a huff.

Sir therefore, I would say that our friends.....(Interruptions)

SHRI SOMNATH CHATTERJEE: You do not know who will be the next victim. (Interruptions)

SHRI SYED SHAHABUDDIN: I know the logical limits of the procedure adopted and I have said here on the floor of the House that there may come a time, and I hope it does not, in order to ensure free and fair elections in the country on a given date, the Chief Election Commissioner has to requisition the services of the entire Armed Forces of India. I hope that day does not arise.....(Interruptions)

SHRI HANNAN MOLLAH (Uluberia): He may even demand U.N. Force.....

SHRI SYED SHAHABUDDIN: That will be beyond his competence. For that, the Government of India will have to plead their inability to provide enough force and requisition it from friendly countries. That is different matter altogether.

All I am saying is that this particular postponement in some parts of Bihar does not create a situation which threatens the survival of democracy. I do not see why our friends on the Janata Dal should feel so perturbed about it.

Sir, I would like to make only one final point. It was well understood that, when we last debated the matter that the President's Rule will have to be imposed in Bihar because even if the elections are held as scheduled on

that particular date and completed by the 25th, even then it would not have been possible to constitute the House and to hold the first sitting of the Assembly in order to pass the Vote on Account. This was pointed out by myself as well as my learned colleague, Shri Jaswant Singh, and several other speakers and, therefore, that again is not a new development. The President's Rule has to come there some time before the 31st March in order to vest the authority in this Parliament in which we are sitting so that we can keep the administration of Bihar going. Therefore, as a matter of fact, I would say that nothing earth-shattering has happened today which could have caused this reaction. I, however, express my hope—hope and desire, and I do feel that perhaps the entire House is in agreement with that hope and desire—while we have no right to direct or instruct the CEC that the electoral process in Bihar shall come to a peaceful end on the 28th March and that the elections shall be held on that date.....(Interruptions)

SHRI SOMNATH CHATTERJEE: That is precisely we are saying.....(Interruptions)

SHRI SYED SHAHABUDDIN: I am supporting it. Without casting any aspersions on the CEC, on the conduct of the CEC or even going into the details of the situation that has arisen in Bihar and that it exists in Bihar, it is my Party's hope and desire that the electoral process should be completed on the 28th March. There is no doubt in my mind that the people of Bihar, because of this prolonged duration of the electoral process, have been under tremendous hardship and have suffered a lot of inconvenience. Normal life in Bihar has almost come to an end. The development process has come to an end. The normal administrative process I has come to an end. Therefore, I do hope that this electoral process shall come to an end on the 28th March. Whatever might happen as a result of these elections, after all that would be over on the 28th March, as things stand today.....(Interruptions) We cannot change it, I do hope that Bihar, after these elections are over, shall have a Government which shall restore development, peace and prosperity to the people of Bihar.

MR. SPEAKER: Let us be very brief please.

SHRI LOKNATH CHOUDHURY (Jagatsinghpur): Nobody should challenge the authority of the Election Commissioner. But the Election Commissioner has also certain obligations. If the Election Commissioner will not have some obligations, if he will not take the entire things into consideration, then there will be serious crisis.

Sir, because of the way the Bihar elections have been postponed and are being conducted, the Election Commissioner should have been aware of what constitutional difficulties it will create. So, he is not becoming conscious of the constitutional crisis that was coming. And his taking actions independently will be definitely very much harmful to our democratic process.

Sir, the democratic process has also some features. It is not for the day-to-day happenings. Whenever you do something, you must think as to what will be its outcome in future. So the way the election is conducted in Bihar today,

puts a big problem before the whole country and the Parliament. Therefore, that requires further considerations. I am not going to say it now but this should be considered seriously. But one thing at this stage—I am not going to blame—the Election Commissioner could have recommended the postponement of the dates. But he was not aware of the possible problems that would arise out of the shifting of the date of election. Moreover, he was also not aware of the tremendous hardship it has put to people. The people were not taken into consideration. The immediate hardship that will cause to the people by the shifting of the date of election, that was not taken into consideration. Neither the different organs of State was taken into consideration nor were even the people taken into consideration. So the whole actions indicate that something can be done by a single person. It is a very bad practice. Nobody in this House will appreciate this. We are all committed to democracy. So a time comes when the interest of a particular group or Party in the Parliament may be affected. But even then they will not cross over the barrier and come to an understanding. If that happens, then that will be harmful, that means killings the system itself. So with these considerations, Sir, as Mr. Somnathji has said, no politicking should be there. If anybody is trying to politicking it, that would be more worse than the action taken by the CEC that has created so many constitutional problems. So, naturally, the whole House should, at this stage, express one opinion that the election date should not be further changed and that the election should be completed on 28th. This message should go from the House to the public, to the country and to the Election Commission, and not dictating the Election Commissioner, but giving a message, the feeling of the highest body of this country, the Parliament, on this issue. So my submission is that let the election be completed by 28th March and let it not further be extended which will be harmful.

MR. SPEAKER: Please conclude now. It is not necessary to repeat the same thing again and again.

SHRI LOKANATH CHOWDHURY: I am not repeating. I am only emphasizing my point. Emphasizing a point does not mean always repeating. So, Sir, now there is a crisis. What has happened in Bihar is not a matter to end here. There should be introspection. There should be corrective measures to see that what has happened in Bihar is not repeated again in our country.

[Translation]

SHRI CHHEDI PASWAN: Mr. Speaker, Sir, I will only make 2-3 points because I am neither a constitutional expert nor an I.A.S or I.P.S. officer. We found our way to Lok Sabha while reading and playing in Patna University (Interruptions)

[English]

MR. SPEAKER: This goes off the record.

(Interruptions)

MR. SPEAKER: This is not going on record.

[Translation]

SHIR CHHEDI PASWAN: Previously elections to the Lok Sabha or the Legislative Assemblies were conducted in 21 days but today they are being conducted after 44 days and these too have been rescheduled and extended to nearly 50 days. We fail to understand how the electoral code of conduct is talked about. The election expenditure of the candidates is increasing. All transport and developmental activities in Bihar have come to a standstill. The result is that the prices of all the commodities are rising. The marriages of would-be brides have been stalled and we are talking about code of conduct.

17.00 hrs.

There is no question of code of conduct there. The main question is that Congress has been wiped out from the face of Bihar, the BJP is maintaining a low profile and Samata Party does not exist at all. The people of the State who were exploited and oppressed for years have awakened now and have learnt to exercise their franchise. Those oppressed people knew nothing about booth capturing. That was the business of the higher castes so far. Today, they are not able to capture booths and that is why their hearts are burning with jealousy and the Election Commission is extending the dates, like Hanuman ji extended his tail. The exploited poor and downtrodden people of Bihar have awakened today and that is why election dates are being postponed. Through you, I would like to demand that the Parliament should unanimously pass a resolution to the effect that elections should be conducted on the scheduled dates. With these words, I conclude.

[English]

DR. KARTIKESHWAR PATRA: Sir, experts differ and in this House also, from what I hear, the hon. members also do differ. One thing is, I only object to the criticism of the Central Government by some hon. Members of the Opposition Parties. Nothing more.

One thing is very clear here. Earlier, discussions had taken place here and the Government clarified the matters. We have nothing to do. This Government has got nothing to do with it. It is clear that some Members want the President's Rule to be promulgated in Bihar. Some Members are of the opinion that immediate elections should be there. Some are of the opinion that the caretaker Government should not behave as a real democratic government in Bihar. This is the situation.

It is also clear that in different States elections were conducted fairly freely. Only in the case of Bihar it is being questioned here in this House as to why the CEC had shifted the dates from one to another. This is the opinion expressed and this House is much more seriously concerned about the postponement of the election from one date to another.

One cannot say what the situation was and why the caretaker Government had asked for more paramilitary forces for conducting free and fair elections in Bihar. Here

some Members are criticising that the Central Government is callous and that it is an onlooker. That is not a fact. Whenever and wherever the requirement is there, central assistance is given. There is no dearth of central assistance of paramilitary forces and other things.

The CEC can say why the elections are postponed from one date to another. He can justify it. If the Central Government promulgates the President's Rule there, there may be some hurdles on the question of payment or incurring of expenditure there in Bihar.

MR. SPEAKER: Are all these details necessary?

MR. KARTIKESWAR PATRA: The election in Bihar should not be distorted or disturbed by the Union Government. So, the Union Government is very much clear on this point. Heavens will not fall if the election takes place on the 28th March. So, let us wait and see what is going to happen on the 28th March. This House also is a constitutional authority and a protector of the Constitution. The CEC is also constitutional functionary. The House should wait till 28th March.

This is my submission.

SHRI SOBHANADREESWARA RAO VADDE (Vijayawada): Sir, I rise to express my deep agony over the present stage to which the Bihar election process has come to. It is unfortunate that this should happen after discussion in this House which is the highest law making body of this country where the hon. Members from all sides have expressed their opinions and all of these had expressed one view last time that the election process should come to a close in Bihar as early as possible probably by 25th March itself. Unfortunately, now this has been a part of the election which has to take place on 25th March but is now shifted to 28th March.

What I want to submit is that though the Chief Election Commissioner's office is a constitutional authority, the framers of our Indian Constitution have thought of checks and balances and none is supreme. The Chief Election Commissioner's Office is there to conduct the election but not to postpone the election and the State Government has requested the Chief Election Commissioner to conduct the election much earlier itself. Today an unprecedented situation has arisen where even the framers of our Constitution have not visualised that the Election's Commissioner's Office will behave like this.

In these circumstances, the imperative on the part of the Government is to consult all the political parties and constitutional experts as to how such a situation should not be allowed to take place in future because the Chief Election Commissioner — whoever he may be, I am saying this with all due respect to that Office — cannot simply act in such a way. Justice should not only be done but it should also appear to have been done.*

MR. SPEAKER: It is not going on record.

SHRI SOBHANADREESWARA RAO VADDE: He should not give an opportunity to people to come to such a conclusion. So, I appeal to the Election Commissioner through you, Sir, that the election process should be completed positively by 28th March and no further

postponement should take place under any circumstances. (*Interruptions*). It should be through a resolution on behalf of the entire House. We request you to convey our feelings that democracy should be protected because this is the highest constitutional body.

MR. SPEAKER: Mr. Rao, we have understood everything. Please conclude.

SHRI SOBHANADREESWARA RAO VADDE: Yes, Sir. Thank you for the opportunity given to us. (*Interruptions*)

MR. SPEAKER: Let those who have studied the Constitution speak. Otherwise, it will create problems.

SHRI INDER JIT (Darjeeling): Mr. Speaker, Sir, I am grateful to you for giving me a chance to speak, even briefly, on this matter of grave importance to the future of our democratic policy. We face a situation which is truly grave and tragic. I agree with Shri Somnath Chatterjee that the Parliament cannot be a mute spectator to what is happening in the country today. Indeed, it is time for all of us to pause and ponder.

Sir, I am conscious of the fact that the Chief Election Commissioner or the Election Commission alone is charged with the responsibility of holding elections and ensuring that these are free and fair. I am also conscious of the fact that under Article 324, the Chief Election Commissioner enjoys vast powers of supervision, control and direction.

Nevertheless, the Chief Election Commission has to function within the totality of the Constitutional schemes of things. This scheme of things has not been adhered to. He should have seen to it that the elections were conducted before the Assembly completed its tenure. He should have moved heaven and earth, come to the Central Government and invited all the political parties to ensure that this process was completed in due course of time.

Now the question is, does Parliament have a say in this matter? I venture to submit that we, in Parliament, have taken the oath to uphold and preserve the Constitution. Therefore, we have a responsibility to express ourselves in such grave matters. Infact, the Parliament is authorised, in absolute cases, where a Chief Election Commissioner may go to the other extreme and do things which are not right and are contrary to the Constitution, even to impeach the Chief Election Commissioner. I am not talking in terms of impeachment, I am surely saying that this Parliament should express its concern that elections have been postponed unnecessarily and we should see to it that these elections are not postponed further. Therefore, I would venture to plead that all of us, from all sides of the House, should express ourselves unitedly in favour of ensuring that elections are not postponed any further and that the democratic process is completed as quickly as possible.

SHRI SHARAD YADAV (Madhepura): Mr. Speaker, Sir, before Shri Shukla rises to speak, I would like to bring one thing into your notice. It should be decided first as to how long should be the electoral process. Will it be a continuous process or will it be confined to a set time frame? Please leave aside the issue of the Janata Dal.

* Not recorded.

The matter is regarding the limitation of period only. Our constitutional institutions which we hold in great esteem should run the democracy properly. My submission is that electoral reform is being discussed everywhere. We have been involved in electoral reforms for several years. Democracy is not an abstract thing. It raises its voice through political parties. I want to know as to why Janata Dal itself has been instrumental in bringing almost 95 per cent electoral reforms. *(Interruptions)* I am speaking it very deliberately I want to submit that the people of Bihar have been involved in electoral work for three months. Everybody knows that the election in the country is a very painstaking exercise.

I want to know again as to why 95 per cent electoral reforms are taking place at the cost of the Janata Dal. In the context of the Government of any other party, nobody said on any occasion that President's Rule should be enforced there. But now when the Janata Dal is in power there, several parties have unanimously raised their voice to impose President's Rule there. I do not talk in favour or against that Government. Now poll date has been extended to 28th which makes it certain that President's Rule will be imposed there. Ultimately, it has been decided that the Presidents Rule is the only option left there.

It is the duty of the Election Commission that prior of fixing the dates for elections, it should ensure that it has made all out arrangements for free and fair elections in the scheduled time. After announcing poll dates in Bihar, the people are being harassed by a key constitutional institution by involving them in poll works continuously for four or five months. At the same time in the States which are governed by the non-Janata Dal parties, elections are held as per the original schedule. Such step-motherly treatment should not be meted out to the 9 crore people of Bihar. It exposes the Election Commission about the electoral reforms. This august House is the supreme Body. It was constituted before the poll reforms were announced. So many elections have been held here. I myself have been elected in parliament for five times. It will be criticised all over the world that free and fair elections are not held in India. It is in our country, that suit is filed against a sitting Prime Minister or the country and decision is given against him. Our people view emergency from a different angle.

I would like to submit to the Government that Bihar is in the mainstream. The contribution of Bihar in National movement is conspicuous. But the issue of Bihar is being propagated all around and it is being slandered. The Government strives a lot in the areas where people are not in the mainstream. But the people in Bihar are in the mainstream. 70 lakh persons from Bihar living outside in different parts of the country had come to cast their vote. But with the postponement of the election these 70 lakh people have gone back to their working places with a heavy heart. They might have been hurt that they are treated as second class citizens. Thus the people in Bihar are being harassed because elections process is going on there for last three months.

I am proud to say that Bihar is the pride of India. The political awakening found in Bihar can hardly be seen elsewhere. The movement for social reforms and

movement to eradicate inequality have been launched there together. Now the on-going conflicts have multiplied. But it is very distressing that 9 crore people of Bihar are being harassed frequently and hon. Members of the House are silent. Even if you allow the Members here to speak and they express their opinions, that also will be of no avail.

Through you, I would like to submit to the Government that it was not our strong desire to do what we did in the morning in this august House. But it was our essential duty. You had requested us to continue the proceedings of the House and express our opinions. Therefore, we have come with great hope that the President's Rule will not be enforced in Bihar. I do not want to say whether we will lose or win the elections. But my only submission is that those innocent 9 crore people of Bihar want to cast their votes and form a Government of their choice. The Government to be voted to power is in the womb of future. Therefore, I cannot predict as to who will be able to form the Government. But nobody has right to humiliate those innocent people.

Has ever the Chief Election Commissioner, the head of such a great institution, proposed to talk to all political leaders of the country? Poll-dates have been rescheduled four times. Such decision is taken unilaterally and in camera. This should not be allowed. Political parties are not untouchables. Ours is a public life. We entertain the grievances and problems of the public. It is not proper to deny holding of any talks and to defer elections there in a arbitrary manner. If we announce our decision not to contest elections there, Bihar will be on the heap of gun-powder. Then the situation will be out of control and irreversible. Therefore, Bihar should not be drifted away so remote from the mainstream, otherwise the situation will continue to deteriorate. This impression should not be created among the poor that the administration is depriving them of their right to cast votes. Otherwise, it will harm the country. The writ of an individual irrespective of his stature, cannot run in a democratic set up. This nation can run with the cooperation and support of all of its citizens. With these words I conclude.

[English]

THE MINISTER OF WATER RESOURCES AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI VIDYACHARAN SHUKLA): Mr. Speaker, Sir, a very distressing situation has arisen in the State of Bihar because of the frequent postponements of election there. We can very clearly appreciate and also sympathize with various political parties which have been put to a lot of inconvenience and trouble because of frequent postponements. There could be reasons, there could be non-reasons and there could be various motives attributed to this. But the sum total of this is that it has been a very difficult period and a very distressing period for not only the political parties, but also for the people of Bihar, as Sharadji was saying. I do not think, Sir, that this matter has relevance to any particular political party. Janata Dal is the ruling party in Bihar and therefore, they may suffer a little more than the others. But I think that every political party

has had its share of suffering in this matter.

Sir, the process of electoral reforms was initiated by us in this House about two years ago. Unfortunately, because of various reasons we had not been able to achieve the butt of this. I would appeal to all the political parties, Sir, to ponder nowover in the light of the experiences that they have had in the last six months as to how we can avoid these traumatic situations and traumatic experiences in future and take such measures as to avoid this, as far as possible, in a constitutional manner and in such a manner that it enhances the prestige and glory of Indian democracy.

Sir, I have, with great respect, heard the feelings of the Members of this House and I will convey strong feelings of the House to the Election Commission and we will also hope that such things will not be repeated in future. The unanimous feelings of the House, I am sure, will have a salutary effect on the functioning of the Election Commission.

SHRI SRIKANTA JENA: Mr. Speaker, Sir, last time while discussing the preponement of elections from 25th to 21st it was also requested that the Government should convey the feelings of the House to the Election Commission. But we do not know whether it was conveyed or not.

SHRI VIDYACHARAN SHUKLA: It was conveyed that very evening.

SHRI SRIKANTA JENA: Even if you had conveyed it last time, let the House pass a Resolution now and you can send it to the Election Commission.

[Translation]

What is the problem if it is sent through you? I do not know whether you informed about the developments last time or not.

SHRI VIDYACHARAN SHUKLA: We had sent it that very evening. The Ministry of Law had sent it.

[English]

It was conveyed to the Election Commission that very day. When we had discussed it, the wishes of the House were conveyed that very day to the Election Commission by the Law Ministry who deals with them. Now, we shall convey it again in a very appropriate manner to the Election Commission. I do not think the adoption of a formal Resolution is necessary, because the hon. Members have expressed their views very clearly and candidly. We shall enclose the entire proceedings of this afternoon along with our forwarding letter so that he can be enlightened with the opinion of the hon. Members of various political parties which are functioning in this House.

[Translation]

SHRI SHRIKANTA JENA: It will not be proper. Last time the opinion was conveyed through the Ministry of Law. There was no subsequent preponment, but rather post-ponment did take place. What does such conveying means. You atleast keep the honour of the House.

[English]

We should not humiliate ourselves. We have already humiliated ourselves once. (Interruptions)

MR. SPEAKER: Is it necessary for me to say anything in this matter? I think it is proper.

SHRI VIDYACHARAN SHUKLA: It is not necessary. But we could adopt a Resolution.

MR. SPEAKER: Well, I think, on that point I may say something.

SHRI VIDYACHARAN SHUKLA: Yes I think, that is the only point. Otherwise I have already agreed to convey the entire feelings of the House.

SHRI INDER JIT: Sir, the Resolution is not necessary.

SHRI SRIBALLAV PANIGRAHI (Deogarh): It will not be proper to send a Resolution. It will set a bad precedent. (Interruptions)

MR. SPEAKER: Well, I must say that the Members have expressed their views in a very restrained manner. Excepting for one or two sentences here and there, the Members have expressed their feelings in an appropriate and proper manner on the floor of the House. The matter is complicated and it is constitutional also. We should understand the feelings of the Members and the constitutional position also. The feelings of the Members can be conveyed to the appropriate quarters for appropriate action as per the spirit and words of the Constitution for proper consideration. I think you know that if something has happened in some quarters, probably the Parliament being the highest body has the responsibility of not only working here as per the Constitution but has the responsibility of seeing that the constitutional authorities outside the Parliament also are allowed to function in such a fashion. I had suggested if we could pass a Resolution, but I also think that it may not be proper in the present circumstances to pass a Resolution. We have expressed our views.

... (Interruptions)

SHRI SOMNATH CHATTERJEE: This is an unprecedented situation. At least that feeling should go. You should say that.

MR. SPEAKER: I think, the strong feelings which Members have expressed in the appropriate fashion should be communicated to the appropriate quarters in an appropriate manner to have appropriate results.

... (Interruptions)

SHRI SOMNATH CHATTERJEE: But not with appropriate delay.

SHRI VIDYACHARAN SHUKLA: We will do it right-away.

MR. SPEAKER: I thank all the Members. We understand their agony and they understand the constitutional position, and probably we have conducted ourselves in a constitutional manner. Thank you.