

precarious condition of *de facto* captivity during the repressive Rule of Emergency and which aimed at conspiratorially crippling the democratic freedom of the Indian people and subverting the basic principle of Rule of Law in an unholy effort to perpetuate a quasi-authoritarian administration in the country in abject violation of the fundamental objective of the Indian Constitution, and recommends further to withdraw immediately the Maintenance of Internal Security Act (MISA) which was atrociously used during the above days of darkest period of our democracy as the main arm of suppression and oppression of the people in an ugly desire to protect the personal dictatorship of the former prime Minister in utter defiance of the sovereign will of the people."

Today I have moved my resolution.

SHRI KANWAR LAL GUPTA (Delhi Sadar): My right of reply is protected?

MR. DEPUTY-SPEAKER: Yes. Mr. Patel has also to complete his speech. Now we take up adjournment motion. **Shri Vayalar Ravi.**

16.04 hrs.

MOTION FOR ADJOURNMENT—*contd.*

ALLEGED FAILURE OF GOVERNMENT TO GIVE PROTECTION TO HARIJAN AND OTHER VOTERS DURING THE RECENT BYE-ELECTIONS IN U. P. AND BIHAR AND LARGE SCALE RIGGING OF ELECTIONS.

SHRI VAYALAR RAVI (Chirayinkil) : I beg to move my adjournment motion.

"That the House do now adjourn"

It is to discuss a very important matter which will have a lot of repercussions. Attempts have already begun to undermine the very spirit of democracy in this country. The right of franchise is a fundamental right of the citizens of the country; it is the expressed will of the people. Though that expression everyone of us comes to this House. So every citizen has equal right in this matter and any attempt to prevent people from exercising their vote and taking law into their own hands by a group of people who got protection from the authorities should be condemned. It will be disastrous and it will be a sad day for Indian democracy. This is what happened recently two days ago. This has happened in the constituencies where the nation was looking eagerly what was happening, the two constituencies from where the two Chief Ministers

were contesting. What happened really there?

Last week I had the privilege, with the permission of the speaker, to draw the attention of the Government to the fear of the Congress and other opposition parties that the official machinery may be misused and they had already started misusing it by transferring officers, putting their own officers, declaring a new project of development work, this and that, in many ways. Moreover, on a large scale people were brought in the name of election campaign to intimidate the opposition party workers. Under rule 377, I drew the attention of the Government and asked them to take necessary steps in this matter. To my surprise and regret, the government has completely failed to give protection to the people, especially Harijans, Adivasis, and weaker sections who wanted to express their franchise as they wished. The more distressing fact is that deliberately a group of people assembled and captured the booths. I can show it through the figures relating to Phulparas in Bihar and Nidhauri Kalan in U.P. where the two Chief Ministers contested. It is true that the fate of the Janata Party Government was hanging in balance depending upon the results of these two elections. So, they had to win them in any case at any cost. They did not care about democracy and other things and they had shown how they could win.

In this connection, I draw the attention of the House to the Phulparas Constituency. It has a voting strength of 1,10,000. 94,000 votes have been polled in this by-election which is a record in the election history of India. The Chief Minister was elected by a majority of 62,000 votes. He polled about 74,000 votes against the Congress candidate who got 12,000 votes. In the June, 1977 elections Mr. Yadav, the MLA who got elected got 62% of the votes. He got 54,000 votes. In this connection, it is worthwhile to take a note of the turn-out in the Lok Sabha election as well as Assembly elections held just three months back. In Bihar, for the Lok Sabha election, the total turn out was 60.92% and for the Assembly election, the turn-out was 50.27%. So, there was a decline of 10% in the turn-out. The Janata Party, with all their might, propaganda about *nashbandhi* and all that, in the Lok Sabha election, could poll only 65% of the votes. That was the maximum. In the Assembly election, the polling went down and Janata Party got only 42%. So, if you go through the statistics and the whole topography of the area, the position is very clear. Now so far as the latest by-election in Bihar is concerned, there is a report in the *Searchlight*—it is not a Congress paper—saying, the official report is moderate polling, 60 to 65%. It has appeared

[Shri Vayalar Ravi]

in the papers. Not only that. The newspaper report has said : "Polling almost over before noon." Before 1 O'clock or 12 Noon, everything was over. Nobody could vote, because everything was already over. The paper also says that repolling was ordered at one booth at Phulparas.

There was an attempt to capture a booth. Its number is 61. There, a Congressman who resisted it received injuries. They had to make a complaint to the authorities.

Re-polling was ordered in one booth. Congressmen who were with the polling agents, were thrown out. Thousands of people were brought into the constituency, with all kinds of arms in their hands; and they had the support of the police machinery. Nobody was allowed to sit in the booth as the polling agents.

The leaders of the Janata Party and their MLAs were there. It was quoted in all important newspapers. The State Government was on duty there, to see that its Chief Minister won. All the Ministers were on duty there. You can imagine how much of the terror they could inject into the officials. It was a blatant use of the entire Government machinery; and it was used to such an extent as to capture a booth; and it went to the extent of having to order re-polling in the booth No. 61. The Opposition was helpless, because when police and the goondas were on one side, it was difficult to prevent things.

About polling in Nidhauli Kalan also, the leader of the Congress Party himself has drawn the attention of the Government to the fact that rigging has been done. I can show how they prevented people. An incharge of Kotwali has been fired upon by a group of people. A petition has been given by some people—I do not want to quote their names before the House—in which they have said that a number of persons armed with lathis stopped them from casting their votes. A complaint was filed. There are many complaints filed with the police, according to which Harijans of the area who wanted to cast their votes, were prevented from doing so. They have given complaints to the police and to the Election Commission. Here is an FIR. I do not want to quote from it. Mr. Raj Narain was there at 5 O'clock; and Mr. Janeshwar Misra was also there. The latter cannot be absent there.

**पेट्रोलियम तथा रसायन और उर्वरक
मंत्रालय में राज्यमंत्री (श्री जनेश्वर मिश्र) :**

**यह गलतबयानी कर रहे हैं, न राजनारायण
जी ने मीटिंग ऐड्रेस किया न मैंने किया ।**

SHRI VAYALAR RAVI : It is very clear that even a Minister of the Central Government who knows election laws and election procedures very well, has himself taken the law into his hands. If you can allow me, Mr. Deputy Speaker, Sir, I can place the copy of the FIR on the Table of the House. It is a copy given before the S.H.O. by responsible people, saying how the election law has been violated by the Union Minister himself. These are all concrete facts, showing how these people have used the entire machinery, taken them into their hands and used them against the people. This is on the 17th itself. How can a Minister address a meeting when he knows it is against the law? He did it, because there is nobody to question him, because he can say "I have delivered the speech, why can't you do it?". That is how it has happened.

Now let us see what the press reports say? It is very interesting and revealing. *The Times of India*, a notable newspaper, says "Yadav has 'fair' chance in Nidhauli Kalan". You know the meaning of 'fair chance' and what is the 'chance' now; the majority was 32,000. Is it a fair chance?

On the same day, it is mentioned in the *Hindustan Times* that the leader of the Congress opposition in the Assembly, Mr. Tiwari, and the President of the Pradesh Congress Committee, Mrs. Kidwai "had caused for complaint about booth capturing and prevention of Harijans from exercising their franchise at as many as 30 polling centres." We had expressed our concern then. (*Interruptions*) Of course, I know you would not agree.

Our Congress leaders, ex-MLAs and ex-MPs, they were not allowed to go anywhere near the booths. I say this with all responsibility and I can prove it. If you appoint a parliamentary committee, or order an enquiry, I can produce before it the Congress leaders who went to the constituency in Nidhauli Kalan and who were prevented from entering the polling booths. They could not go anywhere near the booths, because thousands of people armed with lathis and daggers prevented them from entering the booths.

Then, hundreds of government vehicles were used for election purposes. I can give you even the number of the Government vehicles. UP Roadways

Bus Nos. UPT 2411, UPO 1377, UPO 4305, USA 3143 and UPU 2093. The tractor Nos. are USA 510, UTR 6682 and UPT1160.

These are the Government vehicles used in this constituency. Millions of rupees have been spent in this constituency.

In both Nos. 37 and 38 when people came to vote they were told that the voting is over at 1 O' Clock. Many booths were captured and when people came to vote, they could not vote. Of course, I cannot say whether they came to vote for which party.

पेट्रोलियम तथा रसायन और उर्वरक मंत्रालय में राज्य मंत्री (श्री जयदेवराव भिसे) : क्या आप को कांस्टीटुएन्सी का नाम मालूम है ?

SHRI VAYALAR RAVI : The matter is not ending there. (Interruptions) I know they do not like it. This kind of rigging is going on. When we demanded of the Election Commissioner to send a representative, it was not done. I will tell you what happened in Kerala. When the Kerala Chief Minister was conducting his election campaign, there was a demand from his own party and the Janata Party that some non-official should come from Delhi. We welcomed it. The Chief Minister himself said "they can come". Some observers came all the way from Kerala. They appointed six revenue board officers and they were supervising the elections. Here we have demanded that election observers should be appointed to our satisfaction, at least in every area. The Election Commission have not done their duty properly. The Election Commission was at the mercy of the State Government. Nothing happened.

What happened in these two constituencies ? They have got all the powers in their hands both at the Centre and in the States. They misused them. They took law into their hands. They completely made a mockery of democracy. They have butchered democracy. In the name of democracy, they have done all these things. They have won the elections in these two constituencies by rigging, by using the people force and the elements which can take law into their own hands. They believe in coming back to power in any way. They believe in rigging. It is not a new thing for them. They continue to have rigging. They have already started practising rigging. If this sort of rigging continues, it will not help democracy. They are not doing any service to

Indian democracy. This is what they are doing to day in the name of democracy and in the name of the people's mandate. It is not the mandate of the people. It is the mandate of the rigging. Nothing more than that. They are in power by mean of rigging.

It is the attitude of the Government which has prevented Harijans and other weaker sections of the people from voting. Their policies and their actions are against them. You know what happened in Belchi. I do not want to go into details. The people of Bihar will never forget the name of Belchi, what happened in Belchi. So, the Government is afraid of them. They knew that if Harijans and other weaker sections were allowed to vote, they will not get the votes. It was a deliberate attempt by the ruling party, the Janata Party, to prevent Harijans and other weaker sections of the community from voting. They deliberately captured the booths and threw out the Congressmen and other people who came to vote by saying that the voting had been completed before noon.

I do not want to read the various statements which have appeared in the newspapers. I am only appealing through you, Sir, to the Janata Party leaders including the Home Minister, to have the moral courage to agree to have a parliamentary committee to inquire into these things. They are taking a stand on technical reasons; they are taking a stand on the electoral law they are taking a stand on the constitutional grounds. They are afraid to face the facts. If they can speak with clear conscience and say that they have not anything wrong, why should they be afraid of having a parliamentary committee ? I challenge them to face a parliamentary committee, an all-party committee. If a parliamentary committee goes into all these things, the facts will be revealed.

This is the first time that such a shameless rigging has been done by the ruling party in order to win elections to keep the State Governments in tact. The elections have been rigged. The democracy has been butchered. If this sort of a thing continues, it will be a disaster for the democracy. It is just a beginning in that direction. It is a sad day for Indian democracy.

With these words, I move the adjournment motion.

MR. DEPUTY-SPEAKER : Motion moved :

"That the House do now adjourn."

SHRI SHYAMNANDAN MISHRA (Begusarai) : Mr. Deputy Speaker, Sir, I really do not know whether I have seriously to reply to the points that have been raised by the hon. mover of the motion. Never had bankruptcy characterised any motion as it had done just now.

The name of this resolution to my mind is the physical force of number. The name of the resolution is the legal support of 50 members. You can bring up any motion with the legal support of 50; that is the name of the resolution. The name of the resolution is not an adjournment motion; the name of the resolution is the ignorance of the Constitution and the ignorance of the functions that the House should exercise. The name of the resolution is political jealousy. The name of the resolution, if I can add further to the knowledge of the Leader of the Opposition, is the political perplexity which confronts him and the members of his party.

Who will vote for you, I ask the hon. Leader of the Opposition? The state in which his party is at the present moment, he has all our sympathy and commiseration.

The hon. mover of the resolution said that in a particular constituency, Phulparas, more than 92 per cent had voted! I ask them: why did they not ask this very question when they were wiped out completely from eight or nine States? Could such a phenomenon occur in any country that, out of 54 Lok Sabha seats in Bihar, they did not get a single one in the last elections; that out of 85 seats in U.P., not even in any nook and corner, not even in the fastness of hills and jungles, they could get a single seat. Why did they not ask this question at that time? Could such a phenomenon occur anywhere? But this is something unprecedented which has occurred in this country. And let them remember this that the kind of atrocity and repression they had perpetrated on the country was bound to bring this nemesis on their head; this disaster was sure to happen to them. Why did they not come to the house and tell the Chair at that time, "Mr. Speaker; this does not happen in any other country that out of 85 seats in a

State, not a single seat has come to our Party; probably there had been something wrong with the ballot box". I repeat: Why did they not come and say this to the House at that time? Probably they were in such a state of demoralisation at that time that they could not muster courage to come to the house and say this. Not only in Bihar, not only in U.P., but also in Haryana in Punjab, in Himachal Pradesh, and in Delhi, this occurred. Also, in Rajasthan, out of all the seats, they got only one; in Madhya Pradesh, out of all the seats, they got only one. Could such a phenomenon, I repeat occur in any country? This was a phenomenon which they had themselves invited on their head.

Then, does this phenomenon also occur in any country that the Prime Minister leading the Party, himself or herself, is defeated? One finds it happening that the ruling Party loses, that the ruling Party shrinks in number; but it hardly happens in any country that the Prime Minister of the country is defeated ignominiously; not only that the entire entourage of the Prime Minister was defeated. Could there have been a more decisive victory (for the Janata Party) than this? Even then they did not ask such a question at that time.

When the hon'ble Member, who happens to be here at the moment, Mr. Ram Vilas Paswan, won by more than 4,25,000 votes, why again did they not ask this question? Does it happen that a Member wins by more than 4,25,000 votes? The total number of votes cast in any constituency in the past did not come up to this number? And here is an hon'ble Member belonging to the most depressed section of the community who won by more than 4,25,000 votes. Why did you not say that Mr. Ram Vilas Paswan had the support of the Army at that time? Who had conducted the elections at that time? The elections had been conducted under their Government; the Congress Government happened to be in Bihar at that time; they happened to be at the Centre also. But this thing happened. And does anybody think that the people of this country are so immature that, within eight months, they would switch over their loyalty from the Janata Party to this wretched Party of theirs? Was that their expectation? If that was their expectation, I really sympathize with their vision.

Take the example of the Chief Minister of Bihar, Shri Karpoori Thakur, who has won by this decisive majority of more than 65,000 votes. And what was his majority in the last Lok Sabha elections? Here is a person, the Chief Minister of Bihar, who has never known defeat since the elections began in this country after independence. My friends there always go by calculations

on the basis of castes. Shri Karpoori Thakur's caste-men do not number more than a few hundred in any constituency. And yet, though every majority caste had tried to bring him down, none of them had succeeded and Shri Karpoori Thakur had always come out with success in all the elections. So it has not happened to a person, to whom it did not happen in the past. It has happened to a person who has always come out triumphant against the forces of casteism and against the forces represented by the ruling party of the day and all the resources commanded by the ruling party. Why did you express your bewilderment at the tally of Shri Karpoori Thakur in particular, I really do not know? You could say that about a new entrant, in a sense about one who had come for the first time. Probably the thing under which many people are smarting is the emergence of Shri Ram Naresh Yadav. But has not everybody admitted that in Shri Ram Naresh Yadav, you have got a person of unimpeachable integrity? Is there any person in this house or outside who would come and tell us that he is not a good and honest man? But you have been smarting under a feeling that a man from the backward community had become the Chief Minister of the largest State in this country. Your motion is the evidence of that. He had won during the last election and he has won even now by such a handsome majority of 31,000. Don't we know that you wanted to rake up, stir the feeling of casteism, you tried to rake up, stir the feeling of communalism, and you had sent out batches there for this purpose? I think, this party should have been ashamed of what it had done in the constituency of Shri Yadav. Yet, the society has to be given all encomiums and all congratulations because it saw to it that these evil forces sought to be raised by them could not succeed in that constituency.

My friends say that there was a capture of booths in Paulparas and in some other areas. Here, I have got information how the Election Commission had taken all precautions to see that not a single officer was transferred during the period of elections. In the past we had always been requesting the Government of the day to see to it that no transfers took place during elections. Can any hon. Member from that side stand up and say that this request of ours was ever conceded? But, this time, not a single transfer took place during the pendency of the elections. The Election Commission saw to it that it was so and I must praise the Election Commission for showing all the strictness about it. You cannot point out a single instance of any officer having been transferred during these elections.

The Election Commission also took the precaution that there were observers not only of the State Government, but also of the Election Commission. That is, in all

these constituencies, there were observers appointed by the State Government as also by the Election Commission. I have got the figures with me to show how three observers in a small assembly constituency and also quite a few in the parliamentary constituency were deputed by the Election Commission.

My hon'ble friend says that here is one grain from the whole pot from which you can deduce what has happened in the entire constituency — a repoll took place in a particular area of the constituency. May I tell him that soon after the last general election to Lok Sabha, which had brought us here to Delhi and to the Government, I had come before the House to tell them, how the Government of the day had seen to it that many of my booths—more than 100—in my constituency were captured. This is on record of Lok Sabha. Even then, I had come out successful. On one booth Sonapur of Begusarai, there were four riflemen on duty; the hon'ble Law Minister has yet to explain to me I will raise this question some time—how in spite of four riflemen being there at Sonapur, ballot boxes were taken away by the rowdies, who were mobilised by the Government of the day. Who will explain to me (to S. N. Mishra, who happened to be a candidate from the parliamentary constituency of Begusarai), how it happened? That happened during your rule but this would not happen during ours. Not in one but in many, constituencies that happened in your regime but we will see to it that that does not happen now. But may I ask my friends with all humility as to why did they not agree to the electoral reforms that 8 parties had unanimously proposed to them in 1975? I had the honour of presenting the agreement of 8 parties, and the 8 parties included not only the Congress (O), not only the BLD, not only the Jana Sangh of those days but also the DMK, the CPM, the Revolutionary Socialist Party and others. But you did never agree to those electoral reforms. Did you? We want those electoral reforms to be put through now, so that there is the least scope for any kind of complaint about the conduct of elections. But you did not agree to our proposals. Now you are bemoaning your lot for nothing. I ask: Why did you not agree to many of these things which we had told you were necessary.

So, Sir, the points raised by them do not stand any scrutiny. In fact, it gives me doubt, it gives me ground to suspect that what was being rumoured after the last General Elections to the Lok Sabha was something which could not be brushed aside. The rumour was that Mrs. Gandhi was thinking of advising the President of India not to take the result of the General Elections seriously. It was the story

[Shri Shyamnandan Mishra]

circulated that she was going to propose to the President of India not to accept the Verdict of elections. I would like my hon. friends to say whether it was not so. I ask with all respect to my hon. friend, Mr. Chavan who happens to be accidentally the Leader of the Opposition now and I do not know how long he will continue to be so. Indeed I am not quite sure, although he is most welcome to us—the most welcome person on that side of the House is Mr. Chavan..

SHRI SOMNATH CHATTERJEE (Jadavpur): What about Mr. Stephen?

SHRI SHYAMNANDAN MISHRA : Mr. Stephen— I do not know whether he is jostling for that.....

AN HON. MEMBER : Mr. Sathe is trying.

SHRI SHYAMNANDAN MISHRA : So, I was saying that during those days it was being suggested that Mrs. Gandhi did not want that the election result should be taken seriously by the President of India. And the way in which my hon. friends had agreed to the particular Constitution amendment, namely that the President will have to act on the advice of the Council of Ministers, lends support to this story. That is, of course, the convention and I do not generally disagree with this convention, but the rule is they mean thereby that even the advice of the defeated Cabinet will have to be borne in mind by the President of India. Probably that was the intention in your proposing that kind of amendment. Therefore, it appears the story did not lack credibility. Now looking back, I can think that it could not be lightly discussed when you are now doubting the results which were so obvious, which were bound to be the result in the given situation and particularly when the people find that the nightmarish past is not that far back in their memory. Would the people forget that you had put the entire country, 520 million people of India in a sort of prison house? Would they forget it so soon? Would they forget that all the leaders of the Opposition had been put behind the prison bars? Would they forget that you had put behind the prison bars nearly 200,000 persons? The crowds Mrs. Gandhi was collecting, they were trying to capitalise on that. May I tell my hon. friends with all seriousness, that that is only for entertainment and for nothing else. People assemble for the sake of entertainment.... (Interruptions) ..

SHRI C. M. STEPHEN (Idukki) : Is not your strong entertainer there today?

SHRI SHYAMNANDAN MISHRA : Is it not established that people only assemble for the entertainment value of the personality whom you are trying to project? What do the election results establish? The election results clearly indicate that the people cannot be taken lightly.

I am only surprised that my hon. friends have not come up with a proposal for the imposition of President's rule in these States. That is merciful enough. They could have called for the President's rule in these two States in which they have come out so badly.

I think they will not have the courage even to go to a court. But that is the proper forum where the issue can be thrashed out; the forum for it is not this House. As I said in the morning, some Acts have been passed in the House, with regard to the conduct of elections. If those Acts have been violated, then, for that, they must go to the court. That is the proper course. Otherwise, what they have done by their action today, they are bound to regret it in future. It is the most unhealthy thing that has been done in Parliament during the course of the last 28 or 30 years, since our independence.

I oppose this motion. I don't think that I require even to say that this Motion warrants any kind of strong opposition. In fact, it has already fallen to the ground whatever my hon. friend, Mr. Stephen, might try to say.

SHRI C. M. STEPHEN (Idukki) : Mr. Deputy Speaker, Sir, we on this side have moved this Motion with a special purpose of national importance. Everybody knows that by discussing this motion we are not going to get a verdict from this House that there was rigging. Nobody is going to be unseated by such a discussion. Whatever way the motion may emerge after voting, no major political development is going to take place.

I would appeal to my friends on the other side to ponder carefully on the purpose of this Motion before the House. The purpose is, to point out that things are happening about which lovers of democracy both on that side and on this side might sit up and take note for a moment.

When there is a grievance, we very widely voiced, that there is unfair play in the election, any responsible party, and particularly the party in power, is in duty bound to take note of it. None of us who speak from here were on the spot of the election arena. Therefore, honestly I cannot say from my personal experience that there was

a rigging. All I can do is to look at the facts of the situation, consider the probabilities and try to come to a conclusion as to whether the allegation is correct or not.

Many things have been said about us that when we were in power, particularly, friends from West Bengal were asking: what about the West Bengal in 1971-72. My friend Mr. Mishra was speaking about rigging in his constituency. Well in the victory, we were also in the same mood that was now manifested on the other side.

I would appeal to you that the attitude which some of us have, proves that we bowed to the election verdict. Let us not raise any other grievance with respect to any election battle.

As I said, if there is a dispute, before the Election Tribunal, our convention is to go and get an election set aside. It has to focus the attention of the people and of Parliament that there is a dangerous situation which one may take note of. That is my purpose of my motion. My friend Mr. Mishra was asking us what about the phenomenal victory in the Parliament election. Has anything of that sort happened anywhere? He put this question. Well, the people's party of Bhutto also put across this question. He asked: Was there anywhere such a phenomenal victory, sweeping victory? Was rigging in such a large scale possible? That was the argument that the lawyer of Mr. Bhutto put forward? It was subsequently proved that the election was corrupt, my friend, Mr. Mishra said that in his constituency, there was capturing of booths. He further said that there was a rigging in his constituency thereby conceding that rigging is possible. In the election system today, the rigging is possible whether you are a saint or I am a satan or whether I am a saint or you are a satan, that is a different matter. The question is: whether Mr. Mishra confessed to the House that rigging is possible. Rigging was done in his own constituency. I am concerned more about that.

Then comes about the question whether there was rigging or not in some places. The very statement of Mr. Mishra shows that there was a rigging in his constituency. Also there was a statement of my hon. friends from West Bengal that there was a rigging in their constituencies. If rigging is possible and if certain unscrupulous elements are going to be in charge of these things rigging takes place. The question arises immediately before Parlia-

ment of India as to whether democracy can be safe in this country. This is a major problem. (interruptions) Well, you put us in the dock. That is a different matter. Let us concede this. I am telling the fact that we went to the bar, the verdict of the people, and we stand condemned and convicted here. Therefore, do not put forward that argument again. We are now trying to learn a lesson on our part and you also learn a lesson on your part. If you do not, you need not. All I am saying is this. I am putting up this proposition that even if Mr. Mishra says that in his own constituency rigging is taking place. It may be in other places also. The simple question is whether rigging could or could not have taken place in this constituency also. That is my question.

Shri Ravi pointed out certain facts of the election results. What are the election results. If you compare the Lok Sabha Election, the total turnover in percentage in the assembly election slumped to 60 for the Janata Party whereas in Lok Sabha it got 65% and that slumped down to 42% in Bihar. In U. P. the same thing was happening. As against 68 per cent vote for Janata party in the Lok Sabha elections, it fell down to 48 per cent in the Assembly elections, there was a 20 per cent slump in U.P. and 23 per cent slump in Bihar. While this is the case, how can it be that in a single constituency voting could jump up to 91 per cent. How could it happen? It is the question I am asking. You cannot say that there was a big wave of enthusiasm this time in U. P. because in the Lucknow elections one Janata candidate won with a margin of 400 while a Congress candidate won with an impressive margin. It is not as if there was a total rout of one party and total win of another party; it has not been repeated. Things are changing fast. In these two areas is it because there were Chief Ministers who were contesting that the voting rose to 92 per cent? In these matters we can take only circumstantial evidence; nothing more is possible. On that basis I am appealing to the government to consider in the light of the allegations that had been brought about, in view of the fact that rigging is possible as confessed by Mr. Mishra, in view also of the fact that there had been a slump of 20 per cent before and there had been sudden jump to 92 per cent this time which cannot be logically explained, in view of these facts do consider making an enquiry as to whether as alleged rigging had taken place or not. Whatever Mr. Mishra or anybody else may say, the Harijans who had been prevented from voting know that they were prevented; the backward class people who were prevented, they know, whatever may be the phrases or gesti-

[Shri C. M. Stephen]

culations of Mr. Mishra, whatever he may characterise our motion, those people know that they were prevented. If that thinking remains, does that redound to the credit of democracy? In view of that I am only appealing to the government to consider setting up a committee to enquire whether there was rigging or not. Elections will not be set aside; Karpoori Thakur will remain Chief Minister; Yadav will remain Chief Minister, no doubt about it, whatever be the finding. All of us are concerned about democracy. My friend Mr. Mishra was critical of collecting crowds for entertainment and was pointing his finger far back. Why not point his finger now right across this road, towards the boat club. He can call it entertainment. May be the star entertainer is he re.

SHRI SHYAMNANDAN MISHRA: Have you ever seen such a vast sea of humanity in these grounds?

SHRI C. M. STEPHEN : I can perfectly understand the frenzy and fury with which you are coming up when I mention Mr. Charan Singh's name.....(Interjections) You are not blind, nor are we blind people. We know things, what is going on everywhere. Therefore, whenever Mr. Mishra stands up in ostentatious demonstration to show, shall I say, loyalty to Mr. Charan Singh, I am not astounded to all. You are duty bound to do it. He made an invitation to our leader of the opposition. He said, he was welcome. I had my own misgivings about the goings on in the Janata Party, but I never knew it came to this extent that you have started looking across for some prop so that you may sustain yourself.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN) : I would like to correct one figure which he mentioned, i.e. 92% polling in Phulparas. The total electorate there is 1,09,831. The total votes polled were 93, 986 which works out to 85.57%.

SHRI C. M. STEPHEN : My charge about rigging goes down by 5%. That is all the difference! Let us not for heaven's sake swear by anybody, either by Mr. Karpoori Thakur, or by Mr. Yadav, or by Mr. Mishra or Mr. Charan Singh or Mrs. Indira Gandhi. This country has paid enough price for its personality cult. Let not that dark chapter return to this country again. Therefore, it is in that spirit that I am appealing. The Janata Party must sustain not necessarily in the name of a single person. It must sustain on the basis of its philosophy. When I find that a personality cult is being developed and

entertained, I look back and see the sorry experience this country has gone through. For heaven's sake, let not personality cult be brought back through somebody else. This is one of the warnings I want to give.

स्वास्थ्य और परिवार कल्याण मंत्री
(श्री राज नारायण) : जनता पार्टी मोसेख की पार्टी है, किसानों की पार्टी है।

SHRI C. M. STEPHEN : It is not because I consider Mr. Raj Narain less important that I did not mention him. I will say, for heaven's sake, not even in the name of Shri Raj Narain there should be personality cult.

They call it a kisan day. I could have understood it if it was announced far ahead to enable the people to make preparations. This is a late discovery; this is a late discovery. This was arranged by Mr. Charan Singh to celebrate his birthday. This is what I am saying is personality cult. Today is my birthday too!

SHRI SHANTI BHUSHAN : Have that crowd as for you!

श्री राज नारायण : अगर आज इन का बर्थ-डे है, तो हम इन को बधाई देते हैं, भगवान इनको शतायु करें और सबबुद्धि दें।

SHRI C. M. STEPHEN : As I said in the beginning the purpose of this adjournment motion is sacred. It is not a political gimmick; it is to draw the attention of this House to certain tendencies which are dismal, certain happenings which we as lovers of democracy, must take note of and certain things which we have got to guard ourselves against. And, as the Opposition has raised this allegation and as certain sections of people in U.P. and Bihar have made the allegations, nothing will be lost if you institute an enquiry and find out whether these allegations are based on facts. If you don't then the argument will remain that the allegations are correct. And if you allow that impression to remain, it will be bad for democracy. In that spirit, I appeal to you to make an objective effort. Let us all make an united effort to safeguard democracy. Thank you.

SHRI SOMNATH CHATTERJEE (Jadavpur) : May I congratulate both the Home Minister and Mr. Stephen, and convey to them our very best wishes? I find only one difference between the two. I am told that lakhs of people collected to hear Mr. Charan Singh, whereas Mr. Stephen has not been able to collect anybody here.

SHRI C. M. STEPHEN : Last year, Mr. Charan Singh also did not collect so many people.

SHRI SOMNATH CHATTERJEE : We find that this adjournment motion is really an attempt to boost up their sagging morale. This adjournment motion is not for the purpose for which it is to be used, but is meant for trying to arrest their steep down-fall from the people. Now when they have thought about this adjournment motion, they have been able at least to collect all of them together, for the time being. This group of people who have been unceremoniously rejected by the people of this country are to-day crying wolf, wolf. This is our experience. In 1972, our charge was that this Congress Party—I do not know who represents Congress and which Congress; we hear that Congress will be Congress (B) and Congress (G) deliberately manipulated and rigged the elections in West Bengal. Their hands are reddened with the blood of the ordinary people of this country. In 1972, the biggest conspiracy was made to murder and rape democracy in this country. That was perpetrated by the Congress under the benign leadership of the lady—somebody's mother and somebody's sister; I don't know. Even to-day, even after the shoddy disclosures before the Shah Commission, we find the so-called right-thinking people of this country trying to march behind her for the purpose of putting her as their—I don't know—presiding deity. I hope this country will never have her as the leader of the people and of the Government.

Speaking for ourselves, we have no doubt that these people have got neither the moral, nor the ethical nor the political right to complain of rigging. When we had demanded and cried hoarse—and even when a person like Jayaprakash Narain had said that there was no election in West Bengal—and we had made repeated representations, not a single word came from them. Where was Mr. Vayalar Ravi, the great champion of elections in this country then? Where was Mr. Stephen? We never heard one word. They are talking of rigging. In that election, in Mr. Jyoti Basu's constituency—Jyoti Basu had never lost any election in any constituency, and whose victory was

almost a foregone conclusion every time—by 10 O'clock, all the polling booths had been closed, because they said that 100% voting had been completed within 3 hours. It is a magnificent achievement of rigging under the auspices of our Government of Shrimati Indira Gandhi. Not a single word was heard at that time. And even in March 1977—I am not saying anything on it, because they are subject-matters of pending proceedings—newspapers will show (*Interruptions*) They could not manage all the Mastans in all the States. That is why we say, this is nothing but hypocrisy which is being sought to be perpetrated today. The persons who are the biggest perpetrators of the crime are today trying to take up an attitude of innocence. Therefore, we do not support them; we do not support their move.

I am reminded of one thing as to how they tried to run away from elections. When the question of the elections came and the question of the imposition of the President's rule came in some of the States, the great believers in democracy went, where, not to the people but to the Supreme Court. Again, to justify their Forty-Second Constitution Amendment, they went with beaded knees before the Supreme Court and tried to get a clearance from the Supreme Court to that they may not have to face the people. The State files suits before the Supreme Court and suddenly the lost love was resurrected for the judiciary and they wanted a judicial body, a popular body.

Now, the people have given their verdict. They have been rejected outright. I hope, as I said earlier, the unfortunate mistake that was committed by some of our brothers and sisters in some of the southern States will be rectified very soon and they will be wiped out from the map of this country because they are the embodiments of tyranny, because they are the embodiments of repression, because they are the embodiments of all the evils in this country. This is our life's experience. That is why we have been opposing MISA and the Bill that they have been trying to introduce and which they have introduced today. This is borne out of our experience. If you take absolute power, you are bound to abuse it, whether you want it or not, whether you like it or not.

One very pertinent thing which my hon. friend, Shri Shyamnandan Misra, raised was: Where is the talk of electoral reforms? Why should there be even a possibility of rigging? Why should there be an occasion

[Shri Sonmath Chatterje]

when there can be even a suspicion of rigging? Our good friend Mr. Jagannath Rao, for whom I have great personal regard and respect, was the Chairman of the Electoral Reforms Committee. It was comprised of all the parties, the members from all the parties—Shri Shyamandan Mishra was there; Shri Atal Bihari Vajpayee was there; Shri L.K. Advani was there; the then Law Minister, Mr. Gokhale was there and some Congress members were also there. There were unanimous recommendations in respect of so many aspects of the electoral laws. If I am not mistaken, Mr. Jagannath Rao has been shown the courtesy by having the report of that Committee thrown into the waste paper basket by the former Government. They are now talking of electoral reforms. What has been done by the previous Government? What had the previous Government done in the past for removing the difficulties and bottlenecks, sometimes inherent difficulties and the scope for rigging in the electoral processes in this country? Never heard a word.

Now, if a single person, a single voter, in any constituency of this country is prevented from exercising his franchise according to his free will, if any such thing has happened, I take it that the Election Commission should look into this matter. If any charges are there, if it is a case of election petition, there are forums where this can be agitated and decided upon. Let it be referred to the Election Commission. If they feel that there is any complaint, let it go to the Election Commission. The Election Commission should look into it.

I am not going to accept the charges on the face of it when the charges are denied, that is, the charges made out by the Congress party in support of the adjournment motion. I did not sell my conscience like you did to that ruthless woman. (Interruptions) I have neither sold nor mortgaged my conscience. It can be seen from what I did two hours ago on this very floor of the House. I opposed tooth and nail the Criminal Procedure Code Amendment Bill that has been introduced by the Government. I have said that so long as the Janata Party will try to restore the democratic rights to the people and will support the democratic rights of the people we shall be with them. But if we find that they are going against that, then we shall fight with them. It may be that our power, our numerical strength

is less, but we hope that the people of this country will be with us on these issues.

Therefore, this Adjournment Motion has neither merit nor bonafides behind it. This is a political gimmick, and I hope that it will meet with the fate that it deserves.

श्री गौरी शंकर राय (गाजीपुर) :

मान्यवर, मुझे बड़ी खुशी है कि आखिर हमारे कांग्रेस के मित्रों ने चुनाव में गड़बड़ी का विरोध तो किया है। हमको उस पर एतराज नहीं है। Like the Devil quoting the scripture अगर यह भी उस बात को किसी तरह से कहते हैं तो अच्छी बात करते हैं, भले ही ऐडजर्नमेंट मोशन का उन्होंने सहारा लिया हो। मान्यवर, मुझे आशा थी कि कोई सीनियर मेम्बर इस मोशन को मूव करेगा। मैं समझता था कि माननीय नेता विरोधी दल या स्टीफन साहब, जिन्होंने समर्थन नहीं किया है और तथ्यों के सम्बन्ध में जानकारी के बाद भी इन्कार किया है, वह मूव करेंगे। लेकिन जिन्होंने मूव किया ऐडजर्नमेंट मोशन, सुबह ऐसा लगता था कि कोई तोपखाना चलने वाला है, कोई चार्ज-शीट आने वाली है, लेकिन सुनने के बाद ऐसा लगा कि एक पटाखा भी नहीं, कोई बात ही नहीं कही गई। समझ में नहीं आ रहा था कि क्या बात कही जाय। हमारे स्टीफन साहब ने कहा, उनको जानकारी नहीं है मैं आपके जरिए उनसे कहना चाहता हूँ कि वह जिम्मेदार मेम्बर पालियामेंट के हैं, इस तरह से अपील करने के लिए, इस तरह से रिक्वेस्ट करने के लिए, एक नोट ऐक्सचेंज करने के लिए ऐडजर्नमेंट मोशन नहीं हुआ करता है। यह सेंसर मोशन है, और सीरियस बात है, और यह कहने के बाद मालूम होता है कि आप स्वयं पालियामेंट के फ़ोरम का मुनासिब इस्तेमाल नहीं करना चाहते हैं। और यह तकलीफ़देह बात है।

अभी उन्होंने पर्सनैलिटी कल्ट की बात कही, बोट क्लब पर लोगों के इकट्ठा होने की बात कही, पर्सनैलिटी कल्ट के बारे में मैं बोल कर समय नष्ट नहीं करना चाहता, लेकिन हमारे नेता विरोधी दल बड़ अनुभवी नेता हैं, अभी एक कांग्रेसी नेता ने इनकी एक स्पीच नोट की, इन्होंने सैगुल हाल में कहा

What happens to her happens to India; what happens to India happens to her. I think, he was much above the ex-Congress President who said; "Indira is India and India is Indira".

तो मान्यवर, पोलिटिक्स फ्राफ़ कनवीनि-
एंस के यह देवता है, इन्द्र हैं। उसके बाद नेता विरोधी दल के नेतृत्व में बैठा हुआ दल पर्सनैलिटी कल्ट के विरोध में बात करता है मुझे खुशी है, और मुझ अब मालूम हुआ है कि मारे डर के यह नहीं बोल रहे थे, वरना पहले भी पर्सनैलिटी कल्ट के खिलाफ़ था। और अब मैं इस नतीजे पर पहुंचा कि

What happens to her does not happen to India. Now, it is a different matter.

उन्होंने प्रपना दिमाग बदला है, खुशी की बात है। और अगर आज वह कहते हैं कि चुनाव में गड़बड़ी बुरी बात है तो वे धन्यवाद के पात्र हैं। अगर अब वह कहते हैं कि पर्सनैलिटी कल्ट के खिलाफ़ हैं तो अच्छी बात है; चाहे उन्हीं के द्वारा यह बात कही जाय, मैं अपने मित्रों से कहूंगा कि मान लीजिए। और हम को खशी है कि आज आप यह बात कह रहे हैं।

मान्यवर, कोई अभियोग नहीं लगाया, हमारे माननीय स्टीफन ने जांच की बात कही।

और हमारे मित्र ने अभी 1972 की बात कही। जय प्रकाश जी जांच करने गये थे और पूरे कांग्रेस दल ने जांच समिति का बहिष्कार किया। जांच में विश्वास है आपको? आपने कभी भी कोई जुडिशस अपील और मामले के सम्बन्ध में कोई सम्यक या उचित राय दी है? अब आप इस तरह का इरादा रखते हैं आप धन्यवाद के पात्र हैं। सजा मिलने के बाद या पहले अगर अब आपने सोचना शुरू किया है तो ठीक किया है। यह ऐडजर्नमेंट मोशन के जरिए न बताते देश को कि आप रिपेंटेंट हैं तो अच्छी बात हुई होती। उसके लिए और भी तरीके थे अपने रिपेंटेंस को देश के सामने रखने के लिए।

मान्यवर, रोपोलिंग की बात हमारे मित्रों ने कही। मालूम है मान्यवर, फूलपरास में रोपोलिंग हुई। एक पोलिंग बूथ जिस पर पिछले 20 साल से एक भी हरिजन वोट नहीं दे सका था और उस पोलिंग बूथ पर कांग्रेस का एक कार्यकर्ता बिल्ट पेपर ले कर भाग गया था, हंगामा हुआ, उसके बाद रोपोलिंग हुई। बिहार का मुख्य मंत्री, मुझे नाख है इस बात का एक बात मैं सदन में वहने में संकोच करता था, लेकिन कह दूँ अन्यथा अन्याय हो जायगा इन्साफ़ के साथ, लोगों को तिलमिलाहट है, कांग्रेसी परम्परा थी कि ऊंची जाति नहीं सिर्फ ब्राह्मण ही मुख्य मंत्री होना चाहिए। उत्तर प्रदेश में मुख्य मंत्री का चुनाव हो तो पांच ब्राह्मणों में हो, श्री के० सी० पन्त, श्री केशवदेव मालवीय, श्री कमलापति त्रिपाठी, श्री नारायण दत्त तिवारी, श्री हेमवतीनन्दन बंदुगुणा। पहली दफ़ा एक पिछड़ा हुआ आदमी मुख्य मंत्री हुआ है। और यही देहात की परिभाषा थी और कभी भी चुनाव के वक्त एक मुसलमान। और चूँकि ब्राह्मण परिभाषा थी, एक नाई और जिसकी ईमानदारी के कदमों के पास बिहार की कांग्रेस की लीडरशिप नहीं है, ऐसा आदमी

[श्री गंगरी शंकर राय]

मुख्य मंत्री बना, और उसके बाद भी आप कहते हैं कि रिगिंग हुई। एक आदमी जो गरीब लोगों के वोट देने का पक्षपाती रहा है ऐसे आदमी को देख कर तिलमिला गये। मैं मानता हूँ कि श्री जगन्नाथ मिश्र और कांग्रेस के राम लखन यादव के चरित्र की ऊँचाई हो सकती है, वह ऊँचाई न हो हमारे करपूरी ठाकुर में। या जो हमारे चह्वाण साहब को पसन्द है, वह नैतिक स्तर और ईमानदारी की परम्परा को नहीं निभा सके। लेकिन मैं कहना चाहता हूँ कि अगर आदमी डरता नहीं है, हमारे प्रधान मंत्री ने कहा कि भय छोड़ दो, लेकिन उन्होंने लज्जा छोड़ने को नहीं कहा था। लेकिन उन्होंने सारी ही छोड़ दी। भय छूट गया, भगवान भला करे। इसलिए रिपोर्तिंग हुई बैलट की, उसके लिए हमारी शिकायत होनी चाहिए, इस बात की बड़ाई होनी चाहिए।

श्री राम नरेश यादव एक छोटे किसान का लड़का है, जिसके पास 4, 5 एकड़ जमीन है। तो वह चुनाव लड़ कर आ गया, वह बहुत नकशे बाज नहीं है। उसको भंग्रेजी बढ़िया बोलनी नहीं आती कि—भाई एम बैरी ग्लैड टू मीट यू—जैसे हमारे भाई राजनारायण जी भंग्रेजी के सिद्धान्त के विरोधी हैं, उन्हीं की जमात में उन्होंने सीखा है, पढ़ा है। वह कान्वेंट में नहीं पढ़े हैं और न बम्बई में जन्मे हैं। श्री कमलापति त्रिपाठी जैसे खूबसूरत भी नहीं हैं तो क्या इसलिए सजा दीजियेगा, मुस्कुराना नहीं आयेंगा तो क्या इसलिए सजा दी जाएगी। अगर आपके नेता जैसा खूबसूरत नेता न मिले, तो क्या हमको इसके लिए सजा दी जाएगी। मैं आप से कहता हूँ कि आप क्यों तिलमिला रहे हैं, जरा बर्दास्त कीजिए। आप मैरिट पर विरोध करिये। मैरिट की जब बात करते हैं तो जातिवाद का नग्न नृत्य कांग्रेस ने चुनाव में बसा है। लेकिन

उसके बाद भी जातिवाद में कामयाब नहीं हुए। क्योंकि पिछले 30 साल की परफार्मेंस के बाद जनता ने अपनी राय बनाई।

मैं विरोधी दल के नेता से कहना चाहता हूँ, उनको स्मरण होगा, क्योंकि उनको अनुभव ज्यादा है, पहली बार इस देश का प्रधान मंत्री अपने पैसे और पार्टी के पैसे पर चुनावों में गया और घरे बन्दी पर सरकार का पैसा खर्च नहीं किया। पहली बार इस सरकार के मंत्रियों ने सरकारी खर्च छोड़ कर अपने खर्च पर चुनाव लड़ना शुरू किया। मंत्रियों ने सरकारी मोटर और सरकारी कार्यक्रम छोड़ कर सारे चुनाव लड़े हैं।

मैं नहीं कहता कि जनता पार्टी के लोग गलती नहीं कर सकते, गलती कर सकते हैं। लेकिन उपाध्यक्ष महोदय, मैं आपके जरिये विश्वास दिलाना चाहता हूँ कि इस जमात में बहुत ऐसे लोग बैठे हैं जो गलती करने पर एक मिनट भी माफ नहीं करते। लेकिन इस बात को अगर चह्वाण साहब चाहते तो एप्रिशियेट करते कि श्री मोरारजी भाई और चौ० चरण सिंह उस फैन-फेयर के साथ बोलने नहीं जाते। आप लोग जाते थे और मलिका-ए-मोअज्जिमा जाती थीं। उस फैन-फेयर के साथ हमारे लोग नहीं जाते, अगर इसकी प्रशंसा नहीं करते तो शर्मिन्दा ही हो जाते। अगर एप्रिशियेट कर लेते तो बढ़िया बात होती। मुल्क इस बात को एप्रिशियेट करता है। मंत्रिमण्डल का आदमी राजनीतिक कार्यकर्ता है, इसलिए चुनाव में जायेगा, वह चुनाव का प्राणी है, राजनीति का प्राणी है, लेकिन अगर सरकारी साधनों का प्रयोग किया हो तब तो। अगर कहीं किया होगा, तो मैं उसके लिए शर्मिन्दा होऊँगा, माफी मांग सकता हूँ। लेकिन आपने तो कभी कहा ही नहीं।

श्री राजनारायण : यह साबित कर दें तो मैं भी इस्तीफा दे दूंगा।

श्री गौरी शंकर राय : मैं कहना चाहता हूँ कि इन बदली हुई परिस्थितियों में सार्वजनिक जीवन के मूल्य में नतिकता, ईमानदारी, सत्य-पथ का अनुकरण और प्रजातंत्र पर पक्का विश्वास जागृत हुआ है। इसी जागरण से आप पर मैडम का खतरा कम हुआ है और इसीलिए आपने एडजर्नमेंट मोशन का सहारा लिया है। इस सदन की परम्परा इस फीडरल कांटेक्स्ट में तबाह हुई हैं। ला एण्ड आर्डर की सिचुएशन पर रूलिंग के सामने मैं नत-मस्तक हूँ। लेकिन परम्पराओं का बड़ा हमी हूँ। मुझे सर्वदा अफसोस रहेगा कि सदन को माध्यम बनाया गया। जब कि स्टीफन साहब ने कहा कि तथ्यों की जानकारी नहीं है। सेंसर मोशन ऐसे नहीं होता है हाफ हाटेडली

Shri Stephen has not supported the censure motion, nor has Shri Chavan supported the same.

हरिजन की बात कही गई है। लेकिन मैं आपसे फुलपरास के बारे में कह रहा था हरिजनों के बारे में। मैं चण्हाण साहब को कहता हूँ कि जिस तरह से मलिका-ए-मुअज्जिमा बेलछी चली गई, हुजूरवाला चले जाइये फुलपरास और आप ही कह दीजिए। एक भी हरिजन को वहाँ नहीं रोका गया है। एक भी हरिजन को अगर रोका गया हो तो उसके लिए जमता पार्टी सजा के काबिल है। मैं कहता हूँ कि स्टीफन साहब जायें या कांग्रेस पार्टी के लोग कमेटी बना कर जायें। मैं स्टीफन साहब से कहता हूँ कि सदन में जब कोई बात कहें तो जानकारी के आधार पर कहें, एडवोकेसी में नहीं। मेरे मित्र बहुत हो गये हैं, मैंने कहा था

You are a very good advocate of a bad case.

भाज मैंने देखा कि बैंड केस के वकील भी गुड नहीं हो सके। इनकी पृष्ठभूमि बड़ी सड़ी हुई और घिनोनी थी। इतना बढ़िया वकील इस खराब केस को प्लीड नहीं कर सकता है।

मैं कहना चाहता हूँ कि तलवार का प्रयोग मक्खी के लिए नहीं होता है, और नाही तोपखाने को किसी मामूली मामले के लिए इस्तेमाल किया जाता है। यह एडजर्नमेंट मोशन ला कर पालियामेन्टरी फोरम का दुरुपयोग किया गया है, इस के लिए मुझे खेद है। मैं समझता हूँ कि यह सदन इस एडजर्नमेंट मोशन को गिरा देगा और हमारे मित्रों को इस के लिए यहीं अफसोस होगा।

SHRI K. A. RAJAN (Trichur) : I stand not to talk of political jealousy or political perplexity in supporting this motion but because it is a question which actually cuts at the very root of democracy.

Well, there is a real anxiety on the part of the people that something has gone wrong somewhere and there is every probability that where the ruling party is in power and election is held in that constituency and under that Party, naturally there is every possibility that rigging has taken place.

In this connection, in the election that took place in Kerala in the month of October, in the Kazhakoottam constituency where the present Chief Minister contested, in that particular constituency the Election Commission sent a number of observers and if it is correct, there were observers from the Election Commission posted to every booth. I am not just raising any objection on that. They were posted from the Election Commission to see that the election was conducted fairly and freely so that there is no apprehension from the people that election was rigged or was not fair and free. So, the election was over and there was no complaint or grievance. Even these Parties which stood unitedly against the Chief Minister to see that he was defeated, after the election in that particular constituency in Kerala which had a high political importance, had not a single complaint that there was any sort of unfair practice or malpractice or any sort of restriction imposed or any sort of Police rule in that particular constituency. This government, especially when it is ruling in that particular State where this particular contest took place, has a moral and legal and political duty to see that no apprehension or grievance comes. So there is every possibility that there was rigging, and there was rigging. In that context it is the duty of the Government to

[Shri K. A. Rajan]

see that the real voters were able to exercise their franchise. Perhaps because of the peculiar political situation or political power in their hands, they may be able to come out with a thumping majority. But those people who were not able to exercise their franchise, will not sit quite. They will see that with a revenge they could exercise their franchise during some other time.

So, Sir, I view this particular question from the proper angle of our democracy. So, there is every possibility especially from the past practices also. Wherever election takes place under a ruling party and in a particular constituency where eminent personalities of the ruling party contest, it is the duty of the government to see that it gives no room for all this sort of unfair practices. All these things have come out widely in the Press. I am not going into the details of percentage and transport facilities. Simply saying that rigging has been there in the past and so this rigging can be tolerated is no argument. That is no argument. I was really surprised by the argument put forward by my comrades from the Marxist Party, especially when they were the first to raise a hue and cry against rigging. So, whoever be the ruling party, if they stand for democracy and justice, they should see that elections are conducted fairly and freely irrespective of whichever party is in power.

I would like to impress on this House that we always stand for fair and free elections because in the larger interests of the country and the larger interests of democracy we should see and especially it is the duty moral and legal duty of the ruling party to see that elections are conducted fairly and properly and rigging is avoided.

With these words I support the motion.

SHRI VASANT SATHE (Akola) : When Shyambabu was speaking, I was wondering what the Choudhary Saheb must have been thinking in his mind, as to whether Syam Babu was really supporting him or pulling his leg, for the simple reason, Sir, that he remarked that people assemble in large crowd only to entertain the personality which is to be projected. These were his words. When he said that, I just thought of the crowds which have assembled today on the birth-day of a personality which is to be projected.

The theme of this Adjournment Motion is the highhandedness and the unscrupulous use by the authority, by those who are

in power, of the machinery, of their strength to rig the elections and make them unfair and not free. This is the main theme of this Adjournment Motion. What can you expect when unscrupulous persons are at the helm of affairs, those in whose constituency there has been a record that right from the beginning till today no Harijan has ever been allowed to vote? When such persons are controlling the authority, the police force in this country, what can you expect from them? Personalities are being praised by sycophants. Just now it was said that this whole assembly was held as a tamasha to build a personality. Well, in such times, there will always be another persons to act as a joker. As we saw just now somebody praises somebody else sky-high. Somebody does something else. By putting on badges etc. The main idea is to build personality. Now, Sir, let us see what this very person had to say just a few years back about the same personality because this is the main thing. The central theme is, who is at the helm of affairs, what is his approach to the entire question of democracy in this country. That was the allegation which he made earlier. That is the allegation which I am referring to today:

Sir, this is dated 26th January 1968. The paper is: Hindustan Standard, Calcutta. It says:

'Graft Charge against Charan Singh by Shri Raj Narain'.

Let me read it out. It says:

'Varanasi. 26th January, 1968.'

SHRI BASHIR AHMAD (Fatehpur) : On a point of order, Sir, he has to speak on the Adjournment Motion only. Now he is speaking about personality. He cannot do it. He has no right.

MR. DEPUTY SPEAKER : Please go on with your speech. Confine yourself to the Adjournment Motion.

17-29 hrs.

[*MR. SPEAKER in the Chair*]

SHRI BASHIR AHMAD : Sir, I rise on a point of order.

SHRI VASANT SATHE : The news item says:

"At a news conference today, after his return from Lucknow, the SSP Leader, Mr. Raj Narain said."

SHRI BASHIR AHMAD : I have a point of order.

MR. SPEAKER : Let us hear the point or order.

SHRI BASHIR AHMED : Mr. Sathe is reading out certain extracts from the paper about Mr. Charan Singh and he was saying about the personality cult. He has no right to say, on the adjournment motion, about any person which is not relevant. He has only to confine himself to the alleged rigging in Bihar and U. P. How can he bring about the name of Shri Charan Singh here? Kindly expunge what all Mr. Sathe said from the records.

SHRI VASANT SATHE : I was only meeting the points made by Shri Shyam Babu. He has no tolerance capacity.

स्वास्थ्य और परिवार कल्याण मंत्री (श्री राज नारायण) : श्रीमन्, मेरा व्यवस्था का प्रश्न है। श्री साठे मेरे सम्बन्ध में सन् 1968 के किसी भ्रष्टाचार की कटिंग का हवाला दे रहे हैं क्या भ्रष्टाचार की कटिंग, भ्रष्टाचार की न्यूज का हवाला यहां पर दिया जा सकता है? (व्यवधान) मैं इस पर आपकी रुचि चाहता हूँ। भ्रष्टाचार में कौन सी न्यूज कब और कैसे निकली उसकी सत्यता का प्रमाण क्या है? जब तक उसकी सत्यता का प्रमाण न हो तब तक उसको यहां पर कैसे कोट किया जा सकता है? (व्यवधान) पार्ल-मेण्टरी प्रैक्टिस का मैं अभ्यस्त विद्यार्थी हूँ। इस तरह से इसको यहां पर कोट नहीं किया जा सकता। सन् 1968 के कौन से भ्रष्टाचार ने क्या लिखा, कैसे लिखा, सही लिखा, गलत लिखा, मैं समझता हूँ उसने जो कुछ मेरे बारे में लिखा होगा गलत ही लिखा होगा।

I want a ruling from you.

MR. SPEAKER : Mr. Sathe, please confine yourself only to the relevant portions.

SHRI VASANT SATHE : Sir, I will quote only relevant portions. I am making out my case. My case is this. I will prove it to you. My case is that the elections have been rigged or are going to be rigged as long as at the helm of affairs you have persons like Shri Raj Naran and Shri Charan Singh who are doing these things.

That is why I am proving their case. This was the personality cult. This was the allegation made by Mr. Shyamnandan Mishra. What I am trying to say is this. Please allow me to read. I quote again :

"Varanasi, January 25:

At a news conference to-day, after his return from Lucknow, the S. S. P. Leader, Shri Raj Narain alleged that the Chief Minister, Shri Charan Singh had collected a huge amount which he had not deposited with the Government Treasury.

SHRI RAJ NARAIN : I rise on a point of order.

MR. SPEAKER : What is it?

SHRI RAJ NARAIN : What is it that he is reading?

MR. SPEAKER : Mr. Sathe, what are you reading?

SHRI VASANT SATHE : I am reading from a newspaper cutting to prove :

MR. SPEAKER : No, no

SHRI VASANT SATHE : How can you stop me? I am making out my case that as long as Shri Charan Singh whom Shri Raj Narain himself had called a corrupt man is there, rigging will take place. My point was that Mr. Raj Narain says quoting an instance (*Interruptions*)**

MR. SPEAKER : Don't record (*Interruptions*)

I am on my legs. You have to sit. So far what Shri Raj Narain said in 1968 is not in evidence against Shri Charan Singh or anybody else, So, you confine yourself to the motion.

SHRI VASANT SATHE : You are not presiding in the Supreme Court here. What I am saying can be expunged only under rule 380 if it is irrelevant or otherwise unparliamentary. Otherwise, you can shut it out; it is for the House to decide. It is my right to speak in Parliament and article 105 is being curbed, if I am not allowed to speak. How can you do this? (*Interruptions*).

SHRI JANESHWAR MISHRA : On a point of order.

SHRI VASANT SATHE : Under what rule? Let him quote the rule.

**Expunged as ordered by the Chair.

श्री जगदीश्वर मिश्रा : मेरा प्वाइंट ऑफ़ ऑर्डर यह है कि क्या कोई सदस्य बिना नोटिस दिये किसी दूसरे सदस्य या मिनिस्टर के बारे में कोई आरोप किसी दूसरी जगह से कोट कर के सदन में पढ़ सकता है। इस पर हम आज का रूलिंग चाहते हैं और जो पढ़ रहे हैं वह भी 10 साल पहले अखबार में छपा था।

SHRI VASANT SATHE : The latest instance, I want to bring to your notice..... (Interruptions).

MR. SPEAKER : I shall look into this later and see if there is anything to be expunged.

SHRI K. LAKKAPPA (Tumkur) : They have been making allegations of rigging elections when Congress was in power. Why not listen to him?

SHRIVASANTSATHE : Today I have received a telegram : Brutal lathi charge on teachers in Gorakhpur jail. Fifteen teachers..... (Interruptions).

SOME HON. MEMBERS : What has to do with adjournment motion or elections?

MR. SPEAKER : It is not included in the adjournment motion; it has nothing to do with the adjournment motion.

SHRI K.P. UNNIKRISHNAN (Badagara) : Please listen to him.

श्री राज नारायण : वह इस तरह की बातें कर के अपने प्रोपेगण्डा का साधन बना रहे हैं।

MR. SPEAKER : I have disallowed that..... (Interruptions).

SHRI VASANT SATHE : In U.P. there are thousands of instances; this is the parameter of that; I am saying that on the basis of these lathi charges are taking place and people are terrorised and how can they have That is the point.

SHRI RAM JETHMALANI (Bombay-North-West) : The whole speech is in violation of rule 353 and it must be expunged.

SHRI VASANT SATHE : Ohaudhuri Charan Singh has terrorised this country so much that no free and fair elections are possible. I say it on the basis of an allegation so boldly made in this weekly....

MR. SPEAKER : No incriminatory statement can be made.

SHRI VASANT SATHE : **

MR. SPEAKER : No allegation of a defamatory or incriminatory nature shall be made against a member. I am not allowing it. I am expunging it.

SHRI VASANT SATHE : It has been circulated all over the country!

MR. SPEAKER : Unless you satisfy me *prima facie*, I am not going to allow.

SHRI VASANT SATHE : Your ruling expunging it cannot withdraw it from the whole world.

MR. SPEAKER : In this House, I am not allowing it.

SHRI VASANT SATHE : I am not saying, he has done it. He has a duty to explain it.

MR. SPEAKER : He has a no duty to explain it.

SHRI VAYALAR RAVI : On a point of order, Sir. When we criticise a minister, we are criticising the government. When we criticise the government, naturally the political authority is that of the ministers and we have to criticise them. You cannot rule it out saying that they are members of this House. We are criticising the ministers.

MR. SPEAKER : Ministers are also members of this House. The point of order is disallowed.

SHRI RAM JETHMALANI : I draw your attention to Rule 353 which in terms says:

"No allegation of a defamatory or incriminatory nature shall be made by a member against any person unless the member has given previous intimation to the Speaker...."

MR. SPEAKER : That is what I said.

****Expunged as ordered by the Chair.**

SHRI RAM JETHMALANI: Can any reasonable man deny that to say that the Minister was guilty of graft in 1968 is an allegation of a defamatory character? What has the adjournment motion got to do with it?

MR. SPEAKER: I am not allowing any defamatory or incriminatory statement.

श्री उग्रसेन : (देवरिया) : अध्यक्ष महोदय, व्यवस्था का जो प्रश्न श्री जेठमलानी ने उठाया है उसके बारे में आपने क्या व्यवस्था दी है ?

MR. SPEAKER: I have upheld the point. I have not allowed it to go on record.

SHRI VASANT SATHE: Sir, remember the day in this very House when the wildest allegation was made against the ex-Prime Minister, that she was planning to shoot the people in jail. Did you expunge it?

MR. SPEAKER: No.

SHRI VASANT SATHE: Then how can you expunge this? (Interruptions) I am not making the charge. I am saying: here is a weekly which says this; take action against the weekly.' (Interruptions) Its name is 'Parade.' It is not my paper. I do not know who is the editor.

SHRI RAM JETHMALANI: Rose—

MR. SPEAKER: I will allow no incriminating material. I have not allowed that to go on record. I cannot physically stop him.

(Interruptions)

MR. SPEAKER: A newspaper report is not a part of the record.

SHRI VASANT SATHE: I am not sitting down. I will continue. You are acting in an arbitrary manner. Why are you doing this? (Interruptions).

MR. SPEAKER: Don't record.

(Interruptions)

MR. SPEAKER: If you don't obey my order, I will have to adjourn the House.

(Interruptions)

MR. SPEAKER: The House stands adjourned till 6.30 p.m. We will re-assemble at 6.30 p.m.

(Interruptions)

MR. SPEAKER: I am hearing both,

SHRI C. M. STEPHEN: Mr. Biju Patnaik came to the Speaker, and was gesticulating and directing the Speaker. By what right? A Member has to speak from his seat. Mr. Patnaik came to the dais.

SHRI BIJU PATNAIK: Because you were howling so much, I could not make myself heard.

SHRI C. M. STEPHEN: Sir, you were in the Chair and when this side... (Interruptions).

MR. SPEAKER: I have to hear both sides.

SHRI C. M. STEPHEN: Mr. Biju Patnaik, a Cabinet Minister, came to you after you made the announcement that "the House stands adjourned till 6.30".... (Interruptions) I do not question his right to say anything. I am not saying that nobody can protest. Any body can express any opinion. But for a Minister to stand up, going up to your seat, going up to the Speaker, gesticulating to the Speaker, making a show of hands.... (Interruptions)

SHRI BIJU PATNAIK: What is the harm?

SHRI C. M. STEPHEN: We want to protect the dignity of the House, we want the dignity of the Chair to be maintained. Do you permit what had happened?

MR. SPEAKER: Everybody has the right to speak in the House.

SHRI C. M. STEPHEN: Is it permitted by you?

MR. SPEAKER: Yes.

SHRI C. M. STEPHEN: Then we will also do it.

(At this stage, Shri C. M. Stephen, Shri Mohd. Shafi Qureshi and some other hon. members went near the Speaker's Chair and made some remarks)

(Interruptions)

SHRI K. P. UNNIKRIISHNAN: Sir, you in your wisdom adjourned the House. We want to know whether you have resumed the House and, if so, I am

[Shri K.P. Unnikrishnan]

entitled to know the reason. You cannot function here arbitrarily..(Interruptions) This is not the place for that. You are bound by the Constitution, you are bound by the Rules of Procedure, you are bound by the conventions of this House. This is not the place where you can act arbitrarily and not follow the Constitution and the rules.

MR. SPEAKER: Just as I am, the members are also bound by the Constitution....(Interruptions) Are you not bound by the rules?..(interruptions)

SHRI M. SATYANARAYANA RAO (Karimnagar): Sir, you have adjourned the House till 6-30. Why are you still sitting here?

SHRI K. P. UNNIKRISHNAN: Have you resumed the proceedings, we want to know.

MR. SPEAKER: Yes, I have resumed the proceedings.

SHRI K. P. UNNIKRISHNAN : Why?

MR. SPEAKER: Now nothing incriminating will go on record.

SHRI C. M. STEPHEN: The last thing on record is your announcement to the effect that the House stands adjourned. After that, nothing has happened here. The last sentence that has gone on record was, the Speaker's announcement 'I am adjourning the House upto 6.30 p.m.' How did the House resume?

MR. SPEAKER: I have recalled my order.

SHRI C. M. STEPHEN: You made an announcement, you rose up and said that the House stands adjourned till 6-30 p.m. There cannot be a House then. We may remain sitting but the House does not sit at all. We may sit here but the House does not sit here.

SHRI YASHWANTRAO CHAVAN: Sir, this is a rather very unusual situation that we are facing today in this House. I am very sorry to say that this has happened because of your rather unwise decision. It is a right of the member when he is speaking to quote anything. He is not speaking out of imagination; he is quoting from a newspaper under all your laws. If at all you want to take action, you can take action only under the rules against him. But you absolutely

stopped him from quoting and from reading that newspaper. The situation that is developing today is a rather very unusual one. It is not a question whether I like it or you like it, whether I approve of it or you approve of it. That is a different matter. He has certainly a right to quote what he wants to quote. You should not come in the way of recording. This is a situation which is developing in an unprecedented manner. (Interruptions).

MR. SPEAKER: You see rule 352(ii). I have given my order.

SHRI C. M. STEPHEN: What does rule 353 says? It says:

"No allegation of a defamatory or incriminatory nature shall be made by a member against any person unless the member has given previous intimation to the Speaker and also to the Minister concerned...."

If the reference is to a member in the House, it would have mentioned about a member. The rule does not refer to a member of the House; it refers to a person. When the reference is to a person, the person is exclusive of the member of the House. A member can defend himself in the House. A person cannot defend himself in the House. Therefore, in the case of a person, the notice must be given to the Minister concerned so that the facts may be placed before the House. It is a person, not a member. A reference can be made against a member. A member can defend himself; he can make his own position clear. The word used here is "person", not "member."

MR. SPEAKER: The member is also person. I deem that a member of the House is a person, not an animal. He is a person. Therefore, he also comes under that meaning. Rules 352(ii) reads:

"A member while speaking shall not—

(ii) make a personal charge against a member."

SHRI C. M. STEPHEN: It is not a personal charge.

MR. SPEAKER: It is a personal charge.

SHRI VASANT SATHE: I am making a personal charge; it is a public charge. As a Minister, certain allegation is made against him. I say, he might either take action or....(Interruptions) He should be obliged to me. Instead of that, you are saying that I am making a personal charge. (Interruptions).

SHRI MOHD. SHAFI QURESHI (Anantnag): The whole trouble has arisen because you were not here. Mr. Deputy-Speaker was in the Chair. When Mr. Shyamnandan Mishra and other Members on that side spoke, they talked about the personality cult which was cultivated by the Congress in this country. Our colleague, Shri Vasant Sathe, has to meet not only the points in the Adjournment Motion but also the points raised by the other Members. He was meeting a point when he was talking about personality cult; he was trying to show that Mr. Charan Singh was being projected as the future leader of India and that he was trying to overawe Mr. Morarji Desai and other people. He was only meeting that point. (*Interruptions*).

SHRI K. P. UNNIKRISHNAN: You cannot frustrate Parliamentary life; you cannot frustrate Parliamentary proceedings in an arbitrary manner. (*Interruptions*).

MR. SPEAKER: I am not doing anything arbitrarily. Prof. Mavalankar.

PROF. P. G. MAVALANKAR (Gandhinagar): With great respect to you, Sir, I would request you kindly to re-read the rules that you have been reading out for our benefit. If I may say so, the entire business of Parliament is to cross and exchange opinions, however sharp they may be, however thrashing they may be. It is the right of every Member of Parliament, no matter to which side or party he may belong, to go on quoting from any number of documents and reports including newspaper reports. I am not discussing the merits of this or that argument. Like you, Sir, I was also in the Annexe listening to the distinguished guests. I do not know what happened sharp here. But my point here is more fundamental. If I have understood you correctly, especially after the Leader of the Opposition spoke and you responded to him, we will be barred from referring to anything in this House. The Chair will have to decide on three things; whether it is relevant or irrelevant; it may be reproduction from a document, but if it is relevant, you have no right to stop the Member; if it involves unparliamentary language, then you can stop him; if it is an abuse, then you can stop him. But if, in our debate and arguments, some Members hit out against the other Members, particularly on this side of the House, it is part of the debate. The same person or persons can reply or on behalf of that person or those persons, the Minister has always the right to reply. It is always the Government side which has the last say in the matter; they can rebutt any criticism or argument. So long as it is not an abusive language

or an unparliamentary expression or something irrelevant, I do not see how the Chair can say that the Member cannot quote from the newspapers. I am not bothered about this or that argument. If your ruling is to be taken fully it will stop all Parliamentary proceedings, debates and discussions.

MR. SPEAKER: You have misunderstood me. I have never objected to reading out from newspapers, I have never objected to even using sharp language, because it is part of Parliamentary life. I am only objecting to defamatory or incriminatory expressions or matters being brought in. Beyond that, I have not objected to anything at all. (*Interruptions*).

SHRI VASANT SATHE: In this very House, Shri Madhu Limaye has made the wildest charges against Shri Morarji-bhai when a censure motion was moved. Was that expunged?

MR. SPEAKER: I do not know. I am only going by the rule.

SHRI VASANT SATHE: I am not making any charge. I am only quoting from the newspaper. That is not my charge against Shri Charan Singh. I am not saying that. I am only saying that this is what has been published. (*Interruptions*)

SHRI RAM JETHMALANI : Mr. Speaker, Sir, Shri Mavalankar says that newspaper reports can be freely quoted in the House. I would submit in this context that the newspaper reports cannot be quoted except in connection with the business of the House. The business of the House today is adjournment motion relating to rigging of elections etc. Kindly see rule 349(1). Has this newspaper report anything to do with the business of the House at the moment or is it only designed to throw mud at the ruling party Rule 349(1) is clear in this respect.

MR. SPEAKER : Rule 349(1) says :

"While the House is sitting, a member shall not read any book, newspaper or letter except in connection with the business of the House."

SHRI RAM JETHMALANI : Has this newspaper of 1968 anything to do with these elections?

MR. SPEAKER: That the rule has nothing to do with this. It only means that when the House is sitting, nobody can go on reading a story book or newspaper like that. That is the well-accepted rule.

श्री मनी राम बागड़ी (मथुरा) :

Sir, on a point of order(Interruptions).

अध्यक्ष महोदय, अगर व्यक्तिगत चरित्र के बारे में किसी अवसर पर कोई चीज कही गई हो, जैसे इंदिरा जी या चट्टाण जी के बारे में कुछ कहा गया हो और उस को यहां पर कोट करें तो यह सम्पत्ता नहीं है। ये बेचारे असल में छः महीने के बच्चे हैं विरोध में। नौ महीने के भी नहीं हैं। तो इन्होंने विरोध अभी तक सीखा नहीं... (व्यवधान) ... विरोध करो सिद्धांत को ले कर, गरीब के लिए करो मजदूर के लिए करो, लेकिन इन को तो चरण सिंह भूत नजर आ रहे हैं। मैं तो चाहता हूँ कि विरोध में ये कुछ बोलें लेकिन व्यक्तिगत चरित्र क्या है किसी का इस चीज को यहां न लाया जाय। (व्यवधान) ..

MR. SPEAKER : There is no point of order. Mr. Sathe.

SHRI VASANT SATHE : Sir, will you now allow me to quote and go on record

MR. SPEAKER : You can quote anything except defamatory or incriminating statements.

SHRI VASANT SATHE : I hope, the Prime Minister will take due notice of such allegations and take necessary action—the whole world knows about this allegation—otherwise we will stick to it and this paper has not been prescribed. That is what I am saying. All right, Sir..... (Interruptions)

The next point is this. Has this election been fair? Was it rigged or was it not rigged? They say only 85% votes. Why only 85%? Why not 100%?

SHRI M. RAM GOPAL REDDY (Nizamabad) : 110%.

SHRI VASANT SATHE : Yes, in some polling booths we have been told that there have been 110% votes polled. It should be inquired into.

Therefore, as I said, if you want democracy.....

SHRI RAJ NARAIN : How can he say that?

MR. SPEAKER : He has got a right to say. He may say wrong things. But he has a right to say wrong things also.

SHRI RAJ NARAIN : He is misleading the House. It is a question of privilege.

SHRI VASANT SATHE : This Government of Commissions and omissions—you cannot expect fairness from this government because they make a force even of justice. To-day it is *Andher Nagari*.

AN HON. MEMBER : *Chauhat Raja*.... (Interruptions).

SHRI VASANT SATHE :and Chaudhary Raja and Shahenshah. What will be the fate? You may be knowing that story?.....

MR. SPEAKER : I do not know.

SHRI VASANT SATHE : It is like the Alice in Wonderland which you might have read in your childhood....

MR. SPEAKER : When I come here, I forget everything.

SHRI VASANT SATHE : It is a small story—Alice in Wonderland....

SHRI S. NANJESHA GOWDA (Hassan) : Please put a time limit. He cannot go on like this.

SHRI VASANT SATHE : I am concluding with this. To-day justice is in the hands of Fury.

Fury said to a mouse, That he met in the house, 'Let us both go to law. I will prosecute you.' 'Come, I'll take no denial: We must have the trial; For really this morning I've nothing to do.' Said the mouse to the cur, 'Such a trial, dear Sir, with no jury or judge, would be wasting our breath.'

'I'll be the judge, I'll be jury,' said cunning old Fury 'I'll try the whole cause, and condemn you to death.'

That is the justice and what farce you see going on. How can you expect fair elections? How can you expect any fairness and democracy in this? I know this *Tamasha* of bringing men here to build up a personality cult which was disapproved even by the Prime Minister who has some Gandhian spirit left in him. Therefore, can you build persons like this? Only round about Delhi and Haryana. What is Chaudhary Charan Singh throughout the country? What is Chaudhary Charan Singh in Bengal and Madhya Pradesh, in Karnataka and in Kerala? To boost the

personality cult by bringing men by trucks has been made. Therefore, in such a *tamasha* you cannot expect justice. That is what I have to say.

SHRI SHYAMNANDAN MISHRA :
 That does not mean anything. You might have done it.

श्री कंबर लाल गुप्त (दिल्ली सदर) :
 अध्यक्ष महोदय, मैंने बड़ी शांति से अपने मित्रों के भाषण सुने और मैं कह सकता हूँ कि जो एडजर्नमेण्ट मोशन सदन के सामने रखा गया है उसके सम्बन्ध में स्टीफन साहब ने कहा कि यह इष्यु हाईलाइट करने के लिए किया गया है। सवाल यह नहीं है—जैसा स्टीफन साहब ने कहा—कि रिगिंग हुई या नहीं हुई, यह मुझे मालूम नहीं है लेकिन अगर सम्भव हो तो इसके बारे में विचार होना चाहिए और एक कमेटी बनायी जानी चाहिए। मैं उनकी स्पीच एक बड़ी बैलेंस्ड स्पीच मानता हूँ लेकिन अगर आप प्राइमफेसी केस नहीं बना सकते जिस कमेटी के लिए आप मांग कर रहे हैं the whole case fails and fails miserably. Your whole case depends upon doubt and suspicion and nothing else. The allegations are nothing.

मेरा कहना यह है कि आप ने जो सदन के सामने रखा है, उस का कोई एविडेंस नहीं है। साठे साहब ने कहा कि एक पोलिंग बूथ पर 110 परसेण्ट पोलिंग हुआ। अध्यक्ष महोदय, मैं साठे साहब से एक सवाल पूछना चाहता हूँ—वह मेरे बहुत अच्छे मित्र हैं—क्या आप ने अभी तक इस चीज की शिकायत इलैक्शन कमिशनर को की है कि किसी पोलिंग बूथ पर 110 परसेण्ट पोल हुआ ?

SHRI VAYALAR RAVI : I can stand up and say, yes.

श्री कंबर लाल गुप्त : अगर किया है तो एफिडेविट दीजिए कि आपने ऐसा किया है, तब मैं मानूँगा।

SHRI BIJU PATNAIK : What is the name of the booth?

SHRI VAYALAR RAVI : I can read it out.

श्री कंबर लाल गुप्त : मेरी इन्फर्मेशन यह है कि आप ने अभी तक इलैक्शन कमीशन के सामने इस तरह की कोई शिकायत नहीं की है। मैंने उनसे बात की है।

आपने यू० पी० की बात की, बिहार की बात की, लेकिन आप ने राजस्थान की बात क्यों नहीं की, नागालैण्ड की बात क्यों नहीं की, पंजाब की बात क्यों नहीं की ? जब पिछले जैनरल इलैक्शन हुआ था, आप समझते थे कि आप जीतेंगे, ताकत से जीतेंगे, पैसे से जीतेंगे, मशीनरी का दुरुपयोग कर के जीतेंगे, लेकिन आप की आशा निराशा में परिणत हो गई। उस के बाद असैम्बली के चुनाव हुए तो आप ने हल्लड़ किया, गलत तरीके से होम मिनिस्टर पर तरह तरह के अटक किए। उस समय आप को आशा थी कि असैम्बली के चुनाव कांग्रेस पार्टी जरूर जीतेगी, लेकिन वहां भी आप की आशाओं पर पानी फिर गया और अब तीसरी आशा थी कि जो बाई-इलैक्शन हो रहे हैं, वहां पर तो कांग्रेस जरूर ही जीतेगी, लेकिन वहां भी दुर्भाग्य से आप जीत नहीं सके। वास्तव में आप के काम ऐसे हैं, जिस में आप को कोई भी बोट देना नहीं चाहता। आज जो यह एडजर्नमेण्ट मोशन आया है—यह उसी फ्रैट्रेशन की निशानी है। मैं इस को सम्बेदेनशियेट करना चाहता हूँ—जब यू० पी० में दो इलैक्शन हुए और एक सीट हमने हारी, उस समय आपकी वकिंग कमेटी की मीटिंग हो रही थी। यह रिपोर्ट मैं हिन्दुस्तान टाइम्स से पढ़ कर सुना रहा हूँ :—

"The congress victory in the Lucknow East Assembly bye-election has revived

[श्री कंदर लाल गुप्त]

the sagging morale of the party's leadership. The news came when the Working Committee of the party was holding a marathon session on the 42nd Constitution amendment. As soon as the message was conveyed to the party President; Mr. Brahmananda Reddi, he read it out at the meeting. The working committee members cheered the announcement and some shouted, 'This is the best news we have had for months'.

Sweets were distributed among the members and waiting Pressmen to celebrate the victory."

मेरा कहना यह है कि अगर जनता पार्टी को रिंगिंग करना होता तो जो सीट आप ने यू० पी० में जीती, उस को आप कैसे जीतते ? जहां आप जीते वहां की ख़बर तो आप के लिए अच्छी ख़बर है। उसके लिए आप मिठाइयां बांटते हैं। जहां से आप हारते हैं तो वह आप से बर्दाश्त नहीं होता। क्योंकि आपका मारल इतना डाऊन है कि आप इस हार को बर्दाश्त नहीं कर सकते। मैं तो अपोजिशन में रहा हूं। मैंने और हमारी पार्टी ने हार भी देखी है और जीत भी देखी है। आप तीस साल तक शासन में रहे इसलिए आप में वह मारल और करेज ही नहीं है कि आप किसी हार को बर्दाश्त कर सकें।

अध्यक्ष महोदय, इनकी हार क्यों हुई ? इसलिए हुई कि इन के साथ अब पब्लिक सपोर्ट नहीं है। दूसरे जो आपने वहां केण्डिडेट्स खड़े किये उनका इमेज ही अच्छा नहीं था और वहां की जनता उन्हें भेजना ही नहीं चाहती थी। तीसरे आपकी पार्टी वालों ने उनको हराया। क्योंकि आपकी पार्टी में यूनिटी ही नहीं है। आपकी पार्टी में स्प्लिट हो चुका है। पता नहीं वह कौन-सी कांग्रेस पार्टी के केण्डिडेट्स थे। जब आपकी पार्टी में एकता नहीं है तो जो कांग्रेस को वोट देने वाले थे, वे किस को वोट देते। इसलिए आपके लोगों ने ही आपको हराया। जनता ने हराया वह तो

मलग है लेकिन आपके लोगों ने भी तो आपको हराया (व्यवधान)

जब मैं यह कहता हूं कि आपको जनता ने भी हराया और आपके लोगों ने भी आपको हराया तो मैं यह बात अपने मन से नहीं कह रहा हूं। मैं कांग्रेस के लोगों की ही बात कोट करना चाहता हूं। मैं पंजाब की बात कोट करना चाहता हूं (व्यवधान) और मेरी बात सुन लीजिए।

He should not get disturbed. I am not irrelevant. I am quoting the candidate who was defeated. He says that he had been defeated by Shri Zail Singh who is the P.C.C. President. If it is inconvenient, I may not quote. The former Punjab Chief Minister, Shri Zail Singh spared the last few days in the constituency to secretly canvass support for the Janata Party according to the defeated Congress candidate, Mr. Ajit Singh.

SHRI VAYALAR RAVI : Sir, I rise on a point of order. I am not objecting to his reading. We welcome it. I want your ruling. The Resolution is specific about the by-elections in Bihar and Uttar Pradesh. You were very much on the rule book and you even prevented Mr. Sathe to carry on. I want your ruling as to why you allowed Shri Gupta to make this allegation when it is not within the purview of the Resolution.

SHRI KANWAR LAL GUPTA : Mr. Ravi, I appreciate you.

MR. SPEAKER : My ruling is that any defamatory and indiscriminatory matter will be expunged and nothing more than that. Please go on Mr. Gupta.

SHR. VASANT SATHE : I rise on a point of order. When he says that a particular person has perforce defeated his own party candidate, is that not defamatory? Or is it praiseworthy?

MR. SPEAKER : No, it cannot be praiseworthy. It cannot be defamatory. Every matter which is not praiseworthy is not defamatory.

SHRI VASANT SATHE : Was the allegation that somebody was pitted against a candidate to get him defeated not defamatory? Is it complimentary to you?

MR. SPEAKER : Not at all.

श्री कंबर लाल गुप्त : अच्छा अध्यक्ष महोदय, मैं इसे कोट नहीं करता। अब मैं यह कहना चाहता हूँ कि आपकी जो हार हुई, इलेक्शंस में लास हुआ उसके बारे में अगर आप हाई-लाईट करना चाहते थे तो हमारे प्रेजीडेंट को लिखते और कहते कि हम इसके बारे में डिस्कस करना चाहते हैं। शांतिभूषण जी ने कहा था कि आपसे तय करके आपसे बात करेंगे, विचार विमर्श करेंगे। लेकिन आपका उद्देश्य यह नहीं था। आपका ख्याल था कि प्राइस राइज का, ला एण्ड आर्डर खराब हो गया है, उसका हौआ हम जनता के सामने खड़ा कर के जनता से वोट ले लेंगे। लेकिन आपकी एक न चली। इन इलेक्शंस से यह बात साफ हो गई कि आज भी जनता, जनता पार्टी के साथ है। इन चुनावों ने बता दिया है कि जनता और जनता पार्टी का मन एक है। इसलिए जब तक श्रीमती इंदिरा गांधी —

श्री बसन्त साठे : अगर आप अपने वैस्टिड इंटरेस्ट्स को बनाए रखने के लिए इंटरफीयर न करें तो आपको हर जगह लज्जन सरीखे हार होगी।

श्री कंबर लाल गुप्त : अगर हमारी हार होगी तो मैं विश्वास दिलाना चाहता हूँ कि हमारे प्रधान मंत्री श्री मोरारजी देसाई हैं जो केवल उद्देश्यों में विश्वास नहीं करते बल्कि मीड में भी करते हैं, उद्देश्य तो शुद्ध होना ही चाहिए, साधन भी शुद्ध होने चाहिए और इसी सिद्धान्त के अनुसार अगर जनता हमें हटाएगी तो हम हट जाएंगे बाहर बैठ जाएंगे लेकिन एमरजेंसी लगा करके 36,000 लोगों को जेलों में बन्द नहीं करेंगे, कमी नहीं करेंगे —

श्री बसन्त साठे : आपका कहना यह है कि श्री मोरारजी देसाई बाहर हो जाएंगे और श्री चरण सिंह उनकी जगह बैठ जाएंगे।

श्री कंबर लाल गुप्त : मैं मानता हूँ कि सभी मोरार जी भाई नहीं हैं, जो उनका स्तर है वह मेरा नहीं हो सकता है लेकिन वह हमारे लीडर हैं और उनकी बात को हम मानेंगे। लेकिन जो कुछ आपके लीडर ने किया — उनका मैं नाम नहीं लेता हूँ — वह आपके सामने है। 18 महीने में जो जो किया है वह भारत के इतिहास पर काला दाग है और वह कमी नहीं मिटेगा। जब तक वह दाग लगा रहेगा, कांग्रेस पार्टी पर लगा रहेगा तब तक जनता पार्टी जा सकती है लेकिन इंदिरा गांधी कांग्रेस कमी भी उसका आल्टरनेटिव नहीं हो सकेगी चाहे और कोई बेशक आ जाए।

आपको रिगिंग की शिकायत है। मैंने सारे समाचारपत्र पढ़े हैं। किसी में भी हरिजनों को दबाने की, उनको रोकने की मैंने खबरों में नहीं पढ़ा है कि शिकायत की गई है। सभी कटिग्व मेरे पास हैं। केवल श्री कमलापति त्रिपाठी की ही स्टेटमेंट है जिस में उन्होंने कहा है कि रिगिंग हुआ है। बाकी कोई शिकायत किसी समाचार पत्र में नहीं है। जो समाचार-पत्रों के कारेस्पोंडेंट भी हैं उन्होंने भी यही कहा है कि बड़ा पीसफुल पोलिंग हुआ है, आईली हुआ है।

मेरा कहना है कि अगर आपके पास कोई केस नहीं है तो यह आपके और कांग्रेस के इंटरेस्ट में है कि वह अपनी हार मान ले। अपने घर में आप ढूँढ़ें कि कमी कहां है। अगर आपने आना है तो आप कुछ काम करके दिखाइए। अपनी पार्टी में परिवर्तन लाएं, सोचने में लाएं, काम के ढंग में लाएं। अगर आप ऐसा नहीं करते हैं तो आप लालसा तो रख सकते हैं यहां आने की लेकिन सम्भावना कोई नहीं है।

इस मोशन में कोई तथ्य नहीं है। आप पोलिटिकल प्रोपेगेंडा ही करना चाहते

[श्री कंबर गुप्त]

हैं और अपनी हार को छिपाना चाहते हैं।
मैं इसका विरोध करता हूँ।

MR. SPEAKER: It is now 6:30 p.m. I shall allow five minutes for the Minister to reply... (Interruptions) They do not want to reply.

SHRISAMAR GUHA (Contai): On a point of order. A serious allegation has been made indirectly but it leads directly against the Election Commission or the whole organisation of the Election Commission. It has been alleged that in certain polling booths voting was more than 100 per cent, even 110 per cent. If it is a fact and is such a complaint has been lodged, it is a very serious thing. At the time of polling, the number of votes polled is checked by the polling officer himself and also by the election agents. Secondly, at the time of counting also, the number of votes polled is first examined by the counting officer. If it happens like that, automatically it would have been announced and there would have been re-polling. It is fantastic. The Election Commissioner is not there to defend himself. You have to ascertain it. You have to ask for the papers and if it is not a fact, that 110 per cent polling was there, that portion should be expunged. Otherwise, it will remain as a serious allegation and a serious charge against the integrity of the Election Commissioner. He is not here to defend himself. You should see the papers and if it is not a fact, it should be expunged.

MR. SPEAKER: The time is over. I put it to the House.

SHRI SAMAR GUHA: I want your observation on my point of order.

MR. SPEAKER: You have given me a suggestion.

SHRI SAMAR GUHA: Election Commission is an independent organisation. The Election Commissioner is not present here and a serious and wild allegation has been made. Either it has to be substantiated or you have to expunge it. I want your reaction about it.

MR. SPEAKER: I am not giving a legal opinion here. I have noted your point. If it is so, I will expunge it. If it is not so, I will not.

SHRI C. M. STEPHEN Mr. Unno-krishnan says he will give the names of the polling booths where it happened.

PROF. P. G. MAVALANKAR: I want your guidance and ruling on the fate of the adjournment motion. Rule 62 says:

"The Speaker may, if he is satisfied that there has been adequate debate, put the question at 18.30 hours or at such other a hour not being less than two hours and thirty minutes from the time of commencement of the debate."

You directed that the debate should begin at 4 o'clock and it began at that time. According to this rule, 2 1/2 hours are over. Either you can say that according to you the debate is adequate or even if it is not adequate, you can still under this rule say that the debate is now to be closed at 6:30 especially because the other debate on sugar is coming. I want your ruling on the fate of the adjournment motion. Can you put it to vote? I am suggesting for your consideration whether as per rules and practices, the adjournment motion stands automatically talked out at 6:30. How can you take a vote? I submit the motion is talked out and the House cannot give a decision this way or that way.

SHRI DINEN BHATTACHARYA: (Serampore): I fully support Prof. Mavalankar.

SHRI SHYAM NANDAN MISHRA: You have no option in the matter. It is talked out.

SHRI K. P. KRISHNAN: I requested you to give a ruling before you proceed to other ruling. My point was that in regard to a small procedural wrangle, half-an-hour was taken, arising out of an unfortunate remark. But in regard to this particular point, we have conclusive evidence and full proof in our hands. How are you going to shut us out? I am sure you don't want to give an impression to the country that you are siding with the other side.

MR. SPEAKER: You cannot flatter me like this. The time is over. This motion is talked out. We now go to the next item.

No more points of order.

(Interruptions)

Several hon. Members.**

MR. SPEAKER: Don't record.

At this stage, some hon. Members left the House.

(Interruptions)

Some hon. Members went to the dais.

(Interruptions)

MR. SPEAKER : Will you hear me for a minute ?

SOME HON. MEMBERS : No, no.

MR. SPEAKER : Why don't you read the rule ? Will you kindly read the rule ? *(Interruptions)*

MR. SPEAKER : Is it the pleasure of the House to extend the time ?

SEVERAL HON. MEMBERS : Yes.

MR. SPEAKER : The time is extended. Now the Minister will reply.

SHRI K. P. UNNIKRISHNAN : My submission is, in this House, unfortunately, because of your arbitrary behaviour *(Interruptions)* 40 minutes were taken *(Interruptions)*.

SHRI SHYAMNANDAN MISHRA : The way in which they have behaved, this must be put on record *(Interruptions)*. It has put the whole Parliament in *(Interruptions)*.

MR. SPEAKER : Let us not have any more controversy. For the satisfaction of the House, so that they may not say that my action was arbitrary, I am merely stating what happened in this very House.

AN HON. MEMBER : Sir, it is not necessary.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN) : Mr. Speaker, Sir, I am grateful to you and to the House for kindly permitting me to speak on this subject by kindly extending the duration of time for this discussion.

I am sorry that this occasion which should have been a birthday party to two persons, Mr. Stephen on the other side and Mr. Charan Singh on this side, should have been marred on account of a misunderstanding. In fact, when I received the notice of this Adjournment Motion, I myself wondered as to why this Adjournment Motion had been brought. I did not know then that the birthday of one of the important leaders of the Opposition honoured Mr. Stephen, fell on this date and, therefore, Mr. Vayalar Ravi had decided to celebrate the birthday in this House by means of this Adjournment Motion.

I have listened to the speeches with great attention. So much has already been said from all sides of the House that I would not be justified in taking too much time of this House. Still I would like to make a few points in a very short time.

The main point which was attempted to be made by the Opposition leaders was their great surprise at the massive victory of the two Chief Ministers, one in Bihar and the other in Uttar Pradesh. May I say that, while sometimes it does happen that certain results are surprising because when one does not pause to analyse why these results come, why there is such a stunning defeat, if I may use that expression, one can understand that there is an element of surprise and certain conclusions are sought to be drawn rather hurriedly from certain figures or certain statistics, yet, on many occasions I have found that something *prima facie* looks surprising but if one does make an attempt to go deeper into the matter to find out as to what should have been the causes for those statistics, one finds that there can be causes and one comes to conclusion.

It is not for the first time that surprises have taken place; many people have been taken by surprise; and they have jumped to wrong conclusions even in the past. May I say with great respect that, if the hon. leaders of the Opposition would just ponder over what could have been the factors, other than those factors to which they ascribe these results, whether there could have been other factors which could have produced these results, then they would understand this. The Congress, at one time, was a very important organisation, one of the premier organisations in the country; for decades and decades it was there. We remember the election of 1952; we also remember the elections of 1971 when we on this side happened to be on the Opposition; the Congress had scored a very spectacular victory in the 1971 Lok Sabha elections; in 1972 again in the Assembly elections, the Congress had scored a spectacular victory; in 1952 and 1957 elections also, they had won.—Maybe, if the leaders of the Congress Party, which happens to be in the Opposition today, reflect upon their massive victory of 1952, 1957 and 1971, perhaps it is an element of surprise as to why the Congress should have fared in these two bye-elections in the manner in which they have done. But if they closely analyse the whole situation as it exists in the country, as every countryman is watching the situation, if they again reflect, once more,—I know they are conscious of the things which have happened during the 19 months of Emergency, the revelations which are being made in the country today when each and every man

Withdrawal of MISA (Resl.)

[Shri Shanti Bhushan]

whether he lives in an urban area or in a rural area, is following with rapt attention the various disclosures and revelations which are being made—, if they would just ponder over these and try to see as to what the personality of the Congress today is, they will find that the common man in India, the common citizen, is in a confused mind so far as Congress is concerned. He does not know today as to what the Congress of today stands for; he does not know as to who is the leader of the Congress today; he does not know whether the Congress still stands for the days of Emergency, whether it still stands for Mrs. Indira Gandhi's ways and methods, whether it still stands for what Mr. Sanjay Gandhi and other people did in this country. The common man, so far as the personality of the Congress is concerned, to put the matter at the lowest is completely confused as to what does the Congress of today stand for. I do not know—I am not concerned with whatever internal things might be happening in Congress—but all that I know as reader of newspapers, as one who watches events and tries to analyse them all that I can say is that the common man does not know at all as to whether the Congress is looking to West or to East. He is in a confused state of mind. What do you expect from the electorate if the common man is still in a confused mind. I do not even know whether the rank and file of the Congress itself knows as to whether the Congress stands for Mrs. Gandhi; whether the Congress stands for that authoritarian rule; whether the Congress would still like Mrs. Gandhi to reign supreme once again in this country; whether the Congress would still want Mrs. Gandhi to have those very things because Mrs. Gandhi, it is known to everybody, has not repudiated the things that she stands for. She is still going about justifying the kind of things that happened. She sometimes in a light way does say that alright some excesses somewhere or the other on account of some officials took place but basically what happened, the methods which were practised, the suspension of the right to life and liberty, the declaration of emergency and so on she still justifies. She says that the conditions in the country were such that this kind of shock treatment—as she describes it was necessary. If she still imagines and if still the common man does not know whether the Congress is still behind Mrs. Gandhi whether the Congress still believes in what Mrs. Gandhi does how can you blame the common man if he cannot afford to take the risk.

Of course, one aspect of the result came to me as a surprise. I am surprised that even today there should be people—12,000 people in Phulparas constituency

and 18,000 people in Nidhauri Kalan constituency—who should still vote for the Congress in the present state of affairs. It is certainly a matter of great surprise. If the honourable leaders of the Opposition would ponder over it they would come to this conclusion.

Of course, they have spoken as to why should there be 92 per cent polling in Phulparas and why should there be a sizeable voting in Nidhauri Kalan. Firstly, of course, I had pointed out the figure of 92 per cent itself is wrong. The figure is 85 per cent. But at the same time they would kindly look back on their own experience. It always has happened in the past that when an important person—a Chief Minister or a Prime Minister—contacts from a constituency it is one of the factors which must not be forgotten that the constituency feels honoured, the constituency feels alright if we return a Chief Minister that itself would be an important factor. May be there have been occasions—one such occasion was in the recent past—when the constituency with decisive voice rejected even a sitting Prime Minister but otherwise if the people like a particular Chief Minister then in the constituency of that Chief Minister or Prime Minister the voting will always be more massive than in other constituencies because they want to show their solidarity with the leader of the State. (Interruptions).

Sometimes in these elections some people do get surprised. I am reminded of an incident when a member of the Bar wanted to contest the election for the Bar Association presidency. Now, all his friends told him that they wanted vote for him and he was content that he would be unanimously elected and when the ballot papers were counted only one ballot paper was found to have been cast in his favour and every member of the Association went to him and said; Well, it is I who voted for you. It is your other friends who did not vote for you... He kept on hearing his friends for a long time, but finally he said; I am wondering what happened to my own vote. So, these occasions do come, the election results have some surprises.

19.00 hrs.

I am also reminded of another story. There happened to be a very beautiful young damsel who was very proud of her beauty with the result that when she wanted to get married, many suitors came to her and offered their hands. She was so proud that she would always see some defect or the other in them and reject them. She kept on rejecting suitors after suitors. It came to such a

stage that a 16-year young beautiful damsel became a 65-year old woman. She then decided to get married, but she had not forgotten her beauty. She gave an advertisement in the Times of India, Hindustan Times and even in the National Herald, but nobody applied for her hand. She was wondering what had happened; she did not know as to what tremendous change her face had undergone. That is the trouble with the Congress Party today. I would appeal to my friends on the other side to use a mirror and see their face. So many cosmetics are now available. If they would only make a liberal use of these cosmetics and undergo some plastic surgery—plastic surgeons are also there now—a day may come when they can improve their looks. The hon. Members on the opposite cannot lower down their ages, but they can certainly improve their looks. Let them look forward to that day when they would come with improved looks before the people not with this emergency look, not with this atrocities look, not with this bulldozer look, not with the sterilization look, as if the people of this country were cattle to be caught hold of and sterilised against their wishes. Family Planning is something good, but human beings cannot be reduced to animals. This was the kind of atmosphere created in this country.

I would like to remind the hon. Members in the opposition that the people of India are so anxious that they do not want to take even half per cent risk in regard to this matter. They want to ensure more than 100 per cent that such a day they would never have to see again in this country. Unless they take steps, and can assure the people of this country that they have mended their party in such a way that the people would feel assured that half per cent risk of those days returning would not be there, they would look at the voters in vain. The voters are not going to vote for you so long as this transformation does not take place. This transformation may be difficult, but then it is for important leaders to attempt the difficult thing. After all, the ruling party, when it was in the opposition, had to face these difficulties; it has also fought against all kinds of adversities and difficulties, but it has overcome them. I wish you all good luck, particularly on this occasion when we are celebrating the birthday of an hon. Member on that side and one hon. Minister this side. I wish you the best of luck, I wish you many happy returns of this day, I do not refer to the Phulparas and Nidhauri Kalan results.

As for the arrangements with regard to these elections, it was said that there has been a massive rigging. May I

say that if there could be such a massive rigging as is being alleged by the opposition leaders today, we would not have been sitting on this side. The Lok Sabha elections in March took place during the period of emergency—the kind of emergency which the country had never seen before and will never see again. If in those days any kind of large scale rigging was possible, then in that case, it would not have been possible for any of us to be sitting in the treasury benches today.

The March 1977 election is a positive and complete proof. Whenever somebody comes and tells me even in regard to any other constituency where the Janata Party might have lost in the 1977 March elections says that there has been large-scale rigging and so on, my answer to him is also that if such a large-scale rigging is possible in any constituency, then Mrs. Gandhi would have been sitting on that bench and Mr. Sanjay Gandhi would have been sitting on this bench so that the 1977 March elections demonstrate for that people of this country are vigilant enough and also demonstrate that large scale rigging is not possible. Of course, small mistakes here and there cannot be entirely ruled out. But may I say that there is a forum provided. Sometimes it is said that such things have happened. If there is a demand for a commission of inquiry, then in the March 1977 elections some people came to me saying that there should be a Commission of inquiry for certain places. Then, Sir, this Commission of Inquiry is a discretionary thing for the government. I am not saying that that demand is made today. What I am saying is that under the Representation of People Act, there is the best possible forum provided where anybody is free to ventilate any grievance in regard to any election. The courts are there. The High Court is there. The Supreme Court is there. Even recently two Ministers have been unseated in Kerala and I assure you, if any assurance is needed, that we will never amend the election law with retrospective effect in order to see that their elections are validated whether it be Mr. Karpuri Thakur or Mr. Naresh Yadav. I give the solemn assurance to the hon. Members in the opposition that we will not amend the election law. So you are welcome to file an election petition and you can carry on with that election petition.

I would like to tell the hon. Members that the Election Commission took good care so far as these constituencies from where the Chief Ministers have been contesting. Obviously they were important constituencies. So, the Election Commission took good care firstly in issuing a circular well in time to both the States that no official shall be transferred during the period of election.

SHRI K. LAKKAPPA : One interruption, Sir. False promises were made. 40 Ministers were present in the constituencies on election work. They promised to open Tehsil offices and Rs. 2.5 crores were sanctioned immediately for the Medical College. All this took place on the eye of the elections. Is it not an undue influence ?

SHRI SHANTI BHUSHAN : Apart from that, the Election Commission appointed three observers each from the State itself in each of these constituencies. For instance, in the Phulparas constituency three judicial officers of the rank of Sessions Judge who are directly subordinate to the High Court were appointed as Observers and one observer was sent from the Election Commission itself. One for Phulparas and another to Nidhauri Kalan constituency. All these observers have already submitted their reports. Apart from that, they toured three constituencies and saw the conditions there before the date of the poll and on the date of the poll they went round to a large number of polling stations and they have submitted their reports which show that the elections were fairly held. So these are the arrangements which the Election Commission has made. The reports sent by the observers indicate that the elections were free and fair. If in one place something wrong has happened then it was countermanded and a repoll ordered. What is wrong in it if in one polling station repoll was ordered....(interruptions) As I have already said, the forum for the election petition is still open to everybody.

So, Sir, I do not want to dilate further except wishing all the best to the Congress Opposition in the next elections wherever they may take place.

With these words, I oppose this motion.

MR. SPEAKER : Mr. Ravi.

SHRI K. P. UNNIKRISHNAN : May I reply, Sir ? It has been done in this House before in the Rabat debate. I am quoting only the precedent (Interruptions).

Why don't you listen? On an adjournment motion on Rabat, an hon. Member other than the mover was allowed to speak.

MR. SPEAKER : He has a right of reply. Mr. Vayalar Ravi has the right of reply.

SHRI K. P. UNNIKRISHNAN : Please see the discussion on the Adjournment Motion on Rabat Summit. Acharya Kriplani was allowed. Sir, I distinctly remember this. Instead of Mr. Piloo

Mody, Acharya Kriplani was allowed. A Member can, with the permission of the Speaker, move or reply, in the Adjournment Motion.

MR. SPEAKER : Mr. Unnikrishnan I understand that in the matter of moving instead of one person, the other can do it.

SHRI K. P. UNNIKRISHNAN : It has happened before.

MR. SPEAKER : The right of reply is there to the Member who has moved. If you can point out to me something. I will go into it. Please see the rule. It says :

'A Member who has moved a motion may speak again by way of reply.'

That is, general debate — in any debate. I don't get a precedent. You say; that I respect; but I must have something.

SHRI K. P. UNNIKRISHNAN : In many adjournment Motions it has happened.

PROF. P. G. MAVALANKAR : Sir, although the rule says that the Mover must reply, I must point out to you, in all humility, that in the past—however, wrong it may be according to rules—there have been proceedings where other than the mover has spoken.

MR. SPEAKER : Other than the mover had replied ? Do you mean to say moved or replied ? Mr. Mavalankar, I would like to know, moved or replied ?

PROF. P. G. MAVALANKAR : It is contrary to rules but it has happened in the past.

MR. SPEAKER : Mr. Mavalankar, you are not answering. Was he replying or moving ?

PROF. P. G. MAVALANKAR : It is for me to say what my impression is. It is for the Secretariat to guide you whether it is right or wrong.

MR. SPEAKER : My Secretary says there has been no such precedent. In the matter of moving, instead of one person another person has moved.

Shri Vayalar Ravi has a right of reply. He may reply now.

SHRI VAYALAR RAVI : Sir, I was hearing the hon. Minister and the members who spoke on the other side. I appreciated one thing. The Minister was cleverly avoiding to give reply to the point raised and he wanted to put calm in this House. In opposing this motion many points were raised from the other

side. The opening speaker from the other side was Shri Shyamanandan Mishra. He was agreeing to some extent to my point that the voting was of the highest percentage. If you go through the voting procedure today you will find this. If anybody has to face a bye-election, what is the position? Today the voter has to be pass through three people. The Presiding officer has to sign the paper. It takes a few minutes for the voter to pass. In the last election in Kerala, Mr. Anthony was contesting. The highest percentage of voting then was 73 per cent. This is 73 per cent. I have seen that with my own eyes. Even after 5 o'clock a long que was in every polling booth. That was the point I wanted to make. When the election is being conducted properly, 83 per cent or 86 per cent of the people, as was pointed out could vote. Is it the contention of the hon. Minister, Shri Shanti Bhushan that it can be done before noon? Not at all. It is our experience also that with all the infrastructure in Kerala like the road communication you find a small road everywhere with all the election officials there it is physically impossible to have so many people to come and vote. In places like Phulpara and Nidhauli Kalan it is impossible to get the voting of 86 per cent of the people. That is the point I am making. It is physically impossible. With the present topography of that area and with the past experience. If I take the voting it can be done only when there is rigging and nothing also.

I have got with me the figures of the election. With the authority I am telling you that 1,04,000 is the total number of votes in Nidhauli Kalan Assembly Constituency with 7,686 dect votes and the net balance is only 96,314. of which 84,600 of the total number of votes only was polled before noon. Can you explain this? There are many people who are outside the constituency. Do you believe that only 96,000 people are in the constituency? Are you so foolish to believe that out 96,000 only 84,600 could exercise their right of franchise? Is it not a rigging? I can produce evidence. Shri Patnaik asked me the name of the booth. But Shri Shanti Bhushan very cleverly avoids that, I am reading this. Take Polling Station Nos. 74-Barsi, 75-Barsi, 75, Barsi and 77-Barsi. The total no. of votes is 3,541 while the total no. of votes cast was 3,696. I say that the lady of democracy was being raped by you and your party. I can produce further evidence. In 67-Dhiramasi and 68-Dhiramasi the total number votes is 1,950 while the votes cast is 2,110. Here is a great champion of democracy sitting here and defending about the rigging.

You can go through this. Shri Mishra challenged me. He asked me whether

any officer was being transferred. For your information I accept that challenge as also that of Shri Gauri Shankar Rai I am reading the names of the officers who have been transferred and posted after the election notification has been given.

Shr Shanti Bhushan should take note of it. They are :

Mr. Satpal Singh, S.H.O. Marhara was transferred.

SHRI SHANTI BHUSHAN : Just a minute. When the Election Commission wrote the U.P. Government that normally no transfer should be made, here the transfers of some police officials had already been made before. So they had not been transferred after the Election Commission Notification was finalised.

SHRI VAYALAR RAVI : Before the Notification, this was done and the Minister and the Chief Minister are clever enough to do that.

He was very clever, but even so the date is there; it was after that date; that is my point. Secondly, I can give the names of officers who had been transferred after the issue of the assembly election notification at Nidhauli Kalan in Etah district and especially in Nidhauli Kalan Assembly constituency. The S.H.O. Mr. Satpal Singh was transferred; the Nidhauli Kalan S.H.O. was transferred; the circle inspector of police, Aliganj and Kasganj were transferred. The District Magistrate and the Superintendent of Police and 33 other officers of the rank of Additional District Magistrate, B. D. Os. and A.D. Os. were also transferred. It is a clear case. I have got a list of persons who are dead but whose votes are shown as having been cast; this is at booth Nos. 122 and 123 Khara; Smt. Ganga Devi, Smt. Pulla Smt. Makatdevi, Shri Harbend Singh, Shri Trilok Chand, Shrimati Naraini Devi, Smt. Munni, Shri Pancham Singh, Smt. Phoolwati, Shri Subedar; there are other instances and I do not want to take the time by giving their names.

Shri Shanti Bhushan was saying about the confusion in the Congress Party. I do not know; what is the confusion in his own party; let him tell us that. The Prime Minister Desai was one of the old veteran political leaders; we differed with him and he was sitting in the back bench; at that time we respected him; even when he threatened Satyagraha our government respected him. 20 lakhs of people, two million exhibited their support here in the Boat Club. For what celebrations? For the birth day? Is not naked exploitation of the power struggle in your party? Can you deny this? All India Radio is being mis-used.

SHRI K. P. UNNIKRISHNAN : The Press Information Bureau has printed and distributed a 16 page book on Chaudhuri Charan Singh using government machinery.

SHRI VAYALAR RAVI : Shri Shanti Bhushan was sorry for the fate of the Congress Party. I remind him about the fate of his party ; the way it goes, it seems it is going to be disfigured. Can he tell me who is the leader of the Janata Party. Is it the Home Minister Charan Singh who wants to exhibit the support at the boat club by transferring thousands of people misusing his authority; or is it Morarji Desai ? No less a person than the present Defence Minister admitted before the Shah Commission that he was still under surveillance that his telephones were being tapped by the Home Ministry. The Home Minister told on the floor of the House that he had the Supreme authority to check any file, call for any file, suspend any officer in any of the ministries which shows that he is having virtually the tendency of a dictator, Shri Shanti Bhushan accused Mrs. Indira Gandhi because she collected people here, millions of people here, and he said that she was misusing government machinery. We are seeing the same thing today; to celebrate the Home Minister's birthday, they are using the same machinery, same transport, same officers, same number of people here. Is there any difference ? You accused Mrs. Gandhi, rightly or wrongly, that she concentrated power in her hands. Here is your acclaimed leader, Mr. Charan Singh, who says that he can take any action against any officer in the Ministry of Mr. Patnaik or Mr. Shanti Bhushan or any other minister, without their knowledge. The officer is answerable to the Home Minister, not to you. Is it not dictatorship ? What Mrs. Gandhi did to the Congress Party, Mr. Charan Singh is doing to your party. That must be taken care of.

SHRI BIJU PATNAIK : Who tells you these cockand bull stories ?

SHRI VAYALAR RAVI : I tabled a calling attention motion and I put a pointed question to the Home Minister. He replied that it is not the responsibility of the Cabinet, but it is purely the function of the Home Ministry. There is a proverb in Malayalam, "Physician, first treat yourself". Similarly, I say to Mr. Shanti Bhushan: Before crying for the Congress, you cry for yourself ?

SHRI BIJU PATNAIK : With regard to the transfer of some policemen, the Home Minister said that his department has got the power. What you say is not correct.

SHRI VAYALAR RAVI : Sir, the purpose of this adjournment motion is to highlight the need to protect democracy in spirit and letter. Democracy cannot flourish unless the people are free to exercise their franchise according to their free will. So far they have been intimidated and not allowed to vote freely. It is a great danger to democracy. Here is a clear case proved by records that to avoid a crisis in the Janata Party, rigging has been done. I am sorry that the name of the Election Commission was mentioned. I do not want to make any comment about the Election Commission. My charge is against this government. Deliberately, with all the might at your command, you used all your power and position to ensure the success of not merely the Janata Party candidates, but the nominees of Mr. Charan Singh. That is more important. That is why we are giving a warning to you. This is very dangerous for Indian democracy if it continues like this. I appeal to Mr. Shanti Bhushan to think over this as Law Minister. It is his duty to see that the elections are free and fair. If the Harijans, Adivasis and the weaker sections of the society are not allowed to vote according to their wish, that is a sad day for democracy ; that is the end of democracy.

MR. SPEAKER : The questions is :

"That the House do now adjourn".

The motion was negatived.

गौरी शंकर राय: अध्यक्ष महोदय, एक प्वाइंट ऑफ ऑर्डर है। कृपा कर के आज जो शानदार व्यवहार हमारे नेता विरोधी दल ने किया है उस के लिए एक लाइन सदन में लिख दीजिए कि यह सदन उन का भ्रनुगृहीत है और दुनिया की पार्लियामेंटी डेमोक्रेसी उन की और उन के मित्रों की भ्रनुगृहीत है। यह रेकार्ड पर चले जाने दीजिए।

We are proud of their behaviour.