

LOK SABHA

Friday, September 4, 1970/Bhadra 13,
1892 (Saka)

*The Lok Sabha met at Eleven
of the Clock.*

[SHRI SHRI CHAND GOYAL *in the Chair*]

Re. VOTING ON CONSTITUTION
(TWENTY-FOURTH) AMENDMENT
BILL

DR. RAM SUBHAG SINGH (Buxar) :
Sir, yesterday the hon. Speaker was kind enough to agree to institute an inquiry into the impersonation by a Member of Parliament. You know, Sir, when a member of the Provisional Parliament in 1951 had used his name as a member in Bombay with a view to putting a question, it was Pandit Jawaharlal Nehru who came forward with a resolution and got his membership forfeited by a unanimous resolution of the House. Here is, a Member sitting behind the Prime Minister, who is the daughter of that Pandit Jawaharlal Nehru, who cast his vote—it has been proved—for Dr. Pashupati Mandal who is there in Bankura. I, therefore, request you to see that the memory of Pandit Jawaharlalji is revived and this Government, which takes credit of what Pandit Jawaharlal Nehru had done, gets the membership of persons, who had voted in place of other persons, forfeited by the unanimous resolution of this House. This is my humble demand. I request you to see that the inquiry, which was promised yesterday by the hon. Speaker, is instituted immediately and the whole inquiry process is executed as expeditiously as possible, so that this hon. Parliament may not lose the faith of the people. Now the people of India do not have any faith in fair voting in this Parliament, because it was under the inspiration of the Government that this thing was done. Parliament stands disgraced because on that day our request that there should be physical voting, was not accepted.

SHRI RANGA (Srikakulam) : We all support this demand.

श्री अटल बिहारी वाजपेयी (बलरामपुर) :
राज इस मामले की आखिरी बैठक है। अध्यक्ष महोदय ने घोषणा की है कि वह इस मामले की जांच करेंगे। लेकिन जांच का रूप क्या होगा, उस जांच के साथ इस सदन के सदस्यों को सम्बद्ध किया जाएगा या नहीं किया जाएगा और जांच कब से आरम्भ होगी, कब समाप्त होगी इसके बारे में अभी तक कोई प्रकाश नहीं डाला गया है। मेरा निवेदन यह है कि कारंवाई आरम्भ होने से पहले ये सारी बातें तय हो जानी चाहियें जिससे बीच में जिन सदस्यों को जांच से सम्बद्ध किया जाना है उन्हें सूचना दी जा सके और ठीक तरह से जांच हो सके।

SHRI RAMSHEKHAR PRASAD SINGH (Chapra) : Sir, my attention has been drawn to the report in the press and to the statement of the leader of the opposition. The fact is that some misunderstanding has taken place regarding the voting on the Constitution Amendment Bill.

In this connection, I have to make my submission. The voting took place altogether five times. I voted correctly on four occasions. What happened at that time was that when I entered the House, the Speaker had announced the division and I sat at my seat here where I am sitting just now. My bag was also there. When the voting took place, I pressed the button which was before me. Immediately when the sign appeared on the board, I asked Panditji who was sitting by my side to my right, "You have not correctly voted." He said, "No. I have correctly voted. But you have not." So, went forward and told that gentleman to correct the mistake. He might not have heard clearly what I said because there was a lot of noise in the House. My correction was made by that gentleman. But, unfortunately, he could not correct the wrong vote. This is the correct position.

If there has been some misunderstanding, I am sorry for it. It was not a deliberate act nor was my intention bad. Had it been so, I could have done it all the five times. This is the correct position. I cannot say anything more. I stand by what I have said. When the enquiry is held, I will explain the same position again. If the leader of the opposition thinks that this offence is equal to the offence of the gentleman to which he referred, I leave it to his best wisdom and discretion to judge.

DR. RAM SUBHAG SINGH : I demand an inquiry just like the Mudgal inquiry, an independent inquiry, and it should be instituted immediately.

श्री शिव चन्द्र झा (मधुबनी) : इसमें कोई शक की बात नहीं है कि जो वोट होना चाहिये वह ठीक होना चाहिये। यह ठीक बात है कि जो वोटिंग हुआ है उसके मुतल्लिक खराब विचार देश में फैले हैं। यह ठीक बात नहीं है। हम लोग इस तरह की चीज के खिलाफ हैं। हमारे वोटिंग पर शक नहीं होना चाहिये। रेग्युलर जांच की बात आई है। मैं चाहता हूँ कि रेग्युलर जांच की रिपोर्ट आ जानी चाहिये। जितने नेता हैं पार्टियों के सब बैठ कर उस पर निर्णय लें। पंडित जवाहर लाल नेहरू की जो उन्होंने बात कही है वह भी सही है कि कोई भी एक आदमी अगर इस तरह से करता है तो वह गलत करता है। हमारा जनतंत्र 20-25 साल पुराना है। दूसरे मुल्कों के इतिहास को आप देखें तो आपको पता चलेगा कि वहां भी बहुत सी खामियां शुरू-शुरू में रही हैं। इस वास्ते इसके बारे में हम जल्दबाजी में कोई कदम न उठाएँ। रिपोर्ट आ जाए और सभी दलों के नेता बैठ कर निर्णय ले लें और उसके बाद कार्रवाई हो।

श्री रामावतार शास्त्री (पटना) : इस सम्बन्ध में कल चर्चा हुई थी और अध्यक्ष जी ने उस पर अपना निर्णय दे दिया था। उसकी रोशनी में मैं नहीं समझा हूँ कि आज पुनः इस सवाल को उठाने की आवश्यकता क्यों महसूस की गई है।

आज की बैठक जिन बातों पर विचार करने के लिए आहूत की गई है, उन्हीं बातों पर चर्चा होनी चाहिये, दूसरी बातों पर चर्चा करने का मतलब होगा, समय बरबाद करना। उस अवस्था में आज बैठक करने का कोई मतलब नहीं रह जाएगा। इस वास्ते मैं चाहता हूँ कि इस चर्चा को बन्द किया जाए और हम शैड्यूल्ड कास्ट और ट्राइबल कमिश्नर की रिपोर्ट पर चर्चा आरम्भ करें।

SHRI SURENDRANATH DWIVEDY (Kendrapara) : There is no doubt that the voting was in no way affected, but, at the same time, it is not only on this occasion, it has often been found that the record that appears after the vote and then the ultimate result that is announced by the Speaker, it always varies. There is some recording which either is not done or there is some defect in the machinery which is not working properly. (*Interruptions*)

Necessarily on a matter of such importance...(*Interruptions*)

MR. CHAIRMAN : Ram Kishan Guptaji, please sit down.

SHRI SURENDRANATH DWIVEDY : Necessarily on a matter of such importance when the voting was so close, if some discrepancies appear, there will be doubt. There is no doubt about it. There is suspicion in the minds of the people that probably some other things have come into being. Therefore, in order to be assured for the future, it is necessary that an inquiry should take place in order to find out whether there is any defect in the machinery and whether we should change the procedure altogether because this machinery does not give us accurate results. That will be my plea. It would not affect the results of the voting that has taken place, but, at the same time, for future it should be done, and as quickly as possible.

SHRI S. M. BANERJEE (Kanpur) : Sir, I rise on a point of order. My point of order is this that yesterday this matter was discussed both after the Question Hour and at the fog end of the day and when the

Leader of the Opposition Syndicate raised this question. . .

DR. RAM SUBHAG SINGH : Of which spokesman you are ?

SHRI S. M. BANERJEE : The leader of the Limited Company . . .

MR. CHAIRMAN : Please don't indulge in such things.

SHRI S. M. BANERJEE : All right. Dr. Ram Subhag Singh . . . (*Interruptions*)

MR. CHAIRMAN : I am listening to everybody. Ram Kishan Guptaji, please resume your seat.

SHRI S. M. BANERJEE : My respected Dr. Ram Subhag Singh raised this issue in the evening and the Speaker gave a full account of the voting and the procedure followed and he also said when the questions were raised and a suggestion was made by my respected friend, Mr. Madhu Limaye, that whatever be the merits of the case, it was established that fortunately...

MR. CHAIRMAN : Mr. Banerjee, kindly resume your seat.

SHRI S. M. BANERJEE : Sir, I am coming to my point of order.

MR. CHAIRMAN : This is no point of order. You want an occasion to speak.

SHRI S. M. BANERJEE : My point of order is this : can a decision which was already taken by the speaker yesterday in the House be re-opened to-day ? (*Interruptions*)

MR. SPEAKER : Kindly resume your seat.

श्री प्रकाशवीर शास्त्री (हापुड़) : सभापति महोदय, जहाँ तक इस विषय में सन्देह का प्रश्न है, कल जब अध्यक्ष-महोदय ने यह घोषणा की कि 336 की गिनती घटा कर 331 की जा रही है, तो उसी समय उस सन्देह की पुष्टि हो गई और पता चल गया कि वह सन्देह निराधार नहीं था। जो माननीय सदस्य सदन

में उपस्थित नहीं थे, उनके नाम से जो मतदान हुआ है, उसके बारे में अध्यक्ष ने कहा कि वह उसकी जांच करायेंगे। मेरा निवेदन है कि केवल इस प्रकार के महत्वपूर्ण विधेयकों पर ही नहीं, बल्कि किसी भी विषय पर मतदान के अवसर पर यदि गिनती के सम्बन्ध में लोक सभा के सदस्यों में सन्देह पैदा होता है, तो पूरे देश में सन्देह पैदा हो जाता है। हम यहाँ पर राष्ट्र के भाग्य का निर्माण करते हैं। मैं आपके माध्यम से इस सरकार को, और आपके कार्यालय को भी, कहना चाहता हूँ कि पीछे जो घटना हुई है, उसकी तो जांच की ही जाये, लेकिन भविष्य के लिए ऐसी परम्परायें स्थापित की जायें कि आगे इस प्रकार की गलती दोबारा न हो।

SHRI NATH PAI (Rajapur) : I was under the impression, with good justification, that the matter was disposed of yesterday. The hon. Speaker had assured the House that he would take into consideration the very valued suggestions some Members of the House have made because of the discrepancies that were noticed between the announced figures shown on the board here. If you wanted to hear everybody, we would have also made our submissions in this regard. The whole world and the nation is watching us on this issue. No iota of doubt should be allowed to remain in this matter which is of very far-reaching importance. This is not an ordinary statute ; this is not an ordinary legislative measure that Parliament is adopting. If the sanctity is vitiated, if doubts are created, we owe to ourselves and to the country to take the earliest opportunity to dispel such doubts.

Shri Surendranath Dwivedi mentioned that the machine does not often record the correct state of voting in the House. It showed the figure of 336, when actually it is 331. We have agreed not to challenge the decision. But we want to dispel any doubts that are being created.

It would have been very appropriate had the Rules Committee been called into session immediately because no longer are we go-

ing to be very satisfied with the machinery. The appropriate thing would be that for Divisions, we go into the lobbies. This is one of the things you can consider.

AN HON. MEMBER : That was suggested.

SHRI NATH PAI : We should be sure in our minds as to the procedure to be followed hereafter. Shri Surendraneth Dwivedy pointed out that in the past also after the machine had recorded there had been necessity felt to rectify the recording. But the other thing which Shri Prakash Vir Shastri pointed out creates grave doubts. Nobody is challenging what the Speaker has announced. But certain doubts continue to linger that all was not correct and we, who supported the measure, want to be assured that everything was fair. And, unless this satisfaction comes first, there will be such lingering doubts all the while that this vital measure was not carried with all fairness as it should be.

I have two suggestions on which I request your ruling. The Speaker said yesterday that Rules Committee may meet. I have never known,—I have been for a long time the Member of the Rules Committee—the Rules Committee meeting after Parliament adjourns. It does not meet after Parliament adjourns. I don't know why it cannot meet now, because of the extraordinary importance of the measure. And, ultimately some other suggestions have come. It is for you to ensure that the voting is fair. Would you therefore, kindly convey to the Speaker the grave anxiety of hon. Members in this regard ?

Finally I would submit that a matter which is disposed of should not be allowed to be raised in the House so sporadically. This matter could very well have been discussed by calling a meeting of the leaders of the various parties in the House. It should not be allowed to be discussed without proper notice. A meeting of the leaders of the opposition parties with the hon. Minister of Parliamentary Affairs also could have been called. Due notice should be given on

such matters and this matter cannot be treated casually. I hope when you meet the Speaker next you will kindly convey the grave anxiety that is being felt. We are not worried about the result of that particular voting, because, that, he has said, was correct. But, because certain doubts have been created, we all think, it is necessary to eliminate them.

SHRI TENNETI VISWANATHAM (Visakkapatnam) : I was one of those who voted for the Bill and yet I feel that there should be no doubt in the minds of those who voted against the Bill that something went wrong. I am anxious as Mr. Nath Pai has also said, that there should be a complete, thorough enquiry into the working of the machine or the working of the hands that operate the machinery or the counting of the tellers and the additions, subtractions and divisions.

In this morning's newspaper we found a statement signed by 40 45 very respected Members of this House and I do not like anything being said by anybody that those who were for the Bill won it by a sort of voting which is not quite above suspicion.

Therefore, we are absolutely anxious that the earliest opportunity should be taken to enquire into the matter and to set right the doubts. Thank you.

SHRI J. B. KRIPALANI (Guna) : It is a very simple question. I do not see why there should be any arguments. The Hon. Speaker has said that he would appoint some committee or the other. The House is dispersing today and, therefore, it must be immediately done. That is all. If there is any explanation to be given by our friend the hon. Minister, he can give it to the Committee. What is the good of giving it here ? This is a very simple question and it must be expedited because we are dispersing today.

SHRI S. KANDAPPAN (Mettur) : The matter has assumed a little more importance than what I had felt yesterday ; because of the statements that have appeared in the press and also because of the matter being raised again by Dr. Ram Subhag Singh, a suspicion may legitimately be

created in the minds of the public—that is very unfortunate—that the Bill was carried by unfair means. So, more than those who opposed this Bill, those who were supporting the Bill are anxious about it.

I would like to point out to the responsible leaders of the Opposition that before we come to a conclusion and before we ascertain the facts, let us not inadvertently cast aspersion on our own colleagues in this House because that is what Dr. Ram Subhag Singh's words tantamount to. I would rather wish to think that even the recorded vote of an absent Member might have been inadvertently done ;...

SHRI RANGA : We do not know the facts.

SHRI S. KANDAPPAN : We do not know. So, we have to be fair to all sides.

DR. RAM SUBHAG SINGH : It was done internationally.

SHRI S. KANDAPPAN : I would rather wish to think that Parliament has not stooped to such a low level as yet. So, let us not give out this impression thus belittling ourselves in the eyes of the world and in the eyes of the citizens of our own country. So, I would only add my voice to the suggestion made by Shri Nath Pai that Rules Committee should immediately meet in order to clear the suspicion and doubts.

SHRI SHEO NARAIN (Basti) : May I make one submission ?.....

MR. CHAIRMAN : The hon. Member may resume his seat. At this rate, there will be no end to this. If I permit him, I cannot prevent others from speaking.

SHRI NAGESHWAR DWIVEDI (Machhli Shahar) *rose—*

MR. CHAIRMAN : The hon. Member's friend has already explained.

The position is that this matter was raised yesterday and discussed at length. The hon. Members had an opportunity and occasion to place their views and to make

suggestions. In fact, the Hon. Speaker had indicated yesterday that he would go into the matter, because a suspicion has arisen, and he would institute an inquiry and go into the matter. Therefore, there was no occasion and no necessity to raise this issue again. I do not think that it will be proper to raise issues over and over again especially when no fresh material has been furnished to the House. Only the arguments which were made out yesterday by hon. Members have been repeated today. Since the Speaker has already given his mind, therefore, I repeat that it is for him to decide the manner in which he has to conduct the enquiry, whether he is going to associate some leaders of the various parties or some hon. Members of this House ; it is for him to decide. I am not in a position to say anything. But I shall certainly convey the sentiments expressed by the House to the Hon. Speaker, and I hope he will take note of the observations as well as the suggestions made by hon. Members.

SHRI ONKARLAL BERWA (Kota) *rose—*

SHRI SURENDRANATH DWIVEDY : I had written to the Speaker.....

SHRIMATI SUCHETA KRIPALANI (Gonda) : I want to raise a point with your permission.....

MR. CHAIRMAN : First, Shri Onkar Lal Berwa.

श्री ओंकार लाल बेरवा : सभापति महोदय, मैंने सुना है कि अध्यक्ष महोदय ने मेरे प्रति कुछ कटु शब्द कहे थे वह वापस ले लिए हैं तो मैं उनको धन्यवाद देता हूँ और मैं भी जो मैंने यह कहा था कि आप मंत्रियों की तरफ हमदर्दी करते हो या उनकी तरफ वकालत करते हो, वह अपने शब्द वापस लेता हूँ ।

11.24 hrs.

**Re. : FLOOD SITUATION AND
 OTHER MISCELLANEOUS
 MATTERS**

SHRI SURENDRANATH DWIVEDY (Kendrapara) : I have written to the