

Shri Jinachandran (Tellichery): Is not Shri Punnoose a Catholic?

Mr. Chairman: The question is:

"That the Bill to restrict the use of Catholic Church for political purposes and the participation of ecclesiastic personnel of the Catholic Church in political activity, be taken into consideration."

Those in favour may say 'Aye'.

Some Hon. Members: 'Aye'.

Mr. Chairman: Those against may say 'No'.

Several Hon. Members: 'No'.

Mr. Chairman: The 'Noes' have it..

Some Hon. Members: The 'Ayes' have it.

Mr. Chairman: Let the Lobby be cleared.

16-29½ hrs.

[MR. DEPUTY-SPEAKER in the Chair]

16-30 hrs.

[MR. SPEAKER in the Chair]

Mr. Speaker: The question is:

"That the Bill to restrict the use of Catholic Church for political purposes and the participation of ecclesiastic personnel of the Catholic Church in political activity, be taken into consideration."

Those who are in favour of the motion may kindly rise in their seats—I find that 8 hon. Members are in favour.

Those who are against may kindly rise in their seats—I find that an overwhelming majority are against the motion. The motion is lost.

The motion was negatived.

16-32 hrs.

REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL

(Insertion of new section 7A)  
by Shri T. B. Vittal Rao

Shri T. B. Vittal Rao (Khammam): I beg to move:

"That the Bill further to amend the Representation of the People Act, 1951, be taken into consideration."

Through this Bill, I am amending section 7 of the Representation of the People Act, 1951, by the introduction of a new clause, 7A, which provides for the recall of an elected member when he loses the confidence of his electorate.

16-33 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

While commending this Motion for the acceptance of the House, I would like briefly to touch upon two reasons why I have brought forward this Bill. In recent times, we hear a good deal about panchayat raj, decentralisation and other things, which it is thought would invoke the latent strength of our people, to enable them to fulfil their tasks in the society. There is no doubt that if we really and truly mobilise the strength that is in our people, we shall succeed in moving mountains and achieving the goal of socialism that the country has set for itself.

My object in bringing forward this Bill is to help the process whereby our people can assert themselves and see that their will prevails. This is an object which we all must share. That is why I feel I can claim the sympathy and support of the House to my Bill. Among the most potent instruments of the people in a truly self-governing State are such devices as the initiative, the referendum and

the recall. I have in this Bill asked for the incorporation in our law of the people's right of recalling their elected representatives if they discover that the latter no longer truly represent them. Once elected for a period of five years, we, Members of this House, seem to think that we have the divine right to stick to our seats for five long years. Conceivably, however, it so happens that some of us by our conduct betray the trust reposed in us by our constituents. In that case, the latter ought to have the right under the law to recall their representatives who have forfeited the title of representatives.

The right of the electorate through a special election law to replace a representative they had chosen before the expiration of his normal term of office is by no means fantastic. A representative must properly represent his people and if he ceases to represent them, if his conduct is such that the electors repudiate him, it is only right and proper that he must not be allowed any longer to represent them.

The device of recall is indeed democratic and just. It is by no means unknown to the Constitutions of the world. From all accounts, it originated in Switzerland. But lest it be thought that what can perhaps work in the small secluded cantons of Switzerland may not be applicable elsewhere, I shall remind the House that it appeared in America, a country much larger than ours, in the articles of the Confederation. It was earnestly discussed in the Constitutional Convention and its use in the United States, where it has been of the greatest significance, was the result of a powerful political movement.

In the USSR, the Constitution provides that the representatives may be recalled by their constituencies at any time. European Constitutions, as in Switzerland, provides for the recall of the entire legislature rather

than of individual legislators. In pre-Nazi Germany, the Germany of the Weimar Republic, then known as the freest Constitution in the world, there was a recall provision not only in regard to the legislature but even in regard to the President.

It may be argued that unnecessary political turmoil might be aroused, that wasteful election expenses might be incurred, short-sighted criticism and self-seeking factionalism might emerge as factors resulting in the abuse of the democratic process, if this provision is accepted. Such arguments, however, may be urged against democracy itself. Besides, I have sought to formulate my Bill in such a way as to prevent irresponsible use of the power vested in the people thereby. I have provided in my Bill that before it is thought necessary to recall a legislator duly elected, there must at least be a two-thirds majority. Why did I do that? Some hon. friends of mine told me that even today in the general elections not even 50 to 55 per cent. of the electors participate or exercise their franchise. Then why did I want this provision of two-thirds majority? It is provided so that the recall will not be indulged in frivolously.

There are people in our country who change their political colours more often than the chameleon. They go to the electorate with a manifesto; they are elected as representing certain political parties. Soon after the elections, they change their political label. I have absolutely no objection to that. A person can join the political party of his choice, but when he is elected under one political party and then joins another political party resigning from the political party which put him up as its candidate, it is but right that he should not be allowed to continue as a legislator representing the original political party, and should resign.

[Shri T. B. Vittal Rao]

But, what do we find in our country? I have seen a person who has changed political parties half a dozen times in the course of a few years. In three years he has changed 6 times. When he was asked by the political party which put him up as a candidate to resign and seek re-election he refused to do so. In such a case, what happens to the people who voted him? If recall is provided for, then, it will be possible for the people to exercise their right and recall the person and elect another whom they like. This is a fundamental right of the people. I want to strengthen this fundamental right of the people by the insertion of this provision in the Representation of the People Act.

Recently, a year ago, there was a Minister in West Bengal. He charged another Minister with corruption. He resigned his ministership; not only did he resign from ministership but he resigned also from membership of the party. Then, he stood for election again. He was returned to the Assembly with an overwhelming majority. But, what happened to the Minister against whom was levelled the charge of corruption? He did not resign.

**An Hon. Member:** Why should he?

**Shri T. B. Vittal Rao:** And the people had no recourse. Here is a man whose stand has been vindicated by the overwhelming majority of votes he polled in the re-election.

**An Hon. Member:** In a particular constituency.

**Shri T. B. Vittal Rao:** Yes; he resigned his membership and sought re-election to the West Bengal Legislature. But here is a Minister who does not resign his ministership; he does not resign his membership and seek the confidence of the electorate.

**Shri C. K. Bhattacharya** (West Dinajpur): The Minister enjoyed the

confidence of his constituency. That is why he did not resign from the Assembly. This is very simple. (Interruption).

**Shri T. B. Vittal Rao:** If he did not fear, he should have resigned and sought re-election, and it would have been seen whether he enjoyed their confidence or not. If the people had the right to recall, then, certainly, they would have recalled this hon. Minister. (Interruption). If he were to be returned, he would have lost nothing; but he would have everything to gain.

**Shri C. K. Bhattacharya:** By people, he means people in his own constituency?

**Shri T. B. Vittal Rao:** Yes, His constituency was not so strong, I may tell this to my hon. friend Shri C. K. Bhattacharya.

Then, there are many other instances. What happened in PEPSU in 1953-54? The Assembly was dissolved and elections were ordered simply because a certain political party did not like the political party which was running Government in a certain State.

Then, I come to the recent instance of Kerala. It was said that the electorate had realised and they changed their mind with regard to the Communist party. In that Assembly, the Communist party was not enjoying a very big majority. If the right of recall had been there, they could have recalled, as a test case, a few of the representatives in 4 or 5 constituencies. If really people had changed their mind, they would have known it by the test case in those constituencies without dissolving the Assembly or without the President taking over the reins of Administration for six or 7 months. We could have got through the whole thing.

Why should we not give this right of recall to the people? What will

happen? Will there be factionalism? Today, in every State there is factionalism.

**Shrimati Parvathi Krishnan** (Coimbatore): Because there is no recall.

**Shri T. B. Vittal Rao**: Every day when you take the paper you will see that a particular Chief Minister is going to reshuffle his Cabinet....

**Shrimati Parvathi Krishnan**: Mysore.

**Shri T. B. Vittal Rao**: Mysore, U.P. and M.P. are examples. There is factionalism there.

By providing the right of recall you are not going to encourage factionalism. On the other hand, you are going to ask the people who have been returned to the State Legislatures or to Parliament to serve the people properly who have elected them. There are some people who are elected on a manifesto; afterwards, they act in a manner which goes completely against the very principles laid down in that manifesto.

In many countries like Bulgaria there is a provision to this effect.

**Shri Narasimhan** (Krishnagiri): How many times has this right of recall been exercised?

**Shri T. B. Vittal Rao**: I do not have the statistics. (Interruption). Not many instances, I think. Here also if you give the right of recall, I do not mean to say that there will be recalls galore. There may be a few. For example, a person who has been elected on the Congress ticket goes to the Swatantra party. What happens? Has he taken the permission of the electorate?

In Bulgaria, the people's representatives in all representative organs are responsible to their electors. They may be recalled before the expiry of the term for which they have been elected. The manner in

which the elections are held and the rules for recalling people's representatives are determined by law. This is in Bulgaria.

Then, in Hungary also the constituents have the right to recall their elected Member of Parliament according to article 62(3) of their Constitution.

In Rumania it is the duty of every deputy to report to his electors on his work and on the work of the elected body to which he belongs. The Deputy may be recalled at any time upon decision of a majority of the electors, in the manner established by law.

It is so in the U.S.S.R. It is also so in Yugoslavia. The voters have the right to recall their representatives. It is so also in China. According to article 17 of their Constitution—

"The people shall have the right of election, recall, initiative and referendum."

And by Article 138—

"A person elected may, in accordance with law, be recalled by his constituency."

Sir, for the information of my hon. friend **Shri C. R. Narasimhan**, I may quote one example of what happened in the U.S.S.R. The practice of recall of M.P.s as it exists at present in the Soviet Union is illustrated by a recent case of **Gunor Podkain**, a deputy to the Latvian Supreme Soviet. This M.P. who represented the little town of Dundaga in North West Latvia, was charged with neglect of duty by his electors and had to vacate his seat. He had to vacate his seat. He was a conscientious and efficient worker before his election, but after he became an M.P. his conduct changed, as he became interested in prestige and privileges and not in attending to his electors. The electors, therefore, held a meeting, which was more or less an open

[Shri T. B. Vittal Rao]

Court and passed a resolution demanding his recall. Thereupon he was recalled and new elections were held to fill his seat.

Shri Sinhasan Singh (Gorakhpur): What happened thereafter?.....  
(Interruptions.)

Shri T. B. Vittal Rao: When this Bill was moved by Shri Bhupesh Gupta, in Rajya Sabha there was a reply. I read the whole proceedings and no convincing grounds were set forth either by the Minister or by the Members who were opposed to this. We want to strengthen democracy. If for full five years, a person acts in a manner which is prejudicial to the interests of the people who elected him, they should have a right to recall him. This will only go to strengthen our democracy. It may be said that ours is a new democracy and we should not have this provision. But may I cite one example? In some of the advanced countries of Europe, women are not given the franchise. On that score, did we refuse voting rights for our women in our country? We did the right thing.

This was discussed in the Constituent Assembly and Shri K. T. Shah argued very well why such a provision was necessary. Unfortunately, he was in a hopeless minority and his amendment could not be passed.

If you want to strengthen democracy in our country, if you want the legislators to discharge their responsibility, we should provide recall which is the only guarantee for providing a check against the legislators' acting in a manner prejudicial to the interests of the people.

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Representation of the People Act, 1951, be taken into consideration."

Shri Jaipal Singh (Ranchi West—Reserved—Sch. Tribes): Mr. Deputy-Speaker, I cannot but accept the basic principles behind this not-so-simple Bill. I am not so sure whether this Bill is in order, whether it could be brought in without attracting some kind of an amendment in the Constitution itself, whether it comes within the jurisdiction, alone, of the Representation of the People Act. I feel that I am not competent enough to express an opinion on that but since you have accepted it, I take it that it is somehow or the other in order. Therefore, I shall proceed on the basis that we shall not be discussing this in a futile manner.

We are in a democracy, experimenting a la west. It is not a democracy that we have today according to our own genius; it is not really indigenous to our instincts. I think by now we have had some hard knocks. Anyone who has read John Stuart Mill's *Representative Government* will realise that, by and large a man 'represents' because he happens to be like other men, the representation character has to be examined very thoroughly. Here my hon. friend, Shri Vittal Rao, is raising this question of representation. He has brought into the picture only political parties. What about independent Members? A man remains independent and he can go on changing, he has independence to change. I think the orbit of this piece of legislation should cover everyone who is elected. In the case of the people who belong to recognised political parties, the problem would not present any special difficulty. In the case of the Indian National Congress, a well-knit organisation, its venerable party of elders, who could give their view as to whether a person is still a Congressman or not, by his behaviour or even by his lack of behaviour. As far as I am concerned, it is not what a person does that is so important as what a person does not do. Here a man must be

judged not only by his acts of commission but by his sins of omission also. That is rather important. In other words, we must consider a situation where the electorate sends a man and he does not do anything; he does not assert himself; he does not represent the constituency effectively in any legislature.

But I would urge my hon. friend to withdraw this Bill for the time being. Let us discuss the general principles, the general basic idea that he has tried to import into this Bill and bring it in some other time. Let the Government bring it, if they want...

**Shri T. B. Vittal Rao:** They would not.

**Shri Jaipal Singh:** Let them bring an overall comprehensive mechanism whereby a man who betrays the trust of his electorate is punished. In other countries, in England for instance, one little article in a newspaper would make a man resign. In Great Britain, for instance, the Prime Minister will say: "All right. I shall have this bye-election as a test case. If I lose, I shall resign." Can you imagine my friends, yonder, doing that? They are sitting in their gads with a minority vote; they know it. Can they claim that they have commanded a majority of the electorate in this country? When I come to this question of the majority, I would ask him, the sponsor of this Bill, to climb down and not insist on this two-third majority of the electorate. Then nobody will be recalled. His whole purpose would be vitiated thereby. It will have no sense or no meaning whatever. But the main point is this. Where there is a glaring instance of a man defying the electorate, there should be some method whereby he could be brought to book. Whether it is by a petition of so many voters or by a direct firman from the party, recognised party, or some other method—something is very necessary. What is happening? People make all manner of promises in order to attract the vote. What

kind of electorate have we? I know they are getting wiser and wiser with every election. They were wiser in Kerala also at the beginning and they became more wise afterwards. But the point is that the electorate should have some remedy. So, Sir, I feel that there is intrinsic merit in this Bill. I am not personally satisfied with the provisions that the sponsor has made. Because, after all there is this other aspect of it. The person who is elected—has he no right to change his views? There is that aspect of it also. I think, he should have the right to go to the electorate again without the necessity for his being recalled whereby he may be able to persuade the electorate. I am now trying to meet the case of what he calls factionalism, whatever he might mean by that. I am not concerned with that. But it can be the legitimate right of a person who has been once duly elected to come and find a new situation confronting him, a situation completely different from that which obtained when he was seeking election for himself.

Take the question of the partition of this country. Did our friends have a right to commit this country to partition? Well, they committed themselves. There it was. They had not a mandate from the country and yet this country was partitioned. There is a significant, a glaring case where you find the representatives....

**Ch. Ranbir Singh (Rohtak):** The Party has won twice after the Partition.

**Shri Jaipal Singh:** It has won with a minority vote. If there were a system of proportional representation in this country, my friend would have been a little bit more humble.

**Ch. Ranbir Singh:** What about the others?

**Mr. Deputy-Speaker:** Order, order. Would the hon. Member like to continue his speech next time, or would he just finish in a minute?

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Shri Jaipal Singh: I would like to continue my speech next time.

Shri C. K. Bhattacharya: Sir, I introduce the Bill.

17-01 hrs.

CONSTITUTION (AMENDMENT)  
BILL\*

(Amendment of Article 343) by Shri  
C. K. Bhattacharyya

Mr. Deputy-Speaker: Shri Bhattacharya might introduce his Bill.

Shri C. K. Bhattacharya: Sir, I beg to move for leave to introduce a Bill further to amend the Constitution of India.

Mr. Deputy-Speaker: The question is:

"That the leave be granted to introduce a Bill further to amend the Constitution of India".

The motion was adopted.

10.01½ hrs.

BUSINESS ADVISORY COMMITTEE

FIFTH REPORT

Shri Jaipal Singh: Sir, I beg to present the Fiftieth Report of the Business Advisory Committee.

17.02 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, April 18, 1960/Chaitra 20, 1882 (Saka).



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†Introduced with the recommendation of the President.