

SHRI ANNA JOSHI (Pune): That is not your duty. Your duty is to get it passed unanimously by the whole House.

SHRI H.R. BHARDWAJ: My duty is, as far as possible, to satisfy you also.

MR. SPEAKER: The question is:

"That leave be granted to withdraw the Bill further to amend the Constitution of India, which was passed by Rajya Sabha on the 29th April, 1992, laid on the Table of Lok Sabha on the 4th May, 1992 and as reported by Select Committee on the 18th December, 1992."

The motion was adopted.

SHRI H.R. BHARDWAJ: I withdraw the Bill.

13.01 hrs.

RE: CONSTITUTION (EIGHTY-THIRD AMENDMENT) BILL
(Amendment of Articles 81, 82, 170 and 324 and Insertion of New Article 324A)

[English]

MR SPEAKER: The House shall now take up Item No. 10 of the Agenda.

SHRI NIRMAL KANTI CHATTERJEE (Dum Dum): As stated in today's order of business, it is mentioned that Shri Bhardwaj would move for leave to introduce a Bill further to amend the Constitution of India. The purpose seems to be also to withdraw the Bill. Why introduce and then withdraw? This is the business that is mentioned and no correction has come to us.

SHRI LAL K. ADVANI (Gandhi Nagar): Obviously this Government in this session has withdrawn perhaps half a dozen or more Bills which they had earlier introduced. Earlier Ministers could not envisage that one day they will withdraw it. The present Minister of State for Law contemplated it even in advance. So, while seeking leave to introduce the Constitution 83rd Amendment Bill, he has added 'also to withdraw the Bill'.

SHRI NIRMAL KANTI CHATTERJEE: You should give a ruling Sir. I have raised a point of order.

MR SPEAKER: My ruling is that your point of order is upheld. And it is a mistake committed and I think they have corrected it.

SHRI LAL K. ADVANI: It is a very meaningful mistake. Has the Secretariat anticipated it.

(Interruptions)

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H.R. BHARDWAJ): As Hon. Members of this House are aware, the Government have circulated copies of the Constitution (Eighty-third Amendment) Bill, 1994 and notice of Intention to introduce the said Bill has also been given.

The Bill is in two parts, the first part dealing with delimitation of constituencies on the basis of the 1991 census and the second with certain aspects arising out of constitution of multi-member Election Commission. Some have expressed certain misgivings about the clauses in the Bill with regard to the Election Commission.

[Shri H.R. Bhardwaj]

It is widely known that, both before and after the circulation of the Bill, Government have held extensive consultations with representatives of all parties in both Houses of Parliament with a view to achieving general agreement on the proposals contained in the Bill. In the interest of reaching decisions by consensus, Government have also added a new clause in the Bill to provide for consultation with the Chief Justice of India in the matter of appointment of the Chief Election Commissioner and other Election Commissioners. In spite of our best efforts, consensus on the Bill still eludes us. The mandate of the Supreme Court in S.S. Dhanoa Versus Union of India, 1991 Supreme Court Page 1745 still cannot be carried out.

We cannot obviously agree to depart from the constitutional scheme. Since it appears that the Constitution (Eighty-Third Amendment) Bill may not enjoy the requisite support, hence, the Government does not propose to introduce the Bill. The legal position with regard to the transaction of the business of the Election Commission has been declared in clear terms in the Chief Election Commissioner and other Election Commissioners (Conditions of Service) Amendment Act, 1993. That position remains valid and unaffected. (Interruptions)

SHRI LAL K. ADVANI: You have been pleading with the amendment. (Interruptions) Even now, why stop the process of delimitation? (Interruptions) What kind of Government is it? You carried on an onslaught against a constitutional authority for the last two months. At the end of this, you are doing this. This Government should resign rather than withdraw the Bill.

SHRI CHANDRA SHEKHAR (Ballia): Mr. Speaker, Sir, I shall like to know from you about your observation. When my friend, Mr. Nirmal Kanti Chatterjee, raised the objection, you said, it is an obvious mistake. But it is not an obvious mistake. It is a blunder not of the Government, but it is a mistake against the very existence of parliamentary democracy.

We should not take this matter so lightly. For all these months, this controversy was going on. Members after Members were pleading with the Government to see sense. They were not ready to see sense. Even just before, Mr. Advani was pleading to get the Bill endorsed that was passed by the Rajya Sabha. Mr. Bhardwaj said that he was bringing some miracle in a minute. And this is the worst miracle that has happened in the history of the parliamentary democracy.

I do not know much of it. But I have been a student of political science. If you quote any other example in the world history, I shall understand that this Government has any sense of dignity and honour about the parliamentary democracy.

Whether they pass one Bill or do not pass a Bill, is it the way the Parliament should be treated? Is it the way that the whole country should be taken to ride? Is it the way that you are going to put before the world what you are doing in this country in this supreme body?

I shall like your guidance. How long are you going to give this long rope to this Government to behave in this manner against all dignity, propriety of parliamentary democracy?

[Translation]

SHRI GEORGE FERNANDES (Muzaffarpur): Mr. Speaker, Sir, we are very angry over it. I do not think that such a joke has ever been played with this House and the Parliament of this country. I fail to understand how the Government * you and this House.

[English]

MR. SPEAKER: I think, it should not form part of the record.

[Translation]

SHRI GEORGE FERNANDES: Mr. Speaker, Sir, kindly understand my point. We are very angry over it. We are not able to control our anger. What has actually happened There is no question of withdrawing it or not. It was an old Bill which was to be withdrawing. On that our colleague Shr: Lodha Ji has said that we all are unanimous about the issue of delimitation. Therefore, Bill regarding delimitation should not be withdrawn. Than you expressed your side of things. The Government had already hatched a conspiracy not to allow delimitation and withdraw the Bill accordingly. Under that conspiracy, they first said the 'Bill to withdraw' and then 'Bill to be introduced'.

[English]

You know that you were not going to introduce the Bill.

[Translation]

Sometimes we do not appreciate the dignity of our own House. Mr. Speaker, Sir, I do not know what solution

to this problem would be found. You cannot find an example of such behaviour anywhere else. I do not know whether this House has ever faced such situation since Independence.

Shri Chandra Shekhar has said that such a thing has happened first time in the History of our democracy. I have come for the fifth term to this House but I have never witnessed such a gross injustice done to the House. No Minister has ever behaved like this in any democratic Parliament. It has not been done by the Minister but by the Government itself.

Sir, please call the Prime Minister to the House and ask him whether he was aware of such behaviour in the House and that they will befool us like this. Kumari Mamata Ji was requesting to speak a few words but she was not allowed to speak. (*Interruptions*) She has her own thinking on it. She demanded freedom of vote in the Congress Party session and that is why we appreciate her. I will not take more time of the House but would definitely like to say that we are not able to cool down ourselves. We are not going to accept such a thing. How would you like to deal with the insult shown to this House.. (*Interruptions*) We always talk about the dignity of the House. Who is responsible for today's act of lowering the dignity of the House? Sir, it is in your hand and therefore, we leave this matter to you.

SHRI CHANDRA SHEKHAR: Sir, with all humbleness I would like to know from the Congress Party as to what advantage they are getting and with what objective they have acted like this. I would like to know that besides murdering democracy and Parliamentary democracy

[Shri Chandra Shekhar]

what other motive can be there behind such a behaviour. With great humility I would like to request the Congress Party to give reasons for such a behaviour.

KUMARI MAMTA BANERJEE (Calcutta South): Sir, I am thankful to you for giving me an opportunity to speak here. For this I would like to congratulate Shri Bhardwaj. Consensus has not reached on this Bill, so our Government wants that there should be consensus over this. Sir, it is a very serious matter in democracy. Many of our hon. friends wanted to impeach Shri Seshan earlier but we did not utter even a single word, but they stuck to his impeachment and Constitution Amendment Bill was introduced later on....(Interruptions)... First listen to me please I would certainly like to request the hon. Minister to think over the issue of delimitation but we slightly differ on the issue of multi-member Commission. I would like to submit that electoral reforms are very important reforms. We want that electoral reforms be made but if consensus is not reached it will create difficulties. The Government, therefore, should not make hurry and should hold a national debate thereon... (Interruptions)... I welcome the decision taken by the Government. There must be national debate and nothing should be done in a haste which may aggrieve the people of the country. We do not want to involve any politics in it. Shri T.N. Seshan is the Chief Election Commissioner at present and he may not hold this post tomorrow. But it is a fact that he has gained success in holding peaceful election. Sir, the winning election by Ms. Lovely Anand from Vaishali constituency is the loveliness of Shri Seshan...

(Interruptions)... if he would have not done this, in Vaishali*

[English]

MR. SPEAKER: This will not form part of the record.

[Translation]

KUMARI MAMATA BANERJEE: I would explain this in another way.*

MR. SPEAKER: This will also not go in record.

KUMARI MAMATA BANERJEE: I have not referred anybody's name. But it is known to all to whom I am not referring to.

Many States are facing problems in holding elections. Therefore, it was the feeling among the common people to withdraw this Bill. Therefore, the wings of the Chief Election Commissioner are not being clipped. We have discussed it in our party and we are proud of freedom and democracy in our party. Our suggestion was accepted that time and the proposal to hold national debate for eliciting the opinion of the people was accepted. The States and other parties also should be consulted and a consensus should be reached in this regard. In the absence of a consensus, it will not be good for the country.

We, therefore, support the withdrawal of this Bill. Moreover, I would like to submit that the issue of delimitation in the Presentation of People's Act should be considered. It is essential to pay

attention to the delimitation as it has been in the case of reservation for SC/STs and minorities. I request my hon. colleagues from the opposition not to involve policies in this issue. The powers of the Chief Elections Commissioner are not being curtailed.

The Government has entertained our suggestions and have taken this decision. You also had the same intention. Therefore, you should also welcome the step taken by the Government.

With these words, I congratulate the Government for withdrawal of this Bill.

SHRI ATAL BIHARI VAJPAYEE (Lucknow): Mr. Speaker, Sir, I have remained associated with Parliament, sometimes with Lok Sabha and sometimes with Rajya Sabha, since 1957. I have seen many Governments in the country. I have seen the earlier Congress Government also. But the awkwardness displayed here today is unprecedented.

Mr. Speaker, Sir, it is a special session. We are being frequently reminded that this special session has been summoned to bring about amendment in the Constitution. This Session has been summoned to discuss electoral reforms. We were even prevented from raising any other questions. Mr. Speaker, Sir, we have been emphasising from the very beginning that general consensus is must for bringing about amendment in electoral reform. Election Commission is not an individual, it is an organisation for which, prior to taking any decision, mere simple majority is not sufficient. You must be remembering that during the meeting held in your Chamber I had asked Shri Vidyacharan Shukla whether he is going

to take decision in this regard by majority. He replied in the affirmative. The issue of majority was raised yesterday also. But the Government did not calculate whether there will be 2/3rd majority or not. Even if the two-thirds majority was obtained, the decision of Parliament for making such electoral reforms would not have been proper.

Is there any political party that does not want to cooperate the Government on this issue. My complaint is that the report of the Goswamy Committee has been lying pending for four years. The money power and muscle power are on the increase. Polling booths are being attacked. Money is being wasted. The Government should amend these laws. But it has not cared at all. The present Chief Election Commissioner is a different kind of person. Although I do not agree to all of his views, yet I happened to visit the bye-elections and found that the walls were not defaced this time. The number of posters and banners was also reduced. The hon. Minister was in search of a private car and kept the official car at distance to escape the notice of Shri Seshan. A simple person has shaken the entire system. Therefore, the common man has given him full support. But the Government is amending the Constitution holding special session to curtail his powers. The Government did not bother to see whether it will get the required number of votes. Till today morning we were saying that such Bills should not be introduced. Mr. Speaker, Sir, you are the witness to this fact. The Government should have accepted at least your suggestion. You have always been emphasising that such important issues should be decided through consensus. It is the failure of the Government that it could not muster majority in its favour. I would like to state

[Shri Atal Bihari Vajpayee]

that the Government does not know even counting. Even if the Government would have got the two-third majority, that could not have helped in getting such Bills passed or they would have strengthened the electoral system, nor could that have promoted the dignity of this august House.

Mr. Speaker, Sir, what will happen now? The purpose for which this session was convened has not been served. Its final ritual was destined to be completed by Shri H.R. Bhardwaj. It might have been the writ of providence. The word, 'withdrawal' is not a mis-print here. I thought it to be a misprinted word. It was written here deliberately that you have come with your demand for its withdrawal.

The Government has played with the sentiments of the House. It has treated the House several times in the same manner, which is not conducive to the dignity of the House. Today, the Government has crossed all the limits. It has cheated the House. We must know who will bear the brunt. Had the Government wanted to do it gracefully a way could have been paved even upto this morning. The Government has failed to do even that. The Ministers are talking of consensus, but they are not making efforts in creating a conducive atmosphere to reach to consensus. An anti-climax like situation has been created in the House. Who will bear the brunt? It would be better if the Government resigns.

Mr. Speaker, Sir, our demand is that there is no need to extend this special session. The Government should adjourn the House sine die. The purpose for which this House was convened does

not seem to have been achieved. We should not waste time and engage ourselves in other work. In future the session of the Lok Sabha should be convened only after giving it a serious consideration. If the Government is lacking strength, it has no moral right to remain in power.

(Interruptions)

[English]

SHRI LOKANATH CHOUDHURY (Jagatsinghpur): What is going on?

MR. SPEAKER: A discussion is going on.

SHRI GEORGE FERNANDES: Sir, I am on a point of order.

MR. SPEAKER: What is your point of order?

SHRI GEORGE FERNANDES: My point of order is on breach of privilege. I am on page 246 of the latest edition of this book that has been circulated today. It says:

"Presenting false, forged or fabricated documents to the House or its Committees."

It is a breach of privilege. I am reading from this book which is being an authoritative definer of the privileges of the House.

"It is a breach of privilege and contempt of the House to present false, forged or fabricated documents to either House or to a Committee thereof with a view to deceive them."

[Translation]

This decision was given by our former Speaker hon. Mavalankar in some other reference. But the important thing is that such type of documents are being put up before the House or the Committee with a view to deceive them. I would like to make two submissions. Firstly, you and we have been suspending several rules in the House. You should suspend the sub-rules to Rules 202, 222 for the people who wanted me to give you notice. You should give directive in this regard. My other submission is to safeguard the dignity of the House, you should....

SHRI CHANDRA SHEKHAR: There is no need to suspend the rule for the incident that occurs in the House. That does not apply here.

SHRI GEORGE FERNANDES: On the basis of this rule, the Government should immediately take up this issue for discussion in the House on the plea of breach of privilege or contempt of the House.

SHRI SYED SHAHABUDDIN (Kishanganj): I fail to understand what is happening here. The heading of the item no. 10 has been mentioned as 'Bill to be Introduced'.

SHRI ATAL BIHARI VAJPAYEE: You are saying so as if we have understood it.

[English]

SHRI SYED SHAHABUDDIN: The caption is 'Bill to be introduced'. Now this Bill has been circulated but has not been introduced as yet. If a Bill has not been introduced where is the question of withdrawal obviously that is a misprint. Let

the Government first clarify whether it is actually withdrawal or whether it is actually introduced.

[Translation]

SHRI LAL K. ADVANI: Mr. Speaker, Sir, it is strange. He could have urged that he is not going to introduce the Bill. The submission given by him was not necessary. But he first sought leave of the House to introduce the Bill. Afterwards, he gave a statement that he was not going to introduce it.

[English]

It was so strange that even this minor thing

[Translation]

has been bungled. Therefore the word 'poor' has been used. The word poor shows incompetency but a bungling also.

SHRI CHANDRA SHEKHAR: The matter is serious because had Shri Lodhaji and Advaniji not delivered their speeches prior to the speech made by the Minister of Law, the matter would not have been so serious. But both of them have categorically said that the clause relating to delimitation should be passed only today. Afterwards, the Minister of Law stated in his speech that he was going to say something, which will satisfy all of you. The Constitution Amendment Bill relating to delimitation has been withdrawn. It is nothing except bungling. If Shri Advaniji and Shri Lodhaji would not have delivered and the Minister of Law would have stated that the Government was going to do something to satisfy all of you and there would be a way out, one can certify it from the record, then it was all right. Shri George Sahib said that there

[Shri Chandra Shekhar]

was no need to amend the rule. You can see that all the happenings have taken place in the House in your presence. Everything is on record. The Minister of Law is my close friend. But he is supporting the wrong side. I had not expected that he would behave like this in the House. I agree that he has not followed even ordinary rules and etiquettes. He has not shown what we generally call a formality towards truth. Therefore, if we go through the speeches made by Shri Lodhaji and Advaniji and thereafter the speech delivered by the Minister of Law, we will find nothing except cheating in the matter. The version of Shri George Fernandes is correct.

[English]

SHRI CHANDRA JEET YADAV (Azamgarh): We feel betrayed and the Indian Parliament feel betrayed today and your personality is also involved in it.

MR. SPEAKER: You should not make reference to the Speaker's personality.

SHRI CHANDER JEET YADAV: I am saying in a different manner. *(Interruptions)*

SHRI GEORGE FERNANDES: That is meant to the Chair.

SHRI CHANDRA JEET YADAV: I am sorry...*(Interruptions)*...Please listen to me, Sir.

[Translation]

SHRI CHANDRA JEET YADAV: Please listen to me.

MR. SPEAKER: You should come to the point. Speak against the Government.

[English]

MR. SPEAKER: I have not said anything on this point.

[Translation]

You are involving anybody in the matter. What do you mean by it?

SHRI CHANDRA JEET YADAV: Please listen to me. How can I utter these words. It is beyond my imagination to speak against your dignity.

[English]

MR. SPEAKER: Thank you very much.

[Translation]

SHRI CHANDRA JEET YADAV: Mr. Speaker, Sir, why I said so?

[English]

MR. SPEAKER: Let us discuss the points involved.

[Translation]

SHRI CHANDRA JEET YADAV: Mr. Speaker, Sir, I am talking about the point. Had the Government through you not called for a meeting of all the parties and persuaded them, this special session would not have been convened. This is very important and special Session. Lakhs of rupees of the country and electors have been spent for this special Session. I feel that if the Government had

to do such a thing, a discussion should have been held in this session. The Government wants to evolve national consensus. It should be discussed. The demands which we have always been raising should be discussed. At least the Members should be apprised of the matter. The opinion of parties should be known. The purpose of convening a special Session is to arrive at a concrete conclusion. Even the particular subject has not been discussed.

Mr. Speaker, Sir, I would like to know as to whether the decision was conveyed to you by the Government? Has the Government or the Minister of Parliamentary Affairs shown any courtesy in obtaining the concurrence of all parties to convene this special session on the request made by the Speaker. To show the courtesy at least, it should have been informed that the Government does not want to convene this special session and does not want to introduce the Bill now. It has not been announced that the Government does not want to introduce this Bill. The Government has not only cheated the House but it has deceived even you because it has maintained the dignity of hon. Speaker. I understand that it is not a simple matter. It is a serious issue. People like me and my party wanted that full discussion should be held on electoral reforms. Electoral reforms are must. Contesting an election has become a costly affair. There is a rampant corruption prevailing in elections. Booths are captured. Therefore, it has become necessary to hold free and fair elections to maintain democracy in the country. It has become very difficult to contest an election for a poor man. All these things should be discussed. Even today a meeting was held. The Government has been giving assurances since morning. At that time the Government did not show any courtesy to indicate that it was not

going to introduce this Bill and express its inability. The Government should have issued an ordinance instead of convening a Special Session and get it passed in the House. Now this Special Session should be adjourned. The Government should express apology before the House as well as before you as it has cheated the country.

[English]

SHRI SOMNATH CHATTERJEE (Bolpur): Mr. Speaker, Sir, I oppose the motion of the Hon. Minister to withdraw the Bill..

SHRI LAL K. ADVANI: There is no withdrawal.

SHRI SOMNATH CHATTERJEE... or not to introduce the Bill.

Sir, I do not understand the agony among the friends on my right because they have been opposing this Bill tooth and nail.

Now I cannot find any consistency amongst them.

SHRI LAL K. ADVANI: I will show you what the consistency is.

SHRI SOMNATH CHATTERJEE: There is no consistency. They say that they want the Bill to be discussed. If they wanted to have a pleasure of having the Bill defeated on the floor of the House, that is different. They are opposing the Bill and at the same time they are opposing the present motion of the Minister. Therefore, I do not pay any heed to that. I know what has been happening. The BJP has been trying its best to see that some business other than these two Bills is

[Shri Somnath Chatterjee]

taken up. We all know what has been happening for the last two days here. My unhappiness is that a national commitment is being given a go-by. The national commitment is that the Election Commission will be a multi-member body. Every political party, including the highest judicial forum in this country, including the Parliamentary Committee of this House, including a Committee headed by Mr. Tarkunde, which was set up by Jai Prakash Narayanji, has said that it has to be a multi-member body. No body has said anything else. That is the commitment, which this Government had made to this House.

I have been saying that the way they have been functioning is nothing but clumsiness. If you could think that this was the position that we arrived at, how do you keep this commitment, national commitment, which is a national consensus? I am very sorry to say. It is very easy for you to allege that one is trying to clip the wings of a person. Now, an individual is going to decide whether the organic law of this country could be amended or not. And what should be the organic law of this country will be dependent on one person.

We also want free and fair elections. We have complimented the Chief Election Commissioner. This time everybody has admitted that everywhere election was better performed. We are happy because the people, who used to allege that in West Bengal there was rigging by CPI(M), cannot say that now, our votes have increased. *(Interruptions)*

KUMARI MAMATA BANERJEE:
Everytime they are saying that...
(Interruptions)

SHRI SOMNATH CHATTERJEE:

The Chief Election Commissioner could not perform only in West Bengal. Therefore, the position is this. Now, what will the Leader of the Opposition say? Did he support the postponement of elections in UP till September? Did he support the postponement of elections in Punjab? What were the grounds that were given? Why did you go and surrender before the Supreme Court? Therefore, a palpably wrong and anti-people decision had to be corrected, rectified by the Supreme Court of India. Elections are held in this country only under orders of courts. Somebody is giving diktat after diktat. And whether parliamentary democracy will be existing in this country is dependent on one individual. If the future of the parliamentary democracy is made to depend on one individual, however high and mighty he may be, this is not a national commitment and this is contrary to the national commitment. Therefore, what I wanted to say is that it is a very sad day. Today, what is coming under great pressure, greatest of pressures, and danger is the future of parliamentary democracy in this country. Whether there will be elections next year, nobody knows because this gentleman has said that there will be no elections next year unless the entire people get the photo identity cards. This is most unfair. Nobody has opposed the issue..
(Interruptions)

SHRI HARIN PATHAK
(Ahmedabad): The Government is betraying the whole nation. *(Interruptions)*

SHRI SOMNATH CHATTERJEE:
Your votes have gone down now. You know that. *(Interruptions)* We have supported the issue of identity cards.

The only question is of logistics and of funds. Everybody knows that..

(Interruptions). I charge that this Government has failed there. If they had pursued with this Bill. I am sure, that would have shown to the people of this country who are the persons or the parties which are against this national commitment. Then the people would have decided for themselves. Why should they not introduce this Bill? Why should they not ask the Parliament to express its views on a very very wholesome provision that was going to be introduced? I am sorry to say that they have let down the Parliament. I am sorry to say that they have let down the very basis of the combined decision of this Parliament as expressed through the Dinesh Goswami Committee's Report. Therefore, so far as we are concerned, we shall oppose the proposal not to introduce this Bill and we request the Government to introduce this Bill.

SHRI SOBHANADREESWARA RAO VADDE (Vijayawada): Mr. Speaker, Sir, I rise to express that this Bill will remain as a black Bill in the annals of the Indian Parliamentary history. Today we have witnessed a different situation. The Hon. Minister for Law and Justice had assured this House that the provisions which were there in the Bill that he was withdrawing, will be there in the next Bill that he is going to introduce. Surprisingly, he does not have the moral courage to introduce the Bill. This will be nothing short of cheating this House. This clearly shows the scant respect of this Government for the highest body in this land. He has mentioned that the Government had tried for a consensus. If the Government has got a real commitment for democracy and respect for others' views, it would have come forward with the proposals which were suggested by the Dinesh Goswami Committee. At that time, this party was in the opposition. It was the main Opposition

Party, and the National Front Government at that time had got the magnanimity to accept the suggestion that in the matter of appointment of the Chief Election Commissioner, along with the Chief Justice, the Leader of the Opposition should also be consulted. If this Government had now come forward with such a provision, all the parties would have supported that. But they do not have any respect for the Opposition. They do not have any value for the Opposition's point of view. Even if the Government has failed to reach the consensus, at least they must have the courage to introduce the Bill. Let the Bill be discussed and let the opportunity be given to various political parties and the Member of this august House to discuss the provisions of this Bill. Even that they could not do. We feel that through this, the Government wants to do something which they had done at one point of time. When a High Court had struck down the election of the highest individual in this country, an effort was made in this Parliament to nullify that decision during the Emergency. Similarly, now to undo the Supreme Court's interim order, they want to bring this Constitution Amendment Bill, giving equal rights to the Election Commissioners with the Chief Election Commissioner. In article 324, the Constitution itself provides for scope for a multi-member Commission. Some of the Opposition parties have opposed that. We do agree that there may be some arbitrariness in the decision of the Chief Election Commissioner. Sometimes he must have exceeded his limits. But one thing I would like to say in this august House that because of some of his decisions, elections could be conducted comparatively in a better manner, comparatively with less expenditure, for which the credit should go to him. That we have to accept. The people of this country are also well aware of that.

[Shri Sobhanadreeswara Rao Vadde]

So, in this context we demand that the Law Minister should resign forthwith because the day in which he has let down this House, he does not deserve to continue in this Government. That is the minimum we expect from him and this Government.

SHRI PAWAN KUMAR BANSAL (Chandigarh): Mr. Speaker, Sir, honestly I fail to appreciate the rationals and even the bonafide of the indignation expressed over the decision of the Government not to introduce a Bill which was, otherwise circulated.

Sir, during the last two decades, if I am not mistaken, the different parties, from time to time including Advaniji himself, have raised the question of desirability of having a multi-member Election Commission. The Government, in order to ensure that this decision is given a constitutional mandate, brought about the present Bill. *(Interruptions)*. If you try to understand what I am saying, you will not say this.

Sir, since yesterday, as the Hon. Minister for Law said, an effort was being made to arrive at some consensus. If the Government has taken a decision not to introduce the Bill, I with utmost humility, would say that it is in deference to the wishes of the Members of the Opposition. It was a question raised by the Members of the Opposition. There were different parties who wanted this provision to be brought about. For the last three years we know that we do not have two-third majority and so, we would not rush to bring about a Constitution (Amendment) Bill, unless there is some sort of consensus amongst the Members cutting across the party lines.

Sir, I do not want to name anybody and today, if any party or any group of Hon. Members of this House decide not to support this Bill, in that situation if the Government comes to the conclusion that the Bill need not be introduced, I am just august with all that is being done here. In fact, as I said, this is in deference to the wishes of this House that the Bill is not being introduced. I am again aghast to hear some members say that the Congress, perhaps, is wanting to bring in some provision which is not for electoral reforms.

Sir, kindly look at the Representation of the People (Second Amendment) Bill. What are we doing? The Government in power is wanting to give a statutory mandate to the various provisions which exist in the model code of conduct. Shri Vajpayee, in his inimitable style, was referring to the convoy of cars. It is the Congress Government which wants to put an end to it and therefore, that provision has been introduced here. Now, what is being made out here? Instead of a campaign period of 20 days, the Government wants to reduce the period to 14 days. Does that not mean cutting down of the expenditure of elections? What are we trying to raise here? What are we trying to say? These people, perhaps, wanted the Government to fund the elections. The Congress is firmly of the opinion that the exchequer cannot be burdened further with that. When we cannot arrive at some sort of a consensus to cut down the expenditure otherwise, it would not be advisable for us, sitting here to burden the exchequer.

(Interruptions)

SHRI SOBHANADREESWARA RAO VADDE: It was there in the First Amendment Bill.

SHRI PAWAN KUMAR BANSAL: Sir, it will not be advisable and we will then be betraying the people of this country if we say that we want to contest our elections at their cost. The Prime Minister objected to that clause. For political reasons, we are trying to paint a picture as if the Government is not in favour of electoral reforms. I would urge this hon. House and I would urge the hon. Minister that the Representation of the People (Second Amendment) Bill which has been introduced yesterday must be taken up in this House and must really be disposed off, because that Bill, besides bringing about various electoral reforms, is, in fact, in deference to the decision of the Supreme Court also which has clearly laid down as to what secularism means, as to what are the ethos of India and as to what must be the conduct of the political parties if they want to contest elections.

Sir, this Session has been called for a particular purpose and that purpose is not defeated. With all respect to the hon. Members who have spoken earlier, I do not want to dwell at length on that, but I do want to say that even now we must proceed with the Representation of the People (Second Amendment) Bill and pass that.

Only then, the communal forces which are raising their head, which are polluting the social environment, which are polluting the election process will really be put under check.

[Translation]

SHRI RABI RAY (Kendrapada): Mr. Speaker, Sir, I have to say it with great pain that whatever happened here before you today will go down in the history of our Parliament as a black day. Without

dwelling at length I would like to submit the two words i.e. illmanner and cheating uttered by our erudite members of Parliament have been correctly used and the Govt. has exceeded all limits.

I recall the day when on my first election to the 4th Lok Sabha, the then Speaker condemned the action of a police personnel before the Bar of the House for his rude behaviour with an MP at Nagpur.

You are the protector of our rights. This should not be referred to the Privileges Committee because the House has been deceived in your presence. Our friends sitting on the other side, I am ignoring the Hon. Minister even the ordinary workers of Congress Party want to uphold the democratic values in India. In the capacity of Members of Parliament, we have some responsibilities. The Cabinet Ministers of the Government may voluntarily prescribe any punishment for themselves. I do not resort to any diplomatic manner in saying that they should be given some punishment. The democracy will die its own death if the punishment is not awarded. I say that the action of a police personnel was condemned in the Parliament during the 4th Lok Sabha. The criminality resorted to today far exceeds that act. I do not ask you to prescribe the punishment but say that they should ask their conscience what punishment they deserve.

[English]

MR. SPEAKER: I respect you very much. I will appreciate you not to tell me what I should do or I should not do. But I will appreciate, if you can say what can be and could be done under the law.

SHRI RABI RAY: I take a cue from your saying

[*Translation*]

I am expressing my personal opinion. In our opinion the Prime Minister should tender an unqualified apology because he is the leader of Cabinet, leader of the House. I feel that

[*English*]

that will meet the requirement of the day.

[*Translation*]

SHRI NITISH KUMAR (Barh): Mr. Speaker, Sir, I was not surprised over what happened in the House today that made Shri George Fernandes angry, Chandra Shekhar Ji gave countless examples, Atalji termed it as ill-manner and deception but I was pleased because our present Prime Minister is blessed with two strong arms—one, Manmohan Singhji to set right the economic world and the other Shri Shuklaji to reform the political world. A Shukla factor has entered into the country's politics, the whole body politics. In other words, there has been a Shukla era. Those who were engaged those days in parleys by Shuklaji and were not even given an inkling of the real intention, should feel sad. I am not at all pained because I presume that this Government and its agents cannot be expected to behave in a different manner. You have asked us what can or could be done. My suggestion is to get the House adjourned sine-die here and now.

MR. SPEAKER: You are only giving a suggestion and not pointing out the law under which it can be done.

SHRI NITISH KUMAR: Adjourn the House Sine-die.

MR. SPEAKER: Is that what the law says?

SHRI NITISH KUMAR: It is a suggestion.

MR. SPEAKER: I don't go by suggestions. We have to go by what the law says.

[*English*]

SHRI INDRAJIT GUPTA (Midnapore): Sir, as you are well aware, for the last two or three days quite detailed and extensive consultations have been taking place, sometimes in your Chamber also, between the Leaders and spokesmen of all the Parties whom you invited kindly, to give their views on how this very important Constitution Amendment Bill, how it should be dealt with and how we should try to ensure a smooth passage for it. After all, that was the purpose for which this Session was called. It has received extensive publicity. The pros and cons of different provisions, different clauses and all that, in this Bill have been argued, advocated, not only in this House but outside, not in the House in the sense that the Bill never came here. We were waiting for it to come up for being taken up for consideration but it was being discussed outside, in other forums, outside the floor of this House. The Hon. Minister of Law today has suddenly performed a sort of a vanishing trick. The Bill has disappeared.

The Bill came, it was listed in the Order of Business that it was going to be introduced and in the last minute, it is being withdrawn, not going to be introduced.

AN HON. MEMBER: It will be introduced tomorrow.

SHRI INDRAJIT GUPTA: No I am not prepared to reconcile myself to this state of affairs that there is no alternative, because the Government in its own wisdom — I do not know, they never gave any explanation — has perhaps made a calculation that there is some risk in trying to get this Constitution Amendment Bill passed, if it does not muster two-thirds majority in both the Houses. May be that is their calculation. Even if that is their calculation, they should have come before this House and made some statement because everybody knows that for the last two or three days, the Hon. Minister for Parliamentary Affairs, the Minister of State for Law and many other people, have been having extensive discussions and consultations with the Opposition parties. What were these consultations about? Was it whether to introduce the Bill or not to introduce the Bill? It was regarding certain features, certain points, certain provisions, in the law on which there may be some shades of difference. There were shades of difference. Why should there not be? There are many Parties in the House. So, these matters were being discussed.

I had very humbly suggested to you in the first meeting which you had called in your Chamber that this Bill is likely to engender rather high feelings and some strong sentiments in the House. The reason for it is very simple. I do not want to go into that very much because it is being stated here many times. The whole background of this Bill and the whole atmosphere in which the discussion would have been held, if it had been allowed, is being dominated by the question of the present incumbent of the post of Chief Election Commissioner. That is a fact. There is no doubt that he has been

behaving, from time to time, in the most arbitrary, illogical and high-handed manner. There is no doubt about it. Many people in this country who did not like his behaviour like to protest against it.

14.00 hrs.

They like to have him pulled up somehow or the other. But that was not the case always with all the parties here. There was a time when this gentleman was also acting in an equally high-handed manner. But those actions of his were helping the ruling party. At that time, the ruling party never bothered. Somebody mentioned just now that famous case of cancelling the Punjab elections just a few hours before the polling was to begin because the ruling party did not want the election in the Punjab at that time. So many other examples can be given. Rather, at that time, it was some Members of the Opposition party or parties who thought that he should be impeached. (*Interruptions*)

It is true that it is not the ruling party. But it is a fact that it was your party which did come out openly against the elections.

Sir, I do not think it is correct at all to take up a Constitutional Amendment Bill in relation to a particular individual. He may be good, bad, indifferent doing many wrong things, many right things. Many people in this country also believe that he has been doing some good things. There is a public opinion in this country, right or wrong, based on the experience of the recent elections which were held. After all, these bye-elections were held in 10 States. There is a feeling, there is a public opinion that right or wrong he has been trying to clean up this whole process of election which has been marred by so

[Shri Indrajit Gupta]

many malpractices and so many corrupt things, muscle-power, money-power etc. He is not a genius. He is not a magician. But the fact remains that during the last round of election we had a peaceful election; we never had such a peaceful election for a long time. It is a fact that no complaints were received of violence, of rigging, of booth-capturing - all these things to which we have become so accustomed. So, there are two sides of the coin. There is one public opinion which is in favour of allowing him to continue these measures. There is another opinion particularly among political parties that he should be curbed from exercising his powers in this excessive fashion and wayward fashion. But a Constitutional Amendment Bill is being brought in relation to an institution. The institution of the Election Commission, in our Constitution, occupies a very prestigious place, a very strong place and will continue for a long time to come. This incumbent who is there at present will not remain for ever. He has, I believe, got another two years to go. After that, somebody else will become the Chief Election Commissioner. Then, will the law be changed again? It is certainly not so from this point of view, my party had thought and even now it thinks and I have suggested in your meeting that after all this Bill has been brought forward now. For a long time, the Government did not bring in such an amendment. Now, they have brought in such an amendment. It cannot be said that Members of this House have had ample opportunity and time. The Bill, as amended, was circulated only three days ago. It cannot be said that the Members have had ample time and opportunity to go into all the various clauses. There are two Bills. The two Bills were to be taken up one after the other — the Constitution Amendment Bill

and the Representation of the People Act Amendment Bill, which is also a very important Bill. It has a direct bearing on the election. Only the two together can make some material difference to the conduct of elections in this country. Now, we suggested and I am still suggesting that this is not the alternative with which Shri Bhardwaj has cavalierly come before this House that he has decided that now there is no need to introduce the Bill and so he is not introducing it. People should be given an opportunity to study these Bills, to discuss them further, to try to define and refine the various provisions in the Bill. It is not impossible that a proper consensus can be reached.

The next session of Parliament, the Monsoon Session, I believe, will be held round about, by the end of July. So we have a month and a half to go. What is the tearing hurry that this Bill must either be passed just now or if the Minister thinks, it cannot be passed, then it must be withdrawn. In this time of a month and a half, it could be referred, both the Bills could be referred, if necessary, to a committee of both the Houses. Let the Members have time to study and go into it in detail and the committee could be directed to come with its report by the time of the next session which has only one and a half months to go. I am sure, if this exercise is done and can still be done, then there is no reason to think that a consensus cannot be reached because on so many basic questions there is unanimity in the House. No body has disputed this multi-member Commission. In fact, we have got multi-member Commission at present, though it is not able to function. It is envisaged in the Consultation and in actual practice, the multi-member Commission is there. So there were some questions of its functioning, its composition, its

appointment, its duties, its responsibilities, how they are to be discharged, what is the best way of framing the rules for the conduct of the work of the Commission etc. Are all these matters such that they cannot be resolved through further discussion and exchange of opinion? I think, it can be done, it could be done. If the Minister has taken the courage in his hands, if he feels that it cannot be taken up now for discussion and voting, at least they could have said that the Government would like it to be sent to a committee for a more extensive and elaborate consideration in the committee and then come back to the House after a month and a half. But this is a kind of wrecking operation. This is a wrecking operation. What has been done here today is a wrecking operation, with no alternative suggested for future, just blank. The whole question of electoral reforms now should be just resigned to the limbo, I do not know for how much indefinite time to come. The other Bill is there. The other Bill should be taken up definitely. I do not know what they intend to do. They have not said anything. They may want that either both the Bills should be taken up or they should not be taken up. I do not know what the Government's view is. Therefore, I join with all my friends on this side of the House. The BJP from time to time has been taking contradictory stand. They stand by the Dinesh Goswami Report which is signed among others by Shri Advani. It commits him to support all those things which are there in the Dinesh Goswami's recommendations. They should not now try to revise their stand or back out from any of those things. However, I feel, I suspect that the real reason for the BJP's quarrel with this legislation is not this Bill but the other Bill, the Representation of the People (Amendment) Act because it contains those provisions regarding deregistration of parties which mix up religion with

politics or use religion for propaganda purposes in elections. That is what their main objection is. Everybody knows it. There is nothing hidden in it. They are saying it openly that because they have tried to smuggle in by the back door this provision about the religion. Therefore, they are totally opposed to it. We are all in favour of that Bill. It was discussed last time. There was a Select Committee which went into the whole question of religion and politics and secularism and all that. Report of that Select Committee is there. It was not legislated. True. But a very cogent and a very essential part of that has been incorporated in the Representation of the People (Amendment) Act. They are opposed to it. And because they are opposed to that, they are trying to oppose this one also. But they are committed to this multi-member Commission as all of us are. (*Interruptions*)

AN HON. MEMBER: Shri George Fernandes is opposing that.

SHRI INDRAJIT GUPTA: As far as I know, Shri George Fernandes is not opposing this. He may be against many other things. He may be against any other thing. In any case, I would say that this is a very sorry pass we have come to. Now some people are talking about betrayal. Some people are saying that the whole House has been treated in a fashion which amounts to contempt or betrayal. One can take that view. I doubt whether any action will be taken because of that against this Government.

They have certainly held the House upto ridicule, I should say. You will see tomorrow what will be the reaction in the media and all that. After all, this sound and fury signifying nothing in the end, that is what has happened. The whole country, the people in the country will be

[Shri Indrajit Gupta]

taken aback completely by surprise. Everybody was waiting, expecting something, some new legislation to come, Constitutional Amendment to come. And now the whole thing is just withdrawn and we are left with a vacuum, nothing is there. So, I do not know whether it is possible for the Government now or whether they are in a mood at all — I do not know whether the Prime Minister knows what is going on here but at least these people should take your permission. Sir, if they want to come forward with some alternative proposal. They have now said that they are not going to introduce the Constitution (Eighty Third Amendment) Bill. What have they got to say about the other Bill? What have they got to say about the proposal made that the Constitution (Eighty Third Amendment) Bill should not be given up like that half way and dropped, but should be further processed through a Committee of both the Houses which can take one-and-a-half months time? The heavens will not fall, and they can come back with a considered Report so that we do not give up this exercise but can pursue it at a later stage. Why not be reasonable? I do not understand what is the meaning of this kind of an unreasonable attitude. If anything is arbitrary, they take this attitude. Who decided it, I want to know. Is it a Cabinet decision? I want to know from Shri Shukla: Is this a Cabinet decision? All through we have been told about so many Cabinet decisions regarding these electoral reforms. Was this a Cabinet decision that you should suddenly go to the House and announce that you are not proceeding further and that the whole thing is being dropped? If so, the Prime Minister should also come here and show that he is a party to it or clarify what they want. Sir, I think we should not have

this kind of farce perpetrated upon Parliament which is being exercised over this whole affair for the last so many weeks and months and particularly in the last few days. And, therefore, I would request you also to express your opinion about this whole thing that is being done here; the way it has been done here, not what has been done, but the way in which it has been done. You, as the custodian of this House, must be, I think, feeling somewhat, what shall I say, sad and sorry.

I do not know if you are feeling embarrassed, but you must be feeling sad and sorry at what is happening here and the Ministers, I think should be at least chastised by you that they should not behave in this non-serious cavalier manner and should not treat the House like this. Even now there is time. If people are interested in going through with an electoral reforms Bill, though it does not span the whole gamut of electoral reforms; but some very important things, it can still be saved, something can still be done, if there is some constructive attitude on behalf of the Government. If their attitude is one only of wrecking the whole thing, then nothing can be done except to condemn these people and pillory them before the bar of public opinion.

MR. SPEAKER: Thank you.

SHRI EBRAHIM SULAIMAN SAIT (Ponnani): Mr. Speaker, Sir, to tell you frankly, I stand to speak a few words with deep distress. I say this because I consider today, this day, to be a sad day wasted in Indian Parliament. I have never seen such a disgraceful day in the history of Parliament. I say this because I am here right from 1967; for more than 25 years, I have been here. I have never seen such a disgraceful day in this

Parliament. Today, Sir, the Government has barely let down the Parliament and has made the entire House a mockery. Sir, I do not want to go into the details, over the pros and cons of the Bill. But one thing which I must say is that until the last minute the Government gave an impression to the House that the Bill is going to be introduced. This morning we had discussions and the Law Minister got up saying that he is going to introduce the Bill.

And that Bill will be to the satisfaction of all the hon. Members of this House. But at the same breath, he has withdrawn the Bill. It is a mockery of the Parliament. I will go much more and say that the Government has played a fraud against the Constitution, against you, sir, against the House, and against the people of this country. Such a situation has developed, for which the Government cannot be forgiven.

Sir, I cannot understand why the Government has resorted to such a policy or such a behaviour. I cannot simply understand this. Till last minute, we were to understand that the Bill is going to be introduced. Now, it is not being introduced. Therefore, I say they have committed a fraud against the Constitution, against the House, against the people of this country and against yourself, Sir. Now, what should be done about this matter is something, which has to be seriously discussed. The Bill has been withdrawn. But I feel that this Bill should go to a Select Committee, as suggested by my respected friend, Shri Indrajit Gupta. And a Joint Select Committee of both the Houses can discuss this Bill, bring it back to the House in the next session, that is, in the monsoon session. Until then, the House has no other business. I think, there is no

justification for this House to continue its sitting.

Now, the other Bill is there. The other Bill is also a controversial one. There are differences of opinion about de-recognising those parties which have a religious name. Let both these Bills go to a Select Committee of both the Houses; they can come back in the next session of the Parliament. Until then, the nation can discuss both these Bills and we can formulate an opinion and arrive at the consensus. That is the only way out.

I am expressing my distress at the behaviour of the Government. I want that both these Bills should go to a Select Committee and be presented once again during the next session of the Parliament.

SHRI CHITTA BASU (Barasat): Sir, I would also like to make a point. *(Interruptions)*

SHRI SYED SHAHABUDDIN: I will make a brief point. *(Interruptions)*

MR. SPEAKER: I do not have to hear everybody to decide.

SHRI SYED SHAHABUDDIN: I will make my point very briefly.

MR. SPEAKER: Very very briefly please.

SHRI SYED SHAHABUDDIN: Mr. Speaker, Sir, just before we deliberated on item 10, we deliberated on item 9, and we allowed the hon. Minister to withdraw the Constitution (Seventy-first) Amendment Bill, that is, the de-limitation Bill. Now, that de-limitation Bill was withdrawn on his statement on the floor of

[Shri Syed Shahabuddin]

the House that the provisions of that Bill were to be reproduced in the Constitution (Eighty-third) Amendment Bill. Now my point is this. He withdraws the Constitution (Seventy-first) Amendment Bill and again refuses to move the Constitution (Eighty-third) Amendment Bill. I move that the House should now rescind the permission to the hon. Minister to withdraw the Bill. And, therefore, the Constitution (Seventy-first) Amendment Bill, that is, de-limitation Bill, should spring back to life and we should consider it.

SHRI LAL K. ADVANI: Mr. Speaker, Sir, in this matter, when my colleague and Shri George Fernandes specifically referred to the fact that this House has been deceived.

[*Translation*]

He used the words deception, deceive and also quoted 'Kaul and Shakhdar'. That has some relevance in this context. In rule 110, three reasons are given whereunder a Bill can be withdrawn.

[*English*]

I quote Rule 110:

"The member in charge of a Bill may at any stage of the Bill move for leave to withdraw the Bill on the ground that —

- (a) the legislative proposal contained in the Bill is to be dropped; or
- (b) the Bill is to be replaced subsequently by another Bill

which includes all or any of its provisions in addition to other provisions;

- (c) the Bill is to be replaced subsequently by another Bill which includes all or any of its provisions in addition to other provisions."

Part (c) of Rule 110 is relevant here, whereunder Shri Bhardwaj has moved for leave to withdraw the Bill. As this entire House knows, we oppose it. My colleague Lodhaji opposed it and pointed out to the great injustice that would be done to the cause of poll reform if this delimitation process is not initiated. At that time, we also felt that the other Bill may be passed or may not be passed, may get the requisite majority or may not get the requisite majority. So, our plea was simple. Why are you jeopardising this Bill. The fact of the matter is that he has already come prepared with a statement that they are not going to introduce the Bill. Nevertheless, he made all the Members of this House feel that the Bill in respect of delimitation will be passed as part of the Eighty-third Amendment Bill. If this is not deception, if this is not *dhokhadhari* what else is it?

Therefore, the proposal of Shri Shahabuddin that the House should reconsider that proposal and consider whether that particular Bill on delimitation should be considered or not would be in the fitness of things.

[*Translation*]

SHRI RAM VILAS PASWAN (Rosera): Mr. Speaker, Sir, from the Government's move for leave to withdraw the Bill, I suppose that its intention is not bonafide. In my opinion, had the Government made a new law full of

lacunae, then one thing was sure that the Government would lose the power of appointment. I am saying this because the Government cannot make this excuse and I do not know what the BJP intended to do. There were no two opinions of the National Front or Left Front about the mode of appointment. That was sufficient for two-third majority. There was a dispute over conferring equal power to all the three Election Commissioners. But the National Front and Left Front had no two opinions on the mode of appointment that there should be a Chief Justice and two senior Judges and also that the opposition parties should be consulted on it. Therefore, this was sufficient for the Government. Similarly, there was no two opinions on the issues of State funding and the identity cards. There was difference over whether the Chief Election Commissioner should be given priority or whether special rights should be given or not. I would like to warn my friends from the BJP that the Government will resort to blackmail which will jeopardise the issue and the party is preferring arguments in its favour. This is a very shrewd Government. The Government will blackmail you when this matter comes up tomorrow.... (Interruptions) I urge that the Government should not take this guarantee whether it will remain in power after 1996 and whether we will be MPs. In the Law in the offing, it is not going to effect the Chief Election Commissioner upto 1996 and one who is appointed will continue for five years. We are thinking of future and are going to lay its foundation. We honestly wanted that... (Interruptions). We wanted that powers be conferred on such a person who can honestly conduct elections. The government has recognised that power in slipping out of their hands. The Government had tried to put a veil on the very same lacunae in the name of opposition by withdrawing the Bill and thus washing its hands off whatever

little reform it could make at the eleventh hour. Shri Shukla ji is smiling and Shri Bhardwaj ji is keeping quiet. You had no two opinions on a multi-member Election Commission and on mode of appointment of Commissioners. You could have got it passed in both Rajya Sabha and Lok Sabha by mustering two-third majority.

[English]

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H.R. BHARDWAJ): Sir, I would only respectfully submit one thing. A lot of things have been said by very senior Members of this House. I would only say a few things by way of explanation. The entire Opposition knows the fact. Without blaming any political party including the BJP, Janata Dal, CPI and CPI(M), we are constantly in touch with them through various meetings and their viewpoints have been accommodated from time to time. One amendment that I incorporated in the 82nd Constitution amendment was contained in the 83rd Amendment Bill. The amendment relating to the Chief Justice was included for the first time on the suggestions made in one of these meetings with all Party leaders. Today also, we had a meeting with them. Here I am not referring to the meeting in your Chamber because that would not be proper. After that we had a meeting this morning with the Minister of Parliamentary Affairs and we called almost all the political parties who were very generous and who were giving us a helping hand in getting this Bill passed. The stand taken by the BJP is very clear. They are totally opposed to it and they have given their reasons outside Parliament and within Parliament as well. I impute no motives to them. We did discuss the issue with them this morning also. All the major political parties and legal luminaries were very

[Shri H.R. Bhardwaj]

kind to give suggestions. We hold the view that a multi-member Commission with equal powers for all the Members is necessary so as to decide the cases properly in the light of the Supreme Court's decision in Dhanoa's case. The view that we hold may not be acceptable to the BJP. That spirit was not acceptable to quite a few of us. This is not a matter where we can decide the issue in partisan manner. As already submitted, we do not have two-thirds majority in either of the two Houses. So, it becomes incumbent upon us to arrive at a consensus. Chandra Shekharji seems to be annoyed with me these days. I don't know why I will get in touch with him later.

SHRI CHANDRA SHEKHAR: I am not annoyed with him but with his behaviour as Law Minister.

SHRI H.R. BHARDWAJ: He has always been very affectionate to me. Perhaps I have not met him for quite a number of days. On an earlier occasions, he himself said that we should not tinker too much unless there is a consensus. I may submit here that it is only in total deference to the wishes of these stalwarts and senior parliamentarians that we proceeded in the direction of arriving at a consensus. But as an amateur like me cannot develop a consensus. I concede that. But I did try to attempt this and it has been reflected in the speeches of all the hon. Members from the Opposition. As you are aware Sir, it is a vital decision. Nobody has given a go-by to electoral reforms. We are very much in the midst of the process. I reiterate that I have never tried to mislead anybody on any issue at any point of time. All these aspects regarding the electoral reforms, delimitation, etc. which are in the People's Representation Act are very relevant. We

will discuss them but not in this spirit when you impute motives to me or to anybody else. I am very sorry. I do not deserve these imputations. Therefore Sir, I submit that my proposition and my motion on not moving this Bill is totally in deference to their wishes and it is certainly not on my own volition.

MR. SPEAKER: Bhardwaj ji, there is one point on which I think you should enlighten the House and me also. That point is, when you proposed to withdraw Constitution Seventy-First Amendment Bill, you said in the statement that some other Bill would be introduced and you mentioned that the Eighty-third Constitution Amendment Bill would be introduced.

Probably that statement could have been deleted while asking for the withdrawal of the Bill. If the statement was not deleted — and that statement remains — and then you do not introduce the Bill, how do you reconcile these two things?

SHRI H.R. BHARDWAJ: The question of delimitation is still open. I will bring a Bill in this regard. I am not denying that I will not bring a Bill on this issue.

MR. SPEAKER: When will you bring it?

SHRI H.R. BHARDWAJ: Whenever the Chair directs we are ready to bring a Bill on delimitation.

(Interruptions)

[Translation]

MR. SPEAKER: Please sit down. I am not going to listen to you every time.

[English]

I am thankful to you for good suggestions but do not jump up every time, please.

Let me understand how do you reconcile these two things?

SHRI H.R. BHARDWAJ: They were two separate Bills — Seventieth Amendment Bill and Seventy-first Amendment Bill — but they were put together with the hope that it will be passed with consensus because everyone was interested in the multi-member Commission. So, my introduction was contingent upon the first one that I should have the majority. As a matter of fact this was the reason why I did not mention that I am withdrawing the delimitation part also. But, that does not mean that we are going to consider the delimitation part at any time or in any bill.

MR. SPEAKER: In that case the best course would have been not to withdraw the Seventy-first Amendment Bill and not to introduce the Eighty-third Amendment Bill.

SHRI H.R. BHARDWAJ: That is why, Sir, I am submitting that let the House tell us when delimitation part is required. We will consult our party and then bring a Bill in this regard.

MR. SPEAKER: No, no. Now, this is a matter with the Parliament. Please do not feel offended if we are really trying to understand it. Shri George Fernandes was well within his right when he said that here is a statement made by the Minister saying, "I am withdrawing the Bill. And, I am introducing the Bill." But, immediately within five minutes a position develops in which the Bill is not introduced. You have

expressed your views that you are not introducing the Bill. It would have been all right even if you would have kept quiet.

SHRI H.R. BHARDWAJ: Sir, we have given reasons for not introducing it.

MR. SPEAKER: Bhardwajji, I think probably you were in a hurry meeting the people.

(Interruption)

SHRI H.R. BHARDWAJ: I am creating no alibis. I am totally in your hands.

SHRI GEORGE FERNANDES: I have here with me the English Order Paper for the day. Item No. 10 is, Bill to be withdrawn and Bill to be introduced, where it is also mentioned that Bhardwajji has to subsequently withdraw it also. And, in the Hindi Order paper it is written.

[Translation]

"Bill to be introduced" and below that it is written that he will introduce the Bill.

[English]

In other words the Minister will introduce the Bill. So, in Hindi Order Paper you have said that he will introduce the Bill while in English Order Paper it is mentioned that he will withdraw the Bill. It is important because it shows how deep was this conspiracy.

(Interruptions)

MR. SPEAKER: You have made a very good point, now, let us not go into these small details.

SHRI GEORGE FERNANDES: No, Sir, I am not on the semantics or typographic errors.

MR. SPEAKER: It may be a mistake.

SHRI GEORGE FERNANDES: No, Sir, I am sorry.

MR. SPEAKER: Now, the House has come to the conclusion that Constitution (Seventy-first Amendment) Bill would not have been withdrawn with an assurance that Constitution (Eighty-third Amendment) Bill would be introduced. I am grateful to Mamta Banerjee, Indrajit Guptaji, Shahabuddin ji, Advaniji and other Members also who are trying to find a solution to the problem. At the same time I do feel that if this could have been avoided it would have been better. It has become so complicated and so clumsy that probably nobody feels happy about it. It could have been avoided. But, having found ourselves in this situation it should be within the wisdom of the House to put the record straight and come out in such a fashion that we appear to have rectified what we should not have done. The main objection is to the withdrawal of Constitution (Seventy-first Amendment) Bill.

If you had not withdrawn it and not moved the Eighty-Third Constitution Amendment Bill that also would have been all right. But having withdrawn that with an assurance, the complication has arisen. I would seek the guidance of the Members and my final verdict on this would be given after the interval, after consulting all the Leaders of the Parties.

The House stands adjourned to meet again at 3.30 p.m.

14.36 hrs.

The Lok Sabha then adjourned for Lunch till Thirty Minutes past Fifteen of the Clock

15.35 hrs.

The Lok Sabha re-assembled after lunch at Thirty-Five Minutes past Fifteen of the Clock

[MR. SPEAKER *in the Chair*]

RE: CONSTITUTION (EIGHTY-THIRD AMENDMENT) BILL
(Amendment of Articles 81, 82, 170 and 324 and Insertion of New Article 324A)
— *Contd.*

[*Translation*]

SHRI GEORGE FERNANDES (Muzaffarpur): Mr. Speaker, Sir you can adjourn the House under rule 15.

MR. SPEAKER : I know.

SHRI GEORGE FERNANDES: Then get it adjourned.

[*English*]

SHRI LAL K. ADVANI (Gandhi Nagar): The constitutional requirement if it is there, about the Ordinances, that can be completed and then the House may be adjourned *sine die*.

[*Translation*]

SHRI GEORGE FERNANDES: The ordinance can be brought again tomorrow.

[English]

[Translation]

MR. SPEAKER: Shri H.R. Bhardwaj, do you want to say something?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H.R. BHARDWAJ): I would very humbly add a few things to what I said earlier about the withdrawal of the Constitution (Seventy-first Amendment) Bill. I am not introducing the Constitution (Eighty-third) Amendment Bill. There is a gap and my submission to the House that I am incorporating the Constitution (Seventy-first) Amendment Bill in the Constitution (Eighty-third) Amendment Bill was made on the floor of the House. So, to that extent I owe an explanation to the House and I say, Sir, that I had absolutely no intention of misleading the House. I was genuinely feeling that I would get the consensus and the support of the majority and introduce it. I could not introduce it for which I am very sorry.

I am firmly committed to bring the delimitation measure to the House. As and when the House wants it can be brought and passed unanimously because on that there is no controversy. That is not a controversial measure.

I am entirely in your hands. As I said earlier, there is no alibi on this issue. No plea can be made on this issue because it is before the House that everything had happened.

THE MINISTER OF WATER RESOURCES AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI VIDYACHARAN SHUKLA): You give the direction now, Sir.

SHRI LAL K. ADVANI: Let us proceed with the Ordinances.

SHRI GEORGE FERNANDES: Mr. Speaker, Sir, it was confined as to how did that Bill come up and how it was withdrawn but what about the House having been deceived. He has expressed his regrets only for the mistakes committed by him but Mr. Speaker, Sir, we are not ready to agree to that. The House may agree but I do not.

[English]

MR. SPEAKER: I think Shri George Fernandes was very correct when he raised this issue. He pointed out that there was a difference in the two statements given and what happened in the House. I am aware of the fact that Shri Bhardwaj was very much harassed and he had to go from meeting to meeting talking to the people and everybody. Probably, he had no respite to think about those things and in view of the fact that he has expressed his regrets on the floor of the House in such matters we do not take any other proceedings. That should be more than sufficient. We should understand his difficulties.

SHRI SOMNATH CHATTERJEE (Bolpur): Another multi-member Bill he must bring.

MR. SPEAKER: At the same time, I am closing the matter which was raised by Shri Fernandes properly and very graciously replied to by the Minister. Even though it could have been avoided, it was not avoided. I am closing the matter there.

Secondly, as far as the electoral reforms, as a whole, are concerned, it is a matter which is nearer and dearer to the hearts of all the Members.

[Mr. Speaker]

[English]

Yet is is a matter which has to be considered very dispassionately and all views have to be taken into consideration. I am sure that all concerned will look at it in a proper manner and if possible, the agreed electoral reforms Bill, when it is possible, may come to the House. For that if the discussions have to take place between the leaders of different parties, they may take place. But I am of the firm view that on a matter like electoral reform it should be proper to take into account all views and as far as possible — one hundred per cent it may not be — we should try to evolve agreement. If it is done with agreement, nothing like that. If it is not possible, then we can try to do it.

(Interruptions)

MR. SPEAKER: I think you had given a very good suggestion, but there is one difficulty. We had obtained the permission from the other House to withdraw it. Having done that reviving it may not be possible here now. We shall have to deal with it in a different fashion. I am asking the Government to look into it as to how they can deal with it. It was a good suggestion. Mamataji had given that suggestion, your good self had given that suggestion, Advaniji also had given that suggestion.

SHRI GEORGE FERNANDES: I formally move that the House may adjourn *sine die*.

[Translation]

SHRI PAWAN KUMAR BANSAL (Chandigarh): What about the other business? Is it not a mockery to say that House may adjourn *sine die*.

Shri George Fernandes is taking it so lightly.

MR. SPEAKER: I am sure he does not mean that. We have some business with us. Let us please transact that business. In anger we should not disperse.

SHRI SYED SHAHABUDDIN (Kishanganj): Mr. Speaker, the observations that you have made are indeed very gracious. You are trying to save us from the very unpleasant situation that has been created. We are all very unhappy with what has happened. In my personal view there is a clear case of privilege against the Minister of Law. But apart from that, I would like to have a clarification on the point whether we are going ahead with the Bill on the Amendment of the Representation of the People's Act, which has already been introduced or not.

MR. SPEAKER: On these things I will follow the rules. I do not have to give explanation for everything. Let us take up the Ordinances that are there with us. Let us consider them. Ordinances are important. If you agree we can take up the Ordinances and with agreement those Ordinances can be passed.

(Interruptions)

SHRI SOMNATH CHATTERJEE: It is a sad day for us because although we had in a combined manner decided to have this session for three days to discuss two very important Bills, the Parliament has not been able to do that. It is a definite set back for Parliamentary democracy in this country.

SHRI RAM VILAS PASWAN (Rosera): At least for today you should adjourn the House.

MR. SPEAKER: We have the Ordinances. Let us go ahead with the Ordinances.

SHRI LAK K. ADVANI: We proceed with the Ordinances. Perhaps it would be in the interest of all the Members if they are apprised as to whether the House adjourns *sine die* today itself after these Ordinances. There are three Ordinances and one hour has been allotted.

MR. SPEAKER: I would like to know the Government's view.

SHRI VIDYACHARAN SHUKLA: If the House is good enough to sit a little late we can finish all the three Ordinances today. I would request the hon. Members to allow the passing of Human Organs Transplantation Bill because it is passed by the Rajya Sabha. That important Bill is to be disposed of and after that we can adjourn.

SHRI LAL K. ADVANI: I have no objection.

[Translation]

SHRI ATAL BIHARI VAJPAYEE: It is very important to get that Bill passed. I support it.

[English]

SHRI VIDYACHARAN SHUKLA: We can dispose of these three Ordinances and that Bill which has been passed by the Rajya Sabha and we can adjourn *sine die*. We have no objection to adjourn today.

MR. SPEAKER: I take that that is the consensus and we proceed with it.

15.45 hrs.

MATTERS UNDER RULE 377

- (i) **Need to take steps to Arrest Anthropogenic Environmental Disturbances Caused by Intensified Prawn Culture in the East Coast Area of Tamil Nadu**

[English]

SHRI P.P. KALIAPERUMAL (Kuddalore): Sir, the intensified prawn culture in the east coast area of Tamil Nadu has endangered the eco-system and caused environmental disturbances in that areas, particularly in the districts of Thanjavoor, Nagal Quaid-E Milletu and Vallalar. The growth of prawn farms has resulted in water and soil pollution in this area.

In the last two years, eight hundred acres of cultivable land in Sirkali Taluk have been converted into prawn farms. Five thousand acres of additional cultivable land have been purchased by prospective prawn farmers for prawn culture. Thus cultivable lands are being converted into prawn farms and landless agricultural labourers are left jobless.

The seepage of salt water stagnated in the prawn farms causes salinisation of adjoining agricultural lands and render it unfit for cultivation. Even trees like Palmyra are drying up because of salinisation.

The drinking water sources are being polluted by saline water and also by