

PROF. N.G. RANGA : No

MR. SPEAKER : Hon. Prime Minister.

SHRI H.M. PATEL : After all what is the principle underlying the concept of defection? It is that you are breaking the pledge that you have given to the electorate. You go to the electorate with certain policies, certain programmes and it is on this ground that when you change your party defection is caused. If a large number of people also break their pledge together, that also must be regarded as defection. I think this is something, that may be considered, if not today, at a later date. I suggest that the Prime Minister may keep this point at the back of his mind, so that some day he may consider that even he must give effect to something that is admittedly desirable.

THE PRIME MINISTER (SHRI RAJIV GANDHI) : Mr. Speaker, Sir, this Anti-Defection Bill has been pending for a very long time. I think it was first mentioned almost seven years ago. We have taken it up as one of our first major tasks because we felt that this is an area where public life needs cleaning up. As rightly promised during the debate on the Presidential Address, our Government has the political will to implement what we promise. We also have promised that we will carry the opposition with us. And I am happy to say, Sir, that we carried almost all of the opposition with us. There are only one or two exceptions.

PROF. MADHU DANDAVATE : We have promised that we will carry the Government with us.

The other point that I would like to make is this: it used to be the practice, normally in the old days, to issue a whip only on really important matters. Usually it meant motions which if Government lost, it would have to resign. In practice this meant money bills, or a No Confidence Motion or Adjournment Motion or some exceptionally important matters. The question arises as to when a member should be regarded as having failed to carry out the wishes of the party. To my mind he should be deemed to have failed only when he disregards a whip issued on important matters such as No Confidence Motion or money bills, etc., and similar others which would lead to the fall of the Government. These two points, I feel need to be carefully considered.

I would also have liked to say something about mergers of parties. Merger is as condemnable as a split is. That too in effect constitutes defection. The argument that in the conditions of this Country, it is expedient to carry out mergers of parties and therefore they should not be considered to have led to defection.

I would like once again to congratulate the Government on having decided to bring in this Bill because it certainly will help greatly in cleaning up the administration. I will not refer today about other matters which the Prime Minister proposes to clean up.

SHRI RAJIV GANDHI : We are moving an amendment for removing clause 2(1)(c). Clause 2 (1)(c) allowed a Member to lose his membership of the House if he was removed from the party. Logically speaking, this clause should have been there, because like one of our Members from the opposition has just said, if we look at the moral issue and if we decide that the party is the fundamental unit which gets one elected, then one loses the right of that election if one is no longer a member of that party. Like another Member has said that 33 per cent for a split is too little and there should be no such thing as a split. There are lots of areas in this Bill which are grey. We are covering new ground which may be is not covered anywhere else in the world. And we have to see how best we can tread along this path, it is better for us to tread cautiously than to make serious errors and repent for them later. So, there will be shortcomings in this Bill. But as we see and identify those shortcomings, we will try to overcome them. By removing clause 2(1)(c) one lacuna comes out and that is that if the House—either this House or a State Legislature—is not in session and there is a defection or a split or however it may be defined, but the Government is soon to lose its majority, then there would be a long time before the next session was to be called and this could lead to a lot of horse

[Shri Rajiv Gandhi]

trading. This was one of the reasons why clause 2(1) (c) was there. I am sure that this was one of the reasons why one of the opposition Parties was very keen—more than one—was very keen that this clause be maintained. We are looking into how to close this lacuna. We have not been able to do it in this Bill itself. But in my discussions with the opposition we have found a method which we are looking into and hopefully we will be able to put some time-limit, possibly a minimum time-limit, between the suspension of a Government losing its majority and the test of its strength in the House. We will see whether this can be put in, either in this Bill, may be in the next session, or, if it has to be put in elsewhere, we can do it there as well.

I do not want to take too much time of the House, because the opinion on this Bill is more or less unanimous, and there is not much to debate.

One point was raised : "What is the hurry in having this Bill ? We have been waiting 7 years to have this Bill and a lot of damage has been done. This Bill should have come yesterday, should have come last year, should have come 7 years ago." We are doing it the fastest that we can do. I feel that anybody who does not want this Bill has to have his own integrity examined.

Sir, it has been said that this Bill is being brought to keep the Congress Party intact, to strengthen the Congress Party. I would like to point out that the defections are invariably to the Congress Party, and not from the Congress Party. We do not have a problem with people leaving the party ; we have a problem with people wanting to join our party. We do not need this to strengthen our party. You can see the strength of our party in front of you.

SHRI H.M. PATEL : Looking ahead.

SHRI RAJIV GANDHI : I am looking ahead. You will see in 1990—today we are occupying almost the whole of that row—we will then be occupying even that row.

PROF. MADHU DANDAVATE : It is because, after some years, we will go to the "Upper House".

SHRI RAJIV GANDHI : Sir, we are not in a rush to send him to the "Upper House". But we are glad that he acknowledges that the Congress will be replacing the Opposition leaders in those Benches, when they leave.

AN HON. MEMBER : You will be in the Opposition.

SHRI RAJIV GANDHI : This Bill is the first step towards cleaning our public life. We will take other steps, electoral reforms, other reforms, and you have my assurance, Sir, that we will carry the whole opposition with us in these forthcoming decisions that we will have to take.

Sir, I commend this Bill for adoption. I thank the opposition for co-operating with us in formulating the Bill and for supporting it.

THE MINISTER OF LAW AND JUSTICE (SHRI A.K. SEN) : Sir, I want to express my gratitude to the House, to the Prime Minister and to the members of my party for the strong support which they have given for making this a reality. This proves once again, if proof was needed, the maturity and the stability of our democracy. Amidst the clash of arms and bickerings of parties, when the call of the nation has gone out, the people, irrespective of parties, have closed their ranks and come and heeded to the call of the nation. I remember, in this very House, when the Chinese attack came, when our late leader, Shri Jawaharlal Nehru, was speaking on the proclamation of Emergency, he uttered these great words, which are still ringing in my ears : "This is our finest hour. We must all stand like a solid rock and repel this invasion." And the country did stand like a solid rock. The Opposition here and outside and everywhere rallied round the flag of India. I remember the Vijay Chowk procession of that year on the Republic Day, when the entire Opposition turned out along with our great leaders and marched barefooted along the path of the Vijay Chowk.