

ering in essential commodities of daily use.

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill to provide for the prevention of hoarding of and profiteering in essential commodities of daily use."

The motion was adopted.

SHRI EDUARDO FALEIRO: I introduce the Bill.

FREE LEGAL SERVICES BILL*

SHRI EDUARDO FALEIRO (Mormugao): I beg to move for leave to introduce a Bill to provide free legal services to indigent persons in certain cases.

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to introduce a Bill to provide free legal services to indigent persons in certain cases."

The Motion was adopted.

SHRI EDUARDO FALEIRO: I introduce the Bill.

CONSTITUTION (AMENDMENT)
 BILL—Contd.

(Amendment of articles 102 and 103)
 by Prof. Madhu Dandavate

MR. DEPUTY-SPEAKER: We now take up further consideration of the following motion moved by Prof. Madhu Dandavate on the 14th March, 1980, namely:

"That the Bill further to amend the Constitution of India, be taken into consideration."

SHRI CHITTA BASU (Barasat): What is the time allotted for this Bill?

MR. DEPUTY-SPEAKER: Two hours. He has taken five minutes already. One hour and 55 minutes are left.

PROF. MADHU DANDAVATE (Rajapur): The subject matter of my Anti-Defection Bill is beyond the pale of controversy, and I am sure that all those who are interested in a healthy democratic life and in preserving the values of parliamentary democracy will find no difficulty in supporting wholeheartedly the contents of my Bill.

Today unfortunately defection in the country has polluted the political climate and there is a growing threat to the experiment of parliamentary democracy. The evil of political defection is not of recent occurrence. If you trace the history of defections, you will find that after 1967, particularly during 1967-68, there were many political defections which were the precursor of the defections that are taking place today.

If I may be permitted to quote some figures, out of 438 defections that took place in those 12 months, 210 defections from various States had joined different Councils of Ministers. That itself indicates that it is the lure of office that had really impelled a number of legislators to change their political loyalties and to cross the floor so that they can gain some political advantage. That was the period when it was not the political parties which ruled the States, but the defectors. Therefore, those who are interested in the healthy functioning of our democratic life, in stabilising our experiment of parliamentary democracy, will have to see that this chronic disease of defection is completely eliminated.

I do not want to say that the previous Governments were not conscious of this particular need.

SOME HON. MEMBERS: Oh!

PROF. MADHU DANDAVATE: I am referring to Governments of the past 30 years. I am paying a compliment to you, and you are not able to appreciate it. I am going to refer to what you did, which I am going to support.

On 8th December, 1968, this very House unanimously adopted a resolution moved by Mr. Venkatasubbaiah, who is an hon. Minister today and is going to intervene in the debate.

SHRI SOMNATH CHATTERJEE (Jadavpur): He did not anticipate it then.

PROF. MADHU DANDAVATE: I shall read the resolution to refresh the memory of the hon. Members of this House.

(Interruptions)

The day I change, I shall resign from the membership of the Lok Sabha. You can rest assured.

The Resolution that was passed was:

"This House is of the opinion that a high level Committee consisting of representatives of political parties and constitutional experts be set up to consider the problem of Legislators changing their allegiance from one party to another and their frequent crossing of the floor in all its aspects and make recommendations in this regard."

It was a 19-Member Committee headed by Shri Y. B. Chavan and I am very happy to recollect that the Conscience of this nation, late Shri Jayaprakash Narain was a Member of this Committee and some of the stalwarts in the field of Constitution like Shri M. C. Sitalwad, Shri H. N. Kunzru, Shri Daftary and many others were members of this Committee. This Committee did a valuable work. This

particular Committee on Defections had prolonged deliberations and they tried to receive memoranda from various organisations and institutions and on the basis of their discussions, they tried to arrive at certain consensus. As far as the problem of defection is concerned, there is a controversy today as to what is to be described as defection. In that Committee, it was late Shri Jayaprakash Narain who put forward a particular definition and by and large, by consensus that definition of defection was accepted. The definition that was proposed by late Shri Jayaprakash Narain as a Member of that Committee was like this:

"As elected member of a legislature who had been allotted the reserved symbol of any political party can be said to have defected, if after being elected as a member of either House of Parliament or of Legislative Assembly or Legislative Council of a State, he voluntarily renounces allegiance to or association with such political party, provided his action is not in consequence of a decision of the party concerned."

This was the definition that was proposed by late Shri Jayaprakash Narain, as a Member of that Committee. There were representations of all political organisations and I am glad that the constitution of that Committee in 1967 was such that the Committee could rise above partisan and political considerations. I am happy to remember that Prof. Ranga, who is one of the hon. members of this House, was also an hon. member of that Committee and he has also contributed considerably to the proceedings of that Committee on Defections. There were various recommendations of this Committee. The Committee was concerned not only with the legal aspect, but the political aspect, moral aspect, the sociological aspect of the entire problem of defections. They had arrived at certain

formulations and on the basis of that, on the basis of the consensus arrived at, they had made certain recommendations. They had prescribed the first important step, that is, a code of conduct for the political parties and I fully agree with the contention of the Committee that you might have certain formulations in terms of the constitutional amendments . . .

श्री भगवान देव (अजमेर) : आपने
बाई साल में क्या किया ?

वह भी बताता हूँ।

PROF. MADHU DANDAVATE:
Young man, have some patience. I am trying to rise above party lines. Let us have that spirit. (*Interruptions.*) Do not come to that crude level. Let us have some patience. I can carry on a debate like that at the pitch of my voice for three hours. I can do that. But try to learn certain parliamentary procedures in this House. I am referring to the work to which your own party members were a party and you should be proud of it.

श्री भगवान देव : ये बातें आप ही
सिखाते रहते हैं।

प्रो० मधु दण्डवते : मैं आपको सिखाने
की हिम्मत नहीं करूंगा। आप सीखने की
स्थिति से बहुत आगे चले गये हैं। आप शान्ति
से सुनिये।

Do not belittle every problem by shouting. Mr. Deputy-Speaker, Sir, I can assure the young man that though I am 55 years old, if it is a battle of the pitch of voice, mine will be higher than his.

MR. DEPUTY-SPEAKER: Have
you mentioned your correct age?

PROF. MADHU DANDAVATE: I
have mentioned my correct age. I am not appearing younger only because my wife happens to be in the House.

Therefore, a code of conduct for the political parties is one important aspect to which this Committee had

addressed itself and they arrived at a consensus that a code of conduct will have to be evolved. There will have to be some standing committee to see that this code of conduct that has been evolved is effectively implemented. That was the first recommendation.

The second recommendation was, "Barring appointment as Prime Minister or Chief Minister of a person who was not a member of the lower House". It was a very good recommendation. Now, of course, we are implementing that. Whoever occupies the position of Prime Minister or whoever occupies the position of Chief Minister, he has to be a member of the concerned lower House.

The third recommendation was, "Barring the appointment of a defector as a Minister for one year". I do not fully agree with it because the very content of my amendment is such that once someone changes his loyalty to the political party, there is no question of his becoming a Minister because he goes out of the legislature to which he belongs.

The fourth recommendation, a very important recommendation, was about limiting the size of Ministry to 10 or 11, depending upon whether there are two chambers or there is one single chamber. Here, the idea was on the basis of the earlier data that I placed before you that in 12 months, out of 438 defectors, 210 defectors had joined various Councils of Ministers. This indicates that it is the lure of office which really impels defectors to change their political loyalty. So, rightly, the Committee on Defections had suggested limiting the size of Ministry to 10 or 11.

One more recommendation was that the right of dissolution be accorded to the Council of Ministers. For instance, if the Council of Ministers has that right, it will act as a deterrent and those who want to defect will be frightened that anticipating defections, the Council of Ministers may recommend dissolution of the entire

House and, in that case, even the defection will not politically help them.

These are the various types of recommendations that were already made by the Committee. But the recent history and the past history has proved that those recommendations go a long way; they do not go a distance long enough. Therefore, certain constitutional changes are absolutely necessary. It is not merely that defections are taking place at the State level but they are taking place in the Rajya Sabha and the Lok Sabha also. My proposed amendment is of a restricted type. I am only seeking to make an amendment in article 102 which is about the disqualifications for membership of both the Houses of Parliament. Article 191 deals with the disqualification for membership of State legislatures or Legislative Councils. As a consequence of this, I would like that that amendment also be adopted. But for the time being, I have concentrated only on article 102. If the spirit of the amendment is accepted, in that case, at a later stage, we can even amend article 191 which prescribes disqualifications for membership of State Legislatures and also Legislative Councils.

There is one aspect which is very important. Very often, the controversy is going on as to what is the distinction between split and defection. Some friends are trying to draw a fine distinction between split and defection. I am surprised at the argument. For instance, if one person commits a theft, it is to be described as a theft and, if 10 persons or 25 persons commit the same crime, it is to be described as a robbery. If I am the victim of a theft or a robbery, the person who loses the property or his belongings, to him, an academic distinction as to whether it is a theft or a robbery is irrelevant. Whoever loses the property or belongings is not concerned with as to whether one person came to his house at mid-

night and stole away the property or belongings or whether 10 persons came together to his house and actually stole away his belongings. It is only an academic distinction. As far as the man who has lost his belongings is concerned, he is only sorry that his belongings are lost. Therefore, if we try to have a small distinction or a fine distinction between a split and a defection, in that case, I think we will come to naught. There are various political parties in which defections have taken place. They have taken place in the Janata Party; they have taken place in the Lok Dal; they have taken place in the Congress Party—in the Congress (I) and Congress (U). At the same time, I must record my appreciation of the Left Parties of the country and congratulate my colleagues from CPM and CPI and other Left Parties that these are the Left Parties where not a single defection has taken place. (*Interruptions*)

Why do you feel embarrassed when somebody is praised? (*Interruptions*)

I don't belong to those Parties but the facts are to be stated and the facts of history cannot be mutilated at all. Therefore, if I find that in some of the Left Parties no defections have taken place . . .

AN HON. MEMBER: Their case comes under 'bandits', collectively shifting their support to this or that Party.

AN HON. MEMBER: We are not commodities like you to be bought and sold.

MR. DEPUTY-SPEAKER: He has already said that. (*Interruptions*)

PROF. MADHU DANDAVATE: Let us go on with the debate. (*Interruption*). I will take care of them; don't worry.

I am not bringing in the question of commodity, but it is true that politics has come to such a pass that even legislators are being reduced to commodities and, especially in times of crisis, they become essential commo-

dities; We may even say that the Constitution Amendment Bill that I am seeking to introduce is an 'Essential Commodities' Bill and so it is very important. From my point of view that particular Bill has great significance, from the point of view of the stability of Parliamentary democracy. Today, what is our experience? What has happened at the Centre? The other day we found that in the Rajya Sabha the Proclamation has been adopted. In order to see that the President's Proclamation regarding the dissolution of Assemblies is adopted, since the entire strength of the Opposition in the Rajya Sabha was not adequate, a number of manoeuvres had to be manoeuvred. Some people had to be taken from one Party to another and they were moved from one place to another just as we, in the Railways, move commodities from one station to another.

MR. DEPUTY-SPEAKER: When they vote, they vote for candidates only as Members of Parliament, not as one belonging to a particular Party, for your information (*Interruptions*).

PROF. MADHU DANDAVATE: While I accept what you have said, in our political system, you will agree with me that each Party, on certain important issues, issues a whip to the political party and voting takes place on the basis of the whip that is issued. Not only in this country but even in the mother Parliaments i.e., the U.K Parliament, a whip is issued to political party members who belong to Parliament and they have to obey the whip. If the whip is defied, that defiance of whip is treated as defection in certain countries. Therefore, this is a very important aspect that, with respect, I am pointing out to you. You are a Parliamentarian and you are a Trade Unionist and therefore I wanted to bring home to you this additional fact which does not contradict what you have said but only complements and supplements what you have said and enriches it.

MR. DEPUTY-SPEAKER: I have only said that for membership of Parliament they participate in the Elections for Parliament. That is all I have said.

AN HON. MEMBER: The whip is unofficial.

PROF. MADHU DANDAVATE: The whip is unofficial; but many things happen unofficially. Defection is also not official; it is all unofficial. Many things take place behind the back. No Resolution is passed that such and such a man has defected from this Party to another, with the promise that such a post will be offered to him! All these things are behind the back. There are certain transactions which are open transactions and there are some transactions which are underground transactions . . . (*Interruptions*).

MR. DEPUTY-SPEAKER: He is making a general statement and not about any particular Party

PROF. MADHU DANDAVATE. Why do you feel that the cap fits your Party? I have not mentioned any particular Party now. (*Interruptions*) I have mentioned the name of my own Party also. You forget that. As far as this proposition is concerned, I would not try to be partial at all. I had started with the name of my Party first. I know there are a number of parties. Only in that context, I mentioned the Left Party.

Look at the defections that have taken place. Why have I tried to bring this Bill? What has been happening at the State level? Political loyalties in this country are being sold in two ways. There is a trade in political allegiance and loyalty. There are two types of trade, the wholesale trade and the retail trade, in which the legislators have indulged, the Chief Ministers have indulged. In the case of wholesale trade of their political loyalty, the concern

State Government is not dismissed, the concerned Assembly is not dissolved. But wherever the political loyalty trade has been a retail trade, only a few people have been sold from this side to that side and that has not disturbed the political balance, that has not brought the desirable party into power or the undersirable party into power, in that case that Government is dismissed, that Assembly is dissolved. That is how the political manoeuvring is taking place. We, leftists, always believe that there should be nationalisation of the wholesale trade.

MR. DEPUTY-SPEAKER: Since how many years has the political manoeuvring been taking place?

PROF. MADHU DANDAVATE: It has been going on. I have quoted 1967. I have given the facts and figures. Whenever I speak in the House, I never speak without basis. I have quoted all the facts and figures. In 1967-68, when defections took place, how many defections had taken place, how many among them became Ministers, I have quoted all the facts. This is the aspect that has to be taken note of. Unless we are able to stop this wholesale trade in the political loyalty of the legislators, I tell you, a time will come when the people of this country, the ordinary voters in this country, will come to the conclusion that the experiment of Parliamentary democracy will not succeed in the country. People ask questions: 'When we elect you on a particular symbol, what guarantee is there that you will stick to your own Party?' I do not want to blame the voters because that is the reality of our situation. We find a number of political parties, and people go on changing, according to every season, their political loyalties. Because this is happening, we are actually bringing in instability in the political system. It is because of this that I have moved this Bill, and it is going to be the test of the Members of the House. All the

political parties, at one time or the other, have pledged to the voters that they would not allow their political loyalty to be sold away, that political loyalty would not be treated as a commodity. If that has been the pronouncement in our election campaign, I consider it to be the test of all of us, irrespective of the political parties to which we belong, whether we stand by that profession.

As far as I am concerned, when I got elected to the House and I am proud that I scored the highest percentage of votes in any constituency in the country—I have given an assurance to my electorate that, when I go to the Lok Sabha, in the very first Session I will introduce the anti-defection Bill, and I have had the opportunity, I have had the privilege, of introducing this anti-defection Bill in the very first short Session of Parliament. And, as luck would have it, even in the ballot, my number came second, and that is why, I have been able to move this Bill.

Therefore, I appeal to all sections of the House to understand my Bill in the proper perspective. I commend my Bill for the acceptance of this House unanimously.

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill further to amend the Constitution of India, be taken into consideration."

श्री हरिश चन्द्रसिंह रावत (मलमोड़ा) :
मान्यवर, मानीय दण्डवते साहब ने जो बिल यहां पर प्रस्तुत किया, मूल रूप में आज उनके हृदय में भी वही भावना हो तो यह बिल समर्थन के लायक है। मगर अफसोस तब होता है कि उन के स्टेचर का आदमी इस तरह के बिल को केवल राजनीतिक उद्देश्य से यहां पर प्रस्तुत करता है।

मान्यवर, उन्होंने इस बिल को प्रस्तुत करते हुए अपने भाषण में कुछ बातों को कहा, मैं यह चाहता था कि वह अन्तर्मन से अपनी उन गलतियों को भी महसूस करते जो पिछले ढाई तीन साल के अन्दर उन की

पार्टी ने, जब कि वे स्वयं सरकार में थे, महत्वपूर्ण स्तरों पर थे। उन्होंने कहा हम वामपंथी लोग जो कहते हैं ईमानदारी के साथ कहते हैं और फिर उस को लागू करवाना चाहते हैं। लेकिन, मान्यवर, सत्य इस के विपरीत है। उन की सोशलिस्ट पार्टी के लोग हमेशा कभी उधर गये और कभी उधर गये और इस तरह से उन्होंने वामपंथी इतिहास को, वामपंथ के चरित्र को कलंकित किया। उन को सत्ता में आने के बाद अवसर मिला था कि अपने कलंक को धोते, लेकिन अफसोस, कि ढाई साल तक सत्ता में रहने के बाद भी सोचे रहे इस के लिये कोई भी क्रान्तिकारी कदम नहीं उठा पाये कि उनकी पार्टी इस सदन में कोई ऐसा विधेयक लाती और उस को पास करवाती।

आज भी उन की पार्टी के पास ऐसे लोग हैं जो डिफेक्शन में विश्वास रखते हैं, जो आज भी डिफेक्ट कर सकते हैं और आज भी इस बात को यह सदन बड़ी गम्भीरता से महसूस करता है कि कभी भी उन की पार्टी के लोग डिफेक्ट कर के उधर आ सकते हैं या उधर जा सकते हैं। मुझे यह कहते हुए कोई हिचक नहीं है और मैं दावे के साथ कह सकता हूँ कि आज भी प्रतिपक्ष के अधिकांश नेता जो अपने अपने दलों के रहनुमा कहलाते हैं, वे डिफेक्शन के चरित्र से उस स्तर तक पहुंचे हैं। माननीय दण्डवते साहब को चाहिये था कि जब वह इस विधेयक को प्रस्तुत कर रहे थे तो अपने उन साथियों का जो उन के साथ मन्त्रिमण्डल में थे, जिन्न करते। उन को चाहिये था कि सब से पहले चौधरी चरण सिंह जी की भर्त्सना करते, क्योंकि वे इस देश में दलबदल के पितामह हैं। उत्तर प्रदेश का मुख्य मन्त्री बनने के लिए उन्होंने सब से पहले दलबदल किया। जिस पार्टी ने उन को सेवा करने का महत्वपूर्ण अवसर दिया था, उन्होंने उस की पीठ में छुरा घोंपा। मुझे इस बात का भी अफसोस है कि उन को मुख्य मंत्री पद की नदी हासिल कराने में माननीय दण्ड-

वते साहब की पार्टी का भी हाथ था। उस समय माननीय दण्डवते साहब भी सोशलिस्ट पार्टी की कार्य-कारणी के सदस्य थे, वह अपने इस गलत काम के प्रति अफसोस जाहिर करते, तो मैं उन की मंशा को समझ सकता था, उन की भावना का स्वागत कर सकता था।

यही हालत हमारे कम्युनिस्ट भाइयों के साथ है। यद्यपि उन के यहां पार्टी के रूप में डिफेक्शन नहीं है, लेकिन सिद्धान्तों के रूप में डिफेक्शन है। वे लोग देश के सिद्धान्तों के साथ डिफेक्शन कर रहे हैं, कभी किसी देश के साथ अपने सिद्धान्तों को जोड़ लेते हैं और कभी किसी के साथ जोड़ लेते हैं। यही हालत हमारे लोक दल के लोगों की है—वह तो बना ही डिफेक्शन के आधार पर है।

माननीय, दण्डवते साहब ने चाहे अपनी गलतियां, अपनी भूलें महसूस न की हों, लेकिन मैं इस हाउस से निवेदन करना चाहता हूँ कि उन की बातों को गम्भीरता से लेना चाहिये। हमें इन के राजनीतिक परिपेक्ष्य में नहीं जाना चाहिये, हम को देश के आगे आने वाले भविष्य को सोचना चाहिये, महसूस करना चाहिये। इस हाउस से मेरा निवेदन है कि हम कुछ ऐसी मान्यतायें आपस में विकसित करें, कानून बनाने से इस का हल नहीं निकल सकता है, जब तक राजनीतिक दल स्वस्थ मनोभावनाओं से दलबदल की इस बीमारी का निदान के विषय में नहीं सोचेंगे तब तक इस समस्या का हल नहीं निकल सकता है, अन्यथा यह बुराई, यह बीमारी इसी तरह से पनपती रहेगी। यदि हम एक दूसरे के ऊपर छींटाकशी करते रहे तो कभी आप दोषी थे, कभी हम दोषी हो सकते हैं। सुविधा के लिए हम इस दोष को एक दूसरे के गले मंडते रहते हैं।

मान्यवर, यहां पर छोटे छोटे राजनीतिक दल आज जिस रूप में उभर कर आ रहे हैं, जिस तरह से आज विरोधी पक्ष के नेता लोग आपसी स्वार्थ के कारण एक दूसरे की टांग खींचने में लगे हुए हैं यह डिफेक्शन की

सब से बड़ी बुराई है। विपक्षी दलों को चाहिए कि एक स्वस्थ राजनीतिक विपक्ष के रूप में अपने को एकीकृत करें और अपने को आगे लाएं। अगर वह राष्ट्रीय विचारधारा के अनुसार अपने को एक मंच पर लाएंगे तो हम भी उसका स्वागत करेंगे, हमारी सरकार भी उसका स्वागत करेगी और यह देश भी उसका स्वागत करेगा। लेकिन अफसोस की बात है कि आज विपक्ष रचनात्मक विपक्ष नहीं है। यह विपक्ष वह विपक्ष नहीं है जो 1977 के बाद हमारी कांग्रेस पार्टी के लोगों ने इस पार्लियामेंट को दिया, इस देश को दिया। आज भी विपक्ष में ऐसे लोग हैं जो डायनामाइट के आधार पर इस देश की स्वतन्त्रता को कभी भी खतरे में डाल सकते हैं, इस देश की शांति और अमन को कभी भी खतरे में डाल सकते हैं। आज भी उधर ऐसी ताकतें हैं जो देश को कभी भी साम्प्रदायिकता और जातीयता से बर्बाद कर सकती हैं। कभी भी इस देश के लोगों के मन में आपस का वैमनस्य पैदा कर सकती हैं, इस देश की आजादी और शांति को खतरे में डाल सकती हैं।

मान्यवर, मैं अपने विपक्ष के भाइयों से निवेदन करूंगा कि वे अपनी सैद्धान्तिक त्रुटियों को, उनके राजनीतिक दर्शन में जो त्रुटियां हैं, उनको दूर करें। तभी डिफेक्शन की यह बुराई दूर हो सकती है। हमारी कांग्रेस पार्टी और हम ईमानदारी के साथ इस को रोकना चाहते हैं और हम दिल से इसको रोकना चाहते हैं। उन्होंने कहा कि थोक में कभी दल बदल होता है, कभी फुटकर में दल बदल होता है। मान्यवर, उनके साथ कुछ लोग 1977 में निहित स्वार्थों के कारण चले गये थे। यदि वही लोग जो कांग्रेस कल्चर के लोग हैं, जो कांग्रेस के सिद्धान्तों में, कांग्रेस के दर्शन में विश्वास करते हैं, जो उनके साथ चले गये थे, आज अपनी गलती को महसूस कर के, अपनी भूल को स्वीकार कर के फिर से वापस आ जाएं, अपनी राजनीतिक कल्चर में वापस आ जाएं और हम उन्हें स्वीकार कर

ले तो यह बदल नहीं है। वे तो अपनी कांग्रेस की कल्चर में, अपनी मुक्त धारा में आ मिले हैं और हमने उनको अंगीकार कर लिया है, स्वीकार कर लिया है, इस को दल बदल कहना मूर्खता है। दण्डवते जी तो सयाने आदमी हैं, मूर्खता की बात मैं नहीं कह सकता लेकिन उसके नजदीक की बात कह सकता है ;
(व्यवधान)

जैसा मैंने पहले कहा, दल बदल तो होगा, दण्डवते साहब की पार्टी में, माननीय चौधरी चरणसिंह जी की पार्टी में और छोटी-छोटी पार्टियों में जो उधर बैठी हैं। उनके दिल में, जो मुझे उकसाने की बात कर रहे हैं, शायद मेरी बात चुभ रही है, शायद उनके दिल में मेरी बात असर डाल रही है, इसीलिए वे यह कह रहे हैं।

मान्यवर, मैं कहता हूँ कि इस सदन का सब से नौजवान सदस्य होने के नाते वे मेरी बातों को, इस देश की आने वाली पीढ़ी की भावनाओं को समझें और यह समझें कि भविष्य में आने वाली पीढ़ी इस दल-बदल को किस परिप्रेक्ष्य में सोचती है। मुझे उम्मीद है कि विपक्षी दल के लोगों, माननाय दण्डवते और उनके साथियों को इस बात को समझ कर सद्बुद्धि आयेगी। इसके साथ ही मैं समाप्त करता हूँ।

MR. DEPUTY-SPEAKER: Mr. Rawat, because you are very young, the disease of defection has not affected you.

MR. SOMNATH CHATTERJEE: Not here. Shri Shivraj V. Patil.

SHRI SHIVRAJ V. PATIL (Latur): Sir, it is not possible to object to the principles that are involved in this Bill. But, the problem is not very simple. It cannot be solved by making an amendment in the Constitution.

It is very much complicated. Unless we pay full attention to all aspects of it, it would be difficult to do away with this kind of malady which is existing in the political life of our country. Sir, I think that nobody in this country has a right to raise this issue. Let that man throw the stone who has not committed the sin, it is said. I would not like to describe or put before this House the facts which would probably cut at the very root of the claim made by Mr. Dandavate. It is said: Judge not that you be judged. It is very easy to judge others but it is very difficult to be judged by others.

Sir, the question before us is: What is actually the defection?

PROF. MADHU DANDAVATE: Mr. Deputy Speaker, Sir, since he has raised the issue, I can assure this House that the day I give up the Janata party on whose ticket I am elected, I shall resign the membership of the Lok Sabha. It will not take even one second for me to do it.

MR. DEPUTY-SPEAKER: Is there any possibility of that because every now and then you have been saying this!

SHRI SHIVRAJ V. PATIL: We would not at all like Mr. Dandavate to leave us and this House.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI P. SHIV SHANKAR): Even otherwise I wish him to continue in the House so that his counsel may be available to us.

SHRI SHIVRAJ V. PATIL: That is the feeling of all the members in the House and we would not like Mr. Dandavate to leave his party or leave this House. We would very much like him to continue in his party and in this House and assist in the deliberations taking place in the House in a manner which will be helpful to the people at large.

But, Sir, the question is very difficult. What actually is defection? That is one of the most difficult questions to be solved. If an individual leaves the party and joins other party or does not join other party will it be called defection? What happens if he join a party and what happens if he does not join a party. That is also to be distinguished. If a few members of a Party do not see eye to eye with other members in that party and they leave the party and they sit in a group then what happens?

Again the question is, Sir, the parties go before the people with manifestoes and they explain to the people that this we will do for you but having come to the power they do not implement the manifesto. What is the duty of the member! Should he remain in the same party? Should he not object to the non-implementation of the manifesto which had been put before the people by the party? Whether he owes an allegiance to the name only or whether he owes an allegiance to the principles or whether he is having allegiance to the wishes of the people. That is also a question. All these questions are to be distinguished and having distinguished all these questions then we have to put before this House a Bill or a resolution or whatever kind of device that can come before this House and then only we can solve this problem. Without solving these problems it would be difficult to do away with the malady of defections simply by amending the Constitution.

Now the hon. Member has said this. He said, let us amend Article 102 and the problem will be solved. The hon. Member just wanted to highlight these things in the House. He has given solemn assurance to the people and he has brought it. We can very well appreciate it. But, simply by amending Article 102, this is not going to take place.

In Chapter III of our Constitution, it is stipulated that people have a right

to hold their opinions and views. Now, how are you going to overcome the difficulty that is posed by the Fundamental Rights that are enshrined in our Constitution? Are you going to say,—well, once you get elected to the House, you are not allowed to hold any opinion separately from the opinion or the view held by the party? That is the question. Sir, as you rightly said, in the House the Members vote as Members of the House, and not as Members of any particular party, as such. Our Constitution has not mentioned about party at all. You read it from the first page to the last page of the Constitution. You find that the word party is not mentioned at all in the constitution. The framers of the Constitution had already applied their mind and they have framed this Constitution. But nowhere have they mentioned the word party. What is the intention for their not mentioning the word party in our Constitution? So many things are included in our Constitution: ours in one of the bulkiest constitutions in the whole world. Yet the word party is not mentioned in our Constitution.

SHRI JYOTIRMOY BOSU (Diamond Harbour): Lawyers' Paradise!

SHRI SHIV RAJ V. PATIL: That is why, while I can very well appreciate the principle and the honesty of our hon. Member, I would at the same time submit that simply by amending the Constitution, and simply by making some changes here and there, we will not be solving this problem. We have got to solve this problem by considering all aspects by creating a kind of philosophy, a kind of psychology in the minds of the people.

AN. HON. MEMBER: How it is to be created?

SHRI SHIVRAJ V. PATIL: That is the problem. I did not talk of the CPM; you are provoking me to talk about it. There is one more thing which I wish to bring to your notice. Suppose I belong to a party which party joins

hands with another party which has an ideology which is quite at variance with the ideology which I have accepted...

SHRI NARAYAN CHOUBEY (Midnapore): They make a front..

SHRI SHIVRAJ V. PATIL: It is fraud on the people..

SHRI NARAYAN CHOUBEY: I said 'front' not 'fraud'.

PROF. MADHU DANDAVATE: The confusion is because of the Bengali pronunciation:

SHRI SHIVRAJ V. PATIL: When people holding different ideologies come together and they form a party, what is it to be called, if it is not a defection? I think it is a defection, when people holding different ideologies come together and form a party. I think they should not have formed a party of that kind. And, Sir, if they form a party of that kind, surely, neither are they honest to themselves, nor are they honest to the people, nor would they be able to govern the country properly. That is a defection from the ideology.

While I respect the sentiments of the hon. Member, at the same time, I would like to say that it would not be so simple to accept the amendment which has been suggested to the Constitution by the hon. Member, because, I feel, it would create more problems than what it would solve. It is only by paying attention to all aspects of the Constitution, to all that is happening in our society, all that we together are doing, that we will really be able to solve this problem. With these words I conclude.

श्री झारखंडे राय (घोसी) : उपाध्यक्ष महोदय, मैं इस विधेयक का हार्दिक समर्थन कर रहा हूँ। 1948 की बात है जब कांग्रेस-सोशलिस्ट पार्टी, जिसने 1947 में अपना नाम सोशलिस्ट पार्टी स्वीकार किया था, उसने अपने प्रखिल भारतीय महा सम्मेलन, जो कि नासिक हुआ था,

के बाद यह फैसला किया कि हम कांग्रेस को छोड़ दें। वह सब सोम कांग्रेस से बाहर आ गये, कुछ कांग्रेस में रह भी गये। उस समय हमारे उत्तर प्रदेश की प्रसेम्बली के 9 आदमियों ने आचार्य नरेन्द्र देव के नेतृत्व में एम०एल०ए० शिप से इस्तीफा दे दिया। यह आदर्श 1948 में 9 विधायकों ने प्रस्तुत किया, जो कि सोशलिस्ट पार्टी के थे, लेकिन कांग्रेस टिकट पर चुने गये थे। क्योंकि सोशलिस्ट पार्टी कांग्रेस के अन्दर की एक जमात मानी जाती थी, देखने में यह आया कि चुनाव में 9 की 9 सीटें वे हार गये। आचार्य नरेन्द्र देव जैसे महान व्यक्ति, दार्शनिक, विद्वान, देशभक्त भी एक कांग्रेस के आर्डिनरी उम्मीदवार के मुकामले में फैजाबाद में हार गये।

1969 में भी श्री गिरि साहब ने एक आदर्श प्रस्तुत किया। वह निर्दलीय उम्मीदवार की हैसियत से खड़े हुए। यद्यपि वह उपराष्ट्रपति थे और उस समय कार्यकारी राष्ट्रपति भी थे, यदि वह चाहते तो अपने पद पर रहकर भी चुनाव लड़ सकते थे, लेकिन उन्होंने आदर्श प्रस्तुत किया कि दोनों पदों से इस्तीफा दे दिया और अपने दामाद के छोटे से घर में जाकर चुनाव लड़ा। जीते या हारे, यह बात अलग है। यह आदर्श रहा हमारे राष्ट्रीय आन्दोलन का, लेकिन अब ठीक उलटो गति हो गई है।

अब तो हानत यह हो गई है कि एक कार्टून को मैं थोड़ा सा आपकी आज्ञा से पढ़ना चाहता हूँ। वह बात जब जनता पार्टी शासन में आई थी, तो उस पर लागू थी और अब वह कांग्रेस पर—कार्टून को थोड़ा पढ़ लें, उसमें आगे पीछे गांधी टोपी पहने, खट्टर का कुर्ता पहने हुए, धोती पायजामा पहने हुए हैं, तो उसमें लिखा है:—

चलो काकसो चलो

चलो "सत्ता के साथियो, चलो

चलो "चमचों" चलो।

चलो "दायों बायों" चलो

चलो "भ्रवसरवादियो" चलो

चलो अब "जनता पार्टी की ओर"।

वही बात अब भी है, चलो अब कांग्रेस (आई) की ओर। जो भगदड़ मची थी जनता पार्टी की ओर, उसके सत्ता में आने के बाद, क्या सचमुच वही बात आज कांग्रेस (आई) की ओर नहीं हो रही है। इतना नैतिक राजनीतिक पतन हमारे देश में हो रहा है 1967 के बाद, यह चिन्ता का विषय है।

MR. DEPUTY SPEAKER: Was this an advertisement in a newspaper?

SHRI JHARKHANDE RAI: It is simply a cartoon of such people. This is as much relevant today as it was at that time.

श्री झारखंड राय : मैं यह कहूंगा कि यह विषय सचमुच ऐसा है, जिस पर हमें सोचना चाहिये।

मैं एक बात कहूंगा कि केवल यह मान लीजिये इस सदन में कि अगर किसी पार्टी के टिकट पर हम ग्राम प्रधान हों, ब्लाक प्रमुख हों, ब्लाक क्षेत्र से हम जिला परिषद के मेम्बर हों, एम०एल०ए०, एम०पी या मिनिस्टर हों, हम उस पार्टी को अगर छोड़ें तो उस पार्टी के टिकट पर चुने होने के कारण जिसपद पर मैं हों, हम उससे इस्तीफा देने को विवश हो जायें, तो मैं चेनेज के साथ कह सकता हूँ कि 95 प्रतिशत डिफेक्शन रुक जायेगा।

बड़े-बड़े तथाकथित जस्टिसों का, मैं नाम नहीं लेना चाहता, अगर यहां यह बात हो जाये तो एक बार नहीं हजार बार वह सोचेगा कि पार्टी को छोड़े या न छोड़े।

इसलिये मैं इस विधेयक का समर्थन करता हूँ और चाहता हूँ कि यह सदन एक स्वर से इसको स्वीकार करे, इसमें "इफ" एण्ड "बट" से लाभ नहीं होगा। उस वक्त जनता पार्टी की ओर भगदड़ मची थी। जैसे देहात में कौए होते हैं। जिस खेत में अच्छी धाँकी पकी होती है, उसमें गिर पड़ते हैं। जब मक्की खत्म हो जाती है, तो फुर से उड़ जाते हैं। हम लोगों की हालत भी कौओं की सी हो गई है। धिक्कार है ऐसी एम० एल ए -शिप, एम० पी०-शिप और, मिनिस्ट्री पर।

हरियाणा में जो कुछ हुआ, उस पर ताज्जुब होता है। ग्रुप का ग्रुप पार्टी को छोड़ देता है—और एक मिनट भी नहीं लगता है उनको स्वीकार करने में। इन्दिरा जी के दरबार में वे हाज़िर होते हैं और एक गान्दार फोटो भी आता है। केवल इन्दिरा जी नहीं बदलीं। लेकिन ग्रुप का ग्रुप डिफेक्शन कर जाता है। क्या यह पतन नहीं है? इसको कैसे रोका जाये?

यह कानून बिल्कुल सही है। तीस साल तक कांग्रेस सत्ता में रही और तीन साल जनता पार्टी रही। हम लोग नौ साल यहां पर रहे। हर बार कहा जाता था कि अगले सत्र में इस बारे में कानून आयेगा। प्रतीक्षा करते करते नौ साल बीत गये। उसके बाद जनता पार्टी शासन में आई, तब भी बड़ी उम्मीद थी कि ऐसा कानून आयेगा, लेकिन नहीं आया। अब आप लोग फिर सत्ता में आ गये हैं, तो वह कानून ले आइये। यह यश आपको मिलेगा। इतिहास में आपका नाम स्वर्ण श्रृंखलों में लिखा जायेगा कि आपने डिफेक्शन के खिलाफ कानून लाया। लेकिन आज ऐसा कानून न लाने में ही आपका हित है—कौए आपकी तरफ भागे जा रहे

हैं। लेकिन जब आप सत्ता से हटा दिये गये, तो वे सत्ता की तरफ भागेंगे। क्या ऐसे लोगों के रहते राजनैतिक नैतिकता, पोलिटिकल मारेलिटी, रह सकती है? गांधी, पटेल, आजाद, नेहरू और सुभाष की कांग्रेस तो मर गई, अब तो कांग्रेस (आई) है। (व्यवधान) अगर आप ऐसा कानून लायें, तो हम उसका समर्थन करेंगे। यह कानून लाना आपका फर्ज है। चूंकि आप उसमें चूक गये, और चूक रहे हैं, इस लिए प्रोफेसर साहब ने यह गैर-सरकारी विधेयक पेश किया है। उसका भी विरोध करना उचित नहीं है। यदि इस बिल में कोई कमियां हैं, तो आप एक काम्प्रिहेंसिव और सम्पूर्ण बिल लाइये, इन कमियों को पूरा कर के लाइये।

अगर आप ऐसा बिल नहीं लाते हैं, क्योंकि ऐसा करना आपके हित में नहीं है, तो इससे गलत परम्परा पड़ जायेगी। आगे चल कर जो कोई बूर्जवा पार्टी आयेगी, वह भी नहीं लायेगी। इस लिए अगर देश में पोलिटिकल मारेलिटी को ऊंचा उठाना है, देश में एक आदर्श कायम करना है, तो इस विधेयक को सर्व-सम्मति से पास किया जाये। इसी में हमारे देश का कल्याण है।

डा० राजेन्द्र कुमार बाजपेय.
(सीतापुर) : उपाध्यक्ष महोदय, डिफेक्शन पर प्रतिबन्ध लगाने के लिए कांस्टीट्यूशन में यह जो संशोधन लाया गया है, सिद्धान्ततः उससे किसी का विरोध नहीं हो सकता है। लेकिन हमें देखना यह है कि क्या केवल कांस्टीट्यूशन के आर्टिकल 102 में संशोधन से ही डिफेक्शन रूक सकता है या क्या इसके लिए हमें कुछ और भी करना पड़ेगा।

जब मैं यहां बोलने के लिए खड़ी हूँ, तो मुझे याद आ रहा है उत्तर

प्रदेश एसेम्बली का वह दृश्य, जब चौधरी चरण सिंह पहली बार अपने 17 साथियों के साथ हमारी आंखों के सामने दल को छोड़ कर दूसरी तरफ चले गये थे ।

एक माननीय सदस्य : आपने कहा है "पहली बार" । क्या कई बार हुआ है ?

डा० राजेन्द्र कुमारी वाजपेयी : कई बार हुआ है । वह पहली बार थी । उस समय के मुख्य मंत्री, स्वर्गीय श्री सी० बी० गुप्त, बैठे थे । गवर्नर के एड्रेस पर धन्यवाद-प्रस्ताव पर बहस चल रही थी । वोटिंग होने वाली थी ।

पांच बजने में 15 मिनट बाकी रह गए थे । चौधरी चरण सिंह उठे, उन्होंने कहा अध्यक्ष जी, मैं कुछ निवेदन करना चाहता हूं और फिर उन्होंने कहा कि मैं बड़े दुख और कष्ट से कांग्रेस को छोड़ कर दूसरी तरफ जा रहा हूं । उस के बाद हमारे दल को छोड़ कर अपने सत्तह साथियों के साथ दूरी तरफ चले गए । हमारी आंख के सामने ही हमारे इतने सीनियर मेम्बर, इतने दिन तक कांग्रेस के साथ रहने वाले इस तरह चले जाएंगे मिनटों के अन्दर यह हम कल्पना नहीं कर सकते थे । लेकिन वह गए और ठीक हमारी आंख के सामने उस तरफ गए । बाद में पता चला कि उस वक्त चौधरी साहब के कमरे में बैठे थे नाना जी देशमुख, राजनारायण जी और दूसरे नेता जो उन को प्रलोभन दे चुके थे कि अगर वे उनके साथ जाएंगे तो उन्हें उत्तर प्रदेश की चीफ मिनिस्ट्री मिल जायेगी । और फिर यही किया । उस समय केवल यह नहीं कि केवल जनसंघ और समाजवादी दल को मिला कर उत्तर प्रदेश में गवर्नमेंट बनी बल्कि उस वक्त कम्युनिस्ट पार्टी के लोग भी उस में शामिल हुए

थे जो पहली एस.बी.डी. सरकार उत्तर प्रदेश में बनाई गई थी (ध्यक्षान) उस वक्त उन्होंने रास्ता दिखाया था ।

एक माननीय सदस्य : उसी में माननीय राय साहब भी थे ।

डा० राजेन्द्र कुमारी वाजपेयी : यह है 1967 की बात । हम उन को तो किंग आफ डिस्फेक्ट्स कहते हैं चौधरी चरण सिंह को और उत्तर प्रदेश में हम ने उन का नाम चेयर सिंह रखा क्यों कि उन के सामने कोई सिद्धांत नहीं, वह कभी भी अपनी चेयर के लिए किधर भी जा सकते हैं । हम सब जो यंगर जनरेशन के लोग थे हमें बड़ा आश्चर्य हुआ कि यह क्या हो रहा है । लेकिन यहीं तक यह बात रुकती, ऐसा नहीं है । खुद चौधरी साहब के कुछ दिन के बाद कहा कि यह ए.बी.डी. तो बाड़ी पालिटिक्स में कौंसर में समान है । 8 अगस्त को हमें याद है यह उन का पहला स्टेटमेंट आया था । उसके दस महीने बाद एसेम्बली भंग हुई, प्रेसिडेंट्स रूल हुआ और 69 का चुनाव हुआ । 69 में भी उतनी संख्या नहीं थी कि पूरी तरह से स्थायी सरकार बनाई जा सकती । उस वक्त भी पहले उन्होंने चन्द्रभान गुप्त जी से बात चलाई । रात को हम बड़ी बेचैनी से इंतजार कर रहे थे कि कल उत्तर प्रदेश का कौन मुख्य मंत्री होने जा रहा है । कुछ लिखा पढ़ी भी हो गई । फिर सबेरा होने पर बात टूट गई और चौधरी चरण सिंह ने कहा कि अब हम आप लोगों के साथ गवर्नमेंट बनाएंगे । यह 1970 की बात है । चौधरी चरण सिंह के साथ मिली जूली सरकार बनाने की बात आई । उस समय हम उन के मंत्रिमंडल में आए । लेकिन सिद्धांतों के लिए या कार्यक्रमों के लिए जो वायदे

उन्होंने कांग्रेस के साथ किए थे उस पर वह अडिग नहीं रहे। प्रिवी पर्स का ईशू जब आया केन्द्र में और राज्य सभा में जब हम हार गए, हम लोगों ने वहाँ रिजाइन किया और वह गवर्नमेंट गई।

कहने का मतलब मेरा यह है कि डिफेक्शंस ने किस तरह से अस्थिरता पैदा की है राज्यों के अन्दर इस का एक उदाहरण मैंने आप के सामने उत्तर प्रदेश के इस उदाहरण से दिया है।
.....(व्यवधान)..... मैं बात कर रही हूँ जो मेरे ऊपर बीती है। मैं उन सब चीजों में रही हूँ इसलिए बता रही हूँ। हम लोग भुक्तभोगी हैं, अपने अनुभव से बात कर रहे हैं, किसी और की बात नहीं कर रहे हैं? हम ने देखा है उस चलते फिरते चलचित्र को और नाटक को, इसलिए मैं आप के सामने यह बता रही हूँ कि डिफेक्शंस का क्या असर होता है और किस तरह से उत्तर प्रदेश में लगातार यह ड्रामा चलता रहा? नतीजा उस का यह हुआ कि हमारा सूबा किस तरह पीछे हो गया। नेता लड़ते रहे कुर्सियों के लिए, प्लान के ऊपर किसी ने ध्यान नहीं दिया, आर्थिक विकास के ऊपर किसी ने ध्यान नहीं दिया और राजनीति के अन्दर नैतिकता का हनन कैसे किया जा सकता है इस का उदाहरण भी वहाँ उपस्थित किया गया। एस० वी० डी० की सरकार 67 के एलेक्शन के बाद उत्तर प्रदेश में ही नहीं, बल्कि अन्य सात ग्राठ स्टेट्स में भी बनाई गई थी। लेकिन क्या हुआ कि धीरे धीरे एक एक कर के ताश के पत्ते की तरह वह धराशायी हो गई। फिर लोगों ने अपनी गलतियाँ महसूस कीं। श्रीमती इन्दिरा गांधी के लिए आप कहते हैं लेकिन उन्होंने ऐसे उदाहरण उपस्थित किए हैं कि जब 1969 में कांग्रेस की

स्प्लिट हुई और इस सभा में भी वह लमने लगा कि... (व्यवधान)... माननीय नारबड़े राव जी उस समय उत्तर प्रदेश असेम्बली में हमारे साथ थे, उनको हमारी इन बातों को समझना चाहिए क्योंकि वे भी चोट खाए हुए व्यक्तियों में से हैं। उत्तर प्रदेश में जो डिफेक्शंस की राजनीति चल रही थी उसमें उनको भी मिनिस्ट्री छोड़नी पड़ी थी। एक दूसरे माननीय सदस्य श्री राम किकर जी भी यहां पर बैठे हैं, वे भी उस समय हमारे साथ थे। वे सभी जानते हैं कि उत्तर प्रदेश में क्या बोल खेले गए। आप सभी उसके भुक्तभोगी हैं और उसमें घायल हुए हैं।

तो 1969 में कांग्रेस की स्प्लिट के बाद प्रिवी पर्स और बैंकों के राष्ट्रीयकरण के सवाल को लेकर ऐसा लगा कि इस सदन में हमारी पार्टी की जो संख्या है वह कम है, हमें और ज्यादा मेजारिटी की जरूरत है इसलिए श्रीमती इन्दिरा गांधी जनता की अदालत में गई। 1971 में 14 महीने पहले ही लोकसभा के चुनाव करा लिए गए। उन्होंने डिफेक्शंस की राजनीति शुरू नहीं की बल्कि वे लोगों के पास गई मैनडेट लेने के लिए। इस प्रकार से उन्होंने एक उदाहरण प्रस्तुत किया कि राजनीति लाने के लिए, डिमोक्रेसी मजबूत करने के लिए किस प्रकार से जनता के बीच में जाना चाहिए और वह हुआ। 1971 के चुनावों में हमारी पार्टी को भारी बहुमत मिला, दो तिहाई मेजारिटी मिली। बंगलादेश की लड़ाई भी हुई। तब दूसरी पार्टी के लोगों को लगा कि अगर इस देश का नेतृत्व कोई कर सकता है तो वह श्रीमती इन्दिरा गांधी ही है। और वह संस्था भारतीय राष्ट्रीय कांग्रेस ही है। लोगों ने महसूस किया

कि भारतीय राष्ट्रीय कांग्रेस के बंडे के नीचे इकट्ठे होकर, जो प्रगतिवादी नीतियाँ हैं उनको लागू करने के लिए तथा देश में आर्थिक अवस्था के रास्ते में रोड़े घटकाने वाली जो नीतियाँ हैं उनसे लड़ने के लिए, एक होना चाहिए। इसीलिए श्रीमती इन्दिरा गांधी के नेतृत्व में लोग इकट्ठे हुए थे। 1971-72 के बीच में जबकि देश में गरीबी मिटाने के लिए कार्य किए गए उस समय डेफेक्शन की बात हम नहीं सोच रहे थे। लेकिन कुछ जो फस्ट्रेटेड लोग थे वे इकट्ठा हुए और जनता पार्टी का एक बैल्पिक रूपा बना जिसमें सभी बंडे एक कर दिए गए, सभी चुनाव चिन्ह मिलाकर हलधर बना, सभी लालपीली टोपियों को हटा दिया गया लेकिन उनकी जगह पर कोई लुक टोपी नहीं ला पाए। 1 मई को जब जनता पार्टी का संगठन बना तो न तो कोई कार्यक्रम बन सका और न ही पार्टी का नेतृत्व बन पाया क्योंकि उनके सामने केवल एक चीज रही थी कि अलग अलग जो वोट डिवाइड हो जाते हैं क्यों न उनको इकट्ठा करने के लिए हम एक हो जायें और कांग्रेस हुकूमत वा ख्यातमा बरें। उसके बाद इस टाइम को भी देश ने देख लिया है लेकिन आज क्या हो रहा है ?

डिस-ग्रानेस्टी की बात वही गई लेकिन क्या केवल घूस लेना और पैसा लेना ही डिस-ग्रानेस्टी है, चयन के लिए बदल जाना क्या डिस-ग्रानेस्टी नहीं है ? यह जो अनैतिकता का वातावरण देश में उपस्थित किया गया उसके लिए कौन जिम्मेदार है ? हम जिम्मेदार नहीं है, उस तरफ बैठने वाले ही जिम्मेदार है जिनके कि नेता चां० चरण सिंह है, श्री राज-नारायण हैं और दूसरे लोग है।

आप कहते हैं कि एक दल को छोड़कर दूसरे दल में जाना डेफेक्शन है, यह सही बात है लेकिन हमें और सारे देश को गम्भीरता के साथ सोचना होगा कि डेफेक्शन की सही

परिभाषा क्या हो। जनता सरकार के समय में भी एक बिल आया था। माननीय शारदा राय जी ने कहा कि पिछले 9 वर्षों से बार-बार कहा जाता था कि बिल आयेगा लेकिन नहीं आया। जनता सरकार के समय में जब बिल आया तो उस समय श्री मधु लिमए, जोकि इस समय सदन में नहीं हैं,—हमने अखबारों में पढ़ा था—उन्होंने पार्टी में और बाहर भी इसका विरोध किया। प्रो० दण्डवते जी जोकि इस बिल को लाए हैं उनके बहुत नजदीक के साथी मधु लिमए जी थे। हम क्या माने, समाजवादी पार्टी क्या चाहती है ? यह जनता पार्टी तो कई पार्टियों को मिलाकर बनी थी। यह घटकवाद वाली पार्टी है, लेकिन समाजवादी पार्टी के लोगों ने क्यों नहीं आचार्य नरेन्द्र देव के रास्ते पर चलने की बात कही। उन्होंने अपने लिए व्यक्तिगत रूप से यह बात कही थी। लेकिन जब वे सरकार में थे, तो क्यों नहीं ईमानदारी के साथ इस बिल को लाए और आज वे इसको नॉन-आफिशियल-रिजोल्यूशन के रूप में यह बिल ला रहे हैं। उस वक्त सदन में लाकर और फिर उसको विद्रोह कर लेना इससे हम क्या यह समझें कि पार्टी में उनकी बात नहीं चली या वे इस तरह की बात कर रहे थे, जो कि दिखाने वाली बात थी और फिर आज उसको लाना चाहते हैं, तो मैं इस अवसर पर यह कहना चाहती हूँ कि यह जरूरी है कि देश में इस तरह के डिफेक्शन रुकें। इसके लिए जरूरी है कि हम राजनीतिक दल मिलकर ऐसे कुछ कोड-आफ-कंडक्ट बनायें, जिसमें कुछ पोलिल ऐथिक्स होनी चाहिए कि हम ऐसी चीजें न बरे और उसको करने के लिए आप हर एक कानून पास करते हैं, तो वह भी सब की राय से होगा। लेकिन बहुत सी ऐसी चीजें हैं तो कानून के अलावा पोलिटिकल थिंकिंग की चीज होती है, राजनीतिक तरीके से सोचने और विचार ने की चीज होती है। हमें देखना पड़ेगा कि वह डिफेक्शन बिल कहाँ तक हमारे उद्देश्यों को पूरा करता है।

सभी हमारे एक माननीय सदस्य स्व. श्री जय प्रकाश बाबू की बात कह रहे थे, लेकिन उन्होंने तो राइट-घॉफ-रिकॉल की बात कही थी। उसकी चर्चा जनता पार्टी की सरकार आने के बाद और इस समय कान्ति के बाद सारे के सारे लीज भूल गए। भारत की राजनीति में स्वस्थ परम्परायें कायम करने के लिए यह जरूरी है कि हम सब राजनीतिक दल मिलकर कुछ ऐसे कोड-घॉफ-कन्डक्ट बनायें, कानून के प्रतिरिक्त, जिससे कि उन को इस तरह से लागू कर सकें, जिस से हमारे देश में सही परम्परा कायम हो सके।

यह जो अस्थिरता का वातावरण आज हमारे देश में है, जिसने हमारे देश की राजनीति को, हमारे देश की अर्थ-व्यवस्था को बहुत बुरा आघात पहुंचाया है, चोट पहुंचाई है, उसके लिए इतिहास भी कभी जनता पार्टी को माफ़ नहीं करेगा और जनता पार्टी के एक-एक नेता को जनता माफ़ करने वाली नहीं है। भारत की जो अगली पीढ़ी है, वह इस बात को बड़ी गम्भीरता से देख रही है और मुझे पूरी आशा है कि हम केवल यहां पर डिबेट ही करके नहीं रह जायेंगे, हम इस देश के अन्दर ऐसा क्लाइमेट पैदा करेंगे, ऐसा वातावरण बनायेंगे, जिसमें कि इस तरह के डिफ़ेक्शन्स को जो बातें होती हैं, उसको एक बहुत ही बुरा, गलत और राजनीतिक अनैतिकता का स्वरूप समझा जाएगा।

SHRI SOMNATH CHATTERJEE (Jadavpur): The Bill which has been moved by Shri Madhu Dandavate deals with a very important aspect of our political life. The gracious lady Member who just now spoke has also on behalf of the ruling party criticised what is known as defection so far as

I have been able to understand. But the usual practice these days is to pass on all responsibility to the Janata Party; I do not hold any brief for the Janata Party I was recalling that during the Fifth Lok Sabha a Constitution Amendment was brought as a Government Bill providing for constitutional changes to stop defection in this country. That Bill was referred to the Select Committee. Although I had the privilege of being a Member of that Select Committee we could find that that Bill never made any progress and got held up in the Select Committee for nearly five years. For five years Anti Defection Bill, brought by the then Government which had the massive mandate of which we had been reminded every day those days, did not see the light of the day, in the sense that even the Select Committee Report was not submitted. As a Member of that Committee we had been trying to expedite it but being in a hopeless minority there we could not get it through. Defection in this country has become a part of the dictionary of politics in this country. We have coined the words "Ayaram" Gayaram". Haryana has made a signal contribution in this country. If I am not mistaken, some members have changed sides more than 2 or 3 times in a day even.

PROF. MADHU DANDAVATE: The record is 13 times crossing.

SHRI SOMNATH CHATTERJEE: I stand corrected by Mr. Dandavate. As I said, we have found a new terminology. Bhajan Lal model of defection is something which had been unknown of—wholesale Ministers in the Cabinet changing sides. We have seen another model in Karnataka recently. The

Chief Minister resigns. Overnight there is a change in the composition of the legislature party and then another person who had been in the minority becomes the majority leader and forms the Government. Another is Goa model. Another is Himachal Pradesh model. Who has been the beneficiary here? If you are seriously thinking of curbing this menace in our political life, do some introspection, please. You are now on the treasury benches. You are now the beneficiaries of all these defections. The difficulties you had anticipated in getting the dissolutions approved of in the other House have been overcome, but by what method? Therefore, do not ignore these things. The people of this country are not that fools. They realise what is happening. By this process, the bourgeois landlord parties are exposing themselves and have already exposed themselves to the people. No method is debarred. To get a majority, to get more people on your side, you do not hold any method as taboo. Therefore, if there was any political will then this Government would have itself come with a Bill. At least the same character of the Government was there in 1971, with the same Prime Minister, but as I said, that Bill never came out of the Select Committee, although so many Bills came out of so many Select Committees. Do you or do you not want defections? Tell to the people that Congress(I) is against defection of all kinds. What type of defection you like? So long as it is on your side, you do not mind. If it goes out of you, what would you say? If any of the Governments controlled at the moment by Congress (I) falls because of defection, what would you call them? Are you seriously suggesting to the people of this country that all these defections in dribblets which has taken place during the last few days in the other House have been because of their sudden or gradual realisation that Cong-

ress(I) is the only political party in this country? Do you want the people of this country to believe that? Therefore, don't laugh. The Janata Party because of its own contradictions, because of the same character it possesses, has broken into pieces. Lok Dal is breaking into pieces. The Congress broke into pieces.

SHRI P. RAJAGOPALA NAIDU (Chittor): What about the Communist Party?

SHRI SOMNATH CHATTERJEE: I am coming to that. Mr. Naidu, I do not know your past records. From 1977 I find you are in Congress(I). Let us see; you remain there so long as they are in power. Don't tread upon areas where you are weak. Therefore, as a method of retaining power or as a method of acquiring power, defection is a menace to the politics of this country. That is the point we are making.

I disagree with Mr. Madhu Dandavate, a good friend of ours, a knowledgeable friend of ours when he said that there is no difference between split and defection. There is. Supposing a political party goes back on its pledges to the people, if there is a conscientious member who does not wish to stick to that place, comes out of it or a body of members of that political party come out of it saying that this Party is now reeking with corruption, this party is not keeping its pledges to the people as given in the manifesto, then they have not only a right but a duty to separate themselves.

Supporting, a member of the Congress had come out of it protesting against the Emergency, protesting against the use of MISA, even against the Congress people, of perpetuating the authoritarian rule in this country for which you had not sanction of the people, that would not have been a defection. The people of this country never sanctioned imposition of Emergency. The people of this country could never dream that MISA would be used against the Working Committee Members of the Congress, against political leaders like Jayaprakash Narayan although solemn assurances were given on the floor of the House by the Prime Minister and the then Home Minister that MISA will never be used against political opponents. If some courageous persons had come out of the Congress, certainly we would have appreciated that. Similarly, where we find that a political party is breaking its pledges and making compromises, then certainly there is a right as also a duty to come out of that. And if Mr. Rajagopal Naidu wishes to know the split that took place in the Communist Party in this country, that was on the basis of principles and that was a split. That was not a defection, not indriplets to be in power. The Communist Party did not separate to acquire power or to go into the Ministry somehow or other, not like Mr. Bhajan Lal or Gundu Rao. This was not the method; this was not the system. Try to understand the process of history.

MR. DEPUTY-SPEAKER: You must also tell the Members on what principles your Party split.

SHRI SOMNATH CHATTERJEE: Today, you want me to give a discourse why the Communist Party broke. We are discussing a particular Bill relating to defection. Such comments coming from the Chair will be misunderstood. So, please be careful in making such comments.

MR. DEPUTY-SPEAKER: You said that there was defection in other political parties for power but there was a split in the Communist Party on principle. I wanted to know as a Presiding Officer, as to what the principles are. There is no harm in asking that.

SHRI SOMNATH CHATTERJEE: On fundamental principles. That was not for acquiring power, not getting into position of power. Therefore, I said, I am disagreeing with Mr. Madhu Dandavate in that respect. But we are supporting the principle behind that Bill. Today, we find this cancerllis spreading. Today, we find that for the sake of remaining in power, acquiring power, this is a simple method which is being adopted. Although the people have not voted for a particular person or a particular party, they are in positions of power today. The position of the Haryana Assembly today is something which the people of Haryana never contemplated. The position of the Karnataka Assembly is something which the people of Karnataka never contemplated. Therefore, if you have faith in the peoples' mandate, is this how you pay respect to that?

Your answer is because in the Lok Sabha elections you have got the majority, therefore you have got the right to manipulate and get them on your side. Would there have been defections in Haryana if the Ministership had not been assured to them, if Shri Bhajan Lal had not been assured the Chief Ministership? Nobody could dream of that. Therefore, on that assurance, he changed side. Today we find that persons who overnight changed their political loyalty, political colour, are given Ministership. The hon. Home Minister is here and the hon. Law Minister is also here.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI P. SHIV SHANKAR): I am going to reply to the debate.

SHRI SOMNATH CHATTERJEE: I would like to know whether the ruling party approve of defections or not and, if so in what circumstances they do it and in what circumstances they do not approve of defections. Let the people of this country know it. Is it not a fact that the previous Government under the leadership of Shri-mati Indira Gandhi had brought a Bill for stopping defection? I would like to know whether this Government has any such intention to come with a similar Bill.

In order to decide whether a Member should continue as a Member or not, the electorate should be given the right of recall. It is important because it will be showing respect to the electorate. The right of recall must be brought into this country, that right should be conceded to the people so that the people can judge. But that right is never being conceded to the people.

You want to say that because of the result of one election, the other results would follow. You feel that so long as it is on your side, the current is towards you, it is all right. It is this type of inconsistent position that is encouraging defection. We have never heard the ruling Congress saying that, whatever may be the fate, we respect the verdict of the people, we shall not try to win over persons.

It has been rightly said that the people of this country, the people in the streets, they are commenting, they are laughing that the Members of the Legislature are like essential commodities, to be bought and sold, to be bartered. Is this feeling of the people something that we should encourage? We can stop it only by our own action, by the action of the Legislature, of the political parties and of the members, by laying down standards, norms of political life. That alone

can stop such comments, derisive comments and strictures, by the people of this country.

Therefore, I commend this Bill, although it would have been better if it had been a more comprehensive Bill. We plead for some principled politics in this country. We should oppose and we should try to root out unprincipled change of loyalties; we should try to eliminate from this country the feeling, the justified feeling, that politicians are negotiable commodities or persons. They are negotiable, their loyalty is negotiable. Such a feeling has to be removed. We have to have radical changes in our electoral law. We have, at the same time, seriously to think of curbing the money power. A Committee was set up by the Hon. Speaker in the Fifth Lok Sabha to suggest reforms in electoral law and I had the great privilege of being a Member of that Committee which had illustrious Members and many unanimous recommendations were made by that Committee, to which members of the then ruling Congress were parties, but none of them was even implemented. The unanimous recommendations of a Committee appointed by the Hon. Speaker of the House were not implemented.

17 hrs.

Sir, proportional representation has to be introduced to remove the imbalance in the electoral results. Today Mr Faleiro has changed his loyalty after the election. What would you call it? I would like to know. He was elected, if I am not wrong, on Congress(U) ticket, and after having got the verdict of the people in favour of Congress(U) against Congress(I), he comes to this House, and I do not know how many days afterwards he says that it is a victory of Congress(I) in his own constituency and therefore, he changes sides. What is it? How do you describe this? You are inviting them, taking them

with open arms, you are not opposing or objecting to anything. The former President of Haryana Jan Sangh is now a member of Indira Congress. Every day you are criticising the RSS. The hon. Member in the last House, in the previous House, the President of the Haryana Jan Sangh, became the President of the Janata Party and I do not know whether he is a President or not, he is a welcome member of the Indira Congress. On what principle you explain this? Therefore, do not criticise Jan Sangh. Has he become an angel as soon as he touched you? Has he dis-associated himself from his RSS views? How have you found that out?

SHRI P. SHIV SHANKAR: In which company you were there till yesterday?

SHRI SOMNATH CHATTERJEE: We have open mind, Mr. Home Minister. Your couplets sometimes are over our head. But may I request the hon. Home Minister to try to understand that we had made our stand repeatedly clear, that so long as they fought against authoritarianism and for restoration of democratic rights, we were with them. We fought against them on the floor of this House. We opposed the Charan Singh Budget. We opposed the Industrial Relations Bill. We opposed their firing on the workers and students. We did all that. If you care to go through the records of the House if you have time or if you have the inclination to learn or if you have the ability to appreciate and understand, then you will realise this, instead of making this, if I may say so a silly joke. Try to educate yourself first before you go and make the complaints.

PROF. MADHU DANDAVATE: The fundamental right of ignorance is guaranteed by the Constitution:

SHRI SOMNATH CHATTERJEE: I am supporting this Bill although it is

in a somewhat imperfect form. I hope some time in the near future there will be a proper measure before the House, but I know that the Indira Congress will never bring such a Bill. Even if they bring it for public consumption, they will never pass it, they will not pass it until the entire process is over.

Therefore, I commend this Bill although I know its fate, but I expect that the present Government is also against defection which is detrimental to the country. So, let them also try to stop this menace if they wish to.

श्री एम० राम गोपाल रैडू (निजामा बाद) : उपाध्यक्ष महोदय, अभी जो हमारे मधु इंडवते जी बिल लायें हैं, वह बहुत अच्छा बिल है, लेकिन इस बिल को थोड़ा तरमीमात के साथ लाना चाहिये, क्योंकि आजकल जो डिफैक्शन हो रहे हैं, उसमें कई नमूने हैं। अभी हमारे काबिल दोस्त श्री चटर्जी, ने कहा है कि कर्नाटक में जो डिफैक्शन हुआ है, वह सही नहीं है, मंजूराना चाहता हूं कि जितने कर्नाटक के एम० एल० एज० हैं, वह सब कांग्रेस पार्टी के टिकट पर 1978 में चुने गये है।

हमारे चटर्जी साहब भी पॉलिटीशियन है, उनके पिता जी भी पॉलिटीशियन थे, मगर हिन्दुस्तान में जितने भी पॉलिटीशियन रहे हैं, वह सब कांग्रेस में रह चुके हैं और किसी न किसी समय में वह कांग्रेस में आना चाहते हैं। जब कांग्रेस की पालिसी अच्छी होती है और अच्छी चलती है तो उसकी तरफ बहुत से लोग आते हैं, यह नहीं भूलना चाहिये। उसको डिफैक्शन या स्पिलिट के नाम से एक होशियार वकील अच्छी तरह से समझा सकता है अपने काज के वास्ते, जैसे सुप्रीम कोर्ट या हाई कोर्ट में आर्ग्यूमेंट करते वक्त बतला सकते हैं कि वह डिफैक्शन है या स्पिलिट है। जब तक हम स्पिलिट और डिफैक्शन का एक्सेलेशन न करें, उस वक्त तक यह बिल कामयाब नहीं हो सकता है। किसी वजह से हम यह कहें कि

political party, if they say, it is a mass movement, the point is whether you are going to identify the mass movement with the political party. These are some of the fundamental aspects which will have to be taken into consideration. I will just pose a problem. If two small warring groups of legislators elected by the people, on a particular programme—promises are given to the people in the election manifesto—sit together for sometime, forming an alliance and then coming out of that alliance for an ulterior motive. What sort of an action is it? Is it a defection? Is it any other thing? What sort of concept will you call it?

For instance, in a particular State, a number of groups, small groups of legislators, came together for seizing power. They seized power. They carry on, hold together, for the sake of power. But when the crucial moment comes, when the crucial test comes, they go out to the people and say, "Well, this party or the candidate belonging to this party is our foe. He must be defeated." I do not understand small group of people calling themselves as party members under a particular nomenclature, sitting together for the sake of power, and when they go out, they fight against one another. What sort of a conduct is it? Is it a fraud or a front? It is a fraud on the people. They sit together for the sake of power and at the same time, they change their alliances. For example, within two months, the CPM changed alliance in Orissa. They sat with the Lok Dal. This was in 1979. Mr. Jyoti Basu was a party to it. What sort of faith you give to the people. That is the problem.

It is not easy to define "defection", as Prof. Madhu Dandavate says. You have to sit together, discuss it and deliberate over it and then define the concept of "defection". Then only you will understand what it is. It is not so simple. Principally, the faith of the people must be maintained. There is no doubt about it. But how

are you going to maintain it. That is the main problem.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI P. SHIV SHANKAR): Mr. Deputy-Speaker, Sir, speaking personally, I am one of the greatest admirers of Prof. Madhu Dandavate. Though personally we have never been close, ideologically I have been very closely following him. I have always felt that Professor Sahib had been in a wrong company throughout and I would have very much wished that he would have joined our ranks.

AN HON. MEMBER: It will be a defection.

SHRI P. SHIV SHANKAR: It will not be a defection. We adore him so much that it would not be called a defection at all.

While I admire and appreciate the principle behind which this Bill has been moved, I regret I cannot agree with the Bill per se because of the obvious defects in it. Before I go to make my submissions on the merits of the Bill, I would like to bring to the notice of the House article 102 of the Constitution which is sought to be amended by virtue of this Bill. Its contours and precincts deal only with disqualifications for being chosen as a member of either House of Parliament.

Therefore, Art 102 has a very narrow concept in which it operates and the matter of defection is so embracing of Article 102 that the Article itself will not be able to digest this concept.

I may say this at this very stage itself that when I said that, because of the manner in which it has been brought, I oppose it, this is what I meant. This Article deals only with the membership of 'either House of Parliament'. Now, then, what happens to other forms of defections? I do not know why Professor Sahib has left it out. He has said that the amendment to Art. 191 would be consequential but, then, he has left it to

the realm of somebody else to take it up at a later stage. So, does he want Art. 191 to be left untouched, in which case, does he justify defections in the various Legislatures of the country? Therefore, as I have said, in the present form in which it has been presented—the amendment only seeks to confine itself to defections in either House of Parliament—it is not a solution at all. And I do not know why Professor Sahib has become only 'touchy' with reference to membership of the two Houses of this Parliament. Why would he not like to go beyond? It is something which has been puzzling me when I was sitting and contemplating on the amendment that has been brought forth. That is why I say that this amendment is not only insufficient but this amendment does not solve the problem at all. It only touches it on its periphery. Therefore, it is very difficult for me to agree with Professor Saheb on this amendment.

The other aspect of the matter is that while Professor Sahib wants that so far as Clause 2 of Art. 102 is concerned, it should be treated as an explanation, he adds Clause 2 in which he says that a person shall be disqualified from continuing as a member of either House of Parliament if he, having been elected such a member, gives up his membership of the political party by which he was set up as a candidate in such election or of which he became a member after such election.

PROF. N. G. RANGA (Guntur): What happens if the Party itself changes its own ideology?

SHRI P. SHIV SHANKAR: So, Professor Sahib, I am sorry...

PROF. N. G. RANGA: There is another Professor here.

PROF. MADHU DANDAVATE: And you forget that he was a father of our Constitution. So you must respect him.

SHRI P. SHIV SHANKAR: That is all the more reason why, when he is

opposing it, I have to be careful in accepting your amendment!

Now, the concept or condition of 'giving up' is so loosely worded, in my humble opinion, that it creates manifold complications. Does it cover a case of voluntarily giving up or a case where a person is removed from a Party on the basis of disciplinary action or where a person has been elected as an Independent but joins a Party later and then leaves that party? Does it take in these cases? Does this expression 'giving up' take in all the aspects that the human ingenuity can conceive of so that it could be said that the expression is all-embracing and therefore the defection part is fool-proof? Now, this amendment which has been very loosely worded is an amendment which has really put me into a puzzling mood, and it is very difficult for the Government to accept this part of the amendment, which is the basic amendment as proposed by Professor Saheb.

Then, the proviso that has been added is something where the President has been brought into a controversy on a reference by a political party. Sir, when a dispute arises or a question is entertained as to whether a particular person, having been a Member, has become the subject-matter of a disqualification, then what has been suggested is that the President shall entertain such question on a reference by a political party for the decision. I personally feel that the authority of the President should not be brought into a conflict on an issue where a political party would like to decide whether a particular person has defected from their ranks or not.

Then, Professor Saheb, the other aspect which assumes importance is what exactly is the concept or the connotation of a political party itself, because, one will have to define the political party for the purposes of bringing in the whole, to make this provision workable.

PROF. MADHU DANDAVATE: I hope you do not raise the fundamental issue as to what is the definition of 'Member of a Legislature'.

SHRI P. SHIV SHANKAR: I have not gone that far.

Therefore, having regard to the various loopholes in the amendment itself, I am of the view that this amendment is not going to solve the problem. It would not touch the fringes; it would only work at the periphery and create more complications than are already there.

So far as the question of defection itself is concerned, I am one with the concern, anguish and anxiety exhibited by all the Members of the House. I for one treat it as a different malady altogether. May I say this that it is a case of falling standards in the character of the nation and they are exhibited in the political parties...

AN HON. MEMBER: By the ruling party.

SHRI P. SHIV SHANKAR: I am saying, 'by the political parties'. I must say that your Party is such—I wanted to say this; I will say it now—that people have not found it worth to defect on your side. This is the misfortune of yours. They have never found it worth. (*Interruptions*). I am going to come to the two points which have been made by Mr. Chatterjee, and I am going to answer them. I thought that people had not found the CPM worth such a Party where they could go to embrace it because they have found it worthless. (*Interruptions*). Mr. Chatterjee, while modesty is a virtue, I never thought that you were so hypocritical as to say that 'you do not possess money'. Anyway, let us forget that part of it. I am saying, in the ultimate analysis...

PROF. MADHU DANDAVATE: The matter under discussion is not modesty but honesty.

SHRI P. SHIV SHANKAR: Professor Saheb, my respect for you rather subordinates me not to say anything

because your personal character has rather impressed me too much in the formation of my career. So, I forget that part...

SHRI SATYASADHAN CHAKRABORTY (Calcutta South): I want to ask one question.

SHRI P. SHIV SHANKAR: I am not going to answer your question now.

SHRI SATYASADHAN CHAKRABORTY: My question is: are you not decrying the woman who cannot be enticed?

SHRI P. SHIV SHANKAR: This is a matter of your choice. You think out.

Now, forget about it. What I was trying to say was that ultimately it is a question of a character, a character of an individual, the morality of a political party, the ethics of a political party and the people who claim, 'We are the representatives of the people. This is my conscience and my honesty.' That is more important than anything else..

(*Interruptions*).

श्री झारखण्डे राय : पैगम्बराना उपदेश है, और कुछ नहीं है ।

श्री प० शिवशंकर : आपने पैगम्बराना उपदेश कह दिया, मैं तो सच बोल रहा हूँ, कहीं आपको तकलीफ तो नहीं हो रही है ।

श्री रामाबतार शास्त्र : हम तो सच बातें बतलाते हैं, झूठ नहीं बोलते हैं ।

MR. DEPUTY-SPEAKER: He has said good things about you also.

SHRI P. SHIV SHANKAR: What actually happened was this. Professor Saheb at one stage said that he would refer to what happened during the Janata rule but left it out. I will take up the thread at that stage and proceed a little further. Actually, soon after the Janata Party came into office, they wanted a suitable legislation on defection and they had many an exercise made and which I need

not recall to the Professor Saheb who was himself a member of the Cabinet then. Ultimately, the consensus that was arrived at and which was recorded by the then Government in order to define 'defection' itself was—I am stressing this because the Professor himself was a party to it, I will not go into the other details and I will only refer to one thing, and that is:

"It was also agreed that splits in political parties should not be treated as defections. For this purpose it was decided to make a provision to define 'split' as meaning a division in the legislature party of which 25% of its strength subject to a minimum of 5, register themselves as a separate party with the Election Commission."

I must remind the members of the other side that what is sauce for the goose is also sauce for the gander. This is the type of definition which was evolved by a consensus by the former government where they say that a split will not be treated as a defection and for that purpose they have gone to the extent of saying that if 25% of the strength of a party, subject to a minimum of 5 legislators, defect and go and register themselves with the Election Commission as a political party, it would not be a case of a defection.

Now I would like to apply the same parameter and would like to say something on what has been urged with reference to Himachal Pradesh and Haryana. A lot has been said. My friend, Mr. Chatterjee, has talked of the principled politics. He has gone on record to say that if on a principle one breaks away from the party, he should not be called a defector. And he gave an instance by saying that supposing somebody were to oppose emergency or, in his own words, authoritarianism—I have not so far been able to appreciate the connotation of the expression 'authoritarianism' and about which I will certainly make an observation immediately afterwards—but, if he defects

on this principle, then it is not a defection and it should not be so treated. Therefore, he is not one with Professor Saheb on this count

I would like to tell Mr. Chatterjee that this is my argument that in Haryana or in Himachal Pradesh, the mandate was given on the same principle. The principles are twofold—one is: what has been evolved by the Janata Party and the other is what has been evolved by Mr. Chatterjee while addressing the House. It is on that basis I am submitting that the Congress (I) got a massive mandate in these States. At least in Himachal Pradesh, where we contested all the seats we won all of them. (*Interruptions*). I am putting it on a principle. So far as Mr. Chatterjee is concerned, if the Legislators, having seen the mandate of the people and, in conformity with the wishes of the people, bowing themselves down, had left that party, how can you call it a defection? It is only aligning themselves with the wishes of the people, with the mandate of the political Sovereign and, if they had come and joined our Party, by what stretch of imagination, you would call that this is not a case of defection on a principle?

SHRI NIREN GHOSH: Will you then please define what is defection?

SHRI P. SHIV SHANKAR: I have answered that so far as your party is concerned. But, so far as Professor Saheb himself is concerned, in the Government which took a decision to it, you were a party where it was said that if 25% legislators walk out, it will not be called Defection but a split. If this is the approach, it is on this approach or it is on this that Shri Madhu Limaye and his company wanted to take their own arguments when they left the Janata Party. Am I not right in saying that it is more than 25 per cent legislators who have

walked out either in Haryana or in Himachal Pradesh so as to be within the four corners of the definition, Professor Saheb, which you yourself have laid down:

So, the position, as it emerges, is that the principle that you yourself laid down does not suit you on a particular occasion. Therefore you are prepared to eschew it as a forgotten baby. But, so far as we are concerned, if we have tried to follow your own approach and if people come to us voluntarily, then, how would you blame us? I say this because your friend has referred to that. In the other House, we were only 98 or 99. It is not a case that all of them have joined our party and voted. Perhaps, your party people might have also voted for us. That is why we got 124 votes. (*Interruptions*).

SHRI JYOTIRMOY BOSU: But, you do not have the courage to say this.

SHRI P. SHIV SHANKAR: It is something which is secret.

SHRI JYOTIRMOY BOSU: What is it that you can do? (*Interruptions*)

SHRI P. SHIV SHANKAR: That is your habit. I would not, therefore, like to take more time of the House. Our approach in so far as the main principle of defection is concerned, as I said, is something which nobody would know. At least a reasonable person would try to support it. This is only a very incomprehensive, a very defective type of a Bill, that has been brought. Actually, we took over hardly about 2½ months ago the matter is engaging our consideration and we would like certain to go into it and various decisions that have been taken by the previous Government many of which seem to be reasonable, would not escape our mind. I can assure that to this House. We would like to take them into consideration and

having regard to the fact that the matter of defection forms part of a larger respective of the electoral reforms, I with all my modesty beseech Professor Sahib to withdraw this Bill so that we might at a proper stage after a proper study come forth with a comprehensive Bill on the electoral reforms.

PROF. MADHU DANDAVATE: Mr. Deputy Speaker, Sir, at the very outset, let me make it very clear that when I framed the Bill I had also prepared at a later stage an amendment for 191 but because that had come late that is why it could not become part of that but I agree that both 102 and 191 are to be amended.

Sir, after carefully listening to the debate on the Bill that I have placed before the House, I found that quite a good number of members on both sides of the House said that they agree with the spirit of the Bill. An interesting part of such a debate is that the spirit is accepted but the bottle is rejected. That is generally the tenor of the argument.

Sir, the hon'ble Minister just now said that merely by constitutional amendment the distortions and aberrations caused by political defections cannot be eliminated. It is really crisis of character. But I would ask the Minister in charge of Law, Justice and Company Affairs that if tomorrow any philosopher or any politician says that no doubt there are crimes in the country but if the crimes are to be completely eradicated merely Criminal Procedure Code is not going to help. It is the crisis of character and so long as the character of the human beings is not transformed there is no need of criminal procedure code at all. I do not know whether that will be justified.

Sir, no doubt there is a certain constitutional and legal aspect and I do agree with him that merely making a constitutional amendment is not going to solve the problem if the politician in the country is going

to remain as he is today. Unfortunately, the politician in the country has lost his credibility and, therefore, that credibility has to be restored. But one of the contributory factors of loss of credibility is occasional and constant defections that are taking place.

Sir, in Haryana on legislator claimed that he had crossed the Floor thirteen times. What a mobility! And what a dynamism! That is the tragedy of our political life. Therefore, I am just trying to make a modest beginning by introducing this constitutional amendment.

AN HON'BLE MEMBER: If I remember correctly, he has been elected.

PROF. MADHU DANDAVATE: Yes. He has been elected. There is a premium on defection and probably he was elected because some admirers of defection, felt let us see whether he can break the record still further

Sir, some hon'ble Members including Shivrajji and others had raised a very important ideological issue. They said that there are sometimes political groups and political parties who combine together and form coalitions. They form fronts. Are they not worse than defection? Sir, it is an accepted practice all over the world that there is an admissible politics of coalitions. I give you the illustration of Germany. That is a classic instance. There is the Social Democratic Party of Deutschland and there is the Christian Democratic Union. Ideologically these parties have difference, but even then there were periods when there was a coalition between the Christian Democratic Union and the Social Democratic Party of Deutschland.

MR. DEPUTY SPEAKER: That does not get credibility.

PROF. MADHU DANDAVATE: That have proved even such coalitions have done better than what the

single party has done in some of the countries.

MR. DEPUTY-SPEAKER: Cannot we say that it is to capture power? The same person goes from one party to the other. Parties combine together and they capture power. How do you account for their credibility?

PROF. MADHU DANDAVATE: Firstly, I have already referred to that in my initial enunciation while I moved the motion. Therefore, I do not want to repeat that point. I did refer to that I started with that. You can check the record: I referred to that. Therefore, as far as the 'fronts' and the 'coalitions' are concerned, it is very clear that the politics of coalition is a normally accepted proposition in the developed countries as well as in the developing countries.

Therefore, Sir, so long as parties remain as they are what is the point in saying that the Constitution does not make reference to any political party? What is the point in saying that the Representation of the People Act does not make reference to the political parties, excepting where the question of adoption of symbol is there? But, Sir, the very functioning of the Legislature is such that the Leader of every party has to submit to the Speaker a list of the Members belonging to his particular political party.

Therefore, though in the Constitution it is not mentioned, the political parties do exist and their existence is a reality. So, that particular point has got to be borne in mind.

Very often questions have been raised: Is it not a fact that Members of the Lok Dal in the past have defected? Is it not a fact that Members of the Janata Party have defected? Again, if you check the proceedings, you will find that I myself stated this: and I mentioned my party first; the Lok Dal Congress (I) and all other parties I mentioned. I thought that this is a point which cuts across

party lines. Therefore, there can be a non-partisan attitude as far as this particular Bill is concerned.

Sir, I may narrate a very interesting experience. Somebody referred to the efforts in the Fifth Lok Sabha to arrive at an Anti-Defection Bill. I was a Member of the Joint Select Committee in the Fifth Lok Sabha to which the Bill at that time was referred, when Shrimati Indira Gandhi was the Prime Minister. And my interesting experience is this. I went to Bangalore to participate in the proceedings of the Select Committee on Defections. And, on the day we were to meet there to consider that Anti-Defection Bill, on that very same day—Emergency was proclaimed upon the country and I was put under detention for two years. And I do not know whether that was the price which I had to pay, because of my opportunity to attend that meeting and to participate in its proceedings. The same draft was there. That draft came before the Janata Government and I must make it very clear that even when that particular Bill was discussed, the then Prime Minister, Shri Morarjibhai Desai, had made it clear to the Members of the Janata Party that this Bill can be referred to the Select Committee and Members of the Janata Party can make their suggestions. Some Members then had pointed out that they did not accept this aspect regarding individual defection and defection caused by the split. Now, on that, there was a difference of opinion. And the then Prime Minister had given an assurance to the Members of the Janata party saying that the Members of the Janata party themselves, either on the Select Committee or outside the Select Committee, can send their suggestions; we do not rigidly bind you to this particular distinction between split and defection, he said. My point of view was made extremely clear and I have made it clear once again.

My last point is this. The hon. Minister has appealed to me that I should withdraw this Bill. I do not want to withdraw it. I am going to press for voting, because, this involves a significant principle. Once this particular Bill is accepted, probably, the Government can come forward with a more comprehensive Bill. I can assure the hon. Minister that if a more comprehensive Bill is brought before the House,—if that particular Bill is helpful to us—without prejudice to the existing Bill, many Members of the Opposition will be prepared to extend their wholehearted support to such a comprehensive Bill that will be brought forward.

Let me close my observation and my reply once again with a reference to the late Acharya Narendra Dev, although my colleague had referred to that. In 1948 we the Socialists left the Congress and in the 1952 election, in terms of votes polled, we emerged as the largest party. Eminent members of the Congress Working Committee came out of the Congress and formed the new Socialist Party. And, Sir, really speaking, why 25 per cent. more than 25 per cent people were with us—friends like Prof. Ranga will be able to bear me out. In spite of that, the late Acharya Narendra Dev told us, "Do not take a technical view of things. In Uttar Pradesh, when nine or ten members of the legislative Assembly elected on the Congress ticket left the Congress, when these socialists left the Congress, he said. "All of us are going to tender resignations from the membership of the Legislative Assembly" Acharya Narendra Dev and eight others resigned, they contested the election and an ordinary man defeated Acharya Narendra Dev . . .

THE MINISTER OF STATE IN
THE MINISTRY OF HOME AFFAIRS
AND DEPARTMENT OF
PARLIAMENTARY AFFAIRS (SHRI
P. VENKATASUBBAIAH): Shri
Tenneti Vishwanatham also did the
same thing.

PROF. MADHU DANDAVATE:

Yes. And I tell you that in the history of Indian parliamentary democracy, the action of late Acharya Narendra Dev is a shining example of idealism, political idealism and a lesson for all of us.

With this reference, I would conclude and once again request the Law Minister and appeal to him to support the Bill instead of appealing to me to withdraw the Bill.

MR. DEPUTY-SPEAKER: Before I put the motion to the vote of the House, this being a Constitution Amendment Bill, voting has to be by division. Let the lobbies be cleared.

The questions is:

"That the Bill further to amend the Constitution of India be taken into consideration."

The Lok Sabha divided:

Division No. 4]

सु २९:२१]

AYES

Balan, Shri A. K.
Barman, Shri Palas
Basu, Shri Chitta
Bhattacharya, Shri Sushij
Biswas, Shri Ajoy
Bosu, Shri Jyotirmoy
*Chandrakar, Shri Chandulal
Chatterjee, Shri Somnath
Chaturbhuj, Shri
Chaudhary, Shri Motibhai
Choubey, Shri Narayan
Dandavate, Prof. Madhu
Digamber Singh, Shri
Ghosh, Shri Niren
Goswami, Shrimati Bibha Gosh
Goyal, Shri Krishna Kumar
Halder, Shri Krishna Chandan
Hannan Mollah, Shri

Horo, Shri N. E.
Kodiyen, Shri P. K.
Kurien, Prof. P. J.
Maitra, Shri Sunil
Mandal, Shri Sanat Kumar
Modak, Shri Vijoy
Muzaffar Hussain, Shri Syed
Paswan, Shri Ram Vilas
Rai, Shri M. Ramanna
Rajda, Shri Ratansinh
Ram Kinkar, Shri
Riyan, Shri Baju Ban
Roy, Shri A. K.
Saha, Shri Gadadhar
Saran, Shri Daulat Ram
Sen, Shri Subodh
Shastri, Shri Ramavatar
Subba, Shri P. M.
Tirkey, Shri Pius
Unnikrishnan, Shri K. P.
Varma, Shri Ravindra
Verma, Shri Raghunath Singh
Yadav, Shri Chandrajit
Yadav, Shri R. P.

NOES

Ahmed, Shri Kamaluddin
Alluri, Shri Subhash Chandra Bose
Anbarasu, Shri Era
Ankineedu, Shri M.
Anuragi, Shri Godil Prasad
Appalanaidu, Shri S. R. A. S.
Arakkal, Shri Xavier
Azad, Shri Bhagwat Jha
Bajpai, Dr. Rajendra Kumari
Baleshwar Ram, Shri
Bansj Lal, Shri
Barot, Shri Manganbhai
Barway, Shri J. C.
Behera, Shri Rasa Behari
Bhardwaj, Shri Parasram
Bhoi, Dr. Krupasindhu
Bhuria, Shri Dileep Singh
Birendra Singh Rao, Shri

*Wrongly Voted for AYES.

Chakradhari Singh, Shri
 Chaudhary, Shri Manphool Singh
 Chavan, Shri S. B.
 Chennupati, Shrimati Vidya
 Chouhan, Shri Fatehban Singh
 Dabhi, Shri Ajitsinh
 Daga, Shri Mool Chand
 Dalbir Singh, Shri
 Das, Shri A. C.
 Dennis, Shri N.
 Deo, Shri K. P. Singh
 Dev, Shri Sontosh Mohan
 Dhandapani, Shri C. T.
 Doongar Singh, Shri
 Ekka, Shri Christopher
 Fernandes, Shri Oscar
 Gandhi, Shrimati Indira
 Gireraj Singh, Shri
 Gomango, Shri Giridhar
 Gouzagin, Shri N.
 Gurbinder Kaur, Shrimati
 Jai Narain, Shri
 Jain, Shri Viridh; Chander
 Jena, Shri Chintamani
 Jha, Shri Kamal Nath
 Kamakshaiah, Shri D.
 Krishan Dutt, Shri
 Krishan Pratap Singh, Shri
 Krishnan, Shri G. Y.
 Kuchan, Shri Gangadhar S.
 Kunwar Ram, Shri
 Mahabir Prasad, Shri
 Mahajan, Shri Y. S.
 Mahendra Prasad, Shri
 Mallick, Shri Lakshman
 Mallu, Shri A. R.
 Mayathevar, Shri K.
 Misra, Shri Harinatha
 Mohsin, Shri F. H.
 More, Shri Ramakrishna
 Mukherjee, Shri Ananda Gopal
 Murugian, Shri S.

Nahata, Shri B. R.
 Naidu, Shri P. Rajagopal
 Nayak, Shri Mrutyunjaya
 Nihal Singh, Shri
 Nityananda, Shri
 Pahadia, Shri Jagannath
 Panigrabi, Shri Chintamani
 Panika, Shri Ram Pyare
 Pardhi, Shri Keshao
 Patel, Shri U. H.
 Patil, Shri A. T.
 Patil, Shri Balasaheb Vikhe
 Patil, Shri Chandrabhan Athare
 Patil, Shri Shivraj V.
 Patil, Shri Veerendra
 Patnaik, Shri Janki Ballav
 Poojary, Shri Janardhana
 Pullaiah, Shri Darur
 Quadri, Shri S. T.
 **Rajan, Shri K. A.
 Ran Vir Singh, Shri
 Ranga, Prof. N. G.
 Ranjit Singh, Shri
 Rao, Shrimati B. Radhabai Ananda
 Rao, Shri Jalagam Kondala
 Rao, Shri M. Nageswara
 Rao, Shri M. Satyanarayan
 Rao, Shri P. V. Narsimha
 Rao, Shri Patabh; Rama
 Rathod, Shri Uttam
 Raut, Shri Bhola
 Rawat, Shri Harish Chandra Singh
 Reddi, Shri G. S.
 Reddy, Shri K. Obul
 Reddy, Shri K. Vijaya Bhaskara
 Reddy, Shri M. Ram Gopal
 Reddy, Shri P. Venkata
 Sahi, Shrimati Krishna
 Sahu, Shri Narayan
 Sathe, Shri Vasant

Sethi, Shri Arjun
 Shakatawat, Prof. Nirmala Kumari
 Shankaranand, Shri B.
 Shanmugam, Shri P.
 Shantaram, Shri
 Sharma, Shri Chiranji Lal
 Sharma, Shri Kali Charan
 Sharma, Shri Pratap Bhanu
 Shiv Shankar, Shri P.
 Shukla, Shri Vidya Charan
 Sidnal, Shri S. B.
 Singh, Shri D. G.
 Singh, Shrimati Madhuri
 Sinha, Shrimati Ramdulari
 Soren, Shri Hari Har
 Sparrow, Shri R. S.
 Stephen, Shri C. M.
 Sunder Singh, Shri
 Swami, Shri K. A.
 Swaminathan, Shri R. V.
 Tandon, Shri Prabhunarayan
 Tewary, Prof. K. K.
 Thakur, Shri Shiv Kumar Singh
 Thrunon, Shri P. K.
 Tudu, Shri Manmohan
 Vairale, Shri Madhusudan
 Varma, Shri Jai Ram
 Venkataraman, Shri R.
 Venkatasubhaiah, Shri P.
 Verma, Shrimati Usha
 Vijayaraghavan, Shri V. S.
 Vishwanath, Pratap Singh, Shri
 Vyas, Shri Girdhari Lal

Yadav, Shri R. N.
 Yadav, Shri Ram Singh
 Zail, Singh, Shri
 **Zainal Abedin, Shri
 Zainul Basher, Shri

MR. DEPUTY SPEAKER: The result* of the division is:

Ayes—42; Noes—138.

The motion is not carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The motion was negatived.

18 hrs.

CONSTITUTION (AMENDMENT)

BILL

(Amendment of Eighth Schedule by Shri Chitta Basu)

MR. DEPUTY-SPEAKER: Before I call Mr. Chitta Basu to move for the consideration of his Bill, we should fix the time for it. Can we have it as 2 hours?

SOME HON. MEMBERS: Yes.

SHRI CHITTA BASU (Barasat): Sir, I beg to move:

"That the Bill further to amend the Constitution of India, be taken into consideration."

Sir, the object of my Bill is very simple. It is under Article 347 of the Constitution. There are 15 languages which are treated as national languages, in the 8th Schedule. They are; Assamese, Bengali, Gujarati,

**Wrongly voted for NOES

*The following Members also recorded their votes:

AYES: Shri Jharkhande Rai, Shri M. M. Lawrence, Shri Ananda Pathak, Shri Satyasadhan Chakraborty, Prof. Rup Chand Pal, Shri Zainal Abedin and Shri K. A. Rajan;

NOES: Shri Chitture Subba Rao Chowdhary, Shri A. A. Rahim, Shri Kedar Pandey, Shri K. Rajamallu, Shri Brajmohan Mohanty, Shri Satish Prasad Singh, Shri R. Y. Ghospade, Shri Jagan Nath Kaushal, Shri Dharam Das Shastri, Shri Shankarrao Patil, Shri Rameshwar Nikhra, Shri Tape-shwar Singh, Shri Ram Kumar Meena, Shri Banwari Lal, Shri A. M. Velu, Shri Birbal and Shri Chandulal Chandrakar.