

will lose its ground of setting up of a Paper Mill as proposed. I shall urge upon the Central Government to include a Paper Project for Tripura in Seventh Five Year Plan and remove the anxiety of the people of a small and backward State like Tripura.

(xxi) Shortage of Electricity in Jammu and Kashmir

SHRI ABDUL RASHID KABULI (Srinagar) : Jammu and Kashmir is facing the worst kind of power shortage this winter, with frequent shortfalls and non-availability, in supply of electricity. Industrial units, besides handicrafts industry in Kashmir Valley have virtually come to a stand-still, affecting not only normal life and students preparedness for the examinations, but also crippling the overall economy of the State. This has rendered artisans and small industries units-holders jobless. The deficiency in supply of electricity has assumed alarming proportions this year ; only 18% of the total requirement is available, which includes electricity imported from the northern grid.

The present power famine has come closely on the heels of absolute failure of tourist trade.

The Centre must rise to the occasion, and give a helping hand to the State in the present power crisis, by increasing adequate supply of electricity from northern grid, so that difficulties are lessened. Also, the Centre must finance and start work on the Uri, Dool Hasti and other power projects in the State.

The State has great potential in electricity. Its river resources, if properly tapped and exploited, can besides meeting the State's own requirement, also provide electricity in abundance to the rest of the country.

[Translation]

(xxii) Need to instal a television transmitter at Navada in Bihar

SHRI KUNWAR RAM (Sawai Madhopur) : Mr. Speaker, Sir, although

Navada district (Bihar) has a population of about 14 lakhs, the people of this district have not been provided television transmission facility. I, therefore, urge upon the Government to provide a television transmission tower at Navada in 1985 under the special Television Extension Programme. More so, because it is the policy of Government of India to provide television transmission facility to more and more people of the country.

(xxiii) Need to expedite construction of an overbridge near Moradabad on Moradabad-Chandausi railway line

SHRI HAFIZ MOHD. SIDDIQ (Moradabad) : Mr. Speaker, sir, a railway bridge was to be constructed at a distance of about 2 kms from Moradabad Railway Station on Moradabad-Chandausi-Saharanpur-Rampur line under Moradabad Railway Division. For the last 5 years this proposal has remained pending. In the absence of this bridge, the people have been facing a lot of difficulties. The railway crossing remains closed for hours with the result that not only work of the people suffers but there is wastage of time also. Therefore, keeping in view the genuine demand of the people, work on this overbridge should be started immediately to remove inconvenience to the public.

— —

11 44 hrs.

CONSTITUTION (FIFTY-SECOND AMENDMENT) BILL

English

Mr. SPEAKER : Now Shri A.K. Sen.

THE MINISTER OF LAW AND JUSTICE (SHRI A.K. SEN) : I beg to move:

"That the, Bill further to amend the Constitution of India, be taken into consideration."

This Bill is in one way a redemption of our long expectations, expectations raised

since the fourth Lok Sabha was elected. The House will recall that the phenomena of defection became acute and apparent after the Fourth General Elections in 1967 about which I have the figures here, and the figures will speak for themselves. Whereas upto 1967, there have been only about 400 defections, within one year from the election of 1967, there were 500-odd defections, of whom, the figures also say, 118 were by persons who became Ministers or Ministers of State. The problem became so important from the point of view of preserving the best traditions of democracy and of setting certain norms of political behaviour that the House will recall that under the chairmanship of the late, Shri Y.B. Chavan a Committee on Defection, I think, was set up some time in October 1967 consisting of eminent jurists like Mr. Daphtary, Mr. Seervai and also Independents and Members of different political parties represented in Parliament. That Committee made certain recommendations and those recommendations were considered when the 1973 Constitution (Amendment) Bill was introduced first; and that Bill, for the first time, took cognizance of this phenomenon of what has come to be termed as "Aya Ram and Gaya Ram". People crossed Floor without any intelligible principle, but crossed the Floor mainly actuated by opportunism or for the purpose of gaining a political advantage or a personal advantage. This phenomenon was noticed in India for the first time, as I told you, in 1967; and the problem of crossing the Floor emerged only after the defeat of Congress Party in some States. At the emergence of small parties who were coalesced only for the purpose of forming a Ministry and who had no political principle to combine together, it must be said to the credit of the Congress Party that so long as Congress remained on the saddle in the States until 1967 including the State of West Bengal, the phenomenon of "Aya Ram and Gaya Ram" was almost unknown. In West Bengal and in certain other States, from 1968 onwards, we saw this phenomenon of quickly crossing the Floor, changing side. As we said "*Chola badalne ki kala shuru ho gai*" the drama of changing colour of the mantle started then; and every section of the House and every section of the people was unanimously of the view that unless this phenomenon was completely obliterated from

our politics, it would bring not only discredit to our democracy but also doom the future growth of mature and healthy political conventions, which alone, apart from the constitutional provisions, sustain a strong democracy. Why is it that parliamentary democracy has Foundered all over the World, all over old colonial World, in Africa, in the Far East I do not want to mention countries and also very close to us in Pakistan and in Bangladesh? Why is it that this country alone of the emerging world, of the entire old colonial world, succeeded in establishing the healthy convention of democratic functioning, notwithstanding the fact that we had a massive majority of the ruling party until 1967 not only in the Centre but also in the States? One reason alone justifies it. I remember still now how Pandit Nehru used to come here, used to go to the Opposition first and then to the Speaker. The lesson of honouring dissent and of tolerating opposition in a democracy was laid down by that great leader; and I have said, so not only here but everywhere else also that without a great leader, democracy never becomes established firmly.

It was George Washington who refused to stand for the third term as the President, who laid the foundations of the American democracy. He said that we did not fight the monarchy to establish another monarchy in a new world. Panditji was a person who could have wielded the greatest of authority. The people obeyed him, trusted him and confided in him. They trusted that the maximum power given to him would never be misused. He tried to use it neither for one political party nor for one particular individual. When he died, millions paid him tributes not only outside this House near Rajghat but also on the floor of the House when the tributes to the founding father of our democracy were truly proclaimed to the outside world. I recall the words which came from one of our great opposition leaders, a great parliamentarian, Prof. Hiren Mukherjee, who was the leader of the Communist Party of India—Prof. Ranga might remember the words that he uttered with such a solemnity from that side—who said that here was a man who strode the world like a colossus but he had no Achilles heel to guard. He wielded a bow which no one could wield. Yet he referred to the

opposition every time when the opposition was to be consulted. Here was a man who used his powers not for himself but for the country and for our democracy. Now, it is for upholding those principles that all parties were pledged from 1967 to outlaw this outrageous phenomenon of Ayarams and Gayarams. It is true that we have been a little late in proceeding with the matter. I do not agree with many of the recommendations of the Committee on.

Defections because, as I go through their recommendations, I find that those recommendations could not possibly succeed in tackling such a problem. The very definition of a political party was outmoded. It only confined itself to those parties which got symbols. But there were many parties who could not get individual symbols before elections like Telugu Desam and they Yet became parties and on their tickets members were elected.

In 1973 the Bill which was introduced in Lok Sabha went to a Joint Select Committee consisting of sixty Members. That Bill was never passed. That Lok Sabha came to a close in 1977. After 1977 Janata Government came. They started experimenting with the matter and brought a Bill which could not even be introduced.

The Cabinet Sub-Committee headed by the then Prime Minister Shri Morarji Desai, never finalised their recommendations. I do not blame any one. It is a problem which is really gigantic in its implications, and yet a problem which should have been tackled with the utmost of speed, because we were having elections every two or three years. When the Janata Government broke up in the middle of the term, we had the elections again in three years. Fortunately, I must say, again without taking undue credit for the party to which we all belong to this side of the House, that ever since the return of Shrimati Gandhi, we did not encourage defections at all. *(Interruptions)*

[Translation]

MR SPEAKER : Please don't interrupt. You may speak when your turn comes.

*(Interruptions)***

English]

MR. SPEAKER : Nothing goes on record. Not allowed. No. question of clarification.

SHRI A.K. SEN : I do not mind the two new Hon. Members who are offervescent in their enthusiasm but I do mind the interruption of Prof. Soz who is quite experienced as a parliamentarian. *(Interruption)*. He ought to know that the time for interruption comes after the speech is over and that is the parliamentary tradition which are trying to cherish....*(Interruption)*.

PROF. SAIFUDDIN SOZ (Baramulla): I will wait, Sir.

SHRI A.K. SEN : Very well, I will be very happy.

MR. SPEAKER : It is not he who enforces the rules, it is me, the Speaker, who does so. It is not the Minister.

PROF. SAIFUDDIN SOZ : I approach him through you, Sir.

Mr. SPEAKER : Yes, that is something.

SHRI A.K. SEN : What I said was that the Congress party was not a victim to defections; those, who became victims to defections are the ones who are injured today. For them we are not responsible. If they defect or if they split, we are not responsible. But the very fact....*(Interruption)*. You are again breaking the rule Mr. Choubey. Now, as I said, the very fact that we, with

a massive majority on this side, have brought this anti-defection Bill and we want to pass it in this session....(*Interruptions*). This is the expression of the sense of disappointment for which they alone are responsible.

SHRI NARAYAN CHOUBEY
(Midnapore) : We support this Bill.

SHRI A.K. SEN : If you do, then you keep quiet and listen to us....(*Interruptions*).

SHRI SUDINI JAIPAL REDDY
(Mahbubnagar) : Only yesterday two MLAs have split from Nagaland party to Congress (I).....(*Interruptions*).

SHRI A.K. SEN : We can take care of ourselves, you take care of yourself. Now, Sir, Mr. Narayan Choubey follows the logic of Wizard of Oz when he says we shall listen to you when you talk sense. Wizard of Oz also was asked in "Alice in Wonderland" : "why must it be so and why do you say that it is right." He said, "I said so because I say so and it is right because I said so." Therefore, it is sense when Mr. Choubey thinks it is sense but it is not sense when Mr. Choubey does not think it is sense. That is the logic with which we cannot agree ... (*Interruption*). If he wants to speak in Bengali, let him carry on.

He speaks Hindi and Bengali equally well and I am jealous of him because of that because my Hindi is not as good as my Bengali. Now, Sir, this is the position and I think we can take legitimate pride in this fact that our party, with such a massive majority, has thought it fit to bring, as the first measure in the very first session of this parliament, this anti-defection Bill which has the object of preventing defections which have plagued our politics, more the other parties than us.

The basic features of this Bill may be explained in a few words. We have brought every political party within the Bill. We have not continued the Bill to parties having symbols or receiving recognition from the Election Commission. If any party puts up a candidate, and that candidate gets elected on that party ticket, it will be impermissible for that person to resign from that party and

join some other party, or disobey the mandate of that party, on the floor of the House. Here I have to explain immediately that the other day some controversy was raised with regard to clause (c) of sub-paragraph (1) of paragraph 6, which sought to disqualify persons, who were expelled by their party for conduct outside the House. Now I may immediately tell the hon. Members that the Government, having regard to the consensus arrived at, not only within our party but also with a view to accommodating the views of quite a large number of opposition parties, including Shri Narayan Choubey's party and the CPM, we agreed to bring in, at the appropriate moment, at amendment deleting this provision. But some of your colleagues will not welcome it, as you know, because they are more afraid of defections than ourselves of ...(*Interruptions*)

12.00 hrs.

In paragraph 2, sub-paragraph (1) (b), there will be a slight amendment. We are seeking to disqualify persons who disobey the mandate of the party, either by voting contrary to the mandate of the party or by abstaining from voting contrary to the mandate. There may be cases where a man may be ill, or the train may be delayed and he cannot come and obey the mandate by voting. In such cases, he cannot be regarded as having abstained from voting. So, we are trying to add the words "without prior permission, or subsequent condonation by the political party or authority within a month of such voting or abstention". That will take care of unwillful abstention, where a person is prevented by circumstances beyond his control from coming to the House in time and voting, according to the mandate of his party. With the deletion of this, I think it will possibly not be necessary to go into any bitter controversies over this Bill. As this Bill is of such a nature and founded on principles of universal acceptance, I am hoping that it will then have unanimous acceptance in this House. It will have the best impact on the people outside the House, so that not only the people of India, but the people outside will know what are the firm rocks on which our democracy is founded and what are the principles, which are unanimously accepted by the people in this country. If

this Bill is passed with the unanimous approval in this House, it will be the best certificate that this Bill can obtain.

With these words, I recommend this Bill with the further clarification that there may be disputes as to whether a man is really elected on a party ticket, or whether he has really voted contrary to the mandate, or whether the mandate had reached him before he voted. All these decisions are being left, not in the hands of the court, or the Election Commission, or the Governor the President, as the case may be, but in the hands of the Speaker, or the Chairman of the particular House concerned, so that it will mean ...*(Interruptions)*

MR. SPEAKER : I will note that.

SHRI SUDINI JAIPAL REDDY : We would not like you to say anything...

SHRI A.K. SEN : Once it goes outside the control of the House, it will take years and years for the court to come to a decision, because there will be appeals and further appeals and the matter will be forgotten, like the Anti-Defection Bills of the past. Therefore, if we mean business, we must give authority to decide this serious matter to the Speaker or the Chairman of the House concerned, who has been elected by the majority vote of the House concerned. With these words, I recommend to the House the unanimous acceptance of this Bill.

MR. SPEAKER : Motion moved :

"That the Bill further to amend the Constitution of India be taken into consideration."

PROF. SAIFUDDIN SOZ : I want to seek a clarification.

MR. SPEAKER : I will give you time to speak.

(Translation)

MR. SPEAKER : You may speak, when permitted.

PROF. SAIFUDDIN SOZ : I want to speak right now.

MR. SPEAKER : You will speak on behalf of your party.

PROF. SAIFUDDIN SOZ : I only want some clarification.

MR. SPEAKER : You may ask for the clarification when your turn comes.

[English]

Sarvashri K. P. Unnikrishnan and C. Madhav Reddy have given notice's of an amendment each to the consideration Motion before the House. I find they are not here. So, I shall call upon Shri Bhattam Sreeramamurthy to speak.

SHRI S.M. BHATTAM (Visakha-patnam) : Sir, I rise to support the main aims and objectives of the Bill which is now before the House.

THE MINISTER OF AGRICULTURE AND RURAL DEVELOPMENT (SHRI BUTA SINGH) : Sir, when will the voting take place?

[Translation]

MR. SPEAKER : You have to wait the whole day.

[English]

We will cross the bridge when we come to it.

SHRI BUTA SINGH : How much time will be taken for the consideration of the Bill ?

[Translation]

MR. SPEAKER : You have to wait the whole day.

[English]

SHRI S.M. BHATTAM : The spirit in which it was introduced was agreeable to us and the leader of our Parliamentary Party also at length expressed the stand of the Party during the course of the informal discussions with the Prime Minister held with all the political parties.

Having said that I would like to mention certain things in regard to the Bill. It is not merely a piece of legislation, It is a legislation to amend the Constitution to curb defections. The political parties as such should be able to come together, periodically, deliberate over this issue and arrive at some consensus and evolve a code of conduct among themselves so that they establish healthy norms and standards for their parties. They should meet periodically not only for stock-taking and for exchanging views but also for receiving complaints wherever divisions or divergences are there and when people are against these checks and controls or when it becomes necessary to obtain sanctions in regard to the code of conduct which are voluntarily agreed upon. For instance, in the case of a defection, any other party can admit a Member of another party. In case it is done, it should be obligatory for the Election Commission to withdraw its recognition to that political party. Some such sanctions have to be imposed. Therefore, besides its being within the ambit of the Bill which is before this House, I propose that such a consensus should be arrived at amongst the various political parties.

Now, I come to another important aspect which needs our utmost attention. In the case of an individual who crosses the floor after the election, on that basis he incurs disqualification: but in the case of say, a group of persons when there is a similar crossing of the floor, it is a conspiracy by an organised group. It should be considered more dangerous. In such a case also, those people should, similarly stand disqualified. They should not be exempt from the ambit of the relevant clause which disqualifies persons for

floor crossing. Therefore, Sir, I urge that the Government may have a second look at the matter. Now, this unfortunate phenomenon has been obtaining in several parts of the country, particularly in those areas where the ruling party in the State happens to be non-Congress Party. Recently in Andhra, owing to the phenomenon of split engineered from above, the then ruling party had to come down, had to be thrown out and had to vacate the office. Through the instrument of Governor, the institution of Governor this has also been managed. And therefore, I sincerely urge that the Bill should be such that would not encourage split which is not good for democracy. This fragmentation of political party, split of political party, disintegration and deterioration of political party has got to be avoided and prevented. We have to take necessary precautions to see that such a phenomenon does not occur. Instead of doing it, we are indirectly encouraging defection, promoting and protecting and also saving them from the provision of disqualification which other people in a similar position should have incurred. So, now Sir, it appears to me that** are going to be fostered and strengthened. And this thing is going to be done.

MR. SPEAKER : No names please.

SHRI S.M. BHATTAM : So, some such phenomenon which obtained in Punjab and a similar situation which obtained sometime back in Andhra should be prevented. But those are the things which the ruling party wants to recur and to take place again and again. I urge that such things should not happen again.

Sir, this has been deliberately kept in the Bill with a view to cause destabilisation in the existing Government whenever they happen to belong to political parties from the Opposition. Therefore, this is our objection.

We raise another important point. Whenever the Chief Minister of a State owing to such organised split, happens to lose his majority, in that case, the Chief Minister

**Not recorded.

should be empowered, should have the right to seek for dissolution of the House and seek a fresh mandate from the people and it is not open for the Governor to exercise his right of discretion under the Constitution and disagree with the Chief Minister. And it is a deliberate act on the part of certain vested interests, people from above who engineer such defection. My amendment which I have given notice of, was not allowed on the ground that it touches upon other aspects which have no relevance to the Bill in question, because it touches/upon the powers of the Governor. Therefore, it is not allowed, I can very well see the reason. But all the same, I want the Government to understand the implications of the question which we have sought to raise on the floor of the House. Therefore the split cannot be tolerated and the persons who have caused split, fragmentation, disintegration and breaking-away of the party cannot be encouraged and therefore they have to automatically suffer a similar disqualification as in the case of any individual Member of the House. They should not be protected, should not be saved under the provisions of the Constitution, under the provisions of this Bill. This is what we would like to urge.

Secondly, Sir, when I do that, my point is this. They protect the splitters. I say, this is a Bill for perpetuation of fragmentation of political parties. That is how it appears to me.

Now, Sir, I come to the powers of the Speaker. With all respect to you, I would like to mention that it is not in the best interest and traditions of this House that the Speaker should be given extraordinary and super powers so as to disqualify a Member on certain grounds. So, the powers of disqualification are not to be exercisable by the Speaker. It will be done not by the Speaker but by the Chief Election Commissioner. I may in this connection refer to article 103 of the Constitution :

“(1) If any question arises as to whether a member of either House of Parliament has become subject to any of the disqualifications mentioned in clause (1) of article 102, the question shall be referred

for the decision of the President and his decision shall be final.”

So, the matter has got to be referred to the President. That is how the original Constitution contains the provision. Even here, the President takes action before giving any decision. Article 103(2) reads :

“Before giving any decision on any such question, the President shall obtain the opinion of the Election Commission and shall act according to such opinion.”

The Election Commission is invariably consulted in all such matters before the President takes a final decision in this regard.

Now, instead of the President, the Speaker is vested with special powers, extraordinary powers, to deal with the matter under this Bill. The Speaker is the guardian of the powers and privileges of the members of the House and, that being the case, let him not be reduced to a position of merely carrying out the executive function in regard to this matter *vis-a-vis* the members of the House. That is why I want the Speaker to be saved from this embarrassment. I suggest that this specific provision be deleted and this question may be considered by the House.

As far as the Speaker is concerned, I may point out that the Speaker has got an option open before him, that is, he may voluntarily resign from the Party or he may continue to be in the Party. But my view is that the Speaker who is occupying the august office of the Speaker should necessarily cease to be a member of any political party to which he may have originally belonged prior to his election to the office of the Speaker. This is a healthy practice which other state legislatures may also adopt. I have been a member of the other House for the last 20 years.

As far as my knowledge goes, some Speakers continue to be members of political

parties even after occupying the august office of the Speaker.

MR. SPEAKER : It has to be a two-way traffic, both for the opposition and the ruling side. It is for the House to decide, otherwise, the Speaker himself is in a quandary.

SHRI S.M. BHATTAM : It is a suggestion for you to consider.

MR. SPEAKER : It is for the House to consider. It has been suggested so many times.

SHRI S.M. BHATTAM : There should be a healthy convention. It is in the hands of the Speaker, not in the hands of the House. Whatever is done by you will be the pace-setter and others will emulate you and follow you. These are the healthy conventions and traditions which may go to strengthen the democratic process and the progress of democracy in the country.

Here again, there is a provision that the Speaker may, after he ceases to be the Speaker, rejoin the same party or any other political party. In the case of other members also, a member can also join any other political party after he ceases to be a member of the House. But in the case of the Speaker also he may continue to be a member of the party after he ceases to be the Speaker or he can rejoin the party to which he belonged or he can rejoin any other political party. Such vast and wide options need not be given to the Speaker.

MR. SPEAKER : Your Party has given the names of other members also to take part in the debate. You take your time accordingly; you keep some time for other members of your Party also.

SHRI S.M. BHATTAM : Instead of rubbing you on the wrong side, I would like to resume my seat, but before doing that.

MR. SPEAKER : It is a good suggestion I don't mind it. I have also been advocating

it. So many People have spoken on the floor of the House on this subject. But they have not followed it up. There has been a difference between saying and doing. That difference has to be eliminated. That is all.

SHRI S.M. BHATTAM : Before concluding, I would like to invite your attention to another Clause and that is about the privileges and amenities of Parliament and its members. Article 105 (3) reads :

"In other respects, the powers, the privileges and immunities of each House of Parliament, and of the members and the committees of each House, shall be such as may from time to time be defined by Parliament by law, and, until so defined, shall be those of that House and its members and committees immediately before the coming into force of section 15 of the Constitution (Forty-fourth Amendment) Act, 1978."

So, we enjoy only such powers as were enjoyed by the House of Commons before the Constitution came into effect in this country. Therefore, no extra powers can be enjoyed by this House unless there is a specific provision amending this. If we want to take more powers than whatever is available to the House of Commons, then you will have to amend this particular provision; otherwise, we will not be entitled to this under the Constitution. So, I draw the attention of the hon. Minister to this particular clause.

MR. SPEAKER : The Law Minister will take note of it. Mr. Dighe.

SHRI SHARAD DIGHE (Bombay, North Central) : Mr. Speaker, Sir, I rise to support this Bill wholeheartedly; not only that, I also welcome this piece of legislation. It is a bold step to ensure that the political system in this country maintains some semblance of decency and ethics. In fact, it is in conformity with the assurance given by our Prime Minister for a clean administration and a clean public life. From this point of view, I was very happy when even in the President's Address it was mentioned that an

Anti-Defection Bill would be brought and passed in this Session itself. There was widespread concern over the problem of political defection in this country, and I think, from the public also, there have been consistent demands that some punishment should be given to those who defect from their political parties. Now we are, in a way, honouring that demand and honouring our commitment by bringing in this legislation.

12.23 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

MR. Deputy-Speaker, Sir, I would say that defection is an old disease. Even though the Law Minister has mentioned some recent instances, from 1967, in fact, it appears, when I go through the record, that even in the pre-Independence period there were at least one or two occasions when there were some defections. After independence, States like Tamil Nadu, Andhra Pradesh and Kerala were among the first bastions of defection politics in India. After 1967, the whole southern part or, as a matter of fact, any other large part of India has not been completely immune from defection.

I came across a very learned exposition, 'Politics of Power' written by our Secretary-General, Dr. Subhash C. Kashyap; from that I will read out only four or five lines which give a complete picture of this defection; he says:

"Since the Fourth General Elections in 1971, from among 4 000 and odd Members of Lok Sabha and Legislative Assemblies of States and Union Territories, there have been some 1,969 cases of defection. Thus, by the end of March, 1971, approximately 50 percent of legislators changed their affiliation. Several legislators did so more than once. In the case of State Assemblies, as much as 52.5 per cent of the total membership has been involved or, in other words, more than half of the State legislators changed their political affiliation at least once."

Therefore, as I said, this legislation was overdue and, as I stated earlier, there was also a demand from the public that some such legislation should be made.

Now, two attempts were made to introduce such Bills. Before that, there was a committee appointed under the Chairmanship of late Shri Yeshwantrao Chavan and the Committee also made certain recommendations. Ultimately Constitution (Thirty-second) Amendment Bill of 1973 was introduced in this House but, for some reason or the other, it could not be ultimately passed. The second attempt, as was stated by the Law Minister, was in the regime of the Janata Party—the Constitution (Forty-eighth) Amendment Bill of 1978. Due to stiff opposition from the Party itself ultimately that Bill had to be withdrawn. One attempt has been made in the States also. The Jammu & Kashmir State passed the Jammu & Kashmir Representation of People's Amendment Act of 1979. So an attempt was made there also to prevent these defections.

As far as the legal provisions are concerned, I may also say that there is nothing wrong in passing such legislation. No provision of the Constitution also is violated. The Jammu & Kashmir Act was challenged in the High Court of that State and it has been thoroughly scrutinised and held that such a legislation does not hit provisions of Article 19 (1) a and 19 (1) (c) or Article 14 of the Constitution. Therefore, there should be no difficulty as far as the constitutional provisions are concerned.

Now, there have been several clauses in this Bill and I am happy that the Law Minister has also announced that two of the clauses are to be amended. As far as clause 2 sub-clause (1) paragraph (c) is concerned, that has to be deleted and paragraph (b) has to be amended suitably. It was very much necessary to delete paragraph (c) because if a Member has to be expelled from a political party in accordance with the procedure for anything done outside the House, it would have created several practical problems and it would have given a handle especially to the bosses of smaller parties; where this

paragraph would have created some difficulties. Therefore, the main principle of this disqualification is that for something which a Member does in this House, in the presence of this House, in the presence of the Presiding Officer such as voting against the Party or abstaining from voting against the direction of the Party. Now this is something which is proved beyond doubt. No other enquiry is necessary by any other committee or anybody else. So it is very clear that any act done by a member in the presence of a Presiding Officer, namely, voting or abstaining from voting would entail him to this disqualification. So there is no chance of any injustice being done nor is there any scope for any doubt whether he has committed that act or not. Therefore, from that point of view, acts done outside the House have been deleted or are proposed to be deleted now because there would have been the question of proving them. Some doubt may arise and there will be questions of giving a hearing to that Member also and rules of natural justice would have also to be followed.

Secondly, according to me, any act of a Member which brings down the Government has to be punished because he has already given a commitment to his voters that he would stand by that party, he would stand by their manifesto and discipline of that party. Therefore, voting against the party or abstaining from voting has not been allowed. These things may bring the party in power to trouble, and from that point of view, the limited scope, that is kept and it is very essential.

If Clause 2(1)(c) was also to be retained, that would have created several other practical difficulties and it would have led to injustice sometimes to the Member also.

Then, mergers and splits have also been taken care of. In the case of split, one-third Members have to declare that there is a split, and in the case of merger, two-third Members are required to merge. For the first time, independents as also nominated Members have been covered and no loopholes have been left. All loopholes are sought to be plugged in this Bill.

Lastly, this Bill gives the authority or the power, to decide to the Speaker, or the Presiding Officer. But you will see that this power is also sufficiently circumscribed because as provided in Clause 8, rules have to be framed, and not only they have to be framed, but they have to be placed before the House and the House has to approve those rules regarding the procedure for expulsion etc. Therefore, the criticism that the Speaker will have very large powers and that some other authority should be appointed for this, has no substance because ultimately this power is left to the House to frame the rules and those rules will have to be followed. If it is left to judges and courts, even if it is left to the Chief Election Commissioner, it will take a long time as is our experience and the very purpose of this measure will be lost. From this point of view, it is appropriate that this power is given to the Speaker and the rules to be made are placed and approved by the House.

With these words, I support this Bill whole-heartedly, and congratulate the Law Minister for this amending Bill. Further, for the fact that the Bill will be passed in this session and today itself, I specially congratulate the Leader of the House.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI GHULAM NABI AZAD) : Mr. Deputy-Speaker, Sir, since there are a large number of Members, who want to speak on this Bill, I propose that we skip over the lunch hour today and continue to sit throughout.

MR. DEPUTY-SPEAKER : Is it the pleasure of the House that we sit continuously without lunch hour.

SEVERAL HON. MEMBERS : Yes, yes.

MR. DEPUTY-SPEAKER : We will sit without breaking for lunch. Further, I would request to the hon. Members to be brief, so that there is sufficient time to cover all the Members, who want to participate on this Bill. I hope, each Member will take five to eight minutes.

SHRI A.K. SEN : Will you kindly indicate the approximate time when the voting will take place.

MR. DEPUTY SPEAKER : That depends on the Members. It will be at 4.00 P.M. tentatively.

SHRI K.P. UNNIKRISHNAN (Badagara) : Do not announce the time. Let it be fixed after six O'clock. There are so many Members who want to speak.

MR. DEPUTY SPEAKER : I have announced four O'clock tentatively.

SHRI BHAGWAT JHA AZAD (Bhagalpur) : Mr. Deputy Speaker, Sir, I whole-heartedly welcome this Bill. I have seen in this House since 1952 upto now barring one and a half years, how defections in this country in Legislatures had been going on and how a new word has been added to the Indian Dictionary, namely, Aaya Ram and Gaya Ram. Thanks to those members who have brought at least a new word. That is the only contribution of theirs in the good politics of this country.

Sir, we have tried, from the beginning when this disease came, to have suitable measures, but we could not succeed. Even the Janata Party during their regime had a committee under the Prime Minister. We had during our time also many times appointed committees. One committee was under Shri Darbara Singh, which went on for hours and hours and hours, but the difficulty was that we could not agree about this because there was no set precedents to decide about the way to do such a thing. Therefore, Sir, I congratulate the hon. Prime Minister for immediately bringing this measure as the first measure during his tenure in his Session. Sir, I support this Bill, but I have my apprehensions from the beginning, about Clause 2 (c) I have stood up only to speak and counsel the Prime Minister to accept that this Clause 2 (c) be dropped.

Sir, I remember instances galore of Late Pandit Jawahar Lal Nehru. In spite of his own strong views, he was amenable to the Members' and Party's opinions. One such

example was about the Hindu Code Bill. We were sitting in the Executive Committee. Panditji wanted that the share in the father's property should be equal for both daughter and son. If there are two sons and one daughter, the property should be shared equally among the three, i. e. one-third each. But then there were men like Late Katju and D N. Tiwari, who thought otherwise. There were only two members, myself and one more who agreed with Panditji's views. But the majority were of the view that only one-ninth should be given to the daughter. Panditji thought that it was nonsense and wanted as to go to a party meeting. He appealed to the party against the Executive Committee. We went to the Party meeting. In the Party meeting also, there were again members who believed in the old thought and tradition. Daughter and son were quite different for them. So there also, we were overruled. Panditji said that though it was nonsense, he would agree to the majority opinion and then came the Hindu Code Bill.

PROF. MADHU DANDAVATE (Rajapur) : Daughter is let down even there !

SHRI BHAGWAT JHA AZAD : I know several other examples like this. Once it was 12.30 almost lunch time. A particular firm wanted the loan to be converted into shares. Bill came from the Finance Minister. I sent 15 members requisitions to the Party leader, to call a party meeting. It was said that the Bill had already come. We said that we had strong views. Pandit Nehru called a meeting at one O'clock, i. e. in lunch time, in Room No. 63 and we came to the House with a decision that the Bill be amended and the clause was amended and the loans were converted into shares. I can quote from my memory, instance after instance where Nehru Ji, in spite of his views, agreed with the majority party opinion. I must say that to-day this Bill was discussed it was discussed earlier also in the party. It was discussed with the Opposition. The young Prime Minister discussed it with the members of the opposition also. He discussed it with us, he asked for our opinion. We spoke out our opinion, and the young Prime Minister immediately stood up and in one hour he said that he found that the majority of persons in the party had asked for this

clause to be dropped. And so, he said, this clause was being dropped. I say that this is in the Nehru tradition. I told him, so, and congratulated him. This is Nehru's democracy speaking. I hope that in future also, he will continue with his tradition.

This Bill on defection will be enough to make Members desist from defecting, i. e. those who come on a party ticket. If they choose otherwise, they must resign. If they defy the party whip, they must resign. The seat must be vacated.

But I want to say one thing : I could not make this point in the party meeting. I want Shri Asoke Sen kindly to consider this. He knows that I am an old parliamentarian in this House. There have been occasions, once or twice when Members had been given the right of conscience voting. There was Mr. Govind Das sitting in that bench, and also Shri Purushottam Das Tandon. There were others also who told Jawaharlal Nehru that they had a conscientious objection to a particular Bill and so they should be permitted to act accordingly. I only say that if a Member strongly feels and wants that he should be allowed to vote against a Bill, he may be permitted—of course, unless the party permits it, nobody will be allowed to do it. But let this also be a tradition that if on any measure a Member strongly feels so, and begs the party leader to allow him to vote against the measure and the whip, on the ground of conscience, that might be considered by Mr. Sen. That will be an occasional thing. It will not be the rule it will be an exception. Exception will always lend charm to the rule. Therefore, I say: let this also be considered. Let this tradition also grow.

As I said, I was not interested in small parties. I belong to the congress from 1952, in this House. I say that democracy has been nurtured, it has been defended by my party. I do not say that others have not defended it. But what I say is that as a Member in 1952 I was in opposition within the Congress party. When Congress had a huge majority, we had played our role. The present Vice-President, Mr. Venkataraman and the late Mr. K.P. Tripathi were in this House. and have played that role. We shall play

our role again as we have done on this happy occasion. My leader and my Minister have agreed to our request to drop it. So, what I wish to say is this : I know that among the opposition, one party called its members and asked : 'Why do you want this amendment ? you have come on our ticket. Therefore, do this'. They are on this ground. As against this, look at the democratic methods of the Congress Party.

With these words, I support this Bill wholeheartedly. It will be a great thing going into the Statute Book of this country. This is the first measure of the young Prime Minister. I hope the rules that will be framed under clause 8 giving Powers to the Speaker, i.e. to the Speaker and Chairmen, will be exercised properly. With these words, I wholeheartedly support this Bill and congratulate the Prime Minister for dropping Clause 2 (c), which was the most pernicious clause.

PROF. MADHU DANDAVATE (Rajapur) : At eleven O'clock this morning we all stood in silence to offer our tribute to one of the greatest martyrs of our country, i.e. the Father of our Nation. But that was only a ceremonial tribute, but the real tribute will come when the Anti-Defection Bill will be passed in this House, and an era of clean politics will begin. Therefore, I wholeheartedly welcome this move, for bringing this Motion for Consideration of this important Anti-Defection Bill.

I may just remind this House that in the last Lok Sabha I had initiated two debates, discussions under 193, demanding immediate introduction and passing of an Anti-Defection Bill. I would like to remind this House that in 1980, in the very first week of the session, I had tabled and introduced and also moved for consideration an Anti-Defection Bill. I remember very well, I think, I would like to remind the present Law Minister that the then Union Law Minister, while intervening in the debate, had said that Prof. Madhu Dandavate's Anti-Defection Bill was commendable, but the time was not yet ripe for the adoption of that Bill. Probably, it was felt then that the historic role of defection was not yet over.

Fortunately, we find a balance in the House today, because, as my friend, Mr. Azad said that sometimes even small is beautiful and, therefore, I do not see the imbalance in the House, unnecessary imbalance in the views ; and I am happy to find out that we are able to strike a consensus on the Anti Defection Bill. I would like to point out here that as far as this Bill is concerned, there is a certain background. The defection polluted the political climate for a very long time and it also threatened the very basic structure of parliamentary democracy. I would like to indicate here, what happened between 1967 and 1968. Some of the old veteran parliamentarians are here in the House and they may recall that the period, 1967 to 1968 was the period of precursor to political defection in the country ; and during those 10 months, 1967-1968, you will be shocked and surprised to know that there were 438 political defections. What was the motivation of that defection that brings us to the base of this Anti Defection Bill ? Out of 438 political defection that took place between 1967 and 1968, what was the fate of those 438 defectors ? You will be surprised and shocked to know that out of 438 defectors who defected from one party to another, 210 defectors became members of the Council of Ministers in various States. That indicates what was the motivation of political defection. We have found in Andhra, in Kashmir, in Karnataka, in Haryana and in Sikkim. wholesale defection.

As far as defection and use of money power is concerned, there is a retail trade and wholesale trade. Retail trade in politics does not result into any distabilisation of the government, but the wholesale trade based on large scale defection in a legislature, that leads to the very change of the basic structure and the composition of the legislature and therefore the source of the Ministry as well. Now, such defections are taking place. I am very happy, forgetting all the political loyalty, members of parliament, from both sides of the House, sat together and thrashed out the issue-not all the issues- and tried to evolve a consensus ; and I am glad that on the day of the death anniversary of Mahatma Gandhi, we are going to begin an era of clean politics in the

country with cooperation between the opposition and the treasury benches; there can be no better tribute to the memory of Mahatma Gandhi than this ; in order that the tribute should be meaningful and complete, certain aspects of the Bill must be properly taken note of.

I would like to point out that an effort had begun in this House on 8th December, 1967. The old parliamentarians will recall. Shri P. Venkatasubbaiah had moved resolution in this House recommending the formation of the Committee of Defection headed by Shri Yeshwantrao Chavan. That Committee was constituted in cooperation with the representatives of political parties and also constitutional experts. What was the weight and strength of that Committee ?

That Committee had as members eminent men like the late Jayaprakash Narayan, Shri H.N. Kunzru, Shri Duphtary, and eminent leaders of political parties. At that time the first effort was made to formulate the very definition of political defections. I am glad that thread which was initiated by Lok Nayak Jayaprakash as early as in 1967, has again been picked up. Therefore, I would again feel that it will be the best tribute not only to Mahatma Gandhi but also to the late Lok Nayak Jayaprakash, with whom you might have political differences, but none in this House had ever differed that he was the spokesman of clear politics and social welfare in this country. Therefore I am glad that his definition the entire House is accepting today. On that occasion the Committee was assisted by Lok Nayak Jayaprakash in formulating a fine definition of what is called defection. What did Jayaprakashji say about defection ?

"An elected member of a legislature who had been allotted the reserved symbol of any political party can be said to have defected, if after being elected as a member of either House of Parliament or of Legislative Assembly or Legislative Council of a State he voluntarily renounces allegiance to, or association with such political party, provided his action is not in consequence of a decision of the party concerned."

Of course some alternations have been made to tighten the Anti-Defection Bill. But basically this particular connotation and definition put forward by Jayaprakashji has been accepted. I am happy about it because this was the root of all trouble in our political life.

While we finally adopt this Bill, if it becomes an Act, there are certain cautions to be taken. We must see to it that the definition between dissent and defection is not allowed to be blurred. I am glad that my friend and colleague, Mr. Azad, has put forward before the House the historical perspective as to what happened in this august body and how dissent was not mixed up with defection. I would like to recall that in times of war when Herbert Morrison had moved an adjournment motion in the House of Commons, to express dis-satisfaction about the weak need war and defence policy of Chamberlain's Government in U.K., a number of Members of his own party, Members of the ruling party, voted with the opposition on the adjournment motion and Chamberlain had the grace to declare that since a number of Members of his party had voted for the adjournment motion which amounted to censure of Government he would resign from the Government taking cognisance of the desire of the people and parliament that the defence and war policy must be strengthened. Then came the National Government headed by Winston Churchill. These are some of the glorious instances in the history of world parliamentary democracy. We cannot afford to forget them. Therefore, in our anxiety to see that defection are totally eliminated and their polluting influence on politics is totally destroyed, we should not allow the distinction between dissent and defection to be blurred completely. In that direction considerable progress has been made. Still a number of fields are left unexplored. But I take it for granted that this is only the beginning of the exercise. I said in one of the meetings of the opposition leaders with the prime Minister : It is better that we work on the Bill. Some changes have been accepted. Let us see how the Act works and on the basis of our experience if we find that further tightening of this particular legislation is necessary or certain provisions are required to be dropped on the basis of empirical knowledge

of the working of our parliamentary democracy we should be prepared to make those alterations in times to come. I hope that will be the broad approach that would be adopted.

The Bill must not be a handle in the hands of the party caucus expelling party members arbitrarily for their honest dissent. The basis of our Constitutional Bill must be the basis of British Jurisprudence. What does it assume ? The British Jurisprudence assumes that sometimes even if a single guilty man goes scotfree does not matter, but why a single innocent man must be punished ? I think, that is the spirit in which Gandhiji's India has understood the problem. I am glad that in that direction we are already making the progress. That is why I was extremely happy. Probably the amendment may come forward from the Treasury Benches themselves but in a meeting with the Opposition leaders a consensus has been evolved on that particular clause 2(c) of the Tenth Schedule of the Constitution (Amendment) Bill which wanted to extend the jurisdiction of defection to what happens outside the Legislature. For instance, if some Member has been expelled outside the House, that would also attract disqualification in Parliament or in State Legislature. We urge upon the Prime Minister that this is likely to be misused and exploited by the caucus in various parties. Unfortunately, we have to accept the fact that as yet we have to evolve a real democratic and healthy structure of political parties in the country. We have number of instances (Interruptions).

DR. KRUPASINDHU BHOI (Sambalpur) : Physician heal thyself.

PROF. MADHU DANDAVATE : I will heal if I suffer from any disease. Doctor, I can assure you that. And if I become a patient, I will come to you as a doctor.

DR. KRUPASINDHU BHOI : No, Sir, with great humility I have said so. You should not misunderstand me.

PROF. MADHU DANDAVATE : Sir, if he says 'physician heal thyself' I am prepared to heal thyself. But if I become a

patient, I will go to him since he is a doctor, but he should not act like a veterinary doctor, he should act like a human doctor.

Sir, I do not want to mention the name of a leader X or a leader Y, but there are enough instances in this political life of our country where merely for the expression of political dissent from a leader, people have been expelled and some leaders of some parties are so non-vegetarian that they are not, satisfied unless they swallow one leader per week. Number of persons have been sent out of that party. I do not want such members to suffer. They happen to be the Members of parliament and of State Legislature. Therefore, I am extremely glad that a consensus has been evolved that this Clause 2(c) which refers to action to be taken as a result of some action of Members outside and for which they have been expelled from the party, is going to be dropped. Formal amendment I hope will come and I welcome that.

Then, Sir, I would like that Speaker should not be involved in controversies at all. Already some changes are likely to be made. For instance, if you refer to clause 6(2), it says whatever the Speaker does in connection with the actions to be taken, that will be deemed as the proceedings of the House. If they are deemed to be the proceedings of the House in which the Members of the House will not be able to say anything on the Floor, in that case we are unnecessarily involving the Speaker in a lot of controversies and Speaker should be kept above that. Therefore, some Members have put forward an amendment that instead of the Speaker being in that position, some sort of a committee of the House can be formed or a joint committee can be formed which will go into the problem. Of course, this is one aspect which has been explored.

Regarding the violation of the whip, it was suggested that every violation of the whip should not result in disqualification of the Member concerned, only that violation of the whip which results in an action against the Member by the party, should result in action of disqualification. Even there also I am glad that some sort of a consensus is

being evolved that if, for instance, somebody votes against or abstains in spite of the whip given by the party to act in a particular manner and vote in a particular manner, and if that action of the Member is condoned by the party, it should not attract disqualification. I would welcome that particular change. The Bill must not be stricter in a manner by which either its Constitutional or legal or legislative competence can be challenged. I hope and trust that once more the draft can be properly gone through and if there are any loopholes that may attract the question of legislative or Constitutional competence, that particular aspect should be gone through.

13.00 hrs.

With these reservations, I completely support the Bill. These are not my reservations, but these are the improvements which we suggest, so that the Bill can be further strengthened. I did not move any amendment deliberately because, with the experience of mine of the last 13 years, I have come to the conclusion that the definition of an amendment in Parliament is an amendment which is always lost. That is the definition that I have got. Therefore, I prefer to persuade my colleagues on the Treasury Benches, in some confabulations outside this House so that through the process of persuasion, we could try to move our amendments through them, so that there is a greater chance of the amendment being accepted. I think my strategy has succeeded. If I were to move these very amendments, then you would have said "Madhu Dandavate fought gloriously and died gloriously". Beyond that, nothing would have happened. I am happy, through this type of confabulations, we have been able to bring the Treasury Benches and the opposition to some sort of common ground. Still, some grounds are left unexplored. But, since we must also have some work in Parliament in the future, we will continue to make suggestions on both grounds. Some of the consequential changes in other Bills will have to be made. The draft rules will have to be framed. The Union Law Minister was just telling us that, consequent on this Bill, certain rules will have to be framed for implementation. They will be framed. When

those rules are being framed, I hope similar consultation will be available, so that we will be able to ensure proper implementation.

I do not want to say anything more. Once again, I would say, on the Death Anniversary of Mahatma Gandhi, we are offering a real tribute of clean politics to Gandhiji, and I think Gandhiji's soul will rest in peace that here is a House which, almost by a unanimity, is accepting the Anti-Defection Bill, and the chapter of dirtiness in politics will come to an end for ever.

[Translation]

SHRI ZAINUL BASHER (Ghaziपुर) :

Mr. Deputy Speaker, Sir, we welcome the step taken by our Prime Minister to ensure a neat and clean public life. The evil of defection had polluted the entire political atmosphere ever since the inception of democratic system in our country. A lot of discussion took place to eradicate this evil, but no way-out was found. Several Committees were set up. After 1977, Janata Party Government had announced the enactment of legislation to curb defections. Some action was taken but in vain. All the political parties, whether it is the ruling party or the Opposition parties, are responsible for defections. No sincere efforts were made either to curb defections or not to take advantage of defections. Every party—ruling as well as opposition parties—tried to take advantage of this evil of defection. I have seen that when the leaders and Chief Ministers, against whom the Opposition had levelled charges of corruption and organised agitations for their removal, were expelled from the Congress, they were absolved of all these charges by the leaders of same Opposition Parties and were included in their respective parties. I have seen in this very House certain Members of the Opposition, shifting their loyalties to as many as five parties in a period of 5 years. I have seen wholesaler defection also when a Chief Minister along-with his entire political party left one party and joined the other and continued to be the Chief Minister and the leader of his party. This evil has been with all of us. Now, the credit goes to our young Prime Minister who has taken this step to eradicate this evil prevalent in

our political life. The Prime minister announced that he would ensure a neat and clean public life and he has made a beginning to achieve this end in the first Session of the Eighth Lok Sabha for which he deserves congratulations.

Mr. Deputy Speaker, Sir, democratic system functions on the basis of political parties and a member has no place in it as an individual. When a Member is unable to adjust himself within the Party, he has no right to continue to be the Member of that Party. Elections are not won on individual basis. There are a very few cases where independent candidates win the election. Most of the successful candidates belong to parties. It is the party and not the individual who wins. If we glance at the results of this election, we will see that top national leaders have lost to persons who had no standing.

The President of Janata Party, Shri Chandra Shekhar, lost election in Ballia. Shri Atal Bihari Vajpayee, who is a national leader and President of his party, was also defeated. Bahugunaji was also defeated. The stature of the candidate belonging to our party was very low in comparison with his stature. In this way it was the victory not of our candidates but of our ideology and the Election symbol of our Party (*Interruptions*)... I was saying that your top leaders were defeated by us. If after winning the election with the support of the party, we defect from that party, it is a great fraud. That way we do not deceive ourselves or the government or the party but we deceive those people who elect us. We stab in the back those people, who have voted for a particular member keeping in view the ideology, election manifesto and the symbol of his party. If he defects from his party and joins the other, he stabs his voters in the back. He deceives those voters. In such circumstances, this Bill was very necessary. Hence, it has been brought forward.

We salute our Prime Minister that he has adopted a democratic way to bring forward this Bill. He discussed this Bill with the Opposition leaders. There was deadlock in the discussion with the political parties about the retention of Section 2C, Schedule-10. Ultimately, the Prime Minister

called a meeting of the Congress Parliamentary Party and sought the opinion of the Members in this regard. In the meeting the consensus was for the deletion of this clause and our Prime Minister, being a great democrat, announced that it would be dropped. For it, he deserves praise.

Mr. Deputy Speaker, Sir, we feel that with this Bill a beginning has been made to ensure a neat and clean public life and it will have far-reaching results. People like me would have been happy, had such conventions been established earlier. Had there been a convention that if a Member defected from his Party, he would have to resign his seat in Parliament or the State Legislative Assembly also, there would have been no need to bring forward such a measure.

But in the entire political history of our democratic country, there are very few instances where a Member after resigning from his party, also resigned his seat in Legislative Assembly simultaneously. In most of the cases, the Member resigned from his party but continued to be a Member of the Legislative Assembly. Hence, there was no alternative but to bring forward this Bill.

Mr. Madhu Dandavate has given some good suggestions in his speech. After the Bill is passed today, a great deal will depend on the Members about the conventions that are established hereafter. If we sincerely establish a good convention, I feel, there will be no need to introduce many legal reforms. We have not established such a convention so far that after resigning from the party, the Members must resign his seat from the Legislature also. Hence, it was felt necessary to enact this law. There is no such provision in any democratic country of the world where Parliamentary form of government exists. We have established a new convention for the first time by enacting this law and we are going to make a beginning to ensure a neat and clean public life. I hope, our democratic set-up will further prosper in future. As per the assurance given by the Prime Minister, efforts would be made to introduce electoral reforms in the next five years and laws would be amended suitably. Whatever shortcomings are there in our democratic set-up, we will

be removed after introduction of all these reforms.

With these words, I support this Bill.

[English]

SHRI AMAL DATTA (Diamond Harbour) : Sir, this Bill is welcome as a first step towards cleaning up political life in this country. Defections have been there, inside and outside the House. They have made threats to Governments of being brought down and Government have, in fact, been brought down. We have been discussing about passing an anti-Defection Bill for a very long time. I understand that in 1967, it was first mooted. Discussion was first mooted in this Parliament and thereafter several attempts have been made to introduce Bills; Bills have been referred to Select Committee and they have not come back; Bill have been introduced but not pressed. But now at last, it seems we are going to have a Constitutional amendment to stop defections inside the House and that is, at least defections in a manner which will to some extent remedy the ills from which we are suffering. I am using the words "to some extent" because, it possibly does not go and possibly cannot in the present situation go far enough. It is because, if people vote against the Party whip and if they happen to be 1/3rd of that party's legislature strength or above and if they happen to split also outside the House, then irrespective of the fact whether there is a national split or a State split, the splitters will remain there and they will not be disqualified. If they disobey the whip, go against the political party on whose sponsorship they have got elected, they will be disqualified, if they are small in number. But they will be able to do so with impunity if they are large in number. Now, of course, there is a saving clause here that the split of 1/3rd shall also arise because of a split outside the House.

If one-third of the members of a party in the House decide for motives, other than ideological motives, namely which are for material gains and they want to split, they can still do it provided they can engineer the split of the party outside also. I do not find

fault with the Government for not being able to do anything further. But this is really a reflection on the political life of the country. The way it has developed during the last 37 years, it has now become necessary to bring forward such a Bill and even then we cannot really go far enough to promote political morality or prevent political immorality in the country, inside or outside the legislature. This is a very sad reflection on the democratic process in the country.

In 37 years, we should have been able to build up some healthy democratic conventions. In countries which follow parliamentary system, where the rules and procedures are not codified, the way a member is supposed to behave is often an unwritten convention and these unwritten conventions are quite often more important than the written ones. In England, from where we have taken the model of parliamentary democracy, they do not have even a written Constitution. And yet they are able to carry through without a written constitution. Depending on unwritten conventions, they are able to carry through. There is no fall of the Government by defections or because the people are shifting their allegiance for material gains. It does not happen there.

In fact, we are today plagued with this situation and the Government is in a hurry to pass this Bill. Perhaps, it is a good thing. But the Government is in a hurry for its own sake because they will be able to present a clean image to the people before the Assembly elections which are going to be held in March. That explains to some extent of the hurry. But the main thing is that Government, the present ruling party, had in fact itself incurred a good deal of odium by its activities during the year 1984 for bringing down the State Government in Jammu and Kashmir and in Andhra Pradesh and that they want to cleanse themselves, purge themselves, of that odium by bringing forward this Bill. It may serve the purpose to some extent but not fully.

The ills of defection which arise out of these defections are not entirely because some people shifted their allegiance for material gains but it was largely because the Governor's acted arbitrarily. In our

constitution, the Governor's powers have not been defined. They have been given an undefined power, that is to say, the Ministry is to function through the will of the Governor. Therefore the Governor can still bring down a Ministry for whatever reasons and put somebody in office whether or not he has got the majority in the House. As long as that power remains with the Governor, it will not be very difficult for the Governor to engineer a defection even after the passing of this Constitution Amendment.

In this case, the Governor will have only to see that at least one-third of the people are there who defect from a party. one-third of the people can still defect and with the help of the Governor who is conniving with them, they can still bring down a Ministry. This sort of a situation can be removed only by further amendment to the Constitution by which the Governor's powers will be specified, his powers will be curtailed and he will not be in a position to choose this man or that man as Chief Minister. The trial of strength between the political parties, after shifting of allegiance, should take place only on the floor of the House. It is only in that situation that the ills which have been created by defections can be fully cured. otherwise, it cannot be done. It will only mean that instead of 10 or 12 persons or instead of 1/5th or 1/4th of members, the shifting of allegiance has to be by 1/3rd of members.

Then, of course, it says that the split has to be outside. That can also be engineered; there is not much difficulty. Ideological reasons can always be given.

The other point or idea is to clean up the political life of this country. Very well. In the political life of this country, one of the ills is defection. But is it the only political ill? I have mentioned during the debate on the Motion of Thanks on President's Address that, in this Parliament, we have 80 per cent of the Members elected by 50 per cent of the electorate. A popular government requires that the composition of the House should properly reflect the will of the electorate and that the Government should be responsive to the needs of the people.

These two criteria which are basic to any democratic government can be fulfilled given the conditions prevailing in our country with its wide diversity, cultural, economic, ethnic and all kinds of things only by having a different electoral process from what we have today we have the simple majority system which is prevailing in England and other Commonwealth countries which have followed the English system, where there is a homogeneity within the population and where diversity is not so much as we have. Having regard to the diversity we have, our Party has always been recommending that there should be proportional representation. There are various models in front of us from which we can take the ingredients and put together and have a new system with proportional representation which will suit out country's diverse needs. If that is done then the other ills which are today plaguing the political life of this country, the money power, the muscle power, all these will no longer be there, all these will no longer be of any consequence after this. So, I suggest that this may be only the first step. It is a welcome step, but welcome only as a first step towards some further innovative measures for cleaning up the political life of this country. One is curtailing and specifying the powers of Governor so as to prevent him from choosing any person who happens to claim to have the majority—which was what happened in Andhra Pradesh and which rebounded back and the political party, the ruling Party today, had to suffer an odium because of that; perhaps that is a reason for bringing this particular Amendment to the Constitution. But this is not going to be cured unless the further amendments suggested by me are brought and unless the electoral process itself is changed. The General Elections which we have gone through have shown, and for the first time made it very clear, unprecedentedly clear, as to what is the weight of money power, what is the strength of money power, what is the strength of muscle power and what is the strength of the media which, again are controlled by money power. These ills have to be taken out of the political life if we are to have a proper democracy.

Therefore, while welcoming the Bill - I am not going into the different Clauses now. I say that it is welcome only as a first step

and not as a final step. Some of the hon. Members from the other side have welcomed this as if it will clean up the political life of all the ills. I say that it will not, but I welcome it because this is a good beginning. But it must be followed up by other steps subsequently.

SHRI VIJAY N. PATIL (Erandol):
Sir, I welcome the Bill wholeheartedly as has been done by my friend sitting in the Opposition, Prof. Madhu Dandavate. This is a new step taken by our young Prime Minister, and I feel myself fortunate to be in this House when the Bill is being passed because I have seen that in 1978-79 only some half-hearted measures were adopted to try to pass this anti-defection legislation.

In a democracy we have become mature as far as the voters are concerned, but the political parties will require some maturity. Otherwise, this Bill was not necessary. In a democracy, since the programmes of the parties are published, disciplinary action is taken against candidates going against the party. I have seen disciplinary action taken against candidates and party members are expelled for 6 years but the very same persons are taken back into the party within six months. That is why as my friend, Mr Datta there has said just now, this will not be a complete measure to stop defection or bring cleanliness in the body politic. There are certain more things which are required to be done.

Since Independence we have seen the birth of so many parties and also their disappearance. There are more of Parties than the States and surprisingly enough, barring a few political parties, the leaders of the other parties were old Congressmen.

In this Bill it is mentioned that it is not considered as defection but it will be considered as a split if more than one-third members decide to cross over to the other side. But what about Parties which are in a very small number in the House? What about Parties which are in a microscopic minority either in the Lok Sabha or in the Assembly? If there are only two members or say, if

there are 4 members in a party and 2 defect or one defects, how do you calculate the one-third? I feel there also the strength should be 5% if the party represents 5% or more of the House ...

SHRI AMAL DATTA : That will not topple the government. What does it matter?

SHRI VIJAY N. PATIL : It is not a question of toppling, it is a question of disciplining the parties. In a democracy if there are only 4 or 5 major parties, the voters can have a good choice. But, unfortunately, the Parties are splitting whether they are in power or are not in power. It is understandable if the party splits if it is in power, but they are splitting in the Opposition also.

PROF. MADHU DANDAVATE : The division is between quality and quantity.

SHRI VIJAY N. PATIL : Even then they split. We have seen the history of 1980-1984 in the Janata party. Sitting in the Opposition there was a split several times. That is why I am mentioning this point.

My friends on this side have mentioned that a person coming to Parliament as an elected representative has to have a party-base. Seldom independent members get elected. That is very true of the Parliament as also of the Assembly. Hence, to defy the voters and cross over to the other side is a treachery and it must be punished by disqualification from the Membership of the House. This is a welcome measure. But, at the same time, let me tell you that defections take place mainly at two times. Of course, what as Dandavateji said, there are defections and wholesale defections. I would like to add—there are defectors, master defectors and defection-masters. Wholesale defection took place in the history of Parliament also which was witnessed by Dandavateji....

SHRI K. P. UNNIKRISHNAN : And also retail defection.

SHRI VIJAY N. PATIL : When Shri Dandavate was sitting on this side of the House, and I and Shri Unnikrishnan were sitting on that side, we know how a Minister speaking in support of the Government at 1 O'clock resigned the same day at 8.00 p.m. Such things happened when such a measure was not there.

In view of this, this is a welcome measure. It would have been still better if one thing more would have been added. Defections take place mainly on two occasions; one at the time of change of Government, under money power, or if the person is after becoming a Minister or like that, and secondly, defections take place at the time of elections. One or two months before elections, people see which way the wind is blowing and which party is going to get majority, and seeing that wind, one month before the elections they even resign and join the other party. In view of this, if we want to curb defections in such cases also and maintain the party strength, the ideological strength of each party, one additional provision should be made that such a person, who defects at this stage would be debarred from standing in the election on that party's ticket for one year. Only in that case, there would be some deterrent for this kind of defections.

With these few suggestions, I again welcome this measure and whole-heartedly support it.

SHRI GIRIDHAR GOMANGO (Koraput) : Mr. Deputy-Speaker, Sir, I rise to support this constitutional amending Bill. Definitely, this Bill is a blow to the politicians, who have been crossing or changing the floors, have been resorting to carpet crossing, political turn-coatism, the politics of musical chair, the politics of opportunism and the politics of defection. There are four groups in politics, namely the spectator group, the factor group, the defector group and that group which is more dangerous than others has given some concession for splitters. This Bill will definitely check all these kinds of political groups.

In our democratic set-up, after this Bill is passed, the politics of instability will go,

the politics of survival, specially the politics of confusion, the politics of deviation and the politics of transition will also stop. In a democratic set-up, we have free and frank discussions, we have debates; we have to put up with dissent and differences, but we cannot tolerate defections.

This Bill is not meant for the people, but for the legislators themselves. Due to some historical reasons, or vested interests, the politicians lost purity, as well as principles in politics. Therefore, Sir, we are legislating the law for ourselves, to make ourselves disciplined politicians. Sir, there are four things which lead a person to defect from one party to another. First is the comparison, Second comes competition. To compete, there will be motivation. And last is ambition. What the ambition is, the defector knows.

Sir, in a democracy we have to fight for the cause of the people because we have been elected by the people. We have to work for the people and we are representing the people and hence we are of the people. But then the question comes as to with whom, for whom and in which way we have to fight in a democracy. We have to fight not with gun but with pen, not with ammunitions but with arguments not with weapons, but with words. Here I emphasise the weightage of 'word'. The words which a member utters, the commitment which he gives, he owes it to the people as well as to himself.

Now, there are politicians, some who belong to the older generation and some belong to the younger generation. What are the differences between young and old? The old have got the past, whereas the young have got the future. The old work in the present with past basis, the young work in the present for future. The old have got experience. We have no experience at all. But we are the instruments of experiment. We have got the future, which is unseen. Past is also unseen, but past experience is relevant only if it is relevant to the present and the future. Future, whether it is relevant or irrelevant, will come only later on. So, Sir, when we have to work in politics, especially the younger generation, we have to see what was the past, what is the present and

what will be the future of the democracy as well as the legislature or the party.

There are a number of suggestions given by our hon. friends. I am not adding any suggestions. This is the Bill to which we have to give not only our mind, but our heart as well. We, the younger generation the younger politicians, we who are thinking to go ahead in politics, we who want to have some change in the country as well as in politics, we have to keep in mind this. When the duty, the responsibility and the power were given by the people to a representative whom they have elected, whether he has to discharge this duty and responsibility by focussing the problems of the people in the House or through different channels. He should have balance of mind, because sometimes the balance of mind may not be there due to some motivation. But it is very important for the younger generation to keep in mind that we have to maintain mental and democratic balance, to keep the balance of Administration and of politics. Indian democracy is not a developing democracy; it is a developed democracy.

With these words, I support the Bill. We have given a new thing to the country which is good for its future. We bow to the past, and go to the future with hope.

13.41

SHRI K.R. NATARAJAN (Dindigul): On behalf of the AIADMK and on my behalf, I support the Constitution (Fifty-second Amendment) Bill. I appreciate and congratulate the young, energetic and dynamic Prime Minister for having brought this will, in spite of the fact that normally there is no question of defection by any Congress Member of this august House. There is a possibility of defection by a member from the opposition party to the ruling party, as it was usual in the earlier times.

As I have understood it, the hon. Prime Minister is a disciplined man, as a Pilot. So, naturally he wants to have discipline everywhere. He showed himself as a disciple of Swami Vivekananda. As our great Prime Minister Nehru had put it, Swami Ji was a great force, and a source of

inspiration for himself and for other leaders of the country. Swamiji was pure in word, thought and deed. So, I hope that our young Prime Minister wants to be pure in word, thought and deed. So, naturally he intends to eradicate the evil of political defections. Hence the Bill has been brought here. So, anybody who wants discipline in life would naturally welcome this Bill. So, I welcome it.

The late Chief Minister of Tamil Nadu, Perarignar Anna, allowed every member of the General Council of the DMK to have his say either for, or against any resolution, or view or opinion of anybody in any matter under discussion. He never expelled any member of the party, even though some members indulged in anti-party activities. Even in such circumstances, he used to persuade them not to indulge in such anti-party activities. My leader, Puratchi Thalaivar M.G.R. has also adopted the same method, and never expelled anybody for anti-party activities, of course, some persons were sent out of the party, when they were found engaging themselves in destroying the party itself.

We have got a very generous, sympathetic and democratic leader. We have absolute faith and confidence in our leader. He will never be vindictive or dictatorial in dealing with members.

Once again I congratulate the youthful Prime Minister who seeks to introduce discipline in all spheres, and to put an end to political defectors. I have absolute faith and confidence in the hon. Prime Minister as the leader of the House and the leader of the Congress (I) Party, and in the Hon. Speaker, and in my leader, Puratchi Thalaivar M.G.R. and in the leaders of other opposition parties in dealing with the members, after enactment of this Bill.

So, I support the Bill which seeks to eradicate the evil of political defections which are likely to undermine the very foundations of democracy.

SHRI B. K. GADHVI (Banaskantha) :
Mr Deputy Speaker, Sir : I rise to support

this Bill. This is a very important document. I would term it is a renaissance of political morality in India. It should be a matter of concern for all of us when we make a little introspection and have a glance over the history of our country, particularly our history prior to Independence. Prior to independence also, we had legislatures, and if we read history, we can certainly find that times came when political parties gave a mandate to their persons sitting in the Legislative Assemblies to resign, they resigned from those Assemblies ; when political parties gave a mandate to their persons to contest elections or to refrain from contesting elections, they received it in a disciplined manner ; they accepted the mandate of the parties.

It is really an irony that today, after having been in a free position for the last 36 years situation is created warranting this Bill. We are shouting from the housetops about having a legacy of Mahatma Gandhi and so many great people, who have not only laid a very solid foundation of democracy in this country but also shown to the world a beacon as to which direction the democratic functioning of the country should go. But from 1967, as the hon. Law Minister rightly stated, when the Congress was ousted from power in about 7 States and SVD were formed, the horse trading by the legislators is going on. Even the Members of Parliament are not spared.

The custodians of the faith of the people are selling away the faith of the people in a very cheap and mean manner. It has really brought a disgrace to the people ; it has really brought a stigma to our political life. But, now, I am very happy to say that this Bill aims at eradicating and removing that political stigma that is attached to all of us and, therefore, I welcome this measure.

It is good that some amendments have been proposed by the Law Minister himself. because of clause 1(c). A person due to his misconduct outside the House or removal from the party, would be rendered liable to vacate his seat. Sometimes it does happen that although a person is enjoying a majority support of the party or the MPs or the

legislators, as well as support of the people, a coterie of a few people engineer to manage expulsion of such persons. In history, we have got a glaring example of Shrimati Indira Gandhi. That syndicate in those days with no majority in Parliament, with no majority in the party, with no confidence on the people, had the courage and audacity to expel Mrs. Indira Gandhi even from the party. Therefore, I say amendment is welcome this is not a document which is of a temporary measure. We are incorporating this measure in the basic document, namely, the Constitution of the country from where all laws flow. Therefore, I once again congratulate the Law Minister for proposing the amendments that he had promised us in the morning.

As far as split is concerned, it has been contemplated in the Bill that if one-third of the people want to go away from the party in the name of a split, then they shall not be disqualified. I am surprised to see that if one member commits a theft, it is an offence but if a number of members together commit a theft, it is not an offence. If one-third of the members commit a split, then we can certainly allow, because after all, there should be room for growth or development of ideologies of a party which is in its infancy or inception. If there is a difference on that account then certainly that split could be tolerated but split simpliciter for gains should not be allowed. In Congress Party, if we see its past history, there were parties within the party like Swaraj Party led by Motilal Nehru. Some groups like socialist groups were created by even Pandit Jawaharlal Nehru within the Congress Party. But one thing was common there. All those groups or the persons who were specially advocating a particular ideal of the party, were in the party and their thinking was based on the ideological concept. Therefore, I would say that when we contemplate to allow a split to be tolerated that split should necessarily be on ideological concept and not merely by one-third of the people in the party, because this is an Act which will remain on the Statute Book not for five years or ten years but for all times to come.

It is stated that independents elected by the people cannot join any political party.

I do not understand any rationale behind this. If some change is not done here, then five or six Independents in a State may tilt the balance this side or that side and there will again be the menace of 'Ayarams' and 'Gayarams'. Therefore, when a man is elected independently, he has got the verdict of the people on his own account. If a person is elected as an independent with the tacit or active support of any political party, then it is justified to say that he cannot be allowed to join any political party. But once a person wins independently, then his right to act independently also exists along with his position. I think it would not be proper to curtail or to put fetters on the right of an independent person. My humble submission for the consideration of the hon. Law Minister is that in the case of Independents we should not put any fetters of their later joining any political party.

The objectives of this Bill are laudable and it will definitely act as a deterrent against defections. But the basic aim and idea of the Bill is that with a view to create a healthy democracy in the country, independents, non-recognised political parties, small parochial and regional parties are not conducive to the growth of democracy. Therefore, our aim is that if we want to maintain and develop democracy, national parties of equal calibre and contest should be developed. Unfortunately, it is not happening. The blame can be put on the other side. But I am not going into that aspect. Since democracy is a *sine qua non* for a healthy nation, there should be national parties all over the country of good matching strength. Until it is developed, democracy in the true sense would not be developing. Therefore, my submission would be that with a view to discourage the Independents with a view to discourage some small regional or parochial groups to contest and come in the forefront of the democratic forum or arena of this country, some measures ought to be adopted. If there are Independents, then tacitly people would try and the Independents would become an instrument of horse-trading because they will be voting once on this side and at another time on that side. When there is a crucial moment, when there is a narrower contest between the rival parties in the House, then they would be playing their role and horse-trading cannot be eliminated

for which we aim in this Bill. We are proud that this Bill which is long cherished by the people of this country, which is long cherished by the elite of our country the intelligentsia of our country, the writers, everybody, has been brought. We have been able to fulfil their aspirations, their desires, and the credit goes to our Prime Minister, Shri Rajiv Gandhi because since a long time there was a demand for this. There was a thinking over this but some how or other, it could not be materialised. Janata Party tried but they themselves engineered sabotage with it and that is how the myth about their holier-than-thou attitude was exploded before the people.

One more aspect I would suggest is that when a Member is expelled from the House because he showed disobedience to the party whip or was voting against, a provision has got to be inserted that in future at least for six months or at least for the new term he cannot contest the election because supposing after four and a half years he crosses the floor and joins another party, he will again contest. So, some provision of debarring him has got to be put. That is my submission and it is for the hon. Minister to consider it. I think too much is needed for too bad things.

SHRI G.G. SWEILL (Shillong): Mr. Deputy Speaker, Sir, I would just like to go on record that I support this Bill and to say that it has not come a day too soon. During the last twenty years, I have had the privilege of sitting in this House on three past occasions. The question was being talked about the menace of defections caused to the political structure, the political fabric of this country. Efforts were made, attempts were made on more than one occasion but there were retreats after that. Therefore, I would take this opportunity of congratulating our young Prime Minister for having grasped the nettle or for having seized the bull by the horns and having this Bill prepared and brought before the House. Shri Bhagwat Jha Azad, my good friend, when he spoke I think has conveyed to the House, that the Congress Parliamentary Party and the Prime Minister had agreed to drop a certain controversial provision of the Bill, whereby a Member would lose his membership, if he is expelled by his party. I would like to take

this opportunity, again, to congratulate the Prime Minister, for having been responsive, and the Congress party for the effective working of its inner democracy. It was as a result of the expression by many members in the party meeting, that the Prime Minister accepted the desire of the majority of the members of the party.

14.00 hrs.

I would like to congratulate you also Sir, and the Speaker, through you, that your task has now become much easier. You do not have the problem of making rules, of registering the parties and their constitutions and the rules and regulations governing their working, in order to determine whether the expulsion of a member has been done according to the rules and regulations or not. That chore you have been saved.

Still, I would like to go on record that a Member of this House has been elected by tens or hundreds of thousands of voters, the electorate. It was a dangerous provision to make, whereby you could have the possibility that five people sitting in a caucus, controlling the party machinery in the State, for one reason or another, decide to expel a Member, and they decide to undo the democratic wish of hundreds of thousands of people, who have voted this particular Member. So I think it has been a very good decision to drop this provision.

As a result of it, I think this Bill will become much cleaner and stronger and devoid of controversy. So, I would appeal to my friends in the opposition not to unnecessarily take the time of the House, let us agree to pass it with a few minor amendments here and there if necessary.

Even so, I pose a number of questions to the Law Minister. There is a provision in this Bill for the merger of a party with another party. I think you have stated that if two-thirds of the members of a Legislature Party decide for merger, that merger would be effected and the Member would not come under the mischief of disqualification.

But I would like to point out to him that in the country today we have a large number of very small parties, some of them regional parties, with not more than 5 or 6 Members in the Assembly, or one or two Members in Parliament. Suppose it happens that the two Members of this House belonging to a particular party decide to merge. The merger would be effective and quite legal. But the organisational machinery of the party is not merging. What happens? And that party, as a result of the number of votes that it got in the elections, is a recognized party, with its own symbol, allotted by the Election Commission. Here you have a case, where the elected members of that party have left the party, and merged with some other party, but the organisation of the party remains. What happens? Will that party incur de-recognition from the Election Commission? We would like the Law Minister to clarify the position?

I think that is the only thing that I have got to say. Otherwise I see no objection to it at all. I would repeat my request to the Members of the opposition to cooperate in passing this Bill today. We need discipline in this country, we need to go forward and each member should taken upon himself that it is the minimum basic task to respect the wishes of the people who have elected him. As a matter of fact, it is rather sad that we have got to provide this in this manner by way of a legislation. I am sure, if elected Members, the representatives of the people in this country, had behaved in a proper manner, had kept up to certain standards, this kind of measure would not have been necessary. But since conditions in India are what they are today, I think this measure has not come a day too soon.

SHRI K.P. UNNIKRIISHNAN (Badagara): Mr. Deputy-Speaker, Sir, it is the most significant to the Constitution of India with far-reaching consequences that has come up before the House today. I welcome this belated realisation of the ruling party of the danger of defections which has been eating into the vitals of our polity, since the

Aya Rams and Gaya Rams descended on the political scene.

I welcome in particular the initiative shown by the new Prime Minister, in his declared intention to cleanse the political life and also the approach he has shown while discussing the Bill with the Opposition.

I am also conscious that we have in our new Law Minister, a custodian of our Constitutional rights an eminent. Constitutional lawyer that he is, I am sure as long as he is there, he shall not allow our basic and Fundamental Rights to be snuffed out.

It is not the occasion to apportion blame and most of the parties represented there are guilty. Unashamed display of encouragement of defections is a phenomenon which is in India since 1967 and more recently and more blatantly during the last two years, as in the case of Sikkim and Pondicherry and Jammu and Kashmir and Andhra Pradesh. It is difficult to believe-and however much you may welcome this measure-that people who have encouraged** clique in Jammu and Kashmir and the infamous** of Andhra Pradesh...

MR. DEPUTY-SPEAKER: Please do not mention names.

SHRI K.P. UNNIKRIISHNAN: No, the mentioning of names has been allowed. It has already been mentioned and it has been discussed.

SHRI RAM PYARE PANIKA (Robertsganj): Words like 'infamous' are not allowed.

SHRI K.P. UNNIKRIISHNAN: Well that will be looked into.

SHRI S. JAIPAL REDDY (Mahbubnagar): It is not unparliamentary.

SHRI K.P. UNNIKRIISHNAN: Well, do not interrupt. Let me have my say,

then you can contradict and say that it was a glorious record.

The then Home Minister who still adorns the Treasury Benches and who had put up a brave defence of the conspiracy to oust the elected Government of Shri N.T. Rama Rao is there in this very House.

SHRI RAM PYARE PANIKA : Sir, every body knows these names. There is no use of mentioning these names.

MR. DEPUTY-SPEAKER : That is what I have told him.

SHRI K.P. UNNIKRISHNAN : In spite of the historic majority, the political piracy continues.

MR. DEPUTY-SPEAKER : You are unnecessarily mentioning the names.

SHRI K.P. UNNIKRISHNAN : Well, whether it is necessary or unnecessary should be left to me. What is Parliamentary and unparliamentary is left to you.

MR. DEPUTY-SPEAKER : You should not mention any person's name.

(Interruptions)

SHRI K.P. UNNIKRISHNAN : What is Parliamentary and unparliamentary is left to him.

In spite of all this, attempts are still being made. For example, in Bihar, the other day there was a case of political piracy where a Jharkhand Mukti Morcha Member was forced to leave his party and join the ruling party. Therefore, one should be forgiven if people look at certain harsh provisions of this Bill which seeks to amend the Constitution with deep misgivings. Do I take it that this Government is afraid of its own shadow and the substance of this majority in itself and that it is giving anxious moments to its leadership? Nevertheless, we welcome the determination to face the problem of defections and certain outburst of concern. It is not for the first time

that the problem of defections has engaged the attention of this House or of the ruling party. Sir, in early 70s, I recall the debates in this very House or even in the Congress Parliamentary Party and a group was formed with Shri H.R. Gokhale as Convener and Shri Mohan Kumaramangalam and others. And I happened to be one of the members and in pursuance of our recommendations, a Bill was introduced in 1973 which unfortunately lapsed. And during the Janata phase, another Bill was introduced which died in the storm generated by the historic split in the Janata Party.

So, Sir, provisions to eliminate defections are essentially a part of the much-needed electoral reforms and I do not think it can be separated, except for political contingencies. That was the thinking of even the previous government headed by Shrimati Indira Gandhi. And in answer to numerous questions in this House, they repeatedly said as early as 1983 and 1984 that the problem of defections formed a part of the large issue of electoral reforms and it could not be viewed in isolation. Sir, that is why I thought that the proposal made by the Chief Election Commissioner, Shri, Trivedi, after due consultations with the political parties for bringing certain changes in the Peoples Representation Act would itself have guaranteed. But they are now seeking it through a Constitutional amendment. Now, Sir, articles 102 (e) and 191 (e) make it very clear that it is wide open for Parliament to make such amendments as are necessary. But what is being done now is not a simple Bill to ban defection but it goes far beyond. It might, in the case of particularly, clause 6 (2), affect the very structure of the Constitution and the structure of privileges under article 105 which affect the very ethos of our system. Sir, this Bill has introduced a new element. I hope it would not legitimise the tyranny of the party and the boss and attempts to stifle dissent. Had this Bill been operative in 1969, would Shrimati Indira Gandhi have continued as Prime Minister? Sir, am I to believe that parties in India are to be dominated only by Parliamentary leaders or mass movements whose alternative policy lines are pursued and debated because in the Indian context. Parties would continue to be essentially complex coalitions? Coming to decisive nature of our policy,

passion for change or form cannot be extinguished as Jawaharlal Nehru remarked :

‘The Congress has within its fold many groups, widely differing in their viewpoints and ideologies. This is natural and inevitable if the Congress is to be the mirror of the nation.’

It would cease to be the Congress if it does not do so. And, Sir, yet another perceptive observer of the Indian Constitutional scene remarked and emphatically said, that the Indian Constitution itself expresses the will of the many rather than the needs of the few, because of this acceptance of the dissent within the Congress system itself.

Sir, another question arises whether in a parliamentary democracy of the Westminster type, you can freeze a political situation obtaining a majority in the House is only half the job. The Government in spite of the majority has to be accountable to Parliament and what is more, continuously responsive to the changing moods of public opinion. Sir, in this, back-benchers of the ruling party have a tremendous role to perform apart from the Opposition. Take for example, the fate and fortunes of Edward Heath's government in the U.K. in 1970-74 which was defeated six times during these years. But it did not lose office. It was compelled to respond to public opinion and the revolt of the back-benchers had forced them to withdraw certain unpopular measures. Any legislation which seeks to overcome dissent is committing an assault on the basic principles of accountability and responsiveness. In other words it would assault the very ethos of the system. Therefore, the question has also to be debated, to whom a Member of Parliament is primarily responsible, to his electorate or to his party bosses. It is a controversy which has never been settled. Is he a delegate or is he a free agent in the House? That brings us to the problem of structure of privileges guaranteed under Article 105 of the Constitution evolved after long years of Parliamentary history.

It recognises that the members are free agents and that the floor of the House

itself has certain importance. It is not to say that there should be no Parameters for healthy growth of party system but to suggest that a simple Bill banning defections would have met the requirements of the situation rather than resorting to this Constitution Amendment Bill.

Sir, I would like to invite your attention and through you, the attention of the House to a very important thing. There is essentially a difference between a parliamentary democracy and countries which have token democracies and in fact, which are basically dictatorships. This is what Ivor Jennings has said :

“The real difference between Britain and countries with dictatorship is that with us there is not one faction seeking to maintain itself in power by persuasion, fraud or force, but at least two factions each trying to achieve and maintain power by persuasion. These factions are based on different views of the national interest, and each appeals to public opinion to uphold its policy.”

Once you accept this basic approach it would be possible to bring about necessary changes. Democratic Parties cannot be built by legislation, more so in a large sub-continental polity like India. It can only be built up on the basis of certain commitment to ideology, principles and programmes and, what is more, tolerance for dissent. Internal democracy, more particularly, in the ruling Party or the dominant Party is important because if a dissent is allowed to be extinguished in the dominant Party, it overtakes the system, as history shows. Therefore, tolerance and moderation are the most important democratic values.

I would end by quoting, what Law Minister should be familiar with a judgment of the Judge, Learned Hand :

‘A society so given that the spirit of moderation is gone, no court can save, a society where that spirit flourishes, no court need save in a society

which evades its responsibility by thrusting upon the courts to nurture of that spirit, that spirit in the end will Perish. What is the spirit of moderation? It is the temper which does not press a partisan advantage to its bitter end, which can understand and will respect the other side.'

This spirit is none too evident in our Polity today. Its absence affects not only the standards of political morality but also the viability of the Party system on which our Constitutional structure largely depends.

I welcome this Bill with my reservations.

[Translation]

SHRI VISHNU MODI

(Ajmer): Mr. Deputy Speaker, Sir, while appreciating the spirit of this Bill, I would like to submit that there has been a practice in our country to work against one's own side. It started during the time of Nadir Shah. When he came to India and his army was starving outside a fort, he had decided to retreat. At that time, one night the person guarding the fort approached him and said if he was paid ten thousand dinars, he would open the gate of the fort during the night. Nadir Shah gave ten thousand dinars to him and promised another ten thousand dinars to be paid later on. The guard opened the gate of the fort at the appropriate time and Nadir Shah succeeded in capturing that fort. We all are aware of the price India had to pay therefor. Nadir Shah has written somewhere that army is not needed to capture the Indian forts. For this purpose take gold dinars on ponies and you will succeed in capturing the Indian forts and will also get back those dinars. After him, another Hindu king of India, Prithviraj Chauhan, had also fought battles with foreign invaders. Everybody knows what Jai Chand had done in this country. Everybody knows the role played by Mir Jafar in the Battle of Plassey. There have been persons like Jai Chand and Mir Jafar, who have caused tremendous harm to the country. Similarly, after independence, political leaders of this country disregarded the peoples' mandate and defected to

other parties and in this way tried to weaken their own party and the country. Efforts were made several times to bring forward anti-defection Bill here, but in vain. I would like to say that the 8th son of Devaki, Lord Krishna, had brought revolution in this country. Similar role is being played by the Eighth Lok Sabha and the leader of this Parliament, a son of Bharat Mata. He had said that he was committed to establish a clean government in the country. He is practising what he professed and is committed to get this Bill passed. Nobody knew how the basic problems in this country would be solved. The steps taken to eradicate corruption and curb defections indicate the shape of things to come in this country. Our young Prime Minister has proved in this International Year of the Youth that he will do what he says. The people give their mandate on the basis of some policy and ideology but Members after getting elected defect to other parties, keeping in view their petty interests and try to bring down their own party and government. It was necessary to put a curb on this practice because India is the biggest democratic country in the world. After 1967, there was a spate of defections and Members tried to bring down the government of their own party. It is a good thing that Members of the Opposition have welcomed this Bill. Though their number is less, yet it should not dwindle further. The Prime Minister has said that while working for the progress of the country the Opposition will be taken into confidence. He envisages the India of the twenty-first century and desires that our country should find a place among the developed countries of the world. I understand that it is the first Bill which is being passed in this Session and there could not have been a better beginning. With these words I support this Bill.

[English]

SHRIMATI GBETA MUKHERJEE

(Panskura): Like most other Members of the Opposition, I, on behalf of my Party, generally welcome the Bill. This attempt to clean up the political life of this country is being eulogised. Well, I appreciate the sentiments and therefore, I am saying that it is really a welcome step. This Bill is being presented and is being rushed through today

to which I have no objection. But I am just at a loss to understand one thing. This Bill will become effective after it is passed. But in the meantime, after the last General Elections, I find, in Meghalaya, a few independents have been quietly allowed to join the ruling Party, and thereby a government of the ruling Party is being formed. Then, again, today I hear I have not yet been able to properly verify that in Nagaland also...

SHRI G. G. SWELL : I would like to correct the hon. Member. It is true that there has been admission to the Meghalaya Congress Legislature Party. But it is not that Government is being formed as a result of that. The Government was there with full majority. Only a few more Members wanted to be admitted.

The Government is not being formed by these two new members joining them.

SHRIMATI GEETA MUKHERJEE : My hon. colleague, Mr. G. G. Swell has pointed out that the Government was already there. I admit that it was there. But the fact is that these two people were admitted to the ruling party contrary to the provisions of this Bill. I do not know whether these two people are admitted for future stability of the government. The fact of independent joining the ruling party remains. Here what has been contemplated is that no independent also will be joining the parties and that is also defection. I would at least appreciate if it was said that these provisions will be effective from 1985 elections at least. That would really usher in a clean drive for a clean administration. I would not have said this even had not all these eulogies been going on. Even then, as I told you, I generally support the idea of the Bill and it is welcome that such an attempt is made though it is true that at one go, probably all problems of the kind which may present itself in the future cannot be always foreseen. From that point of view, I will just point out a few things.

It is good that in the morning meeting we had with the Prime Minister, he agreed

to one of our suggestions. That is about taking out sub-clause (c) from here and putting it in a different place and in a different context. We feel naturally on that, I need not go into that (*Interruptions*) What is the trouble? I have not yielded..

14.27 hrs.

[SHRI ZAINUL BASHAR in the Chair]

MR. CHAIRMAN : Please don't disturb her... Please take your seat.

SHRIMATI GEETA MUKHERJEE : What happened in their meeting is their business. I am only speaking what the Prime Minister said in the meeting we had with him.

SHRI G. G. SWELL : We are not interrupting you. We are only pointing out a few things. The Prime Minister did not yield in the meeting with you. He yielded to the argument of the Members of the Party.

SHRIMATI GEETA MUKHERJEE : For that you are taking so much time? What prevented you from saying that? That was up to you.

Anyway, I come back to the subject. I quite understand in this very affable atmosphere...

(*Interruptions*)

Both cannot go together. Anyway, probably, I hope before that, the whole situation will not change.

Anyway the point is that what we feel strongly is that while we are very much against defection, we also want that the right of dissent should be given serious thought to in our democracy of this kind. That is why we did not want sub-clause (c) to be there. In that relation, as it is being said now, that will be taken in that part of split. I would like to particularly hear from the Prime Minister what would he do and when, about actually what is the most pertinent thing to stop defection (if there is a defection which

can be called a split and not defection) in that case, how will the majority of the Government party be ascertained and by whom? I particularly want to stress that it must not be left to the Governors at their will to decide these things. Therefore, a very quick and categorical provision for ascertaining the majority of a Government in case of any split, is called for. How soon the legislature will be called to give its verdict about the majority or minority of the government concerned? This is very important. As my friend, Shri Amal Datta referred about the Governor's powers in this regard. I also want that this should be taken out altogether. I want that this Bill should make a provision clearly stating that within two or three days of such happenings the concerned legislature will be called and the majority will be ascertained. This is very important to prevent wholesale defections for the lure of money or office. This in my opinion will be very important because who knows what will happen with the Assembly elections that are going to take place. So, I would like that this question be settled in this Session itself for all the governments which will be formed in future; it will be in their interest and it is in the interest of both the ruling party as well as the Opposition if this question of ascertaining the majority on the floor of the House within the quickest possible time is settled.

Mr. Chairman, I would also like to say a few words about the size of the Ministry. Although—as I have been told—it does not fall within the purview of this Constitution amendment, yet I feel that everywhere the size of the Council of Ministers being made is very big. That gives an alibi for luring other people to defect.

SHRI PRIYA RANJAN DAS MUNSHI (Howrah): Including the present government of West Bengal.

SHRIMATI GEETA MUKHERJEE : Sir, I share the concern of the hon. Member for our government but I would like to assure him that it will never fall through defections.

SHRI PRIYA RANJAN DAS MUNSHI : I am not talking about the fall

of the government. I am talking of the size.

SHRIMATI GEETA MUKHERJEE : The size of the Council of Minister should be limited to one-tenth of the number of members of the House. That was also the recommendation made by the Committee during 1967. If it is a drive towards really clean administration, then on very many fronts this will have to be faced. I am pointing out one such sphere. The question of the size of the Ministry, may be, cannot be put down in the Act itself but through rules and directives etc. this should be positively covered.

Lastly, I would like to submit that we are in favour of giving a very fair trial to the Bill. I believe through our practical experiences many other facets will get revealed and we may have to review it in future in the light of our experiences guaranteeing that there should be no defection for opportunistic reasons and guaranteeing also that dissent be allowed in every party for proper democratic functioning.

SHRI CHINTAMANI JENA - (Balasore): Mr. Chairman, Sir, I rise to support this Constitution Amendment Bill whole-heartedly.

At the outset, I must congratulate our dynamic young Prime Minister, who on taking over the responsibility of this nation on his shoulders is going to implement in right earnest one by one all the announcements made in our party's election manifesto. The Indian National Congress had announced to eradicate corruption from the Government as well as from public life and to bring discipline in public life. This is a bold step taken for the first time in the history of India and in the history of the whole world. Nobody could dare to bring such a dynamic amendment to the Constitution earlier with a view to bring about discipline and eradicate corruption from political life.

While supporting the Bill, I want to draw the attention of the hon'ble Law Minister to a particular clause, namely

clause 6, pertaining to decision on questions as to disqualification on ground of defection. It has been correctly mentioned in the Bill :

"If any question arises as to whether a member of a House has become subject to disqualification under this Schedule, the question shall be referred for the decision of the Chairman or, as the case may be, the Speaker of such House and his decision shall be final."

This is correct but we should also think of the other aspect of this issue. What happens if the Speaker or the Chairman, who has been elected as such, is to quit the party on whose ticket he was elected to the House. On the other hand, I am apprehending one more thing. After the term is over, the Chairman or the Speaker, has to seek the party ticket either of his previous party or of another political party to contest the elections, so that he can be elected to the House. For this, he may have some inclination towards a particular party. In my humble opinion, I would suggest to hon. Law Minister to bring forward an amendment, that once a person is elected as Speaker or Deputy-Speaker, Chairman or Deputy-Chairman, he would be elected to the House unopposed. He need not contest on the ticket of any political party. There should be such a provision in our law, so that the decisions by the Chairman, the Speaker, the Deputy-Chairman or the Deputy-Speaker, are very very impartial and will be accepted by all of us.

I also congratulate the Law Minister that he has kept these cases outside the jurisdiction of the courts of Law. This is a very welcome measure, and I hope, the whole House would accept it. I am grateful to the members on the other side for their acceptance of the amendment to Clause 2(1) (c), piloted by the Law Minister. But at the same time, such defections came into being because after 1967, the mushrooming growth of regional parties began. I should say that the mushrooming growth of such regional parties in the name of language, in the name of religion and in the name of region, should be banned, so that a healthy democracy may come about in future in our country. No doubt, I know that our democracy is for multiple political parties. But we should not

encourage this type of mushrooming growth of regional parties which is a danger to our nation's integrity and independence too. Sir, I am not mentioning about Telugu Desam or anybody.

MR. CHAIRMAN : Please conclude.

SHRI CHINTAMANI JENA : Sir, one more point please. Some of our hon. members in the Opposition are criticizing the Congress Party for not having brought this Bill in the past. I should point out that our beloved late Prime Minister Shrimati Indira Gandhi, knowing full well the dangers that come in the growth of democracy, brought this Bill, but it could not be passed in this House. Similarly, I should also blame the Opposition members. In their regime also, they brought this Bill, but it could not be passed because of their disinterest or rather their fear that if this Bill were to be passed in the House, they might not be able to rule the country in future. That is why it could not be passed. So, they should not blame us. Now our beloved Prime Minister Shri Rajivji and his Government have three-fourth majority in the House.

MR. CHAIRMAN : You have put your points of view. Now please conclude.

SHRI CHINTAMANI JENA : In spite of that, some of the members from the Opposition want to join us. Knowing that too fully well, in spite of that, we have brought this Bill here. All sections of the House and all parties should join me in congratulating the Law Minister for this measure.

SHRI RAJESH PILOT (Dausa) : Mr. Chairman, Sir, after hearing senior colleagues like Prof. Madhu Dandavate and Shri Bhagwat Jha Azad, and of course, receiving amendment from the Government side just now, amending paragraph 2(c) lines 35 to 38, there is hardly anything to add.

Sir, I congratulate the Government for taking a major step in improving the political character in this country. I remember in 1980, after getting elected to Lok Sabha in the

Second Session when I met our Late Prime Minister, Shrimati Indira Gandhi she asked me a question, "How do you feel after joining politics?" I replied to her: "After touring all over the country and gaining some experience, I personally feel that two steps are to be taken immediately." I explained to her that defection was one problem, and the second one was to make legislators declare their assets. She asked me to take some steps. I consulted some senior persons here and there, and I moved two Bills, private Members' Bills in 1980. The first dealt with defections, and the second with declaration of assets by legislators. The first one did not come in the ballot. The second one was discussed for 6 to 8 hours, but met with its natural fate.

I am very happy that Government has taken this step to improve our political atmosphere. I think that this discussion especially should have gone above party lines. People who are most experienced in the subject should have been given priority, because in the debates experience counts. But to-day, experienced people are not very much visible, and the debate has started with people having no or little experience. People who have maximum experience on the subject are not even in Parliament to-day.

I went to the Reference Library to educate myself on the subject. I was just going through books to see how defection started, who really initiated this, and which party violated the principle first. I could collect the information that one legislator left the congress in the early '60s along with some MLAs, and formed a party called the Congress Kranti Dal. That was initiated by one legislator. He changed it then to BKD. Then it became Lok Dal; then it became Janata Party. Now I think it is called DMKP or by another name. After this, this game has become so popular in our country, particularly in political circles that if you really start looking for whom to blame, it will not be a successful effort. Everyone is to blame. To-day, a stage has come when the Government has had to bring in this Bill.

Anybody who could not become a national leader moved to the regions and

launched a regional party. To-day, regionalism is growing. We have to stop this. I think that with this Bill, there will be some lessening of it.

Clause 2(c) has been amended suitably. I am happy. I do not have much to add, except to tell the Law Minister that this Bill will be fruitful and helpful only if he brings in another Bill for the declaration of assets by all legislators, both in Parliament and in the Assemblies. We can then hope that the political atmosphere in the country will improve. It is deteriorating now day by day.

Frankly speaking, I find that not many who had indulged in defection have come back to Parliament this time. Citizens have noted their activities with great concern. They have taken it seriously. They seem to have felt that if they did not improve matters, politicians will not improve. That is why they have rejected such people.

With these words, I support this measure.

[Translation]

SHRI ABDUL RASHID KABULI (Srinagar): Mr. Chairman, Sir, so far as this Bill is concerned, the National Conference had made its opinion clear on the very day when this Bill was introduced in this august House. The National Conference supports this legislation and hopes that this anti-defection law would be implemented strictly so that dishonesty and unscrupulousness in the politics of the country might be done away with. I think that in totality this Bill contains all the features of the Historic legislation passed by Jammu and Kashmir Legislature in 1979 under the leadership of Sher-e-Kashmir, Sheikh Abdullah, when he was Chief Minister and the leader of the masses and a foundation was laid in this direction. This foundation was laid so that such a legislation should also be passed for the whole of the nation. I remember the speech which was made by the Sher-e-Kashmir in the Assembly. He had said that he was sowing a seed that day and that the only solution of what was going on in the country and of the

corruption and unscrupulousness in politics was the anti-defection law. At that time, the legislation which was passed had one shortcoming. At that time all the powers were not delegated to the Speaker and he was authorised to refer a case to judiciary, if he deemed it fit and the judiciary could decide the case. I think that shortcoming has now been removed in this Bill. I would also like to make a submission that when we go through this legislation and analyse it, there is a lurking fear that the Speaker may have been given authoritarian powers. The Speaker or the Chairman is elected through due process and he belongs to a party. He is elected on the ticket of a particular party and when he seeks re-election, he has to look to that party again. A legislation should be brought in the Parliament that in future nobody would contest against the Speaker and once his non-political character has been recognised, he will have to sever all connections with his political party so that nobody may contest election against him. Then he will contest election as an independent candidate and return as an independent candidate to this House. Otherwise, if such privileges are not given to the Speaker and he is under pressure from the ruling party, it is feared that the rights of the Opposition may be adversely affected.

So far as termination of membership is concerned, I am afraid that undue powers are being delegated to the Speaker. In this connection, I would also like to welcome the initiative on the part of the Government in accepting the clear demand of the opposition parties that clause 2 (c) should not form part of this Bill and now clause 2 (c) has been deleted from the Bill. Through your good offices, I would like to tell the hon. Minister that the aim of this Bill is to curb defections. So far as Jammu and Kashmir is concerned, I have drawn your attention to the fact that this law was passed in the State in 1979 and a popular government was formed in 1983 under the leadership of Dr. Farooq Abdullah. The people of Jammu and Kashmir gave a majority to the National Conference as a result of which a government was formed there. Conspiracies were hatched to pull down his government. Unfortunately, the conspiracy succeeded when eleven members of our party were made to defect and

26 Congress (I) members pledged their support to them. Now I appeal to the conscience of the hon. Minister and the ruling party and would like to know their approach to the sequence of events which began in Kashmir in 1984. With a view to give effect to the events of 2nd July, eleven members were made to defect and every member was made a minister. Even an independent member was also made a minister (*Interruptions*)

SHRI RAM PYARE PANIKA (Robertsganj) : What does 'made to defect' mean ? (*Interruptions*)

MR. CHAIRMAN : Now you please sit down.

SHRI ABDUL RASHID KABULI : I would like to tell you that 26 members of Congress (I) pledged their unconditional support to these eleven members and it is a matter of great regret that though 26 members of Congress (I) pledged their support to them yet they did not accept any portfolio for themselves and administration of the State was handed over to these eleven members. I would like to tell you that this was the greatest tragedy of our democratic history and the country. The Government which was imposed on the people of Jammu and Kashmir on 2nd July was led by Chief Minister, Shri G. M. Shah, who has never contested any Assembly election. He had not even contested any Panchayat elections, ... (*Interruptions*).

Mr. Chairman, Sir, I would like to tell you that this event must shake one's conscience. You have introduced this anti-defection legislation and Congress Party has accepted it and we have welcomed it. It is your moral responsibility that a government which is being run with the strength of hardly 13 MLAs and in which Congress Party is not a partner except that one of its M.L.A.s has been made the Speaker, should be dismissed ... (*Interruptions*)

[English]

SHRI RAM PYARE PANIKA (Robertsganj) : Mr. Chairman, I want to

clarify that a High Court verdict has been given.

SHRI ABDUL RASHID KABULI : I am not yielding.

MR. CHAIRMAN : He is not yielding. Please take your seat.

[Translation]

SHRI ABDUL RASHID KABULI : So far as the spirit of this Bill is concerned, in the Bill which has been introduced in this august House and is proposed to be passed, there is a provision that if one third Members of a party leave the party, then it will be treated as a split. If, just for a moment, I accept your contention that a part of National Conference had left the parent organisation then at least 16 members were required for causing a split in the party. But the number of MLAs who had parted company with the party is hardly 12 at present and 12 members do not come within the purview of the legislation which is proposed to be passed. I would also like to say that the political tragedy of 2nd July led to a series of incidents in which dozens of people were subjected to lathi charge and firing and curfew had to be imposed in Srinagar and other areas of the State for three and a half months. The Government had to resort to lathi charge and firing to suppress the people there, as stated by me earlier in this august House, I would like to congratulate Shri Rajiv Gandhi for responding to the demand of the time by bringing forward this Bill which has been supported unanimously by both sides of the House. But I would also like to add that this piece of legislation would stand the acid test only when it is implemented in letter and spirit and the government of defectors in Jammu and Kashmir is dismissed. There is no justification for continuance of the government of defectors there. They should be brought under the purview of this law and membership of defectors should be terminated, Assembly should be dissolved and elections held afresh.

15.00 hrs.

In this connection, it is necessary that after the Bill has been passed, the ruling

party should undo the injustice done to the people of Jammu and Kashmir, who are equal citizens of this country.

The National Conference unreservedly supports this Bill. It is, therefore, the duty of the ruling party as also our party, the National Conference, to update the Peoples Representation Act, which was amended by Sheikh Saheb in 1979 to check defection, after the enactment of this legislation. It is moral responsibility of all of us. It is the responsibility of the National Conference as also of Congress (I) to bring the law of Jammu and Kashmir in line with this law, and to remove the limitations of that law.

Mr. Chairman, Sir, Jammu and Kashmir has a Constitution of its own and in the Constitution of the country, the State has got a distinctive and special status. We want that the Constitution of the State should be amended in the light of this law. I would also like once again to congratulate the ruling party and Shri Rajiv Gandhi for bringing forward such a legislation here. While congratulating them, I once again request that the Government of Jammu and Kashmir be dismissed to undo the injustice done to the people of Jammu and Kashmir and Assembly be dissolved and that these steps be taken forthwith.

SMT. VIDYAWATI CHATURVEDI (Khajuraho) : Mr. Chairman, Sir, the anti-defection Bill brought forward in the House, has become quite essential in a democratic set up. I would like to congratulate the hon. Minister and the Prime Minister for bringing forward this Bill in this very Session. Both of them deserve congratulations. I welcome this Bill.

Before I speak on this Bill, I would like to say that our Member from Kashmir used some words in the heat of the moment against Congress which were not proper. I would humbly remind him of the proverb "Sweep before your own door" as also ask him to recollect how elections were held there, how booths were captured, and other unfair means resorted to.

(Interruptions)

MR. CHAIRMAN : You please sit down. When you were speaking, she had not disturbed you.

SMT. VIDYAWATI CHATURVEDI : I never disturb any Member when he is speaking. Therefore, I humbly request the hon. Member not to interrupt while I am speaking

Our party has taken this step keeping in view the political and moral responsibility which we owe to the society.

Mr. Chairman, Sir, you are aware that when we go to the people which is a prerequisite in the democracy we go to them with our respective election symbols. Each party has some ideology, some programmes and policies. We go to the people with the ideology and programmes and we are elected on that very ideology, policies and symbol. The people do not vote for us as individuals but they vote for us on a party ideology, its policies and its symbol.

15.05 hrs.

(SHRIMATI BASAVA RAJESWARI
in the Chair).

If a Member deceives the entire electorate and defects, it amounts to betrayal of the whole electorate. To check this betrayal is a big responsibility. Here, we talk of eradicating corruption, and our young Prime Minister has embarked upon the task of eradicating of corruption. This is also a kind of corruption and this is also being eradicated. The people leave one party and join another and are called "Aya Ram, Gaya Ram". It is also alleged that every politician has a price-tag. It sullies our image and that of our parties. It causes moral degradation. This measure has the greatest relevance now. As has been said, this measure should have been brought long back, but better late than never. However, efforts for this were initiated long back. I was a member of Rajya Sabha from 1966 to 1978. At that time, the late Prime Minister, Smt. Indira Gandhi thought many a time about curbing defections. In some States Governments changed and S.V.D. Governments were formed, of which we too had an experience. Something happened in Madhya

Pradesh also. Today, it is the demand not only of politics but of human feelings and morality also that such a measure should be adopted. This will have a salutary effect on the coming generation. Some people get votes on the basis of a particular party's policies and ideology and are elected and thereafter for their personal interests, they defect to another party in utter disregard of those policies and ideology and the electorate is not taken into confidence.

While welcoming this measure, I would like to say that our hon. Minister has proposed an amendment to clause 2 (c) of this Bill which is very useful and appropriate.

Now-a-days' within each party there are groups who either want to let down the other group or try to lower the image of the party by making false allegations due to personal malice. Therefore, I would like to congratulate the hon. Minister for the proposed amendment. Such moments are very delicate and these fine moments are rare when there is unanimity in the House about a matter of morality or of the nation or of building character in the society. It carries a very good impression of our representatives on the public. I am grateful to all the hon. members for this and I express my thanks to them.

Mr. Chairman, I would like to submit that such traditions should be established in the House as may leave an impression on the people, on the visitors to this House and on the coming generation that we are disciplined and that we work according to the procedure. There should not be any curb on one's liberty or freedom of expression. We will have to see how we can express our views in a disciplined manner within the Parliamentary practice and procedure which may add to the dignity of the House and may also be a guiding factor for the posterity. With these words, I thank the Prime Minister, the Law Minister and those who have supported this Bill.

SHRI MOOL CHAND DAGA (Pali) : Mr. Chairman, Sir, only two or three days are left. The persons who want to defect may do so. Rajya Sabha will pass this Bill tomorrow and the President will give his

assent tomorrow night itself. So, decide within a day or two which party to join. Thereafter, the doors will be closed.. (*Interruptions*)

[*English*]

SHRI S. JAIPAL REDDY : It is a case of projection. He is projecting his own anxiety to the opposition members.

[*Translation*]

SHRI MOOL CHAND DAGA : I am only giving an advice. You have to preserve the unity and integrity of the country. (*Interruptions*) I am talking to you in the interest of the nation. The parties whose strength has been reduced to one or two members should join together to form one party.

[*English*]

MR. CHAIRMAN : Please address the Chair.

SHRI S. JAIPAL REDDY : Your boat is likely to sink because of the overload.

[*Translation*]

SHRI MOOL CHAND DAGA : I am giving a very good advice (*Interruptions*). Bharatiya Janata Party has only two members "Hum Do Hamare Do". You should respect people's wishes. If you want to add to the honour of the country, you should leave your respective parties based on narrow considerations and join a strong party. This is an invitation. The defection is a curse. During the period 1967 to 1973 at least 1832 members crossed the floor and 144 out of them became Ministers. This law will put an end to horse-trading in politics and the dubious means of becoming Ministers.

SHRI RAM PYARE PANIKA : 210 have become Ministers.

SHRI MOOL CHAND DAGA : I think you were not one of them. The amendments moved by the Government have

cleared its position. We also wanted that these amendments should be made. The views which are convincing will be allowed to be expressed by the party. Every person should have the liberty to express his views. Party discipline should be a must for the members. A person who makes a statement or speaks his mind should not be expelled from the party simply on this ground and thus lose his membership. However, if party whip is issued, it must be obeyed. Every person should have the right to liberty and freedom of expression. At the same time he should obey the party whip and abide by the party discipline. I welcome the amendment which you have accepted in this regard and you also deserve congratulations for having accepted my amendment in toto but I want to add another point here... (*Interruptions*)... It is their sweet will if they accept my suggestion or not, but I put my suggestion before you, and that suggestion is.

[*English*]

"Provided further that the House by a resolution passed by a majority of the members present and voting, may exempt any member from the provisions of this schedule, if it is of the opinion that genuine hardship will be caused if he is not so exempted."

[*Translation*]

Sometimes a person is convicted in a murder case and a mercy petition is filed... (*Interruptions*) I am not creating a loophole but my submission is that sometimes there is a hard case wherein we do know injustice has been done. In such a case, if by moving a resolution, the House on the basis of majority of votes exempts that person, then he should be exempted. Sometimes, such situations are created .. (*Interruptions*) ..

[*English*]

It may happen sometimes and not always. Kindly read it, What I have suggested is :

' Provided further that the House by a resolution passed by a majority of the members present and voting, may exempt any member from the provisions of this schedule, if it is of the opinion that genuine hardship will be caused if he is not so exempted"

[Translation]

This is not applicable to all cases, everybody will not be exempted, but, sometimes when there is a hard case, then we must consider it. This is my personal view. It is upto you to accept it or not, but I have put this suggestion before you.
(Interruptions)

[English]

MR CHAIRMAN : Please don't interrupt. Let him continue.

[Translation]

SHRI MOOL CHAND DAGA : Sometimes such things do happens as I have seen a hundred times in Privileges Motion. Once, somebody was convicted and given punishment for 7 days in a privilege case. That case came for discussion in the House. In the course of the discussion in the House, I expressed my dissent and keeping in view all the circumstances, the punishment was reduced. That is why I have said that sometimes we come across such cases which compel us to think that such cases should be considered... (Interruptions)... I am not saying this in relation to all cases, but in relation to some exceptional cases.

This day, when we are wiping out the political curse of defection for ever will be remembered as a golden day in the annals of Indian history, history of politics and history of our Parliament. Hereafter, people will say that now defection cannot take place, the doors to defection and floor crossing have once been closed. We passed this resolution in 1968 and today after so many years we are going to adopt it.

It is a historical day today It was on this very day that Mahatma Gandhi became a martyr and today the Indian Parliament is passing a Bill which will ensure that the politicians do not show disregard to ideology and rules and there will be no more defections. I whole heartedly welcome this Bill. As the amendment moved by me has already been accepted, I would not like to speak more about it,

SHRI PIYUS TIRAKY (Alipurdwar) : this Mr. Speaker, Sir, I welcome Bill and would like to point out some facts. During elections, our political parties in the country whether in North, South, East or West-make promises to the electorate. During elections the voters are influenced by many factors like caste, religion, language, culture etc. and all the major political parties, especially the ruling party, try to take advantage of these factors and this has now become a practice. This Bill will cast great responsibility on the Government because there are many castes in our country.

If injustice is done to a community or a caste and the person representing that community fails to protest for fear of party-post, then there can be great resentment in that community and also in the country.

Likewise there are regional feelings too Although in North and South we have different ideas about the causes of Assam agitation in the East yet the Assam agitation has been due to regional imbalance and this imbalance is found everywhere. The ruling party will have to see to it that these regional imbalances do not exist any more and injustice is not done to any religious or linguistic minority because if the members of a certain community, against which atrocities are being perpetrated, do not protest for fear of party discipline, then there may be outburst in the country which may be difficult to control and may result in bloodshed.

There has been no Prime Minister from south so far. For the last 37 years, Uttar Pradesh has monopolised and only one family is ruling since then.

These are the problems before this vast country and people in every region and belonging to various communities are used to think on these lines. The ruling party will have to bring all these things together and also bring about a harmonious compromise. If split and merger are permitted, then this legislation may not be effective. It is for consideration whether such paradox can continue and whether Congress (I) would be in a position to watch the interests of the poor minorities as also the linguistic minority who might be adversely affected with the enactment of this legislation.

As everyone has welcomed this Bill so do I, but I would like to warn the Government that the people from different regions fight elections sometimes against Congress (I) and sometimes they make alliance with Congress (I) and manage to get majority. These things should be brought to the notice of the people and this tendency should be curbed. If this Bill is able to succeed in these objectives, then the unity of the country will be strengthened. A Bill should also be introduced to divest religion and caste from politics.

Unfortunately, the assassins of Shrimati Indira Gandhi were two sikhs. As a result, there is a feeling of illwill against the whole of the Sikhs community and they are looked at with suspicion. They cannot even express themselves. They say that they will not live in India any more. This is their inner feeling.

No sikh is involved in whatever is happening in the Prime Minister's and President's office. They belong to Hindu, Jain or other religions but these communities are not being blamed therefor. Is the entire Sikh community responsible for Indira Gandhi's assassination? A complete picture should be presented to the House in this regard. Why are the Home Minister and the Prime Minister maintaining silence over this issue? Therefore, there should be a separate department for giving assistance to every person, community, linguistic group or region and only then the object of this Bill will be achieved and the integrity of the country will be maintained.

SHRI BALKAVI BAIRAGI (Mandsaur):
Mr. Chairman, Sir, I thank you for giving me an opportunity to speak on this important Bill. I am a victim of the defections that took place in 1967 in Madhya Pradesh Assembly. I feel the pinch of it as I had been through it. Some members of our party crossed the floor and the process which started in Madhya Pradesh spread to other parts of the country like cancer.

Through this House, I would like to convey my congratulations to you, and in particular to our young and dynamic Prime Minister, Shri Rajiv Gandhi, as Shri Daga and Shrimati Vidyawati have already stated, who has selected an appropriate day to bring forth this legislation, i.e., 30th January, which is martyrdom day of Mahatma Gandhi. It appears we will succeed in our objective.

I also thank the hon. Law Minister who has accepted all reasonable amendments and now they stand part of the Bill. Now this Bill will have no loopholes.

There were many apprehensions about this Bill during the last eighteen years. Many important people spoke on it but that idea could not find manifestation in concrete form. I am reminded of a couplet:—

*Irade bandhta hun, tohta hun, tod detahun
Kashin aisa na ho jaye Kahin vaisa na ho jaye.*

with a strong will and determination even the impossible can be achieved. This has been proved during the one month leadership of Shri Rajiv Gandhi. We are proud of this. The future generations will remember this and will thank Shri Rajiv Gandhi for getting this Bill passed. You have responded to the feelings of the people. I know that the common man outside this House has his own doubts. When we travel in taxis and tamos they ask us whether we will be able to pass this Bill. This is the first time when we could declare with our heads held high that this Bill will certainly be passed. When people will hear on the radio this evening that Lok Sabha has passed this Bill, we will certainly rise high in their estimation. We must thank

the House for the special rights given to us.

I would like to submit that a man adopts three attitudes. i.e., criticism, protest and revolt. I am highly obliged to Shri Sen that he has kept alive criticism and protest but has been able to control revolt. Members behave differently in the House but even then they get respect outside. Now they will not get that respect. Dagaji has protested and behind that protest there was respect for the best traditions of democracy and I believe that from today onwards there will be polarisation of ideas in this country's democracy. I heard Prof. Dandavate carefully. This is our first step in the direction of polarisation. People are asking why this Bill was not passed earlier to deal with the 'Aya Rams, and Gaya Rams'. The reason is that we needed a 'Balram' to deal with them and today we have Balram in the chair. We also have a leader like Shri Rajiv Gandhi. Through this amendment, Sen Sahib has kept alive freedom of expression and we are, therefore, highly obliged to him. It is our firm conviction that the rebels within the Party, who sullied democracy, will be discarded by the public.

I do not wish to name anybody but the person who had played this dirty game in 1967 in Madhya Pradesh, is now sitting in the other House. Sometimes we ponder over his activities in Madhya Pradesh and now in the other House. I am happy that his party has supported this Bill. I thank you wholeheartedly for this. I have already said that not only this temple of democracy but posterity also would be thankful to Shri Rajiv Gandhi. I am happy that I, who had been a victim of defections in 1967 in the Madhya Pradesh Assembly, am also present in this Session. I remember the moment when we crossed the floor. Our friends from the Opposition have their doubts. I would like to assure there being a member of the ruling party, that we have good intentions and we hope that the Opposition will also not doubt our intentions. Once again I thank you and conclude.

SHRI C. MADHAV REDDY
(Adilabad) : I rise to support this Bill but I strongly oppose the amendment to the Bill

moved by the Government because I think by deleting a part of the Bill through this amendment, the Bill will lose its objective. We had hoped that by bringing such a Bill, the phenomenon of defections, splits will be put to an end and consolidation of parties in India will start, but it is like big cry little wool. It is of course correct that through this lifeless Bill some beginning has been made.

[English]

It is a first step and a step in the right direction and I hope it is not going to be the last.

[Translation]

Many clauses in this Bill require improvement, which will be done by and by. Our party thinks on these lines because—

[English]

—we are still licking our wounds.

[Translation]

The wounds of our hon. friend Madhu Dandavateji and others have healed up and they have forgotten how they had become victim of defection. We remember our harrowing experience in Andhra Pradesh. We want that Clause 2(c) should be retained. We can't understand that one is elected on the ticket of a party and then one works against the party, but continues to be member of that party. Once they are elected on the ticket of a party, they do not work for the party, violate its discipline and go against the whip of the party and even if they are expelled from the party they retain their membership. There are some members who think that this step is against democracy and will lead to wrong direction. You talk of caucus but I think it is wrong to talk of caucus. I think when the president of a party expels somebody from his party, then why should he remain in the Party. It is obligatory for everyone to follow the discipline of his party. I hold the view that it is not fair to retain membership after one has worked against one's party. So I oppose this.

Similar is the case of the provision regarding split. Split, I think, is a purified defection. When one Member leaves the party, then it is called defection and when 40 Members leave the party *en masse* then it is called split. This means that you are giving licence to the 40 Members. I think that—

[English]

—It is a history of splits and mergers and there are more splits than mergers.

[Translation]

Of course, some mergers took place but every time there was split in the party. The Party of which I was a member, split into three parties 35 years ago. That party split into four parties. Every party then split into one or two parties. The party was formed and then it split. Again it was formed and again it split. This process of split and merger was quite painful but we could not do anything.

We could not develop two party system or three party system in this country. On the other hand the process of forming and splitting of parties went on. It is easy to form a party. People like Haji Mastan also form a party. A party can be formed with one man. There will be a manifesto of the party and he will go on making statements. There is no discipline in the matter of forming a party.

[English]

For the first time in the country, we are trying to create some discipline in the party system.

[Translation]

And you do not want that. You want that we should be content with whatever we are getting now.

[English]

But as I said, it is a right step and in the right direction. I know that Albert Einstein said

that every step we take is the consequence of the preceding steps.

[Translation]

You have taken only wrong steps till now. At least this step is correct and I hope that the following steps will also be correct. As has been mentioned in the President's Address, the election law will be amended and many things will be included in it. The media is utilised by only a single party. Now everyone will get a chance. Mention has been made about providing funds for the election so that money-politics is put an end to.

I want to repeat two things which I mentioned earlier while supporting the Bill—I oppose the amendment to clause (2)(c) and secondly, the clause pertaining to the split should be deleted. This is my submission.

[English]

SHRI SHANTARAM NAIK (Panaji) : Madam Chairman, this Constitution Amendment Bill is not only going to be unique but historical one also. I do not think in the entire world of legislative history there is any Parliament where in a democratic country, a democratically elected leader within three weeks of his gaining power had brought legislation of such historical importance. I don't think either in European continent or America there is any parallel to this legislation. Therefore, not only the entire country but also the entire world is going to look to Rajivji for bringing forward this legislation.

I think even opposition members although in the guise of supporting the Bill have lot of criticism yet in their heart of hearts they will be appreciating the efforts of Rajivji to bring in this legislation. Some say because we are 400 here we do not mind bringing this legislation. Yet it must be remembered that Assembly elections are going to take place very shortly and on the threshold of the Assembly elections we are bringing forward this legislation. That proves the bonafides of the leaders and the party for bringing this legislation.

I would also like to submit that this disease of defection is not only limited to India but in 1931 Sir MacDonald in order to remain Prime Minister defected to other side with three MPs. This happened in U.K. which is considered to be the mother of democracies. Subsequently people like William Gladstone, who were considered to be champions of liberal Party defected for the purpose of getting the post on the Board of Trade although later on he became the Prime Minister also. I am told that even Mr. Churchill defected. Why I am saying all this is to point out that it is not only our country which is prone to this disease but it is there in other countries as well.

SHRI A.K. SEN : Churchill never defected. He stood from the Conservative Party after he left the Liberal Party.

SHRI SHANTARAM NAIK : May be he did on certain principles. What I am trying to drive at is that this disease is not only prone to India but is there in other countries also.

Secondly, I had moved an amendment which the hon. Law Minister has been pleased to accept. This amendment pertains to the point that supposing I am in Goa on Saturday and fall sick and there is a whip for me to be present on Monday as per the earlier Bill I could stand disqualified, if I am absent even on this account. Therefore, my friend Shri Priya Ranjan Das Munshi and myself proposed the amendment which the hon. Minister has been pleased to accept. However there is one aspect to which I would like the hon. Minister to pay attention. As per the amendment proposed, even voting against the party's proposals or direction can be condoned by the political party. What I want to personally propose is that only abstention should be condoned and not voting.

PROF. MADHU DANDAVATE : That is meant for conscience voting.

SHRI A.K. SEN : Panditji gave permission to many Members to resort to conscience voting and it is in that context.

SHRI SHANTARAM NAIK : Secondly, this Bill is partial towards Speaker or Chairman in the sense that the Speaker or Chairman is authorised by this Bill to resign from the party to which he or she belonged when he or she assumed office. Similarly, when he ceases to be the Speaker, he is entitled to join back his party, but there I suggest that some time limit should be fixed. For instance, after the Speaker is elected and within a short time, say one year, he ceases to be the Speaker, there will be four years for him to think, whether to join his parent party or not. This option is against the spirit of this law. The Law minister may kindly consider this.

Further, there is a conflict between Clause 15 of the Election Symbols (Reservation and Allotment) Order, 1968 and the provision in this Bill, because when a split takes place in a Particular political party, the Election Commission is authorised to take a decision under Clause 15 of the Election Symbols (Reservation and Allotment) Order, 1968, and when a split takes place within the meaning of this Bill, it will be decided by the Speaker. Two kinds of splits are to be decided by two different authorities I appeal to the Law Minister to consider it.

Translation.

SHRI LALIT MAKEN (South Delhi) : Mr. Speaker, Sir, I want to congratulate the Prime Minister and the Law Minister for both bringing this Bill as well as making amendment to clause 2(1)(c). Just now some friends said that by bringing this amendment, the objective of the Bill would be defeated. I do not agree with this view. Had this amendment not been agreed to, I think the democratic set-up about which we talk and which we have accepted would not have existed. If internal democracy in political parties is not allowed in the country, the democracy as such cannot survive. For the survival of democracy, it is necessary that there should be internal democracy in the party. If the president or some other authority of the party expels a Member of Parliament for his actions outside the Parliament, this will give a fatal blow to the internal democracy of a party. This historical

step proves that our leader and members of our party have faith in democracy and the amendment which has been brought is really a historical step and for this I congratulate the Minister of Law and the Prime Minister. I feel sorry that all of our opposition parties could not agree on it and they could not reach unanimous decision in this regard. All the time, allegations have been made that the Congress Party has no faith in democracy. But the big step taken by the leader of the Congress Party and the deletion of the clause as well as the amendment to clause 2 (1) (c) show that the Congress Party has faith in democracy and it believes in the internal democracy of a party and it has also proved that some opposition parties themselves do not believe in internal democracy.

Besides, I would like to say something about sub-clause (2) of clause 2 in respect of independent Members. It says that if they join some political party, they will forfeit their membership. I am not agreeable to this. The Bill which has been brought here is for curbing defection. I want to ask how the question of defection arises in respect of those Members who have no party affiliation? An independent Member belongs to no party and I think it is unfair and illegal to terminate his membership. The Member who comes here after winning as an independent candidate represents the people who elect him and his election is not based on any ideology. So he should be permitted to join any party of his liking. His joining any party should not be treated as defection. I, therefore, want to submit that an amendment should be brought to the Bill under which the question of defection should not arise if a Member who has been elected not on the ticket of any party and does not belong to any party, joins any political party. In the case of independent candidates who want to join any party after being elected, this should not be treated as defection.

Now I want to draw the attention of the Minister of Law to sub-clauses (b) and (c) of clause 8. It is imperative to make amendment to sub-clause (b) and (c) of clause 8. When the sub-clause (c) of clause 2 has been deleted in which it is provided that if a Member is expelled from the party

for his activities outside the House, his membership will not be terminated then there remains no need of retaining sub-clauses (b) and (c) of clause 8 which require that the parties have to submit their rules and regulations. How can you terminate the membership of a Member when you have deleted the provision that expulsion from the party will result in the termination of the membership? This has rendered sub-clauses (b) and (c) of clause 8 as irrelevant. I therefore, submit that both these sub-clauses be omitted.

[English]

SHRIMATI VYJAYANTHIMALA BALI (Madras South) : Madam Chairman, I would like to congratulate our dynamic Prime Minister Shri Rajiv Gandhi for promising the people of our country a clean Government. It can only be possible if we all have the necessary cooperation and assistance of our people. The instrument to guide the people is our sacred Constitution. The Government has now sought to bring this amendment in this House.

15 54 hrs.

[MR. SPEAKER in the Chair]

Mr. Speaker, Sir, I am grateful to you. This amendment is the first step to bring in a major reform in the very conduct of the Members of this august House.

Defection is always undesirable. I do not want to educate the hon. members. But I would just like to say what it means. Defection is a word which comes from defect. Defect means 'to cause to desert, to make defective, to fail, wanting, deficient',.....
(Interruptions)

MR. SPEAKER : Desertion means so many things. There are so many connotations, Madam.

SHRIMATI VYJAYANTHIMALA BALI:

I have written it down Sir. I have taken great pains. Defection means 'the action or the act of failing or falling short of or falling away from the leader, party or cause' Sir, all these are negative and derogatory qualities. I would like to say that this amendment will surely make the members of every political party to be more dependable for their party and to their voters. Floor-crossing and changing parties are not very desirable, because this has ruined many a politician in the past. There have been politicians in a party who have gone to sleep in the night and got up next morning to find themselves in another party, thanks to the horse-trading that was done.

MR. SPEAKER : I agree with you. They have not only ruined our parties They have ruined the political set-up.

SHRIMATI VYJAYANTHIMALA

BALI : Between breakfast, lunch and dinner they have changed three parties. It has become such a mockery. Everybody knows that defection epidemic hit the Janata party like the Asian Flu; and the people were so fed up with their defection *ramasha* that in 1980, they threw out these jumping Jacks, and brought back the real leader, our beloved Shrimati Indira Gandhi with a sweeping majority.

So, what credibility do these opportunists have? What respect to they have in the eyes of the people?

AN HON. MEMBER : Who gave support to Mr Charan Singh.....

SHRIMATI VYJAYANTHIMALA

BALI : It reflects very poorly I am sorry I would like to speak without interruption.

MR. SPEAKER : The interruption and also the appearance of this hon. Member is a maiden one.

SHRI A.K. SEN : She is a lady; there is no chivalry.

SHRIMATI VYJAYANTHIMALA

BALI : It affects the party, and it affects political functioning ; And so, this amendment is most welcome and it is to the benefit of all. At this point I would like to mention that one of our hon. Members—I do not see him here—from the opposition had mentioned that the Government was bringing this Bill because most of the fishes were in the net. I would like to enlighten all the Members, especially opposition Members, that the fishes are not in the net, but are freely, happily, and nicely swimming in the ocean of Congress (I) Actually I think that the opposition needs the net because they are so scattered, and therefore few, that they have all to be collected and put into one so that they do not defect.

MR. SPEAKER : You said that it was an epidemic Now this is the vaccination. It will clean the society of the epidemic.

SHRIMATI VYJAYANTHIMALA

BALI : There are two opinions on this Bill: one is of those who want it stronger, and the other of those who would like it soft, I believe that the Bill should be there in such a way that no lacuna or loophole, should be left for the Members or for parties to bend or twist it in any way they like for their own selfish and political motives Unless we make strong laws and definite rules, implementation would suffer; and hence I would welcome this amendment, so that it helps everybody, and so that the vested interests, these opportunists do not take advantage of it and use the convenience of argument in their own favour and hoodwink the makers of the law. So, I once again endorse this amendment, and would like to thank all the hon. Members of the Opposition including even the ones who may not agree—and request them to unanimously pass it.

SHRI AMAR ROYPRADHAN (Cooch Behar); I rise to welcome

MR. SPEAKER : Do you rise to welcome Mrs Vyjayanthimala Bali?

SHRI AMAR ROYPRADHAN : To welcome all the Members.

16.00 hrs.

I welcome this Bill and rise to lend my support to this Bill. I congratulate the hon. young Prime Minister for taking the initiative to bring this Bill forward in this House for clean politics, to develop a healthy democracy. We, all of us, who are really in politics; who are dedicated to politics, want clean politics we do not like game of "Aya Ram and Gaya Ram"; we do not like to have a Ram like "Aya Ram and Gaya Ram"; we do not like to have horse trading in this country; we do not like as has been mentioned by Shrimati Vyjayanthimala Bali that one member in the morning was in one party, in the afternoon in another party, in the evening in some other party and in the night still in some other party. *(Interruptions)*.

SHRIMATI VYJAYANTHIMALA

BALI : That is true. *(Interruptions)*

SHRI AMAR ROYPRADHAN : Is the hon. Minister and his leader the young Prime Minister are really ready to have a clean slate clean politics for the healthy democracy? If it is so, then I must say that it is not correct because of the defections in certain parts of the country particularly in Jammu and Kashmir—a defectors' government *(Interruptions)* There are instances where all the members defected, *(Interruptions)* What happened in Haryana? *(Interruptions)*

SHRI RAM PYARE PANIKA : This is a split. It was declared by the High Court. *(Interruptions)*.

SHRI AMAR ROYPRADHAN : So I warn you again that you should not encourage it; You must discourage toppling of governments. You cannot control toppling of governments only by passing this amendment. Prof. Madhu Dandavate reminded us about 1967 and 1968 period. All the members who were members of the Sixth Lok Sabha know it very well. What happened even in this August House—one member from this side defected to that side and one member from that side defected to this side.

MR. SPEAKER : That was epidemic and this is a vaccination.

SHRI AMAR ROYPRADHAN : I think it would have been better if you had taken into consideration some suggestions of Tarkunde Committee Report regarding electoral reforms This Bill does not contain the long standing demand for the right to recall. There is no scope for the right to recall and also proportional representation, which is very essential for the development of healthy democracy.

There are chances that the inner democracy of the party will be curtailed down. For the proper development of democracy, this should not be so. I hope all the suggestions will be given due consideration by the hon. Law Minister. I also hope that the government will come up very soon with further Constitution Amendment for healthy democracy and we must be cautious that inner party democracy should not be curtailed in any way.

SHRI KAMAL NATH (Chhindwara) : Mr. Speaker, Sir, we did not see you very often. I hope you are not getting fed up with us. We are not getting fed up with you. For several days, we have not seen you in the Chair; and it is always a privilege to speak when you are in the Chair.

MR. SPEAKER : Where were you in the morning?

SHRI KAMAL NATH : Sir, the Constitution (Fifty—second) Amendment Bill which we are discussing today and which seeks to

MR. SPEAKER : I will treat you also as I treated Vyjayantimala.

SHRI KAMAL NATH : I am honoured.

MR. SPEAKER : I hope you do not mind.

SHRI KAMAL NATH : Sir, she may stand on a point of order.

MR. SPEAKER : My House does not discriminate. It gives equal opportunity to all.

SHRI KAMAL NATH : Sir, the constitution (Fifty—second) Amendment Bill which we are discussing today, which seeks to rectify the problems arising out of defection from political parties has been a matter which has engaged the attention of political parties and political functionaries over the last 20 years. Most of the political parties and functionaries who were originally the participants in discussions for curbing defections do not exist now. We had the PSP the SSP the BJS, the Bharatiya Janata party, and so on.

AN HON. MEMBER : The Congress.

SHRI KAMAL NATH : Some parties do not exist now, and somehow... (*Interruptions*) Sir, whenever I stand up they are always on their feet.

AN HON. MEMBER : Congress (I) also.

SHRI KAMAL NATH : Not only do those political parties do not exist but the political functionaries have faded away from public life, or have lost, the faith of the people and are no more members of any legislative house. It is ironical but true that those who have been the greatest champions for curbing defections have survived and thrived on defections and they have sustained their political careers also with defections.

AN HON. MEMBER : Congress also.

SHRI KAMAL NATH : I do not want to be disturbed. In 1968 a committee was constituted on defections under the Chairmanship of the late Shri Y.B. Chavan, and there were eminent members on it, like Shri Madhu Limaye, and the late Shri Jaya Prakash Narayan. And we have had introduced on the floor of this House in the past, many proposals for curbing defections, but all these were shot down for one reason or the other. The electoral process is one of the foundations of our democratic process. In the face of failure of democracy all around the sub-continent as well as in many third

world countries, its survival in India is itself a tribute to our party which has been the major political force for keeping democracy alive in this country for the last three and a half decades, for drawing millions and millions of uneducated people into the democratic process, both electoral and political.

I think the time has come for us to examine our experience, our wide and varied experience in our three and a half decades of democracy, and in the electoral process. We have to harvest, this experience, we have to learn from this experience of the last three and a half decades. And we must bring about changes and amendments not only in our Constitution—because the Constitution covers only one facet of the electoral process—but we also have to bring about changes and amendments in all other enactments concerned with the political process and the democratic process.

Sir, the Constitutional amendment which we are discussing today is only the first step towards achieving greater political morality and stemming political degeneration. As such, I support this not routinely, or not merely as a ruling party member but I support it as a conscious member of society.

Sir, in the Seventh Lok Sabha, of which I had the privilege of being a Member, (*Interruptions*) for two and a half years they tried in that Lok Sabha but they could not succeed.

SHRI NARAYAN CHOUBEY : Thank you for the certificate.

SHRI KAMAL NATH : In the Seventh Lok Sabha, of which I had the privilege of being a Member, I had raised many issues concerning electoral reforms. I had raised issues relating to cleaner public life so that Members of Parliament and State legislatures—many of my friends on both sides who were in the Seventh Lok Sabha would perhaps recall this—enjoy an image above public reproach and portray integrity of public life. On 23rd February, 1983 I had asked that a scheme be introduced that all Members of Parliament and State Legislatures be required to file with their respective Speakers

[Shri Kamal Nath]

annually a statement showing their and their kith and kin's income and assets. And the Speaker of the respective Houses should publish those statements in the newspapers. Sir, I had myself come to your Chamber to file such a statement but you did not accept it and turned me away by asking as to under what rules I was doing that. There has been criticism in the press and elsewhere that some of the country's legislators live beyond their means. I think now that we have taken the first step towards cleanliness in public, we should enact such legislation.

On 17th of November, 1983 speaking on the floor of this House. I had again spoken on the subject of electoral reforms and the immediate need for action in that direction. Within a few days of the formation of the Government under the Prime Ministership of Shri Rajiv Gandhi, we today are discussing a Constitutional amendment which seeks to curb the problem of defection. Some opposition parties are unhappy, but unhappiness is, many a time, a product of procrastination. For 20 years there have been debates, dialogues, discussion, Committees formed and reports submitted. Those reports are lying in various libraries with ants over them. And even today we have an amendment moved by some Members of the opposition that this Bill be referred to a Joint Committee. I do not know the fate of it. But this would again be giving the whole aspect of defection a sleeping pill. Now, we should not give a sleeping pill, but we must inject antibiotics so that we can do away with 20 years experience of discussions, debates, committee report and all that once and for all. So, I think this is the time to act. This affection for defection sometimes becomes patently inherent when we hear some of our friends adopting delaying tactics. The proposed Act and the step being taken in today's Bill is that the representative elected on a party ticket commits a breach of faith to the electorate by shifting his party loyalties on the floor of the House and therefore, becomes ineligible to continue as a people's representative. This is based on the analogy that the very process of election creates a tie or allegiance in the eye of the electorate between the representative and what he stood for at the time he contested elections. We should not confuse this with change of conviction,

or confuse this with ideological polarisation and clarity. Because, any political person, who seeks an elective office, should have already his political ideology, his political thought, his political view, clearly imbedded and imbedded in him. The root of the problem of defection is the absence of ideological coherent and cohesive parties. This tendency has grown in the last 15 years.

One point which can be raised is that a political party is unknown to the Indian Constitution, only an elected representative is known to the Constitution and not his allegiance to a political party. It can also be said that in relation to the constituency which elects him, the candidate is a representative, and not a delegate, and that we have to distinguish between a "representative" and a "delegate". This is only technically or academically correct, because under the Conduct of Election Rules, the Representation of the People Act and the notification issued in terms thereof, the candidate specifically makes a declaration in the nomination form as to which party has sponsored him. In fact, he has to produce a letter, signed by an office-bearer of the party. This, in itself, is the recognition of the bond which exists between the candidate and his party. When this bond is terminated on the floor of the House, it automatically brings about a termination of what that bond yielded. So, the point which I am trying to make in this case is, when the bond, which is on his nomination paper and his consequent election, is terminated, it also terminates what that bond yielded.

There has been increasing cynicism towards political life of the country as such, it is imperative that we hold the bull by the horns and enact a legislation to curb the problem of defection straightway.

I will make one suggestion and point out one loophole. My suggestion is that this amendment should apply to all elective offices. contested on party symbols, including the municipal elections. We must cover the entire spectrum, the entire gamut, of elective office. Then only can we move towards curbing the genesis of this political evil. This is important. This effort is not merely to help

one party or another party. This is not a political move, this is for all of us. When we pass this Bill, it will be a moral move, not a financial, economic or social move. It will be a moral move which we will be making.

Coming to the loophole, the disqualification arising out of defection in this Bill is only a partial deterrent to a person who defects because of inducement of office for the defector can be appointed a Minister for six months, without contesting any election. It is true he will have to seek election within lose his seat after six months. But he can be appointed as Minister for six months by the party, which may be in office, to which he has defected. This is an inherent weakness of this Bill. We have not fully and totally prevented what we are trying to stem. In the short run, anyone can avail of this opportunity. I would suggest that there should be some sort of deterrent, that he cannot hold a Government office, or that he cannot seek re-election for a couple of years, say, six or eight years.

The problem of immorality in political life requires to be attacked on all sides, on the political, legal and ethical plain as well. We must prevent the mushrooming of small parties and State parties. Standing on the floor of this House—when one of the debates was going on the 17th of November, 1983,—I had made a suggestion that only those parties should contest the Lok Sabha polls which have got representation in at least three States, because we cannot make the Lok Sabha into a District Board.

I am getting your signal. I will just conclude.

SHRI NARYAN CHOUBEY : I do not know why he has to refer to the earlier period of 1981, 1982 and 1983.

MR. SPEAKER : Don't you appreciate Mr. Choubey, how consistent he is

SHRI KAMAL NATH : Sir, it takes times for them to understand. If they had understood it earlier, that would have solved the problem.

The problem is that they are only in one State. So, what I am saying is affecting him.

My suggestion is that only those parties should contest the Lok Sabha polls which are represented in at least three States and also that in each of these States they must have a minimum of five percent seats to enable them to contest the Lok Sabha poll.

SHRI NARAYAN CHOUBEY : What he says and what he will say, on that he should be consistent.

SHRI KAMAL NATH : We must not allow our party system to get splintered. This is important because events will overtake us and fragmentation of political constituents in parliament will take place

Everybody has condemned defections. The press has condemned it, the political parties have condemned it, the political functionaries and the political luminaries have condemned it, but up till now nothing was done towards curing this cancer. It is our Government under the leadership of Shri Rajiv Gandhi which has taken the first step towards cleaner public life. So let us all join hands irrespective of which side of the House we belong.

MR. SPEAKER : You address me.

SHRI KAMAL NATH : Sir, I am thinking of the future; they are thinking of the past.

Many years later when our progeny enter the library and archives of Lok Sabha, to look for nuggets of wisdom let them not find that the miles of proceedings are just empty invectives and outpouring from non-constructive minds. But let them find that the Eighth Lok Sabha in its initial days took the first step towards stemming and correcting the malady of political immorality and degeneration.

MR. SPEAKER : Don't look back, when you speak. Look at me. Don't look

back. You say you don't talk of the past. So look forward.

SHRI JAGAN NATH KAUSHAL (Chandigarh) : Mr. Speaker, Sir, I am speaking almost at the fagend of the debate.

MR. SPEAKER : Valedictory ?

SHRI JAGAN NATH KAUSHAL : As has been stated on both sides of the House, this problem was before the country prominently since 1967. Attempts were made to frame a law and, in fact, two Bills were introduced—One Bill could not become the law, because the Lok Sabha was dissolved and the second Bill which was introduced during the Janata time, also could not become law, because of the opposition within the Janata Party.

Later on the matter was again examined along with other electoral reforms. And when I was in charge of the Ministry of Law and Justice, I held an assurance to the House that so far as this particular matter of curbing defection was concerned, the sub-Committee of the Cabinet had formed its tentative opinion. And we will discuss this matter with the opposition Parties along with the other electoral reforms which were also being examined by the Cabinet Sub-Committee. I am glad, Sir, that assurance has been fulfilled today. I congratulate Shri Ashok Sen, the present Law Minister. But more credit is due to the hon. the Prime Minister. The Prime Minister was very keen about it. In fact, this formed one of the items in the President's Address and although we all knew that this present session would be a session of a very short duration, it was categorically said in the President's Address itself that this would be passed into law in the present session. And Sir, today it is the culmination of the deliberations for the last 20 years.

Now, Sir, as has been stated by both sides of the House, it is a very welcome measure. The country as a whole will appreciate and the controversial clause has now been dropped by an official amendment which is going to be moved presently. That clause was, if a person was expelled from a political party, he should also lose his seat which he

won as a member of that party. It was a controversial clause although the framers of the Bill had kept that clause. Much could be said for that clause also. Even the opposition Parties are not united on that matter. Even today one hon. Member from the opposition has said that this clause should have been retained in the Bill itself. He feels that without that clause, the Bill does not go the whole hog. But as I said, it is a matter of controversy. The hon. Prime Minister assured the Opposition leaders that either there should be unanimity on this clause or he would think over it. And the hon. Prime Minister as the leader of the Congress—I Party put that matter in his own Party. As I said, there was a difference of opinion even in our Party. His assessment was that more people wanted that clause to be withdrawn. Therefore, he, as a true democrat, accepted that this clause be dropped because some Opposition Parties do not want it and some Members of our Party do not want it. So, he has thought that there is no unanimity there.

PROF. MADHU DANDAVATE (Rajapur) : Even difference cut across party lines.

PROF. N.G. RANGA (Guntur) : Yes, there is democracy.

MR. SPEAKER : That is what democracy is.

PROF. MADHU DANDAVATE : I am congratulating him. Mr. Ranga, don't be angry.

SHRI JAGAN NATH KAUSHAL : Sir, the very basic fact which was appreciated and formed the foundation of the present Bill is that for the first time, political party is being recognised in the Constitution itself. Otherwise, the Constitution was always talking of a Member of Parliament or a Member of a State Legislature. The Constitution did not talk as to which party he belonged to. But now, for the first time, in the Schedule, it has been stated what was inherent in the Representation of People, Act.

Now, if I draw your kind attention to ¶2, in Clause 2, there is an Explanation which reads :

"an elected member of a House shall be deemed to belong to the political party, if any, by which he was set up as a candidate for election as such member;"

It has been pointed out on the floor of the House that when any person files his nomination paper, he has also to file a declaration as to whether he has been set up by any political party and, if so, the name of that party has to be mentioned. That party has to give a certificate that that person is their official candidate. Then, a symbol has also to be allotted which is reserved for that party. Therefore, it is now recognised that the persons belong to those political parties.

MR. SPEAKER : What happens if 10 or 11 Independents want to form a group or something like that ?

SHRI JAGAN NATH KAUSHAL : I am at the first stage when a nomination paper is being filed.

PROF. MADHU DANDAVATE : Do you propose to become an Independent, Sir ?

MR. SPEAKER : If you make me so.

SHRI JAGAN NATH KAUSHAL : You are already Independent in action. I am at the stage of filing the nomination paper. When the nomination paper has been filed and a symbol has been issued, then the elections, as we all know, are fought on those symbols.

It is futile for anybody to say that lakhs and lakhs of voters vote for an individual. They vote for the party; they vote for the party symbol and they vote for the party programmes, for the party manifesto. We all know that not only in this country but even in the countries outside, like, U.K. from

where we are borrowing most of the things, it is the party which fights the election.

I was looking into a very celebrated author, Sir Ivor Jennings, who gives a very graphic description as to what part is played during the election by political parties and, with your permission, Sir, because I cannot improve upon his language, I would like to read a few lines which he has written. The large part played by the party in the election of a candidate has been described by Sir Ivor Jennings as follows :

"The successful candidate is almost invariably returned to Parliament, not because of his personality nor because of his judgment and capacity, but because of his party label. His personality and his capacity are a like unknown to the great mass of his constituents. A good candidate can secure a number of votes because he is good; a bad candidate can lose a few because he is bad. Local party organisations, therefore, do their best to secure a candidate of force and character. But his appeal is an appeal on his party's policy. He asks his constituents to support the fundamental ideas which his party accepts. His own electioneering is far less important than the impression which his party creates in the minds of electors. They vote for or against the Government or for or against the party to which he belongs. The 'national' speaker who comes to a constituency to urge electors to support the candidate probably knows nothing of him. He commends the candidate because he supports the party; he would condemn him with equal pleasure, if he did not. Many of the posters are prepared and circulated by party headquarters. The candidate's own posters emphasize his party affiliation. He possesses an organisation because the party supporters in the locality—stimulated, if necessary by the party headquarters—believe in the party affiliation sufficiently strongly to give time and trouble to its work."

This is more true in our country where the size of a constituency, as we all know,

[Shri Jagan Nath Kaushal]

varies from 7 lakhs to 10 lakhs of people. It is, in fact, the party which fights the election. Therefore, it is but inherent in the situation that people who come to Parliament or State legislatures as a nominee of a party should continue to belong to that party.

In fact, it is a very simple Bill, as it stands. The controversial Clause has been taken out. Now the Bill is very simple. If he resigns from that political party, on the label of which he won the election, the least what should be done is that he should forfeit his seat. Some hon. Members are even suggesting that not only he should forfeit his seat, he should be disqualified for a number of years more. Some people have gone to this length. They say merely because he loses his seat, it is not enough punishment, he should be disqualified for a number of years. But we have not gone to that length. For the moment, we are on this that he should lose his seat and go back to the electorate by telling them "I have renounced that party. Now I am coming on the ticket of another party", or "I am coming as an independent person. Would you elect me?"

Now the second Clause which again, according to us, is a very simple one and it takes care of what Prof. Madhu Dandavate said, namely "Do not kill dissent completely because dissent is the essence of democracy" and we have taken care of it in the Clause itself. Clause (b) says; if you vote against the mandate of the party, then, surely you are violating the party discipline and you are acting against the party mandate. But, surely, there can be some person who says "well, what you are doing is against the very ideology of the party. Will you permit me to vote against the party but I will see the Government does not fall?" The party may permit him, I say party may. Or even if he votes and satisfies the party later on that "I did not do anything for my personal gain but it is my conscience which did not permit me to support this particular stand of yours in the Parliament", and he satisfies the party, the party may condone the lapse.

It is a very simple measure so far as it goes and that is why there is an almost unanimous welcome from all sides of the House.

All other provisions are, regarding split, merger etc. I do not think much criticism has been made on them. In fact, no criticism has been made on them because split and merger are two realities which we have to face and we have laid down in the Bill that for a split, at least one-third of the people should form that opinion and for a merger, at least two-third of the people should form an opinion.

I think it is a very valid measure. Regarding the rule of thumb, earlier the Janata Government had looked into it. They said 25% is good enough. We said "No. Not 25% but one-third." Somebody may say one-third is not enough, it may be more. These are all matters of policy and rules of thumb and we have to work and after working, if we feel that the results we want to achieve are not being achieved, Parliament is supreme. Parliament can again come back with another measure.

One or two more points were raised. My senior colleague Mr. Ashok Sen will reply to them.

One point was raised as to why there are two authorities under the constitution, the Election Commission, for deciding some disqualifications and the Chairman or the Speaker, the presiding Officer of the House, for deciding some other disqualifications. It is much too simple a measure. It has only to be decided whether he has voted against the party. It has to be decided whether he has resigned from the party. I do not think we should give this matter for the decision of the so-called authority, the courts or the Election Commission, which ultimately is again subject to the jurisdiction of the court. I think it is a much simpler measure and Mr. Ashok Sen was very right while saying "Do not prolong this matter. This matter should come to an end within the quickest possible time." I do not think there is something monstrously wrong in putting this burden on the Speaker. Speaker is a high dignitary from all angles. He is totally independent. He may belong to a political party. But while deciding such matters, he is independent. And we expect such a high dignitary to bring about impartiality in a decision on this matter.

One of my hon friends just raised the question: way have you brought in independents in this net? Independent is an independent. He forgets the base. The basic idea is this. When he went to the electorate, he told everybody, I do not like any of these political parties these political parties are so arrogant that they did not give to a person like me the party ticket and, therefore, I will fight independently. Now let him stick to what he told his electorate. He has fought independently; he has secured the verdict of the electorate as an independent candidate. Therefore, he must continue as an independent candidate. The moment he loses his independence, he is subject to this law because the very base is the promise he made to the electorate the; electorate was the final authority which decided that he was a fit person to be elected because he was independent. . .

MR. SPEAKER : What about my query about 15 Independent Members getting together. . .

SHRI JAGAN NATH KAUSHAL :
Now this is impermissible

MR. SPEAKER : He is giving a ruling!

PROF. MADHU DANDAVATE : If they do that, they will be made independent of Parliament.

SHRI JAGAN NATH KAUSHAL :
Now this is impermissible. Therefore, I agree with the. . .

SHRI S. JAI PAL REDDY
(Mahbubnagar): Can I seek a clarification?

SHRI JAGANNATH KAUSHAL :
I am not yielding.

I conclude by saying what Prof. Madhu Dandavate has said. On this solemn day we have taken a step and that is a step which certainly will bring credit to this Parliament that they have taken a very bold step, which could not be taken for the last 20 years, in order to clean the public life.

SHRI P. KOLANDAIVELU (Govichettipalayam) : Respected Mr. Speaker, Sir, on behalf of my party, the All India Anna DMK, I welcome this Bill; we welcome the spirit, the aim and the purpose of this Bill.

At the outset I would say that, as soon as the Bill was introduced in this august House, the ruling party got a victory: in Madhya Pradesh, the State Unit of the DMKP has decided to merge unconditionally with Congress—I. So, the ruling Party has got its first victory. In India, politics has degenerated into manoeuvring, leg—pulling, back—stabbing, splitting and defection, all for the sake of power, all for the sake of money.

Here I have to appreciate and congratulate the Prime Minister for having fulfilled the promise he made. On the first day of assumption of his office as prime Minister, he told the people that he would give a clean government. I would like to quote here Robert Frost's verse. I would remind Mr. Speaker and other hon. Members that, when Panditji was the Prime Minister, whenever he went to his office, he would first read Robert Frost's verse and then only begin his work. Robert Frost's verse read :

"The woods are lovely, dark and deep,
But I have promises to keep
And miles to go before I sleep
And miles to go before I sleep."

So, the promise is being kept, the promise is being fulfilled, by the young Prime Minister. I have to say that the Prime Minister has given enough time to the Opposition Parties for discussion, for deliberation, with regard to this Bill.

I thank once again the Prime Minister for having given such an opportunity for all the Members. I have to say an old saying—to before-warned is to be fore-armed. So such saying would be appropriate at this juncture because a warning has already been given, not now but for the last 20 years back. So, according to the warning, you are fore—armed with this Bill. But this is the right time, the time is ripe enough for

[Shri P. Kolandaivelu]

bringing this Bill. But this Bill ought to have been passed in this august House some years back, but, unfortunately, the Bill was not passed. Actually it has come in the proper time and that too in the year of youth. 1985 is the year of the youth. So the youngest and the young Prime Minister who has brought this Bill is the correct person to deal with the Bill and the Bill is going to be passed.

Moreover, I have to say this year happens to be the Centenary year of the Congress Party. For the last 100 years both sides of the politics have been silted with mud and it has been silted with dirt and all that dirt is being washed away by this Bill in order to give a clean government. I once again. . . .

SHRI S. JAI PAL REDDY :
Let the AIADMK merge with the Congress (I).

SHRI P. KOLANDAIVELU : No, no.
It is not.

Actually, our young Prime Minister started in his life as a pilot. Perhaps the pilot in him will bring a fresh breeze of professionalism into Indian politics and I also tell the hon. Members that changing party is no solace unless it gives a definite foothold. So defection certainly will not help anybody and moreover I would suggest to the Law Minister that with regard to the electorate there is no mention in the Bill. Electorate is the best judge and electorate has to be mentioned in the Bill and I think proper and suitable action will be taken by the Law Ministry.

I thank once again.

PROF. MADHU DANDAVATE : Now the voters have defected.

MR. SPEAKER : Is it ? Should we pass a Bill for that too ? That will be counter productive to you, Professor, Mr. Soz.

PROF. SAIFUDDIN SOZ (Baramulla) :
Thank you very much for having given me

an opportunity to say a few things about this Bill.

Political defections have polluted our parliamentary democracy and it is, therefore, that we were the first in the country in Jammu and Kashmir that we enacted a law on political defections and when I came to the Seventh Lok Sabha, I moved a Bill, the Anti-Defection Bill as a private Members' Bill which met the usual fate which all private Member's Bills meet

MR. SPEAKER : But your wish is being fulfilled now.

PROF. SAIFUDDIN SOZ : Now that the Central Government has brought this Bill here, I rise here to welcome this measure and heartily congratulate the Prime Minister for particularly having prolonged discussions with the Opposition Parties. Since the Bill was deferred for to-day in order to arrive at a consensus, I feel particularly happy and when our learned Law Minister made the statement earlier and broke the good news that they had come forward for the deletion of sub-clause 2(1) (c) because I do not know how this proviso had been allowed in the Bill because that would kill all democracy within the boundaries of a political party. But since the Prime Minister rose to the occasion and held consultations with the political parties, it shows the intention of the Prime Minister and I congratulate him for this measure. When I make a comparative study of the law that we have produced in Jammu and Kashmir and the Bill that is before me I find that this Bill is comprehensive particularly in three ways. Firstly, this Bill brings under its purview nominated Members. Secondly, it provides for split. Thirdly, it has brought in Independents also. All the three measures are very welcome and the law that we have in Jammu and Kashmir State was lacking in these areas and we can improve it now.

Mr. Speaker, Sir, there are certain things which require clarification and I would request the hon. Minister to kindly clarify. Firstly, could we not add disqualifications for membership when the parliament is competent to create additional disqualification

under Article 102(1) (e) and Article 191(1) (e)? It may be for my person or for others also. So, was it necessary to amend the Constitution in the manner in which you have come forward. Secondly, in Jammu and Kashmir State we have a law in force. We have an anti-defection law and that law has not been subjected to scrutiny by Supreme Court by way of a petition by us. That law is before the Supreme Court for expressing its opinion. What will happen to that law? I admit that the law we are producing is comprehensive but already we have a law on defection. What about that law because you did not refer to that in your speech? Jammu and Kashmir is an integral part of this country. It has its own Constitution and the legislature is empowered to produce the law and we did. It was passed by our legislature and again it became law. It has gone to the Supreme Court for its opinion as we found that J and K High Court's decision on defection law was not in order. I would like the Law Minister to clarify on this.

Thirdly, now that we know the intention of the government—particularly the intention of the Prime Minister—I would like the Congress members were not to let down their Prime Minister and come forward and express their opinion about the defector government in Jammu and Kashmir. *(Interruptions)* I am only asking for clarification because according to this Bill even all the defectors in J & K do not constitute a split in our party. According to this law also they are defectors and they stand disqualified. *(Interruptions.)*

SHRI RAM PYARE PANIKA : High Court ruling is there.

PROF. SAIFUDDIN SOZ : We have gone to the Supreme Court. That is why I have asked the Law Minister to explain. Apart from legal question there is a moral question attached to that defection. Among those defectors there are many who are ministers but as per their qualifications they could not become.*

(Interruptions)

SHRI P. C. SETHI (Indore) : These are derogatory remarks and these should be expunged.

PROF. SAIFUDDIN SOZ : Such are their qualifications some of them are illiterate people. All of them have been made Cabinet Ministers and I say that they do not constitute a split and they are defectors. Will the government come forward to withdrawing support. They will have to withdraw support from Shah Ministry.

*(Interruptions)***

MR. SPEAKER : The hon. Member may please take his seat. Nothing goes on record. I have called the next speaker.

[Translation]

SHRI G. L. DOGRA (Udhampur) : Mr. Speaker, Sir, I am grateful to you that you have provided me an opportunity to participate in this debate and to express my views. This is a very important Bill for which our Prime Minister, Law Minister and Government of India must be congratulated. All the sections of the House have welcomed this Bill and the entire House is unanimous that this should be passed. Now, I would like to say something about the points raised by Shri Soz in his speech.

Shri Soz is aware of the fact that this Bill could be extended to Jammu and Kashmir only with the consent of the State Government.

MR. SPEAKER : This has already been said. If you have anything new to say, you may make your point.

SHRI G. L. DOGRA : I am raising an important issue

MR. SPEAKER : This is a matter of the past. You should speak about the future

* Expunged as ordered by the Chair.

**Not recorded

SHRI G. L. DOGRA : This Bill would not apply to the State of Jammu and Kashmir, as residuary powers apply to the State of Jammu and Kashmir to a limited extent only. Moreover, this is also a constitutional amendment and it would not apply to the State of Jammu and Kashmir without the consent of the State Government. He must have gone through the entire Bill. Split in a party would be defined according to the law. There was a split in your party and I would like to say that the persons who cannot control the members of their party have no right to blame others. If they come here and blame the Congress Party, raise hue and cry here, it is of no use at all. If you could not control your party men, they broke away from you, there was a split and your party was divided into two groups, then we are not to be blamed for this *(Interruptions)*...they are your own people. They split your party as they were disgusted with you and your party was divided into two separate groups... *(Interruptions)* after all they are your own people. Those members were disgusted with you due to your actions, which led to a split in the party and we helped the group which we found to be better. We did not participate in the government. We, therefore, cannot take any action there. You yourself are responsible for the situation prevalent there.

Sir, nobody has paid any attention to one aspect of this legislation. After this Bill has been passed, the people of the entire world including India would wonder at the morals our legislators had on account of which this measure had to be brought for the present legislators as also for future legislators.

MR. SPEAKER : This Bill will be passed for the same reason.

SHRI G. L. DOGRA : If we look at this aspect, we should not be very happy about it. It means that we do not have any self-control, self-respect or political integrity, and we are least concerned about loyalty and faithfulness to our party. The people have given their verdict from time to time and our electorate has proved to be more intelligent today. On one occasion, it removed the Congress and on another occasion it threw

away Janta Party and this time it has defeated all the leaders of defectors. Thus we are lagging behind our electorate. Therefore, a provision has been made in this Bill that if any Member defects before completion of his tenure of five years, Mr. Speaker, Mr. Chairman or whosoever is the presiding officer of the Legislature will take action against him and it is a welcome step.

Our Law Minister has stated that he is removing the irritants and no notice would be taken of the expulsion outside the House. An amendment has also been brought forward for safeguarding the interest of a member who is unable to be present at the time of voting due to certain compulsions. Thus this is a Bill which would not be opposed by any sensible person and he would rather support it. We should improve our behaviour, respect the office which we hold, raise our morals and awaken our conscience so that we do not tread the wrong path and the people also think that their representatives are really ideal representatives.

PROF. SAIFUDDIN SOZ : You with draw support to Ghulam Mohammad Shah.

SHRI G. L. DOGRA : Whom shall we support ? You ?

PROF. SAIFUDDIN SOZ : You are talking of values.

SHRI G. L. DOGRA : We neither like you nor them, but we prefer the lesser evil. We have no other options.

(Interruptions)

MR. SPEAKER : Mr. Soz, you get it recommended through me.

PROF. SAIFUDDIN SOZ : He is talking of values.

SHRI G. L. DOGRA : We have values.

PROF. SAIFUDDIN SOZ : You do not have values.

(Interruptions)

SHRI G. L. DOGRA : At a place where thefts are quite common and people live in constant danger, if somebody raises his voice against it, then you call him a good person. (Interruptions). How much money disappeared from there, where did it go? Why do you compel me to say all these things.

SHRI ABDUL RASHID KABULI (Srinagar) : You do all this because you will lose your security deposit.

(Interruptions)

MR. SPEAKER : This is not the way. Mr. Kabuli; you are doing a wrong thing. It will not look nice, what are you doing?

(Interruptions)

SHRI G. L. DOGRA : I would not have mentioned that, but they are unnecessarily compelling me to place all these things before you.

Mr. Speaker, Sir, I am thankful to you for having given me an opportunity to speak, I do not want to create bitterness but when they compel me, I have to reply to their points.

MR. SPEAKER : I shall bring about a compromise later on

[English]

SHRI SURESH KURUP (Kottayam) : I thank you for giving me this opportunity to speak

MR. SPEAKER : Speak loudly.

[Translation]

You are a young man, speak loudly.

[English]

SHRI SURESH KURUP : This is my maiden speech, Sir.

MR. SPEAKER : That is why I want you to be heard.

SHRI SURESH KURUP : I represent a generation who are born and brought up during the post-Independence era. All these years, we have been witnessing the ugly twists and turns in our political life. Sir, defection is only a part of the disease that affects our body politic. You can check defection to a certain extent by passing a legislation. But you cannot raise the quality of our day-to-day political life by passing a mere legislation. What we need today is that. For that, a general political awakening of the masses is necessary. We, the people of India, witnessed such an awakening only during the struggle for Independence and during the struggle against Emergency.

Sir, one of my friends here mentioned that the question of defection came in Indian politics only in the sixties. I would like to correct him. The question of defection came in Indian politics when the Ruling Congress began losing elections, even after the first General Elections in 1952 and a veteran national leader Shri Rajagopalachari formed his ministry in the erstwhile Madras State using defectors. And I would like to mention about the incident in 1957.

Sir, I am proud that I belong to CPI (M) which, all through these years took a principled stand in Indian politics. In 1957, when the first Communist Ministry in Kerala was formed in fact with a majority of only one member, the Ruling Congress in the Centre tried all the ways to lure away legislators from our fort, but failed. Only then they organised the infamous liberation struggle, using extra-constitutional means, aligning with all the communal and casteist politics in the State and at last it culminated in the dismissal of that State Government. We are glad that this Bill has been brought in by the very same forces which had engineered all the defections during all these past years. Even a day before this particular Bill was brought before the House, the Baroda Municipal Council controlled by the Janata Party was ousted by the Congress (I), using defectors. Events in Sikkim, J&K and Andhra Pradesh are already

[Shri Suresh Kurup]

mentioned here. I would tell the ruling party Members : 'Now you are painting our Prime Minister, Mr. Rajiv Gandhi as Mr Clean in our politics. But everyone knows that his was the mind which worked behind the curtain, in toppling all these Ministries ... (Interruption)

I would also like to say that if the ruling party has honesty in bringing this Bill, it should withdraw its support to the Ministry of Shri G. M. Shah, who is the king defector in our country. The continued support given by the Congress (I) to the J&K Ministry mocks at the honesty of our Prime Minister and of the ruling party Members

Regarding clauses in this Bill, our hon. Law Minister has already promised that the controversial clause 2(i) (c) will be deleted. I would also like to mention in this House that if a party is not functioning democratically, it will be harmful to our country. I wonder about the vote of a legislator in a party where elections are not conducted democratically, and where all the powers are concentrated in one hand."

In this connection, I would like to repeat something which some other hon. Members have already mentioned. That is about Article 356 of the Constitution which allows those at the Centre to dismiss a State Ministry which does not follow its political line. If we are going to begin a new chapter in our politics, this undemocratic provision should be deleted from our Constitution. In this connection, I would also like to mention that if our system should be truly democratic, if our election system is to be truly democratic, the system of proportional representation should be introduced in our land. In all these elections during all these years, except in one election, the present system has helped the ruling Congress party to win the elections with a small percentage of votes, and secure a majority of seats. Even in this election, with 50% of the votes, Congress (I) party secured 80% of the seats. So, I request the Prime Minister and his colleagues to introduce proportional representation in our election system, and start a new chapter in our democratic polity.

SHRI N. VENKATARATNAM (Tenali) : Mr. Speaker, Sir, we extend our qualified support to this Bill. Even though the idea of defection came to the Congress Party in 1967 by way of a Private Bill, the report of the committee headed by Mr. Chavan was submitted in 1969; from 1969, for long 15 years, the Congress failed to get this Bill through. Even though it is too late, the Congress (I) for the first time, got a good name.

As an advocate, I have got some doubts about this Bill. Is it not hit by Articles 19 and 103? Article 19 refers to protection of certain rights regarding freedom of speech, etc. Article 103 refers to a decision on questions as to disqualifications of members. In Article 103, the authority is given to the President to decide the matter in consultation with the Election Commissioner.

Now, in this Bill, the Speaker and the Chairman, whoever it may be, is the authority that decides, about it. Is there not a contradiction between Article 103 and the provisions of this Bill? It is to be clarified by the hon. Law Minister. Instead of going through this difficult task of amending the Constitution, will it not be easy for the government to amend the Representation of the people Act, because it disqualifies a member for corrupt practices? There can be no more corrupt practices than promising one thing to the people and doing another thing, elected from one party and joining the other party. Then you kindly see section 6, section 7, section 8 (a) and section 11(a). So, I would venture to suggest to the Law Minister, why can't he amend the Representation of the people Act? The Constitution has been accepted by the earlier legislators, the government can avoid amending it.

The authority is given to the Chairman and the Speaker to decide about this. I welcome it. On receipt of the report from the leader of the party—we are going to discipline the party, not the House—the Speaker goes into the matter. Again Article 103 comes into effect. So, I would like to remind the hon. Minister to think over this matter.

[Translation]

SHRI BHARAT SINGH (Outer Delhi): Mr. Speaker, Sir, I rise to support the Bill introduced in the House today and I am thankful to our Prime Minister, Shri Rajiv Gandhi that this anti-defection Bill has come up in the House. Debate on this Bill is going on since morning. There are no two opinions about it that the electorate used to feel very bad about the members who used to cross the floor after having been elected and the electorate used to ponder as to what type of members they had elected who betrayed them and joined another party, but elected representatives used to neglect the people because of their greed and personal interests. They thought of benefiting themselves somehow or other; they used to indulge in defections for their personal benefit. We are discussing this Bill to check defection. I want that this Bill should be passed with overwhelming majority and no loopholes should be left in it.

There was a reference to Jammu and Kashmir just now. We know that there was an infighting in their party and in this infighting the group at relatively less fault was given support. Therefore, they, who were involved in infighting are themselves to blame. They should have taken care of their party. They should have run their party properly. None else is to blame for it.

Another thing I want to say is that with the passing of this Bill, defection would be checked, entire corruption will come to an end and the nation would be strengthened. At the same time, I would also like to add that there should be a check on a party frequently changing its nomenclature sometimes to Lok Dal, sometimes to D.M.K.P., then B.K.D., Janata Party and Bhartiya Janata Party. The question of such parties merging into one party and fighting election with one symbol should also be settled.

I thank you for giving me time to speak and hope that the country will benefit from this measure. I am also quite thankful to our young Prime Minister for this.

[English]

SHRI CHINTAMANI PANIGRAHI (Bhubaneswar) : Sir, I am grateful to you that you have given me this opportunity to participate in this debate. Sir, I am happy and I stand to support and welcome this Bill which has been introduced in this House during the first session of the Eighth Lok Sabha.

I am reminded of the poetry of a great poet, Robert Frost :

Two ways lead into woods

I take to the road least travelled

and that makes all the difference.

Sir, there are countries in the world which have accepted democracy, but they have not accepted socialism as their way of life. There are countries in the world which have accepted socialism but not democracy as their way of life. It is only India which has accepted both democracy and socialism. This is the unique path that India has chosen and we are trying to achieve this goal of establishing a democratic society and socialist order of society. In this process it is very much necessary that we uphold the democratic values and democratic institutions. Thus it has been established and it has trickled down into the vitals of our political and public life to continue democracy. It was necessary that this defection should have been stopped. But during all these years, though efforts were made, they had not succeeded in bringing in this legislation till today.

We are very happy that the Prime Minister, Shri Rajiv Gandhi had tried to achieve a kind of consensus—rather he has taken a rational attitude towards this Bill. He has consulted all the Opposition parties again and again and he has also obtained consensus in the party itself. This shows that the Indian National Congress which stood for democratic way of life, has done its best after it obtained a massive mandate by bringing this Bill. I am very happy that

[Shri Chintamani Panigrahi]

everybody concerned has welcomed it. I hope that the consensus of the Opposition will be utilised. I am happy that the Clause 2(c) has been removed—it has been deleted—as the hon. Law Minister has told the House just now. Therefore, it is a non-controversial Bill and I hope everybody will accept it and without any criticism or amendments it would be passed. But here, I would like to submit that this kind of defection has become rampant, only after 1967, though some members are saying that it started earlier. But it became rampant why? The Indian National Congress had the majority all through till 1967 both in parliament and State Legislatures. It was only in 1967 when the rightist opposition and leftist opposition combined together though having different ideologies and yet only one common programme i. e. to oust the Congress party out of power, that this malady became so acute. I am very happy that at least all political parties today have agreed that we shall have to adopt this Bill. The Bill is before the House and it would be adopted by the House. Therefore, I extend my whole-hearted support to this Bill.

SHRI S. JAIPAL REDDY (Mahbubnagar) : I rise to extend my warm welcome to this historic Bill though I have some reservations on certain clauses of this Bill

MR. SPEAKER : Some reservations even after the consensus?

SHRI S. JAIPAL REDDY : Yes, Sir.

My leader, Prof. Dandavate, has rightly pointed out in the morning that this would be a fitting tribute to the revered memory of Mahatma Gandhi and Lok Nayak Jayprakash Narayan. I may add that it will also be a fitting tribute to the memory of Acharya Narendra Dev, because he had voluntarily resigned his seat in the Legislature following his resignation from the Congress party.

The malady of defection, as has been rightly pointed by our Law Minister, has been deeply afflicting the Indian democracy for the last two decades particularly. According to the

keynote address delivered by the Election Commissioner in 1983, between 1967 and 1983 there were 2700 defections and 212 defectors had become Ministers and 15 Chief Ministers. Since morning we have been listening to the phrase of Ayaram and Gayaram. That is an out-dated phrase. It is now Ayalal and Gayalal. Both the Lals and Rams found their birthplace in Haryana.

Fortunately, we have Shri Ashok Sen, a leading jurist of our country, as our Law Minister. So, I would like to know whether clause 6 is within the legislative competence of our Parliament. If you go through clause 6, the procedure suggested therein is summary. It is almost analogous to Preventive Detention Act. If you refer to clause 6(2) the decision of the Speaker will be deemed to be proceedings of the House. I welcome the ouster of the jurisdiction of the courts under clause 7. When clause 7 is there, I would like to know whether clause 6 (2) is required. In my view, clause 6 (2) would violate the core of the Constitution, the basic theory of the Constitution, which has been propounded and enunciated by the Supreme Court in Both Keshavananda Bharati case and in Minerva Mills case. Therefore, I would like the Law Minister to throw some light on this aspect.

Coming to clause 2 (1) (c), I am really happy that the Leader of the House and the ruling party were good enough to agree to delete it. So, I do not want to spend more time on that.

So far as clause (2) (1) (b) is concerned, it should be so amended as to confine itself to money Bills, it should not be extended to cover all kinds of Bills. So, I would request the Law Minister to have another look at it.

I am happy that a provision has been made in regard to split. But split should not be allowed to take place for personal gain to members of the break-away group. Many hon. Members have referred to the recommendations of the Y. B. Chavan Committee. That Committee had made a recommendation that a Member quitting his original party should not be allowed to occupy any ministerial office for at least one year. In Jammu and Kashmir

the split has taken place in the National Conference. What is the result? All the 14 members, who quit the National Conference, have been made Ministers. This Law would not be applied with retrospective effect. So, it will not cover such cases... (*Interruptions*) Therefore, a provision must be inserted in the Bill to see that members of the break-away group would not be allowed to enjoy any ministerial position for at least one year.

I have one more point in regard to split. Logically speaking, no ideological split can be confined to a single House. Such a split is not horizontal; it is vertical. It encompasses both Houses of Parliament and a number of State Legislatures. I am not referring to the recent split, because it is highly controversial. I am referring to the split in the Communist Party in the mid-fifties and mid-sixties, which were genuine ideological splits. In both those splits, the number of Members in the break-away group in the State Legislature, did not form one-third of the group. Take our own Parliament. While in Lok Sabha a break-away group may have one-third of the members, they may not be one-third in the Rajya Sabha. In such cases, are they to lose their seats? Therefore, the concept of split should be so defined as to cover all the legislatures in the country. I would request the Law Minister to have a look on this point.

Coming to the authority, I am of the considered view that the procedure laid down in article 103 would suffice. I do not want the office of the Speaker to be involved in this Bill at all. Sir, I hold you in great esteem. I am sure, you are not interested in assuming this onerous responsibility.

MR. SPEAKER : I am not enamoured of it at all.

SHRI S. JAIPAL REDDY : There are speakers and Speakers. In the Andhra Assembly we had one Speaker, who himself changed his party. He framed a rule that only the identity card issued by him will be valid. Therefore, we have Speakers and speakers. To involve Speakers in this business would be a highly dangerous business.

Secondly, the Speaker should not be assisted by any of the Committee of the House. To leave such a grave matter to the individual's discretion of the Speaker is dangerous. Apart from the personality of the Speaker, what is the position of the Speaker? Speaker is always at the command of the majority party in the House.

MR. SPEAKER : That is absolutely wrong.

SHRI S. JAIPAL REDDY : How is it wrong? I will explain my point. I did not mean to cast any aspersions.

MR. SPEAKER : Before making a Speaker, it might be in the hands of the ruling group because they are in the majority.

SHRI S. JAIPAL REDDY : But he can be thrown out.

MR. SPEAKER : Yes, he can be thrown out. But as long as one sits on the Chair, he is supposed to uphold the good traditions.

SHRI S. JAIPAL REDDY : When the Speaker's position is undependable, how can we leave such a delicate matter to the office of the Speaker? The majority of the House is commanded by the ruling party. The majority in the ruling party is always commanded in terms of the ruling clique of the ruling party. In the ultimate analysis the Speaker is at the command of the ruling clique of the ruling party.

MR. SPEAKER : You are trying to cast aspersions on the Chair, Mr. Reddy.

SHRI S. JAIPAL REDDY : No,

SHRI K.P. UNNIKRISHNAN : He is talking of the Office of the Speaker.

SHRI S. JAIPAL REDDY : You are an exception to the rule, Sir. As an exception, you are the charm of the rule. I can say that we have only one Bal Ram,

[Shri S. Jaipal Reddy]

We do not have so many Bal Rams in all the State Legislatures. They are the Aya Rams and Gaya Rams, not Bal Ram. Therefore, you have to have that into consideration. My plea is ..

MR. SPEAKER : I am very thankful that you have projected me in such a way, but there are other Speakers in the country. That might cast aspersions on them. Let them live up to their reputation.

SHRI S. JAIPAL REDDY : But I can refer to the role of the Speaker. Our National Conference friends would not object to that. They know what happened there. Therefore, we must keep such Speakers in view when we legislate that. We must also keep that class of Speakers in view. Therefore, I am of the considered view that when the procedure lays that down, the Law Minister should agree to our proposal for the formation of a Judicial Committee on Disqualifications, which could against the Speaker in the matter.

[Translation]

SHRI RAMASHRAY PRASAD SINGH (Jahanabad) : Mr. Speaker, Sir, the Bill which has been brought here is being termed both by the ruling party and the Opposition as a historic Bill. This Bill does not make any difference to a person like me. It has been brought at a time when the situation has started worsening. The need to bring this Bill has arisen because Members have started defecting and this has caused instability in politics.

I was a Member of the Bihar Assembly in 1967. At that time the Congress Party tried its best to bring down the SVD Government by offering money and allurements of office. I was also offered an allurements but I did not fall victim to the same. This Bill has been brought for those Members who fall victim to allurements and cross the floor. This Bill is a courageous step. In addition to this, our young Prime Minister has taken another historic and bold step that the persons who have been rejected by the people, i.e., who have been defeated in the election for Lok Sabha have been allowed to become

Members of Rajya Sabha extraneous on considerations. Is it not a bold step ? I would, therefore, like to thank our young Prime Minister that he is not allowing such persons who have been rejected by the people to remain outside Parliament !

17 36 hrs.

[SHRI SHARAD DIGHE in the Chair]

SHRI YOGESHWAR PRASAD (Chatra) : Mr. Chairman, Sir, on this day of the death anniversary of the Father of the Nation, Mahatma Gandhi, a new measure has been brought here and it is a very commendable step. During the discussion today, both the ruling party and the Opposition have supported the Bill. It would have been appropriate if the Opposition had availed of this opportunity and brought this Bill before the House. They would have got a pat on their back for this.

It is true that during the discussion today, the Opposition Members supported the Bill but they also gave vent to their feelings of opposition to the Bill, though it became clear that their opposition was weak.

Mr. Chairman, Sir, the representatives of the people are given high regard and their office is considered respectable but today in public life, their name has become an object of ridicule. The character of these representatives of the people was deteriorating and it was necessary to curb this trend.

In Indian politics, Mahatma Gandhi was the first person who advocated high character and said that the representatives of the people should be of high character so that the people at large could follow them. This had become a casualty. But today our Prime Minister has made a new attempt which has inspired the people afresh and common man has appreciated it very much. Whenever, during elections, we go to the people, there is an apprehension in their minds whether the person they were going to elect would come up to the ideals he had

been professing for and would be able to fulfil the promises he had made in his manifesto. People are happy with this Bill and they are feeling strong. We are gradually making the nation feel that we are going to create a clean atmosphere in the country. This work should be done with the cooperation of everyone and should be welcomed by everyone. I felt sorry when my friends from the National Conference made certain allegations which created an impression that they themselves were not strong and as if it was the responsibility of the Congress Government to run their Government. There was a time when they had come to power because of the Congress Government but their deeds have brought them to this position. And as such who is to blame for this? Our Telugu Desam friends have tried to criticise in some other way. They also tried to criticise our leader in one way or the other. They have made this Amendment the basis of their criticism. This Amendment gives the right to say correct things within and outside the party. Mahatma Gandhi had said :

[English]

If the world goes against the Truth, I will go against the world.

[Translation]

He was a staunch supporter of Truth. A party should allow its members to say right things. This will give strength to all members. With these words, I support the Bill.

[English]

SHRI D. NARAYANA SWAMI (Anantapur) : Mr. Chairman, Sir, when I see the election of hon. Members on the opposite side on the introduction of this Bill, I wonder what to say on it. For the last 35 years, there has been toppling game encouraging defections. On account of all that, it is everybody's knowledge how even in our society there is moral degradation, in every walk of our activity. The son rebels against the father; the wife has taken in a large measure to behave unreasonably towards the husband; the brother fights against his own brother; the brother-in-law rebels against his

own brother-in-law; the son-in-law rebels against the father-in-law and all that.

All this, I must say, is on account of the non-practising of healthy values of democracy by the ruling party. There is a saying in Telugu, "As the king, so is the people". If the king practices moral values of life, upholds dignity, chastity and every other virtue then the people also will practice all that. But, on the other hand, if the king behaves in the opposite manner, the people will also behave in that manner.

So, in this way, they have no right to feel so elated on the introduction of this Bill. Having damaged the Indian polity for so long a time, perhaps, they thought at this juncture at least, if they do not move in that direction, there will be greater damage and they have awakened at least now. Anyhow, I feel happy that this Bill has been introduced. But I must say that it does not satisfy the Telugu Desam because the game of toppling can be easily continued even now. It does not prevent it at all. It is only a half-hearted measure because even if a person is disqualified, afterwards he can get elected to the other House, the Council, or the Rajya Sabha, or some such thing, or some other position can be given to that person. It is only a half-hearted measure which does not really go to help to prevent defections and bring cleanliness and put health into the Indian polity.

The second point is about the splitting of the 30% voters. This is one way of encouraging defection. You should not allow splitting at all. If they split, let it be by majority vote. If one man defects, he incurs disqualification on the ground of immorality and unethical behaviour. In that case, if 30% of the voters split, would it not be unethical? On what ethical ground, on what principle, can we say that splitting can be allowed? As Telugu Desam Members, we object to this splitting also.

There should be no splitting at all in this country. Whoever defects should be disqualified.

[Shri D. Narayana Swami]

Therefore, I think that this measure is only half-hearted. It will not prevent defection to the full measure. We heartily welcome a measure which would prevent defection completely. Whatever it may be, for the present, we do welcome such a measure.

SHRI BRAJAMOHAN MOHANTY (Puri) : Sir, this Bill introduced by the hon. Minister for Law is commendable and I congratulate the Government and the new Prime Minister for the bold step they have taken.

Cleanliness in public and political life is very much necessary. But the problem is it is not that easy as we think. Simply by amending the Constitution and by introducing disqualifications, we cannot achieve our objective. We can achieve our objective if the public opinion is built up and if popular upsurge is created so that we can clean the public life.

As a matter of fact, politics was never considered an honourable profession. As the saying goes, it is the last resort of the scoundrel. But here in India, we have established a different heritage, a very commendable tradition of suffering and sacrifice in politics. It is the saintly people, the noblest of personalities who led the political movement in this country. Those noblest personalities led the political movement in our country and we introduced a new definition of politics here. They have built up noble heritage in the past and today we are attempting to stabilise the democratic system in the country.

The Prime Minister's efforts are directed towards not only cleaning the public life but also to stabilise the democratic system in this country. The democratic system itself is not a perfect system. But it is the best available system. Not only our country, but all the democratic countries of the world including the United States of America and the United Kingdom are confronted with problems now a days. They are also struggling for their existence and for stabilising the system. Therefore, the democratic form of Government is never considered a perfect system of Government. But, as I said, it is the best available form of Government. Human element is necessary to make it successful.

So far as this amendment is concerned, I should say that it will go a long way to stabilise our system of Government and to clean our public life.

We have to remember that political consciousness and popular mandate were reflected in the last general election and if that continues, politics will remain clean. Why could not this Bill be passed earlier ? Why did the Government and the Opposition parties and everybody agree to this broad proposition only today ? It is because the popular consciousness is now clearly in its favour.

I was listening to the comments of the opposition Members. I did not like them. I was feeling restless on this account.

We have now introduced this Bill. Let us all cooperate to stabilise this democratic system.

What is happening in the United States of America ? Both the Republican party and the Democratic party make a commitment to the people during every election that they would clean the White House. But how far has it been cleaned ? It remains in the same unclean condition.

That is why I say that it is a great task. Our Prime Minister deserves congratulations by the nation. By this process, he is trying to stabilise the system and we all should cooperate.

So far as this Bill is concerned, I want to point out one or two inadequacies in the Bill which the hon. Law Minister should take care of.

About merger, my submission would be: why should you allow merger of political parties which do not have, by and large, broadly, common features in their election manifestoes ? The merger should be allowed only where the election manifestoes of the respective political parties contain similar broad features and similar promises to the electorate. Otherwise, it will be an act behind the back of the people, it will be a

deal which should not be tolerated by us. Therefore, my submission would be that, unless the election manifestoes of the different political parties, those who desire to merge, contain broadly similar features and they also agree, the merger should not be allowed, the merger should be considered as a disqualification and they must be compelled to go to the people again. My submission would be that the Law Minister should consider this. This is the first Bill of this nature, and the inadequacies should be removed in due course.

Another apprehension of mine relates to interference by the courts in the functions of the Speaker under this statute. As you know, the privileges of the House, the internal sovereignty of the House, is being interfered with by the courts very often. What will happen if, after the Speaker takes a decision, it is questioned by the courts?

Another apprehension of mine would be whether it will stand the test of the Constitution. The limitations of this august House in amending the Constitution have been enumerated by the Supreme Court. I would like that the Law Minister should enlighten the House that the Bill will stand the test of the Constitution and, particularly, that the Speaker's functions under this statute will not be interfered with by courts.

With these words, I once again congratulate the Government for bringing forward this Bill and I support the Bill.

SHRI V. KISHORE CHANDRA S. DEO (Parvathipuram) : Sir, I rise to welcome this Bill which has been introduced in this House after years of discussion and deliberation. We welcome this Bill more especially because this has come at a time after we have seen the spate of political events in the last couple of years involving politics of defection and opportunism.

I would first like to congratulate the Minister for Law and also the Prime Minister for having agreed to eliminate or remove Clause 6, sub-clause 2(1) (c), from this Bill. As I understand, this Bill was

intended to prevent defections and not to control the activities within a political party. This would have been the most Draconian measure if this particular clause had been included. I congratulate the ruling party and the Prime Minister for having agreed to remove this.

This Bill has been brought after long years of deliberation, especially when our body politic was being eaten away and destroyed by the events that we have seen. All that I would like to mention is that this Bill alone is not enough to cleanse our politics from what has been happening. If a person leaves a political party and joins another or if an independent joins a political party, he would lose his membership of the House. But here a provision has been made that, if one-third of the members of a political party decide to leave a party even for reasons which are opportunistic, they will not be considered defectors. Now, what is the purpose of this Bill? It is to prevent unethical politics or opportunistic politics of a Member leaving one party from which he has been elected and joining another party. If one individual does it even for genuine reasons, for ideological reasons, he would lose his membership of the House. But when a larger number of members choose to do so, they would get sanctity as per the provisions of this Bill. This is a lacuna which exists in this provision which is made for a split. I know in a democracy, well, a split can take place. But a split can be due to various reasons. We have seen what happened in recent years in Jammu & Kashmir, in Andhra Pradesh in Sikkim and in many other places. Some of these could be called splits because more members were involved in them. But when we look at it in the proper perspective, these were nothing else but defections done on a mass scale for capturing power or position, whatever the reason may be.

Clause 6 which involves the Speaker directly regarding expulsion of a member from the House, I would personally feel that instead of involving the Speaker in this kind of a matter which could be controversial the Law Minister could accept the suggestion that there should be a committee, an elected committee of the Members of the House where there need not necessarily be a party

[Shri V. Kishore Chandra S. Deo]

whip. There can be a free election and there should be a committee of elected members chaired by the Speaker which can decide the matter. There have been several cases—I do not want to quote them—where members even in the House of Commons which is known as the Mother of Parliament, have voted against the party whip, after getting permission from the party. Though this restriction can be made as far as censure motions or money Bills are concerned, I think in extreme cases provision should be made where a conscience voting can be allowed to a Member after taking permission from his party. I would urge upon the Law Minister and the Prime Minister since he is present here, to kindly consider this and include this provision as part of this Bill so that dissension made by a member would not lead to his becoming victimised as a defector.

I just wanted to make these few points. Once again I would like to congratulate this government for having brought forward this Bill in whatever limited manner it is. This, as I said, can only be a beginning and can only partly control the kind of politics that has been going on, but moral standards will have to be evolved in course of time. With these reservations I support this Bill.

SHRI K. RAMACHANDRA REDDY (Hindupur) : I rise to welcome this Bill. It is a measure which should have been brought a long time back. Anyhow better late than never. I appreciate the Government bringing this measure.

Although I agree with the spirit of the measure, I would doubt about the form and content of the Bill. When we bring a Bill of this type it is likely to be taken to the court and considering the various provisions in the Bill, I am afraid it is likely to be struck down by the court as *ultra vires* the Constitution.

About defection from a political party, nowhere has it been defined what a 'political party' is. So to say who is a defector or who is not a defector cannot be judged easily.

This Bill places a number of constraints on freedom of speech, freedom of

expression and freedom of association. When such a thing is there, it offends the provisions of Art 19 of the Constitution like freedom of speech. Section 19 guarantees freedom of speech, association and expression but they are not saved by Section 19 (2) (a). So, there is possibility of courts interfering in this measure. What is the use of passing a legislation without taking care of all these things?

18.00 hrs.

Secondly, the Bill does not make a distinction between genuine dissent and defection. Naturally a defector has to be punished but not a man who makes genuine dissent.

Thirdly, the Speaker's role here is one which somehow I am not able to agree. Speaker is supposed to be a man who is above party and above controversy. This bill brings the Speaker's role into a controversy and the speaker is expected to decide who is a defector or who is not a defector and give a judgement over the defectors.

In our Constitution we are gloating over the fact that we have got an independent judiciary, independent executive and independent legislature but now the legislature has been asked to assume the functions of judiciary. Same is the case with the Speaker's role which has been thrown in controversy. It is not a good provision. Some other agency should be thought out to decide whether a man has actually defected or not defected.

Speaker is now expected to take action *suo motu*. It should not be left to the discretion of the Speaker. It should be the party leader who must make a report to the Speaker that his party man has defected and then the Speaker can remove the person.

Lastly the privileges given to the Speaker should not be given to the Deputy Speaker because the Deputy Speaker is a member of the House and takes part in the deliberations of the House. He takes part in voting and is not expected to resign from the party. As per convention the Speaker

has to resign from the party. So, both of them should not be equated. The very same provisions given to the Speaker should not be made available to the Deputy Speaker.

As far as Sections 6 and 7 are concerned the courts will play a big role in trying to say that the provisions in the constitution have been violated. So, I request the Law Minister to consider Sec. 6 and 7 and see if there can be strict scrutiny of law. If these provisions do not stand the scrutiny of law the Act itself will become infructuous.

I thank you again for giving me the opportunity to speak on this Bill.

[Translation]

SHRIRAM PYARE PANIKA (Robertsganj) : Mr. Chairman, Sir, I am very grateful to you for giving me an opportunity to speak on this important Bill. I have listened to all the Members who have spoken from this side and from that side. It is a historic Bill because when Mr. Dandavate was speaking, he became very sentimental and said that this Bill was coming up on the day of Gandhiji's death anniversary. He also said that it would be a memorable event in the history of the Congress because this Bill was being brought in the centenary year of the Congress. Hon. President had also made a mention of this Bill in his Address and it is a good thing that this Bill has been brought forward in this very session for which I congratulate the Government, the Prime Minister and the Minister of Law. There was some minor controversy in the Bill which has since been removed. It is in accordance with the traditions of Congress Party which have been in existence from the time of Pt. Nehru. I would like to mention one or two things. So far as merger and split are concerned, the number of members specified in the case of merger is on the higher side, whereas in the case of split, the number specified is one-third. I am of the view that the number in case of split should be more than half. The hon. Minister is in agreement with the

view that if the ideology of political parties is identical and they have expressed identical views in their respective manifestoes, only then merger and split should come into the picture. If issues placed by them in election are different, if their programmes are different and merger and split are allowed then it would be a fraud on the people who have voted for us.

Today, an atmosphere has been created in which some political norms will be observed. As regards the demand by Members of the Opposition for withdrawal of the Bill passed in Jammu & Kashmir, the Supreme Court has already given its verdict that it is not defection, but it is a split. Choudhary Charan Singh is not present in the House today. I remember that black day of 18th March, 1967. I would like to congratulate the people of India, who have rejected those who indulged in defections and changed their ideology. Their number has been minimised. There are only two or three such Members now. Two of them belong to Jana Sangh and three to another party. Out of 338 defections, 210 defections took place for getting ministership only. The people who believed in morality and did not believe in opportunism were confronted with a situation where they had to decide whether the sole purpose of politics in India would be to grab power or it would be based on some ideology. I am happy that Government have brought forward this important Bill to put an end to politics of opportunism.

This Bill should be passed unanimously, keeping in view how democracy was established in India.

I again congratulate the Government and conclude my speech.

18.06 hrs.

[Mr. SPEAKER in the Chair].

*SHRI P. APPALANARASIMHAM (Anakapalli) : Mr. Speaker, Sir, we are discussing anti-defection Bill today. Really it is

*The Speech was originally delivered in Telugu.

[Shri P. Appalanarasimham]

a historic event. Since 1969 we have seen how the dissidents have crossed the floor, utterly disregarding the verdict of the people causing the collapse of many a State Government. These dissidents, forgetting the fact that they are the elected representatives of the people and that they have been elected to the State Legislatures to carry on the Government for five years, have changed their loyalty for power and pelf. Now that is a sad chapter in the history of India. So, Sir, we have been seeing many State Governments falling due to the defection, by dissidents. So in order to curb the menace of defection, the Janat Party Government at the Centre made a bold attempt during 1978 and 1979 to bring forward anti defection legislation. Unfortunately they could not succeed. So also, in my own State of Andhra Pradesh our party under the leadership of Shri N.T. Rama Rao has passed a resolution and forwarded the same to the Central Government to take immediate steps to curb defection. Our young and dynamic Prime Minister, Shri Rajiv Gandhi has now come forward with this Bill. I laud his efforts. I congratulate him for taking the bold step to bring forward this legislative measure. Sir, I want to point out one thing in this connection. Our beloved leader Shri N.T. Rama Rao has asked us to extend our sincere cooperation in all good measures taken up by the Union Government and Shri Rajiv Gandhi and oppose any injustice vehemently. This is the fundamental policy of Telugu Desam party.

Sir, it would have been better had we accepted the entire Bill as it was presented to this House. But it is unfortunate that clause 2 (1) (c) of the Bill is going to be dropped. This is not good. People would have welcomed the Bill wholeheartedly with clause 2 (1) (c). But by omitting Clause 2(1) (c) of the Bill, I am afraid the situation may revert back to the old position where legislators can shamelessly cross the floor. Sir, this august body knows too well the sufferings we had undergone very recently in our State due to mass defection. Many hon. Members belonging not only to my party, but also other parties like Janata know only too well how our Government was pulled down in the State. Hence I request you Sir, and through

you this Parliament, to reconsider the decision of omitting Clause 2(1) (c) of this Bill. Kindly do remember what has happened in our State last August and earlier in Jammu and Kashmir. How many lives have been lost and property worth forty crores has been destroyed. Nearly 30 people were killed. It was all due to the large scale defections which had taken place in these States. Hence once again I request you to adopt the Bill in its original form without omitting Clause 2 (1) (c). Is it justice to take cognisance if one member crosses the floor and ignore if 30 members switch their loyalty? Defection is a defection whether one crosses the floor or 30 people do it. It is better to abide by majority decisions in instances when there is a difference of opinion in the party. So ignoring or condoning 30 per cent of the members switching over their loyalty is not good. Otherwise I am afraid it may lead to some unhappy events in our State Legislatures by omitting this clause 2(1) (c). Programmes etc. will be formulated and carried out outside the Parliament or State Legislatures where there can be some difference of opinion. So once again I plead for the retention of clause 2(1) (c) as envisaged in the original Bill. Then only we can do justice to this anti-defection Bill. Only then, the State Governments can function for full term without the fear of collapse due to defections and work for the progress of the people.

I thank you very much for giving me an opportunity to speak on this epoch-making Bill.

[English]

PROF. KAMSON MEIJINLUNG (Outer Manipur) : I am glad that you have given me an opportunity... (Interruptions)

MR. SPEAKER : Yes. We always encourage new-comers.

AN HON. MEMBER : He might be pulling your leg.

PROF. KAMSON MEIJINLUNG : You have given me an opportunity to speak in the last hour of the last day of the Session. I would like to mention here that out of the 508 Lok Sabha seats declared, my

result was the last to be declared. Also, I have been allotted seat at the last end of the Chamber here perhaps because I come from the last State at the Eastern end of this country. Anyway, I am very happy that I have got this opportunity to speak. I rise to support the Constitution (Fifty-Second Amendment) Bill, 1985 which is now popularly known as the Anti-Defection Bill. I share the views of many Members who have said that this Bill is a historic one. I also believe that this Bill will remain as a landmark in the history of democratic India, because this Bill is likely to restore the true spirit of democracy, and the values of democracy which have been eroded by the ills of defection. Now we are putting an end to the evil practice of defection; and it is very likely that a clean political habit will come to our country.

It is also a happy coincidence that this year marks the Centenary year of the Congress party. In this year, our Prime Minister is going to clean the Congress Party as well as other parties through this Anti-defection Bill.

This Bill is going to restore many democratic principles. In every election, when we go to the electorate we make promises about our ideology and our allegiance to a political party. As soon as the election is over, some people forget this and start defecting. It is a betrayal of the electorate. It cuts at the root of democracy, in which people have faith. So, I say, that this Bill will result in the restoration of the true spirit of democracy.

Some Members who had spoken earlier said that defection came to this country in 1967 when Congress was losing. I would like to say that this is not a fact. Defection is a juvenile characteristic of all democratic countries, because there are some records in history, even of Western democracies, whether it is United Kingdom or United States, indicating that there was defection in the 18th or 19th century. But in course of time, the electorate as well as the legislators became mature, and they saw through this game of defection. We can also wait for the time when we will mature and free ourselves from this juvenile habit. Anyway, we are lucky

that our Prime Minister has put an end to this now.

Secondly, this Bill will check instability of the Government arising due to the threat of defection. This threat is more real in the north-eastern States where the members of the legislatures are fewer in number. In the smaller states such as in Mizoram, Nagaland, Manipur, Tripura and Arunachal Pradesh, where there are only 60 members, if five wayward members come out and pose a threat to the Government it naturally becomes unstable. When this instability comes, the attention of the member is diverted to the maintenance of the Government. Attention is taken away from development of the State, and diverted to the continuance of the Government. So, this Bill will ensure that more attention is given to developmental activities.

Thirdly, I would like to refer to the institution of recall. Since 1975, if I am not mistaken, elder statesmen and politicians have been talking about recall. That is they desire the institution of Recall of the legislator. But I think Recall will not serve the purpose as good as the Bill of to-day will, because whenever pressure is put by the electorate on a Member, he starts losing his own free judgement, for fear of being recalled. The legislator would be dancing to the tune of the changing mood of the electorates. Therefore, the quality of the representatives will go down and they cease to be representatives, rather they become delegates. This House is not deemed to be a House of the delegates, it is meant to be the House of the representatives. We are supposed to have our own judgement on every issue with national perspective. So, if due to this institution of Recall, we are put under the pressure of the electorates whose mood may be changing every time on every issue, then, certainly members would lose their independence of judgement: I mean the quality of the representatives will go down. Therefore, this Bill is better than that recall of which I have been taking

Now, I would refer to section 2, Clause I, sub-clause 3 of the Bill under discussion. I think the Prime Minister has risen to the occasion in time. This particular clause was

[Prof. Kamson Mijinglung]

drafted in such a way that it deserves to be dropped out of the Bill. I am thinking from the angle of democratic principle because the hon. members of the House as well as members of the state legislatures are elected by the people who are, according to the principle of democracy, their fundamental sources of power and the basis of the constitution. These people elected us. But why should the legislators elected by the people be subjected to expulsion by a single Chairman or President of the party? If that goes on, the party may as well expel also a very good representative, for personal prejudices on some pretext. Therefore, that risk should not have been taken, and I think our Prime Minister has taken to the point of dropping clause 2 (1) (c).

What would be the position of the elected members if their party is dissolved by themselves unanimously? Can they retain the membership in the House? (*Interruptions*). In the case of a political party which has set up a candidate and that candidate gets elected due to some activity of the party, that party's aim is declared outlawed. After that, what would be the position of the members, because it is not the fault of the members: it is due to some activity of the party which may not be responsible to the members? In that case, after outlawing of such parties, what would be the position of members?

Lastly, I will come to the question of an alternative party in Indian democracy. Everybody knows that without a good alternative party democracy is not successful. However it is unfortunate that there is no such big party in India even after 35 years of our independence to counter-balance with the Congress-I Party. For the first time, they would have a chance and a situation in which they would develop themselves into a single party; if so, we are coming closer to the parliamentary system and the two party system prevailing under the democratic style of the United Kingdom or America. We cannot go to the monolithic and authoritarian style of the socialist countries; that we may not like here because the basic structure of our Constitution does not permit that style of party system. We are very much akin to

the style of the United Kingdom. Now, this Bill gives incentives rather creates a situation for the opposition parties to get themselves unified and form an alternative party. And in this respect I should say that our Prime Minister is daring enough in taking risks in the interest of democracy and for the sake of the country, though he knows that if this Bill be passed or if this Act comes the Opposition is likely to become unified. Still, for the sake of democracy he has done it. He has succeeded in bringing forward this Bill, and he has persuaded our party to fall in line with it, the best traditions of democracy so that the future of the country may be set in the right course.

MR. SPEAKER : Shri H.M. Patel.

18.26 hrs.

SHRI H.M. PATEL (Sabarkantha) : Mr. Speaker, Sir, I am very much grateful to you for calling me even at this late hour.

MR. SPEAKER : Hour is never late, Sir.

SHRI H.M. PATEL : I want to mention only two points. One is, I do not understand why splitting, when a party splits, that is exempted from the provisions of this Bill. When one person defects that leads to his disqualification, but when you have a large number of people going out together, then that is not defection.

MR. SPEAKER : Have you heard the people in political science saying, "Power corrupts; and absolute power absolutely"?

SHRI H.M. PATEL : I understand all that. It is perfectly true that opportunism has always been there. I am glad the Prime Minister has brought in this Bill. He deserves our congratulations, as well as the Government deserves congratulations. Nevertheless, when a right thing is proposed to be done, it might as well be done fully in a comprehensive way. And in that view when a group of people defect, they also should be regarded as having defected.

PROF. N.G. RANGA : No

MR. SPEAKER : Hon. Prime Minister.

SHRI H.M. PATIL : 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 suspicion 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.

I remember when the Pakistani attack came in 1971 and Indira Gandhi gave a clarion call to the nation again to rally round, this nation did rally round and amidst the clash of arms it responded to the call of the nation.

So, again today the consciousness of our democracy and our duty to the national call has brought us all together to support the Prime Minister in the pledge he gave immediately after he came and took over the administration of this great country, that this Bill will be a reality after all. And so it is a reality.

Only a few words have to be stated by way of clarification because some misapprehensions have been expressed on this Bill, not that they are opposing the Bill.

Our friend from Kashmir asked what about the Kashmir Bill. Kashmir has its own Constitution and we cannot amend that Constitution. We are amending our Constitution; and if you choose to amend your Constitution, follow our example and do so quickly because your Bill has not been as perfect as it could have been. Your fights in the courts have shown that the split that was accepted there was not a one-third split. Therefore, try to follow this law and make it a better law.

PROF. SAIFUDDIN SOZ : In order to enable us to improve on that, you kindly withdraw your support to the Jammu and Kashmir Government.

SHRI A.K. SEN : That is for the Prime Minister.

SHRI ABDUL RASHID KABULI : We want you to cooperate with us in amending the Constitution of the State.

PROF. SAIFUDDIN SOZ : We want you to withdraw your support to the State Government.

SHRI A.K. SEN : If you have not seen the clear writing on the wall, then we cannot help it, Prof. Soz. You might still be myopic in your vision.

Certain other misapprehensions have been expressed about the Election Commission's authority and the Speaker's authority coming into clash. The election Commission's authority is under the Symbols Order where he decides which particular party is to be recognised as a party, which has split and which particular group has to be given that symbol.

We have given the authority to the Speaker over a limited question, namely, has a particular Member resigned or has he disobeyed the mandate of the party without condemnation ?

SHRI NARAYAN CHOUBEY : If the Speaker defects, then ?

SHRI A.K. SEN : That is also there. Please read the Bill. We have provided for that also. This is your difficulty, Mr. Choubey. You are so ignorant yourself that you never read the Bill even.

The other questions are about the Speaker's authority. It was our clear intention from the very beginning that we are not going to allow this matter to be dilly-dallied and tossed about in the courts of law or in the Election Commission's Office. I had myself appeared in the Courts along with late Kanhaiya Lal Mishra Ji for winning our symbol. Babuji is there. He was the President of our party then. We used to go very regularly and Shri Siddhartha Shankar Ray was assisting me at that time. But the time we won back our symbol, it became worthless, because we had already won the election not on a pair of bullocks, but on a cow and a calf. Therefore, that type of delay should not be tolerated any more. We want a quick decision. If this Bill is to be effective, and if defection is to be outlawed effectively, then we must choose a forum which will decide the matter fearlessly and expeditiously. This is the only forum that is possible. With these words I commend the Motion for consideration.

SHRI SUDINI JAIPAL REDDY : I want a clarification.

MR. SPEAKER : If you once start the pandora's box, then it will not end.

SHRI SUDINI JAIPAL REDDY : Sir, I want a clarification.

MR. SPEAKER : I shall now put the motion for consideration to the vote of the House. This being a Constitutional Amendment Bill, voting has to be done by division. Let the lobbies be cleared.

Now, I would request each Member to make sure that he is sitting in his assigned seat. Each Member is required to take special care to record his vote correctly as 'Aye' or 'No' or 'Abstain' as the case may be so that there is no occasion for making corrections. I may briefly recall that as soon as the automatic vote recording equipment is made active on announcement by the Chair—now Division, that is what I will say—a gong sound which is the signal to Members to cast their votes. Each Member has to press the push button switch and then operate one of the three push buttons, for 'Aye', 'No' or 'Abstain'. They are also coloured, namely green for 'Aye' or yellow for 'Aye'—here it is yellow—red for 'No' and black for 'Abstain', according to his choice.

The push switch and the push button must be kept pressed simultaneously until the gong sounds for the second time after 10 seconds. That must be correctly understood.

Immediately after the votes have been recorded by the machine and flashed on the field indicator board, the member who has voted from a wrong seat or whose vote has not been recorded by machine or who has by mistake voted wrongly and desires correction in the result as flashed on the field indicator board should rise in his seat whereupon a Division Clerk will hand over to him one of the four slips as the member may ask for. The member desiring correction may fill in the correction slip precisely and completely in all respects and then hand it over without delay to the Division Clerk. While filling in the correction slip the portions of the correction slip which are not applicable should be struck off clearly.

This is the instruction.

[Translation]

Here is another pleasant announcement. Arrangements have been made for the dinner at 8.00 P.M. in Room Nos. 70 and 73. This is to celebrate the occasion of your using the automatic voting device for the first time!

[English]

PROF. MADHU DANDAVATE : On that also, the Opposition will fully cooperate.

[Translation]

MR. SPEAKER : Today there is unanimity and cooperation in every matter.

[English]

The Lobbies have been cleared.

The question is :

"That the Bill further to amend the Constitution of India, be taken into Consideration."

The Lok Sabha Divided :

18.53 hrs.

[Division No. 1]

AYES

A

Albasi, Shri K.J.

Abdul Ghafoor, Shri

Acharia, Shri Basudeb

Adaikalaraj, Shri L.

Adiyodi, Dr. K.G.

Agarwal, Shri Jai Parkash

Ahmad, Shri Sarfaraz

Ahmed, Begum Abida

Alkha Ram, Shri

Anand Singh, Shri
 Anna Nambi, Shri R.
 Ansari, Shri Abdul Hamid
 Ansari, Shri Z.R.
 Antony, Shri P.A.
 Arunsachalan, Shri M.
 Awasthi, Shri Jagdish
 Azad, Shri Bhagwat Jha
 Azad, Shri Ghulam Nabi

B

Baghel, B. Shri Pratap Singh
 Bagun Sumbrui, Shri
 Bairagi, Shri Balkavi
 Bairwa, Shri Banwari Lal
 Baitha, Shri D.L.
 Bajpai, Dr. Rajendra Kumari
 Balaraman, Shri L.
 Bali, Shrimati Vyjayanthimala
 Banerjee, Shrimati Mamta
 Bansil Lal, Shri
 Barman, Shri Palas
 Barrow, Shri A.E.T.
 Basavarajeswari, Shrimati
 Bhagat, Shri B.R.
 Bhagat, Shri H.K.L.
 Bhakta, Shri Manoranjan
 Bhanu Pratap Singh, Shri
 Bharadwaj, Shri Parasram
 Bharat Singh, Shri
 Bhoi, Dr. Rupasindhu
 Bhosale, Shri Prataprao Baburao
 Bhoys, Shri R.M.
 Bhoys, Shri Sitaram Sayaji
 Bhuria, Shri Dileep Singh
 Bir Sen, Shri

Birbal, Shri
 Birendra Singh, Rao
 Biswas, Shri Ajoy
 Brahma Dutt, Shri
 Buta Singh, Shri

Chandra Mohan, Shri
 Chandra Pratap Narain Singh, Shri
 Chandrakar, Shri Chandulal
 Chandrasekhar, Shrimati M.
 Chandrasekharappa, Shri T.V.
 Chandresh Kumari, Shrimati
 Charles, Shri A.
 Chaturvedi, Shri Naresch Chandra
 Chaturvedi, Shrimati Vidyawati
 Chaudhury, Shri Manphool Singh
 Chaudhury, Shri A.B.A. Ghani Khan
 Chavan, Shrimati Premalabai
 Chavan, Shri S.B.
 Chidambaram, Shri P.
 Chokka Rao, Shri J.
 Choubey, Shri Narayan
 Choudhari, Shri Nandlal
 Choudhari, Shrimati Ushatai Prakash
 Chowdhary, Shri Jagannath
 Chowdhury, Shri Saifuddin

D

Dabhi, Shri Ajitsinh
 Daga, Shri Mool Chand
 Dalbir Singh, Shri
 Dalbir Singh, Shri
 Dalwai, Shri Hussain
 Damor, Shri Somjibhai
 Dandavate, Prof. Madhu

Das, Shri Anadi Charan

Das, Shri R.P.

Dennis, Shri N.

Deo, Shri V. Kishore Chandra S.

Deora, Shri Murli

Desai, Shri B.V.

Devarajan, Shri B.

Devi, Shrimati, Chandra Bhanu

Dharambir Singh, Shri

Dharam Pal Singh, Shri

Dhariwal, Shri Shanti Kumar

Digal, Shri Radhakanta

Dighe, Shri Sharad

Digvijay Singh, Shri

Digvijay Singh, Shri

Dinesh Singh, Shri

Dogra, Shri G.L.

Dube, Shri Bhishma Deo

F

Falciro, Shri Eduardo

Fernandes, Shri Oscar

G

Gadgil, Shri V.N.

Gadhavi, Shri Bheravadan K.

Gaekwad, Shri Ranjit Singh

Gaikwad, Shri Udaysingrao Nanasaheb

Gamit, Shri C.D.

Gandhi, Shri Rajiv

Ganga Ram, Shri

Gavit, Shri Manikrao Hodlya

Gehlot, Shri Ashok

Gholap, Shri S.G.

Ghesal, Shri Debi

Ghosh, Prof. Bimal Kanti

Ghosh, Shri Tarun Kanti

Gohil, Shri G.B.

Gomango, Shri Giridhar

Gopeahwar, Shri

Goswami, Shrimati Bibha Ghosh

Gounder, Shri A. Senapathi

Gowda, Shri H.N. Nanje

Guha, Shrimati Phulrenu

Gupta, Shrimati Prabhawati

H

Halder, Shri Manoranjan

Hannan Mollah, Shri

Hardwari Lal, Shri

Harpal Singh, Shri

Hembram, Shri Seth

J

Jadeja, Shri D.P.

Jaffer Sharief, Shri C.K.

Jagjivan Ram, Shri

Jaideep Singh, Shri

Jain, Shri Balchander

Jain, Shri Nihal Singh

Jain, Shri Viridhi Chander

Jangde, Shri Khelan Ram

Jatav, Shri Kammodilal

Jena, Shri Chintamani

Jhansi Lakshmi, Shrimati N.P.

Jitendra Prasad, Shri

Jitendra Singh, Shri

Jujhar Singh, Shri

K

Kabuli, Shri Abdul Rashid

Kalpana Devi, Dr. T.

Kamal Nath, Shri

Kamat, Shri Gurudas
 Kamble, Shri Arvind Tulshiram
 Kamla Kumari, Shrimati
 Kamla Prasad, Shri
 Kamla Prasad Singh, Shri
 Kaul, Shrimati Sheila
 Kaushal, Shri Jagan Nath
 Ken, Shri Lala Ram
 Keyur Bhusan, Shri
 Khan, Shri Arif Mohammad
 Khan, Shri Aslam Sher
 Khan, Shri Mohd. Ayub
 Khan, Shri Rahim
 Khan, Shri Zulfiqar Ali
 Khatri, Shri Nirmal
 Khirhar, Shri R.S.
 Kidwai, Shrimati Mohsina
 Kinder Lal, Shri
 Kolandaivelu, Shri P.
 Konyak, Shri Chingwang
 Krishna Pratap Singh, Shri
 Krishna Singh, Shri
 Kshirsagar, Shrimati Kesharbai
 Kuchan, Shri Ganghadhar S.
 Kujur, Shri Maurice
 Kumaramangalam, Shri P.R.
 Kunwar Ram, Shri
 Kuppuswamy, Shri C.K.
 Kurien, Prof. P.J.
 Kurup, Shri Suresh

L

Law, Shri Asutosh
 Lowang, Shri Wanghpha

M

Madhuri Singh, Shrimati

Mahajan, Shri Y.S.
 Mahata, Shri Chittaranjan
 Mahendra Singh, Shri
 Maken, Shri Lalit
 Makwana, Shri Narsinh
 Malik, Shri Purna Chandra
 Mallick, Shri Lakshman
 Mandal, Shri Sanat Kumar
 Mane, Shri Murlidhar
 Mane, Shri R.S.
 Manvendra Singh, Shri
 Masudal Hossain, Shri Syed
 Mehta, Shri Haroobhai
 Meijinglung, Prof. Kamson
 Mishra, Shri Gargi Shankar
 Mishra, Dr. Prabhat Kumar
 Mishra, Shri Ram Nagina
 Mishra, Shri Uma Kant
 Misra, Shri Nityananda
 Misra, Shri Satyagopal
 Modi, Shri Vishnu Kumar
 Mohandas, Shri K.
 Mohan Lal, Shri
 Mohanty, Shri Brajamohan
 More, Prof. Ram Krishna
 Motilal Singh, Shri
 Mukherjee, Shrimati Geeta
 Munshi, Shri Priya Ranjan Das
 Murmu, Shri Sidha Lal
 Murthy, Shri M.V. Chandrashekara
 Murugaiah, Shri A.R.
 Muttemwar, Shri Vilas

N

Naik, Shri G. Devaraya
 Naik, Shri Shantaram

Naikar, Shri D.K.

Narayanan, Shri K.R.

Natarajan, Shri K.R.

Natwar Singh, Shri

Nehru, Shri Arun Kumar

Netam, Shri Arvind

Nikhra, Shri Rameshwar

O

Odedra, Shri Bharat Kumar

Odeyar, Shri Channaiah

P

Padayachi, Shri S.S. Ramaswamy

Pakeer Mohamed, Shri E.S.M.

Pande, Shri Raj Mangal

Pandey, Shri Damador

Pandey, Shri Madan

Pandey, Shri Manoj

Panigrabi, Shri Chintamani

Panigrahi, Shri Sriballav

Panika, Shri Ram Pyare

Panja, Shri A.K.

Pant, Shri K.C.

Papireddy, Shri Bezawada

Parashar, Prof. Narain Chand

Pardhi, Shri Keshao Rao

Paswan, Shri Ram Bhagat

Patel, Shri Ahmed M.

Patel, Shri C.D.

Patel, Shri G.I.

Patel, Shri H.M.

Patel, Shri Mohan Lal

Patel, Shri Ram Pujan

Patel, Shri Uttambhai H.

Pathak, Shri Chandra Kishore

Patil, Shri Balesaheb Vikhe

Patil, Shri Prakash V.

Patil, Shri Shivraj V.

Patil, Shri Uttamrao

Patil, Shri Veerendra

Patil, Shri Vijay N.

Patil, Shri Yashwantrao Gadakh

Patnaik, Shrimati Jayanti

Pattanaik, Shri Jagannath

Pawar, Shri Balesaheb

Pawar, Shri Satyanarayan

Peruman, Dr. P. Vallal

Pilot, Shri Rajesh

Poojary, Shri Janardhana

Potdukhe, Shri Shantaram

Prabhu, Shri R.

Pradhani, Shri K.

Prakash Chandra, Shri

Puran Chandra, Shri

Purohit, Shri Banwari Lal

Q

Qureshi, Shri Aziz

R

Raghuraj Singh, Shri

Rai, Shri I. Rama

Rai, Shri Ramdeo

Raj Karan Singh, Shri

Rajeshwaran, Dr. V.

Rajhans, Dr. G.S.

Ram, Shri Ram Ratan

Ram, Shri Ramawaroop

Ram Awadh Prasad, Shri

Ram Dhan, Shri

Ram Kuwar, Shri

Ram Parkash, Shri

Ram Samujhawan, Shri

Ramamurthy, Shri K.

Rampal Singh, Shri

Ramratan, Shri Kalicharan

Ramulu, Shri H.G.

Rana Vir Singh, Shri

Ranga, Prof. N.G.

Ranganath, Shri K.H.

Rao, Shri Aithabathula Jogeswara
Venkata Butchi Maheswara

Rao, Shri C.H. Srihari

Rao, Dr. G. Vijayarama

Rao, Shri J. Vengala

Rao, Shri K.S.

Rao, Shri P.V. Narasimha

Rao, Shri V. Krishna

Rath, Shri Somnath

Rathawa, Shri Amarsinh

Rathod, Shri Uttam

Raut, Shri Bhola

Ravani, Shri Navin

Rawat, Shri Harish

Rawat, Shri Prabhulal

Riyan, Shri Baju Ban

Roy, Shri Sudhir

Roypradhan, Shri Amar

S

Saha, Shri Ajit Kumar

Saha, Shri Gadadhar

Sahi, Shrimati Krishna

Sahu, Shri Shiv Prasad

Sangma, Shri P.A.

Sankta Prasad, Dr.

Satendra Chandra, Shri

Sathe, Shri Vasant

Scindia, Shri Madhavrao

Selvendran, Shri P.

Sen, Shri Ashok

Sen, Shri Bhola Nath

Sethi, Shri Ananta Prasad

Sethi, Shri P.C.

Shah, Shri Anoopchand

Shaktawat, Prof. Nirmala Kumari

Shankaranand, Shri B.

Shanmugam, Shri A.C.

Shanmugam, Shri P.

Shanti Devi, Shrimati

Sharma, Shri Nand Kishore

Sharma, Shri Nawal Kishore

Sharma, Shri Pratap Bhanu

Shastri, Shri Hari Krishna

Shervani, Shri Saleem I.

Shingda, Shri D.B.

Shivendra Bahadur Singh, Shri

Shukla, Shri Vidya Charan

Siddiq, Shri Hafiz Mohd.

Sidnal, Shri S.B.

Singaravadivel, Shri S.

Singh, Shri D.G.

Singh, Shri K.N.

Singh, Shri Lal Vijay Pratap

Singh, Kumari Pushpa Devi

Singh Deo, Shri K P.

Sinha, Shri Atish Chandra

Sinha, Shrimati Kishori

Sinha, Shrimati Ram Dulari

Sodi, Shri Mankuram

Solanki, Shri Kalyan Singh

Solanki, Shri Natavarsinh

Soren, Shri Harihar

Soundararajan, Shri N.

Soz, Prof. Saifuddin

Sreenivasa Prasad, Shri V.

Subburaman, Shri A.G.

Sukhadia, Shrimati Indubala

Sultanpuri, Shri K.D.

Suman, Shri R.P.

Sundararaj, Shri

Sunder Lal, Shri

Sunil Dutt, Shri

Surendra Pal Singh, Shri

Suryawanshi, Shri Narsingrao

Swami Prasad Singh, Shri

Swell, Shri G.G.

T

Tapeshwar Singh, Shri

Taradevi, Kumari D.K.

Tariq Anwar, Shri

Tewary, Prof. K.K.

Thakkar, Shrimati Ushaben Raghavji

Thakur, Shri C.P.

Thambi Durai, Shri M.

Thangaraju, Shri S.

Thomas, Prof. K.V.

Thorat, Shri Bhausaheb

Thota Gopala Krishna, Shri

Thungon, Shri P.K.

Tigga, Shri Simon

Tilakdhari Singh, Shri

Tirki, Shri Piyush

Tomar, Shrimati Usha Rani

Tombi Singh, Shri N.

Tripathi, Shrimati Chanda

Tripathi, Dr. Chandra Shekhar

Tytler, Shri Jagdish

U

Uanikrishnan, Shri K.P.

V

Vairale, Shri Madhusudan

Van, Shri Deep Narain

Vankar, Shri Punam Chand Mithabhai

Venkataratnam, Shri Nissankara Rao

Venkatesan, Shri P.R.S.

Verma, Dr. C.S.

Verma, Shrimati Usha

Vijayaraghavan, Shri V.S.

Vyas, Shri Girdhari Lal

W

Wadivar, Shri Srikantha Datta

Wasnik, Shri Mukul

Wasnik, Shri Balkrishna

Y

Yadav, Shri Kailash

Yadav, Shri Mahabir Prasad

Yadav, Shri R.N.

Yadav, Shri Ram Singh

Yadav, Sari Shyam Lal

Yadav, Shri Subhash

Yadav, Shri Bal Ram Singh

Yadav, Shri D P.

Yazdani, Dr. Golam

Yeshpal Singh, Shri

Yogeshwar Prasad, Shri

Z

Zainal Abedin, Shri

Zainual Basher, Shri

NOES

Sinha, Shri Satyendra Narayan

Tulsiram, Shri V.

MR. SPEAKER : Subject to correction, the result* of the division is :

Ayes—398; Noes—2

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting.

The motion was adopted.

PROF. MADHU DANDAVATE : You can correct the figure and announce that it is unanimously adopted.

MR. SPEAKER : The adoption is by unanimous vote. Congratulations to you.

18.55 hrs.

MEMBER SWORN

Shri K.N. Pradhan (Bhopal).

18.56 hrs.

MESSAGES FROM RAJYA SABHA

[English]

SECRETARY-GENERAL : Sir, I have to report the following messages received from the Secretary-General of Rajya Sabha :

- (i) 'In accordance with the provisions of sub-rule (6) of Rule 186 of the Rules of Procedure and Conduct of

Business in the Rajya Sabha, I am directed to return herewith the Appropriation (Railways) Bill, 1985, which was passed by the Lok Sabha at its sitting held on the 24th January, 1985, and transmitted to the Rajya Sabha for its recommendations on the same day and to state that the Rajya Sabha at its sitting held on the 30th January, 1985, recommended that the following amendment be made in the said Bill :—

ENACTING FORMULA

That at page 1, line 1 for the word "Thirty-fifth", the word "Thirty-sixth" be substituted.'

- (ii) 'In accordance with the provisions of sub-rule (6) of Rule 186 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Appropriation (Railways) No. 2 Bill, 1985, on the 24th January, 1985, and transmitted to the Rajya Sabha for its recommendations on the same day and to state that the Rajya Sabha at its sitting held on the 30th January, 1985, recommended that the following amendment be made in the said Bill :—

ENACTING FORMULA

That at page 1, line 1 for the word "Thirty-fifth", the word "Thirty-sixth" be substituted.

* The following Members also recorded their votes for Ayes :

Shri T. Anjiah, Shri R. Jeevarathnam, Shri A. Jayamohan, Shri Jagannath Prasad, Shri Laliteswar Shahi, Shri Shankar Dayal Singh, Shrimati Indumati Bhattacharyya, Shri Mohar Singh, Shri Azeez Sait, Shrimati Sunderwati Naval Prabhakar, Shrimati Ramaben R. Mavani, Shri G.S. Basavaraj, Dr. S. Jagathrakshakan, Shri Bapulal Malviya, Shri S.K. Singh, Shri M.R. Janardhanan, Shri C. Madhav Reddy, Shri Ananda Gajapati Raju, Shri Vadde Sobhanadreeswaro Rao, Shri S.M. Bhattam, Shri Jaipal Reddy, Shri Narayanaswami, Shri K. Ramachandra Reddy, Shri Vijay Kumar Raju, Shri P. Penchalaiah, Shri M. Raghuma Reddy, Shri K.N. Swamy, Shri Manik Reddy, Dr. Chintia Mohan, Shri Anil Basu, Shri P.A. Narsimham, Shri C. Sambu, Shrimati Sheila Dixit, Shri Satyendra Narain Sinha and Shri V. Tulsiram.

APPROPRIATION (RAILWAYS) BILL, 1985

19.04 hrs.

AND

APPROPRIATION (RAILWAYS) NO. 2
BILL, 1985

[Division No. 2]

AYES

[English]

SECRETARY-GENERAL : Sir, I lay on the Table the following Bills which have been returned by Rajya Sabha with recommendations :—

1. The Appropriation (Railways) Bill, 1985.

2. The Appropriation (Railways) No. 2 Bill, 1985.

— —

19.00 hrs.

CONSTITUTION (FIFTY-SECOND
AMENDMENT), BILL—Contd.

[English]

MR. SPEAKER : Now we take up the Bill Clause by Clause.

Before I put Clause No. 2 to the vote of the House, this being a Constitution Amendment Bill, voting has to be done by division. Let the lobbies be cleared.

Now the lobbies have been cleared.

There are no amendments given notice of to clauses 2, 3, 4 and 5. If the House agrees, I will put all these Clauses together to the vote of the House. The result will be applicable to each of these Clauses.....

SEVERAL HON. MEMBERS : Yes.

MR. SPEAKER : Now I put Clauses 2, 3, 4 and 5 together to the vote of the House.

The question is :

"That Clauses 2, 3, 4 and 5 stand part of the Bill".

The Lok Sabha Divided :

A

Abbasi Shri, K.J.
Abdul Ghafoor, Shri
Acharia, Shri Basudeb
Adaikalaraj, Shri L.
Adiyodi, Dr. K.G.
Agarwal, Shri Jai Prakash
Ahmad, Shri Sarfaraz
Ahmad, Begum Abida
Alkha Ram, Shri
Anand Singh, Shri
Anjiah, Shri T.
Anna Nambi, Shri R.
Ansari, Shri Abdul Hannan
Ansari, Shri Z.R.
Antony, Shri P.A.
Arunachalam, Shri M.
Awasthi, Shri Jagdish
Azad, Shri Bhagwat Jha
Azad, Shri Ghulam Nabi

B

Baghel, Shri Pratap Singh
Bagun Sumbrui, Shri
Bairagi, Shri Balkavi
Bairwa, Shri Banwari Lal
Baitha, Shri D.L.
Bajpai, Dr. Rajendra Kumari
Balaraman, Shri L.
Bali, Shrimati Vyjayanthimala
Banerjee, Shrimati Mamta
Bansi Lal, Shri

Barman, Shri Palas
 Barrow, Shri A.E.T.
 Basavarajeswari, Shrimati
 Basavaraju, Shri G.S.
 Basu, Shri Anil
 Bhagat, Shri B.R.
 Bhagat, Shri H.K.L.
 Bhakta, Shri Manoranjan
 Bhanu Pratap Singh, Shri
 Bharadwaj, Shri Parasram
 Bharat Singh, Shri
 Bhoi, Dr. Krupasindhu
 Bhoopathy, Shri G.
 Bhosale, Shri Prataprao Baburao
 Bhoys, Shri R.M.
 Bhoys, Shri Sitaram Sayaji
 Bhuria, Shri Dileep Singh
 Bir Sen, Shri
 Birbal, Shri
 Birendra Singh, Rao
 Biswas, Shri Ajoy
 Brahma Dutt, Shri
 Buta Singh, Shri

C

Chandra Mohan Singh, Shri
 Chandra Pratap Narain Singh, Shri
 Chandrakar, Shri Chandulal
 Chandrasekhar, Shrimati Margatham
 Chandrashekharaappa, Shri T.V.
 Chandresh Kumari, Shrimati
 Charles, Shri A.
 Chaturvedi, Shri Naresh Chandra
 Chaturvedi, Shrimati Vidyawati
 Chaudhary, Shri Manphool Singh
 Chaudhary, Shri A.B.A. Ghani Khan

Chaven, Shrimati Premalabai
 Chavan, Shri S.B.
 Chidambaram, Shri P.
 Chinta Mohan, Shri
 Chokka Rao, Shri J.
 Choubey, Shri Narayan
 Choudhari, Shri Nandlal
 Choudhari, Shrimati Ushatai Prakash
 Chowdhary, Shri Jagannath
 Chowdhary, Shri Saifudin

D

Dabhi, Shri Ajit Singh
 Daga, Shri Mool Chand
 Dalbir Singh, Shri
 Dalbir Singh, Shri
 Dalwai, Shri Hussain
 Damor, Shri Somjibhai
 Dandavate, Prof. Madhu
 Das, Shri Anadi Charan
 Das, Shri R. P.
 Dennis, Shri N.
 Deo, Shri V. Kishore Chandra S.
 Deora, Shri Murli
 Desai, Shri B. V.
 Devarajan, Shri B.
 Devi, Shrimati Chandra Bhanu
 Dharambir Singh, Shri
 Dharmpal Singh, Shri
 Dhariwal, Shri Shanti Kumar
 Digal, Shri Radhakanta
 Dighe, Shri Sharad
 Digvijay Singh, Shri
 Digvijay Singh, Shri
 Dikshit, Shrimati Sheila
 Dinesh Singh, Shri

Dogra, Shri G. L.

Dube, Shri Bhishma Deo

F

Faleiro, Shri Eduardo

Fernandes, Shri Oscar

G

Gadgil, Shri V. N.

Gadhavi, Shri Bheravadan K.

Gaekwad, Shri Ranjit Singh

Gaikwad, Shri Udaysingrao Nanasaheb

Gamit, Shri C. D.

Gandhi, Shri Rajiv

Ganga Ram, Shri

Gavit, Shri Manikrao Hodlya

Gehlot, Shri Ashok

Gholap, Shri S. G.

Ghosal, Shri Debi

Ghosh, Prof. Bimal Kanti

Ghosh, Shri Tarun Kanti

Gohil, Shri G. B.

Gomango, Shri Giridhar

Gopeshwar, Shri

Goswami, Shrimati Bibha Ghosh

Gounder, Shri A. Senapathi

Gowda, Shri H. N. Nanje

Guha, Shrimati Phulrenu

Gupta, Shrimati Prabhawati

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Halder, Shri Manoranjan

Hannan Mollah, Shri

Hardwari Lal, Shri

Harpal Singh, Shri

Hembram, Shri Seth

J

Jadeja, Shri D. P.

Jaffer Sharief, Shri C. K.

Jagan Nath Prasad, Shri

Jagathrakshakan, Shri S.

Jagjivan Ram, Shri

Jaideep Singh, Shri

Jain, Shri Dal Chander

Jain, Shri Nihal Singh

Jain, Shri Virdhi Chander

Janardbanan, Shri M. R.

Jangde, Shri Khelan Ram

Jatav, Shri Kammodi Lal

Jayamohan, Shri A.

Jeevarathinam, Shri R.

Jena, Shri Chintamani

Jhansi Lakshmi, Shrimati N. P.

Jitendra Prasad, Shri

Jitendra Singh, Shri

Jujhar Singh, Shri

K

Kabuli, Shri Abdul Rashid

Kalpana Devi, Dr. T.

Kamal Nath, Shri

Kamat, Shri Gurudas

Kamble, Shri Arvind Tulshiram

Kamla Kumari, Shrimati

Kamla Prasad, Shri

Kamla Prasad Singh, Shri

Kaul, Shrimati Sheila

Kaushal, Shri Jagan Nath

Ken, Shri Lala Ram

Keyur Bhusan, Shri

Khan, Shri Arif Mohammad

Khan, Shri Aslam Sher

Khan, Shri Mohd. Ayub

Khan, Shri Rahim

Khan, Shri Zulfiquar Ali

Khatri, Shri Nirmal

Khirhar, Shri R. S.

Kidwai, Shrimati Mohsina

Kinder Lal, Shri

Kisku, Shri Prithvi Chand

Kolandaivelu, Shri P.

Konyak, Shri Chingwang

Krishan Pratap Singh, Shri

Krishna Singh, Shri

Kshirsagar, Shrimati Kesharbai

Kuchan, Shri Gangadhar S.

Kujur, Shri Maurice

Kumaramangalam, Shri P. R.

Kunwar Ram, Shri

Kuppuswamy, Shri C. K.

Kurien, Prof. P. J.

L

Law, Shri Asutosh

Lowang, Shri Wanghpha

M

Madhuri Singh, Shrimati

Mahajan, Shri Y. S.

Mahata, Shri Chittaranjan

Mahendra Singh, Shri

Maken, Shri Lalit

Makwana, Shri Narsinh

Malik, Shri Purna Chandra

Mallick, Shri Lakshman

Malviya, Shri Bapulal

Mandal, Shri Sanat Kumar

Mane, Shri Murlidhar

Mane, Shri R. S.

Manvendra Singh, Shri

Masudal Hossain, Shri Syed

Mavani Ramjibhai, Shrimati Patel Ramaben

Mehta, Shri Haroobhai

Meijinglung, Shri Kamson

Mishra, Shri Gargi Shankar

Mishra, Dr. Prabhat Kumar

Mishra, Shri Ram Nagina

Mishra, Shri Uma Kant

Misra, Shri Nityananda

Misra, Shri Satyagopal

Modi, Shri Vishnu Kumar

Mohandas, Shri K.

Mohan Lal, Shri

Mohanty, Shri Braja Mohan

More, Prof. Ram Krishna

Motilal Singh, Shri

Mukherjee, Shrimati Geeta

Munshi, Shri Priya Ranjan Das

Murmu, Shri Sidha Lal

Murthy, Shri M. V. Chandrashekara

Murugaiah, Shri A. R.

Muttemwar, Shri Vilas

N

Naik, Shri G. Devaraya

Naik, Shri Shantaram

Naikar, Shri D. K.

Narsimham, Shri P. A.

Narayanan, Shri K. R.

Natarajan, Shri K. R.

Nehru, Shri Arun Kumar

Netam, Shri Arvind

Nikhra, Shri Rameshwar

O

Odedra, Shri Bharat Kumar

Odeyar, Shri Channaiah

P

Padayachi, Shri S. S. Ramaswamy

Pakeer Mohamed, Shri E. S. M.

Pande, Shri Raj Mangal

Pandey, Shri Damodar

Pandey, Shri Madan

Pandey, Shri Manoj

Panigrahi, Shri Chintamani

Panigrahi, Shri Sriballav

Panika, Shri Ram Pyare

Panja, Shri A. K.

Pant, Shri K. C.

Papireddy, Shri Bezawada

Parashar, Prof. Narain Chand

Pardhi, Shri Kesharao

Paswan, Shri Ram Bhagat

Patel, Shri Ahmed M.

Patel, Shri C. D.

Patel, Shri G. I.

Patel, Shri H. M.

Patel, Shri Mohan Lal

Patel, Shri Ram Pujan

Patel, Shri Uttambhai H.

Pathak, Shri Chandra Kishore

Patil, Shri Balasaheb Vikhe

Patil, Shri Prakash V.

Patil, Shri Shivraj V.

Patil, Shri Uttamrao

Patil, Shri Veerendra

Patil, Shri Vijay N.

Patil, Shri Yashwantrao Gadakh

Patnaik, Shrimati Jayanti

Pattnaik, Shri Jagannath

Pawar, Shri Balesaheb

Pawar, Shri Satyanarayan

Peruman, Dr. P. Vallal

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Potdukhe, Shri Shantaram

Prabhu, Shri R.

Pradhani, Shri K.

Prakash Chandra, Shri

Puran Chandra, Shri

Q

Qureshi, Shri Aziz

R

Raghuraj Singh, Shri

Rai, Shri I. Rama

Rai, Shri Ramdeo

Raj'Karan Singh, Shri

Rajeshwaran, Dr. V.

Rajhans, Dr. G.S.

Raju, Shri Anand Gajpati

Ram, Shri Ramswaroop

Ram Awadh Prasad, Shri

Ram Dhan, Shri

Ram Kuwar, Shri

Ram Prakash, Shri

Ram Samujhawan, Shri

Ramamurthy, Shri K.

Rampal Singh, Shri

Ramratan, Shri Kalicharan

Ramulu, Shri H.G.

Rana Vir Singh, Shri

Ranga, Prof. N.G.

Ranganath, Shri K.H.

Rao, Shri C.H. Srihari

Rao, Dr. G. Vijayarama

Rao, Shri J. Vengala

Rao, Shri K.S.

Rao, Shri P.V. Narasimha

Rao, Shri Vadde Sobhanedreeswara

Rath, Shri Somnath

Rathawa, Shri Amarsinh

Rathod, Shri Uttam

Rathore, Shri Mohar Singh

Raut, Shri Bhola

Ravani, Shri Navin

Rawat, Shri Harish

Rawat, Shri Prabhulal

Reddy, Shri S. Raghuma

Reddy, Shri Sudini Jaipal

Riyan, Shri Baju Ban

Roy, Shri Sudbir

Roypradhan, Shri Amar

S

Saba, Shri Ajit Kumar

Saba, Shri Gadadhar

Sahi, Shrimati Krishna

Sahu, Shri Shiv Prasad

Sait, Shri Azeez

Sambu, Shri Chimata

Sangma, Shri P.A.

Sankta Prasad, Dr.

Santosh, Shri

Satendra Chandra, Shri

Sathe, Shri Vasant

Scindia, Shri Madhavrao

Selvendran, Shri P.

Sen, Shri A.K.

Sen, Shri Bhola Nath

Sethi, Shri Ananta Prasad

Sethi, Shri P.C.

Shah, Shri Anoopchand

Shaktawat, Prof. Nirmala Kumari

Shankaranand, Shri B.

Shanmugam, Shri A.C.

Shanmugam, Shri P.

Shanti Devi, Shrimati

Sharma, Shri Nand Kishore

Sharma, Shri Nawal Kishore

Sharma, Shri Pratap Bhanu

Shastri, Shri Hari Krishna

Shervani, Shri Saleem I.

Shingda, Shri D.B.

Shivendra Bahadur Singh, Shri

Shukla, Shri Vidya Charan

Siddiq, Shri Hafiz Mohd.

Sidnal, Shri S.B.

Singaravadiel, Shri S.

Singh, Shri D.G.

Singh, Shri K.N.

Singh, Shri Lal Vijay Pratap

Singh, Kumari Pushpa Devi

Singh, Shri S.D.

Singh Deo, Shri K.P.

Sinha, Shri Atish Chandra

Sinha, Shrimati Kishori

Sinha, Shrimati Ram Dulari

Sinha, Shri Satyendra Narayan

Sodi, Shri Mankuram

Solanki, Shri Kalyan Singh

Soren, Shri Harihar

Soundararajan, Shri N.

Soz, Prof. Saifuddin

Sreenivasa Prasad, Shri V.

Sreeramamurthy, Shri Bhattam

Subburaman, Shri A.G.

Sukhadia, Shrimati Indubala

Sultanpuri, Shri K.D.

Suman, Shri R.P.

Sundararaj, Shri

Sunder Lal, Shri

Sunil Dutt, Shri

Surendra Pal Singh, Shri

Suryawanshi, Shri Narsingrao

Swamy, Shri K.N.

Swell, Shri G.G.

T

Tapeshwar Singh, Shri

Taradevi, Kumari D.K.

Tariq Anwar, Shri

Tewary, Prof. K.K.

Thakkar, Shrimati Ushaben Raghavs

Thakur, Shri C.P.

Thambi Durai, Shri M.

Thangaraju, Shri S.

Thomas, Prof. K.V.

Thorat, Shri Bhausahab

Thota Gopala Krishna, Shri

Thungon, Shri P.K.

Tigga, Shri Simon

Tilakdhari Singh, Shri

Tirki, Shri Piyush

Tomar, Shrimati Usha Rani

Tombi Singh, Shri N.

Tripathi, Shrimati Chanda

Tripathi, Dr. Chandra Shekhar

Tulsiram, Shri V.

Tytler, Shri Jagdish

U

Unnikrishnan, Shri K.P.

V

Vairale, Shri Madhusudan

Van, Shri Deep Narain

Vankar, Shri Punam Chand Mithabhai

Venkataratnam, Shri Nissankara Rao

Venkatesan, Shri P.R.S.

Verma, Dr. C.S.

Verma, Shrimati Usha

Vijayaraghavan, Shri V.S.

Vyas, Shri Giridhari Lal

W

Wadiyar Shri Srikanta Datta,
Narasemharaja

Wasnik, Shri Mukul

Wasnik, Shri Balkrishna

Y

Yadav, Shri Kailash

Yadav, Shri Mahabir Prasad

Yadav, Shri R.N.

Yadav, Shri Ram Singh

Yadav, Shri Shyam Lal

Yadav, Shri Subhash

Yadav, Shri Bal Ram Singh

Yadav, Shri D.P.

Yazdani, Dr. Golam

Yeshpal Singh, Shri

Yogeshwar Prasad, Shri

Z

Zainal, Abedin, Shri

Zainul, Basher, Shri

NOES

NIL

MR. SPEAKER : Very good. Remarkable achievement. The teacher must be congratulated.

Subject to correction, the result ** + of the Division is : Ayes—417; Noes—Nil.

The Motion is carried unanimously, by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

The Motion was adopted.

Clauses 2, 3, 4 and 5 were added to the Bill.

Clause 6 (Addition to tenth Schedule)

SHRI K.P. UNNIKRISHNAN
(Badagara) : I beg to move :

Page 4,— (i) lines 30 and 31,—

for “Chairman or, as the case may be, the Speaker of such House and his decision shall be final :”

substitute—

“Joint Committee of the two Houses with not less than four members to be elected from Lok Sabha and three members to be elected from the Rajya Sabha, with not less than two members from Lok Sabha and one member from Rajya Sabha belonging to the Opposition, and the Chairman to be appointed by the Speaker from among the members of such Committee, all members of the Committee to be elected

without application of any whip by the members of the respective Houses, to be known as the ‘Judicial Committee on Disqualifications, and their decision shall be final.”

(ii) Omit lines 32 to 40 (4)

Page 4,—

omit lines 41 to 43. (5)

Page 4, line 45, —

for Chairman or the Speaker of a House” substitute “Judicial Committee on Disqualifications” (6)

Page 5,—

omit lines 3 to 11. (7)

Page 5, line 15, —

for “Chairman or the Speaker of House” substitute “Judicial Committee on Disqualifications” (8)

Page 5, — (i) line 24, —

for “Chairman or the Speaker of House” substitute “Judicial Committee on Disqualifications”

(ii) line 26, —

for “he” substitute “it” (9)

SHRI SUDINI JAIPAL REDDY
(Mahbubnagar) : I beg to move :

Page 2, —

**The result of this Division is applicable to each of the clauses 2, 3, 4 and 5 separately.

The following members also recorded their votes for AYES: Sh. Ram Ratan Ram, Sh. Talishwar Shahi, Shrimati Induwati Bhattacharyya, Shrimati Sunderwati Nawal Prabhakar, Shri Swami Prasad Singh, Shri Sripati Mishra, Shri Natwar Singh Solanki, Shri V. Krishna Rao, Shri Ajay Narain Muskhani, Shri Devinam Narayanaswamy, Shri K. Ramchandra Reddy, Shri Vijay Kumar Raju, Shri P. Penchalaiah, Shri Manik Reddy, Shri A.J.V.B. Moheswara Rao and Shri K.N. Pradhan.

omit lines 35 to 38. (62)

Page 3, line 34, —

for 'one-third' substitute 'one-fourth' (64)

Page 4, lines 30 and 31, —

for "Chairman or, as the case may be, the Speaker of such House and his decision shall be final :"

substitute—

"Joint Committee of the two Houses with not less than four members to be elected from Lok Sabha and three members to be elected from Rajya Sabha, with not less than two members from Lok Sabha and one member from Rajya Sabha belonging to the Opposition, and the Chairman to be appointed by the Speaker from among the members of such Committee and all members of the Committee shall be elected without application of any whip by the members of the respective Houses to be known, as the 'Judicial Committee on Disqualifications' and their decision shall be final :"

Page 5, —

(i) omit lines 3 to 11

(ii) line 12,—

for "(d) substitute "(b)" (67)

SHRI BASUDEB ACHARIA (Bankura):
I beg to move :

Page 3, line 35, —

add at the end—

"and none of the said group take any office as Minister for a period of one year from date of split" (73)

Page 4, lines 30 and 31,—

for "the Chairman or, as the case may be, the Speaker of such House and his decision shall be final."

substitute—

"a committee of not less than ten members to be constituted for such purpose by the Chairman or the Speaker, as the case may be reflecting the party-wise composition of the House with himself as Chairman of such Committee and its decision shall be final." (74)

Page 4, lines 34 and 35, —

for "such member of the House as the House may elect in this behalf and his decision shall be final."

substitute—

"a Committee constituted for the purpose by the Chairman or the Speaker as the case may be and its decision shall be final.

Provided further that the Speaker or the Chairman shall not be present during the deliberations of the Committee." (75)

SHRI AMAR ROYPRADHAN : I beg to move :

Page 3, line 34, —

for "one-third" substitute "one-fifth" (91)

Page 4, lines 30 and 31,—

for "the Chairman or, as the case may be, the Speaker of such House and his"

substitute "a committee consisting of the Leader of the House and the leaders of all parties and Groups in the House with Speaker or Chairman, as the case may be, its Chairman and its" (93)

SHRI A.K. SEN : I beg to move :

Page 2,—

for lines 35 to 38, substitute—

"and such voting or abstention has not been condoned by such political party,

person or authority within fifteen days from the date of such voting or abstention." (111)

Page 3,—

for lines 36 to 42, substitute—

"(a) he shall not be disqualified under sub-paragraph (1) of paragraph 2 on the ground—

- (i) that he has voluntarily given up his membership of his original political party; or
- (ii) that he has voted or abstained from voting in such House contrary to any direction issued by such party or by any person or authority authorised by it in that behalf without obtaining the prior permission of such party, person or authority and such voting or abstention has not been condoned by such party, person or authority within fifteen days from the date of such voting or abstention; and". (112)

Page 5,—

omit lines 3 to 7. (113)

Page 5, line 8,—

for "(c)" substitute "(b)" (114)

Page 5, line 9,—

omit "expulsion from, or" (115)

Page 5, line 12,—

for "(d)" substitute "(c)" (116)

SHRI G. G. SWELL : Mr. Speaker, Sir, we are unanimous on this Bill and we have spoken enough. If you agree we can put all the amendments, other than Government amendments, together.

MR. SPEAKER : It is all right. I will do it. Mr. Unnikrishnan may speak on his amendment.

SHRI K. P. UNNIKRISHNAN (Badagara) : Mr. Speaker, Sir, I do not want to take much time of the House except that I have strong reservations about this Clause 6 (2). As I have explained earlier in a system of parliamentary democracy the office of the Speaker is the most crucial one. There are powers attached to this office; discretions attached to this office and grave responsibilities attached to this office. To clothe the office of the Speaker in the present context with this power to allow him to oversee whether a Member has disqualified himself from being a member would be rather unfortunate because the office of the Speaker as you are very well aware, is loaded with responsibilities of kind which no ordinary mortal can fulfil. So Speaker being the symbol of the authority of the House, you are also aware of the loneliness that you have and also how remote you are. Therefore, in this kind of a legislation which is specially a new attempt—a very welcome attempt at that—I would not want to have excessive load on the office of the Speaker. Sir, your office should be left free to attend to your large area of responsibility in conducting this House which itself is a very onerous constitutional responsibility, and to be fair to those, who hold office I do not want to cast aspersions those Speakers in the State Legislatures, who may have strayed from the path—by and large, it should be admitted, and I do admit, the office of the Speaker has been held in great dignity and occupied by people of great eminence right from the days of the Central Assembly here as well as in the State Legislative Assemblies. Therefore, I have suggested that it should be left to a Joint Committee of both Houses with you as the Chairman, or it should be left to you to nominate a Chairman.

I am speaking on all the amendments that I want to press.

Secondly, I want lines 36 to 40 on page 4 to be deleted. While I do not yield to anyone in matters which concern privileges of this House, I must say that a Member as an

individual has certain rights. The involvement of the use of the words 'proceedings of the House' is well-known to this House.

There are several Supreme Court judgments which have upheld and said that it shall not involve itself into the rightness or otherwise of the proceedings of the House. Since the Member has no recourse to remedies under Articles 32 or 226, it would be good if this is deleted and left to the good sense of the House. As the Prime Minister has pointed out, there are certain lacunae, and there should be certain built-in reservations also. It would be better if we delete this provision and allow healthy conventions to evolve themselves. With these words, I commend my amendments to the House.

SHRI S. JAIPAL REDDY : Sir, I have also tabled certain amendments.

Shri Unnikrishnan has rightly observed and I am also of the considered view that the august office of Speaker should be kept above the din of dispute for disqualification of Members.

In regard to clause 7, I am in agreement with the Government and I am of the view that the jurisdiction of courts must be ousted specifically, otherwise it would entail very lengthy litigation and cumbersome procedure. When Clause 7 is there, I do not see any reason why sub clause (2) of Clause 6 must be retained. The idea is very simple. We have got a very experienced Law Minister and he knows that even when the jurisdiction of courts is ousted, an affected person can take recourse to Article 226 or Article 32 of the Constitution. It would patently impolitic, unconstitutional and unwarranted to prevent an affected person even from taking resort to Articles 226 and 32 of the Constitution. Therefore, I have two suggestions to make in this connection. One, either the Government should accept our suggestion that a Committee on Disqualifications should be entrusted with the authority in this regard or if the office of Speaker is to be necessarily involved, let not the decision of the Speaker be deemed to be the proceedings of the House. It will be terribly unfair because the Speaker will take a personal decision without reference to discussion in the House. How

can a decision taken by the Speaker in his personal discretion without reference to any House Committee or proceedings of the House be deemed as the proceedings of the House? Therefore, Sir, either the Government should agree to spare the office of the Speaker of this onus responsibility or they must at least see that 6(2) is eliminated when this Clause 7 is retained.

SHRI A.K. SEN : It is disastrous to leave this in the hands of Committee of the two Houses. The hon. member has not provided in his amendment for the Legislatures of the States because paragraph 6 provides for those in Parliament and Legislatures in the States. If you leave it to a Committee, it is like voting on party lines and it will again be endless litigation. Therefore, it is best to leave it to the Speaker or the Chairman. And the Speaker will only have to find out whether in fact a person has resigned or he will have to find out whether in fact he has voted or abstained from voting contrary to the mandate of the party.

SHRI S. JAIPAL REDDY : The Law Minister has not answered our query why Sub-clause (2) of Clause 6 should be retained when he has Clause 7.

SHRI A.K. SEN : Because paragraph 7 bars the jurisdiction of the Court, we should give a remedy to the person aggrieved.

SHRI BASUDEB ACHARIA : Sir, I have.....

MR. SPEAKER : I would have given you time if you had risen earlier. Now, you have missed the bus. You are just left standing right on the platform.

I shall now put all the amendments moved to Clause 6, barring the Government amendments, to the vote of the House.

Amendments No. 4 to 9, 62, 64, 65, 67, 73 to 75, 91 and 93 were put and negatived.

SHRI A.K. SEN : I am not moving amendment Nos. 114 and 116. But I am

putting a new amendment 113 which I will put in the Rule Making Section. And I will give you the copies. I will read out. I tell you why in a moment. Sir, the point is this that we found out that condonation is a clause which saves disqualification. We have not provided for how evidence as to condonation is to be furnished to the Speaker and under the rules we have to provide for it.

I beg to move :

Page 5,—

for lines 3 to 7, substitute—

“(b) the report which the leader of a legislature party in relation to a member of a House shall furnish with regard to any condonation of the nature referred to in clause (b) of sub-paragraph (1) of paragraph 2 in respect of such member, the time within which and the authority to whom such report shall be furnished” (113 as revised).

PROF. MADHU DANDAVATE :
Provided the leader has not defected!

SHRI A.K. SEN : Amendments No. 114 and 116 may be withdrawn; and instead of amendment No. 113, this may be moved.

SHRI G.G. SWELL : Any amendment moved, if it is to be withdrawn, has to be withdrawn by the leave of the House.

MR. SPEAKER : Yes.

SHRI G.G. SWELL : Secondly, each one of the Government amendments has to be voted by division, because it is going to stand part of the Bill.

MR. SPEAKER : No; it is not necessary for amendments.

PROF. MADHU DANDAVATE :
Only for the Clauses.

MR. SPEAKER : Now I will first go ahead with Amendments No. 111 and 112. I

will come to the others later. The question is :

‘Page 2,—

for lines 35 to 38, substitute—

“and such voting or abstention has not been condoned by such political party, person or authority within fifteen days from the date of such voting or abstention.” (111)

Page 3,—

for lines 36 to 42, substitute—

“(a) he shall not be disqualified under sub-paragraph (1) of paragraph 2 on the ground—

(i) that he has voluntarily given up his membership of his original political party; or

(ii) that he has voted or abstained from voting in such House contrary to any direction issued by such party or by any person or authority authorised by it in that behalf without obtaining the prior permission of such party, person or authority and such voting or abstention has not been condoned by such party, person or authority within fifteen days from the date of such voting or abstention; and” (112)

The Motion was adopted.

MR. SPEAKER : Now we put amendment No. 113, as revised. The Minister has just read it out. I can ask him to read it out again for you.

SHRI A.K. SEN : May I read out?

(Interruptions)

MR. SPEAKER : No; this is something else. That will come later.

SHRI A.K. SEN : If the hon. Member sees it, he will know that this is with a view to allay certain apprehensions that condonation saves disqualification. Now, the fact of condonation how it is to be reported, to whom it is to be reported, is provided for in the rule-making powers. So, instead of amendment No. 113, this new amendments will go in.

MR. SPEAKER : Now amendment No. 113, as revised by Shri Sen. The question is :

'Page 5, for lines 3 to 7, substitute—

“(b) the report which the leader of a legislature party in relation to a member of a House shall furnish with regard to any condonation of the nature referred to in clause (b) of sub-paragraph (1) of paragraph 2 in respect of such member, the time within which and the authority to whom such report shall be furnished;” (113 as revised)

The Motion was adopted.

MR. SPEAKER : Mr. Sen, do you want to withdraw amendments No. 114 and 116?

SHRI A.K. SEN : Yes.

MR. SPEAKER : Is it the pleasure of the House that amendments No. 114 and 116, moved by Shri Sen, be withdrawn?

SEVERAL HON. MEMBERS : Yes.

Amendments Nos. 114 and 116 were, by leave, withdrawn.

MR. SPEAKER : Now amendment No. 115 which has already been moved.

The question is :

Page 5, line 9,—

omit “expulsion from, or” (115)

The Motion was adopted.

MR. SPEAKER : Before I put clause 6, as amended, to the vote of the House, this being a Constitution Amendment Bill, voting has to be by division. Let the lobbies be cleared—

Now, the Lobbies have been cleared.

The question is :

“That clause 6, as amended, stand part of the Bill.”

The Lok Sabha divided.

19 35 hrs.

Division No. 3

AYES

A

Abdul Ghafoor, Shri

Acharia, Shri Basudeb

Adaikalaraj, Shri L.

Adiyodi, Dr. K.G.

Agarwal, Shri Jai Parkash

Ahmed, Shri Sarfaraz

Ahmed, Begum Abida

Alkha Ram, Shri

Anand Singh, Shri

Anjiah, Shri T.

Anna Nambi, Shri R.

Ansari, Shri Abdul Hannan

Ansari, Shri Z.R.

Antony, Shri P.A.

Arunachalam, Shri M.

Awasthi, Shri Jagdish

Azad, Shri Bhagwat Jha

Azad, Shri Ghulam Nabi

B

Baghel, Shri Pratap Singh

Bagun Sumbrui, Shri

Bairwa, Shri Banwari Lal

Baitha, Shri D.L.

Bajpai, Dr. Rajendra Kumari

Balaraman, Shri L.

Bali, Shrimati Vyjayanthimala

Banerjee, Shrimati Mamta

Bansi Lal, Shri

Barman, Shri Palas

Barrow, Shri A.E.T.

Basavarajeswari, Shrimati

Basavaraju, Shri G.S.

Basu, Shri Anil

Bhagat, Shri B.R.

Bhagat, Shri H.K.L.

Bhakta, Shri Manoranjan

Bhanu Pratap Singh, Shri

Bharadwaj, Shri Parasram

Bharat Singh, Shri

Bhoi, Dr. Krupasindhu

Bhosale, Shri Prataprao Baburao

Bhoye, Shri R.M.

Bhoye, Shri Sitaram Sayaji

Bhuria, Shri Dileep Singh

Birbal, Shri

Biswas, Shri Ajoy

Brahma Dutt, Shri

Buta Singh, Shri

C

Chandra Mohan Singh, Shri

Chandra Pratap Narain Singh, Shri

Chandrakar, Shri Chandulal

Chandrashekharappa, Shri T.V.

Chandresh Kumari, Shrimati

Charles, Shri A.

Chaturvedi, Shri Naresh Chandra

Chaturvedi, Shrimati Vidyawati

Chaudhary, Shri Manphool Singh

Chaudhary, Shri A.B.A Ghani Khan

Chavan, Shrimati Premalabai

Chavan, Shri S.B.

Chidambaram, Shri P.

Chinta Mohan, Shri

Chokka Rao, Shri J.

Choubey, Shri Narayan

Choudhari, Shri Nandlal

Chaudhari, Shrimati Ushatai Prakash

Chowdhary, Shri Jagannath

Chowdhury, Shri Saifuddin

D

Dabbi, Shri Ajitsinh

Daga, Shri Mool Chand

Dalbir Singh, Shri

Dalbir Singh, Shri

Dalwai, Shri Hussain

Damor, Shri Somjibhai

Dandavate, Prof. Madhu

Das, Shri Anadi Charan

Das, Shri R.P.

Dennis, Shri N.

Deora, Shri Murli

Desai, Shri B.V.

Devarajan, Shri B.

Devi, Shrimati Chandra Bhanu

Dharambir Singh, Shri

Dharam Pal Singh, Shri

Dhariwal, Shri Shanti Kumar

Digal, Shri Radhakanta

Dighe, Shri Sharad

Digvijay Singh, Shri

Digvijay Singh, Shri

Dikshit, Shrimati Sheifa

Dinesh Singh, Shri

Dogra, Shri G.L.

Dube, Shri Bhishma Deo

F

Faleiro, Shri Eduardo

Fernandes, Shri Oscar

G

Gadhavi, Shri Bheravadan K.

Gaekwad, Shri Ranjit Singh

Gaikwad, Shri Udaysingrao Nanasaheb

Gamit, Shri C.D.

Gandhi, Shri Rajiv

Ganga Ram, Shri

Gavit, Shri Manikrao Hodbha

Gehlot, Shri Ashok

Gholap, Shri S.G.

Ghosal, Shri Debi

Ghosh, Prof. Bimal Kanti

Ghosh, Shri Tarun Kanti

Gobil, Shri G.B.

Gomango, Shri Giridhar

Gopeshwar, Shri

Goswami, Shrimati Bibha Ghosh

Gounder, Shri A. Senapathi

Gowda, Shri H.N. Nanje

Guha, Shrimati Phulrenu

Gupta, Shrimati Prabhawati

H

Halder, Shri Manoranjan

Hannan Mollah, Shri

Hardwari Lal, Shri

Harpal Singh, Shri

Hembram, Shri Seth

J

Jadeja, Shri D.P.

Jaffer Sharief, Shri C.K.

Jagan Nath Prasad, Shri

Jaideep Singh, Shri

Jain, Shri Balchander

Jain, Shri Nihal Singh

Jain, Shri Virdhi Chander

Janardhanan, Shri M.R.

Jangde, Shri Khelan Ram

Jatav, Shri Kammodilal

Jayamohan, Shri A.

Jeevarathinam, Shri R.

Jena, Shri Chintamani

Jhansi Lakshmi, Shrimati N.P.

Jitendra Prasad, Shri

Jitendra Singh, Shri

Jujhar Singh, Shri

K

Kabuli, Shri Abdul Rashid

Kalpana Devi, Dr. T.

Kamal Nath, Shri

Kamat, Shri Gurudas

Kamble, Shri Arvind Tulshiram

Kamla Kumari, Shrimati

Kamla Prasad, Shri
 Kamla Prasad Singh, Shri
 Kaul, Shrimati Sheila
 Kaushal, Shri Jagan Nath
 Ken, Shri Lala Ram
 Keyur Bhusan, Shri
 Khan, Shri Arif Mohammad
 Khan, Shri Aslam Sher
 Khan, Shri Mohd. Ayub
 Khan, Shri Zulfiquar Ali
 Khattri, Shri Nirmal
 Khirhar, Shri R.S.
 Kidwai, Shrimati Mohsina
 Kinder Lal, Shri
 Kisku, Shri Prithvi Chand
 Kolandaivelu, Shri P.
 Konyak, Shri Chingwang
 Krishan Pratap Singh, Shri
 Krishna Singh, Shri
 Khirsagar, Shrimati Kesharbat
 Kuchan, Shri Gangadhar S.
 Kujur, Shri Maurice
 Kumaramangalam, Shri P.R.
 Kunwar Ram, Shri
 Kuppuswamy, Shri C.K.
 Kurien, Prof. P.J.

L

Law, Shri Asutosh
 Lowang, Shri Wangphia

M

Madhuri Singh, Shrimati
 Mahajan, Shri Y.S.
 Mahata, Shri Chittaranjan

Mahendra Singh, Shri
 Maken, Shri Latif
 Makwana, Shri Narsinh
 Mallik, Shri Purna Chandra
 Malick, Shri Lakshman
 Malviya, Shri Bapalal
 Mandal, Shri Sanat Kumar
 Mame, Shri Murlidhar
 Mane, Shri R.S.
 Manvendra Singh, Shri
 Masudal Hossain, Shri Syed
 Mavani Ramjibhai Shrimati Pavi
 Ramabai
 Mehta, Shri Harooobhai
 Meijinglung, Shri Kamson
 Mishra, Shri Gargi Shankar
 Mishra, Dr. Prabhat Kumar
 Mishra, Shri Ram Nagina
 Mishra, Shri Shripati
 Mishra, Shri Uma Kant
 Misra, Shri Nityananda
 Misra, Shri Satyagopal
 Modi, Shri Vishnu Kumar
 Mohandas, Shri K.
 Mohan Lal, Shri
 Mohenty, Shri Brajamohas
 More, Prof. Ram Krishna
 Motilal Singh, Shri
 Mukherjee, Shrimati Geeta
 Munshi, Shri Priya Ranjan Das
 Murmu, Shri Sidha Lal
 Murthy, Shri M.V. Chandrashekar
 Murugaiah, Shri A.R.
 Mushran, Shri Ajay Narayan
 Muttemwar, Shri Vilas

N

Naik, Shri G. Devaraya
 Naik, Shri Shantaram
 Naikar, Shri D.K.
 Narsinham, Shri P.A.
 Narayanan, Shri K.R.
 Narayanaswamy Shri Devineni
 Natarajan, Shri K R.
 Natwar Singh, Shri
 Nehru, Shri Arun Kumar
 Netam, Shri Arvind
 Nikbra, Shri Rameshwar

O

Odedra, Shri Bharat Kumar
 Odeyar, Shri Channaiah

P

Pakcer Mohamed, Shri E.S.M.
 Pande, Shri Raj Mangal
 Pandey, Shri Damodar
 Pandey, Shri Madan
 Pandey, Shri Manoj
 Panigrahi, Shri Chintamani
 Panigrahi, Shri Sriballav
 Panika, Shri Ram Pyare
 Panja, Shri A.K.
 Pant, Shri K.C.
 Papireddy, Shri Bezawada
 Parashar, Prof. Narain Chand
 Pardhi, Shri Keshaorao
 Patel, Shri Ahmed M.
 Patel, Shri C.D.
 Patel, Shri G.I.
 Patel, Shri H.M.

Patel, Shri Mohan Lal
 Patel, Shri Ram Pujan
 Patel, Shri Uttambhai H.
 Pathak, Shri Chandra Kishore
 Patil, Shri Balasaheb Vikhe
 Patil, Shri Prakash V.
 Patil, Shri Shivraj V.
 Patil, Shri Uttamrao
 Patil, Shri Veerendra
 Patil, Shri Vijay N.
 Patil, Shri Yashwantre Gadakh
 Patnaik, Shrimati Jayanti
 Pattnaik, Shri Jagannath
 Pawar, Shri Balesaheb
 Pawar, Shri Satyanarayan
 Penchalaiah, Shri Puchalapalli
 Peruman, Dr. P. Vellai
 Pilot, Shri Rajesh
 Potdukhe, Shri Shantaram
 Prabhu, Shri R.
 Pradhani, Shri K.
 Prakash Chandra, Shri
 Puran Chandra, Shri
 Purohit, Shri Banwari Lal

Q

Qureshi, Shri Aziz

R

Raghuraj Singh, Shri
 Rai, Shri I. Rama
 Rai, Shri Ramdeo
 Raj Karan Singh, Shri
 Rajeshwaran, Dr. V.
 Rajhans, Dr. G.S.

| | |
|--|--------------------------------|
| Raju, Shri Anand Gajpati | Riyan, Shri Baju Ban |
| Ram, Shri Ram Ratan | Roy, Shri Sudhir |
| Ram, Shri Ramswaroop | Roypradhan, Shri Amar |
| Ram Awadh Prasad, Shri | |
| Ram Dhan, Shri | S |
| Ram Parkash, Shri | Saha, Shri Ajit Kumar |
| Ram Samujhawan, Shri | Saha, Shri Gadadhar |
| Ramamurthy, Shri K. | Sahi, Shrimati Krishna |
| Rampal Singh, Shri | Sahu, Shri Shiv Prasad |
| Ramratan, Shri Kalicharan | Sait, Shri Azeez |
| Ramulu, Shri H.G. | Sambu, Shri Chimata |
| Rana Vir Singh, Shri | Sangma, Shri P.A. |
| Ranga, Prof N.G. | Sankta Prasad, Dr. |
| Ranganath, Shri K H. | Santosh, Shri |
| Rao, Shri Aithabathula Jogeswara Venkata Butchi Maheswara | Satendra Chandra, Shri |
| Rao, Shri C.H. Srihari | Sathe, Shri Vasant |
| Rao, Dr. G. Vijayarama | Scindia, Shri Madhavrao |
| Rao, Shri J. Vengala | Selvendran, Shri P. |
| Rao, Shri K.S. | Sen, Shri A.K. |
| Rao, Shri P V. Narasimha | Sen, Shri Bhola Nath |
| Rao, Shri V. Krishna | Sethi, Shri Ananta Prasad |
| Rao, Shri Vadde Sobhanadreeswara | Sethi, Shri P.C. |
| Rath, Shri Somnath | Shah, Shri Anoopchand |
| Rathawa, Shri Amarsinh | Shahi, Shri Laliteswar |
| Rathod, Shri Uttam | Shaktawat Prof. Nirmala Kumari |
| Rathore, Shri Mohar Singh | Shankaranand, Shri B. |
| Raut, Shri Bhola | Shanmugam, Shri A.C. |
| Ravani, Shri Navin | Shanmugam, Shri P. |
| Rawat, Shri Harish | Shanti Devi, Shrimati |
| Rawat, Shri Prabhulal | Sharma, Shri Nand Kishore |
| Reddy, Shri K. Ramachandra | Sharma, Shri Nawal Kishore |
| Reddy, Shri P. Manik | Sharma, Shri Partap Bhanu |
| Reddy, Shri S. Raghuma | Shervani, Shri Saleem I. |
| Reddy, Shri Sudini Jaipal | Shivendra Bahadur Singh, Shri |
| | Shukla, Shri Vidya Charan |

Siddiq, Shri Hafiz Mohd.
 Sidnal, Shri S.B.
 Singaravadivel, Shri S.
 Singh, Shri D.G.
 Singh, Shri K.N.
 Singh, Shri Lal Vijay Pratap
 Singh, Kumari Pushpa Devi
 Singh, Shri S.D.
 Singh Deo, Shri K.P.
 Singha, Shri Atish Chandra
 Sinha, Shrimati Kishori
 Sinha, Shrimati Ram Dulari
 Sinha, Shri Satyendra Narayan
 Sodi, Shri Mankuram
 Solanki, Shri Kalyan Singh
 Solanki, Shri Natavarsingh
 Soren, Shri Harihar
 Soundararajan, Shri N.
 Sreenivasa Prasad, Shri V.
 Sreeramamurthy, Shri Bhattam
 Subburaman, Shri A.G.
 Sukhadia, Shrimati Indubala
 Suktanpuri, Shri K.D.
 Suman, Shri R.P.
 Sundararaj, Shri
 Sunder Lal, Shri
 Sunil Dutt, Shri
 Surendra Pal Singh, Shri
 Suryawanshi, Shri Narsingrao
 Swami Prasad Singh, Shri
 Swamy, Shri K.N.
 Swell, Shri G.G.

T

Tapeswar Singh, Shri

Taradevi, Kumari, D.K.
 Tariq Anwar . Shri
 Tewary, Prof. K.K.
 Thakkar, Shrimati Ushaben Raghavji
 Thakur, Shri C.P.
 Thambi Durai, Shri M.
 Thangaraju, Shri S.
 Thomas, Prof. K.V.
 Thorat, Shri Bhausahab
 Thota Gopala Krishna, Shri
 Thungon, Shri P.K.
 Tigga, Shri Simon
 Tilakdhari Singh, Shri
 Tirki, Shri Piyush
 Tomar, Shrimati Usha Rani
 Tombi Singh, Shri N.
 Tripathi, Shrimati Chanda
 Tripathi, Dr. Chandra Shekhar
 Tulsiram, Shri V.
 Tytler, Shri Jagdish

U

Unnikrishnan, Shri K.P.

V

Vairale, Shri Madhusudan
 Van, Shri Deep Narain
 Vankar, Shri Punam Chand Mithabhai
 Venkatesan, Shri P.R.S.
 Verma, Dr. C.S.
 Verma, Shrimati Usha
 Vijayaraghavan, Shri V.S.
 Vyas, Shri Girdhari Lal

W

Wadiyar, Shri Srikantha Datta
 Narasimharaja

Wasnik, Shri Mukul

Wasnik, Shri Balkrishna

Y

Yadav, Shri Kailash

Yadav, Shri R.N.

Yadav, Shri Ram Singh

Yadav, Shri Shyam Lal

Yadav, Shri Subhash

Yadava, Shri Bal Ram Singh

Yadava, Shri D.P.

Yazdani, Dr. Golam

Yeshpal Singh, Shri

Yogeshwar Prasad, Shri

Z

Zainal Abedin, Shri

Zainul Basher, Shri

NOES

NIL

MR. SPEAKER : Subject to correction, the result * of the Division is :

Ayes : 412;

Noes : Nil.

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the members present and voting.

The Motion was adopted.

Clause 6, as amended, was added to the Bill.

PROF. MADHU DANDAVATE : I think, by mistake, Shri Jaipal Reddy's amendment has also been passed.

MR. SPEAKER : I was asking about Clause 2 (1)(c).

SHRI A.K. SEN : Paragraph 2 (1) (c). This has been substituted by Amendment No. 111.

MR. SPEAKER : That is what I said. I stand corrected. It was moved. I gave an assurance to Shri Jaipal Reddy that it would come later.

SHRI S. JAIPAL REDDY : I have a point. Firstly Clauses 2 to 5 are adopted. Then Clause 6 is adopted. The amendment is taken after clause 2(1)(c). How is the procedure reconciled?

MR. SPEAKER : We have adopted all. Thank you, Mr. Reddy. I stand corrected.

PROF. MADHU DANDAVATE : when he moved the amendment and it was passed automatically, it was adopted.

MR. SPEAKER : Now, we take up clause 1. There are amendments to clause 1. Shri D.B. Patil—Not present ; Shri Narayan Choubey—not present ; Shri Vijay Kumar Yadav—not present. The lobbies are already cleared. The question is :

“That clause 1 stand part of the Bill”

The Lok Sabha divided.

* The following Members recorded their votes for AYES :

Shri V. N. Gadgil, Shri Bir Sen, Shrimati Chandrashekar Margatham, Shrimati Indumati Bhattacharyya, Shrimati Sunderwati Nawal Prabhakar, Shri Mahabir Prasad Yadav, Shri Rahim Khan, Shri D. B. Shingda, Dr. S. Jagathrakshakar, Shri Kazi Jalil Abbasi, Shri Balkavi Bairagi, Shri Nissankara Rao Venkataratham, Shri Vijay Kumar Raju, Prof. Saifuddin Soz and Shri K. N. Pradhan.

19.44 hrs.

Division No. 4

AYES

A

Abbasi Shri, K.J.
 Abdul Ghafoor, Shri
 Acharia, Shri Basudeb
 Adaikalaraj, Shri L.
 Adiyodi, Dr. K.G.
 Agarwal, Shri Jai Prakash
 Ahmad, Shri Sarfaraz
 Ahmad, Begum Abida
 Alkha Ram, Shri
 Anand Singh, Shri
 Anjiab, Shri T.
 Anna Nambi, Shri R.
 Ansari, Shri Abdul Hannan
 Ansari, Shri Z.R.
 Antony, Shri P.A.
 Arunachalam, Shri M.
 Awasthi, Shri Jagdish
 Azad, Shri Bhagwat Jha
 Azad, Shri Ghulam Nabi

B

Baghel, Shri Pratap Singh
 Bagun Sumbrui, Shri
 Bairagi, Shri Balkavi
 Bairwa, Shri Banwari Lal
 Baitha, Shri D.L.
 Bajpai, Dr. Rajendra Kumari
 Balaraman, Shri L.
 Bali, Shrimati Vyjayanthimala
 Banerjee, Shrimati Mamta
 Bansi Lal, Shri

Barman, Shri Palas
 Barrow, Shri A.E.T.
 Basavarajeswari, Shrimati
 Basavaraju, Shri G.S.
 Basu, Shri Anil
 Bhagat, Shri B.R.
 Bhagat, Shri H.K.L.
 Bhakta, Shri Manoranjan
 Bhanu Pratap Singh, Shri
 Bharadwaj, Shri Parasram
 Bharat Singh, Shri
 Bhoi, Dr. Krupasindhu
 Bhoopathy, Shri G.
 Bhosale, Shri Prataprao Baburao
 Bhoje, Shri R.M.
 Bhoje, Shri Sitaram Sayaji
 Bhuria, Shri Dileep Singh
 Bir Sen, Shri
 Birbal, Shri
 Biswas, Shri Ajoy
 Brahma Dutt, Shri
 Buta Singh, Shri

C

Chandra Mohan Singh, Shri
 Chandra Pratap Narain Singh, Shri
 Chandrakar, Shri Chandulal
 Chandrasekhar, Shrimati Margatham
 Chandrashekarappa, Shri T.V.
 Chandresh Kumari, Shrimati
 Charles, Shri A.
 Chaturvedi, Shri Naresh Chandra
 Chaturvedi, Shrimati Vidyawati
 Chaudhary, Shri Manphool Singh
 Chaudhary, Shri A.B.A. Ghani Khan
 Chaven, Shrimati Premalabai

Chavan, Shri S.B.

Chidambaram, Shri P.

Chinta Mohan, Shri

Chokka Rao, Shri J.

Choubey, Shri Narayan

Choudhari, Shri Nandlal

Choudhari, Shrimati Ushatai Prakash

Chowdhary, Shri Jagannath

Chowdhary, Shri Saiffudin

D

Dabhi, Shri Ajit Singh

Daga, Shri Mool Chand

Dalbir Singh, Shri

Dalbir Singh, Shri

Dalwai, Shri Hussain

Damor, Shri Somjibhai

Dandavate, Prof. Madhu

Das, Shri Anadi Charan

Das, Shri R. P.

Dennis, Shri N.

Deora, Shri Murl

Dcsai, Shri B. V.

Devarajan, Shri B.

Devi, Shrimati Chandra Bhanu

Dhrambir Singh, Shri

Dharmpal Singh, Shri

Dhariwal, Shri Shanti Kumar

Digal, Shri Radhakanta

Dighe, Shri Sharad

Digvijay Singh, Shri

Digvijay Singh, Shri

Dikshit, Shrimati Sheila

Dinesh Singh, Shri

Dogra, Shri G. L.

Dube, Shri Bhishma Deo

F

Faleiro, Shri Eduardo

Fernandes, Shri Oscar

G

Gadgil, Shri V. N.

Gadhavi, Shri Bheravadan K.

Gackwad, Shri Ranjit Singh

Gaikwad, Shri Udaysingrao Nanasaheb

Gamit, Shri C. D.

Gandhi, Shri Rajiv

Ganga Ram, Shri

Gavit, Shri Manikrao Hodlya

Gehlot, Shri Ashok

Gholap, Shri S. G.

Ghosal, Shri Debi

Ghosh, Prof. Bimal Kanti

Ghosh, Shri Tarun Kanti

Gohil, Shri G. B.

Gomango, Shri Giridhar

Gopeshwar, Shri

Goswami, Shrimati Bibha Gho

Gounder, Shri A. Senapathi

Gowda, Shri H. N. Nanje

Guha, Shrimati Phulrenu

Gupta, Shrimati Prabhawati

H

Halder, Shri Manoranjan

Hannan Mollah, Shri

Hardwari Lal, Shri

Harpal Singh, Shri

Hembram, Shri Seth

J

Jadeja, Shri D. P.

Jaffer Sharief, Shri C. K.

Jagan Nath Prasad, Shri

Jagathrakshakan, Shri S.

Jaideep Singh, Shri

Jain, Shri Dalchander

Jain, Shri Nihal Singh

Jain, Shri Virdhi Chander

Janardbanan, Shri M. R.

Jangde, Shri Khelan Ram

Jatav, Shri Kammodi Lal

Jayamohan, Shri A.

Jeevaratbinam, Shri R.

Jena, Shri Chintamani

Jhansi Lakshmi, Shrimati N. P.

Jitendra Prasad, Shri

Jitendra Singh, Shri

Jujbar Singh, Shri

K

Kabuli, Shri Abdul Rashid

Kalpana Devi, Dr. T.

Kamal Nath, Shri

Kamat, Shri Gurudas

Kamble, Shri Arvind Tulsiniram

Kamla Kumari, Shrimati

Kamla Prasad, Shri

Kamla Prasad Singh, Shri

Kaul, Shrimati Sheila

Kaushal, Shri Jagan Nath

Ken, Shri Lala Ram

Keyur Bhusan, Shri

Khan, Shri Arif Mohammad

Khan, Shri Aslam Sher

Khan, Shri Mohd. Ayub

Khan, Shri Rahim

Khan, Shri Zulfiquar Ali

Khatri, Shri Nirmal

Khirhar, Shri R. S.

Kidwai, Shrimati Mohsina

Kinder Lal, Shri

Kisku, Shri Prithvi Chand

Kolandaivelu, Shri P.

Konyak, Shri Chingwang

Krishan Pratap Singh, Shri

Krishna Singh, Shri

Kshirsagar, Shrimati Kesharbai

Kuchan, Shri Gangadhar S.

Kujur, Shri Maurice

Kumaramangalam, Shri P. R.

Kunwar Ram, Shri

Kuppuswamy, Shri C. K.

Kurien, Prof. P. J.

L

Lowang, Shri Wanghpha

M

Madhuri Singh, Shrimati

Mahajan, Shri Y. S.

Mahata, Shri Chittaranjan

Mahendra Singh, Shri

Maken, Shri Lalit

Makwana, Shri Narsinh

Malik, Shri Purna Chandra

Mallick, Shri Lakshman

Malviya, Shri Bapulal

Mandal, Shri Sanat Kumar

Mane, Shri Murlidhar

Mane, Shri R. S.

Manvendra Singh, Shri

Masudal Hossain, Shri Syed

Mavani Ramjibhai, Shrimati Patel Ram

Mehta, Shri Haroobhai

Meijinglung, Shri Kamson

Mishra, Shri Gargi Shankar

Mishra, Dr. Prabhat Kumar

Mishra, Shri Ram Nagina

Mishra, Shri Shripati

Mishra, Shri Uma Kant

Misra, Shri Nityananda

Misra, Shri Satyagopal

Modi, Shri Vishnu Kumar

Mohandas, Shri K.

Mohan Lal, Shri

Mohanty, Shri Braja Mohan

More, Prof. Ram Krishna

Motilal Singh, Shri

Mukherjee, Shrimati Geeta

Munshi, Shri Priya Ranjan Das

Murmu, Shri Sidha Lal

Murthy, Shri M. V. Chandrashekara

Murugaiah, Shri A. R.

Mushran, Shri Ajay Narayan

Muttemwar, Shri Vilas

N

Naik, Shri G. Devaraya

Naik, Shri Shantaram

Naikar, Shri D. K.

Narayanan, Shri K. R.

Narayanaswamy, Shri Devineni

Natarajan, Shri K. R.

Natwar Singh, Shri

Nawal Prabhkar, Shrimati Sundarwati

Nehru, Shri Arun Kumar

Netam, Shri Arvind

Nikhra, Shri Rameshwar

O

Odedra, Shri Bharat Kumar

Odeyar, Shri Channaiah

P

Pakeer Mohamed, Shri E. S. M.

Pande, Shri Raj Mangal

Pandey, Shri Damodar

Pandey, Shri Madan

Pandey, Shri Manoj

Panigrahi, Shri Chintamani

Panigrahi, Shri Sriballav

Panika, Shri Ram Pyare

Panja, Shri A. K.

Pant, Shri K. C

Papireddy, Shri Bezawada

Parashar, Prof. Narain Chand

Pardhi, Shri Keshaorao

Patel, Shri Ahmed M.

Patel, Shri C. D.

Patel, Shri G. I.

Patel, Shri H. M.

Patel, Shri Mohan Lal

Patel, Shri Ram Pujan

Patel, Shri Uttambhai H.

Pathak, Shri Chandra Kishore

Patil, Shri Balasaheb Vikhe

Patil, Shri Prakash V.

Patil, Shri Shivraj V.

Patil, Shri Uttamrao

Patil, Shri Veerendra

Patil, Shri Vijay N.

Patil, Shri Yashwantrao Gadakh

Patnaik, Shrimati Jayanti

Pattnaik, Shri Jagannath

Pawar, Shri Balesaheb

Pawar, Shri Satyanarayan

Peruman, Dr. P. Vallal

Pilot, Shri Rajesh

Potdukhe, Shri Shantaram

Prabhu, Shri R.

Pradhani, Shri K.

Prakash Chandra, Shri

Puran Chandra, Shri

Purohit, Shri Banwari Lal

Q

Qureshi, Shri Aziz

R

Raghuraj Singh, Shri

Rai, Shri I. Rama

Rai, Shri Ramdeo

Raj Karan Singh, Shri

Rajeshwaran, Dr. V.

Rajhans, Dr. G.S.

Raju, Shri V. K.

Raju, Shri Anand Gajpati

Ram, Shri Ram Ratan

Ram, Shri Ramswaroop

Ram Awadh Prasad, Shri

Ram Dhan, Shri

Ram Prakash, Shri

Ram Samujhawan, Shri

Ramamurthy, Shri K.

Rampal Singh, Shri

Ramulu, Shri H.G.

Ranga, Prof. N.G.

Ranganath, Shri K.H.

Rao, Shri Aithabathula Jageswara Venkata
Butchi Maheswara

Rao, Shri C.H. Srihari

Rao, Dr. G.Vijayarama

Rao, Shri J. Vengala

Rao, Shri K.S.

Rao, Shri P.V. Narasimha

Rao, Shri V. Krishna

Rath, Shri Somnath

Rathawa, Shri Amarsinh

Rathod, Shri Uttam

Rathore, Shri Mohar Singh

Raut, Shri Bhola

Ravani, Shri Navin

Rawat, Shri Harish

Rawat, Shri Prabhulal

Reddy, Shri C. Madhav

Reddy, Shri K. Ramachandra

Reddy, Shri P. Manik

Reddy, Shri S. Raghuma

Reddy, Shri Sudin Jaipal

Riyan, Shri Baju Ban

Roy, Shri Sudhir

Roypradhan, Shri Amar

S

Saha, Shri Ajit Kumar

Saha, Shri Gadadhar

Sahi, Shrimati Krishna

Sahu, Shri Shiv Prasad

Sait, Shri Azeer

Sangma, Shri P.A.

Sankta Prasad, Dr.

Santosh, Shri

Satendra Chandra, Shri

Sathe, Shri Vasan

Scindia, Shri Madhavrao
 Selvendran, Shri P.
 Sen, Shri A.K.
 Sen, Shri Bhola Nath
 Sethi, Shri Ananta Prasad
 Sethi, Shri P.C.
 Shah, Shri Anoopchand
 Shahi, Shri Laliteshwar
 Shaktawat, Prof. Nirmala Kumari
 Shankaranand, Shri B.
 Shanmugam, Shri A.C.
 Shanmugam, Shri P.
 Shanti Devi, Shrimati
 Sharma, Shri Nand Kishore
 Sharma, Shri Nawal Kishore
 Sharma, Shri Pratap Bhanu
 Shastri, Shri Hari Krishna
 Shervani, Shri Saleem I.
 Shingda, Shri D.B.
 Shivendra Bahadur Singh, Shri
 Shukla, Shri Vidya Charan
 Siddiq, Shri Hafiz Mohd.
 Sidnal, Shri S.B.
 Singaravadivel, Shri S.
 Singh, Shri D.G.
 Singh, Shri K.N.
 Singh, Shri Lal Vijay Pratap
 Singh, Kumari Pushpa Devi
 Singh, Shri S.D.
 Singh Deo, Shri K.P.
 Sinha, Shri Atish Chandra
 Sinha, Shrimati Kishori
 Sinha, Shrimati Ram Dulari
 Sinha, Shri Satyendra Narayan
 Sodi, Shri Mankuram
 Solanki, Shri Kalyan Singh
 Solanki, Shri Natawarsinh

Soren, Shri Harihar
 Soundararajan, Shri N.
 Soz, Prof. Saifuddin
 Sreenivasa Prasad, Shri V.
 Steeramamurthy, Shri Bhattam
 Subburaman, Shri A.G.
 Sukhadia, Shrimati Indubala
 Sultanpuri, Shri K.D.
 Suman, Shri R.P.
 Sundararaj, Shri
 Sunder Lal, Shri
 Sunil Dutt, Shri
 Surendra Pal Singh, Shri
 Suryawanshi, Shri Narsingrao
 Swami Prasad Singh, Shri
 Swell, Shri G.G.

T

Tapeshwar Singh, Shri
 Taradevi, Kumari D.K.
 Tariq Anwar, Shri
 Tewary, Prof. K.K.
 Thakkar, Shrimati Ushaben Raghavji
 Thakur, Shri C.P.
 Thambi Durai, Shri M.
 Thangaraju, Shri S.
 Thomas, Prof. K.V.
 Thorat, Shri Bhausahab
 Thota Gopala Krishna, Shri
 Thungon, Shri P.K.
 Tigga, Shri Simon
 Tilakdhari Singh, Shri
 Tirki, Shri Piyush
 Tomar, Shrimati Usha Rani
 Tombi Singh, Shri N.

Tripathi, Shrimati Chanda

Tulsiram, Shri V.

Tytler, Shri Jagdish

U

Unnikrishnan, Shri K.P.

V

Vairale, Shri Madhusudan

Van, Shri Deep Narain

Vankar, Shri Punam Chand Mithabhai

Venkataratnam, Shri Nissankara Rao

Venkatesan, Shri P.R.S.

Verma, Dr. C.S.

Verma, Shrimati Usha

Vijayaraghavan, Shri V.S.

Vyas, Shri Girdhari Lal

W

Wadiyar Shri Srikantha Datta,
Narasimharaja

Wasnik, Shri Mukul

Wasnik, Shri Balkrishna

Y

Yadav, Shri Kailash

Yadav, Shri Mahabir Prasad

Yadav, Shri R.N.

Yadav, Shri Ram Singh

Yadav, Shri Shyam Lal

Yadav, Shri Subhash

Yadava, Shri Bal Ram Singh

Yadava, Shri D.P.

Yazdani, Dr. Golam

Yeshpal Singh, Shri

Yogeshwar Prasad, Shri

Z

Zainal Abedin, Shri

Zainul, Basher, Shri

NOES

NIL

MR. SPEAKER : Subject to correction,
the result* of the division is :

Ayes : 417

Noes : Nil

The Motion is carried unanimously by
a majority of the total membership of the
House and by a majority of not less than
two-thirds of the members present and
voting.

The Motion was adopted.

Clause I was added to the Bill.

Enacting Formula

SHRI A.K. SEN : I beg to move :

Page 1, line 1,—

for "Thirty-fifth" substitute "Thirty-
sixth" (37)

* The following Members also recorded their votes for AYES :

Shrimati Vyjantimala Bali, Shrimati Indumati Bhattacharyya, Dr. Chandra Shekhar Tripathi,
Shri Rana Vir Singh, Shri Ashutosh Law, Shri Kalicharan Ram Ratan, Shri Vadde
Sobhanadreeswara Rao, Shri P. Panchalaiah, Shri G. Bhoopathi, Shri K.N. Swamy,
Shri P.A. Narsimham, Shri C. Sambu and Shri K.N. Pradhan.

This is only a clerical amendment; we are enacting this Bill after the 26th of January, that is why this amendment is necessary.

MR. SPEAKER : The question is :

"Page 1, line 1,—

for "thirty-fifth" substitute "Thirty-sixth"

The Motion was adopted.

MR. SPEAKER : The question is:

"That the Enacting Formula, as amended, stand part of the Bill"

The Motion was adopted.

The Enacting, formula, as amended, was added to the Bill.

The Title was added to the Bill.

SHRI A.K. SEN : I beg to move:

"That the Bill, as amended, be passed."

I want to say only a few words. I have already said what I have to say and the hon. Prime Minister has explained the entire gamut of the Bill.

It is a historic occasion, when this House is passing this Bill unanimously. It has responded to the call of the nation, to purify the political life of the country. It is a historic day for us because, from now on it will be said very clearly and unequivocally that our political life has no pollution, uncleanness, no indecency and that our democratic structure rests on solid pillars. One pillar is the purity of the party and other is the faith and trust of the electorate. These are the two foundations on which our entire fabric rests. We must be true to the party

principles, on the basis of which we have been elected. Secondly, we shall not be playing false to the electorate, which has elected us on certain principles and on certain ideologies.

It is not necessary for me to say anything more. I commend the Bill for acceptance of the House unanimously.

MR. SPEAKER : Motion moved:

"That the Bill, as amended, be passed."

SHRI PRIYA RANJAN DAS MUNSHI : Mr. Speaker, Sir, this is a very historic day, not because of the fact that we have adopted this historic document in this House. but because India is entering into a new horizon by adopting this Bill. Our Prime Minister, who is not only the leader of the nation but is also one who is symbolising the Indian Renaissance, has extended the democratic processes within the political parties... (interruptions) This historic process will have to go on for a long time.

When we talk of defection, defiance and dissent, there are some distinctive and qualitative differences. In India the basic lesson of our society is that we believe in unity in diversity. These diverse trends are combined within the country by the social and political forces in various forms.

When somebody defies for the cause of the people, for something accepted by the people, then the people decide that is not defection but rebellion. When people think that somebody is trying to defect for his personal ends, people oppose and accuse. That is defection. If I draw the history from Ramayana, when Vibhishna sided with Ram Chandra people might say he defected, but he rebelled for a just cause and it proved to be correct. But that does not come now-a-days in our view in the modern world. I can cite the fate of Karna, who did not fight with the Kauravas, but with the Pandavas. The religion we call the mighty power has influence on our society, influence on our language, on our culture. Now, in the mighty religion which we call the Hindu religion we have two clans having constant confrontation. It

is there till today. One is the Shaktas and the other the Vaishnavites. I have seen it in many parts, we have one Jesus Christ, but we have Roman Catholics and the Protestants. We have pure Islam, but we have the Shias and the Sunnis. We have one Lenin and one Karl Marx, but you have many parties in the world with divergent views not only in India, but all over the world. Now, we have one Mahatma Gandhi. Congress claims to have inherited its traditions. But sometimes I find Members in the Opposition like Prof. Dandavate and others think also that they are following the traditions of Mahatma Gandhi. So, these are the diversities which should be taken into view in regard to defection, which are natural differences and dissensions. When dissension tantamounts to defence and defiance for personal aim. There he loses his accountability to the people.

Now, I will refer to this matter because we are here in the Indian democracy. We are not in Europe; we are not in the United States. Cleansing of the Ganga is not important and that cannot be done because the Ganga is already pure.

(Interruptions)

MR. SPEAKER : Order, Please.

SHRI PRIYA RANJAN DAS MUNSHI : Mr. Speaker, Sir, let me finish. I think when our Prime Minister said this, he was not meaning purifying the Ganga, but cleaning the pollution of the Ganga. While he said cleaning of pollution of the Ganga, the Ganga carries the heritage of the Indian civilisation. I mean Indian civilisation can be cleaned by passing the Bill that is before us. By adopting it, the Ganga responds more to this Bill, because the Ganga knows how much pollution has come into our democracy.

I personally feel that after having the assurance from our leaders in this House that some loopholes will be looked into after this Session, we can make further changes in the Bill.

Now, in regard to a dispute regarding a member, the matter will be referred to the Presiding Officer, but no time limit has been fixed. I would request in the next session the time limit should be fixed within which the Speaker has to announce his decision. If he keeps it pending for three to four months, it should not be allowed.

[Translation]

*SHRI C.H. SRIHARI RAO (Rajamundry) : Mr. Speaker, Sir, I welcome this Bill. It is unprecedented in the annals of the history of Indian Parliament. But adopting this Bill we are trying to respect the wishes of 70 crores of our people. Our young Prime Minister has really displayed courage to bring forward this anti defection Bill. I congratulate him and commend his devotion. But I could not understand why he thought of dropping clause 2(1)(c) from the Bill. It has been our intention to retain the clause. We are not for its deletion. We see many stalwarts adorning this great House today. On the slightest pretext, Members defect from one party to another. That is why I plead for a fool proof arrangement. It is our opinion that the leader and the party should be vested with all powers to take action against the defectors. That is what the people want. It is the fulfilment of their wishes. People vote for the party and its leader but not for the individual candidates. Many speakers who have proceeded me mentioned this point. So when these individuals switch their loyalty, the party leader must have every right to punish such erring individuals. This has been the unanimous stand of our party. And also we oppose the omission of this particular clause which takes away the power of the leader to punish his party members when they change sides.

Sir, under the present provision in this Bill, an individual can be punished when he crosses over to another. But if one-third members of party cross over, you are letting them off without any punishment under the garb of split. This is injustice. It should not be so. If majority members cross over, then only it should be treated as a split.

*The speech was originally delivered in Telugu.

Even if 49% members break away from the main group, the party President must have the power to take action against them. Take for example, in a constituency where there are 4,00,000 voters, a candidate who secures 2,00,001 votes is being declared as elected in a Parliamentary election and the candidate who secures 1,99,999 votes is defeated. The difference between the victor and the vanquished is just one vote. So also a party which enjoys majority should stay in power. The defectors even if they have 49% of the members have no right to form Government and rule. A split should be recognised as such if it is 50% or more. That is all. If 33% or 40% of the members defect it should not be called a split and the action of minority group should not be condoned. They are defectors even if they constitute 49% of the party and hence are liable for punishment. Even if they are one short of majority they should be treated as a minority and be treated as defectors so as to attract the provision with regard to expulsion.

Thanking you very much for giving me this opportunity.

[English]

MR. SPEAKER : Now, hon. Members, please don't leave. We have a very important motion. But before that, I have to call three or four Members more to speak. Shri Uttam Rathod.

SHRI UTTAM RATHOD (Hingoli) : Mr. Speaker Sir, before the adoption of the Constitution Amendment Bill, I would like to say that it must be perhaps the first occasion when the Constitution Amendment Bill has come up before the House, the ruling Party as well as the Opposition Parties, with all solemnity, have accepted it unanimously. Sir, on this occasion, I have to add that you will be expecting the unpleasant work of deciding the fate of political persons. So, I would suggest that you better prefer to have a sub-committee which will be able to advise you in such matters. This is all I wanted to say. After all, parliamentary democracy exists on checks and balances. So, it is essential that you must have a sub-committee. This is all. I wanted to say.

19.58 hrs.

SHRI P. K. THUNGON (Arunachal West) : Sir, thank you. I have been waiting right from the morning to speak.

MR. SPEAKER : Now you see the pleasure of those who wait and get their turn.

SHRI P. K. THUNGON : I am enjoying the pleasure of waiting.

MR. SPEAKER : Now, you have the pleasure of speaking.

SHRI P. K. THUNGON : Sir, first of all, I would like to congratulate the hon. Prime Minister and the Law Minister on having brought this Bill before the House. This is, no doubt, a historic Bill. In fact, there are two control system in a society. One is external control and the other is internal control. When a person has not got the morality to control himself, external control is required. In our political life, in our public life, it has been noticed that day by day the standard has been falling down. Realising this at the appropriate time, our young and dynamic Prime Minister has brought forward this Bill and has created a means for an external control for those who cannot control themselves with morality.

20.00 hrs.

Sir, I come from the north-eastern region where we have got so many small regional parties also. I do not want to go into details. But I would simply like to ask one thing. In certain cases when such opportunist regional parties get dissolved, what will be the position of members of those regional parties? That should also be kept in mind.

Many of the hon. Members have expressed in this august House about the desirability of allowing Independent candidates or Independent members to join whichever party they like. It has been very ably explained by our former Law Minister, Shri Jagan Nath Kaushal, that during the elections

when the Independent candidates speak about political parties, they speak as if they are the only people who will clean the society. There are some Independent members in my area, even at the level of State legislature, who are trying desperately and frantically, at this moment, to join this party or that party while we are discussing this very historic and important Bill in the House.

It has been very rightly suggested by some of the hon. Members that the defections generally take place at the time of elections. It has also been rightly suggested by some of the hon. Members that there should be some control system, some time-limit or prescribed time-limit as to upto what time or between what limit of time they can stand as candidates of any other political party. In case a member resigns just at the time of the elections, on the eve of the elections, at that time, if this time-limit is not kept, he will join any political party and may stand thereby in the way of cleaning the public life.

Lastly, I hope the hon. Law Minister will use his good offices to influence the State Governments and the State legislatures to enact the law in such a way that even at the level of Zila Parishads, Anchal Samitis and Municipal Committees there is no such defection, no such activity, which can go scot-free. I have experienced that at the Zila Parishad level and even at the level of Anchal Samitis, the members defect and thereby create instability right at the grass-roots and, in this way, the morality of the people is spoiled. Therefore, I would like to request the hon. Law Minister to use his good offices to influence the respective State Governments and the State Legislatures to enact the law quickly so as to control such kind of defections.

In conclusion, I would like to say that the passing of this Bill is the vindication of the promise made by the Prime Minister to the people of India that he will give a clean and efficient administration and a clean public life. Let us take this Bill as a big step in that direction, a gift to the nation by this august House through our hon. Prime Minister in memory of the Congress Centenary.

THE MINISTER OF LAW AND JUSTICE (SHRI A. K. SEN) : I can only express our happiness and, in doing so, I have no doubt I shall express the happiness of the entire House and the country for choosing this day as the most appropriate day for passing this memorable Bill. Today we remember Mahatma Gandhi and thousands of great heroes who have laid down their lives so that we and our children may be free. On this hallowed day, we are passing this great Bill. It will guide for ever the destiny of our democracy. If this Bill is passed, surely and surely, only a decent political life shall thrive in this country of ours for all times to come. It is extremely remarkable that this measure has gone through absolutely unanimously. It shows the strength of our nation and the strength of our solidarity, and the resolve of our people that in all times of need when the country needs the united effort of all of us, we forget our boundaries, we bury our hatchets and we cut across the party barriers and through the entire national life, one golden thread runs namely, that this country shall not perish nor our democracy.

MR. SPEAKER : Before I put the motion that the Bill, as amended, be passed, to the vote of the House, this being a Constitution Amendment Bill, voting has to be by division. Let the lobbies be cleared—

Now the Lobbies have been cleared.

The question is :

“That the Bill, as amended, be passed.”

The Lok Sabha divided.

20.06 hrs.

Division No. 5

AYES

A

Abhasi, Shri K.J.

Abdul Ghafoor, Shri

Acharia, Shri Basudeb
 Adaikalaraj, Shri L.
 Adiyodi, Dr. K. G.
 Agarwal, Shri Jai Parkash
 Ahmed, Begum Abida
 Alkha Ram, Shri
 Anand Singh, Shri
 Anjiah, Shri T.
 Anna Nambi, Shri R.
 Ansari, Shri Abdul Hannan
 Ansari, Shri Z.R.
 Antony, Shri P.A.
 Arunachalam, Shri M.
 Awasthi, Shri Jagdish
 Azad, Shri Bhagwat Jha
 Azad, Shri Gulam Nabi

B

Baghel, Shri Pratap Singh
 Bagun Sumbrui, Shri
 Bairagi, Shri Balkavi
 Bairwa, Shri Banwari Lal
 Baitha, Shri D.L.
 Bajpai, Dr. Rajendra Kumari
 Balaraman, Shri L.
 Bali, Shrimati Vyjayanthimala
 Banerjee, Shrimati Mamta
 Bansi Lal, Shri
 Barman, Shri Palas
 Barrow, Shri A.E.T.
 Basavarjeswari, Shrimati
 Basavaraju, Shri G S.
 Basu, Shri Anil
 Bhagat, Shri B.R.

Bhagat, Shri H.K.L.
 Bhakta, Shri Manoranjan
 Bhanu Pratap Singh, Shri
 Bharadwaj, Shri Parasram
 Bharat Singh, Shri
 Bhoi, Dr. Krupasindhu
 Bhoopathy, Shri G.
 Bhosale, Shri Prataprac Baburao
 Bhoys, Shri R.M.
 Bhoys, Shri Sitaram Sayaji
 Bhuria, Shri Dileep Singh
 Bir Sen, Shri
 Birbal, Shri
 Biswas, Shri Ajoy
 Brahma Dutt, Shri
 Buta Singh, Shri

C

Chandra Mohan Singh, Shri
 Chandra Pratap Narain Singh, Shri
 Chandrakar, Shri Chandulal
 Chandrasekhar, Shrimati Margatham
 Chandrashekarappa, Shri T.V.
 Chandresh Kumari, Shrimati
 Charles, Shri A.
 Chaturvedi, Shri Naresh Chandra
 Chaturvedi, Shrimati Vidyawati
 Chaudhary, Shri Manphool Singh
 Chaudhury, Shri A.B.A. Ghani Khan
 Chavan, Shrimati Premalabai
 Chavan, Shri S.B.
 Chidambaram, Shri P.
 Chokka Rao, Shri J.
 Choubey, Shri Narayan
 Choudhari, Shri Nandlal

Chaudhari, Shrimati Ushatai Prakash

Chowdhary, Shri Jagannath

Chowdhury, Shri Saifuddin

D

Dabhi, Shri Ajitsinh

Daga, Shri Mool Chand

Dalbir Singh, Shri

Dalbir Singh, Shri

Dalwai, Shri Hussain

Damor, Shri Somjibhai

Dandavata, Prof. Madhu

Das, Shri Anadi Charan

Das, Shri R.P.

Dennis, Shri N.

Deora, Shri Murli

Desai, Shri B.V.

Devarajan, Shri B.

Devi, Shrimati, Chandra Bhanu

Dharambir Singh, Shri

Dharam Pal Singh, Shri

Dhariwal, Shri Shanti Kumar

Digal, Shri Radhakanta

Dighe, Shri Sharad

Digvijay Singh, Shri

Digvijay Singh, Shri

Dikshit, Shrimati Sheila

Dinesh Singh, Shri

Dogra, Shri G.L.

Dube, Shri Bhishma Deo

F

Faleiro, Shri Eduardo

Fernandes, Shri Oscar

G

Gadgil, Shri V.N.

Gadhavi, Shri Bheravadan K.

Gadkwad, Shri Ranjit Singh

Gaikwad, Shri Udaysingrao Nanasabheb

Gamit, Shri C.D.

Gandhi, Shri Rajiv

Ganga Ram, Shri

Gavit, Shri Manikrao Hodlya

Gehlot, Shri Ashok

Gholap, Shri S.G.

Ghosal, Shri Debi

Ghosh, Prof. Bimal Kanti

Ghosh, Shri Tarun Kanti

Gohil, Shri G.B.

Gomango, Shri Gridhar

Gopeshwar, Shri

Goswami, Shrimati Bibha Ghosh

Gowda, Shri H.N. Nanje

Guha, Shrimati Phulrenu

Gupta, Shrimati Prabhawati

H

Halder, Shri Manoranjan

Hannan Mollab, Shri

Hardwari Lal, Shri

Harpal Singh, Shri

Hembram, Shri Seth

J

Jadeja, Shri D.P.

Jaffer Sharief, Shri C.K.

Jagan Nath Prasad, Shri

Jagathrakshakan, Shri S.

Jaideep Singh, Shri

Jain, Shri Balchander
 Jain, Shri Nihal Singh
 Jain, Shri Virddhi Chander
 Jangde, Shri Khelan Ram
 Jatav, Shri Kammodilal
 Jayamohan, Shri A.
 Jeevarathinam, Shri R.
 Jena, Shri Chintamani
 Jhansi Lakshmi, Shrimati N.P.
 Jitendra Prasad, Shri
 Jitendra Singh, Shri
 Jujhar Singh, Shri

K

Kabuli, Shri Abdul Rashid
 Kalpana Devi, Dr. T.
 Kamal Nath, Shri
 Kamat, Shri Gurudas
 Kamble, Shri Arvind Tulshiram
 Kamla Kumari, Shrimati
 Kamla Prasad, Shri
 Kamla Prasad Singh, Shri
 Kaushal, Shri Jagan Nath
 Ken, Shri Lala Ram
 Keyur Bhusan, Shri
 Khan, Shri Arif Mohammad
 Khan, Shri Aslam Sher
 Khan, Shri Mohd. Ayub
 Khan, Shri Rahim
 Khan, Shri Zulfiqar Ali
 Khatri, Shri Nirmal
 Khirhar, Shri R.S.
 Kidwai, Shrimati Mohsina
 Kinder Lal, Shri
 Kisku, Shri Prithvi Chand

Kolandaivelu, Shri P.
 Konyak, Shri Chingwang
 Krishna Pratap Singh, Shri
 Krishna Singh, Shri
 Kshirsagar, Shrimati Kesharbai
 Kuchan, Shri Gangadhar S.
 Kujur, Shri Maurice
 Kumaramangalam, Shri P.R.
 Kunwar Ram, Shri
 Kuppuswamy, Shri C.K.
 Kurien, Prof. P.J.

L

Law, Shri Asutosh
 Lowang, Shri Wanghpha

M

Madhuri Singh, Shrimati
 Mahajan, Shri Y.S.
 Mahata, Shri Chittaranjan
 Mahendra Singh, Shri
 Maken, Shri Lalit
 Makwana, Shri Narsinh
 Malik, Shri Purna Chandra
 Mallick, Shri Lakshman
 Malviya, Shri Bapulal
 Mandal, Shri Sanat Kumar
 Mane, Shri Murlidhar
 Mane, Shri R.S.
 Manvendra Singh, Shri
 Masudal Hossain, Shri Syed
 Mavani Ramjibhai Shrimati Patel Ramaben
 Mehta, Shri Haroobhai
 Meijinglung, Shri Kamson
 Mishra, Shri Gargi Shankar
 Mishra, Dr. Prabhat Kumar

Mishra, Shri Ram Nagina

Mishra, Shri Shripati

Mishra, Shri Uma Kant

Misra, Shri Nityananda

Misra, Shri Satyagopal

Modi, Shri Vishnu Kumar

Mohan Lal, Shri

Mohanty, Shri Brajamohan

More, Prof. Ram Krishna

Motilal Singh, Shri

Mukherjee, Shrimati Geeta

Munshi, Shri Priya Ranjan Das

Murmu, Shri Sidha Lal

Murthy, Shri M.V. Chandrashekara

Murugaiah, Shri A.R.

Muttemwar, Shri Vilas

N

Naik, Shri G. Devaraya

Naik, Shri Shantaram

Naikar, Shri D.K.

Narsimham, Shri P. A.

Narayanan, Shri K.R.

Narayanaswamy, Shri Devineni

Natarajan, Shri K.R.

Natwar Singh, Shri

Nawal Prabhakar, Shrimati Sunderwati

Nehru, Shri Arun Kumar

Netam, Shri Arvind

Nikhra, Shri Rameshwar

O

Odedra, Shri Bharat Kumar

Odeyar, Shri Channaiah

P

Pakeer Mohamed, Shri E.S.M.

Pande, Shri Raj Mangal

Pandey, Shri Damador

Pandey, Shri Madan

Pandey, Shri Manoj

Panigrahi, Shri Chintamani

Panigrahi, Shri Sriballav

Panika, Shri Ram Pyare

Panja, Shri A.K.

Pant, Shri K.C.

Papireddy, Shri Bezawada

Parashar, Prof. Narain Chand

Pardhi, Shri Keshao Rao

Paswan, Shri Ram Bhagat

Patel, Shri Ahmed M.

Patel, Shri C.D.

Patel, Shri G.I.

Patel, Shri H.M.

Patel, Shri Mohan Lal

Patel, Shri Ram Pujan

Patel, Shri Uttambhai H.

Pathak, Shri Chandra Kishore

Patil, Shri Balasaheb Vikhe

Patil, Shri Prakash V.

Patil, Shri Shivraj V.

Patil, Shri Uttamrao

Patil, Shri Veerendra

Patil, Shri Yashwantrao Gadakh

Patnaik, Shrimati Jayanti

Pattanaik, Shri Jagannath

Pawar, Shri Balasaheb

Pawar, Shri Satyanarayan

Penchalaiah, Shri Puchalapalli

Peruman, Dr. P. Vallal

Pilot, Shri Rajesh
 Poojary, Shri Janardhana
 Poldvke, Shri Shantaram
 Prabhu, Shri K.
 Pradhani, Shri K.
 Prakash Chandra, Shri
 Puran Chandra, Shri
 Purohit, Shri Banwari Lal

Q

Qureshi, Shri Aziz

R

Raghuraj Singh, Shri
 Rai, Shri I. Rama
 Rai, Shri Ramdeo
 Raj Karan Singh, Shri
 Rajeshwaran, Dr. V.
 Rajhans, Dr. G.S.
 Raju, Shri V. K.
 Raju, Shri Anand Gajpati
 Ram, Shri Ram Ratan
 Ram, Shri Ramswaroop
 Ram Awadh Prasad, Shri
 Ram Dhan, Shri
 Ram Samujhawan, Shri
 Ramamurthy, Shri K.
 Rampal Singh, Shri
 Ramratan, Shri Kalicbaran
 Ramulu, Shri H.G.
 Rana Vir Singh, Shri
 Ranga, Prof. N.G.
 Ranganath, Shri K.H.
 Rao, Shri C.H. Srihari
 Rao, Dr. G. Vijayarama
 Rao, Shri J. Vengala

Rao, Shri K.S.
 Rao, Shri P.V. Narasimha
 Rao, Shri V. Krishna
 Rao, Shri Vadde Sobhanedreeswara
 Rath, Shri Somnath
 Rathawa, Shri Amarsinh
 Rathod, Shri Uttam
 Rathore, Shri Mohar Singh
 Raut, Shri Bhola
 Ravani, Shri Navin
 Rawat, Shri Harish
 Rawat, Shri Prabhulal
 Reddy, Shri C. Madhav
 Reddy, Shri K. Ramachandra
 Reddy, Shri Raghumu
 Reddy, Shri Sudini Jaipal
 Riyan, Shri Baju Ban
 Roy, Shri Sudhir
 Roypradhan, Shri Amar

S

Saha, Shri Ajit Kumar
 Saha, Shri Gadadhar
 Sahi, Shrimati Krishna
 Sahu, Shri Shiv Prasad
 Sait, Shri Azeez
 Sambu, Shri Chimata
 Sangma, Shri P.A.
 Sankta Prasad, Dr.
 Santosh, Shri
 Satendra Chandra, Shri
 Sathe, Shri Vasant
 Scindia, Shri Madhavrao
 Selvendran, Shri P.
 Sen, Shri Ashok

Sen, Shri Bhola Nath
 Sethi, Shri Ananta Prasad
 Sethi, Shri P.C.
 Shah, Shri Anoopchand
 Shahi, Shri Laliteshwar
 Shaktawat, Prof. Nirmala Kumari
 Shankaranand, Shri B.
 Shanmugam, Shri A.C.
 Shanmugam, Shri P.
 Shanti Devi, Shrimati
 Sharma, Shri Nand Kishore
 Sharma, Shri Nawal Kishore
 Sharma, Shri Pratap Bhanu
 Shastri, Shri Hari Krishna
 Shervani, Shri Saleem I.
 Shingda, Shri D.B.
 Shivendra Bahadur Singh, Shri
 Shukla, Shri Vidya Charan
 Siddiq, Shri Hafiz Mohd.
 Signal, Shri S.B.
 Singaravadivel, Shri S.
 Singh, Shri D.G.
 Singh, Shri K.N.
 Singh, Shri Lal Vijay Pratap
 Singh, Kumari Pustipa Devi
 Singh, Shri S. D
 Singh Deo, Shri K P.
 Sinha, Shri Atish Chandra
 Sinha, Shrimati Kishori
 Sinha, Shrimati Ram Dulari
 Singh, Shri Satyendra Narayan
 Sodi, Shri Mankuram
 Solanki, Shri Kalyan Singh
 Solanki, Shri Natavarsinh
 Soren, Shri Harihar

Soundararajan, Shri N.
 Soz, Prof. Saifuddin
 Sreenivasa Prasad, Shri V.
 Sreeramamurthy, Shri Bhattam
 Subburaman, Shri A.G.
 Sukhadia, Shrimati Indubala
 Sultanpuri, Shri K.D.
 Suman, Shri R.P.
 Sundararaj, Shri
 Sunder Lal, Shri
 Sunil Dutt, Shri
 Surendra Pal Singh, Shri
 Suryawanshi, Shri Narsingrao
 Swami Prasad Singh, Shri
 Swamy, Shri K. N.
 Swell, Shri G.G.

T

Tapeswar Singh, Shri
 Taradevi, Kumari D.K.
 Tariq Anwar, Shri
 Tewary, Prof. K.K.
 Thakkar, Shrimati Ushaben Ragbavji
 Thakur, Shri C.P.
 Thambi Durai, Shri M.
 Thangaraju, Shri S.
 Thomas, Prof. K.V.
 Thorat, Shri Bhausahab
 Thota Gopala Krishna, Shri
 Thungon, Shri P.K.
 Tigga, Shri Simon
 Tilakdhari Singh, Shri
 Tirki, Shri Piyush
 Tomar, Shrimati Usha Rani
 Tombi Singh, Shri N.
 Tripathi, Shrimati Chanda

Tripathi, Dr. Chandra Shekhar

Tulsiram, Shri V.

Tytler, Shri Jagdish

U

Unnikrishnan, Shri K. P.

V

Vairale, Shri Madhusudan

Van, Shri Deep Narain

Vankar, Shri Punam Chand Mithabhai

Venkataratnam, Shri Nissankara Rao

Venkatesan, Shri P.R.S.

Verma, Dr. C.S.

Verma, Shrimati Usha

Vijayaraghavan, Shri V.S.

Vyas, Shri Giridhari Lal

W

Wadivar, Shri Srikantha Datta

Wasnik, Shri Mukul

Wasnik, Shri Balkrishna

Y

Yadav, Shri Kailash

Yadav, Shri Mahabir Prasad

Yadav, Shri R.N.

Yadav, Shri Ram Singh

Yadav, Sari Shyam Lal

Yadav, Shri Subhash

Yadav, Shri D. P.

Yazdani, Dr. Golam

Yeshpal Singh, Shri

Yogeshwar Prasad, Shri

Z

Zainal Abedin, Shri

Zainual Basher, Shri

NOES

NIL

MR. SPEAKER : Subject to correction, the result* of the Division is: Ayes 418; Noes Nil.

The Motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting. The Bill, as amended, is passed by the requisite majority in accordance with the provisions of Article 368 of the Constitution.

The Motion was adopted.

PROF. MADHU DANDAVATE : Sir, what about obituary reference to defectors?

[Translation]

MR. SPEAKER : The passing of this Bill is itself an obituary to defectors

20.11 hrs.

MESSAGES FROM RAJYA SABHA—Contd.

[English]

SECRETARY-GENERAL : Sir, I have to report the following messages received

* The following Members also recorded their votes for AYES : Shrimati Sheila Kaul, Shri A. Senapathi, Gounder, Shrimati Induwati Bhattacharyya, Shri Sarfarz Ahmed, Shri M.R. Janardhanan, Shri Manik Reddy, Dr. Chinta Mohan, Shri K.N. Pradhan and Shri A.J.V.B. Maheswara Rao,