

[श्री मधु लिमये]

कोई प्रावधान उस बिल में रखें। मैंने मंत्री महोदय को अपने पत्र की एक नकल दी थी लेकिन मन्त्री महोदय चले गये—इसका मतलब क्या है ?

**अध्यक्ष महोदय :** वह आ जायेंगे। आपने दे दिया है, अच्छा किया है।

**श्री मधु लिमये :** यह सदन का अग्रमान है। आप उनको आदेश दीजिये।

**MR. SPEAKER:** May I tell you this? You sent it to me yesterday. I did not admit it yesterday. You sent it me again. The notice to the Minister has gone very late; we cannot expect him to be present. After all they should be given reasonable time.

**श्री मधु लिमये :** मैं इतना ही चाहता हूँ कि इसके बारे में मंत्री जी एक वक्तव्य दें। हमारी ओर कोई मांग नहीं है।

**MR. SPEAKER:** 377 is not a right; nor is it a call attention motion. If you give notice at 10 O'clock this morning, how can the Minister come prepared? I am sending it to him. I did not admit it yesterday.

**श्री मधु लिमये :** आप मंत्री जी से वक्तव्य दिन-रात, इतनी ही हमारी मांग है।

**PROF. MADHU DANDAVATE (Rajapur):** This was pointed out even before the event took place....

**MR. SPEAKER:** Please sit down; that is enough. What do you think? He has not put it right? He has put it so well.

इमीनिंग में 377 में एडमिट नहीं करना क्योंकि उसमें टाइम इतना कम होता है और अगर उस पर इम्पिट कर लग जाते हैं। यह भी एक देखने वाली बात है।

12.54 hrs.

CONSTITUTION (THIRTY-SECOND AMENDMENT) BILL

THE MINISTER OF HOME AFFAIRS (SHRI UMA SHANKAR DIKSHIT):  
I beg to move:

"That the Bill further to amend the Constitution of India, be referred to a Joint Committee of the House consisting of 60 members, 40 from this House, namely:—

- (1) Dr. Henry Austin
- (2) Shri H. K. L. Bhagat
- (3) Shri Somnath Chatterjee
- (4) Shri M. C. Daga
- (5) Shri Madhu Dandavate
- (6) Shri Darbara Singh
- (7) Shri K. G. Deshmukh
- (8) Shri P. Gangadeb
- (9) Shri H. R. Gokhale
- (10) Shri M. M. Hashim
- (11) Shrimati V. Jeyalakshmi
- (12) Shri Bhogendra Jha
- (13) Shri Popatlal M. Joshi
- (14) Shri Arjun Shripat Kasture
- (15) Shri Zulfiquar Ali Khan
- (16) Shri C. H. Mohamed Koya
- (17) Shri K. Lakkappa
- (18) Shri Nihar Laskar
- (19) Shri B. P. Maurya
- (20) Shri P. G. Mavalankar
- (21) Shri Nathuram Mirdha
- (22) Shri G. S. Mishra
- (23) Shri Shyamnandan Mishra
- (24) Shri Pилоo Mody
- (25) Shri F. H. Mohsin
- (26) Shri Samar Mukherjee
- (27) Shri Paokai Haokip
- (28) Shri Dhan Shah Pradhan
- (29) Shrimati Maya Ray
- (30) Maulana Ishaque Sambhali
- (31) Shri P. M. Sayeed
- (32) Dr. Shankar Dayal Sharma
- (33) Shri Nawal Kishore Sinha

- (34) Shri S. S. Tewari
- (35) Shri Tula Ram
- (36) Shri Tulmohan Ram
- (37) Shri Atal Behari Vajpayee
- (38) Shri P. Venkatasubbaiah
- (39) Shri G. Viswanathan
- (40) Shri Chandrajit Yadav

and 20 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the last day of the first week of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House do recommend to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 20 Members to be appointed by Rajya Sabha to the Joint Committee."

MR. SPEAKER: The time allotted by the Business Advisory Committee is 3 hours. I think that is enough. You can take more time in the Joint Committee.

SHRI SEZHIAN (Kumbakonam) :  
But the House should give its mind.

MR. SPEAKER : I think three hours are more than enough.

12.57 hrs.

*The Lok Sabha adjourned for Lunch till Fourteen of the Clock.*

*The Lok Sabha re-assembled after Lunch at Three Minutes past Fourteen of the Clock.*

[MR. DEPUTY-SPEAKER in the Chair]

CONSTITUTION (THIRTY-SECOND AMENDMENT) BILL—contd.

THE MINISTER OF HOME AFFAIRS (SHRI UMA SHANKAR DIKSHIT): Mr.

Deputy-Speaker, Sir, the Constitution (Thirty-second Amendment) Bill, which is before the House, was introduced on the 16th of May last in this House. The House will recall that vital concern was voiced by leaders of opinion and by the Members in Parliament over the increased incidence of legislators changing their party allegiance following the fourth general elections.

I shall not take much time of the House with a reference to the deliberations of the Committee on Defections and the subsequent efforts made by Government to ascertain the views of different parties on this question. While there has been broad unanimity of opinion that effective constitutional provisions should be made to curb defections, there have been differences over the precise form and content of the provisions that should be formulated for the purpose. It has been the anxiety of the Government to bridge these differences and enact a legislation which has the broadest possible measure of approval and support.

One such difference has been over the question of how to define defections. For example, a question that has repeatedly come ups is whether a person who leaves his party on account of his genuine ideological differences should be considered a defector or not. The question is important but there is difficulty in identifying the objective criteria on the basis of which a legislator's action in leaving the party would be regarded as due to genuine ideological differences. This is an aspect on which Government would welcome informed opinion from all sides of the House.

Another valid question which has come up before the Government is relating to a large number of legislators deciding together to leave a party. The question is whether and in what circumstances such a development should be deemed to be a party split, not attracting the provisions of the disqualification proposed to be attached to defection. In the Bill introduced we have attempted to provide certain procedural safeguards and we are

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anxious to ensure that these provisions are also based on some agreed principles. For these reasons, we feel, it would be most useful and appropriate to associate public opinion with the formulation of the final form of the legislation by referring the Bill to a Joint Committee, as we are doing.

A question may be asked as to why all the recommendations of the Committee on Defections have not been accepted in the Bill which has been introduced. The major recommendations which have not been accepted are those relating to disqualifying a defector from holding an office of profit and prescribing a limit to the size of Council of Ministers. In the Bill which has been introduced, it is proposed that the defector should relinquish his seat in the Legislature and go to the voters to seek their endorsement of his conduct. With the enforcement of this disqualification which is the basic and fundamental provision of this Bill, the question of the debarring such a person from holding an office of profit does not arise.

Again, once a defector is required to seek a fresh mandate, then the question of imposing a limit on the size of Council of Ministers also does not remain germane to the question of defections. It becomes a matter of practical administrative importance which can be considered separately on its merits.

We realise that for meeting a problem, as complex as the one under consideration in the House, it is not easy to provide a final answer. But our effort has been and will continue to be to ensure that whatever steps we take have the fullest possible support of the people and Parliament. I am confident that the Joint Committee would be able to ensure that the Bill as it finally emerges would provide maximum satisfaction to all concerned.

With these words, I move.

MR. DEPUTY-SPEAKER: Before I declare the motion to be formally moved and call the next speaker, I would like

the hon. Minister to help us in clarifying certain doubt about a provision in the Bill, just to set everything in order. If you look at the Bill, on p. 2, there is the Explanation given:

"For the purposes of clauses (2), (3) and (4) and article 103, 'political party' means—"

A "political party" is defined here.

I would like to know: where does the word "political party" occur in article 103 of the Constitution; whether it is a printing mistake or a drafting mistake.

SHRI UMA SHANKAR DIKSHIT: May I make a submission, with your permission, Sir, that all the aspects of the provisions contained in this Bill, including constitutional, technical and legal matters as well as other practical issues, have to be debated in this House and, unless you think that this is a matter without clarifying which it would not be correct to proceed with the discussion of the Bill, I would request you to allow the discussion to go on and any point of order or Constitutional point can be discussed and settled later on, during the discussion.

MR. DEPUTY-SPEAKER: There is no question of holding up the discussion. After all, this Bill is going to a Joint Select Committee and they can look into this a little more minutely. While going through the Bill, this came to my attention because it should be subject to interpretation. I thought if, at the very beginning the Government could put all doubts at rest, then we could discuss the Bill more meaningfully. Anyway, it does not matter. It will go to a Joint Select Committee.

Motion moved:

"That the Bill further to amend the Constitution of India, be referred to a Joint Committee of the House consisting of 60 members, 40 from this House, namely:—

- (1) DR. Henry Austin
- (2) Shri H. K. L. Bhagat
- (3) Shri Somnath Chatterjee
- (4) Shri M. C. Daga

- (5) Shri Madhu Dandavate
- (6) Shri Darbara Singh
- (7) Shri K. G. Deshmukh
- (8) **Shri P. Gangadeb**
- (9) Shri H. R. Gokhale
- (10) Shri M. M. Hashim
- (11) Shrimati V. Jeyalakshmi
- (12) Shri Bhogendra Jha
- (13) Shri Popathal M. Joshi
- (14) Shri Arjan Shripat Kasture
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and 20 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the last day of the first week of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House do recommend to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 20 Members to be appointed by Rajya Sabha to the Joint Committee."

SHRI H. N. MUKERJEE (Calcutta—North-East): Mr. Deputy Speaker, Sir, it is good that this Bill is going to a Joint Select Committee not only for the rather intriguing point which you, Sir, have brought out but also because I have a feeling that it does require to be gone into much more carefully if we are going to find a remedy to the disease which has been defection in the parliamentary set-up of our country.

Sir, defection, of course, is the superficial manifestation of a very much deeper malady, and in so far as law can cure it, we have to make sure that our Bill is as good as we can make it. And I say this because the chief actors on the political stage who enact this drama of defection are too often an unsavoury lot, they pay a lip service to virtue but are tied in with vice. And, as we all know, you can awaken a sleeping man with some effort but not one who merely pretends to be asleep.

I fear that this Bill, as formulated so far, may prove to be a remedy even worse than the disease. It may create an illusion of action without anything really tangible being done to prevent unprincipled defections. And I hope the Joint Committee goes at some length into the questions involved.

Sir, we all know that this Bill has had a very long period of gestation. Of course, one has to wait for a long time before an elephant cub is born, but the long wait this time has still to justify itself. The Bill, in some respects, I am constrained to describe as almost a caricature of a deterrent rather than a

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serious attempt to check defection of the unprincipled lot with which we have recently been so familiar.

We all know that the main incentive for defection is material gain. Specially after 1967 when the Congress monopoly of power seemed shattered, there was a crop of defections engineered by people whose bona fides we surely do not talk about. We all remember Mr. Chavan using that colourful expression, 'Aya Ram Gaya Ram'. It was a very apt way of describing the kind of pass to which our parliamentary life had reduced itself. Perhaps we can claim that only a few of the parties, the two Communist Parties and the Jan Sangh, in particular, because of their different, but sharp ideological orientation, could keep themselves comparatively immune from this disease of defection. The cure for defections, therefore, is not too much pragmatism in the political practice of the country but a certain attention to ideology and to principled conduct in the process of public affairs.

We had an All Party Committee on Defections and quite a good amount of high-falutin work apparently had to be done. The committee reported in 1970. It was not a unanimous report, but all-round approval was given to the idea that the defectors, that is, those who cross floors in legislatures should be debarred from becoming Ministers. Now, the Minister, our friend, Shri Dikshit, has told us that the Bill goes further than that, the Bill strikes at the root of the evil, by debarring the defector from membership itself. In some respects the Bill might be claimed to go beyond the committee's recommendations, but as I shall try to point out in the time at my disposal, in other respects, the Bill has turned down the substance of what the All Party Committee, by a near unanimous decision, had recommended. It is neither fish nor flesh and the provision of having the defectors pushed out of the legislatures altogether might not work the way that it is perhaps intended.

There is also a fear in the minds of many people and that fear is legitimate.

that perhaps, the ruling Party, the Congress, is seeking to freeze the present position. There is no denying that the Congress stands to lose the most from defections in the near future. Besides, it is extremely doubtful whether the Bill would succeed, as I said earlier, in preventing defections or to serve any other worthwhile purpose.

We find that in this Bill, a provision is made that a defector who leaves the party or even defies the Party's whip will be disqualified from membership of legislature and it seems to be a very comprehensive provision in law, a little too far, as far as the practice of Parliament is concerned. So, apparently it is a very drastic and presumably a very radical measure. But, is it? Actually, what happens? There are loopholes in the Bill as it is, where the wrong kind of people would get away. A group of defectors may, as they do, very well band together and form a new Party and call the defection itself as a split and perhaps, disqualification in that case becomes inoperative. I refer to this because when the game of toppling goes on, more than individual defections, it is the conspiracy behind it and they easily get the better of the legislation as proposed, by getting together a few blackguards and then indulge in this game of toppling. toppling whichever party in power, by calling themselves a Party and getting themselves registered or recognised, whatever you may call it. You have to deal, therefore, with a malaise, a malady or disease which has gone to the roots of our political life, and for that, this kind of a remedy, I am afraid, would not be adequate.

I have found by some calculation that since the Fourth General Elections in 1967 over 200 defectors have been rewarded with Ministerships and some 15 with the posts of Chief Minister. There is no provision in the Bill for barring defectors from Ministerships and offices of profit and power. That was the desire of the majority of the All Party Committee. That was the desire expressed in both Houses of Parliament on many an occasion. But, of course, the Minister says, 'We are trying to push

out the defectors right out of the legislatures and, therefore, there is no need to have such a measure'. But, when you remember the kind of events which have sullied the legislative life of our country in recent years, then we have to perhaps think out some other kind of remedy.

We cannot easily forget, for example, the ugly events which took place in Orissa. The crossing and recrossing of floors took place with as much ease and alacrity as one changes one's shirt. Shrimati Nandini Satpathy could form a Government only because some Members of Utkal Congress and the Swatantra Party joined the Congress, and she fell when they went to their original grooves. Then, Shri Nilamani Routray in Orissa, sick of the sight of Shrimati Nandini Satpathy left her company with his followers and he had formed a new party. It was defection of course, and of the classic type, but this Bill would exonerate such conduct. Repetition of such absolutely ugly phenomena would be possible in spite of this Bill being in the picture.

Another kind of phenomenon is to be noticed in Tamil Nadu, where my friend, Mr. Era Sezhiyan's party, the D.M.K. is in power. Now, the Anna D.M.K. emerges there; it parts company with the parent body. Now, a good chunk might have gone with Shri Ramachandran who was leading the new party as the Dindigul Parliamentary by-election seemed to indicate. But the Anna DMK has perhaps 2 or 3 Members in Parliament and very few in the Tamil Nadu legislature. It is not registered under any law or any rule, regulation or order or notification as this Bill proposes and the result is that if Mr. Era Sezhiyan's party chooses to utilise this Bill they could push them out as defectors just like that, unless circumvented by the others having formed themselves into a group and getting themselves registered. It is a very unsavoury story altogether.

We are putting in our statute-book measures which are supposed to be taken recourse to by people who have shady practices to their credit all the time.

Otherwise, it would not be necessary to have this kind of a thing, and I feel, Sir, that the provision in the Bill before us makes the position a little more difficult than it had been before.

Then, Sir, it is said, for instance, that jefying the party whip would entail disqualification.

Now, this might be explained on very cogent and apparently righteous grounds, by pointing out that there might be conscientious objectors and if they got prior permission from their own party to oppose the party whip or to abstain from voting according to the party whip, then, those conscientious objectors, certified by the party, could be spared.

Now, this might be meant for decent and honest members of the legislature, but we are not dealing, Sir, in this legislation with decent and honest customers. This Bill would not have been needed at all if only we were dealing with decent and honest customers on the political scene. We are dealing with operators in politics. We are dealing with mischievous people. We are dealing with people who command resources from outside in order to vitiate the political life of our country, inside our legislatures and this kind of a thing would not help at all, and I shall try to explain on this a little more a little later.

Then, Sir, I discover there is no reference at all to that category of Members in legislatures which I hesitate to mention, Sir, because you are in the Chair. What about the Independents?

MR. DEPUTY-SPEAKER: Please don't hesitate.

SHRI H. N. MUKERJEE: I don't hesitate because you are in the Chair, you would remind me that I should not hesitate. Always we had a bunch of these people, Independent Members of Parliament and of other legislatures who are, at one time described in the British Parliament by somebody, whose name I forget, that 'Independents were undependable'. Sir, in the Independents, being like every other category of people, there are

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good, bad and indifferent men and women among them. Now, what happens if today they vote with the opposition or with the Government and tomorrow, the other way, with the Government or with the opposition or *vice versa*? The Bill does not answer those cases.

Then again, Sir, I find that the Bill empowers the President in the case of Parliament or a Governor in the case of a State Legislature to act only when the aggrieved party asks for it. But, the experience is that the aggrieved party tries to win over the defectors by buying back their support.

They drag them back; perhaps there is *quid pro quo* for the operation which takes place.

For example, Nandini Satpathy's Government in Orissa could be formed, when defectors deliberately mobilised, joined the Congress, but it fell when the very same gentlemen, perhaps, having got a higher price for their services, refused to oblige Shrimati Nandini Satpathy any longer.

This dirty game must be stopped in its traces. But, the ways suggested by the Bill do not appear to me to be adequate. A very much bigger deterrent to political blackguardy would perhaps be limiting the size of the ministry in proportion to the strength of the House. This has been a matter on which, as far as I know, the All-Parties Committee was nearly unanimous. The All-Parties Committee could not agree only in regard to the ideal size—the proportion between the membership of the Legislature and the membership of the Council of Ministers. But, the All-parties Committee supported the principle that the size of ministries must be limited and a proportion laid down between the Council of Ministers and the size of the Legislature.

Sir, last March, in the then House, there was a Bill proposing to limit the size of ministries. It was moved by a Member of our Party. It got an allround support and it was withdrawn only on the Government's promise of a comprehensive legislation on this issue

Unfortunately that promise has remained unredeemed in so far as this Bill is concerned. And I repeat, the elasticity in the size of the Ministry is the one instrument used by the ruling party in dealing with the dissidents who are political defectors. In U.P. or in Andhra Pradesh or wherever you look, it is only by manipulating the numbers, the people who would constitute the Council of Ministers, that they can offer some halt before their potential defectors buy them up, by giving them the kind of price which the Ministry offers or appears to connote. I feel that this Bill should try to do something in regard to the incorporation in our statute, either in the Constitution or elsewhere or wherever it is legislatively proper, the right to recall. The right to recall is the only effective democratic deterrent to the malaise of defections. But, the right to recall being a real democratic practice, is not in the mental map of the government of the day.

Then again, the question arises: will this Bill stand the judicial scrutiny, apart from what you have been pleased to point out? The right of association perhaps can be argued in the court. It implies *ipso facto* the right of dissociation. One can hardly, in law, penalise the dissociation. The jurists may find that even under a Parliamentary system, after all the party would certify that so-and-so has defected and therefore he is pushed out. Then what would happen? Endless litigations might take place, the Member concerned is pushed out, because of the party reporting that he is a defector. He can go to the court. How can you stop him from going to the court? Endless litigation is involved with a possible demand for the production of the proceedings of Parliament even before they are made public, and all that kind of associated problems would arise between Parliament and the Court, the Legislature and the State courts. There would arise a sort of situation near confrontation caused by individual Members creating a difficulty because of this peculiar right has been given here to the political parties concerned to get through the President or the Governor the ejection from the Legislatures of a certain recalcitrant Member.

I know that not all defectors perhaps can be brought under the purview of the Bill. But, we should try to make an attempt in that regard. Not all genuine splits has been safeguarded in the provisions of this Bill. In so far as that goes, the Joint Committee might examine it at some depth. But, there are many other questions which come up which will have to be decided. I am very sorry, because this question has been hanging fire for so long, and an end should be put to it. But, I feel that the Bill, as proposed before us, is from a moral political angle, the kind of sop, pitiful shell to our parliamentary conscience. But, let it not be a myth of make-belief; let it be a genuine instrument so that we can deal with the malady which is a dirty body-politic to the extent that the defectors do. I wish the Joint Committee does study in greater depth the position with which we are now confronted and come before us with a report which would genuinely help us in the eradication of this terrible disease of defection.

श्री जगन्नाथराव शिंदी (शाजापुर): उपाध्यक्ष महोदय, इस विधेयक का यहाँ पर लाने में पड़ने ही देर हो गई है और अब इसको ज्वाइंट विनैकट कमेटी में भेजने की बात कही गई है। वास्तव में प्रवर समिति को भेजने की बात में हमें कोई विरोध नहीं है, लेकिन जैसा मंत्री महोदय ने बताया है कि 16 मई को इस विधेयक को प्रस्तुत किया गया था, बीच में एक सत्र निकल गया, अब इस दूसरे सत्र में हम केवल इस को प्रवर समिति में भेजने की बात कह रहे हैं और वह समिति पहले सत्र के पहले सप्ताह के अन्तिम दिन तक अपना प्रतिवेदन देगी। इसका अर्थ है कि बीच में उत्तर प्रदेश तथा उड़ीसा के चुनाव सरकार पूर्ण करना चाहती है। मेरे कहने का तात्पर्य यह है कि कोई भी प्रजातंत्र बिना अच्छे सिद्धांतों के, परम्पराओं के नहीं चल सकता, सिर्फ "लैटर-ग्राफ-दी-ला" से हम जाना चाहेंगे तो नहीं चलेगा, हमें उसकी स्थिति की तरफ भी देखना होगा। वास्तव में यह जो विधेयक आज लाने की जरूरत पड़ी—उस का कारण यह नहीं है कि पहले कभी कोई व्यक्ति एक दल को छोड़ कर दूसरे दल में नहीं

जाता था। ऐसे कई उदाहरण अपने सामने हैं—जैसे श्री अशोक मेहता—उन्होंने एक सिद्धांत के आधार पर, इकानामिक कम्यूलेशन के आधार पर केंस दल को छोड़ कर किया था। ऐसे और भी लोगों ने किया था। किन्तु जब दल बदल स्वार्थ की वजह से किया जाय, लाभ के लिए हो और बड़े पैमाने पर हो—ज. इस दल में, कल उस दल में, आया राम, गया राम, केवल आया राम और गया राम ही नहीं हुआ, उस में से बहुत से लोग तो आगये राम हो गये, एक दफा आगये, फिर चले गये फिर वापस आ गये—इस की वजह से यह सारी गड़बड़ी हुई। इस लिए मैं जानना चाहता हूँ कि इनके पीछे एक स्वस्थ परम्परा इस देश में निर्माण करने की सरकार की इच्छा है क्या? यदि यह बात है तो हम मानते हैं—लेकिन जब कोई आईडियोलॉजिकल डिफरेंसेज की बात करते हैं—तब सभ्रम में नहीं आता है। 1970 में कांग्रेस के कई जाने-माने काई-होलडर इन की पार्टी में आये, क्योंकि यह पार्टी बड़ी प्रोग्रेसिव, बड़ी रेडिकल मानी गई, लेकिन प्रधान मंत्री जी ने उसके बाद इम लदन में क्या कहा? वह कहती है:

"We have not moved even a m.m."

हम तो उसी पुरानी कांग्रेस के 10 सूची कार्यक्रम पर काम कर रहे हैं, लेकिन जो उस वक्त प्रोग्रेसिव और रेडीकल कांग्रेसी बने—उन को क्या समझा जाय। जब स्वयं प्रधान मंत्री जी कहती है:

"We have not moved even a m.m."

हम तो एक मिलिमीटर भी आगे नहीं गये हैं। इतना होते हुए भी कोई अन्दर घुस जाय, उस को रेडीकल कहे, प्रोग्रेसिव कहे—इसका क्या मतलब है?

इस लिए मैं कहता हूँ—क्या मंत्री महोदय को कोई स्वस्थ परम्परा कामय करने की मंशा है? यदि आप की मंशा है तो फिर इस विधेयक को इतने विलम्ब से क्यों लाये—मई में यह प्रस्तुत हो चुका था, आज क्यों सिलेक्ट कमेटी को भेज रहे हैं, यह काम पहले से क्यों नहीं हुआ?



[श्री जगन्नाथ राव जोशी]

इस में साफ प्रावीजन है कि प्रधान मंत्री लोक सभा से होगा और मुख्य मंत्री विधान सभा से होगा—यदि सरकार की यह स्पष्ट मंशा है तो फिर बिहार में जो परिवर्तन लाया गया केदार पांडे को नीचे लाकर विधान परिषद् के सदस्य श्री गफूर को मुख्य मंत्री क्यों बनाया गया। मुझे उनसे व्यक्तिगत कोई बात नहीं है, लेकिन जब मंशा साफ है तो कौंसिल का आदमी क्यों मुख्य मंत्री बना कर लाया गया। मैं एक पुरानी बात बतलाता हूँ—जब मद्रास में 1952 में—उम समय एक ज्वाइन्ट मद्रास था—वहाँ पर कम्प्यूनिस्टों को रोकने के लिए श्री राजगोपालाचारी को, जो गवर्नर-जैनेरल थे, मद्रास का मुख्य मंत्री बनाया गया—यह सब इस बात का नमूना है कि हम डेमोक्रेटिक नाम्बे को ताक पर रख रहे हैं। जब राजनैतिक दृष्टि से कोई लाभ दिखाई देता है, उस को करते चले जाते हैं। इस बिल कः चाहे जो अर्थ निकले इस के यहाँ पेश होने के बाद भी कौंसिल के सदस्य को मुख्य मंत्री बनाया।

इतना ही नहीं उत्तर प्रदेश में ले लीजिए—वहाँ बहुगुणा जी गये, क्यों गये? जब विधान सभा का सदस्य मुख्य मंत्री बनना था तो यहाँ का सदस्य, लोक सभा का सदस्य मुख्य मंत्री क्यों बनाया। यदि प्रजातंत्र के प्रति आप के मन में कोई आस्था होती तो आप वहाँ की असम्बन्धी को बुलाते—इतना ही नहीं 2 महीने बाद चुनाव होने वाले दो थे, उस के पहले मंत्री मंडल बनाने की क्या आवश्यकता थी, चुनाव हो जाने देते।

मेरा एक और भी आरोप है—आप आज के अखबार को पढ़िए—मध्य प्रदेश के मुख्य मंत्री—सेठी जी एक छोटे से उपचुनाव में हैलीकाप्टर के द्वारा गये। हमें एक तरफ कहते हैं कि पेट्रोल की बचत करनी है, नपथा पैदा करना है, देश को उस की ज्यादा जरूरत है, इसी लिए पेट्रोल को मंहगा किया गया है, लेकिन दूसरी तरफ एक प्रदेश का मुख्य मंत्री

एक छोटे से चुनाव के लिए सरकारी हैलीकाप्टर लेकर घूमे,—इस का क्या मतलब है? इस में तो ओमीशन और कमीशन दोनों ही हैं। हो सकता है कि सरकारी हैलीकाप्टर का आप पैसा देते हों, सवाल पैसे का नहीं है, सवाल तो पेट्रोल की बचत करने का है। स्वयं प्रधान मंत्री जी बगधी में जाती हैं—क्यों—इसलिए कि पेट्रोल की बचत करना चाहती हैं, लेकिन दूसरी तरफ एक प्रदेश का मुख्य मंत्री एक छोटे से चुनाव के लिए पेट्रोल का दुष्ययोग करे—इस का क्या अर्थ है? कल उत्तर प्रदेश और उड़ीसा में भी ऐसा ही होगा, इस का क्या नतीजा निकलेगा? यह स्वस्थ परम्परा कौन डालेगा। हम सब चाहते हैं कि चुनाव पर कम खर्च हो, लेकिन यह परम्परा कौन डाल रहा है। आप पांचवी पंचवर्षीय योजना तक पहुँच गये हैं, उस की किताबें छर चुकी हैं, क्या जनता आप के कामों की नहीं जानती, फिर जनता को बताने के लिए, उस को गुमराह करने के लिए हैलीकोप्टर में जाने की क्या जरूरत थी?

MR. DEPUTY-SPEAKER: I am trying to find out what relevancy all this has got to the Bill.

श्री जगन्नाथ राव जोशी : मैं यही बतलाना चाहता हूँ कि इस बिल के पीछे यदि सरकार मानेस्ट है, तब तो कुछ होगा, वरना कुछ भी नहीं होगा।

It is only to establish norms under a democratic set-up. If the Government is there to violate them, what is the way out?

क्या ऐसा नहीं हो रहा है ?

MR. DEPUTY-SPEAKER: Petrol spending, buggy ride by the Prime Minister—what have these to do with the Bill?

SHRI JAGANNATHRAO JOSHI: We talk about ideological differences. When the Prime Minister herself has said that we have not moved even a millimetre, can those people who do not obey be called defectors? What is it after all! I am bringing out that point. How to

define the term? It is a question of defining 'defectors'. As a matter of fact, the Minister himself is in a quandary. He himself cannot define defection.

आप बतायें कैसे डिफाइन करेंगे।

For clarification's sake, I brought this point.

**SHRI UMA SHANKAR DIKSHIT:** I would request him to say something which will be there as guidelines for the Joint Committee. If he is speaking about the Chief Minister, helicopter and all that, what kind of guidelines will it provide to the Committee? The hon. member will have many opportunities for speaking against Government, but let us utilise this valuable time for giving some indication of our minds to the Joint Committee.

**SHRI JAGANNATHRAO JOSHI:** I am giving exactly not only an indication but an example of how Government's mind works.

16 मई की यह विधेयक उपस्थित किया गया, क्या उसी समय सिलेक्ट कमेटी में नहीं भेजा जा सकता था? मैं जानना चाहता हूँ—सरकार अब तक क्यों प्रतीक्षा करती रही? 1967 के बाद जब इस तरह के डिफेंसज शुरू हुए तो इस के बारे में एक कमेटी बिठाई गई, उस का प्रतिवेदन आया—तब से अब तक सरकार क्यों सोती रही? मेरा सरकार पर आरोप है—जब अखबारों में डिफुकेशन बिल के बारे में चर्चा चली, यहां पर भी हर बार हम लोग सरकार से पूछते रहे कि वह बिल कब आयेगा—तब जाकर यह बिल आया है, और अभी भी यह क्यों आया है—सिलेक्ट कमेटी में भेजने के लिए। सिलेक्ट कमेटी में जायेगा, सिलेक्ट कमेटी उस पर विचार करेगी फिर उस का प्रतिवेदन आयेगा, तब तक सारे चुनाव हो जायेंगे। आप ने जल्दी क्यों नहीं की, पहले से सिलेक्ट कमेटी में भेजने में क्या कठिनाई थी, जो आज आप इसे यहां पर लाये हैं।

मैंने अभी आपको बतलाया है कि डिफेंसज को डिफाइन करना कठिन है—ऐसा आपने स्वयं भी कहा है— इसलिए मैंने पूछा है—  
for the sake of clarification—

ऐसे जो लोग अपने को रेडिकल और प्रोग्रेसिव मान कर गये हैं, जब स्वयं प्रधान मंत्री जो कहते हैं कि हम अंग्रे नहीं गये हैं—तो

whether they will be treated as defectors.

यह मैं जानना चाहता हूँ।

स्वस्थ परम्परा के बल-बूते पर प्रजातंत्र चलता है, केवल कानून बनाने से नहीं जलेगा। इस में जो जो खामियां हैं, हमारे सम्माननीय सदस्य ने अभी बताया है। खामियां इसमें कौन कौन सी हैं। इसलिए मैं चाहता हूँ कि आप स्वस्थ परम्परायें डालें और इसी लिए मैंने जो उदाहरण दिया था कि जब आप ने स्वीकार किया है कि मुख्य मंत्री विधान सभा का सदस्य हो, और यह बिल 16 मई को उपस्थित हो चुका था, हम सोचते थे कि जब भी रीशफ लिंग होगी उस में इस सिद्धांत को प्रतिपादित किया जायेगा।

In contradiction of what has been expressed in the Bill, the Bill might have been passed. But it is the Government's desire.

सरकार की मंशा क्या है वह प्रकट हो गई। और प्रकट होने के बाद बिल अभी पास न हो इसलिए इस को सिलेक्ट कमेटी में भेजा जा रहा है। इस बीच में पालिटिकल एण्ड्स को सूट करने की दृष्टि से इस बिल का उपयोग नहीं होगा, और जब तक यह बिल अधिनियम की शकल लेगा तब तक चुनाव समाप्त हो जायेंगे। इस लिए जो निष्ठा देश के अन्दर खत्म होती चली जा रही है यह जनतंत्र के लिए अच्छा नहीं है। एक राजनैतिक दल में रहते हुए भी अगर आप अच्छा काम करते तो हम आप का समर्थन करेंगे। तब जा कर प्रजातंत्र चलता है। आप ने देखा बंगला देश के सम्बन्ध में यहां रहते हुए हम ने आपका समर्थन किया। विरोधी दल का यह मतलब नहीं है कि सरकार जो भी करे उस का विरोध करते चले जायें। हम इस को नहीं मानते हैं सरकार जो भी अच्छा काम करे उस का

[ श्री जगन्नाथराव जोशी ]

समर्थन होना चाहिए, तभी प्रजातंत्र चलेगा ।

It is not the role of the Opposition to oppose anything and everything that is promulgated by the Government.

इसी के आधार पर हम चलते हैं ।

इसी लिए मैंने कहा कि सरकार की यदि मंशा है कि देश के अन्दर स्वस्थ परम्परा डालें और दलबदल की परिस्थिति समाप्त हो जैसे मध्य प्रदेश में हुआ गोविन्दनारायण सिंह यहां आ गये, फिर वहां गये, तो कम से कम ऐसे लोगों को अधिकार न देते । यह तो हम कर सकते थे । हम ने जो इस विधेयक में लिखा है उस को व्यवहार में ला सकते थे और उस को बढ़ावा नहीं देते । केवल बिल प्रस्तुत करें और उस के विरोध में काम करते रहें तो जिम ढंग से हम इस का उपयोग कर सकते चाहते हैं वह नहीं हो पायेगा ।

मैं मानता हू कि सिचुएशन बहुत ही फ्लाइड है, यद्यपि हिरेन मुखर्जी साहब ने कहा है कि हमारी और कम्युनिस्ट पार्टी की आईडियोलोजी ठीक ढंग से होने की वजह से it is difficult to say who is immune and who is not immune. We must be very careful.

इस लिए मैं चाहता हू कि स्वस्थ परम्परा डालने की दृष्टि से, दलबदल की प्रवृत्ति को रोक लगाने की दृष्टि से ही इस पर बहुत पहले से ही अमल शुरू हो जाना चाहिए था : आप ने कहा है कि मुख्य मंत्री विधान सभा के और प्रधान मंत्री लोक सभा का हो । यह बिलकुल स्वस्थ परम्परा है । लेकिन इसको हम व्यवहार में लाते तो अच्छा होता । आपने बिहार में परिषद के सदस्य को मुख्य मंत्री बनाया । जैसा गृह मंत्री जी ने कहा कि 16 मई को यह बिल इंट्रोड्यूस किया गया था उस के बाद वर्षाकालीन सत्र चल रहा था, इस समय भी जो शोडयूल था कि कौन कौन से बिल आयेगे

उस में इस बिल का उल्लेख नहीं था, मैं जानना चाहता हू कि आज जो यह बिल इंट्रोड्यूस हो गया यह क्यों हो गया ? इसके पहले क्यों नहीं हुआ ?

MR. DEPUTY-SPEAKER: You have made that point again and again.

श्री जगन्नाथराव जोशी: आगे चल कर दल बदल की प्रवृत्ति रोकना चाहते हैं, यह मैं जानता हू । लेकिन देरी क्यों हो गई, यह बताने की कृपा करें जिस से हमारे मन के नीचे उतर सके ।

SHRI DINESH CHANDRA GO-SWAMY (Gaubati): Mr. Deputy-Speaker, Sir, before I go to the Bill itself, I wish to make a reference to the point raised by you regarding the fact that in article 103 the words "political party" are not there. In fact, in article 103 as it stands now, the words "political party" are not there. But if you be pleased to look to page 3 of this Bill, you will find that article 103 is sought to be amended by this Bill, and in the proviso to that article at page 3 the words "political party" have been included.

It says:

"Provided that President shall not entertain any question as to whether a member of either House of Parliament has become subject to any of the disqualifications mentioned in clause (2) of article 102 unless the question has been referred for his decision by the political party.."

Therefore, at page 3, where article 103 has been referred to, it is not that the present article as it stands today in the Constitution that has been referred to. What has been referred to is in the amended article 103. The words are there.

I welcome this Bill because defections really eat at the fundamentals of our democracy for the last few years. The word 'defection' used to occupy a lot of space and writing and thinking of the politicians in the last few years, though it is true in the recent past we have not heard much about it. Some statisticians

point out that during 1967-72, 40 Governments had to leave their gaddi in this country in quick succession because of defection and not less than 2417 legislators were involved in that game. In some cases they changed party affiliations four or five times. A new word came into our political dictionary, aya-ram and gayaram. Democracy cannot work in such a situation and a serious attempt should be made to see that this malaise is removed. Whether it can be removed by law or not is a matter of debate but some beginning shall have to be made somewhere and therefore I welcome this Constitution Amendment Bill.

But my first serious objection to the Bill is that the Bill, as has already been pointed out by Shri Mukherjee, has left independents completely out of the purview of this amendment.

MR. DEPUTY-SPEAKER: You are not jealous of them?

SHRI DINESH CHANDRA GO-SWAMI: I am not at all jealous. The point is that when the constituents elect a Member, they elect him because he subscribes to the policy of that particular party. When I am elected as a Congress Member my voters subscribe to the Congress principles. Similarly when an Independent is elected.

MR. DEPUTY-SPEAKER: They have elected him alone; they have placed their complete trust in him.

SHRI DINESH CHANDRA GO-SWAMI: When an Independent is elected in preference to a Congress candidate, the implication, though we may not like it, is that the voters of that particular constituency have rejected the philosophy of our party and support the philosophy of the independent.

MR. DEPUTY-SPEAKER: What about other parties which are not in the field? He is free to join them?

SHRI DINESH CHANDRA GO-SWAMI: If other parties are not in the field, it means the voters were not given an opportunity to judge the philosophy of those parties. Obviously, 2700 LS—7.

if he joins a political party which was rejected by the people, he betrays the trust of the people. If a candidate is chosen in preference to the DMK, for instance, obviously those people do not believe in DMK. The moment he joins the DMK, he betrays the trust of the people. So the independents should not be allowed to join a political party.

MR. DEPUTY-SPEAKER: Suppose the issue is individual character versus empty ideology? What happens?

SHRI DINESH CHANDRA GO-SWAMI: I do not want to pay such a compliment to the country that there are political parties in this country with empty ideologies.

MR. DEPUTY-SPEAKER: I am putting a hypothetical situation before you. Voters may be looking at the issue in that way.

SHRI DINESH CHANDRA GO-SWAMI: Hypothetically speaking, there might be many different situations and I do not want to predict them. You do not allow a member of a particular political party to become an independent, because in that case he is hit by this constitutional provision which, says:

“A person shall be disqualified if having been elected as such member, he voluntarily gives up his membership of the political party by which he was set up as a candidate...”

But if he is elected as an independent and then he joins a political party, he is not disqualified. This is a lacuna which should be adequately dealt with.

In the topping game in the last two years, the independents in this country have by and large played a major role. If you cannot do something about the independents, obviously the purpose of the Bill may be defeated.

MR. DEPUTY-SPEAKER: In the last Parliament, the country owed its stability to the role played by Independents.

SHRI DINESH CHANDRA GO-SWAMI: I am placed at a difficulty because you are in the Chair. I will be

[Shri Dinesh Chandra Goswami]  
happy if you express your views speaking as a member from the floor of the House.

MR. DEPUTY-SPEAKER: Some day I may:

SHRI DINESH CHANDRA GO-SWAMI: I have got nothing against independents but when the electors have chosen him as an independent, obviously if he joins some other political party after the election, he is a defector and this Bill should touch him.

The second provision to which I would draw attention is about group defection, i.e. split. The word 'split' has nowhere been defined in this Bill and it is probably incapable of proper definition also. There may be a split because of a historical or ideological situation. Our party split in 1969 because of an ideological situation. But we do know that in the name of split, some legislators have joined together only in order to hatch a conspiracy to topple the Government. If you permit such a situation to continue in the name of split, the entire Bill will be frustrated. Therefore, it is necessary to see whether something can be done about it. There are two inconsistent provisions in the Bill. Clause 4 (3) says:

"Notwithstanding anything in clause (2), a member of either House of Parliament shall not be disqualified... if he has given up his membership of such political party by reason of a split therein."

The split takes place only when there is a serious ideological difference in the party. It may be that the ideological difference may be projected in the House before the split takes place. By clause 4, you do not permit a person even in the case of ideological difference to vote against the original party. As has been pointed out, certain members have come out of the DMK and joined the Anna DMK. They may very rightly say, "We are not touched by this because there has been a split. We have formed ourselves into Anna DMK and therefore we are not disqualified." Because they have not been

recognised as a political party up till now, the moment they cast their vote against the decision of the DMK, they will be hit by clause 4 and they will be disqualified. I hope the minister will clarify the position. By clause 4 (3), you are not disqualified even if you come out from the original party in case of a split. Members of Anna DMK may very well say, "We are not disqualified because there has been a split and we are protected by sub-clause (3) of clause 4."

But you are not permitted to vote against the original party unless you have been recognised as a political party. Now, I do not know, subject to correction after the split of a party it takes some time for a party to get recognition because there are certain formalities. Within that period if they vote against the original party in case of a split. disqualified under sub-clause (3), they are disqualified under sub-clause (2). This is an inconsistency and I hope the hon. Minister will clarify this.

The third objection is that there is a disqualified. A reference has to be made but there is no disqualification for a person remaining a Minister for six months. I hope that will be clarified. For example, a person can remain a Minister for six months without being a member. Suppose in a legislature both parties are very marginally situated and they are indulging in the toppling game. When a member goes from one side to the other, he ceases to be a member or he is disqualified. But there is no disqualification for his becoming a Minister and staying in that post for six months without being a member. Therefore, a person may cross the floor incur the disqualification and may still get the most important position.

MR. DEPUTY-SPEAKER: How can he cross the floor when he is not a member?

SHRI DINESH CHANDRA GO-SWAMI: Suppose I am a member of Party A and in that legislature the entire balance can be tilted by one member. I defect from Party A to Party B. Immediately I become disqualified to be a member. In Party B though I cannot be a member, I can be Minister for six

months without being a member. This Bill does not deal with such cases. It is a very serious thing.

MR. DEPUTY-SPEAKER: So, you cease to be a member in order to become a Minister! That is a very good point.

SHRI DINESH CHANDRA GO-SWAMI: Yes.

Then, if a person has come out from his original party, he is not automatically disqualified. A reference as to be made by the original party to the Governor or the President if he is a member of the State Legislature or the Parliament, as the case may be. Unless a reference is made by a political party, the Governor or the President cannot take cognisance of this fact. Suppose there are two persons who can be termed as defectors. If one of those happens to be a person of some standing, it can very well happen that the original party takes cognisance of the defection of the other person but not of that person of standing. In this way, he will be absolved even though he has a greater share in this blame. I think it is against all principles of commonsense and law. Therefore, I feel that if he is disqualified, he should be disqualified as he is normally disqualified in case of holding an office of profit. I hope the hon. Minister will take note of this.

Lastly, I do not know whether there is really any difference in the English dictionary meaning between "abstention" and "in absence".

MR. DEPUTY-SPEAKER: I think the meaning is clear. You abstain when you are present. If you are not present, the question of abstention does not arise. It arises only when you are staying within the precincts of the House, within the precincts of the Chamber. Either you vote or abstain.

12.00 hrs.

SHRI DINESH CHANDRA GO-SWAMI: That is a commonsense view. But whether it is actually so, I do not

know. When we are going to interpret the Constitution, I do not know, for genuine cause if he is unable to vote, whether he will incur disqualification under the provisions of the law. That is also to be taken note of.

These are some of the observations that I wanted to make on this Bill. I welcome the Bill. But, I feel, the Joint Committee will have to go very carefully into it. I do hope that the Joint Committee, in spite of the most responsible and difficult task placed upon it, will be able to bring a substantial measure by which this malaise which is prevailing in the political atmosphere of the country will be removed.

MR. DEPUTY-SPEAKER: Being a Member of the ruling party, I should say, you have picked up very formidable holes in the Bill.

Shri Dinen Bhattacharyya.

SHRI DINEN BHATTACHARYYA (Serampore): Mr. Deputy-Speaker, Sir, at the very outset, I want to state categorically that this Bill, whatever may be the provisions there, cannot check the defections as such because it is a political matter. So long as this type of Government is there, it is not possible to fully stop the defections from one party to other party. So long as the power is there, "You come over to our side and we will give you Ministership", it is not possible to check the defections. This is the thing that is continuing and that will continue even after the passing of this Bill.

Can the Government tell us what is the reason for delaying this legislation? It is hanging fire for a long time. We know, it was the necessity of the Congress party to topple some non-Congress Governments here and there. That is why they have dragged on. However, ultimately, they have brought it. It is good that it is being referred to a Joint Committee where the Members, including our party Members, will get an opportunity to fully place their points of view.

[Shri Dinan Bhattacharyya]

I want to make certain observations here. I would like to draw the attention of the Government to one thing. This amending Bill says that nobody can be a Chief Minister or a Prime Minister unless he or she is a Member of the Legislative Assembly or the Lok Sabha. The existing practice is that for six months, he can be a Chief Minister, or a Prime Minister, or a Minister even if he is not a Member of any House. Here, our clear-cut view is this. At the Centre, he or she must be an elected member of this House or that House if he or she is to be a Prime Minister and, in the case of States, he or she must be a Member of the Legislative Assembly. We want to make it clear that we are for the equal status to be given to both the Houses, Lok Sabha and Rajya Sabha. At the Centre, the Rajya Sabha Members are elected by the State Assemblies directly. In the States, the Council Members are elected in an indirect way. So, we are in favour of abolishing the Legislative Councils there. Here, if he or she wants to be a Prime Minister, he or she must be an elected Member of this House or that House.

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Regarding the number of Ministers, in no case, it should exceed 10 per cent of the total number of Members of the House. The Bill provide that it should be 11 per cent. If it is so, in that case, in our House, at the present moment, the number of ministers will be not less than 80. So, it becomes a bulky body and it is a sort of giving promotions to the defectors.

So, my point is that it should not exceed ten per cent.

SHRI S. A. SHAMIM (Srinagar): Five per cent is enough.

SHRI DINAN BHATTACHARYYA: My point is that it should not exceed ten per cent. They may have it at five per cent but it should not exceed ten per cent.

Then the next point is this. There are cases in which it is seen that there is a clear-cut split in a party on ideology and programmes placed before the electorate

when a member was elected. Here I stress that the definition of the word 'split' should be given. If four or five members split away from a party, they cannot say that they are really split. It may be clearly defined that, if at least one-fourth of the strength of the members split from a party on ideological and programme point of view, then in that case there will be split, and these members should not be disqualified from being members of that new party in the legislature. They may form a new party also. So, the definition of 'split' is very necessary.

Then what is a 'political party'. That should also be clearly clarified. It should not be left to be decided by some Minister or party leader. It should be provided in the Constitution, in the Act itself, as to what is a 'political party'. A political party must have a political programme and an ideology. If four or five or six members form themselves into a party and you call them a political party, that will not serve the purpose. So, my point is that there should be a clear-cut definition of 'political party'.

Then if there is any dispute, who is to decide about it? Here it is said that the President is to decide about any matter that may come as a dispute. My point is that the President or Governors of States should not be dragged in. Either the Chief Justice of the Supreme Court or the Chief Justice of the State High Court should decide and give their verdict on matters of dispute.

Here certain provisions are given as to who will be disqualified. You have provided here that an independent member will not be disqualified if he joins a party. My point is this. When he was elected, he went to the electorate saying that he was an independent member, that he was neither in this party nor in that party; after his election, if he is lured with a ministership by the ruling party, he may defect.

MR. DEPUTY-SPEAKER: Defect from?

**SHRI DINEN BHATTACHARYA:**  
Defect from nothing. After all, when he went to the electorate, he had said that he was an independent, he was neither in the Congress nor in the Communist party (Marxists), and that he would take an independent stand. Therefore, Sir, after coming into the House, after being elected if he goes over to the ruling party, that type of independent should be disqualified from membership—his defects in this way.

In Clause 10 it is provided:

"Nothing contained in Clause (4) of article 164.....shall apply to any person holding office as Chief Minister of a State at the commencement of this Act till the expiry of a period of six months from such commencement..." etc.

On the other hand, my point is this. Why do not you give it retrospective effect? Since 1971, how many Congressmen in different States have defected and toppled down the non-Congress governments? So, if you have any honesty or if you have any sincerity and if you pose yourself to be democratic, then why do you not give it retrospective effect since the year 1971? Whoever defected either in Orissa or U.P. or in Bihar, why do you not disqualify them? Instead of disqualifying them, you are promoting them as Chief Ministers and Ministers. This practice shows that you are not serious...

**PROF. MADHU DANDAVATE:** (Rajapur): They have given 8.33 per cent bonus to the defectors with retrospective effect!

**SHRI DINEN BHATTACHARYA:**  
So, my point is very straight. You give it retrospective effect. Since you talked about bringing this Bill, at least from that period, give it effect. Why I am stating this is that I know that they will not do it and they cannot do it because, in that case, they will lose many governments that have been toppled down by conspiracy and by bringing defection in their own party.

My another important point is that proportionate representation should be given. Proportionate representation means, I say, that a list of members will be given by the political parties and the electorate will vote for a political party whoever may be in the list. They will vote on the programme that is placed before them by a particular Party and if on the basis of proportionate representation the election is held, then there will be no question and no necessity for reservation for Scheduled Castes and Scheduled Tribes if a provision is made that when the political parties submit the list of members to be elected, there must be a number, a certain number which may be fixed, that will be elected from the Scheduled Casts and Scheduled Tribes. If this proportionate representation is given, then the electorate will be given at the same time the power of recall. Unless these two issues are clinched and unless the election method is completely changed in this way, there will be no real Party Government. Members will be elected on the basis of the list and on the basis of a particular programme and if any member defects, he will automatically lose his membership as well as the membership of the Party which he represents and in this way, if a member violates the decision of his party, the party will have the direct authority to recall that member.

So, these principles of proportionate representation and the right of recall must be provided in this Bill.

These are the main points which I want to highlight and I know that the Bill is now sent to the Joint Select Committee of 60 members. So, these are the points which we want to stress upon as the basic principles of democracy—the right of recall and proportionate representation, and—the defector should lose his membership and nobody should be a Minister unless he is elected by the electorate. In U.P., for the sake of convenience and to patch up the internal feud of the ruling Party, Mr. Bahuguna has been thrust on. Same way Mrs. Nandini Satpathy was imposed on the



[Shri Dinen Bhattacharyya]

Orissa people. Again, another man was imposed on Andhra. This is what I call the game of the ruling party. You must do away with this practice if you are sincere about your assurance that you will stop defections, that you will bring about democracy and socialism in this country.

This is my submission.

SHRI B. R. SHUKLA (Babraich): Sir, I welcome this measure though I think it too late in the day.

SHRI S. A. SHAMIM: Say, I welcome this because I am under party whip.

SHRI B. R. SHUKLA: Sir, I think the Independent Member is very much worried about the introduction of this Bill. Democracy in this country has taken deep roots and it was thought that healthy conventions would grow in this country by self-restraint imposed upon Members themselves. In the year 1948 late Acharya Narendra Dev with some of his colleagues resigned from the membership of the UP Vidhan Sabha because they had genuine differences with the Congress party as it then was. He could cross the floor but he thought that conventions demanded that once he had been returned to membership of the legislature on a party ticket it would be only fair that he should resign if he had developed differences with that party and should seek fresh mandate from the people.

But, it is an irony of fate in this country that those who wanted to observe ethical norms have been spurned away by the people of this country. Acharya Narendra Dev along with his colleagues, who had resigned were all not only defeated but they were routed at the polls.

PROF. MADHU DANDAVATE: Their defeats were glorious.

SHRI B. R. SHUKLA: I certainly share the sentiments of my hon. friend Prof. Dandavate that they were glorious

even in their defeats. Acharya Narendra Dev fought several elections but to the misfortune of this country in none of the elections he succeeded. Later on in the year 1967 a wave of uncertainty developed throughout North India and the king of defectors deserted his own party in U.P. For laurels of office he crossed the floor. The result was that the Government was toppled. Mr. Jagannathrao Joshi utilised even this occasion to criticise our party. But I would only remind him that when that king of defectors deserted his party he was accorded a hero's welcome by all the opposition parties combined. In his own party there was Mr. Ram Prakash Gupta, a member of the Legislative Council of U.P. Mr. Gupta's party, the Jan Sangh party..

MR. DEPUTY-SPEAKER: We are treading in delicate grounds now. Kindly sit down. I don't want to prevent you but I may say, we are treading into rather delicate ground? You are mentioning individuals here who happen to be members of State Legislature. I think we should not proceed that far because if we do it they do it about us and it is a very unhealthy practice.

SHRI S. A. SHAMIM: They have started doing it in some legislatures.

SHRI B. R. SHUKLA: I am only mentioning those names in my speech by way of reply. However in obedience to the Chair's ruling I would confine myself strictly to the rules of the debate.

My submission is that the Opposition Parties singly and collectively are also much to blame for not observing the convention that a Member should stick to his own party's decision and whip.

Now, I was wondering whether Shri Joshi was opposing the introduction of this Bill or he was welcoming this Bill. His simple point was that this Bill should have come long before. When this is

going to be referred to the Joint Committee, the report would be coming forth after the conclusion of the election in U.P. I think perhaps he is not sure of the Members who may be elected on his ticket because he thinks that they are likely to be purchased by the other parties. Therefore, he wants that this Bill should be passed before the elections in U.P.

Now I am coming to the merits of the Bill. In U.K., there is a healthy practice that the Prime Minister in that country belongs to the House of Commons. That is the convention. And it is a matter of satisfaction that in this country since the adoption of the Constitution, the Prime Ministers who belong to our party from the very inception have always been Members of Lok Sabha. Therefore, so far as the healthy tradition and convention regarding the office of Prime Minister is concerned, that is there. So far as defectors are concerned, the less said about them the better. They are a blot in our political and parliamentary life, they are responsible for introduction of a new word in our political dictionary. They are known as 'Aya Ram and Gaya Ram'. They are guilty.

**SHRI P. G. MAVALANKAR** (Ahmedabad): What about the Chief Ministers?

**SHRI B. R. SHUKLA**: I will come to that later on with your co-operation.

So far as defectors are concerned, they are guilty of double betrayal—firstly they betray the electorate who returned them. Then, after having been elected and coming to the legislature—for personal ends they desert their own party. An advocate, if he defects from one party to the other, would be suspended from practice and he would not be allowed to plead for the party other than by which he was engaged. If a witness turns hostile, he incurs the penalty of being dealt with for forgery. But, here are some black sheep in our country who, after having received the confidence of the electorate and having obtained the party ticket and after having been returned, defect to other party without incurring any disqualifica-

tion. So, we have to deal with the whole situation in the proper perspective. This is the measure which is being sought to be effected. Under the provision of this Bill, a person who defects to the other party and acts contrary to the decision of his own party whip would, certainly, automatically stand disqualified. But, there is a seeming defect in the proposed provision that a person would not be disqualified if he joins a new group which has been formed after a split; what is split? The split may be resorted to by 10, 15 or 20 persons. I would, suggest that split within the meaning of the Constitution (Amendment) Bill should mean a separate group formed by at least 35 per cent of the Members of the original party and not otherwise. In this way, defections by individuals as well as by small groups of persons can be prevented. Members can be purchased in retail as well as in wholesale, and, therefore, my submission is that the word 'split' in this clause should mean a split by at least 35 per cent....

**SHRI E. R. KRISHNAN** (Salem): One-third of the strength.

**SHRI B. R. SHUKLA**: Or it should be at least 33 per cent, which is the pass mark for a candidate in an examination.

So far as the Independents are concerned, they are not responsible to anybody; they owe no responsibility to anybody. They are responsible to themselves.

**SHRI S. A. SHAMIM**: Because we know the character of the party.

**SHRI B. R. SHUKLA**: The electorate with its eyes open returns an Independent candidate with an implied mandate that he is free to act in the way in which his conscience or lack of conscience dictates him to do. Therefore, my submission is that the Independents as a class stand by themselves.

So far as the members of organised political parties are concerned, they should stand disqualified the moment they defect.

[Shri B. R. Shukla]

There is just one more point that I would like to make, namely that it should not be a condition that the disqualification can be enquired into only when the matter is referred by the party to which he had originally belonged. I think that the moment a person defects from one party to another, *ipso facto*, there should be a disqualification, because sometimes if the party from which he defects is a small one, it can be persuaded not to raise the question. Therefore, all these considerations should weigh with the Members of the Joint Committee to which this Bill is being referred.

Once again, I welcome this measure and I extend my wholehearted support to this. When a good thing has been done, even though in a belated manner, that should not be a ground for criticism from the Opposition parties, but they should also extend their support saying that it would have been better if this would have been brought earlier.

\*SHRI E. R. KRISHNAN (Salem):  
Mr. Deputy-Speaker, Sir, I would like to say a few words on the Constitution (Thirty-second Amendment) Bill, 1973.

According to Clause 2 of the Bill, a Prime Minister will have to be a member of the Lok Sabha. Similarly, Clause 6 of the Bill provides that a Chief Minister of the State shall be a member of the Legislative Assembly of the State. I welcome these two wholesome provisions of the Bill.

Sir, the most important clause of the Bill is Clause 4 and it introduces new and significant features in the Constitution of India. Under this clause a person would be disqualified for continuing as a member of either House of Parliament (a) if he having been elected as such member, voluntarily gives up his membership of the political party by which he was set up as a candidate in such election; or (b) if he votes or abstains from voting in such House contrary to any direction issued by such political party. I extend my support to these provisions. At the same time Sir, I would like to point out certain drawbacks and hope the hon.

Minister would clarify the thinking of the Government on these matters. A committee was appointed long time ago to go into the question of defections of legislators and to suggest measures to put an end to this evil. This Committee submitted their report a few years ago but the Government did not show any promptness in giving legislative shape to those recommendations.

During this period Sir, the Congress party underwent a vortical split and now we hear reports of their coming closer. However, belated though it is the Government have now brought forward this long felt legislation and I support the Bill.

Sir, it has been pointed out by the hon. Members who preceded me that the provisions as they are not adequate enough to prevent large scale defection of legislators and I am sure the Bill when it emerges from the Joint Committee would be free of the lacunae that have been pointed out in the House. One of the significant omissions in clause 4 is the definition of the word "split". The absence of any clear definition of the word split may be taken advantage of by the intending defectors and thereby defeat the very purpose of the Bill. I hope the hon. Minister would explain what exactly constitutes a split in a political party. In the same manner Sir, there is no reference as to what would happen in the event of a merger of a political parties. This also needs clarification from the hon. Minister. Again, Sir, it is not clear as to what would happen if a member who has been elected as an independent joins any political party subsequently. An independent is elected because the electorate rejects the candidates set up by the Political Parties. I would like to know whether an independent joining any political party subsequent to his election would not amount to acting against the wishes of the electorate. It is my hope that the Joint Committee would go into these questions in greater depth and improve the Bill.

Sir, the game of defections is in operation in our country for the past few years imperilling the very functioning of our democracy. During the period from 1966—72, as many as 40 Governments in

\*The original speech was delivered in Tamil.

the States fell prey to this toppling game. The number of legislators involved in this game of defection was as many as 2470. It is significant to note here Sir, that out of the 40 Governments that were toppled it is the Congress Party which reaped the maximum benefit. It is in this kind of situation that this Bill is before the House.

It there is any single act that needs compliments to the ruling party it is their act of bringing forward a constitutional amendment to prevent defections and I make bold to say that in all these 25 years of the Congress rule it is the first time that the Government has come with a concrete measure. It is my earnest hope that once the Constitution is amended through the passage of this Bill that the democracy will start firm roots in our country.

It is not necessary for me to emphasise the paramount importance of having opposition parties for true democracy. I am of the firm view that there can be no democracy without strong opposition and that is why I say that this Bill seeks to make amends to the various sins committed by the ruling party over all these years.

There are many ways for the ruling party to continue to remain in power. It is needless to say if the Government of the ruling party understands the needs and aspirations of the people and constantly endeavours to bring about prosperity in the country, such a party can never be thrown out of power in spite of the combined opposition of the Opposition parties. I am sorry to point out that over all these years the only method adopted by the Congress party to hide its thoughtless activities, omissions and commissions, inefficiency and suppression of the opposition parties was to encourage and support defections from other parties. I would not take any serious view if there are defections of members of political parties who are not members of any legislature from one party to another on ideological grounds. But no one can countenance defections which are opportunistic in nature and the defections of legislators have unfortunately been motivated and opportunistic. For instance I would not have any objection if the old and new Congress merge or if they come to certain electoral adjustments.

No one can object to this kind of arrangement but if members elected by the people to State Assemblies or to the Lok Sabha defect from their party which put them up as candidate such a defection has to be objected. The persons who are elected on the basis of the manifesto of the political parties to which they belong have no right to defect after receiving the mandate of the electorate; in fact, it will constitute a fraud on the persons who elected them.

Sir, it is necessary if we really wish to have democracy functioning in a healthy manner that the ruling party at the centre must uphold proper democratic methods and should not violate the spirit behind the various provisions of the Constitution nor it should make the Constitution an instrument in its hands to further the ends of the ruling party. For instance, in Orissa even before the majority of the ruling party in the State Assembly was established, the State Assembly was dissolved. This act was totally unconstitutional. The opposition parties paraded their MLAs before the Governor but the Governor did not accede to the demand of the opposition parties to form the Government and instead recommended President's rule. This only shows that the ruling party took advantage of the constitutional provisions for its selfish ends. In the same manner though the ruling party had majority in the States of Uttar Pradesh and Andhra Pradesh it did not hesitate to take recourse to article 356 of the Constitution and suspended the Assemblies only with the party interests kept in view. It is clear that the ruling party is not very keen in seeing that a strong opposition develops in our country. As I said earlier Sir, if democracy is to flourish and prosper in a country it is extremely important that there is a healthy growth of opposition parties. Any act of the ruling party which prevents the growth and functioning of an opposition party can only be deemed as an undemocratic act. It is in this context, Sir, that I appeal to the good sense of the ruling party that it should not take advantage of purely for party's political ends, articles 356 of the Constitution. I would in fact urge that the ruling party should establish proper traditions and conventions so that democracy can really grow in a healthy manner.

[Shri E. R. Krishnan]

Sir, I urge upon the Government to make a reappraisal of article 356 of the Constitution and bring about an amendment barring the Central Government from suspending the legislative assembly.

Sir, in the end, I express my hope that the Joint Committee of both the Houses to which this Bill is being referred would go in depth into the provisions of the Bill and present to the House a Bill removing all the lacunae and provide for total prevention of defections. It is my fervent hope that democracy would thrive in our country.

**SHRI VIKRAM MAHAJAN (Kangra):** Mr. Deputy-Speaker, Sir, this is a timely amendment and the House has welcomed it, of course, with certain reservations and suggestions. The object of the Bill is to establish a healthy convention. You know that because of these defections democracy was brought to ridicule in this country. It was an era of defections and Ayarams and Gayarams.

Some legislators—the number has been mentioned by many hon. Members—for some reason or the other, but normally for selfish reasons went from one side to the other side and thus brought democracy to ridicule. The electors elected them because of their programmes or to a certain extent because of individual integrity and honesty like you. But many Members who got elected, because of their selfish motives or for some other reason, defected. This Bill aims at bringing a healthy convention in democracy and it is therefore a very welcome Bill.

It has certain lacunae and I wish to point out some of them. One of them is that there is no penalty provided for those who go away from the party, that is, the people who split out. They are still entitled to occupy office; they can become Ministers. For example, if there is a split in a party, the group that goes out is entitled to the benefits; that is, it can join the Government and get offices like Ministerships and so forth. So, I submit that though a split has been recognised as a form of break-up in the party and there is

no disqualification attached to it, yet, the members of that group which goes out should not be entitled to become Ministers or so forth in that particular Assembly. That should be a basic amendment which should be brought in.

Secondly, many Members have given certain suggestions regarding the Independents. I think that once they have been elected, because of their independence, because of their integrity or of their philosophy, they should remain Independents for that particular term. That is, for the term of five years. If they want to join, they should join after the expiry of the term. Further, they should not be entitled—of course, exceptions in the past have been there but I am submitting this for the future—to jobs in the Ministries; they can become Speakers or Deputy-Speakers, because that is a sort of impartial office, i.e. an impartial sort of office, but they should not be given Ministerships. That is the point which I want to emphasise.

**SHRI S. A. SHAMIM:** You are making a speech against me.

**SHRI VIKRAM MAHAJAN:** For Members like Mr. Shamim, an hon. Member whom I like, I suggest that before this Bill is passed they should join us.

**SHRI S. A. SHAMIM:** I do not want to share the disgrace.

**SHRI VIKRAM MAHAJAN:** The third point which I want to make is that power has been given to the President only to decide whether he has disobeyed the party or not. I submit that there should be some sort of a Committee, consisting of the President, the Vice-President or the Chairman of the Upper House, the Speaker of the Lok Sabha and one or two retired Chief Justices. I do not want to bring courts into this, because many times it has happened that courts have been brought in and because of individual likes and dislikes the courts have been brought into disrepute, and controversies have been raised. So, I submit that the courts should be kept out of the areas where Parliamentarians are concerned. What I submit is that this will

be a special court, so to say, consisting of the President, the Vice-President, the Speaker of the Lok Sabha and one or two retired Chief Justices. That committee should decide whether a Member has contravened the provisions of this amending Bill.

A suggestion was made that this should be made to come into force with retrospective effect from 1971. This is a penal provision and in our Constitution itself there is a provision against imposition of a penalty which never existed at the time when the offence was committed. Therefore,, it can be made only prospectively. A suggestion can be made that the Committee should finish its work within a particular time. Thus this House can pass this amendment.

If a Member voluntarily leaves a party, it is one thing. But if a person does not leave voluntarily a party, he can create a situation which will force the party to throw him out. Here is a case where we should create a distinction between voluntary defection and a person who is forced out of the party because of various reasons. Such a case should be considered at a different level rather than being treated as defection.

It was suggested that independents should be excluded from this particular provision and that there should be no restriction on them. I referred to this earlier; they should not be allowed to join any party for the term of five years; they can support any group they desire; they should be debarred from ministerial posts, except offices such as the Deputy-Speaker and the Speaker, which need impartial men. If they join any political party, they should be debarred from membership of Parliament or State legislature.

The Bill is a timely Bill. The debate shows that it has received the unanimous support from all sections of the House. The only quarrel has been that it has been brought at a late stage. Better late than never. In our language there is a proverb:

“देर यमाद दुहस्त मायद”

Even if it is late it is a very good measure. Therefore, the Home Ministry deserves full credit for it.

SHRI S. A. SHAMIM (Srinagar): I am opposed to this Bill lock stock and barrel, because I consider that it is a disgrace, dishonour and insult to the Parliamentary institutions. Parliamentary institutions exist on certain basic assumptions: the Members of Parliament are honest people and people of integrity and they have been elected because of their conduct and they have proved themselves worthy of being elected.

MR. DEPUTY-SPEAKER: Especially independents.

SHRI S. A. SHAMIM: I think if as an independent anybody has a right to speak on this Bill, it is you and me. You cannot do it, because your office has deprived you of your independence. But I retain my independence yet, though with the coming of this Bill, I feel my independence also may be short-lived. How is it that we are trying to prevent individual conduct or misconduct by a piece of legislation? If we take this to its logical conclusion, considering the entire behaviour in Parliament and the conducting of Parliamentary business etc., we will have to have 120 pieces of legislation and even then we will not succeed in preventing what we intend to prevent by this legislation.

This Bill only subjects the Members of Parliament to the tyranny of the party whips. It presumes as many members have said that elections in this country are fought on the basis of programmes, policies and ideologies. I beg to differ from them. If you survey the election scene for the last 25 years, you will be convinced that in 80 per cent of cases, the electorate vote for a particular candidate for his individual merit rather than for his party's merit. How is it that in a particular constituency in a particular State, a particular party gets a majority and another party gets almost the same vote and if you go into the pattern of voting, the defeated candidate gets more votes than the one who is elected? That means his election is only valid legally because he fulfils certain legal procedures and formalities. It is not a question of ideology.

Take the instance of independents. How come that many eminent independents, including myself, have been elected to

[Shri S. A. Shamim]

Parliament? When I contested the Assembly elections in 1969, I confessed I had no political ideology to project. I had only one ideology and that was that my opponent did not have any ideology though he represented the Congress Party. I was able to convince my electorate that this candidate who professed to believe in Congress ideologies did not in fact believe in it. So, I got elected. In my parliamentary election, I defeated Madam Gandhi's candidate, Bakshi Ghulam Mohammed, who apparently had all the cuttings and trappings of Congress ideology. My negative ideology was that the man was corrupt and he corrupted the Congress ideology.

**SHRI M. RAM GOPAL REDDY** (Nizamabad): He is no more.

**SHRI S. A. SHAMIM**: True. You will be also no more after some time, but we will continue to take about you and your misdeeds.

This basic assumption that people vote on the basis of certain ideologies and programmes is not wholly correct. What happens when a party like the Congress gets votes on a certain manifesto and then during the five years of its rule, does not practise it, changes it and defects from that particular manifesto? Would you give the President the right to disqualify the entire party because it has not adhered to the manifesto put by it before the electorate? When you put the whole thing into actual practice, you are going to face very many difficulties. It depends upon the individual character of the member. How come that from 1967 to 1971 there were so many defections and there are no defections today? Defections are only a reflection of political instability in the country. Once political instability is not there, there will be no defections. By preventing defections through legislation, you are not going to cure the root cause of political instability. Instead of trying to attack the root cause and educating the voters to elect people who are really honest, who have integrity, who adhere to certain values, we are trying to put a premium on dishonesty. Honest men like my-

self, who are there in the House, though not in large numbers, would by conviction to vote for one measure in one manner and for another measure in a different manner. Why should we prevent them from voting according to their conscience? Why this abuse of parliamentary apparatus to change the basis of the parliamentary institution? It is known that Hitler misused and abused the parliamentary institution and brought the parliamentary institution into disgrace by converting it into a dictatorship. Does that mean that the parliamentary institution is bad? It depends upon who are the people who are operating it.

Why should an honest man be subjected to an electoral process once he decides to vote according to his conscience? I would have welcomed it, if the electoral system in this country would not have been as expensive as it is today. Each election in this country, in the case of Congress MP, costs not less than Rs. 3 lakhs to 4 lakhs. (Interruptions) I know my hon. friends who are now protesting must have spent more than Rs. 4 lakhs.

**SHRI S. R. DAMANI** (Sholapur): Sir, on a point of order. May I know how much the hon. Member has spent?

**SHRI S. A. SHAMIM**: It is not a point of order but a point of information. The expenditure I have incurred for the election was Rs. 12,748.

Normally, for a change of party or not voting according to the party whip, I would have welcome going to the electorate. But for that the electoral process should be simplified. It should not cost me more than Rs. 1,000. But in this country we are following more the American pattern where only the richest can afford to contest the elections. It is common knowledge that very many Independents, who initially were Independents, seek the party protection and party ticket because they do not have the necessary financial resources to enter into the political arena. Once each member is assured that an election will not cost more than Rs. 1,000

or Rs. 1,500, I would welcome such a steps of going to the electorate.

Why penalise an hon. Member if he honestly and because of conviction does not want to support the action of a party? It is surprising that a party which has come into power on the basis of a vote on conscience should come up with a Bill and go against the conscience of the members by saying that we should not vote according to our conscience but we should vote according to the party whip. These whipping boys who want to whip the people of this country want to legislate that from now onwards no honest man will enter the precincts of this House.

We have adopted the form of the British parliamentary democracy. Let us see what they have done. They could not even think that the parliamentary institution can be put to such an abuse that members in dozens should walk from one side to the other. So, for a contingency which depends entirely upon the individual character, we cannot provide any legislation. Our future generations, when they come to know about it from the statute book, they will say that their forefathers have been traders, dishonest traders, who would change parties, go from one side to another, merely because they were lured by office.

Instead of putting this legislation on the statute book, I would suggest that the parties themselves should evolve a code of conduct and the members should take an oath at that particular point of time and the party should decide what should be done in case a member walks out to the other side. As it is, this Bill will be telling the world at large that the Members of Parliament and the members of the State legislature in India are soulless people who can be lured by offers of ministership, who will defect their party because they are not subject to the discipline of that party. We will not be enhancing the prestige of this House by passing such a measure.

Then, when all is said and done, this Defection Bill will ultimately force people who are born defectors to think of some-

thing more novel, something more vicious, and put this procedure to a greater abuse, if they cannot give vent to their feelings, if they cannot subject themselves to the whims and caprices of their minds in any other manner. Therefore, I say this Bill should be withdrawn because it is an insult to the parliamentary genius of this country, because it is an insult to the parliamentary institutions and because it shows complete lack of faith in the integrity of the members of this House. Merely because a handful of legislators, 2,000 and odd members, have defected, the entire future generation, the future parliamentarians should not be subjected to this penal clause, and they should not be debarred from developing their personality and from deciding issues on merits rather than on the basis of the party whip.

In this manner, we are stopping the intellectual growth of the party, the intellectual growth of Parliament and intellectual growth of our conscience, if any, left in the ruling party. I am sure, the Opposition Members who have welcomed this Bill have been trapped into it because of the fear that upto this day, it was the ruling party which was attracting the defectors. They have lost faith in themselves. They do not foresee a future that very soon, and, probably, roundabout 1976, it will be a thing on that side to decide and, I say, they should not welcome this piece of legislation in panic and hurry.

MR. DEPUTY-SPEAKER: Shri B. V. Naik—absent; Shri Ishaque.

SHRI P. G. MAVALANKAR: On a point of order, Sir.

I have been listening to the entire debate from the very beginning. I have one difficulty. I seek your guidance. I am a Member of the Joint Committee; I do not want to speak at this stage on the merits of the Bill as such....

MR. DEPUTY-SPEAKER: Proposed to be a Member of the Joint Committee.

SHRI P. G. MAVALANKAR: You are right, Sir.



[Shri P. G. Mavalankar]

Now, it was told that, by convention, those who are in the Joint Committee need not speak on the Bill. Therefore, I am not speaking on the Bill.

But, I want your guidance on one basic point. I have read and re-read the provisions of the Bill as also the Constitution itself—the Chair also made a reference to it in the beginning—and I find that articles 102 and 103 of the Constitution which are sought to be amended by this Bill, those original articles of the Constitution, make no mention whatsoever of “political party”. Indeed, nowhere in the entire Constitution, the word “political party” appears.

My point is this. All that our Constitution says is that in the Fundamental Rights Chapter, there is a right given to all citizens—the freedom of association—and, therefore, because of the freedom of association, we could assemble peaceably, collect votes, get support and form the various parties, etc. I would suggest, if political parties are basically extra-constitutional—I am not challenging the basis of parliamentary democracy on political parties; I think, without political parties, parliamentary democracy cannot be workable—how can this Bill have validity in terms of legal and constitutional grounds? Even if it is to go to a Joint Committee, how would we start about it? There is nothing mentioned in the Constitution about political parties and we are going to do something which will be against the letter and spirit of the Constitution. We are going to put something in the body of the Constitution which the makers of the Constitution never expected or meant to project into it. How shall we proceed with it? This is my difficulty.

After listening to all the speeches, this particular difficulty has not been solved by any of the points made by several hon. Members. This is why I am raising this point of order.

MR. DEPUTY-SPEAKER: I do not say, it is a point of order. It is a certain point that you have raised. I will not venture to give an opinion on that. I think, it is not right for the Chair. But

we would expect the Joint Committee, when it is appointed, to go into all these questions. In the meanwhile, since the Bill has been moved, let it be discussed. It will go into all the questions and, definitely, what you have submitted here will also be a point to be gone into by the Joint Committee.

SHRI P. G. MAVALANKAR: Will it be regular now?

MR. DEPUTY-SPEAKER: As far as the discussion is concerned, it is all right now.

Shri Ishaque.

SHRI A. K. M. ISHAQUE (Basirhat): Mr. Deputy-Speaker, Sir, I rise to support this Bill. But, I am afraid, this Bill is going to be a totally infructuous Bill. Perhaps, it may not achieve the purpose which it seeks to achieve.

16.00 hrs.

[SHRI K. N. TIWARY in the Chair]

The utmost penalty that is provided if there is defection by a member from one party to another is simply disqualifying him from continuing as a member. Only by disqualifying him from continued membership, he does not cease to be a member. When a member chooses to defect, you cannot expect that he has developed in him a sense by which he will automatically resign from his membership; he is a person who will never resign; he will persist in continuing his membership. Therefore, simply disqualifying him from continuing as a member would not oust him as a member. He will continue as a member and it will be a matter of adjudication and the Parliament will have to go to a court to get rid of that member. In that event, I am afraid, the very purpose of the Bill is going to be defeated—because the persons for whom this penal measure is prescribed will never automatically vacate their chair of membership once they are disqualified from continuing as members. Therefore, I would request the Select Committee, when the Bill goes to them, to go into the wording of this article and substitute it with proper wordings.

I will make another point for the Select Committee to consider. We have made a provision that the Prime Minister shall always be from the House of the People, from the Lok Sabha. We have also made a provision that the other Ministers may be either members of the Lok Sabha or members of the Rajya Sabha. As you know, Sir, we have chosen to be a Republic. The preamble of the Constitution says:

"WE THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN DEMOCRATIC REPUBLIC and to secure to all its citizens..... etc."

If you want to do justice to this term 'Republic', to the term 'the people of India', it is only natural that members from the Lok Sabha only should hold the office of ministers and not members from the Rajya Sabha. Our forum is the forum of the people. The Rajya Sabha is not the forum of the people; that is a forum of the States. Therefore, whoever comes here comes here as a representative of the people of India; from all parts of India there is representation in the House. Therefore, to do justice to the Preamble, to do justice to the Constitution, it is necessary and prudent that only members from Lok Sabha should be asked to grace the office of ministers and nobody from the Rajya Sabha shall be a minister. It is an insult to the nation to presume that capable persons will not be elected to the Lok Sabha. We are elected to the House by the People of India, not by some chosen people, not by a handful of people. Whoever is elected to this House has been elected by at least 10 lakhs of people. Therefore, common sense suggests that, whoever comes here is very efficient to grace the office of ministers; even if he has not that qualification, he has the backing of the people to grace that office. When this Bill goes to the Select Committee, I would request the Select Committee, to consider this problem and ensure that this Republic is really a Republic and only members of Lok Sabha hold the office of minister. This is essentially a political problem. Mr. Shamim's argument has some strength. This political problem

must be met politically; unless you meet the political problem politically, I am afraid, no solution can be found.

As I told you earlier, a defector disqualified is a person who shall not quit, he will continue as a Member. He is such a type that he will never quit the office himself. Therefore, this Parliament will have to go to a court of law to get rid of him. That problem can be met only politically. If political parties can create circumstances and an atmosphere in the country where it will not be possible for a person elected on a party ticket to defect, then and there only this problem can be solved.

With these words, I recommend this Bill to the Select Committee and I desire that the Select Committee will consider the points I have raised in the House.

श्री एम० रामगोपाल रेड्डी (निजाम-बादल) : सभापति महोदय, सबसे पहले मैं यहाँ पर शमीम साहब ने जो भाषण दिया है उसके मुताल्लिक कहना चाहता हूँ। उन्होंने अपने भाषण में कहा कि अपने हिन्दुस्तान के लोग, हिन्दुस्तान के वोटर्स सिर्फ व्यक्ति के वास्ते ही वोट देना चाहते हैं, पालीसीज के वास्ते नहीं। अगर वे व्यक्ति के वास्ते ही वोट देते हैं तो मैं पूछना चाहता हूँ कि 1967 में कांग्रेस को इतनी कम सीटें क्यों मिलीं और फिर 1971 में इतनी ज्यादा सीटें क्यों मिल गईं? मैं समझता हूँ इसका कारण यह है कि जनता ने कांग्रेस की पालिसी को सही समझा। यहाँ की जनता ने बैंक नेशनलाइजेशन को ठीक समझा, प्रीवी पर्सेज के एबालीशन को ठीक समझा, राजाओं की प्रिविलेजेज समाप्त की गईं उसको ठीक समझा और उसी के वास्ते भारतवर्ष की जनता ने कांग्रेस को इतनी ज्यादा तादात में वोट दिए। इस बात से यह साबित होता है कि जो वोट दिए जाते हैं वह प्रिंसीपल और पालिसीज के लिए दिए जाते हैं न कि किसी व्यक्ति को दिए जाते हैं। इस लिए शमीम साहब का जो कहना है वह सही नहीं है। शमीम साहब ने यहाँ पर यह भी कहा कि बक्शी गुलाम

श्री एम० रामगोपाल रेड्डी।

मोहम्मद साहब कांग्रेस के पक्के आदमी नहीं थे, उनको कांग्रेस के उसूलों पर विश्वास नहीं था। अगर उन का यह कहना है तो फिर शमीम साहब सीधे गुलाम मोहम्मद साहब के पास तशरीफ ले जायें तो उनको ठीक तरह से समझा दिया जायेगा। अगर वे बहुत जल्दी उनके पास पहुंच जायेंगे तो उन्हें उनसे गुफ्तगू करने का मौका मिल सकता है। (व्यवधान) उनको चाहिए कि सीधे उनके पास चले जायें।

दूसरी बात यह है कि कांग्रेस और इंदिरा जी पूरे विश्व में ऐसे हैं जो डिफेन्स को रोकना चाहते हैं। वैसे तो डिफेन्स की वजह से ज्यादा फायदा कांग्रेस को ही हो सकता है लेकिन फिर भी कांग्रेस अपनी तरफ से इसको आकर्षित नहीं करना चाहती है। कांग्रेस तो उन्हीं आदमियों को, जो कांग्रेस के उसूलों पर एलेक्शन लड़कर इस हाऊस में आये हैं, अपने साथ रखना चाहती है। कांग्रेस डेफेन्स को अपने साथ रखना नहीं चाहती है।

सी० पी० एम० के मॅम्बर्स यह कह रहे थे कि रायट आफ रिकाल होना चाहिए। अपने देश में कैसे होता है वह मैं बताना चाहता हूँ। लोक सभा में दो तीहाई मेजारीटी से इलेक्शन जीतने के बाद और 73 में तमाम असेम्बलीज में अच्छी मेजारीटी लाने के बाद भी कांग्रेस के खिलाफ दूसरे दिन से ही सी० पी० एम० के लोगों ने घेराव और धरना देना शुरू कर दिया। अब अगर रायट आफ रिकाल कबूल कर लिया जाये तो फिर इस देश में उनके लिए कोई काम नहीं रहेगा सिवाय इसके कि इलेक्शन होने के दूसरे दिन से ही राइट आफ रिकाल का काम शुरू कर देय। इस तरह के लोग ही राइट आफ रिकाल की मांग करते हैं। इसलिए यहाँ पर राइट आफ रिकाल नहीं होना चाहिए क्योंकि उसका यहाँ पर गलत इस्तेमाल किया जायेगा। और ज्यादातर सी० पी० एम० की तरफ से ही चीजों का गलत इस्तेमाल किया जाता है।

इस बिल में सबसे अच्छा अमेन्डमेंट यह किया जा रहा है कि अगर किसी आर्गनाइजेशन के दो टुकड़े हो गए, किसी पार्टी के दो टुकड़े हो गए, तो उस पर डिस्क्वालीफिकेशन लागू नहीं कर रहे हैं। सी०पी०एम०, सी०पी०एम० (एल०) और सी० पी० आई०—यह जो तीन टुकड़े हुए और घाने जाकर मालूम नहीं कितने टुकड़े होंगे, मैं समझता हूँ यह जो प्रावीजन रखा गया है यह सिर्फ सी० पी० एम० को बचाने के लिए, उनकी एन्टी को कायम रखने के लिए किया गया है। मैं ऐसा समझ रहा हूँ।

पोलि कल पार्टीज ऐनब्लाक डिफेन्स कर रही है। मैं बताना चाहता हूँ कि जनसंघ कांग्रेस की पालिसियों को अपनाने की कोशिश कर रहा है। अब जनसंघ भी मानने लगा है कि लैन्ड रिफार्म्स हो, और एक आदमी की कम से कम कितनी आमदनी हो यह भी वह कांग्रेस नीति के अनुसार मांग करने लगे हैं। इस तरह यह पार्टी भी कांग्रेस की तरफ आ रही है। क्योंकि कांग्रेस की पालिसी जहाँ कहीं कामयाब हो रही है दूसरी पार्टीज भी उन पालिसीज को अपनाने की कोशिश कर रही हैं।

इंडिपेन्डेंट मॅम्बर्स अगर किसी तरीके से असेम्बली में चुन कर आये तो उस को राज्य सभा और एम० एल० सी० के वास्ते बोट देने का हक नहीं होना चाहिए, ऐसी बात अगर इस बिल में हो जे तो बड़ा अच्छा होगा। अन्त में मैं गृह मंत्री जी को बधाई देता हूँ कि आप अच्छे बिल लाये।

श्री लक्ष्मी कृष्णमूर्ति (हमीरपुर) : सभापति महोदय, आज दलबदल का मामला आया है, यह अच्छी बात है, लेकिन इस में बड़ी खामिया है। किसी सक्ष्य ने बताया कि एक पार्टी के उसूलों के नाम पर मेम्बर चुन कर आता है। मेरी राय में यह बात गलत है। अगर पार्टी अच्छी है और आदमी ईमानदार होगा तभी जीत कर आ सकेगा, अन्यथा नहीं।

अगर केवल पाट के नाम पर ही सदस्य चुन कर आता है तो कांग्रेस के उसूल अच्छे हैं। तो कांग्रेस के सभी उम्मीदवार क्यों नहीं जीते ? इसलिए यह कहना कि पार्टी के नाम पर आदमी चुन कर आता है, गलत बात है। होना यह चाहिए कि आदमी ईमानदार और चरित्रवान हो उसी को टिकट दिया जाय और पार्टी अच्छी हो।

दूसरी बात कही कि 10 मੈम्बर मिलकर कोई पार्टी बना सकते हैं उन को दलबदल नहीं माना जायेगा। यह बात मेरी समझ में नहीं आयी। यानी एक आदमी डकैती डाले तो डाकू और 10 मिलकर के डाले तो डाकू नहीं। यह ठीक नहीं है। इसीलिए नियम बनना चाहिए कि जो आदमी किसी पार्टी का या दल के टिकट पर चुन कर आया है तो वह दल नहीं बदले। और अगर बदले तो इस्तीफा दे या उसकी मँम्बरी कानूनन खत्म कर दी जाय।

कुछ लोगों ने कहा कि राज्य सभा के मँम्बर को यहाँ मंत्री नहीं बनना चाहिए और विधान परिषद के मँम्बर को राज्यों में मंत्री नहीं बनना चाहिए। यह बात भी ठीक है, क्योंकि मेरी राय में राज्य सभा यतीम खाना है। विधान परिषद् से क्या फायदा है ? इन पर होने वाले खर्च को खत्म करना चाहिए। और इन संस्थाओं को समाप्त करना चाहिए। इसीलिए मेरी मांग है कि दलबदल का सिद्धांत मजबूत बने, उस में किसी तरह का कोई सूफ-होल नहीं रहना चाहिए। जैसे आचार्य नरेन्द्र देवजी ने किया कि जब कांग्रेस छोड़ी तो उन्होंने इस्तीफा दे दिया।

अगर किसी दल के लोक सभा में 50 मँम्बर से कम हों तो उस दल को भंग कर दिया जाय। पांच, सात आदमी का कोई दल नहीं होना चाहिए। ऐसे कठोर नियम बनार्ये तब काम चलेगा। जहाँ तक इस बिल को प्रवर समिति में भेजने की बात है मेरी राय में उसकी कोई जबरत नहीं है। जो कुछ फैसला करना है यहीं सदन में विचार करके कल तक मसला कर लीजिए। अगर इस पर जल्दी निर्णय नहीं किया जाता है तो लोग मजाक 2700 LS—8.

बनाते हैं। इस बिल को लाने में हमारा कोई स्वार्थ नहीं है। हमारा तो बहुत बड़ा बहुमत है, कांग्रेस पार्टी और उसकी नेता श्रीमती इंदिरा गांधी को छोड़कर किसी अन्य पार्टी में ऐसे कार्यकर्ता नहीं हैं जो मेहनत से काम करते हों। प्रधान मंत्री सुबह चार बजे से रात के 10 बजे तक काम करती हैं। दूसरी पार्टियों के पास कोई ताकत नहीं है वह आपस में संघर्ष करें, आपस में विचार विनिमय करें, और सारी पार्टियाँ मिल कर के एक दल बना लें और हमारे मुकाबले में आयें तो इस से देश का भला होगा। अभी क्या हालत है कि चार बोड़े चार दिशा में जाने वाले रथ में लगे हुए हैं। अब आप सोचिए कि वह रथ कहां जायेगा : इसीलिए मेरी मांग है कि दलबदल का कानून कड़ा बनना चाहिए।

SHRI S. R. DAMANI (Sholapur): Mr. Chairman, Sir, I rise to support this Bill. Previously I did not have the intention to participate in this debate. But, after hearing my friend, Shri Shamim Ahmed, I think I must speak.

Our country is very big—also a developing country. As in the political field, for development also we are following on the democratic lines. Every five years, the political parties are going to the public with their manifesto, with their programmes and with their promises to the public that these are their programmes and policies and so they should vote them. They vote on the basis of these programmes which are expected to be carried out in the next five years. On these promises, programmes and all these assurances the public give their valuable votes. You can see the results of the last election. The public had voted the Congress Party with such a vast majority based on the party's programmes. This is a solemn promise we are making, as members of the parties we belong to. If any Member breaks that solemn promise and changes his allegiance, there should be some kind of retribution. In order to stop such kind of defections a legislation is very very essential. This is one point I want to make.

We have got experience. In 1967, in many States, some Members changed their parties for their personal advantage several

[Shri S. K. Damani]

times. In the morning they were in one party and in the evening they went to the other party. The public were so much angry and so much confused that they gave them the names of 'Aya Ram and Gaya Ram'.

Members of our party are not so anxious to remain in power and they never follow the path of defections as members of the Opposition Parties do. Just to keep themselves in power they do this kind of thing and they try to get some members from our side. Congress Party has not done that.

This Bill is therefore very very essential and the measure brought forward by Government is only a step in the right direction.

In the beginning, I had referred to my hon. friend Shri S. A. Shamim. What about Independents? What principles have they got? They are only attracted by Ministership or some such position of power. I would suggest that no party should give any important portfolio or position to an Independent Member because an Independent has got no principle. My hon. friend Shri Shamim had said that he had defeated his rivals. But he has not mentioned the principles on which he had fought, or the policies and programmes on which he had won or the assurances that he had given to the voters. He has only criticised others. Therefore, I would suggest that Independents who have no policies or programmes should not be given any important portfolio by any party which takes upon itself the responsibility of forming the government.

श्री पन्नालाल बाबूपाल (गंगानगर) : सभापति महोदय, मैं आप का बहुत आभारी हूँ कि आप ने मुझे समय दिया।

मंत्री महोदय ने जो विधेयक सदन में रखा है, मैं उस का हृदय से समर्थन करता हूँ। इस बारे में कई माननीय सदस्यों ने अपने विचार प्रकट किये हैं स्वामी जी ने कहा है कि अगर कुछ लोग दल बदल कर एक अलग पार्टी बना लेते हैं, तो उम को पार्टी नहीं मानना चाहिये। इस के पक्ष में उन्होंने यह उदाहरण दिया है कि अगर एक व्यक्ति

डाका डालता है, तो डाकू कहलाता है, लेकिन अगर दस व्यक्ति मिल कर कोई डाका डालते हैं, तो क्या वे डाकू नहीं कहलायेंगे।

संसदीय क्षेत्र में मेरा तेईस साल का अनुभव है। मैंने कांग्रेस के टिकट पर पांच चुनाव लड़े हैं। मेरे निर्वाचन-क्षेत्र के लोगों ने मुझे केवल बारुपाल समझ कर ही वोट नहीं दिया है, बल्कि उन्होंने मुझे इसलिये वोट दिया, कि मैं कांग्रेस उम्मीदवार हूँ जो देश की एक महान पार्टी है, जो एक अच्छा और प्रोग्रेसिव दल जिसके कार्यक्रम से देश का निर्माण हो सकता है और देश की समस्याओं का समाधान हो सकता है। इसी बात को सामने रख कर मेरे मतदाताओं ने मुझे हमेशा विजयी बनाया है, इस स्थिति में अगर मैं किसी मिनिसट्री के प्रलोभन या व्यक्तिगत स्वार्थ के कारण दल बदलता हूँ, तो मेरे जैसा कोई गद्दार आदमी नहीं होगा। मैं समझता हूँ कि अपना दल बदल कर मैं अपने मतदाताओं के प्रति विश्वासघात करूँगा, जिन्होंने मुझे कांग्रेस का उम्मीदवार समझ कर ही वोट दिया है, तो मुझे विजयी बनाया है। अगर मुझे दल बदलना ही है, तो पुनः अपनी जनता के पास जा कर उस का निर्णय लेना चाहिये।

जहाँ तक दल-बदल का सम्बन्ध है, मैं देश के एक बहुत बड़े महान नेता का जिक्र करना चाहता हूँ। वह हमारे साथी भी रहे हैं। लॉग उन को बड़ा विद्वान भी समझते हैं। लेकिन कभी कभी उन की अकल पर मुझे हंसी आती है। अगर मैं उन का नाम भी लूँ तो कोई आपत्ति नहीं होनी चाहिये।

सभापति महोदय : नहीं आप नाम न लें।

श्री पन्नालाल बाबूपाल : वह कांग्रेस के एक वरिष्ठ नेता थे, पता नहीं उन के दिमाग में क्या आया कि उन्होंने अस्तित्व हो कर कांग्रेस को छोड़ दिया और समाजवादी पार्टी में चले गये। फिर भी उन को संतोष नहीं हुआ और उन का दिल नहीं भरा। पता नहीं, क्यों और कैसे वह कांग्रेस में आ

गये। सरकार ने उन को एक बहुत बड़े आयोग का चेयरमैन बना दिया और फिर वह मिनिस्टर भी बन गये। बाद में अब कांग्रेस में सिद्धांतों की टक्कर हुई और दो दल बन गये तो उन्होंने यहाँ स्पीच देते हुए कहा कि मैं समझ नहीं पा रहा हूँ कि मुझे किस दल में जाना चाहिये। जो व्यक्तिस्वयं अपने बारे में भी निर्णय नहीं कर पाता है, वह देश के लिये बड़े बड़े निर्णय कैसे कर सकता है? ऐसे जो लोग समय समय पर दल बदलते रहते हैं, वे न समाज और देश का भला करते हैं न पार्टी का।

इसलिये एक कठोर कानून बनाया जाये कि अगर कोई आदमी दल बदल कर किसी दूसरी पार्टी में जाता है, तो पहले उस को सदस्यता से त्यागपत्र देना चाहिये और फिर दूसरी पार्टी के टिकट पर चुनाव लड़ना चाहिये।

इस के बाद मैं एक दूसरी बात कहना चाहता हूँ जिस का दल बदल से संबंध नहीं है, यह प्रजातंत्र के नाम पर एक मजाक है कि जो व्यक्ति लोक सभा या विधान सभा का सदस्य नहीं है उस को अन्य पढ़े लिखे बुद्धिमान और अनुभवी लोगों के रहते हुये भी मंत्री बना कर हम पर धोप दिया जाये। मैं उसका घोर विरोध करता हूँ। यह प्रजातंत्र की हत्या है, प्रजातंत्र के साथ खिलवाड़ है। जो व्यक्ति लोक सभा या विधान सभा का सदस्य नहीं है उस को मंत्री नहीं बनाया जाना चाहिये।

इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ।

**श्री मधु लिवये (बांका) :** सभापति महोदय, इस विधेयक से कुछ मौलिक प्रश्न उत्पन्न होते हैं और मुझे ऐसा लगता है कि सरकार ने इन प्रश्नों पर ठीक ढंग से नहीं सोचा है।

पूरे संविधान में राजनैतिक दलों की कहीं चर्चा नहीं है और इस लोक सभा का आधार यह है कि सदस्य अपने मतदाताओं और चुनाव क्षेत्रों के प्रतिनिधि

हैं। अगर सरकार इस को बदलना चाहती है, तो वह इस के मूलाधार को बदले और एक नया ढांचा सदन के सामने लाये। तब उस पर विचार किया जा सकता है लेकिन प्रातिनिधिक लोकतंत्र का यह आधार है कि लोक प्रतिनिधि अपने मतदाताओं के प्रतिनिधि हैं और वे अपने मतदाताओं की इच्छा का पालन करें अगर सरकार बीच में राजनैतिक दलों को ले भ्राना चाहती है, तो दो बड़े सवाल उपस्थित हो जाते हैं।

संविधान की दफा 105 के तहत सदस्यों को कुछ विशेषाधिकार दिये गये हैं, जैसे बोलने की आजादी और बोट की आजादी राजनैतिक दलों द्वारा सदस्यों को आदेश दिये जाते हैं, लेकिन उन आदेशों की लोक सभा में कभी चर्चा नहीं होती। वह सदस्यों और उन के दलों के बीच का मामला है। अगर किसी आदेश के द्वारा किसी सदस्य पर एक विशिष्ट ढंग से बोट देने के लिये ज़बर्दस्ती की जाएगी, तो दफा 105 के द्वारा उस को मत स्वतंत्रता और बोट की स्वतंत्रता के जो विशेषाधिकार मिले, हैं उन का निश्चित रूप से हनन होगा। इस विधेयक में दफा 105 के बारे में सोचा ही नहीं गया है। दफा 105(1) में कहा गया है।

“Subject to the provisions of this Constitution and to the rules and standing orders regulating the procedure of Parliament, there shall be freedom of speech in Parliament.”

बोलने की स्वतंत्रता को तो छीना नहीं जा सकता है। वह कैसी स्थिति होगी कि कोई सदस्य भाषण तो किसी प्रस्ताव या बिल के पक्ष में करे और पार्टी के आदेश के अनुसार बोट उस के खिलाफ करे इन लोगों की तो आदत है, लेकिन हम लोगों को नहीं है। इसलिए दफा 105 के साथ इस विधेयक का टकराव है।

दफा 105 (2) में कहा गया है कि सदस्यों को बोट की स्वतंत्रता है और बोट

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के बारे में कोई सवाल किसी अदालत  
के सामने नहीं आयेगा।

दफा 105 (2) में कहा गया है :

"In other respects, the powers, privileges and immunities of each House of Parliament, and of the members and the committees of each House, shall be such as may from time to time be defined by Parliament by law, and, until so defined, shall be those of the House of Commons of the Parliament of the United Kingdom, and of its members and committees, at the commencement of this Constitution."

वोट देने की स्वतंत्रता —यह तो हाउस आफ कामन्स में सदस्यों का विशेषाधिकार है। लेबर पार्टी जब सत्ता में रहती है तब भी कांग्रेस के नाम पर वह खिलाफ वोट देते हैं और टोरी पार्टी रहती है तब भी वह अपने नेतृत्व के खिलाफ हाउस आफ कामन्स में वोट देते हैं। अधिक से अधिक क्या होता है? ह्विप वापस लिया जाता है, उसे दल से निकाला जाता है। टोरी पार्टी में तो कभी होता नहीं ...

**समापति महोदय :** आप चेयर को ही ऐड्रेस कीजिए।

श्री मधु लिमये : चेयर को ही ऐड्रेस कर रहा हूँ लेकिन इस तरफ देखना भी बन्द है क्या? बड़े खूबसूरत चेहरे हैं। आप को ही ऐड्रेस कर रहा हूँ लेकिन कभी कभी उन को देखना भी चाहता हूँ।

मैं यह अर्ज कर रहा था कि इंग्लैंड में यह सदस्यों का विशेषाधिकार मान लिया गया है कि अपनी सद्-असद् विवेक बुद्धि के अनुसार संसद में वोट दे सकते हैं, तो इन सारे विशेषाधिकारों का, बोलने की स्वतंत्रता, वोट की स्वतंत्रता जो कि बुनियाद है जनतंत्र की, इस का इस में हनन होगा। इस के ऊपर कोई विचार नहीं किया गया है। डिफेन्शन कमेटी में कोई एक राय इस पर नहीं

थी, आप ने रपट देखी होगी, उस में इस के बारे में कोई सहमति नहीं है। हम जानते थे कि इस में बहुत संवैधानिक अड़चने हैं। अब वह एक विधेयक ले कर आए हैं तो उस के कुछ पहलुओं को मैं आपके सामने रखना चाहता हूँ ताकि जो कमेटी बनने वाली है वह भी इन बातों पर गहराई में जा कर विचार करे।

(1) हमारे संविधान में और संसदीय लोकतंत्र का ढांचा यह है कि हम अपने मत-दाताओं के और अपने चुनाव क्षेत्रों के प्रतिनिधि होते हैं। पार्टी के प्रतिनिधि के नाते हम को बोट नहीं मिलते हैं।

(2) संविधान के तहत सदस्यों को कुछ बुनियादी अधिकार दिए गए हैं और उन बुनियादी अधिकारों के हनन का इस विधेयक में खतरा मुझे लगता है जिस के बारे में भी हम लोगों को सोचना चाहिए।

(3) अब मैं तीसरी बात इस संबंध में यह कहना चाहता हूँ कि जब आप राजनैतिक दलों को इतना बड़ा अधिकार देने जा रहे हैं, उस के नेतृत्व को, उस को रॉलिंग क्लिक को कि वह आदेश दे, मान लीजिए कि मेरे मतदाताओं की एक कोई इच्छा है और पार्टी का नेतृत्व कोई आदेश दे रहा है तो मैं किस की बात को मानूँ? मान लीजिए चुनाव-घोषणा-पत्र है किसी भी दल का और पार्टी का नेतृत्व बदल जाता है, वह कहता है कि इस के खिलाफ आप को बोट देना है? और आप जीते हैं चुनाव घोषणा पत्र पर तो फ़ैसला कौन करेगा? जिस चुनाव घोषणा पत्र पर मैं चुनाव लड़ कर जीता हूँ उस के अनुसार मुझे बोट देना चाहिए या किसी भी दल की जो रॉलिंग क्लिक है उस के आदेश पर बोट देना चाहिए? .. (अबबबब) .. यह आप लोग क्या कर रहे हैं? मैं सैद्धांतिक बातें कह रहा हूँ। आप आइने में अपना ही चेहरा देख लीजिए। मैं तो एक सैद्धांतिक बात कह रहा हूँ। मान लीजिए किसी दल का कोई मैनिफेस्टो है, उस पर चुनाव जीत कर

लोग आते हैं और पार्टी का कोई रोलिंग बिलक होगा, नेतृत्व होगा वह कहेगा कि ऐसे ऐसे काम करो, मेरी सद-भसद् बिबेक बुद्ध कहती है, मेरी आत्मा कहती है कि नहीं, मैं ने जिस चुनाव-घोषणा-पत्र पर लड़ कर चुनाव जीता है उस के यह बरखिलाफ है तो मैं यह कहूंगा कि उस आदेश के खिलाफ वोट देना चुनाव घोषणा-पत्र के अनुसार होगा और नेतृत्व के आदेश को ठुकराना बिलकुल सही काम होगा । तो इस की भी कोई इस में व्याख्या नहीं की है ।

(4) जब आप राजनतिक दलों के नेतृत्व को इतने अधिकार देंगे तो क्या इस की कोई गारंटी है कि राजनतिक दलों का काम भी लोकतांत्रिक ढंग से चले ? इस का भी कोई प्रावधान किया गया है ? आप हमारी सदस्यता को खत्म कर रहे हैं, दस लाख वोटों, की इच्छा को आप तोड़ रहे हैं तो इस की कोई गारंटी आप के बिल में होनी चाहिए कि राजनतिक दलों का काम भी लोकतांत्रिक ढंग से हो । क्या स्वयं आप के दल में कुछ लोगों ने वासिज्म के खिलाफ बगावत नहीं की ? .. (व्यवधान) .. मैं आप के भी हित की बात कर रहा हूँ । वासिज्म के खिलाफ क्या आप के दल में बगावत नहीं हुई ? श्रीमती इंदिरा गांधी ने जो बिद्रोह किया क्या उस को आप स्प्लिट कहेंगे या डिफेक्शन कहेंगे ? मोरार जी देसाई कहेंगे कि यह डिफेक्शन था । आप कहेंगे कि यह स्प्लिट था । तो यह राजनतिक प्रश्न है और आप इसका निर्णय गवर्नर और राष्ट्रपति के हाथ में देंगे ? क्या राष्ट्रपति या गवर्नर अपने मन से फैसला देते हैं या सरकार के कहने से चलते हैं ? तो राजनतिक दलों में फूट पड़ी है या डिफेक्शन हुआ है इसका निर्णय गवर्नर करेगा मुख्य मंत्री और कैबिनेट की सलाह पर और राष्ट्रपति केन्द्र में निर्णय करेगा इन की सलाह पर —यह कोई तमाशा है ? आप क्या गंभीरता पूर्वक इन चीजों को सोच कर इस विधेयक को ले आए हैं ?

हम लोग दल-परिवर्तन के बड़े विरोधी हैं और हम उन नेताओं के अनुयायी हैं— आचार्य नरेन्द्र देव को आप जानते हैं, स्वतंत्रता के पहले की जो अविभाजित कांग्रेस थी उस के टिकट पर वह उत्तर प्रदेश की विधान सभा के सदस्य चुन कर आए थे । जब हम लोगों ने कांग्रेस को त्यागने का निर्णय किया तो आप लोग जानते हैं कि हमारे दल में हमारी राष्ट्रीय समिति में इस पर बहस हुई, मैं भी उस में मौजूद था और कई लोगों ने यह दलील दी कि कांग्रेस कोई दल नहीं है, वह तो साम्राज्यशाही के विरुद्ध एक राष्ट्रीय मोर्चा है, उस में जिस तरह से सरदार पटेल और नेहरू साहब ने काम किया है उसी तरह से, जयप्रकाश नारायण, आचार्य नरेन्द्र देव और डा० राम मनोहर लोहिया ने भी अपना योगदान दिया है, तो ऐसी हालत में जब हम अलग हो रहे हैं आजादी के बाद तो इस्तीफा देने की कोई जरूरत नहीं है । उस समय आचार्य जी ने कहा था कि नहीं, संसदीय लोकतंत्र एक नया पौधा है । हम चाहते हैं कि वह पनपे इसलिए बावजूद इस बात के कि कई लोगों ने उन से कहा था कि इस्तीफा मत दीजिए, हमारे सभी लोगों ने उस समय इस्तीफा दिया था । दुबारा चुनाव हुआ था उस में आचार्य जी हार गए । लेकिन हारने से न उन को दुख हुआ न हम को हुआ । इस दल परिवर्तन के खिलाफ जिन्होंने सब से पहले एक मिसाल पेश की उन की मैं चर्चा कर रहा हूँ । आचार्य जी को दुख नहीं हुआ, हम को भी नहीं हुआ क्योंकि वह एक आदर्श कायम करना चाहते थे । लेकिन क्या सत्ताधारी दल ने इस आदर्श पर चलने का काम किया ? क्या विगत 26 साल में दल-परिवर्तन का एक सिलसिला आप ही लोगों ने शुरू नहीं किया और आप के ही कदम पर कदम रख कर 67 के बाद क्या विरोधी दलों ने भी आप का अनुकरण नहीं किया ? .. (व्यवधान) .. आप कैसे बोल रहे हैं ? आप तो हम को छोड़ कर उधर चले गए । आप को तो कम से कम सामोशी रखनी चाहिए । उधर इतने प्राणी



प्रश्न

(श्री मधु सिन्हा)

पड़े हुए हैं जो इस झर से उठ कर गए हैं, उन की चर्चा मैं न करू तो अच्छा है इस सदन की शान के लिए। इसलिए मुझे टोका न जाय क्योंकि हर एक तीन भादमी में से कम से कम एक दल बदल उधर है।

अब मैं अपने मुद्दे केवल रखता हूँ क्योंकि स्पष्टीकरण में बड़ा समय जाता है। मेरा यह कहना है कि अगर इस विधेयक को आप रखना चाहते हैं तो पहले राजनैतिक दलों को रजिस्टर करवाइए, उन का कार्य लोकतांत्रिक ढंग से चलेगा, चुनाव लोक तांत्रिक ढंग से होंगे, नेतृत्व का चुनाव भी और समितियों को चुनाव भी लोकतांत्रिक ढंग से होगा, इन के बारे में आप कुछ प्रावधान बनाइये, मुझे कोई एतराज नहीं है। मैं तो दल-परिवर्तन का सख्त विरोध करने वाला भादमी हूँ। मैं उसे बहुत अनैतिक काम समझता हूँ लेकिन साथ साथ मैं खतरे की लाल लालटेन दिखाना चाहता हूँ इन की तो नजर ही नहीं है यह बहुत कम दायरे में सोचते हैं। मैं एक उदाहरण देता हूँ।

उमाशंकर जो ने जो प्रस्ताव रखा है उस में वह क्या कहते हैं? कहते हैं कि अगले सत्र के पहले सत्ताह के आखिरी दिन में रपट आी चाहिए। इतने साल हो गए, डिफेन्शन कमेटी की रिपोर्ट पड़ी है, आप के सामने, कोई कार्यवाही आप ने नहीं की, औरीक जिरू समय उत्तर प्रदेश की नई विधान सभा गठित होने वाली है, उस समय आप रपट चाहते हैं! आप के दिल में घड़कन है कि दो सौ सीटें मिलेंगी, सवा दो सौ मिलेंगी या इस से भी कम मिलेंगी, आखिर बात क्या है? इसलिए कमेटी को कुछ मौका दीजिए। जल्दवाजी करने की कोई बात नहीं है। आप कमेटी को अगले सत्र के अंत तक विचार करने का मौका दीजिए। नहीं तो फिर समय मांगने के लिए या तो आप को आना पड़ेगा या जल्दवाजी में कोई आप

दलीय प्ष्टिकोग से फैसला करेंगे जिस पर कि स्वयं आप को ही पश्चाताप करने की नीबत आएगी। इस बात को ठीक तरह से समझ लें। अब तो तीन बातें मैं कहना चाहता हूँ।

(1) डिफेन्शन कमेटी ने यह कहा था कि विधान सभा और लोक सभा के सदस्यों में से ही प्रधान मंत्री और मुख्य मंत्री चुना जाय।

इन्होंने क्या कहा है—6 महीने के अन्दर वह विधान सभा या लोक सभा का सदस्य बने। जो डिफेन्शन कमेटी आप लोगों ने बनाई थी, जिस की इस बारे में तकरीबन एक राय थी, एक राय से उसकी सिफारिश आई थी—उस को भी ये नहीं मानते हैं।

आप डिफेन्शन कमेटी की रिपोर्ट पढ़िये—उस में बहुत देर तक बहस हुई थी कि मंत्री मण्डल के साइज पर कोई पाबन्दी रहे या नहीं। इस के बारे में मैं ने एक विधेयक इस सभा में कई साल पहले रखा था। उस विधेयक का जबाब देते हुए मंत्री महोदय ने कहा था कि आप अपने विधेयक को वापस ले लीजिये, इस के सिद्धान्त को हम मानते हैं और स्वयं हम इस के बारे में एक बिल लेकर आयेंगे। मैं ने इन की बात को कुबूल किया। लेकिन आज क्या देख रहा हूँ—अगर इन को 11 परसेन्ट ही करना था—हमारी बात तो छोड़िये, हम ने तो केन्द्र में पचास की सीमा और विधान सभाओं में 1/2, छोटी विधान सभाओं को छोड़ कर चाहते थे—अगर ये उस को नहीं चाहते थे तो अपने ही सिद्धान्त को, 11 परसेन्ट को ले आते। लेकिन उस को भी इन्होंने खत्म कर दिया। डिफेन्शन कमेटी में जिन चन्द मुद्दों पर सहमति थी, उन को इन्होंने काट दिया और जिन पर बिल्कुल एक राय नहीं थी, जिन पर कमेटी ने भी सिफारिश नहीं की थी, सिफारिश नहीं कर

सकी थी, उन बातों को ले आये। उस की बहुत सारी सैद्धान्तिक बातों को भूल गये।

इसलिये, सभापति महोदय, मैं यह कहूंगा कि यह जो समिति बन रही है, इस कै कार्या-काल को बढ़ा दिया जाय ताकि वह ठीक तरह से इस पर विचार कर सके।

(2) अगर आप इस लोकतंत्र के ढांचे को बदलना चाहते हैं—चुनाव क्षेत्र के प्रतिनिधि की जगह आप पार्टी सिस्टम को ले आना चाहते हैं तो फिर बोट भी पार्टी को ही क्यों न पड़ें, बक्सा भी पार्टी का ही रखा जाय, पार्टियों की सूचियां हों, उन की रजिस्टर्ड सोसायटी हो—लेकिन यहां क्या कर रहे हैं—न एक दम छोड़ा और न गधवा बनाया जा रहा है ...

एक माननीय सदस्य : खच्चर बनाया जा रहा है ।

श्री मधु लिवये : क्या खच्चर है। अगर रिप्रेजेंटेटिव डेमोक्रेसी को बनाये रखना चाहते हैं तो पार्टी को ऊपर क्यों ला रहे हैं और यदि लाना ही है तो इस ढांचे को बदलिये, उस हालत में हम भी सोचने को तैयार हैं। उसी अनुपात में सीटों का बंटवारा कीजिए। जितने बोट किसी पार्टी को मिलेंगे, उसी अनुपात में सीटें मिलेंगी। मान लीजिये किसी पार्टी को 40 प्रतिशत बोट मिलते हैं तो उसी के अनुसार उस के सदस्य हों। आप इस समय 43 प्रतिशत बोट के मालिक हैं, लेकिन दो-तिहाई का डण्डा ले कर दौड़ते हैं—क्यों? जब इस उसूल को ला रहे हैं कि प्रतिनिधि लोकतंत्र की जगह पर यहां पार्टी-प्रणाली हो, तो फिर यह बिल उस सिद्धान्त के बिल्कुल विपरीत है। आप 43 प्रतिशत के धनी हैं, उसी को लेकर बैठिए, हम 57 प्रतिशत के मालिक हैं, हम को 57 प्रतिशत स्थान दीजिए। तभी इस देश में लोकतंत्र ठीक तरह से चलेगा।

SHRI UMA SHANKAR DIKSHIT: Mr. Chairman, Sir, I have followed with utmost care the speeches that were delivered while I was here in the early part of the debate, particularly that of Prof. Hiren Mukerjee and subsequently also I have complete notes of the speeches made by hon. members and the various suggestions and criticisms offered by them. I want to submit for the consideration of this House one paramount fact which has not been disputed in this debate and which has been accepted as a fact of political life of this country, viz., political defec-tion is an evil which has caused incal-culable harm to the progress of democra-tic institutions in this country. Parliam-entary democracy has come into disrepute because of the endless stream of defec-tions that took place after 1967. On this point, there is no difference of opinion. The tragedy of the situation is that so many talented, learned hon. mem-bers have spoken on this Bill and not one member has made a single constructive suggestion as to how the defects in this Bill can be removed or what alternative Bill should be brought. After all, it is the duty as much of the opposition as of ourselves to suggest an alternative. If such a basic test as compelling a defector to resign and seek re-election is being rejected and no other really comparable suggestion is made, how can we take it that this matter is being treated seriously?

This is not a party matter. But, I am afraid, it is still being treated as a strictly or exclusively party matter. It was argued that we have brought up this Bill with some ulterior party objective, in view of the impending elections, and therefore we want a very quick report to be given. I am disappointed that such an argument should be trotted out. When this Bill is enacted, it would be a permanent legisla-tion; it would not be for only up to the budget session of this Parliament. It will be there the next year and the year after, because it would be a part of the Consti-tution of India. Then, is it said that no more problems will arise in the future, would there not be different political par-ties in power? Would they not need their members to act according to a code of

[Shri Uma Shankar Dikshit]

conduct, according to political morality? Then, why do you say that we have brought it up now with a political purpose and, unless the time is extended, we will be earning some undue advantage?

श्री उमशु लिमये : मैं आप की जानकारी के लिये बोलना चाहता हूँ—आप वहाँ चुनाव अभियान में लगने या यहाँ कमेटी की बैठक में आयेंगे ?

SHRI UMA SHANKAR DIKSHIT: Some members will be there. Further, there is hardly a Committee which does not ask for extension of time. If this Committee is not able to provide a proper solution within the time stipulated, it will certainly ask for extension of time. Why do you proceed on the assumption that this Committee will not have further time? (Interruption.) This is a Joint Committee. . . . (Interruptious.) If there is a running commentary like that, I do not know how to proceed. He should give me at least an opportunity to deal with the points he has raised.

Professor Hiren Mukerjee raised some points. I hold him in the highest regard. In fact, I cannot express in words the feelings that I have for him. He has painted a dark picture of what happened in Orissa and elsewhere. He says this dirty business must stop. We all agree with him. But let him come forward with suggestions as to how we can eliminate this evil. If he thinks that merely preventing such a member from taking office for a period is an effective alternative to the provisions contained in this Bill, or if he says that if there are 50 or 51 members in a House they should not have more than 10 per cent or 11 per cent and that this will solve the problem, with great respect to him I beg to submit that it is not a serious reply to the problem that has been posed and it is not a real solution.

Professor Hiren Mukerjee further suggested that we should incorporate in the Bill the principle of recall. This question was considered by the Committee on

Defections. It has been separately considered by the members of all parties and they have found that it will encounter insuperable difficulties if such a proposal is accepted. Basically, we have no objection to such a proposal. But does it answer the main question that arises in the case of defection?

Then Professor Mukerjee said that we are not dealing with decent people. I hope he will not mind when I say that I think this is too a strong word. I do not always agree with Shri Shamim but for once I find myself completely in agreement with him when he says that by and large the legislators are decent, honest people.

The representatives who sit in Parliament and in various State Legislatures represent the level of culture, the level of honesty, the level of propriety, that obtain in the society. They are only chosen by the people around them. You cannot expect any extra-ordinary level of morality from them. They are as good or as bad representatives as an average citizen, a well-qualified and well-educated citizen, should be. I do not think that it should be correct or proper for anybody in Parliament, however, respected he may be, to brand all people who have left their party as indecent people or improper persons.

Shri Jagannathrao Joshi said: The burden of his song was: Why did you not do it earlier? This question still bristles with difficulties. We do not claim that we have come up with a perfect deterrent. But we have applied our minds to it. We have been consulting formally and informally various people, experts, Opposition Members and also the Cabinet. Then, finally, we thought that we should come to Parliament with some proposal and entrust the matter to the Joint Committee of both the Houses so that the collective wisdom of Parliament asserts itself and finds a proper solution. If we did not give any proper, effective lines, I really do not know how such an important matter can be legislated upon with propriety and effectiveness.

The, a question has been raised about Independent Members. I think, there is a certain amount of misunderstanding about the operation of the Bill in respect of Independent Members or those who claim to be Independents. So long as they are Independent Members, I agree that the penal provisions of this Bill, as it is at present framed, will not be attracted. But defection will take place only after an Independent Member joins a party. Once he joins a party, all these provisions will be attracted. Once he joins a party, after that, he will be compelled to stick to the party. Or, if he has differed on a fundamental principle with the party, as Mr. Madhu Limaye said, he will be able to prove his point by reference to the people. He will go to the people; he will plead for his views and, if he wins, as it happened in the case of the A.D.M.K. leader, Mr. Ramachandran, he proves his point politically.

It is also said that many people will then become Independents. There is nothing wrong in it. But I do not agree with any such opinion. Even a large number of Independents cannot form a Government. The people will not trust Independents on a large scale. When there are irresponsible parties, then the people do sometimes prefer honest Independents; some prefer to be independents because they cannot agree with any one party or another or for their own personal or other reasons. But that does not mean, because of this Bill, that all people will stand only as Independents. The logic does not support any such idea.

The questions of merger and split have been raised. I do not say that if a large number of Members separate from a party and from a separate group, they are not necessarily correct in doing so. Mr. Madhu Limaye has been insistent and raising the high moral issue of freedom of speech. Now, if I extend the logic that Swami Brahmanand has placed before us, I would submit and he would agree with me that one person may have a freedom of speech and differ from a party of 200 or 300 Members but, certainly, if 50 members differ, that means there is so much dissatisfaction with the working of the party that these people do not find themselves at

ease or in tune with the policy or its implementation or with the leadership or in other matters.

16.55 hrs.

[MR. SPEAKER in the Chair]

It is because there can be objections, we expect the political leaders of all parties to bring to bear on this question which is bristling with difficulties their wisdom, their experience and their knowledge.

About freedom of speech, I would submit another consideration. I have carefully followed, even when I was not a Member of Parliament, how parties function in the legislatures, including the Socialist Party, the Communist Party, the Jan Sangh—all of them—and I have found that hundred out of hundred members or 99 out of 100 members have been normally, regularly, as a matter of rule, been following the party whips issued from time to time. Is it implied that when a party whip is issued, the 99 or 100 per cent of the members who obey the whip agree with all the major or minor issues that are proposed in the Resolution or Bill in question? They do compromise with themselves. The party discipline, the working of the party system, implies that a member does, on minor matters at least, allow the party to have its whip and yet support the party. If, suppose, he has his own way, then possibly he would be making a worse mess of the things than what the party is doing.

So far as freedom of conscience is concerned, it is not barred. In the past also, when there was no such Bill, Seth Govind Das and other people have been allowed to exercise their freedom of speech. Whenever any member has felt strongly that it is a matter of conscience for him, he has gone to the leader and on all such occasions they have been allowed to exercise their freedom of speech. So, freedom of speech is not really in any way jeopardised.

[Shri Uma Shankar Dikshit]

Shri Madhu Limaye complains that it is not a correct provision in the Motion that the report should be given by the last day of the first week of the next Session. I have already replied to it in some detail. I do not want to take the time of the House over that.

श्री मधु लिमये : मेरा केवल एक प्रश्न है :

श्री उमा शंकर दीक्षित : पहले मुझे समाप्त कर लेने दीजिये । बाद में आपका प्रश्न हो जायगा अगर समय होगा । वैसे भ्रमण से भी आप चाहें तो मैं आपसे शास्त्रार्थ चला सकता हूँ ।

About merger of parties, the provision here is that only on a complaint the provisions of the Act will get into operation. Thus when a party has completely merged with another party, there will be no question of any complaint. Therefore, the question will not arise. I do not know why this point has been raised at all.

An hon. Member has said that, instead of having a binding legislation of this character, it would be more desirable to have a code of conduct for political parties to observe, and that that would be a better way of doing things. All of us have some experience of code of conduct—codes of conduct have been made before. We know that, in a matter so serious as this, it cannot work because there is some sort of voluntary action in a code of conduct that might be evolved.  
17.00 hrs.

I do not want to take much time of the House. But I do not wish to give the impression that we consider the Bill that has been submitted to the House as a kind of the last word or a perfect proposition. If that were so, we would not request the House to appoint a Joint Select Committee. We do hope that whatever loopholes or weaknesses or objections can be found in the present draft Bill, we expect, as I said earlier, that the collective wisdom of the House as represented by the Joint Select Committee will find their solutions.

श्री मधु लिमये : अध्यक्ष महोदय, मंत्री जी ने शायद सभी स्थितियों पर विचार नहीं किया । मैं एक ही बात कहना चाहता हूँ । इंग्लैंड में लेबर पार्टी की कानफरेंस में प्राणविक निस्वीकरण के बारे में एक निर्णय किया, और उस पार्टी की पालियामेन्ट्री पार्टी के नेता ने कहा इस निर्णय को हम नहीं मानेंगे । ऐसी स्थिति जब उत्पन्न हो जायगी तो किस का आदेश चलेगा ? सारे पहलुओं पर सोचा ही नहीं ।

श्री उमा शंकर दीक्षित : जब कभी ऐसा मामला उठेगा तब सोचेंगे ।

MR. SPEAKER: A committee is going to sit and he is going to be a member of that committee. He can raise such questions there.

Now, the question is:

"That the Bill further to amend the Constitution of India, be referred to a Joint Committee of the Houses consisting of 60 members, 40 from this House, namely:—

- (1) Dr. Henry Austin
- (2) Shri H. K. L. Bhagat
- (3) Shri Somnath Chatterjee
- (4) Shri M- C. Daga
- (5) Shri Madhu Dandavate
- (6) Shri Darbara Singh
- (7) Shri K. G. Deshmukh
- (8) Shri P. Gangadab
- (9) Shri H. R. Gokhale
- (10) Shri M. M. Hashim
- (11) Shrimati V. Jeyalakshmi
- (12) Shri Bhogendra Jha
- (13) Shri Popatlal M. Joshi
- (14) Shri Arjun Shripat Kasture
- (15) Shri Zulfiquar Ali Khan
- (16) Shri C. H. Mohamed Koya
- (17) Shri K. Lakkappa
- (18) Shri Nihar Laskar
- (19) Shri B. P. Maurya
- (20) Shri P. G. Mavalankar

- (21) Shri Nathuram Mirdha
- (22) Shri G. S. Mishra
- (23) Shri Shyamnandan Mishra
- (24) Shri Pilo Mody
- (25) Shri F. H. Mohsin
- (26) Shri Samar Mukherjee
- (27) Shri Paokai Haokip
- (28) Shri Dhan Shah Pradhan
- (29) Shrimati Maya Ray
- (30) Maulana Ishaque Sambhali
- (31) Shri P. M. Sayeed
- (32) Dr. Shankar Dayal Sharma
- (33) Shri Nawal Kishore Sinha
- (34) Shri S. S. Tewari
- (35) Shri Tula Ram
- (36) Shri Tulmohan Ram
- (37) Shri Atal Bihari Vajpayee
- (38) Shri P. Venkatasubbaiah
- (39) Shri G. Viswanathan
- (40) Shri Chandrajit Yadav

and 20 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the last day of the first week of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House do recommend to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 20 Members to be appointed by Rajya Sabha to the Joint Committee."

*The motion was adopted.*

17.03 hrs.

**STATEMENT RE: DISPOSITION OF RUPEE ACCUMULATION IN INDIA BY THE U.S. GOVERNMENT**

THE MINISTER OF FINANCE (SHRI YESHWANTRAO CHAVAN): Mr. Speaker, Sir, an agreement on the disposition of rupee funds held in India by the United States Government was initiated this morning by the Secretary, Department of Economic Affairs, Ministry of Finance, for the Government of India, and the Ambassador for the United States of America.

The large amounts of US-owned rupee accumulation were generated, under the two following types of agreements and from interest payments on the resulting bank deposits:

1. Under U.S.A.I.D. and its predecessor agencies, from 1954-61, dollar loans were given to the Indian Government and to private borrowers for development purposes; these were repayable in rupees.
2. Under various agricultural sales agreements, commonly called PL-480, the U.S. sold to India from 1956 through 1972, about 60 million tons of agricultural products (mainly wheat, coarse grains, rice, cotton and vegetable oil) with a landed value of \$ 4.8 billion (Rs. 36,000 million) for payment, either in whole or in part, in rupees.

The rupees under the two categories are known as non-PL-480 rupees and PL-480 rupees respectively. The agreement initiated today arranges for the final disposition of PL-480 rupees, and evolves a procedure for the disposal of non-PL-480 rupees within a reasonable period of time.

Regarding PL-480 rupees, the agreement provides that the Government of India will prepay to the United States of America all the remaining sums it owes that country amounting to Rs. 1514 million. The U.S. Embassy will on its