

MR. DEPUTY SPEAKER : The report will be debated on Friday. The Minister is just giving you advance notice.

Now we may take up the motion of Mr. Kanwar Lal Gupta to discuss the statement made by the Minister of Law and Social Welfare on the 19th November, 1969 regarding mid-term Parliamentary elections.

17.00 hrs.

DISCUSSION ON STATEMENT RE :  
MID-TERM PARLIAMENTARY  
ELECTIONS

MR. DEPUTY SPEAKER : Mr. Kanwar Lal Gupta.

श्री कंवरलाल गुप्त (दिल्ली सदर) :  
उपाध्यक्ष जी आज से कई दिन पहले मन्त्री महोदय ने जब मतदान सूची के सम्बन्ध में वक्तव्य दिया था तो उस समय उन्होंने कहा था कि ये सूचियाँ सर्वसाधारण रीति से बनाई जा रही हैं और इसमें कोई विशेष बात नहीं है। उन्होंने यह भी कहा था कि यह सदन भंग नहीं किया जायेगा—इस प्रकार का विश्वास दिलाया था। इस वक्तव्य से केवल उनका समाधान तो हो सकता है लेकिन मैं कह सकता हूँ और कोई दूसरा आदमी इस देश में नहीं है जिसका समाधान उनके वक्तव्य से हुआ हो। जिस तरीके से श्री जिस जल्दबाजी से एलेक्शन कमीशन यह सूची बना रहा है, और जिस तरह के वक्तव्य एलेक्शन कमीशन ने दिया है कि वह 35 दिन में चुनाव करा सकता है और उसके बाद पांच लाख लोग इन सूचियों को बनाने में लगे है उससे स्पष्ट है कि यह सर्वसाधारण रीति से नहीं है। ढाई साल हो गए चुनाव हुए, इस प्रकार की सूचियाँ आपने पहले क्यों नहीं बनाई? आज जो कर रहे हैं, क्या पिछले साल भी आपने बंसा ही किया था या उससे पहले साल बंसा ही किया था? मैं कह सकता हूँ कि नहीं किया। मैं मानता हूँ कि विधान ने एलेक्शन कमीशन को जो काम सौंपा

है, एलेक्शन कमीशन को वह कार्य पूरा करना चाहिए लेकिन जिस समय में, जिस जल्दबाजी से और जिस तरीके से यह काम चुनाव आयोग कर रहा है, जबकि कांग्रेस टूटी, उसके दो टुकड़े हुए, ऐसे समय में यह बात करना और ऐसा अवसर ढूँढ़ना, मैं समझता हूँ यह स्पष्ट करता है कि चुनाव आयोग कांग्रेस के एक पक्ष को मदद देना चाहता है। इसलिए यह बड़ी खतरनाक परम्परा होगी। अगर यह बात सर्वसाधारण है तो फिर जो उप चुनाव थे असेम्बली और पार्लियामेंट के, जिनकी तिथियाँ भी निश्चित हो गई थी, उनको आपने पोस्टपोन क्यों किया। उसका कोई जवाब चुनाव आयोग ने नहीं रखा कि जिनकी सूचियाँ तैयार हो गई थीं उनको भी आपने क्यों पोस्टपोन कर दिया। मैं समझता हूँ कि चुनाव आयोग का यह फर्ज था कि वह पोलिटिकल पार्टीज को और इस देश को विश्वास में लेती कि हम क्यों वाई एलेक्शन पोस्टपोन कर रहे हैं। लेकिन उसके बजाये सारे देश में चुनाव आयोग ने एक अस्थिरता का वातावरण पैदा कर दिया ताकि पार्लियामेंट के जो मेम्बरस हैं जिनमें से कुछ नहीं चाहते कि पार्लियामेंट टूट जाये वे प्रधान मन्त्री के साथ चिपके रहें। इस तरीके से चुनाव आयोग ने यह तनाव लटका कर के प्रधान मन्त्री का जो पक्ष है उस को मजबूत करने की कोशिश की है...(व्यवधान)...मैं कहना चाहता हूँ कि यह बहुत खतरनाक परम्परा है। चुनाव आयोग को निष्पक्ष रहना चाहिए। इतना ही नहीं कि वह निष्पक्ष रहे बल्कि उस के लिए यह बहुत जरूरी है कि यह मालूम होना चाहिए सभी को कि वह निष्पक्ष है। मैं कह सकता हूँ कि चुनाव आयोग ने इस प्रकार का वातावरण बन कर के अपना जो कर्तव्य है उस में लापरवाही की है। अगर वह अपनी एफिशियेंसी बढ़ाने के लिए कुछ काम करते तो मुझे कोई एतराज नहीं था। लेकिन जिस समय में उन्होंने इस काम को चुना मैं समझता हूँ कि यह ठीक नहीं नहीं है। इतना ही नहीं अगर चुनाव जल्दी हो और चुनाव

[श्री कवरलाल गुप्त]

की समस्याएँ जल्दी हल की जायें तो मैं जानना चाहता हूँ कि आखिर आल इंडिया रेडियो पर पोलिटिकल पार्टियों को चुनाव के संबंध में कितना समय मिले वह आप क्यों नहीं तय करते हैं ? इसी प्रकार से वाहन यानी ट्रांसपोर्ट को कितना परमिट किया जाय ? एक सुझाव आया था कि जिस दिन चुनाव हो उस दिन सारा ट्रांसपोर्ट बन्द होना चाहिए। उस के बारे में क्या प्रतिक्रिया है ? यह बड़ी बड़ी समस्याएँ हैं जिन के बारे में चुनाव आयोग चुप है। लेकिन मन्दाताओं की सूची और 35 दिन में चुनाव हो सता है इस तरह की बात कर के चुनाव आयोग ने देश में इनसेक्योरिटी और गड़बड़ पैदा की है। बल्कि मैं समझता हूँ एक प्रकार से ब्लैकमेलिंग की है। मैं चुनाव आयोग के बारे में कहना नहीं चाहता। लेकिन जिस प्रकार का वातावरण पैदा किया गया है मैं समझता हूँ कि यह आशा हमें अपने चुनाव आयोग से नहीं थी।

आखिर में मंत्री महोदय ने कहा कि कोई मिड-टर्म पोल नहीं होगा और उन्होंने विश्वास भी दिलाया। लेकिन उन के विश्वास दिलाने के बाद भी आज जनता का विश्वास क्या है ? यह मिसर्लाडिंग स्टेटमेंट है। प्रधान मंत्री और मंत्री महोदय में हिम्मत नहीं है कि वह खुल कर के यह बात कहें कि हम दोबारा चुनाव कराना चाहते हैं। लेकिन वह चाहते हैं कि जब उन का संगठन मजबूत हो जाय, जब उन के टुकड़े ठीक तरह से हो जाय, हर जगह पर संगठन ठीक हो जाय तब अचानक घोषणा कर दें कि मिड-टर्म पोल होगा। लेकिन इस में एक दूसरा सवाल आता है कि क्या प्रधान मंत्री को हमारे विधान के अनुसार पार्लियामेंट को डिजात्व करने का हक है ? क्या पार्लियामेंट डिजात्व करने के लिए प्रधान मंत्री राष्ट्रपति को लिख सकती है ? यू० के० में तो होता है लेकिन यू० के० का कांस्टीट्यूशन और हमारा कांस्टीट्यूशन जो है उस में बड़ा अंतर है।

यू० के० का जो किंग है वह चुनाव नहीं जाता है उस को आप हटा नहीं सकते हैं।

MR. DEPUTY SPEAKER : I am sorry to interrupt you, Shri Kanwar Lal Gupta. As you see in the Order Paper, one hour is allotted for this discussion. You have taken 10 minutes.

SHRI KANWAR LAL GUPTA : Only 5 minutes.

MR. DEPUTY SPEAKER : One minute this or that side does not matter. The hon. Minister will, I think, take about 10 minutes. There are hon. Members also who would like to speak on this. So, I would request you to cooperate with the Chair and be as brief as possible, so that the maximum of numbers may have the opportunity to speak.

SHRI KANWAR LAL GUPTA : Normally 15 minutes are given.

AN. HON. MEMBER : It is an important matter. You can extend the time by 15 or 20 minutes.

MR. DEPUTY SPEAKER : I cannot do it.

SHRI KANWAR LAL GUPTA : The House can do it.

SHRI SURENDRANATH DWIVEDY : (Kendrapara) : In the Agenda we have got the Half-an-hour discussion. Mr. Madhu Limaye is not here today and we cannot take up that Half-an-hour discussion. So, we can continue with this upto 6-30 P. M. without any difficulty.

MR. DEPUTY SPEAKER : If that is the desire of the House...

SHRI KANWAR LAL GUPTA : Otherwise I cannot do justice ..

SHRI SURENDRANATH DWIVEDY : Mr. Madhu Limaye is not here. He is absent. So, this discussion can continue upto 6-30 P. M.

MR. DEPUTY SPEAKER : All right. If it is the unanimous view of the House, we can do it.

SOME HON. MEMBERS : Yes,

THE DEPUTY SPEAKER : That is, the time for the Half an-hour discussion to be raised by Shri Madhu Limaye will be devoted to this item. I have no objection.

SHRI KANWAR LAL GUPTA : Thank you, Sir.

मैं यह कह रहा था कि एक बहुत बड़ा सवाल इस से पैदा होता है कि क्या हमारे देश के प्रधान मन्त्री को इस बात का अधिकार है कि वह राष्ट्रपति से कहें कि पार्लियामेंट तोड़ कर के दुबारा चुनाव किया जाये ? मेरा कहना यह है कि इस के बारे में दो रायें हैं। एक तो यह कि जैसा यू० के० का विधान है वहां पर वह परंपरा रही है और आज भी है लेकिन हमारा जो विधान है वह यू० के० का विधान से अलग है। हमारा राष्ट्रपति चुना जाता है। हम अपने राष्ट्रपति को हटा सकते हैं। लेकिन यू० के० के अन्दर जो किंग है वह चुना नहीं जाता है, उस को आप हटा नहीं सकते हैं। उस को इम्पीच नहीं कर सकते हैं। लेकिन हमारे यहां इम्पीच कर सकते हैं। किंग कैन डू नो रांग लेकिन हम कहते हैं कि राष्ट्रपति गलती कर सकता है। और अगर ज्यादा गलती करे तो उसे सजा भी मिल सकती है। इसालये दोनों के अलग अलग अधिकार हैं।

दूसरा सवाल आया कि क्या अगर प्रधान मन्त्री कहें तो वह राष्ट्रपति पर वाइडिंग होगा या नहीं होगा, यह बहुत बड़ा सवाल है आज तक इस का कोई जवाब नहीं दिया गया है। आपको याद होगा डा० राजेन्द्र प्रसाद जी ने भी यह सवाल उठाया था। और जब उन्होंने यह सवाल उठाया पंडित जवाहर लाल नेहरू काफी नाराज हो गए। लेकिन उस के बाद यह सवाल अभी बना हुआ है। इस में एक बात और भी हो सकती है कि राष्ट्रपति कांस्टीट्यूशनल हेड है और उस की वजह से जो कुछ

भी उन्हें कहा जाये वह उसे मानेंगे। लेकिन आप को याद होगा या आप कांस्टीट्यूट असेम्बली की प्रोसीडिंग्स को देखें तो सरदार हनु मिह ने एक अमेंडमेंट दिया था :

'The President may promulgate an ordinance only after consultation with the Council of Ministers.

सरदार हनु मिह जी ने जब कांस्टीट्यूट असेम्बली में यह अमेंडमेंट दिया था तो उस समय डा० अम्बेडकर ने कहा कि इस की कोई जरूरत नहीं है क्योंकि यह प्रिज्युम किया जाता है कि कन्सल्टेशन से होगा। उस समय डा० राजेन्द्र प्रसाद ने कहा कि विधान में ऐसा कहा है ? तो डा० अम्बेडकर ने कहा कि अभी तो विधान में नहीं है लेकिन उस का प्राविजन कर देंगे। परन्तु आज तक उस का प्राविजन नहीं किया गया अतीजा यह है कि चाहे विधान का भावनाये कुछ भी हों, लेकिन आज जो विधान लिखा हुआ है और उस का जो अर्थ है उस से तो यह नहीं निकलता कि किसी प्रकार से राष्ट्रपति के ऊपर यह चीज लागू होगी कि वह जरूर मानेगा ही। राष्ट्रपति की मर्जी है, वह माने या न माने और राष्ट्रपति ने कहा है कि मैं कोई रबर स्टाम्प नहीं हूँ, यह ठीक ही कहा। बहरहाल दो रायें इस सवाल पर हो सकती हैं। मैं चाहूँगा कि सुप्रीम कोर्ट से राष्ट्रपति राय लें कि आया स्थिति क्या है ? आया वह बाध्य होगा कि नहीं प्रधान मन्त्री की राय को मानने के लिये, आया प्रधान मन्त्री डिजोल्डेशन मांग सकती है कि नहीं ? और अगर मांगती है तो फिर राष्ट्रपति बाध्य है कि नहीं उन की बात मानने को।

दूसरा सवाल यह आता है कि यह माइनारिटी सरकार है। और क्या माइनारिटी सरकार को डिजोल्डेशन पार्लियामेंट का मांगने का हक है ? जितना मुझे मालूम है यू० के० के अन्दर भी अगर कोई सरकार माइनारिटी में होती है उस को पार्लियामेंट डिजोल्डेशन मांगने का हक नहीं है। अगर यू० के० में नहीं

### [श्री कंवरलाल गुप्त]

है तो इस माइनारिटी गवर्नमेंट को तो बिल्कुल ही नहीं है, और न ही होना चाहिये।

स्थिति क्या है ? यह सरकार एक इश्यू से दूसरे इश्यू पर जिन्दा रहती है। हर एक इश्यू पर इन की राय बदलती रहती है। किसी इश्यू पर मैजोरिटी मिलती है, तो किसी पर नहीं मिलती है। जैसे प्रीवेन्टिव डिटेंशन बिल है यह सरकार इसे पास करना चाहती थी, लेकिन इन्होंने देखा कि यह भी खिलाफ है जो हमारे परमानेंट ऐलाइज हैं। और अगर खिलाफ है तो कुछ नहीं कर सकते। या तो पहले तय करते कि हम डिटेंशन बिल नहीं पास करना चाहते हैं। लेकिन इच्छा न होते हुए भी आप को ड्रॉप करना पड़ा इस का मतलब यह है कि आप की मैजोरिटी नहीं है। आप के साथ और जो पार्टियां हैं, वह हर एक इश्यू पर हैं, केवल सी० पी० आई० नहीं है। It is not the Communist Party of India, it is the Congress Party of Indira.

एक सरकारी पक्ष है और एक विरोधी पक्ष है। मेरा कहना है कि आप इस कम्युनिस्ट पार्टी आप इंदिरा को एक सरकारी विरोध पक्ष बना दीजिये, यह सरकारी विरोधी पक्ष है। विरोधी पक्ष के दो हिस्से कीजिये— एक विरोधी पक्ष और एक सरकारी विरोधी पक्ष, जिस में कांग्रेस पार्टी आप इंदिरा को बैठाइये।

**SHRI YOGENDRA SHARMA (Begusarai):** We are not Syndicate opposition; we are a democratic opposition.

**SHRI KANAR LAL GUPTA:** This is only an extension of I, Safdarjang nothing else.

अगर यह माइनारिटी गवर्नमेंट है तो मंत्री आज डिक्लेयर करे कि अगर सरकार कभी गिर भी जायेगी तो दूसरी आल्टरनेटिव सरकार बनाने का दूसरों को मौका दिया जायेगा तब तो हम मानेंगे। वह सिडिकेट हो जनसंघ हो या कोई और हो, जिस का भी बहुमत है उस को राष्ट्रपति कहेंगे सरकार बनाने

के लिये और पार्लियामेंट को डिज़ाल्व नहीं किया जायगा। यह मैं कंटागारिकल ऐश्योरेंस मन्त्री महोदय से लेना चाहता हूँ।

अन्त में मैं दो तीन बातें कह कर बैठ जाऊंगा क्यों कि ज्यादा समय अब मुझे नहीं मिल रहा है।

पहली मांग मेरी यह है कि राष्ट्रपति राय लें सुप्रीम कोर्ट की कि आया प्रधान मन्त्री की रिक्मन्डेशन डिज़ोल्यूशन के बारे में राष्ट्रपति पर वाइडिंग है या नहीं।

दूसरी मेरी मांग यह है कि इलेक्शन कमीशन को ऐक्सप्लेनेशन देना चाहिये कि उस ने वाई-इलेक्शन क्यों पोस्टपोन किये और उन्हें आइन्दा कोई चीज इस तरह की नहीं करनी चाहिये, बगैर राजनीतिक दलों के साथ बातचीत किये, उन से बगैर मलाह मसिवरा किये, जिस से कोई मिसअन्डर स्टैंडिंग न हो।

और तीसरी मेरी मांग यह है कि प्रधान मन्त्री, वह यहाँ नहीं है तो विधि मन्त्री उन के बिहाफ पर घोषणा करे कि किसी भी हालत में पार्लियामेंट को डिज़ाल्व नहीं किया जायेगा। अगर इन को सरकार गिर गयी तो दूसरों को, जो सरकार बना सकते हैं, उन को मौका दिया जायगा। हां अगर कोई नहीं बना सकता तो फिर तो दुबारा चुनाव होंगे ही।

इन शब्दों के साथ मैं अपना वक्तव्य समाप्त करता हूँ।

**SHRI SURENDRANATH DWIVEDY : (Kendrapara):** I shall confine myself to the subject without going into the question of dissolution, whether the Government has power, whether the President has power to dissolve Parliament.

After the statement of the Minister here on this question. I do not think doubts in the minds of the people have been removed. The statement is, I would say, rather an eye-wash. It wants to conceal more than to reveal real facts. Two or three pertinent questions arise out of it which I will now

place before you and want the Minister to reply.

It is all right to say that the Election Commission has the power of conducting and supervising the elections. It is a statutory body with statutory powers under the Constitution. Nobody is going to dispute that. But I want to know whether the Election Commission has the inherent power to fix dates for elections. That it does only after consulting the State Governments or the Central Government.

Mark the date when the Election Commission suddenly became aware that it must overhaul its machinery in such a way that elections can be conducted as expeditiously as possible if it is called upon to undertake that responsibility. That was in the first week of November when the split in the Congress Party came to a crisis. When it was known that the Congress Party was splitting that Government was losing its majority, it might resign, it was threatening fresh elections in order to get supporters, than to strengthen that propaganda the Election Commission was a handy weapon to play to the tune of the prime Minister's political desires. That is what has happened. I could have understood if after the Presidential election the Election Commission had thought that there was probability of instability in political life and anticipating it decided to prepare itself, but that was not so.

The timing and date are very important. It is all right for the Law Minister as a constitutional lawyer to tell us that this is not the Government's business, that this is the business of the Election Commission and he can do nothing about it. But the revision of electoral rolls is a continuing process, this is nothing new. So, why this hallabaloo, why this demonstration, why this conference of the Chief Electoral Officers to see that within so many days everything was completed, engaging five lakhs of people? What was the necessity? What was done in the previous year?

Again, I would like you to mark the date. The Election Commission says that by the 15th January the revision of electoral rolls would be completed and within 35 days from 15th January they will be able to complete the election processes. We will be adjourning this month and meeting again in February for the Budget Session, I do

not know whether there is some coincidence here. Why this date of 15th January? It is a significant date. So, it is not so innocent as he says. It may be that there is no formal communication, but it seems there must have been some telepathic communication between the two so that the Election Commission could understand "Oh, there is such a situation."

Then, Sir, it will be a bad day for this country if the Election Commission comes for criticism of this nature. In spite of the fact that there were several irregularities at the time of the elections, there was administrative interference, Government interference, nowhere was the Election Commission accused of partisan spirit. So, it will be a bad day for this country if the Election Commission is made a puppet in the hands of the executive. Why I say this is because of this I make a charge, and let the Government repudiate it if they can. The postponement of the by-elections further strengthens my charge, because I know it for a fact that once the by-elections were postponed when there was an emergency. It was not the Election Commission but the Government who did it. All the Opposition leaders were called to a conference with the Election Commission and the Government to decide whether in that emergency we could postpone the by-elections or we could have them. But here nothing was done. I charge this Government: these by-elections have been postponed only because the Election Commission is faced with the difficulty as to whom to give the symbols: the Congress opposition or the ruling Congress party. (*Interruption*) Because of the difficulties that are faced by the ruling Congress party, in order to put forward the claim that it will get the symbol and because the other party is opposing it and they are not entitled to get it, the Election Commission wants to postpone the by-elections till that day when the session of the Congress is over, when the party will claim that so many delegates were in a majority on this side or that side and they will go and give representation to the Election Commission, and then the Election Commission will decide on the symbol and then the by-elections will be taken up. Otherwise, there was no ground whatsoever for postponing the by-elections. What is the emergency? What in this? The symbol

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of bulls can be given to this side or that side. We do not mind. After all, the postponement of the by-election further corroborates my point that the Election Commission, with the concurrence of the Government, had an evil design; otherwise, it cannot deprive a section of the population from being represented in the legislatures. It had been announced; the people were prepared and the candidates were put up. What was the emergency for the revision of the rolls, and how many more are you going to add? In this country, we are prepared every month, to face an election either in the States or at the Centre. I do not know how long will this Government exist here. Even if it exists, in view of the shape of things that is coming up, I do not know what will be the stability of any other government which may come. In such a situation, we may face an election at any time. Therefore, to say that unless the rolls are revised, we will not have the elections, means that there will be no elections; the elections will be held only according to the suitability and convenience of the ruling party. This will be a dangerous precedent and the Election Commission, willy-nilly or deliberately, has fallen a prey to this machination and it is accused of political motives behind it.

Now, one thing has not been clarified. The hon. Member has put certain categorical questions. It has not been clarified even now. I would like the Minister to reply to it, that in no case they are thinking of a dissolution. Of course, we are not going to permit the dissolution. We shall fight it tooth and nail. Let us see. Because the electorate has elected the representatives for a full term of five years; there might have been a split in the Congress party; that does not mean that the electorate has changed. It is an internal quarrel. Therefore, there is no question of dissolution. But I want to know specifically whether at any time, at any place, at any conference, any hint was thrown or anything was said, in order to justify or create a feeling in the administration as also in the Election Commission that probably they may have to face a mid-term election in the near future and for that, the entire machinery must get ready.

Secondly, you were in the Chair, Sir,

yesterday and we saw how the Law Minister wanted to put through that subtle amendment. He asserted that it was constitutional, but when his design was exposed and he had no defence, he had to withdraw it. But we feel there was a sinister design behind it. After all, after the Constitution Amendment Bill is passed, it has to be ratified by 50 per cent of the State legislatures. If it is not ratified before 25th January, 1970 and if it is done beyond that date, then the Law Minister could have come before the House and said, it should be given retrospective effect. But he was not prepared for that. He was doing it purposely. That gives a feeling to people all over the country that secretly they are preparing for a mid-term election, however, much they may deny it publicly.

The Election Commission has so far behaved as an impartial organisation and earned a reputation by conducting four general elections in a free and fair manner. It is for the Government now to behave in a manner in which the respect and reputation of the Election Commission remains intact.

SHRI K. NARAYAN RAO (Bobbili) : Sir, so for this issue was merely an academic one, but now it has assumed a sense of urgency. This debate was initiated by Dr. Rajendra Prasad when he inaugurated the Indian Law Institute and it still continues. Regarding the question whether the advice given by the Prime Minister is binding on the President or not, everybody has to admit that there are certain areas where the President can exercise his discretionary powers. This has been conceded by everybody. But what are these areas and to what extent can the President exercise his discretionary powers and under what conditions? On this there is a difference of opinion. Arguments can be advanced for and against it. We have had no precedent till now and there has been no trial of strength. In this context, by and large, we have to rely on the British conventions. There again, we cannot adopt every convention created in Britain because the conditions in India and in Britain are totally different.

Under the Constitution, there are 3 functionaries which have a distinct interpretation—Parliament, Government and the President. We are asking the Law Minister

to commit the Prime Minister that she will not ask for dissolution. I do not think anybody can come into this particular situation. Everybody has to accept the position that even under the British constitution, it is the prerogative of the Prime Minister to ask for dissolution. To what extent the President is bound to abide by it is still a moot point. We have a President and he is entitled to have his own interpretation. After he takes a decision, Parliament will have to decide whether the President's decision is right or the Prime Minister's decision is right. Until then, it is academic.

Mr. Dwivedy was exercised about the amendment yesterday regarding the date. It was sought to be made only for avoiding any overlapping or gap. As it is, this reservation will end on 25th January, 1970. To avoid any gap or overlapping, this amendment was sought to be moved. I do not know how he got the idea that this amendment of the Constitution should be ratified by half the number of State legislatures. According to article 368, I do not think such ratification is required for the Constitution Amendment Bill we passed yesterday.

SHRI N. K. SOMANI (Nagaur) : Sir, a number of speculative reports have been, I think out of design. Ever since that fateful Presidential Election most of these rumours have been installed in public minds through newspapers and through whispering campaigns and it becomes abundantly clear that the mind and heart of ruling party and the Prime Minister is not at all clean.

I would cite two or three instances of the areas of undue influence. To begin with, we had the historic stray thoughts dictated by the Prime Minister at Bangalore, when she made a sweeping allegation against the entire battery of businessmen and industrialists and said that she is aware of the machinations of the business world, that she has documentary evidence about the manner in which black money is circulating in our system, etc. This is one way in which she could certainly intimidate the gullible section of businessmen and industrialists. I would turn back and ask, "If you have evidence of the machinations and misdeeds of certain businessmen, what right have you to sit upon these files instead of giving them to the CBI for investigation?"

The second area of influence was when she chose to attack the bureaucrats of the country, who she said, are the greatest stumbling block. These people are not certainly committed to her shade of thinking and her enthusiasm for the so-called socialism. Either we live in a democratic society or she wants to transform it into a totalitarian society.

THE MINISTER OF LAW AND SOCIAL WELFARE AND RAILWAYS (SHRI GOVINDA MENON) : What has this to do with revision of electoral rolls ?

SHRI N. K. SOMANI : I am just narrating the instruments of intimidation and blackmail.

The third area of influence is regarding her own politicians whom she wants to keep on the leash, because she finds it useful, by this kind of threat of dissolution of the highest elected body of the country. Reports have been in circulation that there may be a mid-term election. On the other hand, patronage—to her own party people and yes-men is being distributed with both hands. I am sure most of us have heard that absolute power corrupts absolutely. I would like to add, imminent loss of power corrupts infinitely more. It is the imminent loss of power, which has compelled her to shed all kinds of moral and legal compunctions.

I am advised that the Home Ministry is indulging in an exercise of an academic nature whereby they will give an instrument to this Government, namely, in the event of a dissolution of this House, some kind of a care-taker Government would be installed.

They are also trying to find a lacuna or a loophole, just because the Constitution of our country is silent, so that in this event some kind of a vote-on-account will be given under the emergency powers by the President and the administration of this country can be conducted.

Sir, I do not normally use strong words but in this particular case I would like to say that the conduct of the Chief Election Commissioner has been reprehensible when he says that he is aware of his constitutional responsibility and when he boasts of his preparedness that in 35 days from a particular date he is ready to go to the polls and to arrange the entire mechanism of the

[Shri N. K. Somani]

General Election. I can say only that the Chief Election Commissioner, like the judiciary, should not only be discreet but should be like Caesar's wife. I would like you to imagine for just one minute if the Chief Justice of the Supreme Court were to get up today and say to this Parliament or to somebody having a bright idea that just as you remove the property rights from the Fundamental Rights Chapter or Shri Nath Pai's Bill is given a passage, he is ready in 17½ days to adjudicate on that particular matter. These things are not said. We expect them to be ready. But the timing of the statement of the Chief Election Commissioner and his conduct are something about which more can be said.

I would, therefore, urge that the President of India, in the interest of political stability, morality and upholding the dignity of this House, and not being led to succumb to the machinations of the truncated ruling party, should unequivocally declare now publicly, just as he has done in a private interview with a PSP leader, that he is not a rubber stamp and that he would refer this view to the Supreme Court.

SHRI SONAVANE (Pandharpur) : Sir, can the hon. Member cast aspersions on the integrity of the President of India when he alleges that he cannot be a rubber stamp? It is objectionable and should not go on record ..(Interruption.)

SHRI N. K. SOMANI : I am quoting from a public document which has been printed.

Let the President unequivocally declare about his intentions and rights and, if necessary, refer it to the Supreme Court. As far as my own party is concerned, we do not have to take the cue from the *badli* Congress President, Shri Subramaniam, who said the other day that they are prepared to face the polls. If they are, the rest of us also are. Therefore, I will only hope and pray that when an event like this comes, when the Prime Minister thinks it correct in her mind to ask for dissolution of the House, the President of this country would give an opportunity for an alternative democratic government being formed.

DR RAM SUBHAG SINGH (Baxar) :

Sir, I am glad that this motion has been introduced by Shri Kanwar Lal Gupta and Shri Dwivedy. They have made a very forceful speech in regard to the heinous activities of the Government. It is a disgraceful that this Government has created this vicious atmosphere. But the Government is incapable of getting it done.

We would welcome the dissolution of Parliament simply because of the fact that this Government, which is in utter minority, will be eliminated by the dissolution of Parliament.

I support Shri Somani's point that this Government should not be allowed to continue as a caretaker government because it has not got any standard and majority. You would have noticed that yesterday a wrong amendment was introduced and was hurriedly withdrawn. Similarly, you can take a census of the advice, legal advice more particularly, given by the Government. All that has gone wrong and has gone against the interest of the country. You can analyse that.

The name of the President was introduced in the discussion. I do not want to say anything which might be derogatory to that high dignitary. But the President must stick to what has appeared in all the national papers that he should not rubber-stamp all the advice that might be tendered by this minority government because it has not got any legal standing now. The Government was formed on the basis of the majority that the leader of the then Congress Parliamentary Party commanded.

Now they have no majority in the House and this Government somehow or other are trying to stick to power. It can continue for some time because it has got allies. But, as was mentioned by Mr. Kanwar Lal Gupta, they are not in a position to introduce any legislative measure into the House which they themselves wanted to introduce previously.

Similarly, there is a difference between the UK Parliament and this Parliament, the power of the Crown and the power of the President and that can be gone into not by the Law Ministry or by this Government, but that can be gone into by real experts on law and they can give advice or it can be referred to the Supreme Court and the



Supreme Court can give advice as to what should be done.

The dissolution of Parliament can be had only on the recommendation of the Parliament because as this Government has lost its majority and is a minority Government, it cannot say that this is the opinion of the Government and ask the President to dissolve the Parliament. What is the Government to day? Who are there in the Government? They are all people who dare not say anything against the wishes of the Prime Minister. Therefore, the advice of such a Government should not be given any importance.

Regarding holding of meetings by the Prime Minister, the Prime Minister holds meetings during elections.

SHRI S. KANDAPPAN (Mettur) : He should not say anything about Cabinet secrets.

DR. RAM SUBHAG SINGH : Where is the secret now?

You are the latest ally. How far will this alliance last—I do not know. They should not make use of the power of the Prime Minister nor the Exchequer should be misutilised by the Prime Minister because wherever she goes even during election times, on Government account meetings are arranged because all the arrangements are made on behalf of the Government. The entire, huge, paraphernalia is managed by the Government. That is a thing which must be eliminated during elections because for one meeting of the Prime Minister, even the simple arrangement costs about Rs. 65,000. That is a thing which must not be thrown on the public exchequer. It must be borne by the Party which contests the elections.

So I would like that the President must put a curb on the Prime Minister's activities during election time or Parliament should put a curb that no Minister, more particularly the Prime Minister, should have the freedom to use or misuse the public money.

Therefore, one is that there should not be any misuse and there should not be any caretaker Government because we see what the Government is. It should not be allowed to continue as a caretaker Govern-

ment. As I said in the beginning, if the Parliament is dissolved...

SHRI AMRIT NAHATA (Barmer) : Do You want dissolution of Parliament?

DR. RAM SUBHAG SINGH : Yes, I want. Dissolve the Parliament to-day. Let us face the elections.

SHRI S. M. BANERJEE : Mr. Deputy Speaker, Sir, you adjourn the House.

DR. RAM SUBHAG SINGH : Adjourn the House and dissolve it. This Government is a minority Government. It should not be allowed to exist even for a moment.

SHRI R. D. BHANDARE (Bombay Central) : Having heard the speeches of the Opposition it appears to me that the Opposition suffers from a split personality. (*Interruptions*). Some of the members of the Opposition seem to be haunted by the spectre of mid-term elections. That is one side of the Opposition. The other side is of the Congress (Opposition) which is very much anxious to have the mid term election because they would like the House to be dissolved as, according to them, this is a minority Government.

SHRI RANGA (Srikakulam) : It is. (*Interruptions*)

SHRI N. K. SOMANI : Did you count the heads?

SHRI AMRIT NAHATA : Why don't you bring a motion of no-confidence?

SHRI R. D. BHANDARE : It is very easy to be in power. But, under Parliamentary democracy, it is much more difficult to play the role of opposition. My friends have not learnt to play the role of the opposition.

DR. RAM SUBHAG SINGH : That is left to you.

SHRI R. D. BHANDARE : Sir, dissolution is not a wishful thinking. There is a provision under the Constitution, as to when dissolution can take place. We have accepted Parliamentary Democracy, and, Parliamentary Democracy presupposes the existence of political parties. There are number of

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eventualities. There may be two-party system; there may be multi-party system, whether we like it or not. In our country we have got the multi-party system. And, therefore, under the multi-party system, we have a party in power which is the largest single majority in this House.

DR. RAM SUBHAG SINGH : Where there is majority.

SHRI R. D. BHANDARE : Now you are not in power. Kindly learn to have patience. Kindly give me a patient hearing.

SHRI SURENDRANATH DWIVEDY : As a constitutional expert, I would like to know from Mr. Bhandare whether the present leader of the largest single party was called upon to form the Ministry as the leader of the largest single party or of the majority party leader?

SHRI R. D. BHANDARE : As I was explaining, Sir, the working and the functioning of the party system is like this. It so happened that some of the individuals from the largest party which had formed the Government had gone over to the other side but the Government continued to be in office and there was no necessity and there was no exigency and there was no occasion to elect another new leader to form the Government. That is the constitutional position.

Therefore, dissolution is not a wishful thinking and this subject of mid-term election as a factor should not haunt the minds of the Members of the Opposition, as it has happened in the case of Mr. Dwivedy and Mr. Kanwar Lal Gupta. As for as Dr. Ram Subhag Singh ji is concerned, he is the Leader of the Opposition and I hope and pray that he will follow the constitutional provisions.

So far as the Election Commissioner is concerned, he is in charge of the elections and preparation of electoral rolls and it is one of the duties of the Election Commissioner to revise the electoral rolls from year to year. And then you cannot simply challenge the Election Commissioner's duties functions, because, he is of the status and position of the Supreme Court Judge. If he has lost your confidence, you have got

the methods and the procedure by which you can challenge him. Instead of doing that, there is no use casting aspersions on him, because, we have got to follow these constitutional provisions.

Therefore, I am trying to emphasise this point on the minds of the Opposition Members that if at all they want to play the role of the opposition, they must function within the framework of the constitution. They cannot accept one part of the constitution and reject the other part of the constitution. My prayer and my advice to them would be to follow the Constitution, as it is.

DR. RAM SUBHAG SINGH : It is wrong advice.

SHRI R. D. BHANDARE : We have to follow the constitutional provisions. If you want to seek the dissolution of Parliament, it could be done according to the provisions of the Constitution. If you want to challenge the Election Commissioner, you have to do it according to the constitutional provisions. Therefore, I would like to say, do respect the constitution.

So my advice to them is : let the mid-term elections not haunt minds of the Opposition.

SHRI S. KANDAPPAN (Mettur) : Shri Bhandare was trying to convince us that the Election Commission has got the power and has acted on its own. It is true that it has the power. But it is very difficult for us to believe, or for that matter, for our countrymen to believe, that it has acted in the normal course; this is because of the speed with which it has proceeded and the deadline which it has for itself fixed. Normally when electoral rolls are published, the time-limit for objections which are called for is 30 days, but now I understand that in this case it has been reduced to 15 days. So this urgency goes to prove that there is some kind of emergency in its roll work. So let us not try to hide obvious facts. Let us not try to wish away facts.

It is very well for Government to argue that they have a feeling that there might be dissolution of Parliament in spite of

themselves ; so they have taken up this job, so that they are not taken unawares. I can understand that kind of argument

AN HON. MEMBER : Honest argument.

SHRI S. KANDAPPAN : Yes, because I do feel it is quite possible that it may happen. Nobody in this country can now definitely say, whether he be from the Opposition or from the Congress Party, that there is not going to be a dissolution of Parliament or there is not going to be a mid-term poll. Is the Government Party in a position to say that they will definitely manouvre a majority in such a poll? I doubt. Or is Dr. Ram Subhag Singh in a position to tell us that he can manouvre a majority? I doubt. We are all very painfully aware of the process that is taking place in our Parliament.

SHRI R. D. BHANDARE : Manouvring is very bad.

SHRI S. KANDAPPAN : It is all right. We are painfully aware of the process happening now.

We have been indulging in glib talk. We are adding to more and more parties. When people from the DMK and others of our thinking pleaded for more autonomy to States, one arguement advanced against it was 'see the fissiparous tendencies in the country; see the splinter groups that are fighting against each other'. But now I predict that the same thing is going to happen at the Centre in this Paliament.

SHRI RANGA : It is happening already.

SHRI S. KANDAPPAN : Yes, After mid-term poll, I envisage the position will be worse. The number of the ruling Congress is going to be reduced. At the most they may be able to secure 150 seats. Similarly the other group, the Cong-O, may get a lesser number of seats than it has today. The ruling Party may at the most get, as I said, 150...

SHRI N. K. SOMANI : Optimistic.

SHRI S. KANDAPPAN : Very optimistic rather.

So the same thing about which we

were so much worried in the States, which we wanted to check, is, I am afraid going to repeat itself in Parliament. This is the painful situation in which we are placed. Today the situation is fluid. Actually there is a lot of loose talk. Sometimes when I see the morning papers, I am astounded at the things said about the DMK of which we party members are not aware. I do not know how such reports appear about a party when the party members themselves do not know about it. This is the kind of wishful thinking put out by interested parties in news items. Probably this is to prompt us, the members to think on those lines.

We are going to be trapped either on the right or on the left. But my point is that it is not only the ruling party but it is also the Opposition which has a serious responsibility in this matter. We should ponder over what we are going to do. I accuse all the all-India parties. They were totally unprepared. Not only that, their actions have demoralised the people and we are not able to mobilise public opinion on that. We have not succeeded. When we talk to the rank and file of our party in Tamil Nadu even the intelligent people tell us that there is no use talking about coalition or entering into some kind of arrangement with the opposition parties because they find that even among the all-India parties with similar economic and political ideas this has not succeeded. Probably, there are many reasons for that. So, this is the time for us to see whether we can effect a polarisation, whether we can do something concrete, whether we can project an alternative form of opposition in the minds of the people as against the Congress. These are all moot points to be considered, the problems which we are going to face in the course of the next few months.

I do not think it is very material for us to argue at this stage whether the Government will be allowed to run as a care-taker Government, whether the President will become a stooge of the Prime Minister or succumb to her. I do not think these are quite relevant now. So far as I know, there are two or three opinions on the constitutional position as to whether the President can act on his own. Some say that the Constitution is very silent on that. People like Shri Bhandare say that the Constitution contains a provision. People on this side will probably deny it. These are all things

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which to my mind are not quite relevant. What is relevant is for us to seriously consider the fate of this country. When there was a rift in the Congress Party and the D. M. K. met on the even of this session, actually this was the sole consideration that we had in supporting this Government. Even today that is one of the major considerations for us because once we oust the Government, what is the alternative, what is going to be the fate of this country?

I am not very much carried away by the argument that this is a minority Government. Even when Dr. Ram Subhag Singh was there, it was a minority Government. Take the total poll of 1967,

DR. RAM SUBHAG SINGH : There you are right.

SHRI S. KANDAPPAN : So, if you consider the poll, the Government that is in power in Delhi does not represent the majority of the people of this great country. Today, it is in a much smaller minority than before. These are all things about which we need not quarrel, but the real problem that we have to consider today is that we are definitely going to face a political crisis in this country and I only wish that the senior leaders on all sides will put their heads together and try to see that we do not run into trouble in Delhi because that means the entire country, all the States, will suffer. When there is something in a State then there is the Governor to take over, but if something happens in Delhi I do not know what will happen to this country. This is the only serious problem which we should consider, not accusing each other, saying that the Prime Minister went and met Shri Karunanidhi or Shri V. P. Naik. That kind of argument is not going to help, does not lead us anywhere. This is the only appeal I would like to make to Rangaji and other leaders.

MR. DEPUTY SPEAKER : We have got half an hour more. Out of that the Minister will take sometime. So, if the hon. Members on the Government side agree, we can finish the list of the opposition.

SHRI S. M. BANERJEE (Kanpur) : I heard with rapt attention the speeches of

the leaders of the Syndicate, Swatantra and Jan Sangh. When I was hearing Ram Subhag Singh, one of our oldest colleagues—*(Interruption)*—I think I have scratched their sensitive part. *(Interruption)* Dr. Ram Subhag Singh was saying how the Government machinery is used for election purposes by the Prime Minister. It reminded me of the election of the late Dr. Zakir Husain. When Dr. Ram Subhag Singh was the Minister of Parliamentary Affairs, and they used the governmental machinery for that purpose—

18.00 hrs.

DR. RAM SUBHAG SINGH : Absolutely wrong.

SHRI S. M. BANERJEE : A Calling Attention motion and short notice questions were tabled. Anyhow, I welcome the statement after that. After all, a senior has to confess his old sins after coming back from the Government. *(Interruption)* I welcome the bold confession of the sinners. But let me make our position very clear here. We do not approve the various statements issued by the Chief Election Commissioner. He has created a scare in the country. Though I do not criticise him, I submit that he should in future not make such statements which can create confusion and scare in the country. But as far as the dissolution of Parliament and the elections are concerned, I, on behalf of my party, declare here and now that we are prepared to face any election even in Delhi, because our slogan is this : we do not thrive on party bickerings. We do not thrive on the mercy of the monopolists. We have the slogan : we have nothing to lose but all our chains and the world to win. That is the slogan on which we thrive. If the election comes, we will see ; and let us see who wins, whether it is the Syndicate or the Indricate. But we would like to make it clear, whether they join together or they have separated, the CPI with its manifesto will fight. We supported certain actions of the Indira Gandhi Government only because she took a step to nationalise the major commercial banks, and we thought that it was a step in the right direction. But our support is conditional. *(Interruption)*;

SHRI KANWAR LAL GUPTA : No.

SHRI YOGENDRA SHARMA : Has he become the spokesman of CPI ? Since when did the Jan Sangh abdicate its rights ? (Interruption)

MR. DEPUTY-SPEAKER : Let him have his say.

श्री कंवर लाल गुप्त : अगर जब में नहीं है तो कहिये कि उनकी जब में नहीं है ।

श्री योगेन्द्र शर्मा : जेब की आदत इनको ज्यादा है । इसलिए ये सभी को जेब की तरह समझते हैं ।

श्री कंवर लाल गुप्त : जेब में नहीं है तो कह दो कि जेब में नहीं है ।

श्री स. मों० बनर्जी : जहाँ तक जेब की बात है, मुसीबत यह है कि जनसंघ बिड़ला की जेब से निकल कर कभी मोदी की जेब में चना जाता है और कभी किसी दूसरे पूंजीपति की । I never interrupted him. So, Sir, there is no question of our going into their pockets. They may start a new onslaught against us but the communist hunting has always resulted in suicides. That is the history of reactionary forces of this country. Let me say that we do not support such a statement. But the Prime Minister should not advise ; how can she advise ? It is the Council of Ministers which can advise the President. I am surprised that the President has been described as a rubber-stamp. There was the election of the President. You were all parties to the election. There were tall talks, but they could not bring in Mr. Sanjeeva Reddy, who has lost miserably. And today, Mr. Giri is the President of this country, the highest office in the land, which is being called a rubber-stamp. That is the conception of parliamentary democracy in our country in the minds of people. (Interruption) I can never satisfy Shri Sheo Narain because he was never given a post in Government, though he is now the Chief Whip of the Congress party in opposition.

If this Government is in a minority, what is their fear ? If the Parliament is dissolved, the people will take every party

to task and elect only those whom they like.

The stand of our party is very clear. We want parliamentary democracy to thrive, not as tactics but as a belief.

SHRI KANWAR LAL GUPTA : What about Czechoslovakia ?

SHRI S. M. BANERJEE : If he comes with me to Czechoslovakia, I will show him that the private sector does not exist there even today. They have been mercilessly rooted out. If a Jan Sanghi is found in Czechoslovakia, he will also be nationalised.

If the Parliament is dissolved today, we shall not be sorry. Whether it is Indiraji or Morarji, we have fought both. We have faced bullets and taxes from Morarji and sometimes Indiraji also has fought us. The CPI will fight the election with its own election manifesto. (Interruptions.) You have shaken hand with the Syndicate, but we will not do that. We have always remained with the left and we shall always remain with the left, because left is the safer side. Even the traffic police say, keep to the left !

श्री शिव चन्द्र भा (मधुबनी) : उपाध्यक्ष महोदय, 19 नवम्बर को इस सदन में इस विषय पर जो कालिग अट्रेंशन नोटिस आया था, जिसमें मेरा नाम भी था उसके आघार पर यह चर्चा हो रही है । उम दिन जो सवाल किये गये थे, मन्त्री महोदय ने उनका जवाब नहीं दिया और इस विषय में सफाई पेश नहीं की । इस लिए उन्हीं बातों को मैं फिर दोहराना चाहता हूँ ।

इलैक्शन कमीशन ने अपने वक्तव्यों से सारे देश में एक आतंक सा फैला दिया है । उस दिन मन्त्री महोदय ने कहा कि इलैक्शन कमीशन की ओर से इलैक्ट्रल रोलज के रिविजन आदि का काम स्टडीन फैशन में किया जा रहा है । मैं यह जानना चाहता हूँ कि इलैक्ट्रल रोलज के रिविजन का प्रोसीजर और प्रोसेस क्या है, उनका कब और कैसे रिवाइज किया जाना चाहिए । इस काम को पिछले द्वाद्वी साल में क्यों नहीं

[श्री शिव चन्द्र भा]

किया गया है और चूँकि इलैक्शन कमीशन ने यह काम नहीं किया है, इसलिए उसको पीनलाइज करने के लिए या उसके खिलाफ ऐक्शन लेने के लिए क्या व्यवस्था है।

मैं यह भी जानना चाहता हूँ कि जब इलैक्शन कमीशन ने यह काम शुरू किया तो क्या उसने सरकार ने पूछा नहीं, उससे सलाह नहीं ली। इलैक्शन कमीशन ने सरकार से जरूर सलाह ली है और सरकार ने उसको इस बारे में आदेश दिया है, चाहे वह टेलीफोन पर हो, जबानी हो या राइटिंग में हो। सरकार ने इलैक्शन कमीशन को जरूर कोई न कोई संकेत दिया है, क्योंकि उसको डर है कि शायद नो कान्फिडेंस के हथियार की बदौलत उसे हटाना न पड़े और इसी लिए वह चुनाव की तैयारी कर रही है। मानीय सदस्यों ने कहा है कि वे मिड-टर्म इलैक्शन के लिए तैयार हैं। श्री बनर्जी ने कहा है, "वी हैव नथिंग टु लूज बट आवर चेन्ज, एंड दि वर्ल्ड टु विन"। मैं भी उसमें विश्वास करता हूँ। चुनाव से डरने की कोई बात नहीं है।

मैं यह भी जानना चाहता हूँ कि चुनाव चाहे आज हों, कल या परसों हों, फरवरी में हों या जब कभी हों, इलेक्शन कमीशन पिछले ग्राम चुनावों के मुकाबले में चुनाव के सम्बन्ध में कौन-कौन से नये परिवर्तन करने जा रहा है, ताकि चुनाव निष्पक्ष रूप से हों, दूषित न हों और साधनों तथा वाहनों के इस्तेमाल, पैसे के खर्च और मन्त्री-पद के दुरुपयोग आदि के बारे में मैलप्रैक्टिसिज न हों। क्या इस संबंध में इलैक्शन कमीशन ने कोई सुझाव दिये हैं, ताकि चुनाव डेमोक्रेटिक ढंग से हों? जब तक देश में इन्डक्वेलिटी है, तब तक डेमोक्रेसी लिमिटेड है हमें यह मान कर चलना होगा। हम पोलो-टिकली डेमोक्रेटिक हैं, लेकिन इकानोमिकली डेमोक्रेटिक नहीं हैं। बड़े-बड़े विद्वानों ने यह बात कही है। लेकिन फिर भी यह कोशिश

करनी चाहिए कि चुनावों में मैलप्रैक्टिसिज, करप्ट प्रैक्टिसिज न हों, मंत्रियों द्वारा अपनी पदों का दुरुपयोग न किया जाये, धनसंच वाले-जनसंच वाले टाटा या बिड़ला आदि चुनावों में भ्रष्ट या गलत तरीके न अपना सकें। क्या सरकार इन बातों पर रोक लगाने के लिए कानून में कोई संशोधन करने जा रही है या नहीं? जो वह नौबत आएगी जब प्रधान मंत्री समझेंगी कि अब मेरा अस्तित्व यहाँ से समाप्त हो रहा है तो क्या आप ने यह कसम खा ली है कि सिडिकेट से फिर कोई बातचीत अब नहीं करेंगी? यह मैं जानना चाहता हूँ क्योंकि डूबता क्या नहीं करता यह एक कहावत है मुझे पूरा शक है कि यह सिडिकेट के साथ फिर गठबन्धन करेंगे उनके साथ फिर कोलीशन करेंगे। मैं बिल्कुल साफ हूँ अपने दिमाग में कि यह सदन भंग नहीं होने जा जा रहा है, यह मैं दावे के साथ कह रहा हूँ। यह भंग नहीं होने जा रहा है, लेकिन अपनी जान बचाने के लिए यह सिडिकेट के साथ फिर कोलीशन करेंगे उनसे गठबन्धन करेंगे। तो इसके मुताल्लिक सफाई मैं चाहता हूँ कि सिडिकेट के साथ यह गठबन्धन करेंगे या नहीं?

SHRI M. N. REDDY (Nizamabad) : I would not go into the general issues, but shall confine myself to the statement made by the minister and the statement of the Chief Election Commissioner. My plea is, the minister's statement on 19th November amounts to a misrepresentation. Whether it is deliberate or not, I do not want to attribute any motives, but I shall show how it is not well-founded.

Our Constitution has given a very high position to the Chief Election Commissioner, on par with a Supreme Court Judge, who can only be removed by impeachment. After the recent enactment, a motion for impeachment requires the support of a hundred members of Parliament. When he is given such a high recognition, it is but fair that he should behave just as Supreme Court Judges, behave in their day-to-day functioning. He had no business to make public statements

in the manner he did, not once but several times. I can understand a press note being issued of the proceedings of any meeting in which he has participated along with political parties or Chief Electoral Officers. He should safeguard the position given to him by the Constitution. After the split in the Congress, it is very easy to collect signatures of 100 members and bring a motion. Apart from the personal aspect, the institution of the office of the Chief Election Commissioner will come into disrepute. People will lose faith in it. Therefore, the Government here should be more interested in upholding the conventions, the impartiality and independence of the office, rather than support a particular person out of expediency. When we are developing conventions, expediency should not be thought of.

The minister said it was a routine matter. Perhaps he was not fully informed. The revision in an intensive manner was announced on 15th November, soon after the CPP meeting leading to the split on 13th November and as a sequel to that. By-elections for 3 Parliamentary Seats and 15 Assembly seats were postponed on 18th November. There was no emergency. The only plea was, since revision is contemplated, more number of voters will be entitled to vote. If that was the consideration, he has not acted judicially. Such by-elections were conducted in between during the last four general elections. No by-election waited for the result of a revision.

You and the Law Minister will agree with me that any revision of the electoral rolls takes place on an appointed date. What is the qualifying date? Under Section 14 of the Representation of the People Act, 1950, the qualifying date is the 1st January, of a year. I could understand it as a routine business if the revision was announced after the 1st January, 1970. But you are making a revision by the 15th December; that is, the provisional list will be announced taking the age of voters on 1st January, 1969. On the 15th January, 1970 how many more voters will be excluded who have been given a right under the Constitution to vote? So, this is not a routine thing.

Under rule 21(2) (b), to which the Law Minister referred in his statement, the revision contemplated every year is a normal revision. That is known as summary revision. But since 1952 there never was an occasion

when there was an intensive revision like this.

Under rule 12 of the Electoral Registration Rules the period for lodging claims and objections is given and the Election Commission has no business to reduce this period. It says :

"Every claim for the inclusion of a name in the roll and every objection to an entry there shall be lodged within a period of thirty days from the date of publication of the roll in draft under rule 10."

The Election Commission is given the power under the proviso to extend the period but not to reduce it.

The Law Minister has to explain to this House as to what is the urgency or the emergency. It was not a routine matter. It was contemplated with the connivance of the Government and the Law Minister has misled the House. The reduction of the period amounts to something extraordinary and which is against the rules framed and approved by Parliament.

I could understand it if the announcement on the 15th November said that revision would start from the 20th November. But you announce it on the 15th November saying that the revision is starting from the same day and also reducing the period from 30 days to 15 days. You are taking a chance with the valuable right of adult suffrage of the people. How many people would be left out? Nobody anticipated this; you have reduced the period and taken a chance. You have trespassed on the fundamental right of the people who have attained the age of suffrage, 21 years, and have deprived them of their right.

I will put three questions to the Law Minister. He should not be guided by expediency or party purposes. Whatever motives may have been attributed to him, being a legal luminary himself, he should try to maintain the conventions and standards expected of the Chief Election Commissioner. Secondly, when such a hurry was shown, no notices were issued and a large number of voters all over the country were deprived of their basic, fundamental and constitutional right to get themselves registered as voters. Was this reduction in period motivated or legal according to the People's Representation Act and the rules framed thereunder

[Shri M. N. Reddy]

which are approved by this Parliament ? Thirdly, when it is a routine matter does he still propose to extend this period so that more number of voters can be registered with reference to the 1st January, 1970 ? If that is done then I can deem it as a routine matter. I expect of and appeal to the Law Minister to make it very clear, abundantly clear. If it is a routine matter as it is considered to be, he should follow the routine procedure and start the revision taking the qualifying date as 1st January, 1970.

SHRI K. LAKKAPPA rose—

MR. DEPUTY-SPEAKER : Shri Dwi-vedy has spoken from Shri Lakkappa's party. He will kindly excuse me if I do not give him a chance.

SHRI S. M. KRISHNA : We just want to put one question.

MR. DEPUTY-SPEAKER : Let Mr. Prakash Vir Shastri speak for five minutes.

श्री प्रेम चन्द बर्मा : उधर से 6 आदमी बुलाये गए हैं। कांग्रेस पार्टी यहाँ पर काहे के लिए बैठी है ?

MR. DEPUTY-SPEAKER : The Minister will share your time.

श्री प्रेम चन्द बर्मा : कांग्रेस पार्टी सिर्फ कोरम पूरा करने के लिये ही तो नहीं है।

MR. DEPUTY-SPEAKER : I have made my request.

श्री प्रकाश वीर शास्त्री (हापुड़) : उपाध्यक्ष महोदय, हमारे देश में कोर्ट्स चाहे वे प्रान्तों की हों या देश की हों, वे न्याय के मन्दिर कहलाते हैं। उसी तरह से एलेक्शन कमीशन निर्वाचन आयोग जो है वह भी हमारे देश में लोकतन्त्र का मन्दिर कहलाता है। मैं आपके और विधि मन्त्री के माध्यम से निर्वाचन आयोग को उसके एक पुराने इतिहास का स्मरण कराना चाहता हूँ। इस निर्वाचन आयोग के जो सबसे पहले आयुक्त श्री सुकुमार

मेन थे, उन्होंने राजनीति से परे रहकर जिस प्रकार अपनी निष्पक्षता हम लोकतन्त्र के मन्दिर में प्रदर्शन की थी उसका प्रमाण यह था कि न केवल भारत में बल्कि दूसरे देशों में भी उनको निर्वाचन कराने के लिए आमंत्रित किया गया था। मैं आपके माध्यम से चाहता हूँ कि भूतपूर्व निर्वाचन आयुक्त, श्री सुकुमार सेन ने जो परम्परायें डाली हैं उनको किसी भी स्तर पर हिलने न दिया जाये।

दूसरी बात जो मेरे मित्र कह चुके हैं उनसे अतिरिक्त एक बात मैं और पूछना चाहता हूँ। उस बात को यदि मैं छोड़ भी दूँ कि किन परिस्थितियों में और किन दिनों में निर्वाचन आयुक्त ने अपना वह वक्तव्य दिया जो कि देश और संसद सदस्यों के मन में एक सन्देह उत्पन्न करता है, मैं एक दूसरी बात आपके माध्यम से जानना चाहता हूँ कि निर्वाचन आयुक्त को अपने वक्तव्य में यह कहने की क्या आवश्यकता थी कि जब मध्यवर्ती चुनाव होगा उससे पहले केयरटेकर गवर्नमेंट बनेगी और राष्ट्रपति का शासन नहीं होगा ? मैं समझता हूँ निर्वाचन आयुक्त, इस प्रकार की बात कहकर अपने अधिकार की सीमा से बाहर गए। उनका काम केवल इतना ही था जितना निर्वाचन आयोग की परिधि है। उससे अलग हटकर उनको नहीं जाना चाहिए था।

जहाँ तक देश में होने वाले निर्वाचनों की स्थिति है, उसके सम्बन्ध में एक शब्द मैं अवश्य कहना चाहूँगा। कुछ लोगों को इस बात का कष्ट है कि कांग्रेस टूट कर बोटुकड़ों में विभक्त हो गई। लेकिन मैं उनमें से हूँ जो इस अशुभ के अन्दर भी शुभ के दर्शन करते हैं। मेरी अपनी ऐसी मान्यता है कि गांधी जी ने अपने जीवन के अन्दर जिस को समाप्त करना चाहा, उनके जीवन काल में जो समाप्त नहीं हो पाई वह अब उनके जन्म शताब्दि वर्ष में पूरी हुई। इससे उनकी आत्मा को सच्ची श्रद्धाजलि मिलेगी। इसके अन्दर एक दूसरी बात जो मैं



शुभ देख रहा है वह यह कि इससे राजनीति के अन्दर एक ध्रुवीकरण आने वाला है देश के अन्दर अब तक जो गद्दीधारी संसद और विधान सभाओं पर छाये हुए थे, अब उनकी गद्दियाँ झिल्लेंगी। देश में ईमानदार तथा चरित्रवान आदमी निर्वाचनों के माध्यम से छनछन कर ऊपर आयेंगे। अब वे लोग संसद और विधान सभाओं में अपना आधिपत्य नहीं कर पायेंगे।

जहाँतक सरकार बदलने का प्रश्न है उसके सम्बन्ध में मैं अपने शब्दों में न कहकर, एक कवि के शब्द दोहराना चाहता हूँ। उस ने बड़ी अच्छी बात कही है कि पलटिए बार बार सरकार क्यों पलटि, उसके लिए उन्होंने कारण भी दिया है :

पलटिये बार बार सरकार,

सम्भव है इस उल्टा पन्टी में मिले योग्य सरकार तो इस परिवर्तन के अन्दर भी शुभ होगा।

अन्तिम बात जिसे कह कर मैं बैठता हूँ वह यह है कि मुझे सरकार से खतरा है कि आज अगर वह निर्वाचन आयोग को अपने हित में उपयोग करती है तो कहीं कल सरकारी मशीनरी को भी निर्वाचनों में दुरुपयोग न करने लगे। प्रतीक तो इस सरकार पर समाचार-पत्रों और रेडियो के दुरुपयोग के आरोप थे। अगर इसने निर्वाचन आयोग को भी अपने हित में उपयोग किया तो देश में लोकतन्त्र पर जो लोगों की आस्था है वह सर्वथा समाप्त हो जायेगी।

SHRI S. M. BANERJEE : I just want to interrupt - not on this, Sir. I have just come to know that the moon is not visible to-day and Idd is not tomorrow. Will you consider it ?

SHRI K. LAKKAPPA : I will just take two minutes, Sir.

MR. DEPUTY-SPEAKER : Kindly cooperate. Let us conclude. The hon. Law Minister.

THE MINISTER OF LAW AND SOCIAL WELFARE AND RAILWAYS (SHRI GOVINDA MENON) : Mr. Deputy-Speaker, Sir, the motion that I set for discussion is regarding the statement that I made the other day regarding revision of electoral rolls and a connected question regarding mid-term poll.

I find, with great respect to my hon. friends who spoke previously, most of them, appear to be animated by a suspicion complex, a fear complex and my respected friend, Dr. Ram Subhag Singh...

SHRI S. M. KRISHNA (Mandya) : And your is a guilty complex.

SHRI GOVINDA MENON : ...appears to be animated by a bravado complex. (Interruptions).

I request you to kindly allow me to make my speech without interruptions.

DR RAM SUBHAG SINGH : You give wrong advice. How can you expect that everybody should accept that ?

SHRI GOVINDA MENON : It is not wrong advice. I want to make it quite clear now. No mid-term poll is contemplated. No dissolution of the Lok Sabha is in contemplation. But if there are many here who think that there is a design of that nature, then, whatever be the explanation which I give, that will not go home to them.

So far as I am concerned, I must say, that since I have not in my mind any such idea, whatever explanation the Chief Election Commissioner has given me regarding the steps which he has taken, I have believed. Now, Sir, if anybody in the House puts me the question why the Chief Election Commissioner convened a conference of electoral officers of the States, on the 5th of November, I can only say that personally I do not know. Because, neither I nor the Union Government requested the Chief Election Commissioner to hold a conference of that type. The matter having been raised here, I can only give you the information which has been supplied to me and, because I have no apprehensions regarding the mid-term poll or dissolution of Parliament, I have accepted them.

Then, Sir, various statements have been made regarding the conduct of the Chief

[Shri Govinda Menon]

Election Commissioner. After the present Chief Election Commissioner was appointed, there have been by-elections, and mid-term polls in practically half of India. You may remember the States where the elections took place, in Haryana, in U. P., in West Bengal and in many other places. I do not want to repeat those details as hon. Members know about them. It was so extensive that we even referred to it as a mini-general election. During and after those elections I have not heard a single word uttered either in Parliament or outside against the conduct of the Chief Election Commissioner. In some places the Congress won the elections. In some places the Congress lost. But, everywhere I find that there was spontaneous appreciation of the impartial way in which the elections were conducted under the leadership of the present Chief Election Commissioner.

He is not here to answer the charges made against him. He is not under administrative directions from me. But I know him to be a man well-versed in the election law. He is himself the author of a text-book on Election Law which is very popular among lawyers.

The Chief Election Commissioner who conducted the elections in practically half of India, without in any way inviting any criticism from the Congress Party or the opposition parties should not be so lightly derided in Parliament where he is not present to defend himself.

DR. RAM SUBHAG SINGH : What about the election cases in Kashmir ?

SHRI KANWAR LAL GUPTA : Now the situation is different and the congress is in a minority. *(Interruptions)*

SHRI GOVINDA MENON : Dr. Ram Subhag Singh is my very dear and old friend and he continues to be my dear friend, and I would like to tell him that decisions on election petitions are not taken by the Chief Election Commissioner. Such decisions are taken by the High Courts of India and therefore if any one makes any complaint regarding the disposal of election petitions, it should not be brought to the door of the Chief Election Commissioner.

DR. RAM SUBHAG SINGH : The elections there were all bogus.

SHRI GOVINDA MENON : What has happened is that the electoral rolls in most States have become outdated. A very large number of young people who have attained the age of 21 during the last few years are not on the rolls today. I will tell you why. After the present Chief Election Commissioner took office, he was fully engaged with the conduct of elections I refer to the mid-term elections, then the Presidential election, then the Vice-Presidential election. The election machinery was completely absorbed in the conduct of elections.

SHRI KANWAR LAL GUPTA : But not now.

SHRI GOVINDA MENON : This is the information which he has given me : in certain States the electoral rolls are with respect to the qualifying date of 1962. What does it mean ? Voters who are even 28 years of age are not on the rolls. In certain places, the qualifying date is Jan. 1965, in certain others it is 1968. I will inform Shri Reddy that the intention is to prepare the electoral rolls with qualifying date January 1970 and not 1969. The rule regarding 30 days to file claims and objections has been amended and reduced to 15.

This is done with the object further of having a reform of the law under the Representation of the People Act 1950 by which we will have an open electoral register which will be amended from time to time by a simple process.

Here I will read out what the Chief Election Commissioner himself has communicated to me. The justifications and explanations I give are not derived from my Ministry, but from the Chief Election Commissioner, because it is he who has acted and it is only after he has taken certain action that I got the explanation.

SHRI KANWAR LAL GUPTA : Is he satisfied with the explanation ?

SHRI GOVINDA MENON : This is what he says :

"The main object, however, of the present revision according to this crash programme with so much thoroughness is that hereafter the electoral rolls will be open registers which will be in a state of constant revision by the inclusion of names of those persons who have reached the voting age of 21 years and the deletion of names of those who are either dead or have left the constituency for good. For this purpose, application on a plain sheet of paper without any fee will be sufficient."

Therefore, we are launching upon a reform of the electoral process under which in every assembly constituency there will be an open electoral register and as soon as a citizen reaches the age of 21, he can immediately get himself registered there; and as soon as a person either dies or leaves the constituency for good, his name can be deleted.

I put it to the House, is it not a desirable thing that the younger population of our country who have reached the age of 21 years are all included in the electoral register?

That is the object. Certain elections have been postponed.

Here I want to inform the House that those elections which have been notified under the law have not been postponed.

**SHRI KANWAR LAL GUPTA :** No.

**SHRI GOVINDA MENON :** Elections which have been notified are taking place. With respect to the other elections the date of which was not notified, or, to use the word in English law, where the election writ has not issued, in those cases the Chief Election Commissioner is waiting 15th January to be over when the electoral rolls will be completed.

The Electoral Officers come from different States, not only from the Congress States if I may use that expression, but from States which are under the administration of other political parties also. These Chief Electoral Officers are not under the Chief Election Commissioner. They work under the administrative jurisdiction of the State Governments. The Chief Electoral Officers from Tamil Nadu, Orisa, West Bengal and all those States where the Congress Party is not in power also came,

and the deliberated and came to the unanimous conclusion that in the conditions which obtain in India under which the electoral registers antiquated, if I may use that word, it would be advisable to have, to use the expression of the Chief Election Commissioner, crash programme under which the electoral registers will be made up to date and with the qualifying date as 1st January, 1970. By this process an additional 4 to 4 crores of young men will come on the electoral registers. That is the object. That being so, to say that this is done in order to have a mid-term poll, etc. is not correct.

Several disquisitions were heard here about the constitutional law, regarding the dissolution of Parliament, the right of the Prime Minister to advise, etc. I do not want to indulge in a dissertation on the subject. I want to say one thing about what Mr. Dwivedy said. He has left.

**SHRI S. M. KRISHNA :** He had a prior engagement.

**SHRI GOVINDA MENON :** What I say will go to him. He said that the Members have been elected for 5 years and they will not allow a dissolution. Not that I want a dissolution, but I want to remind him that the Constitution says that the life of the Lok Sabha is 5 years unless dissolved earlier, and the President is given the power to dissolve Parliament. Whether the President should act on the advice of the Prime Minister or the Leader of the Opposition or the leader of the Jan Singh is a different matter into which I do not want to go.

**SHRI KANWAR LAL GUPTA :** You must clarify what the present position is.

**SHRI GOVINDA MENON :** That is not a matter of law, that is a matter of political conventions which have to develop in this country. This has so developed in England. The rule in the 19th century is not the rule in the 20th century. The rule in the first half of the 20th century is not the rule in the second half. These conventions have to develop.

**SHRI KANWAR LAL GUPTA :** It is not a question of conventions, it is a question of the constitutional position,

[Shri Kanwar Lal Gupta]

The matter may be referred to the Supreme Court.

SHRI GOVINDA MENON : I do not agree that it is a matter of constitutional position, because the Constitution is silent on the matter. The Constitution says that the President shall dissolve. This is not a matter which can be referred to the Supreme Court because this is a political matter. I do not want to speak further about the matter because the question of dissolution does not arise now.

It was said that Mrs. Gandhi's Government is a minority Government and all that. Why should you refer to facts which are known to us ?

SHRI C. M. KEDARIA (Mandvi) : Sir, there is no quorum.

MR. DEPUTY-SPEAKER : I think at this time it should not be raised

SHRI GOVINDA MENON : I am finishing in one minute. Mrs. Indira Gandhi was the leader of the largest party and the majority party to begin with. (Interruption) Please be patient. She was the leader of the majority party when the House assembled after the general elections. Because of my friends who left the party and went to the Swatantra and the Jan Sangh camp, therefore our majority has gone. (Interruption ... and they want to create confusion...

SHRI SHEO NARAIN (Basti) : I strongly object to it. The Law Minister must learn. What is this nonsense ?

SHRI GOVINDA MENON : I withdraw the statement.

SHRI SHEO NARAIN : We are not here with the Jan Sangh or the Swatantra camp.

SHRI GOVINDA MENON : I withdraw it.

SHRI KANWAR LAL GUPTA : You are there on account of the communist party. You are Ministers with the help of the communist party.

SHRI JAGANNATH RAO JOSHI (Bhopal) : They have come at least to the

open syndicate camp, but these people have gone to the communistic canopy to hide inside.

SHRI GOVINDA MENON : Yesterday, when Prof. Ranga said that he hopes to form a coalition government, I did not see Mr Sheo Narain raising and objecting it. So, I thought of continuing in that strain. What I meant was not the camp but the bloc. That was what I meant.

SHRI KANWAR LAL GUPTA : What is your bloc ?

SHRI GOVINDA MENON : My bloc is the Congress bloc. (Interruption). Therefore, this question need not arise. Let me come back to the subject. I am thankful to Mr. Reddy for confining himself to the subject, when he spoke. I want to repeat that these are the circumstances why the revision was restored to. It was not done under my direction ; it was not done under the direction of the Government, and all the information which I give to the House was given to me by the Chief Election Commissioner, who, during the last two years and a half, have established a reputation for impartiality and efficiency.

SHRI M. N. REDDY : Sir, I want a clarification. He has not answered it.

MR. DEPUTY-SPEAKER : Order, order. Kindly excuse me.

18.41 hrs.

#### RE SITTINGS-OF THE HOUSE

MR. DEPUTY-SPEAKER : Now, as you know, the Business Advisory Committee had decided that tomorrow there will be no sitting of the House ; tomorrow being a holiday. Mr Banerjee and Mr Sambhali drew the attention of the House a little while ago that the moon has not been seen, and therefore, the submission was that on Friday also...(Interruption ;

श्री इसहाक सम्भली (ममरोहा) : दिल्ली में नजर नहीं आया, जहाँ जहाँ डायरेक्ट