

**MOTION RE. AMENDMENT OF THE
REPRESENTATION OF THE PEOPLE
ACT**

15.59 hrs.

MR. CHAIRMAN: Now the House will take up the Motion of Shri Jyotirmoy Bosu.

SHRI JYOTIRMOY BOSU (Diamond Harbour): I beg to move the following.

MR. CHAIRMAN: Before you commence, may I just have a clarification from you?

As you know, the time allotted for this discussion is three hours. How much time would you require out of these three hours?

SHRI JYOTIRMOY BOSU: I require around one hour.

MR. CHAIRMAN: You wish to give only two hours to the Minister and other members? Your one hour is including your right of reply.

SHRI JYOTIRMOY BOSU: Let us see as we proceed whether we are able to finish it today because at 7 O'clock there is one Half-an-hour Discussion. We may not be able to finish it.

MR. CHAIRMAN: It will be held over to the next session then. Mr. Bosu, you please resume your seat..

SHRI RAGHAVJI (Vidisha): Time should be extended for this motion. It is a very important motion.

16.00 hrs.

MR. CHAIRMAN: That is not to be discussed now.

SHRI MALLIKARJUN (Medak): On a point of order. Madam, when this august House is discussing Constitution (Forty-Fifth) Amendment Bill, how far is it justifiable for this august House to discuss this motion relating to the Representation of the Peoples Act, which can also be brought in....

MR. CHAIRMAN: There is no point of order, it is a different legislation.

SHRI JYOTIRMOY BOSU: I beg to move the following motion, as amended....

MR. CHAIRMAN: Amendments later on, you read it as on the order paper.

SHRI JYOTIRMOY BOSU: I beg to move the following:

"That this House do resolve that the Representation of the People Act be suitably amended or an appropriate law be enacted to disqualify a person for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State or any other elective body or for holding any public office for a period of ten years, if such person—

(a) has ever been or is adjudged or found guilty by any competent court of law or by any Commission appointed under the Commissions of Inquiry Act, 1952 of any offence committed, or misuse of power or position or State machinery made during the preceding ten years; or

(b) has been found by any competent court of law or such Commission to have obtained for himself or for any of his relatives any pecuniary advantage or benefit whatsoever during the preceding ten years."

SHRI C. M. STEPHEN (Idukki): Are you allowing him one hour? We want to know so that we may have some idea. If sufficient time is not there for others to speak, we can pack up and go, and he can speak for three hours.

MR. CHAIRMAN: Let him finish and then we can decide. I just told him that including his reply, he will take one hour.

SHRI JYOTIRMOY BOSU: Madam Chairman, at the outset, I am making

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it clear to the House that this motion is not for any individual or a group; it is neither directed nor meant to curb any individual or groups, but the sole object behind this motion is to cleanse the political life which by all standards has touched the bottom of even the lowest standard.

There is an imperative need of cleansing public life if parliamentary democracy is required to contribute even the minimum to the welfare of the people. Thirty years have passed. Our experience seeing the happenings around tells us that there are miseries, increasing poverty and there is chaos also. It makes me feel more strongly to bring a rigid enactment at least to put a check to the denigration engulfing the nation.

The Congress rule for thirty years could not improve the quality of public life, and it brought continuous deterioration in moral standards. It is correct that unless we rigidly abide by the rules of the game both in letter and spirit, democracy and parliamentary democracy will continue to fail us resulting in denial of justice and fair play to the people especially the weaker sections of the society. Through the State machinery, exploiters, enemies of the people and increasing degrees of exploitation, as each day passes, the weaker sections of the society in rural and urban areas are groaning under acute problems of life. A very recent example is decontrol of sugar, lifting of compulsion of production of cheap and standard cloth, allowing additional export subsidy and discontinuation of price preference for public Sector Undertakings.

In the hallabuloo and infighting of Janata Party, these things have been done on the quiet and it has been possible so smoothly. I dare say this emphatically because the exploiters have been able to take an upper hand in the Government decision making

levels. It is common knowledge that most of the elections are financed by these people and the continuation in power is also financed by the same people. This has been the position during the last thirty years. There are resourceful lobbies openly operating in Delhi buying and utilising politicians. Who is not aware of the presence of all powerful lobbies, like the jute lobby, sugar lobby, cigarette lobby, edible oil lobby, cotton lobby, polyester lobby and scores of other lobbies.

SHRI RAGHAVJI: My point of order is whether a Member can read from a written speech.

MR. CHAIRMAN: He is referring to his notes. He can refer to his notes.

SHRI RAGHAVJI: Only a Minister can read—and not a Member.

SHRI JYOTIRMOY BOSU: The prime criminal of the imported edible oil racket abroad, the Bombay firm Godraj had been founder-Secretary of the Fair Trade Practice Society of India; and I am told they are financing the in-fighting in the Janata Party. If one takes pains to draw a list of guest houses and entertainment places by both Indian and foreign big business houses in Delhi, it will be a horrifying experience; and the time has come to call a halt to this.

We, as Communists, do not ever believe that in this capitalist socio-economic structure, corruption can be wiped out or absolute purity brought in, in the public life, because the only motive that is working, is the profit motive, and there is a race between one and the other. There is no place for humanity, morals, scruples and welfare of the people. I regret that the economic policy, even today, continues to be the same as before. Various eye-wash exercises have been made, but there is no qualitative change or lasting result as could be seen from the very few commissions that have been set up during the last couple of decades.

Of course, the erstwhile Prime Minister hated the very idea of setting up of Commissions on corruption charges, unless she had her own political purpose behind it. Otherwise, even though the Auditor General's Special Audit Report clearly revealed serious misappropriation and malpractices running into crores of rupees in Haryana, Mrs. Gandhi not only refused to do anything against Bansi Lal but she and her caucus went on giving certificates of his good conduct.

Now, thanks to this Government, they have set up the Jaganmohan Reddy Commission, whose first report has come out.

In June 1962 perhaps human values were a little better—when the late lamented Lal Bahadur Shastri as the Home Minister constituted the Santhanam Committee for the prevention of corruption. I quote from page 101 of its report.

"There is a large consensus of opinion that a new tradition of integrity can be established only if the example is set by those who have the ultimate responsibility for the governance of India, namely, the Ministers of the Central and State Governments. The problem is difficult and delicate. Ministers are necessarily the leaders of the political party which succeeds in obtaining a majority in elections based on adult suffrage. There is a widespread impression that failure of integrity is not uncommon among Ministers and that some Ministers who have held office during the last 16 years have enriched themselves illegitimately, obtained good jobs for their sons and relations through nepotism, and have reaped other advantages inconsistent with any notion of purity in public life. The general belief about failure of integrity amongst Ministers is as damaging as actual failure. That these Ministers have held office in the name of the Indian National Congress which had evolved the highest notions of personal integrity

and service under the inspiration of Mahatma Gandhi has given rise to an exaggerated view of their failure to maintain high standards of integrity. It is a pity that neither the Congress authorities nor the great leaders who took over the Government of India realized the importance of evolving a suitable machinery and procedure for preventing and dealing with such corruption. We are convinced that ensuring absolute integrity on the part of the Ministers at the Centre and the States is an indispensable condition for the establishment of a tradition of purity in public services."

That is what the Santhanam Committee said. Based on the Santhanam Committee's recommendations, the Vigilance Commission was set up, and the idea of Lokpal also came. But I regret (*Interruptions*) that in spite of all the exercises that seem to have been done, the magnitude of corruption both in the fields of economics and politics, in the sense of misuse of power and taking advantage of the person's own official and political position, instead of decreasing, is increasing every day. (*Interruptions*).

Madam, we have to hit at the very root of it, and unless an attempt is made to uproot corruption and corrupt persons at the topmost echelons, as pointed out by the Santhanam Committee, a beginning cannot even be made.

I shall be in "fools' paradise" if I ever consider that a measure like this, the measure that I am advocating today will put an end to corruption. But this is an effort to put a check to the limitless corruption and misuse of office for political and ultimately personal gains of different sorts. The root of corruption lies at the highest level and it does not start at the bottom. There were several commissions: Chagla Commission, Vivian Bose Commission, Khanna Commission, Iyer Commission, Justice Das Commission, Sarjoo Prasad Com-

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mission, Madhokar Commission and several others. But these were all temporary healing balms and the impact disappeared as soon as the Commissions were wound up. These commissions had for a limited length of time kept people in high hopes, but soon they were disillusioned. Since 1971, corruption, malpractices and blatant misuse of office for self-gains reached the highest peak, especially in the Central administration under Mrs. Gandhi. Strangely enough not a single commission where any of her favourites was involved was constituted.

Mrs. Gandhi's real object behind the appointment of Sarkaria Commission and the Commission against the Akali leader done on the signature of one legislator was mainly aimed at character assassination and political vindictiveness and destruction of political opponents.

Other countries, countries which are known to be not as big as we are, or so advanced and self-styled socialists as we are have provisions for rustcating politicians from public life. If it is reasonably established that the person concerned was found corrupt and he or his close persons made personal, political and pecuniary gains, he was debarred from remaining in politics for a sizeable length of time.

I shall read out the Sri Lanka provision, extracts from the Special Presidential Commissions of Inquiry Law No. 7 of 1978 of the National State Assembly of Sri Lanka:

"The members of a commission shall, so long as they are acting as such members, be deemed to be state officers within the meaning of the Penal Code, and every inquiry under this Law shall be deemed to be a judicial proceeding within the meaning of that Code.

Where a commission finds at the inquiry and reports to the President that any person has been guilty of any act of political victimization,

misuse or abuse of power, corruption or any fraudulent act, in relation to any court or tribunal or any public body, or in relation to the administration of any law or the administration of justice, the commission shall recommend whether such person should be made subject to civic disability, and the President shall cause such finding to be published in the Gazette as soon as possible and direct that such report be published.

(2) Any report, finding, other determination, ruling or recommendation made by a commission under this Law, shall be final and conclusive and shall not be called in question in any court or tribunal by way of writ or otherwise.

(3) For the purpose of this section, civil disability, shall mean the disqualification of a person—

(1) from being an elector and from voting at any election of the President of the Republic, or at any election of a member of the National State Assembly or of any local authority.

(ii) from being nominated as a candidate at any such election.

(iii) from being elected or appointed as the President of the Republic or from being elected as a member of the National State Assembly or of any local authority, and from sitting and voting as such member; and

(iv) from holding office, and from being employed, as a public officer."

That is the position in the neighbouring country. It is so small in size, it does not claim to be so advanced as we do, they are not styling themselves as socialists. Let us see what is the outcome. The latest outcome is given in a news item:

"The Sri Lanka Prime Minister, Mr. Ranasinghe Premadasa, today presented to Parliament two bills

providing for depriving Mr. Felix Dias Bandaranaike, nephew of the former Prime Minister, Mrs. Sirimavo Bandaranaike and 33 others of their civic rights."

"Two Presidential Commissions, which investigated irregularities and malfunctions in local bodies during the seven-year Sirimavo regime, had held Mr. Felix Bandaranaike, Mr. Neale De Alwis, his deputy minister, and 32 others guilty of malpractices. The commissions had recommended to the Parliament that these persons be deprived of civic rights."

The qualitative difference between the Commission in Sri Lanka and the Commission here is that here the Commission has no power to take action for the crimes that have been committed but in Sri Lanka the Commission is empowered to recommend that person found guilty is subjected to loss of civil right. This is exactly what I am aiming at through this substantive motion. I expect that every honest politician will accept this. Those who will oppose this motion, we shall leave it to the people to judge about their integrity.

In Sri Lanka, as expected, they have granted special immunity to all witnesses by Presidential Order. Witnesses appearing before the special presidential commission going into abuse and misuse of power during the previous seven-year rule of Mrs. Sirimavo Bandaranaike in Sri Lanka have been given special immunity. The immunity has been given by a gazette notification last night issued by the President, Mr. J. R. Jayawardene, at the request of the Commission. Accordingly, no person shall in respect of any evidence, written or oral, given by that person to or before the commission be liable to any action or prosecution or other proceedings in any civil or criminal court. Also, no evidence or any statement made by any person to or before the commission shall be admissible against that person in any action, prosecution or

other proceedings in any civil or criminal court.

In our own country itself, there is a remote State which has a special status and there was no lack of political will. I must thank Late Mohamad Sadiq who enacted the Jammu and Kashmir Representation of Peoples (Second Amendment) Act, 1967 (Act XI of 1967) which reads as follows:

"24-F. Disqualification for abuse or misuse of office or authority.

Where a person has been found—

(a) by any civil or criminal court; or

(b) by any Tribunal, Board or Commission set up under any statute;

to have illegally or by corrupt means or by otherwise abusing or misusing—

(i) the position held by him as a member of either House of the State Legislature or of Parliament; or

(ii) the office held by him by virtue of being such member; obtained for himself or for any of his relatives any valuable thing or pecuniary advantage, he shall be disqualified for a period of ten years from the date of the commencement of the Jammu and Kashmir Representation of the People (Second Amendment) Act, 1967, or from the date on which such finding becomes public, whichever is later.

Provided that such person had the opportunity of being heard in the proceedings held by such Court, Tribunal, Board or Commission;

Provided further that such Tribunal, Board or Commission was presided over by a person who is or has been Judge of the Supreme Court of India.

25. Interpretation:—In this Part 'disqualified' means disqualified from

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being chosen as, and for being a member of the Legislative Assembly or Legislative Council of the State."

So, this is not something new I am saying. As a result of the above Act, a former Chief Minister of Jammu & Kashmir—now dead—I do not want to name him—I am told, who took to corrupt practices had to leave State politics and he had to come to the Central Legislature.

As I have told earlier, a new peak and magnitude of corruption has started since 1971. With the consolidation of Mrs. Gandhi in power, the ruling coterie and big business joined hands and a free for all loot started. The doings of Mrs. Gandhi especially after 1969 and 1971, more especially after June 1975 till the time she was kicked out of power is the darkest age for the country. India's rich heritage and rich traditions were given the go-by. The quality of humanism inherited from ancient India and known all over the world was completely drowned.

To quote a few scandals: the Maruti scandal, the Nagarwala scandal, the Pondicherry Tulmohan Ram Licence scandal, Duncan Brothers Ramagoenka scandal, poster scandal, procurement of jeeps, Land letter of intent, Defence objection, bank overdraft, shares and agency deal etc. There are so many others. One can write a Maha Bharata on the same. Other cases are the rag import scandal which cost the country Rs. 150 crores, import of Ethy Alcohol where Rs. 232 crores customs exemption given to Mrs. Gandhi...

SHRI VASANT SATHE (Akola): On a point of order. There is a well-settled convention and practice which is laid down in the Handbook. He is not making a maiden speech. A senior Member like him cannot go on read-

ing his speech. This is what he is doing.

Secondly, what is the allocation of time? If the total time is three hours, there is a method of allocation between the ruling party, our party and the speaker. Even in a private resolution, not more than 15 minutes are given, 30 minutes maximum. First, let us know, otherwise we cannot sit here till 10 O' Clock in the night. On a resolution like this, we do not want to waste our time. ** (Interruptions) I will point out how Don't get provoked on this. (Interruptions) We want you to decide the time. Out of three hours, according to our share, he should get 15 minutes only, not more than that. (Interruptions) ** his right but what is the time limit? (Interruptions) You have allotted three hours. At 7 O' Clock the half-hour discussion starts. Out of three hours, how much does he get?

MR. CHAIRMAN: Mr. Bosu, please try to be brief.

SHRI VASANT SATHE. If the ruling party is giving him all its time to him, I do not mind (Interruptions).

बोधरो बलबोर सिंह (होशियारपुर) : मेरा एक व्यवस्था का प्रश्न है। माननीय सदस्य ने एक शब्द का इस्तेमाल किया है **। क्या कहने वाला सेंस में है यह आप बता दें।

श्री राघवजी (विदिशा) : मेरा एक प्वाइंट आफ़ आर्डर है। अभी माननीय सदस्य ने मोशन को ** मोशन कहा है। ** यह शब्द क्या पालियामेंटरी शब्द है? मदन ने इस मोशन को एक्सेप्ट किया है, आपने इस मोशन को एलाउ किया है। मैं आप से प्रार्थना करता हूँ कि इस ** शब्द को एक्सपेंज किया जाए। यह मेरा प्वाइंट आफ़ आर्डर है। कोई भी मोशन ** नहीं हो सकता है।

श्री बसन्त साठे : मोशन को ** नहीं कहा। मैंने कहा है। **

बोधरो बलबोर सिंह : ** क्या यह शब्द पालिया-मेंटरी है? साथ ही क्या कहने वाला सेंस में है?

सभापति महोदय : यह दोनों अनपालियामेंटरी हैं।

बोधरो बलबोर सिंह : कहने वाला सेंस में है या नहीं यह भी आप बता दें।

**Expunged as ordered by the Chair.

SHRI JYOTIRMOY BOSU: I am following the method I was following since 1967.

I want to mention one thing. The Chair has to bear with me. The other day, I gather, Shri Sathe withdrew the motion and ran away from the House. So, what gospel he is preaching to all of us, I do not understand. If my motion does not carry any sense, his motion carried no sense, never did carry any sense.

SHRI VASANT SATHE: Much better.... (Interruptions)

SHRI JYOTIRMOY BOSU: Mr. Chairman, you are new to the House and to the whole thing. There are mercenaries and there are others.

AN HON. MEMBER: Tea taster.... (Interruptions)

SHRI JYOTIRMOY BOSU: Your taste will come.... (Interruptions)

SHRI KANWAR LAL GUPTA (Delhi Sadar): Why are you angry, Mr. Sathe? You had no motion on Saturday?

SHRI VASANT SATHE: My motion was taken away by you.... (Interruptions)

SHRI JYOTIRMOY BOSU: I will try to be as brief as possible.... (Interruptions) I am more concerned about the economic issues, than anything else, what sort of economic loss the country was put to. I will give you a few instances.

The illegal import of rags, woollen garments under the garb and disguise of rags has, according to our calculations, resulted in a loss of Rs. 150 crores to the country at that time. Shrimati Gandhi granted customs exemption to two Companies—one was ICI and the other was Kilachand—on account of import of ethyl alcohol and the amount that was exempted was Rs. 232 crores. I am saying it on the basis of evidence.

Then there is partial de-control of sugar.

AN HON. MEMBER: What about the present complete de-control?

SHRI JYOTIRMOY BOSU: I have already referred to it in the beginning. You have heard me. Then there is the Maruti Road Roller scandal, Polymix scandal, Boeing and Airbus scandal, Dharendra Brahmachari scandal, Indira International scandal corruption and misuse of power....

SHRI C. M. STEPHEN: Sir, I am rising on a point of order. He has moved a resolution. It is necessary on this all shades of opinion must be reflected. So, we must have sufficient time. As Shri Sathe said, it is not a matter of accommodation. Rule 178 deals with the allotment of time for resolutions. It says:

"No speech on a resolution shall, except with the permission of the Speaker, exceed fifteen minutes in duration:

Provided that the mover of a resolution, when moving the same and the Minister concerned when speaking for the first time, may speak for thirty minutes or for such longer time as the Speaker may permit."

This is the rule. I have no objection to your granting him or extending his time. But there are parties represented here, and those parties have got their respective strength.

SHRI JYOTIRMOY BOSU: They do not want the motion to come up. That is why they are raising these points.

SHRI C. M. STEPHEN: I am submitting to the Chair. If you want to carry on in the meanwhile, let me resume my seat.... (Interruptions) Otherwise, when I am raising a point of order, what is the meaning of shouting like that? I have quoted the rule.... (Interruptions) Three hours have been allotted for the resolution. I have no objection to any

[Shri C. M. Stephen]

time being granted to him. But this is the rule. We have got only three hours. If his party is going to be given one hour, *pro rata* my party has to get three hours. Of course, half an hour is given to him to move the Resolution. If he takes another half an hour, then *pro rata* time must be given to the different parties, according to their strength.

MR. CHAIRMAN: He has been given one hour by the Speaker.

SHRI C. M. STEPHEN: He is given one hour? If the Speaker has given him one hour, we cannot be denied our rights. The Speaker may give him one hour, but the Speaker cannot deny us our right to the time.

SHRI JYOTIRMOY BOSU: Mr. Stephen, I will be as brief as possible.

SHRI C. M. STEPHEN: What I am emphasizing is he just cannot get one hour and get away.

MR. CHAIRMAN: Let me correct myself. The Deputy-Speaker told the Mover of the Resolution that he will be given one hour—40 minutes in the beginning and 20 minutes for the reply.

SHRI C. M. STEPHEN: I objected to that immediately. I have no objection. But what I am saying is that our party cannot be denied of our rightful due.... (Interruptions)

SHRI JYOTIRMOY BOSU: They want to scuttle this motion.

SHRI C. M. STEPHEN: We must have sufficient time to reply to all that.

Secondly, there are certain conventions which this House has always followed. There is a distinction between a speech and a statement. What he is allowed under rule 176 is to speak, to commence his speech by a

formal motion. Even when a Minister read out a statement, there were occasions when you objected—(Interruptions)

SHRI JYOTIRMOY BOSU: They are very anxious to scuttle this motion.

SHRI C. M. STEPHEN: If this is his attitude, he is not going to carry on his speech comfortably in this House. If he is going to butt in like this, it is open to others also to butt in when he speaks.

SHRI JYOTIRMOY BOSU: He has taken away 15 minutes.

SHRI C. M. STEPHEN: I will take whatever time the Chair allows me. I am holding the floor. Let me complete my submission. These are the two points. The hon. Member is an expert on making speeches. Why should he read out a statement? If it is a statement, he can as well lay it on the Table of the House. All that he is expected to do is to make a speech, not to read out a statement.

MR. CHAIRMAN: Mr. Jyotirmoy Bosu, how much time more will you take?

SHRI JYOTIRMOY BOSU: I will be as brief as possible. They have taken away 15 minutes.

MR. CHAIRMAN: How much more time?

SHRI JYOTIRMOY BOSU: Another half an hour.

MR. CHAIRMAN: Another half an hour? It will be difficult to accommodate other members.

SHRI JYOTIRMOY BOSU: Sir, I assure you that I will be as brief as possible.

MR. CHAIRMAN: You take 10 minutes more.

SHRI JYOTIRMOY BOSU: No; I cannot do with that. They have taken away 15 minutes already.

SHRI MALLIKARJUN: On a point of order, Sir. Please refer to rule 179. It says:

"The discussion on a resolution shall be strictly relevant to and within the scope of the resolution."

The resolution that he has moved is to amend the Representation of the People Act. But he is bringing in the whole story of 30 years of Congress rule. What about the pre-Independence days then? He is not bringing in those things, the Gandhian principles of economic development and all that. That also he should bring out.

SHRI JYOTIRMOY BOSU: Let me tell my hon. friend, Mr. Mallikarjun that there is no resolution before the House. There is a motion before the House. He does not know the difference between the two.

SHRI MALLIKARJUN: It does not matter.

SHRI JYOTIRMOY BOSU: It does matter.

Now, I would like to quote from the Interim Report Part I, of the Shah Commission, page 64, paragraph 7.106:

"On April 22, 1976, Shri S. S. Yadav, who was one of the Customs Inspectors, was told by his Superintendent to draw samples from the consignment of certain packages belonging to M/s. Indira International for determining, for draw-back purposes, whether the garments were actually of mill-made cloth as claimed by the exporters, or of powerloom cloth. Pending the furnishing of the samples, the export of the consignments had not been permitted. On the basis of the samples drawn by Shri Yadav, he was of the view that the exporters had misdeclared the goods for obtaining illegal benefit of draw-back at a higher rate. Shri Yadav tried to explain to the Clearing

Agent of M/s. Indira International that the firm was cheating the Government by misdeclaring that the garments were made out of mill cloth while actually they made out of powerloom cloth."

"On this occasion, the Customs officer was threatened and told that the consignment belonged to the mother-in-law of Shri Sanjay Gandhi, the son of the then Prime Minister, Smt. Indira Gandhi, and that the officers will have to pay the price for the hold-up of the consignment'..."

15.35 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

This is called misuse of office and power.

Then I come to page 26, para 5.60 (of Interim Report-I):

"Some of the special features of the proclamation of Emergency, as gathered from the official records, are as follows:—

(a) on the economic front, there was nothing alarming. On the contrary, the wholesale price index had declined by 7.4 per cent between December 3, 1974 and the last week of March 1975 as per the Economic Survey 1975-76, a Government of India Publication;

(b) on the law and order front, the fortnightly reports sent by the Governors of various States to the President of India and by the Chief Secretaries of the States to the Union Home Secretary indicated that the law and order situation was under complete control all over the country;

(c) the Home Ministry had received no reports from the State Governments indicating any significant deterioration in the law and order situation in the period immediately preceding the proclamation of Emergency;

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(d) the Home Ministry had not prepared any contingency plans prior to June 25, 1975, with regard to the imposition of internal Emergency;

(e) the Intelligence Bureau had not submitted any report to the Home Ministry any time between 12th of June and 25th of June, 1975, suggesting that the internal situation in the country warranted the imposition of internal Emergency;

(f) the Home Ministry had not submitted any report to the Prime Minister expressing its concern or anxiety about the internal situation in the country. Till after the Emergency was lifted, the Home Ministry did not have on its file the copy of the communication which was sent by the Prime Minister to the President recommending imposition of the Emergency;

(g) while the Director of Intelligence Bureau, the Home Secretary, the Cabinet Secretary and the Secretary to the Prime Minister had not been taken into confidence, Shri R. K. Dhawan, the then Additional Private Secretary to the Prime Minister had been associated with the preparation and promulgation of the Emergency right from the early stage;

(h) Shri Om Mehta, the then Minister of State in the Ministry of Home Affairs, appears to have been taken into confidence much earlier than the Home Minister, Shri K. Brahmananda Reddy, who came into the picture only when the draft proclamation was forwarded to the President;

(i) while the Lt. Governor of Delhi and the Chief Ministers of Haryana, Punjab, Madhya Pra-

desh, Rajasthan, Karnataka, Andhra Pradesh, Bihar and West Bengal had been given advance intimation by the Prime Minister about the contemplated action, no such advance information was given to the Governments of U.P. Maharashtra, Gujarat, Tamil Nadu, J&K, Tripura, Orissa, Kerala, Meghalaya and other Union Territories. In fact, Shri H. N. Bahuguna, the then Chief Minister of Uttar Pradesh, has stated in his affidavit that he came to know about the proclamation of Emergency on the morning of June 26, when he was having breakfast along with Shri Uma Shankar Dikshit and Shri Keshav Deo Malaviya, the Central Ministers, and they were as surprised as he was about the promulgation of Emergency."

I am trying to highlight the misuse of powers.

Then I come to Interim Report II, page 142, para 15.12:

"The Commission had opportunity to examine in detail the application of the Maintenance of Internal Security Act in relation to the various categories of person including acknowledged national leaders, members of banned and not-banned organisations and political parties, students, teachers, trade union leaders, lawyers juveniles, respected writers, journalists and ordinary criminals—in short, a broad spectrum of cases of persons drawn from almost every walk of life. Forging of records, Fabrications of ground for detentions, ante-dating of detention orders, the callousness with which the request of the detenues for revocation of orders of detention or even parole were ignored—in short, the manner in which a large majority of these persons were incarcerated for the only fault, namely, dissent or suspected dissent from the views of the centres of power, should be a warning to every thinking man as to how an Act initially intended

to serve an extremely limited purpose to deal with the misdeed of a special category of persons can be given such a wide and comprehensive application so as to embrace, all sections of the population to penalise dissent."

Then, Sir I come to the land acquisition that was made for Maruti in Haryana. It was stated on the floor of the House:

"As regards the price, it is a daylight robbery. The land was acquired, according to Shri Bansj Lal's letter to me...."

to the speaker at that time.

"...at the rate of Rs. 11,776.42 per acre."

"You cannot buy any land there at this price. I have got photostat copies of documents to prove that the price of the land there today at the lowest is Rs. 60,000 per acre. So the, peasants were made to part with the land at a very low price."

There are certified true copies....

SHRI MALLIKARJUN: Do you believe in payment of compensation?

SHRI JYOTIRMOY BOSU: I will talk to you later on.

"During those days Mr. Bansj Lal used to go round boasting that he had given more land to Sanjay's Maruti than that possessed by Ford and General Motors of America. Speaking about his equation with the then Prime Minister, Mr. Bansj Lal used to say that when the calf was in his control where would the cow go."

That is the type of things that used to happen....

SHRI KANWAR LAL GUPTA: What does it mean?

SHRI JYOTIRMOY BOSU: Calf was Sanjay Gandhi and the cow was the mother....

SHRI D. N. TIWARY: It is as if we do not understand.

SHRI JYOTIRMOY BOSU: Sir, in the interim report of Jaganmohan Reddy Commission, the learned Judge has said clearly:

Re: Sale of land by Mania Devi to Shri Bansj Lal's daughters.

I now propose to take up for consideration item 5 of the Annexure which is as under:

"All matters relating to the purchase in 1976, of house sites, in Bhiwani, respectively belonging to Shri Matu Ram, son of Shri Natu Ram Mukhiaram, and Shrimati Mania Devi, wife of Shri Kishan Lal, in the names of the daughters of Shri Bansj Lal, including the rates at which such purchases were made."

Sir, this is the finding of the learned Judge;

"It is clear from the above that even apart from the verbal evidence, the documentary evidence would show beyond doubt that the lands were purchased by Shri Bansj Lal's daughters at throw-away prices; and in order to give them an approach road a tar road was constructed at public expenditure though this might ultimately benefit the public. Therefore, there is no escape from the conclusion that all this was done at the instance of Shri Bansj Lal and his son, Shri Surinder Singh, who actively participated in giving effect to the objective of purchasing these lands cheaply and thereby conferring an unlawful gain to the daughters of Shri Bansj Lal."

Then, Sir, Chapter III is regarding Demolition of properties of Manohar Lal and his sons at Bhiwani.

"I now propose to consider item 6 of the Annexure which is as under:

"All matters relating to the demolition, in December 1976 of

[Shri Jyotirmoy Bosu]

shops, residential houses and other properties, in Bhiwani, belonging to Shri Manohar Lal and his sons by the Improvement Trust, Bhiwani."

There, it is said:

"It is thus seen that apart from the *Ghanta Ghar* shops etc., being demolished, even religious institutions and Samadhis which were left out of the schemes were not spared. The idols were thrown out and the Shivalinga, which was deep in the earth, was broken through and bull-dozed. They were considered as pieces of stone and when Nathu Ram said they should be handed over to be immersed in the sacred Ganges, Shri Verma seems to have told him that it could be put in a *Nallah* (drain), and it made no difference.

On the evidence, it appears clear that the destruction and demolition of shops, residential houses, temples, Samadhis and other properties in Bhiwani of Shri Manohar Lal and his sons was not at the instance of the Bhiwani Improvement Trust. The demolitions were, however, at the instance of Shri Bansi Lal who, as Chief Minister and subsequently as Defence Minister, being frustrated at not obtaining the properties of Shri Manohar Lal and his sons for his son, Shri Surinder Singh, and his brother Shri Raghubir Singh, to build a Five Star Tourist Hotel and an air-conditioned cinema by them respectively at a throw-away price, abused his position as a person in authority and, with vindictiveness, malice and cussedness, had their properties demolished through Shri R. S. Verma, Deputy Commissioner, Bhiwani, and Shri Surinder Singh and Shri Verma directed the demolition of all these properties on a war-footing ruthlessly and illegally and without any justification. Shri R. S. Verma, acting on the directions of Shri

Bansi Lal and his son, Shri Surinder Singh had illegally and fraudulently manipulated the proceedings in order to enable the demolition of all these properties."

MR. DEPUTY SPEAKER: The hon. Member's time is up.

SHRI JYOTIRMOY BOSU: How is it, Sir? They have taken 15 minutes in interruptions.

I will take another 10 minutes.

MR. DEPUTY-SPEAKER: No question of 10 minutes, only 2 minutes.

SHRI JYOTIRMOY BOSU: How can it be done, Sir? So many points of order were raised.

श्रीमती चन्दावती (भिवानी) : उपाध्यक्ष महोदय, मेरा क्वॉन्ट ऑफ ऑर्डर है। बसु साहब ने बंसीलाल के बारे में जो कुछ कहा है, उन के साथ बनारसी दास का भी अपराधी गिन लें, तो अच्छा होगा, क्योंकि उस वक्त वह चीफ मिनिस्टर थे।

MR. DEPUTY-SPEAKER: You had been given ten minutes more. In spite of that, you have taken another two minutes. I shall give you two minutes more and that is the end of it.

SHRI JYOTIRMOY BOSU: वह तो हम ने रिपोर्ट से कोट किया है, यह हमारी अपनी बात नहीं है।

I come to accumulation of black money—it is an interesting question. In 1978 in reply to my question it has been alleged that inflow of black-money from Mrs. Gandhi to the extent of Rs. 1.5 lakhs a month on an average was not entered in the books of account of National Herald.

The Books of account of M/s. Associated Journals Ltd., Unit: National Herald—Delhi show receipt of Rs. 82,77,476 during the financial year 1970-71 to 1976-77 and upto 31-8-77. The source of receipt thereof is not recorded in the accounts. Now, black-money to the tune of Rs. 82,77,476 came to the

newspaper of which Mrs. Gandhi was a virtual owner. Funds have been collected by the A.I.C.C. at that time in the form of donations and souvenirs etc. which have been diverted to utilising the service of one Shri K. L. Watta. A sum of one crore of rupees was paid by the A.I.C.C. to Mr. K. L. Watt. The total has been given here. There are numerous other cases and look how they have been using the state machinery.

The total mileage/hours flow are as under:

- (i) Mileage flown 2,28,149 miles.
- (Official tours—1,11,913 miles unofficial tours—1,16,236 miles.)

And she still owes money to the Government.

In the Grover Commission, Interim Report, Part I, Introduction and Preliminary Proceedings, it will be seen that by a notification made under section 3 of the Commission of Inquiry Act, 1952 (60 of 1952), the Central Government (Home Ministry) appointed the Grover Commission involving Mr. Dev Raj Urs.

It says in Allegation No. 1 of Annexure I: Whether the Chief Minister practised favouritism and nepotism by appointing his own brother, Shri D. Kemparaj Urs, as a Director of the Karnataka State Film Industries Development Corporation in place of Shri R. J. Rebelle, Chief Secretary to the Government in 1974, and later as Director-in-Charge with the powers to exercise all the powers of the Managing Director.

Finding: (i) It stands conclusively established, that the nomination of Kemparaj as a Director of the Karnataka State Film Industries Development Corporation Limited by an order of the Chief Minister on 24-12-1973 was an act of impropriety, favouritism and nepotism on the part of the Chief Minister and further that the Chief Minister was deeply interested in favouring his own brother and advancing his cause and he did not observe the norms

of propriety becoming the conduct of a Chief Minister."

Then, Allegation No. 1 of Annexure II says: Whether the Chief Minister or any other Minister of the State of Karnataka was guilty of corruption, nepotism, favouritism or mis-use of government power in connection with all or any of the following matters, namely:—

(1) Grant of 20 acres of Government land, reserved for grazing of cattle in Bommanahalli, Nelamangala Taluk, Bangalore District, to the son-in-law of the Chief Minister, Shri M. D. Nataraj, in violation of the provisions of the Land Revenue Code and dis-regarding the claims of local scheduled caste applicants."

Finding i): It stands established...."

Allegation No. 4 of Annexure 1: Whether the Chief Minister was guilty of shielding corrupt officers...?

Finding on page 337: i) It stands proved that the order made by the Chief Minister on the letter of Shri R. Gundu Rao, MLA and the telephonic instructions given by him to the Superintending Engineer, had the effect of nullifying the order previously made by the Minister for Public Works which would have led to the two officials being prosecuted. These were done in an arbitrary manner without any justifiable reason, and the Chief Minister's intervention at that crucial stage virtually shielded the two officials from prosecution."

He went out of his way to favour Sh. Hanumantha Reddy in the matter of promotion as Chief Engineer, etc.,—a galore. Lastly, I would conclude by quoting the famous Columnist Mr. Bernard Levin who has said in some of his article. I quote:

"The picture is clear Mrs. Gandhi, having been judicially disqualified from remaining as Prime Minister, on grounds of having engaged in corrupt practices, first presided over wholesale breaches

[Shri Jyotirmoy Bosu]

of the law in presenting a false appearance of widespread popular opposition to the verdict, then realised that democracy would have to be suspended if she was to continue in office though disqualified, and planned its suspension; then lied to the President about conditions in the country and lied again in claiming that the necessary conditions for the Emergency which she had already planned had come upon her so suddenly that she was unable to consult the Cabinet".

"A fraudulent emergency, was improperly imposed for improper motives; rigid and comprehensive censorship to prevent the truth being known; propaganda to ensure that lies were disseminated instead; disseminated instead; but all this would have been of no avail without the most sinister and disgraceful of Mrs. Gandhi's actions under the Emergency—the arrest and detention (without trial) of her opponents or potential opponents. To that subject I shall turn on Friday."

Then....

"The whole document makes frightening, yet invaluable reading. It is frightening because of the portrait it paints of a society being driven down the road of totalitarianism by a callous, corrupt, mandacious and ruthless leader whose sole purpose was the maintenance of her power, and who, if she had not made the mistake of believing that an election would give her regime the legitimacy it lacked, would by now have succeeded in fastening upon India the chains of a permanent dictatorship."

For all these I have said that there is misuse of power for the sake of personal, political and pecuniary gain. It is time that we seek halt to this and Government brings a suitable legislation that it is halted to some extent for time to come.

MR. DEPUTY-SPEAKER: Motion moved:

"That this House do resolve that the Representation of the People Act be suitably amended or an appropriate law be enacted to disqualify a person for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council or a State or any other elective body or for holding any public office for a period of ten years, if such person—

(a) has ever been or is adjudged or found guilty by any competent court of law or by any Commission appointed under the Commission of Inquiry Act, 1952 of any offence committed, or misuse of power or position or State machinery made during the preceding ten years; or

(b) has been found by any competent Court of law or such Commission to have obtained for himself or for any of his relatives any pecuniary advantage or benefit whatsoever during the preceding ten years."

SHRI VASANT SATHE (Akola): Mr. Deputy Speaker, Sir, I had hoped that a senior member like Shri Jyotirmoy Bosu would come to this House with something more concrete to substantiate the motion which he has brought here....

MR. DEPUTY SPEAKER: Mr. Sathe, before you proceed there are some amendments. Let the same be moved.

SHRI EDUARDO FALEIRO: I move:

"That in the motion,—

(i) in part (a),—

omit "or by any Commission appointed under the Commissions of Inquiry Act, 1952."

(ii) in part (b),—

omit "or such Commission" (2)

DR. RAMJI SINGH: I move:

"That in the motion,—

add at the end—

"or

(c) has been found guilty of subverting the provisions of the Constitution; or

(d) has tried to encourage extra-constitutional centres of power."
(3)

SHRI JYOTIRMOY BOSU: What about my amendment?

MR. DEPUTY-SPEAKER: Yours is a motion.

SHRI JYOTIRMOY BOSU: But I can move an amendment. I read out my amendment and the Chair said it will take up later on.

MR. DEPUTY-SPEAKER: Your amendment was inadmissible. What the Chair said was it came late.

श्री अकल राम जाइसवाल : मेरा प्वाइंट ऑफ़ :
घाबर है। मैं ने भी एक प्रपोज़िशन पेश है।

घाप नियम 177 देखिये। इस में यह लिखा
है :

"(1) After a resolution has been moved any member may, subject to the rules relating to resolutions, move an amendment to the resolution.

(2) If notice of such amendment has not been given one day previous to the day on which the resolution is moved, any member may subject to the moving of the amendment, and such objection shall prevail, unless the Speaker allows the amendment to be moved."

MR. DEPUTY-SPEAKER: Speaker has not allowed your amendment to be moved. It came late.

SHRI ANANT RAM JAISWAL: It is very harsh on your part.

SHRI VASANT SATHE (Akola): Let us consider and restrict ourselves to this Motion. If logically we have to discuss this motion, then, if one goes on at a tangent and starts reading all the various reports, of all the previous years, then I think Sir, it will never end. Of course that he can do. If that was his only object of getting

an opportunity of reading certain reports, then, it is a different thing. But if a case has to be made out for a law, that he is trying to plead then, Sir, let us consider that thing on merits. And, Sir, what else is he trying to plead for? Let us see this Motion and what it says. It says:—

"That this House do resolve that the Representation of the People Act be suitably amended or an appropriate law be enacted to disqualify a person for being chosen as and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State or any other elective body or for holding any public office for a period of ten years, if such person—

(a) has ever been or is adjudged or found guilty by any competent court of law or by any Commission appointed under the Commissions of Inquiry Act, 1952 of any offence committed, or misuse of power or position or State machinery made during the preceding ten years."

I will deal with this only. Let us see this. What does my hon. friend want? He wants to provide for this, that a person found guilty of any offence committed by any competent court of law shall be disqualified for a period of ten years. Now, what does this mean? Any traffic offence, any ordinary offence can come in. He says, any offence. The wording is this: 'Any court of law'—it can be a small magistrate's court of law. It can be any court of law, finding any person guilty of any offence. Such a wide term is put in here.

MR. DEPUTY SPEAKER: Does it cover violation of Section 144?

SHRI VASANT SATHE: Definitely, Sir. Violation of Section 144 is also there.

Sir, yesterday there was an incident. All these *lal dupattawallahs* who violated certain sections and who were arrested, escaped. My friend escaped, I don't know how. For all your life,

[Shri Vasant Sathe]

for ten years, if you are a member you are disqualified. It says, any offence. If such a thing is being proposed, any traffic offence, any other small offence, under IPC Section 197 or anything under which you have been caught, will come in. You have been caught so many times, Mr. Balbir Singh. Any such person will be disqualified according to my friend Shri Jyotirmoy Bosu. Then comes another very brilliant idea and it is this. He says adjudged by any commission, of what? Of misuse of power, or position or State machinery. Take misuse of power. You know how wide a term it is. He says, any person adjudged or found guilty by any competent court of law or by any Commission appointed under the Commissions of Inquiry Act of 1942. There is no bar that that person must have certain qualification, being a judge of the High Court or the Supreme Court. No such thing is there. Any person appointed as a Commission, all that he has to do is, to find in any State in the country any person including a Member of Parliament guilty of misuse of power: that is all, nothing more.

17.00 hrs.

SHRI JYOTIRMOY BOSU: Read the whole Resolution.

SHRI VASANT SATHE: Have patience. A brilliant man like Shri Jyotirmoy Bosu says that if that is done, then, this is enough, according to him, for a person to be disqualified under the Representation of the people Act for ten years. I am on part (a); I will come to part (b) of the Resolution. Shri Jyotirmoy Bosu has used the expression: any Commission of Enquiry under the Commissions of Inquiry Act finding any person guilty of misuse of power—the word guilty in term of a Commission of Enquiry is not correct to be said, because the Commission gives its findings only as a report, it is not a trial like trial in a court. The Commission only talks of a *prima facie* case. On that report,

further proceedings start before a proper and competent court of law. My friend says that even if a Commission gives its finding that an individual has misused the powers, he should be considered as a guilty. Kindly see the implications of this Resolution. I remember the Mudgal case. Shri Mudgal, a Member of Parliament, was soliciting a clientele. We know, what happened. Supposing a person in a responsible authority like the Chairman of a Parliamentary Committee advertises himself publicly as indeed Shri Jyotirmoy Bosu has been doing on T.V.

SHRI JYOTIRMOY BOSU: On a point of order, Sir. This matter was brought in the form of a privilege motion by Shri Sathe and that matter is under Mr. Speaker's consideration. A reply has been given and Speaker's orders have been quoted in that. If he makes a second reference on that unless the matter is decided by the Speaker or the Privileges Committee, it is highly improper. He is cooking up a story; he is accustomed to tell lies (Interruptions).

SHRI VASANT SATHE: This is the conscience of a man, which is pricking him. Why? Have you ever heard of this that a person on TV broadcasts and advertises that I am such and such; I am going to examine this public sector undertaking this year, and those who have any complaint against that, please come—mind you, not through the Secretary, not to the Secretary—meet or address me? And it comes on TV. Many of you might have seen that. They should come to: Shri Jyotirmoy Bosu, Sansad Sadasya, Chairman, Public Undertakings Committee.

Why are you asking people to come to you? Let us ask this question to him? Is it because you are presiding over a Committee? There is something in your mind—guilty—you are seeking the clientele. What are you trying to do?*

*Expunged as ordered by the Chair.

SHRI JYOTIRMOY BOSU: You are**allowing all this non-sense(Interruptions).

MR. DEPUTY-SPEAKER: The word corruption will go out of the record.

SHRI VASANT SATHE.....**

Do not point fingers at others. With what moral authority does Shri Jyotirmoy Bosu say repeatedly and talk of authoritarianism and totalitarianism? With what moral right has he brought this? Considering the philosophy he believes in—everyone knows it—can he say that he ever believed in democracy? Mr. Jyotirmoy Bosu has stated in this very House that they have come to Parliament, to wreck the Parliamentary system from within. This is on record. (Interruptions) He is a person who does not believe in parliamentary democracy, and his whole philosophy is based on totalitarianism.

AN. HON. MEMBER: It is your character also.

SHRI VASANT SATHE: Should such a person talk about parliamentary democracy? Ultimately it is our party and our leader who took the country to elections. (Interruptions) It is because of those parliamentary elections that all these hon. Members are here to-day. If we had not believed in parliamentary system, you would not have been here to-day. So, you owe it to us that you are here—and owe it to our leader. At least now, you should know how to govern.

All I am saying is that the Motion is absurd. If, after clause (a), the word 'and' had been used, both the conditions would have had to be fulfilled. But the word used is 'or'. It means that the first condition is independent. If the second is also fulfilled, it is good enough. Anyone who understands elementary law, will understand this. In part (b), it is said:

"has been found by any competent court of law or such Commission

to have obtained for himself or for any of his relatives any pecuniary advantage or benefit whatsoever during the preceding ten years."

That means that all that is required, is for any competent court of law or any Commission—I have told you the scope of the Commission—to say that any relative of the Member had some pecuniary advantage somewhere. And if that is so, what has Mr. Madhu Limaye done to-day? It has come in the *Indian Express* of to-day. May I read it? My friend was waxing so eloquent, that it is now necessary for us to know what is happening, and to know whether these charges will also be covered under this proposal or not. Let us see what he says. It is there in to-day's *Indian Express*.

He says in his letter to the Prime Minister; the news item is as follows:

"Mr. Limaye reminds the Prime Minister that even in the 1968 debate on the Kanti issue he had not levelled any charge of corruption against him personally. He recalls that during the debate on his motion Mr. Desai had stated that his son had severed 'all' his links with 'all' his business concerns. But last week during the Kanti debate on Congress—I motion, 'you contradict yourself by talking about his connection with a sterling company from which he drew an annual remuneration of £ 1000."

"The Janata leader goes on to assert that Mr. Kanti Desai conceals many things from his father and as a consequence lands him in trouble. In this context Mr. Limaye refers to the talk that Kanti collected funds for the party in the recent Assembly elections. I disbelieved it but now Atal, Biju and others confirm that he collected Rs. 80 lakhs."

**Expunged as ordered by the Chair.

AN HON. MEMBER: So what....
(Interruptions).

SHRI VASANT SATHE: Nothing.
It goes on:

"Mr. Limaye wonders whether the Prime Minister knew about the fund collections by his son. In any case who had authorised Mr. Kanti Desai to collect funds on behalf of the party. 'Did you give him permission to do this?' 'Mr. Limaye says that the Janata treasurer is an expert in fund collection. A small committee consisting of Nanaji Deshmukh and Mr. Viren Shah and others was also there. Then where was the need for Mr. Kanti Desai to step in? He asks the Prime Minister."

Such a serious charge is being made by a responsible person like the Secretary of the party. I should like to know if any commission tomorrow finds this out or any small magistrate accedes to this, what happens? Shri Morarji goes for ten years? I am asking you.... (Interruptions) I am saying that whether it is Morarji Desai or anybody that is too frivolous; this resolution therefore does not deserve even consideration by the House, by any sensible person. If it is only to give vent to your spleen, read out all those things, if that is what the hon. Member wants to do, to abuse Mrs. Gandhi or Sanjay Gandhi if that is the exercise you want to indulge in, you can do it; that can be done. But coming to the motion, I should like to appeal to all of you: apply your robust commonsense. Then you will find that this resolution is not worth the paper on which it is printed; it is so absurd and so frivolous. With this I would submit that this resolution, this motion deserves to be rejected by this august House.

PROF. R. K. AMIN (Surendranagar): Mr. Deputy-Speaker, I rise to say that Mr. Bosu has drawn attention to fundamental aspects of

amendments to the People's Representation Act. But I feel his suggestion is tinkering with the problem while it needs whole overhauling of the Act; this amendment will not do. I may give you one example. Suppose a person, A or B is alleged—assuming for the time being that we take the case of emergency and the Shah Commission, suppose one would like to punish a guilty person by telling him; you are disqualified for holding public office for ten years, will it be enough? I can conceive of a situation in which without being a Member of Parliament, one can easily guide the whole proceedings of the House. Mrs. Gandhi can prefer not to come to Parliament, but may remain as the President of a Party or group, become the Chairman of the organisation of Members of Parliament of both the Houses and by remaining outside for 10 years, she can still influence the proceedings of and working of our parliamentary institutions. She can even build up power. Therefore, I suggest to Mr. Bosu that whatever he has suggested does not go far enough. A complete overhauling of the Peoples Representation Act is required. Why do I suggest this? There are two fundamental defects in the working of our democracy. Firstly, howsoever we amend the Constitution, the Constitution can be misused. That we have seen in our Forty-fifth Amendment. Our Law Minister tried his best to assure the House that the emergency provisions will not be misused, that when an amendment is made, it will be according to the wishes of the people, etc. But still we have to witness during the discussion that in no way he was in a position to satisfy the members. Probably with all this, if he puts his hand on his heart, he would say, some other Hitler or Indira could utilise the Constitution in the same manner as it was used during 1975 and 1976. Therefore, howsoever we provide in the Constitution regarding emergency provisions, amendment provisions and other things, still

[Prof. R. K. Amin]

as I suggested, Mrs. Gandhi can remain outside Parliament without getting elected, and yet she can be influential, because our whole system of election is such, our working of Parliament is such, our system is not truly a democratic system; so, our constitutional amendment should be such that it should bring real democracy into operation, and the provision for punishment for abuse of power should be such that we should be in a position to see that real democracy is allowed to work, and those who are putting our democracy into jeopardy are really punished without waiting to see whether there is a law or not.

Today, we are facing a situation when somebody says that there is no special law, special provision, for trying such types of offences. Having known that such types of offences have taken place, yet we do not move to have any provision like this.

So, I welcome Mr. Bosu's suggestion that some such provision should be made either in our Constitution or in our Penal Code, so that those who commit such offences would be tried automatically without waiting for anybody else, and they can be brought to book. The provisions should be such that in future these would stop tinkering with our democracy, tinkering with our Constitution. Therefore, what I suggest is that a total overhaul is required. If you deal only with this then probably you are dealing with the shell rather than the substance. Well, we should change the substance rather than the shell. In order to do this, I suggest that the entire thing should be viewed, not only this amendment, but the whole election law, the People's Representation Act, the working of democracy, how we can make parties to work, how we can guarantee the electorate against money power, how we can make the election system such that the majority is reflect-

ed in our Parliament. Unless and until this is being done, one change here and there will create a situation in which you will not be able to work. In order to put the institution to work in the true sense of the term, I suggest the overhauling of everything, by taking an over-all view of the whole election laws, the election machinery, the Representation of the People Act etc. in order to establish true democracy should be done.

SHRI EDUARDO FALEIRO (Mormugao): Mr. Deputy-Speaker, Sir, I will not try to trade personal charges with a stalwart parliamentarian, like the Mover of the Motion, Shri Jyotirmoy Bosu. But I must definitely joint issue with him on the premises on which he has based his otherwise worthy Resolution. I must say at once that I agree with what Shri Bosu has said about political corruption. It is a worm or disease which permeates the body politic of not the capitalist societies but it continues to be there even in so-called Communist countries like Russia, China and so on.

SHRI K. A. RAJAN: Misinformed.

SHRI EDUARDO FALEIRO: I have not been there, but the records do show and the people who have been there, eminent authors, do write that it is a fact.

But, more than that, I am joining issue with the second premise of Shri Jyotirmoy Bosu's Resolution that within the last 31 years, it has been the Congress Rule alone which has been guilty of bringing about political corruption. I would like to say that it has been not the disease, not the defect of the Congress rule alone. Every single party that has come to power in this country, and I will not exclude now the Communist Party or the Communist Marxist Party, has been guilty of corruption, political corruption, and my hon. friend, Shri Rajan, will not be in a position to deny it.

Look at the Namboodiripad Government of the Communist Marxist Party. They were indicated by a Commission of Inquiry on cases of corruption. There may be one lenient aspect of it that while in other parties corruption has been for the benefit of the individual, his relations or friends, in the case of the Communist Party, generally speaking, it has not been for self-aggrandisement, but for the aggrandisement and benefit of the party workers, party supporters and the party organisation. This is the wrong approach from the very beginning of the otherwise worthy Resolution.

Shri Bosu referred to what happened in Ceylon. He might have referred in the same strain to what happened in Pakistan under Zia. It was the same thing. While in Ceylon the Civil Disabilities Act has been passed to bring to book people who might be guilty of corruption, by a strange coincidence, in each and every case it was the political opponent against whom it was directed. Similarly, in Pakistan, Zia instituted clean-up courts against Mr. Bhutto and his supporters. Clean up of what?—Clean up of corruption or clean up of political opponents? Possibly, the second, more than the first. The point I am trying to stress is this. If by having these courts they will only go to damage and destroy the political opponents, no good purpose can be served. If these courts are going to have only this effect, then they will be guilty of political vendetta, with which they cannot get away and no good purpose would be served.

I hear the figure "thirty years" being repeated in this House again and again, this extraordinary figure of "thirty years". We may as well change it to "thirtyone years" because nothing has changed, nothing radical has changed during the last 31 years. In each and every case in this House, very strangely, Commissions of Enquiry have been demanded after charges of a corruption have

been levelled, without a single exception, against political opponents, and political opponent alone.

Now we see what happened during the last year of the 31 years. So many Commissions of Inquiry have been brought forward, Commissions of Inquiry against Shrimati Indira Gandhi, against Shri Devraj Urs, against Shri Bansilal and so on. Now I do not want to dispute the outcome or the findings of those Commissions of Inquiry. I do not for a moment doubt that if these Commissions of Inquiry found any persons, against whom they were instituted, guilty of corrupt practices, they must be dealt with under the law of the land for those corrupt practices. I do not want to dispute it. I am completely convinced of what the Commission of Inquiry says. But what have the people said in the case of Mrs. Indira Gandhi, in the case of Mr. Bansilal and in the case of Mr. Devraj Urs? The people have brought them up again. The people have given a massive vote of confidence in favour of the people who otherwise may be corrupt.

The reason is that the Commissions of Inquiry have proved to be simply a political vendetta. I am trying to emphasize this point that if the Commissions of Inquiry or this legislation is to serve only as political vendetta, then no useful purpose will be served. If the Commissions of Inquiry are only to destroy political opponents, then no purpose of cleaning the public life will be achieved. Some machinery should be evolved under which all types of public men, whether they are from the Government or from the Opposition, should be brought in and if they are found to indulge in any corrupt act, they should be brought to book and punished.

Shri Jyotirmoy Bosu referred to the Santhanam Committee Report. There again, he omitted to mention one thing. The Santhanam Committee report did say that if 10 Members

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of Parliament bring charges of corruption against any public man, the charges must be investigated and a commission or a committee as suggested by the Santhanam Committee report should be set up. It is essential that, if it is to have any effect, a machinery should be evolved under which all types of public men belonging to all parties should be brought in and they should be brought to book if they are found guilty of any corrupt practice.

Under the circumstances, as we see today, no useful purpose will be served by passing this type of a resolution. We find that the very Prime Minister is refusing to have a Commission of Inquiry, refusing to have any committee to go into the affairs of his son and investigate the matter. If the Commissions of Inquiry and this sort of a legislation are to work merely as political wendetta, then we may as well not have this type of a resolution. The primary requisite to any type of resolution, as is sought Mr. Jyotirmoy Bosu, should be the creation of a type of machinery which will not distinguish between those who are in power and those who are opposing the people in power, where all publicmen will be treated alike and whoever is accused of any charges, the charges will be investigated and those who are found guilty will be punished. Otherwise, there is no purpose in having a legislation as is sought by Mr. Jyotirmoy Bosu. So, there is no purpose in supporting this resolution.

श्री श्री० पी० मण्डल (मधेपुरा) : मैडम वेयरचैन मैं माननीय सदस्य श्री ज्योतिर्मय बसु को धन्यवाद देता हूँ जो उन्होंने एक बहुत जरूरी मोशन इस हाऊस के सामने रखा है। मैं उन को धीरे भी धन्यवाद देता हूँ कि उन्होंने बहुत मेहनत कर के कितनी ही रिपोर्ट इस सबन के समाने सुनाई और "हम लोगों को भवगत कराया कि क्या चार्जज पिछले कितने ही नेताओं के ऊपर हैं।

भारतवर्ष में आज 31 वर्ष स्वतन्त्रता को प्राप्त हुए हो गए हैं लेकिन देश की हासत में कोई

सुधार नहीं हुआ है जबकि मुट्ठीभर पालीटीशियन राजनीतिज्ञ, जिन की पालीटिक्स में घाने से पहले कोई भी हैसियत नहीं थी, वे इस देश में घाब मिलनेयर, और मल्टीमिलियनर हो गए हैं। इन सब बातों को देखते हुए धीरे ध्यान में रखते हुए यह जरूरी है कि जिन का भ्रमचलीन करियर रहा हो। जिन की डाकूफुल इन्टेग्रेटी रही हो, ऐसे घादमियों से इस देश को बचाना चाहिए। वे देश के लिए खतरा हैं। मैं माननीय साठे जी के अपोजीशन को सुन रहा था। उन्होंने एक लाइवर की तरह थोड़ी बातें बताई हैं कि ऐसा चाहिए, वैसा चाहिए। मैं यह नहीं कहता कि श्री ज्योतिर्मय बसु का जो मोशन है, वह इन छोटे मान सिवा जाए लेकिन जब रिप्रेजेंटेशन प्राक पीपुल्स एक्ट में एम्बेडमेंट होगा, तो उन की जो इन्टेंशन है, उस इन्टेंशन से सरकार को गाइड होना चाहिए। धीरे रिप्रेजेंटेशन एक्ट में सुटेबल एम्बेडमेंट होना चाहिए ताकि जो डाकूफुल इन्टेग्रेटी के हैं, जिनका चेकड करियर है या जिनकी ब्लेक पोलिटिकल लाइफ है, उनको फिर से नौका नहीं मिले। उन्हें वस बर्ष के लिए डिस्कवालिफाई करने का सुझाव दिया गया है, उनका दस बर्ष के लिए डिस्कवालिफिकेशन जरूर होना चाहिए कि वे पार्लियामेंट या असेम्बली के मेंबर नहीं हो सकते हैं।

माननीय सदस्य, मिस्टर धामीन कह रहे थे धीरे उन्होंने एकजाम्ल भी दिया कि श्रीमती इंदिरा गांधी पार्लियामेंट में नहीं हैं तब भी वे श्री साठे साहब और उनकी पार्टी को लीड करती हैं और पार्लियामेंट से बाहर रह कर भी बहुत कुछ कर सकती हैं। मैं आपकी निश्चित रूप से कह सकता हूँ कि अगर कोई भी लीडर डिस्कवालिफाई हो जाता है तो फिर उसके सपोर्टर्स की भी भाषा टूट जाती है और वे यह समझने लगते हैं कि वस बर्ष तक वह कुछ नहीं है और बसले चुनाव में वह नहीं भा सकता है। नहीं तो उसके सपोर्टर्स को यह भाषा बंदी रहती है कि वह बसले चुनाव में भाषेया और हमारा उल्लू सीधा होगा। अगर वह डिस्कवालिफाई हो जाता है तो उसका महत्व नहीं रहता और वह एक्सेटिव रोल भदा नहीं कर सकता है।

धामी मेरे नौजवान दोस्त श्री एडुआर्डो फेलोरो ने कुछ बातें कहीं। उन्होंने कहा कि दस वर्ष ही क्यों, बीस बर्ष क्यों नहीं। बहुत से माननीय सदस्यों ने कहा धीरे डी०एम०के० पार्टी की तरफ से भी ऐसी बात कही गयी। इस से लगता है कि हम सब इस प्रश्न पर पार्टी लेबल से ऊपर उठ कर सोच रहे हैं। जो माननीय सदस्य यह मोशन लाये हैं वे सी०पी०एम० के हैं और वैंट बगाल में उनकी सरकार चल रही है। ये वहाँ पार्लियामेंटरी डेमोक्रेसी की तरह काम कर रहे हैं। कम्युनिस्ट पार्टी भी पार्लियामेंटरी डेमोक्रेसी में काम करती है और सरकार चलाती है मैं भी बहुत से देशों में गया हूँ। युगोस्लोवाकिया, चेकोस्लोवाकिया में कम्युनिस्ट सरकारें हैं लेकिन वे भी डेमोक्रेटिक तरीके से चलती हैं। यह कहना कि कम्युनिस्ट पार्टी डेमोक्रेसी में विलीव नहीं करती है, गलत है। वे लोग भी डेमोक्रेट की तरह ईवक करते हैं।

इसलिए मैं कह रहा था कि इस विषय को पार्टी साइन से ऊपर उठ कर लेना चाहिए ? यह मामला किसी एक पार्टी के लीडर से सम्बन्ध नहीं रखता है। यह सब पार्टियों से—चाहे हमारी पार्टी हो, साठे साहब की पार्टी कांग्रेस भाई हो, सी०पी० आई० हो या सी०पी०एन० हो—सम्बन्ध रखता है और उनके लीडर से सम्बन्ध रखता है। इसके अन्तर्गत उन सभी को लाया जा सकता है जो डाउटफुल इन्टेंडेंट के हैं। अब इस में मैं खुद भी आ सकता हूँ, साठे साहब भी आ सकते हैं। इसलिए इस पीपुल्स रिप्रिजेंटेशन एक्ट में जरूर अमेंडमेंट होना चाहिए। जिनकी डाउटफुल इन्टेंडेंट है, बेकड-कैरियर है या ब्लैक पोलिटिकल लाफ है, ऐसे लोगों को दस वर्ष के लिए कम से कम डिस्क्वालिफाई कर दिया जाना चाहिए।

हमने देखा है कि राजनीति में ऐसे आदमी काम करते हैं जो कहते हैं कि वे देश के लिए सोचते हैं, लेकिन सब दिन बराबर यही सोचते रहते हैं कि कैसे वे बराबर पावर में बने रहें, चाहे देश में डेमोक्रेसी रहे या न रहे। वे यहां तक सोचते रहते हैं कि उनका बेटा या पोता इतना कमा ले कि फिर उसे कोई दूसरा धंधा करने का काम ही न रहे। इन सब बातों से देश का राजनीतिक वातावरण खराब हुआ है। इसलिए मैं समझता हूँ कि इस पीपुल्स रिप्रिजेंटेशन एक्ट में अमेंडमेंट जरूर करना चाहिए।

कमीशन आफ इंक्वायरी के बारे में भी मैं सजेस्ट करता हूँ कि उसकी रिक्मण्डेटरी न हो कर मेम्बेटर होना चाहिए। जैसा श्री ज्योतिर्बंस बसु ने सुझाव दिया कि कमीशन आफ इंक्वायरी एक्ट का भी सुटबल अमेंडमेंट होना चाहिए, मैं भी चाहता हूँ कि यह होना चाहिए। जो श्री आदमी, पोलिटिकल लीडर, चाहे प्रधान मंत्री रहा हो; मिनिस्टर रहा हो कुछ भी रहा हो पब्लिक लाइफ को इस तरह के परसल यूज के लिए, मानेटर गैर के लिए, अपने को बराबर पावर में इंस्टाल्ड रखने के लिए देश के साथ खिलबाड़ किए हो, डेमोक्रेसी को स्कटल करने का जिन्होंने प्रयास किया हो देशहित और जन हित की पुकार है, देशभक्ति की पुकार है कि ऐसे आदमी को कम से कम दस बरस के लिए डिगवालिफाई कर दिया जाए और इसके बारे में निश्चित रूप से आपकी कोई प्रावधान करना चाहिए।

अभी हमारे माननीय सदस्य ने लाखों—करोड़ों की बात सामने रखी है। होता क्या है ? हमारे वहाँ पार्लियमेंट के चुनाव में शायद 30-35 हजार रुपया खर्च करने का प्रावधान है। लेकिन मैंने दरभंगा में देखा है जब चुनाव हुआ था और स्वर्गीय ललित नारायण मिश्र उस में खड़े हुए थे। राम सेवक यादव खड़े हुए थे, उस में श्री मिश्र ने करोड़ों रुपए से कम खर्च नहीं किए थे। गाड़ियों के झुंड के झुंड उस में देखने को मिले थे। जीपों की लौ डेढ़ सौ की लाइन ही लाइन नजर आती थी। एम्बेसेडर कम्पनी से नई गाड़ियां पचासो उस में लगी थीं। इस प्रकार से लोग कहां से पैसा और साधन लाते हैं। पोलिटिकल लाइफ को कुराट करके ही वे ऐसा करते हैं।

मैं अपने बिहार के तीन बार एक्स एम०पीज को जानता हूँ। मैं उनके काम नहीं लूंगा। उनकी हैसियत अपने घर की नहीं है। एक को तो मैं खास जानता हूँ जिनको पैतृक सम्पत्ति के बदले में बारह बीघा केबल सेंडीलैंड मिली है। एम०पी० नहीं रहने पर भी वह दिल्ली में रह रहे हैं, दो तीन हजार रुपया महीना खर्च करते हैं। कहां से लाते हैं ? बम्बे जिन पोलिटिकल पावर में रहने के कारण मुझे कुछ के साथ कहना पड़ता है उन्होंने अपनी हैसियत बना ली है। वे सब के सब कांग्रेसी थे। इलैक्शन में इन्होंने लाखों लाख खर्च किया। जनता ने रिबोल्यूशन किया, अब को हरा दिया, यह दूसरी बात है। हम लोग जो बैम्बर हैं उनका ठीक से बर्ताव रहना भी मुश्किल है लेकिन एक्स एम० पीज को अपनी स्टेट के बार पांच को भी बेख रहा हूँ कि यहां मकान किराए पर ले कर रह रहे हैं, ठाठ से गाड़ियों में डेटेन करके रहते हैं, बार-बार हजार कपड़ा महीना खर्च करते हैं। उनके घर की हैसियत आप देखें तो कहीं कुछ नहीं है। डिस्प्रोपोर्शनल उनका लिब्रल स्टैंडर्ड है। इस तरह की जो चीजें हैं इनको धमकी दूर करना चाहिए। देश की जो दुर्गति हो रही है, इसको धमकी रोकना चाहिए। हमारे यहां प्रयत्न गरीबी है। हमारे देश में दो सिद्धांत लोग पाबंदी लाइन के नीचे रहते हैं, दो सिद्धांत धन एम्प्लायड हैं, हमारे राज्य में जाड़े को दिनों में कोल्ड वॉटर से मरने वालों की संख्या सारे देश में ज्यादा है, गर्मियों के दिनों में हीट वॉटर से मरने वालों की भी सब से ज्यादा है, बाढ़ में डूबने वालों की भी सब से ज्यादा है। हां इस बार उत्तर प्रदेश में बाढ़ से मरने वालों की जरा बढ़ गई है। ऐसा क्यों होता है ? इसलिए होता है कि जो पार्लियमियन लोग हैं जनता में जिनको बार बार बोट दे कर राज्य में और दिल्ली में भी पावर में बनाए रखा है, उन्होंने गरीब जनता का क्या नहीं किया। वे पार्लियमियन जिन की कुछ हैसियत नहीं थी, फाकाखी करते थे, आज उन में से किसी का भी लाश का मकान पटना में, किसी का पांच लाख का मकान घर घर और किसी का बम्बई में बन गया है। वे सब चीजें देश में हुई हैं। लोग बहुत ज्यादा सैलिफिक हो गए थे। पार्लियमन्ट को उन्होंने एक धंधा समझ लिया। मुझे साठे साहब माफ करे, श्रीमती इंदिरा गांधी जिन की तुहाई वह वेते हैं उन्होंने बराबर अपने को इस देश की नहीं पर बरकरार रखने के लिए सारे देश को जेल खाना बना दिया था।

मेरा विधि मंत्री से निवेदन है कि वह इस मोशन के ऊपर गौर करें और रिप्रिजेंटेशन आफ पीपल एक्ट में ऐसी तरकीब करें ताकि इस तरह की चीज भविष्य में सम्भव न हो। इन्हीं शब्दों के साथ मैं इस मोशन का तहदिल से समर्थन करता हूँ। मैं आशा करता हूँ कि विधि मंत्री तुरन्त कोई ऐसी बात नहीं कहेंगे जिससे हम लोगों को निराशा हो। यदि जरूरी हो तो वह इस विषय पर पार्टी मीटिंग बुला कर हम लोगों की राय ले सकते हैं। और यह बहुत जरूरी है जो इसको पूरी इम्प्रीटन्स देना पब्लिक लाइफ को बलीन करने के लिए, राइट

[श्री श्री० सी० मण्डल]

हायरेशन में चलने के लिए एक राइट कदम होगा। यह एक उचित कदम होगा यदि हम इन का सुझाव मान लें और रिप्रजेंटेशन आफ पीपुल्स ऐक्ट में ऐसा संशोधन करें कि जिनका कैरियर गड़बड़ रहा हो वैसे आदमी कम से कम 10 वर्ष तक बैठे बिना ही लोग भविष्य में करेंगे।

इन्हीं शब्दों के साथ मैं अपना स्थान ग्रहण करता हूँ।

SHRI M. KALYANASUNDARAM (Tiruchirapalli): Madam, Chairman, let me state in unambiguous term the attitude of my party that it stands for Parliamentary Democracy. In the programme of my party, we have clearly stated that we want to uphold the supremacy of Parliament against erosion both by the judiciary as well as by the Executive. We have also stated that the multi-party system should continue; at the same time, my party programme demands that there should be radical reforms in our Electoral System.

But by the motion, as conceived by the mover, I do not know, as to what he wants to achieve. If it is for taking action against those who are found guilty of corruption and other misuse of power, then a different motion is called for. If such a Resolution comes, there will be no hesitation on my part to support such a resolution. Specifically, for the purpose of taking an action against those found guilty by either the Shah Commission or the Grover Commission or the Sarkaria Commission, I wonder why my friend must make a distinction between the Shah Commission and Sarkaria Commission, by bringing in such a motion? Corruption is corruption whether it is done by Mrs. Indira Gandhi or Shri Kanti Desai or by Shri Karunanidhi or by anybody or even if it is done by anybody belonging to my party. Why this distinction between Sarkaria Commission and the Shah Commission, I am not able to understand.

SHRI JYOTIRMOY BOSU: I have not said.

SHRI M. KALYANASUNDARAM:

I think you have said that Sarkaria Commission was appointed only for the purpose of character assassination

SHRI JYOTIRMOY BOSU: No, no. You see the proceedings.

SHRI M. KALYANASUNDARAM:

It was meant for character assassination. It is possible. Mr. Bosu, there is such a possibility. I do not deny that. That is why I want you to be careful. I think you are a careful person. If you give such powers to Government what will happen? I do not want to give any power to any Government. Because this Government can attempt to deprive the franchise of the previous Ministers and if another Government comes—what will then happen? It is easy to appoint Commissions of Inquiry and easy to get their findings. You take such a drastic action on the basis of the findings of the Commissions of Inquiry. What is called for is action. They must be prosecuted; they must be hauled up before the Criminal Courts and prosecuted. For that, if the present Criminal Laws are not adequate, let them bring forward the necessary amendments. And if Comrade Bosu makes such a suggestion, I do not think that even the friends on that side will fail to accept such a proposal. I will advise Comrade Bosu not to have any illusion about fighting against corruption even by the present Government. (*Interruptions*). What is essential is a radical reform in our Electoral System. If Parliament is to be really an instrument to bring about socio-economic changes which our people desire and if the Parliament is to be the will of the people, then the present electoral system cannot achieve that. By minority votes a party can get majority of seats. So long as this system continues real democracy will be elusive. This was realised not by my party alone. In 1971 there was a discussion. A Joint Committee was appointed. That committee recommended appointment of an expert committee to go into

this question whether our country can adopt some form of proportional representation. If so, in what form. Neither the previous government took any action on this recommendation nor is the present government going to take any action on that recommendation. That committee also recommended that the voting age must be reduced to eighteen. What happened to that?

Before I conclude, I would like to say a few words about source of corruption. Source of corruption is black-money. Thousands of crores of rupees of black-money are floating in this country. It has been said that it is operating as a parallel government. Some friends on this side of the House said that there is corruption in the Communist countries also. It is a wrong statement. (*Interruptions*).

MR. CHAIRMAN: Will you please allow him to conclude?

SHRI M. KALYANASUNDARAM: If it has not been said, I am very happy.

Whatever maybe the party in power, it is the black-money which is influencing results of elections. Some of the members on that side admitted that it is very difficult to limit the expenditure to Rs. 35,000. Wherefrom does it come? When you spend money without showing an account then it is black-money. So, it is black-money which is influencing election results. Without attacking black-money you cannot save democracy. What is the attitude of Opposition and ruling party to this! Let us have a study of the whole problem. If the ruling part is very serious I would only appeal to them to appoint an expert committee or an all-party committee of this House to study this problem whether we can introduce proportional representation and whether we can reduce the voting age. Do not give room to any political party to depend on black-money

Political parties must not depend on the monopolies, smugglers, black-marketeers, etc. for money to be used for election purposes.

In Italy all the political parties are paid for by the Government for election purposes. They are given their election expenditure and even normal expenditure is being given. This is what happens there.

What is wrong about it? Such radical reforms must be considered and adopted to save democracy. Our friends say that Democracy was dead and that they alone have restored democracy now. They say that democracy is alive today. But I don't see much difference even now. Workers are being shot dead. Peasants are being shot dead. This is the case not only in non-Janata-ruled States, but even in Janata-ruled States. This is happening even where Janata party is ruling. They say quite often that they have restored democracy. This democracy is only for the exploiters. Our society is divided into classes. So the democracy is only for the exploiters. What we want is genuine democracy, democracy for the people.

We can usher in such a democracy in this country only when we fight against exploitations of all kinds. Without doing that, merely to talk about democracy is a myth.

SHRI YASHWANT BOROLE (Jalgaon): Madam Chairman, I need not doubt the motive of Mr. Jyotirmoy Bosu as has been done by my learned friend, Shri Vasant Sathe.

This motion certainly gives us some insight into the democratic working of the commissions which have been appointed during the past few years.

We do not make a distinction whether it is Sarkaria Commission or Shah Commission or any other commission. Whether their finding will result in enforcing disqualification or

[Shri Yashwant Borole]

18.00 hrs.

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not is the only point for consideration just now.

According to my view, we shall have to go a little bit deeply to find out as to what will be the consequences of such a very wide provision if we incorporate this as such in the Representation of the People Act. The Representation of the People Act does make certain provisions. If we look at those provisions also what we find is this. There is a provision of the Representation of the People Act which says:

'Any offence under Section 153A of the Indian Penal Code which promotes enmity, hatred, and ill-will between the classes.'

That has nothing to do with the present motion which has been moved by my hon. friend Shri Jyotirmoy Bosu. Take Section 171E of the IPC. This is relating to the offence of bribery. There is another Section 171F of the IPC which says about undue influence, personation at election etc. These are all included already. Then there is Section 505 of the IPC, sub-clauses 2 and 3 which says: 'creating enmity, hatred and ill-will amongst the different classes, based on religion, caste, communalism and other matters'. There are further provisions in the Representation of the People Act regarding disqualification of a dismissed Government servant for corruption, disloyalty, etc. A Government servant who is found with corruption and disloyalty shall not be eligible for contesting any election. But, a political figure, a public man, who has been involved in corruption, which charge has been established or might be established, will be free enough to contest the election. because it is his political career which remains unblotted, which remains completely free and they are the rulers of the country, and, therefore, they are free from these corrupt charges.

There is another provision relating to the disqualification for entering into a contract; a contract which may be for supply of goods, for an executory type of contract, which has been entered into by a person with the Government. Then, there is also the provision for disqualification for holding an office of profit. The question is that when the nature of the offences, when the nature of the disqualifications which have been enumerated in the Representation of the People Act are viewed, looked into or analysed, we find that a particular perspective has been adopted. The perspective is that a person after being elected should not commit any corrupt practice or misuse his office or position and thereby take advantage of the machinery at his disposal. That is the perspective which has been kept in view while drafting the Representation of Peoples Act.

It has now come to the surface through the various Commissions set up for the purpose that during the nineteen months of emergency, a political office was misused, and could be misused in spite of the safeguards which have been provided under the democratic set-up. This fact has become extremely clear. Once that has been made clear, as explained by Shri Jyotirmoy Bosu elaborately, it could be said that the office was misused for personal gains, the persons concerned were motivated by various considerations to keep themselves in power and a number of things have been done, which could not have been done, but for the corrupt ruling class. This is because, their mentality was corrupt, there was lack of honesty and integrity. Therefore, a political man can also become corrupt whether it is for his personal benefit or for the benefit of his relatives or for his own financial gains. They want to continue in power by any method and resort to ulterior methods for this purpose.

[Shri Yashwant Borole]

If the suggestion is that under the Representation of the people Act we should have a definition of the word 'finding' it will be acceptable.

I would, therefore, tell our friend Mr. Jyotirmoy Bosu that the spirit behind his present Motion is quite good. It is welcome. It is appreciable. His motive is also nice. I request Mr. Bosu to withdraw his Motion, now that its propose has been served. The whole House is convinced about the spirit behind his Motion. In future, this House will certainly consider certain changes in the Representation of the People Act, from this point of view.

SHRI VAYALAR RAVI: On a point of order. What is the procedure adopted regarding speeches, allotting time for political parties?

MR. CHAIRMAN: One from the Janata Party, one from the Opposition. Time has been allotted to various parties; some of them have taken more time. For instance, C. P. (M) the total time was 7 minutes; Shri Jyotirmoy Bosu has taken 52 minutes; it has been so with others also.

SHRI VAYALAR RAVI: What about the Congress?

MR. CHAIRMAN: The Congress (I) Party had a total time of 21 minutes; Mr. Sathe had taken 22 minutes. The Congress has some more time left; I propose to call somebody. Now Shri Mavalankar.

PROF. P. G. MAVALANKAR: (Gandhinagar): Madam Chairman, I am standing before my colleagues today to speak on this resolution with mixed feelings. I am all with my friend Shri Jyotirmoy Bosu and other friends of the Janata Party when they condemn emergency of Mrs. Gandhi and the authoritarian regime that was let loose, especially during the 19 months of emergency rule. But I do not know how to support this resolution, especially because of the

manner in which it is worded by my senior and esteemed friend. I think he should have done his little extra home work more carefully and brought his own Bill and through that Bill told the Government: this is the way to do it, or to press the Government to bring their Bill. This kind of resolution, I am sorry to say, is strange. I am somewhat amused and amazed and I wonder how one can support it, the way it stands; it is too general, if not vague; it can create absurdities of all sorts. I cannot be made to support some thing which is absurd, in the name of supporting anti-authoritarianism. I am second to none in this House in condemning the internal emergency, the dark days of 1975-77; I am second to none including my friend Shri Jyotirmoy Bosu in condemning in outright terms the authoritarian practices and behaviour of Shrimati Indira Gandhi and her son Mr. Sanjay Gandhi and many of her henchmen. But because we are opposed to them, it does not mean that whatever comes in order to oppose that kind of authoritarianism, we must support it. That proposal must have some basis, some meaning, some validity, some reality I can appreciate and sympathise, and I say so with all humility, that my friend Shri Jyotirmoy Bosu has suffered tremendously at the hands of Mrs. Gandhi and her cuncus... (Interruptions). He has suffered tremendously. There are others in this House who have encountered and experienced in a similar manner the horrors of emergency, and that experience tells us to do certain things. I do not blame him for his intentions, but I do find fault with him for the manner in which he is asking the government through this motion to accept something what no government can accept. Mr. Shanti Bhushan may accept it or reject it; we have to wait for his answer.

As I said, I am second to none in my total opposition to what was done

during those dark days, because it was completely arbitrary. Mrs. Gandhi took everything for granted except herself and her son and used all the powers in a bad way. Accepting all that, however, I now ask: do we want to accentuate a campaign of political vindictiveness? I say in all humility that if we go on with this campaign of political vindictiveness, does it lie in our mouths to say that we are democrats? Do we want normalcy and rule of law or do we want the rule of vindictiveness in this country? Otherwise, every Government that will come will go on punishing everybody who, according to it, had done some misdeeds. Do you want that cycle to go on? If Mrs. Gandhi is found guilty of criminal charges, she should accept the punishment for it, including going to jail, etc. I am not at all soft to her, but this attitude of vindictiveness does not carry any weight with the people whom we are trying to serve. "Power tends to corrupt", said Lord Acton. He continued further and said, "absolute power corrupts absolutely". If there was an illustration that was available, we had it during the emergency. She was totally corrupt and totally absolute. To get rid of that absolutism, we want good governance and a vigilant public opinion, not vindictiveness and not a Government which will go by the principle of retrospective action. The Janata Government is committed not to do anything in a retrospective manner. In fact, in the Parliament, during the emergency, we condemned Mrs. Gandhi for doing something in respect of the Allahabad High Court judgement retrospectively. We opposed it then. So, if we opposed that, how can we say now that you can do something retrospectively to punish her for her wrong and cruel acts? Undoubtedly they were extraordinarily wrong and cruel acts in the sense that it was an abuse of the Constitution. If the present laws do not provide for punishment for such acts, the Government can come forward

with a new law, but it cannot be applied retrospectively. I am against the principle of retrospectiveness and also against the principle of political vindictiveness. After all, if we want corruption to go out of our lives if we want that people do not become absolute and arbitrary in their behaviour, we must see to it that our system of election and channelisation of our public opinion are improved and purified, rather than bringing this strange resolution and trying to punish somebody on the basis of political vindictiveness. The Bhagavad Gita says what is expected of leaders:

यद्यदाचरति श्रेष्ठः
तत्तदेवेतरो जनाः ।
सकृत् प्रमत्तम् कृते
लोकस्तदनुवर्तते ॥

The men who are "mahajanas", great leaders, should set an example for others. She did not set an example. Therefore, the people found that she was not worthy of following. Now you have come to power. Please set an example which people would follow. Don't set an example which would be wrong in principle and bad in practice.

Shri Jyotirmoy Bosu has referred to Sri Lanka's law. Why should we follow Sri Lanka's law? Let Sri Lanka and other countries follow us, if they wish. I do not want that we should follow their laws if they are not adaptable to our soil. It is only good governance and vigilance of the people that will help the situation. I carry an impression that an increasing number of people are telling us, "Will you now stop being haunted by the former Prime Minister and go about doing something for the welfare of the people?" So, are you going to go on with this witch-hunting and being haunted by them? Let us punish her if she is found guilty of criminal charges, so that it may be a lesson for those who will try to follow her in future. But trying to do something out of political vindicti-

[Prof. P. G. Mavalankar]

veness will not serve any purpose. It will only land the Janata Government and the Parliament in difficulties. That is why I am in principle opposed to this kind of resolution, although I was and am totally opposed to her regime during the emergency and her absolutism during those darkest days of the Indian Republic.

श्री अनन्त राम जायसवाल (फैजाबाद) : चेयरमैन साहिबा, श्री ज्योतिमय बसु ने इस रिजोल्यूशन को पेश कर के एक और मौका दिया है, इस के पहले भी मौके आये थे कि हम अपने पिछले उस कलंक को धो दें। आज यह रिजोल्यूशन हमारे सामने है और इस से पहले भी रिजोल्यूशन आये थे लेकिन अफसोस के साथ कहना पड़ता है कि हम लोगों ने इस मौके का इस्तेमाल नहीं किया। मुझे डर है कि जैसे पहले मौके का हमने इस्तेमाल नहीं किया वहीं इस मौके का भी हम इस्तेमाल न कर सकें।

सभापति महोदया, छोटे आदमी का नसीब कहां कि वह बड़ा आदमी बन सके। इस रिजोल्यूशन में खाली यह कहा गया है कि पिछले दस सालों में जो कोई किसी अदालत के जरिये से या किसी आयोग के जरिये से करप्ट प्रेक्टिसिज की वजह से दोषी पाया गया है, उसको दस साल के लिए किसी चुनो हुई संस्था का सदस्य बनने के लिए अयोग्य कर दिया जाए। इस रिजोल्यूशन पर यहां इस तरह बहस की जा रही है कि अपने आप इस रिजोल्यूशन के पास होने पर ही सब कुछ हो जाएगा। इस में तो खाली मांग की गयी है कि पोपुल्स रिप्रेजेंटेशन एक्ट में तरमीम की जाए। इस में खाली दिशा दी गयी है कि इस तरह का कानून लाया जाए। जब इस तरह का कानून आयेगा तो इस में जो नुक्स हम आज देख रहे हैं, उस समय वे नुक्स नहीं रहेंगे। अगर आप उस कानून को चाहें तो और भी सुधार सकते हैं।

सभापति महोदया, हम लोग यह देखते आये हैं कि किस तरह से इस देश में पार्टी को और सरकार को एक करने की कोशिश की गयी। इस के लिए हम लोग लड़ते भी रहे हैं, जेलों में भी गये हैं। (अव्यवधान) कहा गया कि आयोग का गठन किया गया। अगर वह गठन नहीं भी किया जाता तो भी मैं आपके सामने कुछ मिसालें रखना चाहता हूँ। 12 जून, 1975 को राज नारायण बनाम इंदिरा गांधी का हाई कोर्ट का फैसला हुआ कि श्रीमती इंदिरा गांधी करप्ट प्रेक्टिसिज की दोषी हैं और उसके आधार पर उनका चुनाव ही रद्द नहीं किया गया बल्कि उनको भगले 6 साल के लिए किसी भी चुनाव में हिस्सा लेने से रोक दिया गया। इसके साथ-साथ मैं

यह भी याद दिलाऊंगा कि उसी जजमेंट में माननीय हाई कोर्ट ने यह भी कहा कि श्रीमती इंदिरा गांधी और श्री यशपाल कपूर झूठ बोले हैं।

SHRI P. RAJAGOPAL NAIDU (Chittoor): Very technical.

श्री अनन्त राम जायसवाल : Whether it is provided in law or not, it may be technical or anything.

जजमेंट में यह भी बताया गया, अदालत ने यह भी करार दिया कि वे वहां पर जा कर झूठ बोलीं। इस के खिलाफ उन्होंने अपील की। उनको स्टे आर्डर नहीं दिया गया। कंडीशनल स्टे आर्डर उनको मिला और उस कंडीशनल आर्डर के बाद वे यहां की प्रोसीडिंग्स में हिस्सा नहीं ले सकती थीं, खाली यहां दस्तखत कर सकती थीं। उस पीरियड में वे तंक्वाह भी नहीं ले सकती थीं। इस तरह का वह स्टे आर्डर था। उसी तरह के आर्डर से खलबली मच गयी। मैं इन लोगों को याद दिलाऊंगा कि उसी वजह से सारी खलबली मची थी और आप में यह दम नहीं था कि आप किसी और को अपना नेता चुन लें। राज नारायण तो उनकी जगह नेता चुने नहीं जा सकते थे या अपोजिशन का कोई आदमी नेता बन सकता था। आप में अगर दम होता तो कोई नया नेता चुन लें। लेकिन उन को विश्वास नहीं था कि एक दफा पावर से हट जाने के बाद कांग्रेस के ही लोग उनको दुबारा पावर में लाएंगे। यही डर उनके द्वारा इमरजेंसी लाने का कारण बना।

आप समझ लें कि कितने बड़े डेमोक्रेट आप लोग थे। मुझे बड़े दुख के साथ कहना पड़ता है कि मार्च 71 से लेकर मार्च 77 तक जो तस्वीर उभर कर सामने आई उस हकीकत से आप अपने को बचा नहीं सकते हैं, कोई नहीं बचा सकता है। हकीकत यह है कि अगर कांग्रेस सरकार और कांग्रेस पार्टी में अकेले किसी का आजादी थी तो सिर्फ इंदिरा गांधी की थी और बाकी जितने लोग थे वे बिल्कुल चूहे की तरह थे और वह भी ऐसे चूहे की तरह जो तलवे चाटने वाले हों, कुतरने वाले चूहे भी आप नहीं थे। आपको शर्म आनी चाहिये। शर्म के बजाय आप बड़ चड़ कर बोल रहे हैं।

श्री वसन्त साठे : परसों ग्लिप चालू हो गया था न ? तब आपने क्या किया ?

श्री अनन्त राम जायसवाल : आप भाग

मैं यह कह रहा था कि किस तरह से आप व्यवहार कर रहे थे। किसी भी डेमोक्रेटिक कंट्री में, डेमोक्रेटिक संगठन में यह चीज शोभा नहीं देती। है। गांधी जी को वक्त को आप याद करें। तब उनकी मौजूदगी में उनके मुंह पर कोई भी छोट से छोटे आदमी, कोई भी कांग्रेस का सदस्य अपनी बात कह सक ता

था। लेकिन आप लोगों ने अपने लिए ऐसे हालात पैदा कर दिए थे और दूसरों के लिए भी कि कोई बोल नहीं सकता था, आप बोल नहीं सकते थे (व्यवधान) आप देखें कि काउंसिल आप मिनिस्टर्स की सलाह से प्रेजिडेंट काम करता है। श्रीमती इंदिरा गांधी ने किसी की सलाह नहीं ली।

श्री बसन्त साठे : मोशन पर बोल रहे हैं।

श्री धनन्त राम जायसवाल : मोशन पर बोल रहा हूँ ऐसे वाकाल रख रहा हूँ जिन की जरूर आपको जानकारी होगी। फैक्ट्स जो आपकी जानकारी में हैं, उन को मैं रख रहा हूँ।

MR. CHAIRMAN: May I request hon. Members to please co-operate? There is so little time and so many hon. Members want to speak. If you allow him to finish, he will finish in two or three minutes. If you go on interrupting, he will take a longer time and others would not get a chance. I would request Shri Jaiswal to continue his speech and soon conclude.

श्री धनन्त राम जायसवाल : मैं निवेदन कर रहा था कि इमरजेंसी लगाने के वक्त उन्होंने किसी की सलाह नहीं ली, अकेली उनका ही यह निश्चय था। उस वक्त उन्होंने आप लोगों की और दूसरे व्यक्तियों को इस तरह का बना दिया था कि जिस को चाहा जिस काम के लिए चाहा बुला लिया और उससे काम करवा लिया, फिर चाहे सिद्धार्थ शंकर राय रहे हों या श्री ब्रह्मानन्द रेडडी रहे हों, कोई भी रहा हो।

Everybody was at the back and call. जिस को चाहा बुला लिया और जो चाहा उससे करवा लिया। जब सदन में इमरजेंसी लाने का प्रस्ताव आया तब आप लोगों ने क्या किया? जब हम लोगों को जेल में डाल दिया गया तो आप बता दें कि किस कानून से डाला गया था। सिर्फ एक आदमी के कहने पर सारे देश के लोगों को पकड़ कर जेल में डाल दिया गया। अकेले एक आदमी के कहने पर इतना सब हुआ। उन बातों को मैं दोहराना नहीं चाहता हूँ जो श्री ज्योतिर्मय बसु ने अपने भाषण में कही है कि किस तरह से मार्गति को फायदा पहुँचाया गया, कैसे—

SHRI VASANT SATHE: Madam, I rise on a point of order under rule 179. You just now pointed out that he is about to conclude. Kindly see rule 179. It says that the discussion on a Resolution shall be strictly relevant and within the scope of the subject-matter. He has not spoken a

word yet about the motion and his time is more or less over.

MR. CHAIRMAN: He is as relevant as most of you have been. Please conclude now.

श्री धनन्त राम जायसवाल : इनको फिर से बताना पड़ेगा रेलीबैंट क्या है और इरंसीबैंट क्या है।

श्री सी० के० जाफर शरीफ : मार्गति और रिजोल्यूशन से क्या सम्बन्ध है?

श्री धनन्त राम जायसवाल : तो मैं कह रहा था कि उन चीजों को दोहराने से कोई फायदा नहीं है। पूरी मेहनत कर के माननीय ज्योतिर्मय बसु ने सारा मैटीरियल कलेक्ट कर के हाउस के रेकार्ड में लगा दिया ताकि आने वाले लोग फायदा उठा सकें।

उसके बाद कानून बनाया, मैं आपको याद दिलाता चाहता हूँ कि एक कानून के अन्दर इलेक्शन हुआ, एक कानून के अन्दर फैसला हुआ अदालत में श्रीमती इन्दिरा गांधी के चुनाव को इनवैलीडेट करने और उनकी डिबार करने का, और जब सुप्रीम कोर्ट में मामला गया तो बिल्कुल एक दूसरे कानून के तहत वह फैसला मांगा गया। अगर यह अथॉरिटी और डैमोक्रेसी को प्रोसेस को गेझूज नहीं किया गया तो और क्या था? c

SHRI C. K. JAFFAR SHARIEF: He is casting an aspersion on the judiciary.

श्री धनन्त राम जायसवाल : इस पर आप लोग खूश हो सकते हैं, लेकिन मैं आपको कहना चाहता हूँ कि अगर वही पुराना कानून बना होता तो यह नौबत यहाँ नहीं आती होती।

सभापति महोदय : अब प्रस्ताव पर कह कर आप समाप्त कीजिये।

श्री धनन्त राम जायसवाल : जो प्रस्ताव आया है, आप को मौका मिला है, मैं आप से अपील करूँगा कि जो खोल कर इस प्रस्ताव को पास करवाइये और जब इसके मताधिक संशोधन हो उस समय अगर आपको कोई कमी लगे तो उस समय समय पूरी कर लीजियेगा।

MR. CHAIRMAN: Now, out of 3 hours allotted for this motion, there are about 27 minutes left. If we are to conclude at 7 O'Clock, I will have to call the Minister.

SOME HON. MEMBERS: No, no; time should be extended.

SHRI KANWAR LAL GUPTA: We want an extension of time; I want to move a formal motion.. (Interruptions).

SHRI K. GOPAL: Before you call the Minister, you at least give time to our party. You promised that.

MR. CHAIRMAN: It will continue up to 7 O'Clock. At 7 O'Clock it has to end. If you want to continue it on some other day, it is upto House. Has the Government anything to say about it?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHANTI BHUSHAN): If so many members are very keen to speak on this important motion, for and against, I would welcome it. Let the members speak and I would very carefully listen to all that they have to say. If the time is not sufficient upto 7 O'clock, then it can be adjourned to be continued on some other day.

PROF. DILIP CHAKRAVARTY: We want 3 hours more.

MR. CHAIRMAN: Shri Vayalar Ravi.

SHRI VAYALAR RAVI: Madam Chairman, I am not in a position to support the resolution moved by Shri Jyotirmoy Bosu even though I appreciate the spirit with which he has moved it. Shri Jyotirmoy Bosu's intention may be to have a kind of check on political corruption at the highest level as well as at the level of other forums of the elected representatives that function in the country. Naturally, it will affect his party also.

I am only sorry that he drew a parallel with Sri Lanka. After the General Elections, Sri Lanka changed to the Presidential form of Government. It is a democratic Government, no doubt. But I do not know, for a moment, if a communist member, Shri Jyotirmoy Bosu, will agree with the class character of the Government...

SHRI JYOTIRMOY BOSU: That I do not know.

SHRI VAYALAR RAVI: Then, that Government, a class character Government, will reflect in every action. The commissions of inquiry are not new; the allegations of political corruption are not new. But we can make a *post mortem* of the history in the past many years. What happened when this Government came to power? When this Government came to power, the first thing that was done...

18.35 hrs.

[SHRI DHIRENDRANATH BASU in the Chair]

SHRI RAGAVJI (Vidisha): I have given a motion that the time be extended...

SHRI K. GOPAL (Karur): Please do it at 7 O'clock. Not now.

MR. CHAIRMAN: Today the discussion on this will go upto 7.00 p.m. Then the Half-an-Hour Discussion will commence.

SHRI VAYALAR RAVI: When this Government came to power, there was a case registered against a former Chief Minister of State after the findings of a Commission of Inquiry. The name of that gentleman, who was a Member of this House, is Mr. Prakash Singh Badal. This Government withdrew the case against him and made him the Chief Minister. Even after a Commission of Inquiry found him guilty, Government had no hesitation to withdraw the case against him. I do not know what will happen to him if this law is passed. There are Ministers sitting here. I do not want to mention the name of any Minister. I do not know whether he is strong enough like steel. I do not want to mention the name. If the findings of the Commissions of Inquiry are to be implemented, I do not know how many of them in the ruling Party will remain. Mr. Jyotirmoy Bosu has tried to bring all past history, quoting also the Report of 1963. I have no

[Shri Vayalar Ravi]

and liberties of the people of West Bengal were crushed by a previous government belonging to Mr. Jyotirmoy Bosu's Party. You go through the records.

So, Sir, this resolution can be interpreted in hundred ways. It can go even against Mr. Jyotirmoy Bosu. It may be utilised as a weapon of political victimisation. It will not serve any other purpose than political vendetta. That is why we are opposed to this resolution.

Last sentence and I have done. I have no briefing. I have no objection. If the law permits, you punish whoever has done mistakes. If Mrs. Gandhi has made mistakes, punish her. The law of the land is there to take care of it. You are even going in for a Special Court. Whatever it may be, it is for the government to decide what to do. But disenfranchising is very severe. Let Mr. Bosu come forward with a specific clause saying that economic offenders will be disenfranchised. Sir, political corruption is also an economic offence against the society. To come forward with a resolution that all economic offenders whether political or whatever it may be, may be disenfranchised will have a greater impact. It will affect everyone who will commit a crime against the society. Unfortunately, as it is confined to a few, it becomes more subjective. When it becomes subjective, it loses the entire spirit of the resolution.

So, I am sorry I cannot support the resolution of my friend, Mr. Jyotirmoy Bosu.

With these words, I conclude.

श्री कंवर लाल गुप्त (दिल्ली सदर) : सभापति महोदय, जो प्रस्ताव मेरे मित्र, श्री ज्योतिमय बसु, ने रखा है, वह बहुत हैपिली बंडिड नहीं है, लेकिन ऐसा कोई भी व्यक्ति उस की भावना का विरोध नहीं कर सकता है, जो चाहता है कि हमारा सामाजिक जीवन स्वच्छ हो और उस में किसी प्रकार की गड़बड़ न हो। माननीय सदस्य ने यह प्रस्ताव रखते हुए जो भाषण किया, उसमें केवल श्रीमती इन्दिरा गांधी की तरफ इशारा था और

उन्हीं के बारे में मोटे तौर से यह प्रस्ताव है, यह बात साफ तौर से कहनी चाहिए। जब से इस प्रस्ताव का नोटिस आया है,

I am in two minds, whether should I go by reason or should I go by sentiments or should I go by the rule of law. I am not going to decide and it is for the first time that I am not ready with the resolution because upto the last moment I cannot say what I should do. I have been in a fix and practically I am in a dilemma.

What has been said in the Shah Commission's report is not the whole thing. It is just the tip of the iceberg, it is not even a one-hundredth of what has been done during the emergency.

Sir, this morning a lady came with her son who was sterilised and that boy was unmarried. I thought after all if you want to do justice... (Interruptions) During the emergency thousands of people were made orphans. Many women became widows. Many became homeless and all that. They were ruined completely. Their businesses were ruined. Who is responsible for this—may I ask the Minister, while rule of law is all right and that is our policy.

That is the policy you will follow—the rule of law. This is a special case. Perhaps such a case in his own time, in the last thirty or forty years, had never happened in the history. Is she only an economic offender? Is she only politically corrupt? She has only subverted the Constitution. What has she not done—that is the question.

I think, morally, legally, socially, politically, economically or whatever you may call, she has lost human values. In the 18 months, there were no human lives; there was complete an naked fascism.

Therefore, we should not take this case in a normal way. A special remedy should be found out for a special case.

तो मेरा कहना यह है, जो उन के ऊपर चार्ज है... (व्यवधान)... मैं चाहूंगा कि माननीय मंत्री महोदय ध्यान दें, जेठमलानी जी से बाद में बात कर लेंगे... (व्यवधान)....

मेरा कहना यह है कि इंदिरा जी ने जो कुछ किया वह अनपेरेलड था, किसी भी प्रजातंत्र देश में ऐसा कभी हुआ नहीं, किसी भी प्रधान मंत्री ने ऐसा नहीं किया। इसलिए उन का इलाज भी उसी तरह से होना चाहिए। आप कोई कानून लाएं किसी एक व्यक्ति के बारे में, मैं इस से सहमत नहीं हूँ कि कोई भी ट्रिफिक का केस हो जाय या करप्शन का हो जाय, सब को रूल आफ ला से करिए और ये जो केसेज हैं जीप के और दूसरे, मैं चाहूंगा कि उन को विदड़ा कर लिया जाय, उन में इतना नहीं है, वे उतना दीफिटिंग नहीं हैं जो केसेज आप ला रहे हैं। जो बीफिटिंग केस उन के खिलाफ लाना चाहिए, मैं मानता हूँ कि हमारी गवर्नमेंट उस में फेल हुई है। उन के पास करोड़ों रुपया भाज भी है, कहां रखा है, यह आप नहीं निकाल पाए हैं, यह मानना चाहिए। इसलिए मेरा कहना यह है कि जितने केसेज हैं वे विदड़ा कर लिए जाय और दो बातें सरकार करे। केवल एक नया कानून उन्हीं के लिए बनाया जाना चाहिए और ऐसा होता है, दुनिया के इतिहास में ऐसा है। उन को तीन महीने की सजा हो, वह जेल में रहें और उन को डिफेंचाइज कर दें ताकि पब्लिक लाइफ में कोई आने वाला प्रधान मंत्री ऐसा न कर सके। तीन महीने की सजा मैं इसलिए कह रहा हूँ कि आखिर कितनी विधवाएं उन्हीं की हैं, कितने बच्चों को भारफन बनाया है, कितने लोगों के घर उजाड़े हैं, उन को बरबाद किया है, उन के लिए न्याय कौन करेगा? क्या यह पार्लियामेंट नहीं करेगी? वह बच्चा जिस का बाप मर गया, वह तो आने वाला नहीं है, तो उस की आत्मा को शांति देने के लिए सरकार क्या कर रही है? क्या वह यही कहेगी कि रूल आफ ला से होगा?... (व्यवधान).... मैं तीन महीने कहता हूँ। यह एक टोकेन पनिशमेंट उन को जरूर दी जानी चाहिए और जो व्यक्ति इस तरह मारली, सोशली, एकोनामिकली करप्ट हो उस को पब्लिक लाइफ में कोई स्थान नहीं होना चाहिए।

श्री बसन्त साठे : पंत नगर और बेलची में जो लोग मरे उन के बेटों का क्या होगा? उन के लिए भी किसी को सजा मिलेगी?

श्री कंवर लाल गुप्त : जो बेलची में हुआ था और जगह हुआ उस का मुकामिला साठे साहब इस से करना चाहते हैं?... (व्यवधान)....

मेरा कहना यह है, मैं इस को पार्टी ऐंगल से नहीं देख रहा हूँ, मैं आबजेक्टिकली बात कर रहा हूँ। कस को हमारा भी प्रधान मंत्री पागल हो सकता है और उस तरह की पागलपन की बातें कर सकता है जो इंदिरा जी ने कीं, तो कोई भी पागल इस तरह की बातें न करे, इसके लिए मैं

चाहता हूँ, आइन्दा, हमेशा के लिए पब्लिक लाइफ क्लीन करे, इसके लिए यह जरूरी है। इसलिए मैं यह चाहूंगा कि इस को पार्टी लाइन पर न लिया जाय, देश के हित में, राष्ट्र के हित में लिया जाय। अगर उन लोगों की आत्मा को शांति देनी है जिन के बाप हमेशा के लिए गए जिन के पति चले गए, जन का सोहाग मिट गया, उन लोगों की आत्मा को यह सरकार शांति देना चाहती है तो कम से कम तीन महीने उन को तिहाड़ जेल में जरूर रखा जाय और उन को डिफेंचाइज किया जाय ताकि आने वाले प्रधान मंत्री ऐसा करने से पहले दस बार सोचें और यह कोई नयी बात नहीं है। बाकी केसेज मैं चाहता हूँ कि विदड़ा कर लिए जायें। सरकार बिल्कुल विदड़ा करले—जीप मोटर, मारुति, कुछ भी हो—यह मैं कहता हूँ। यह ऐसी बात नहीं है कि पहले कभी ऐसा हुआ नहीं, दूसरे देशों में भी हुआ है। आखिरकार हिटलर, मसोलिनी ने जो कुछ किया, दूसरे देशों में जो हुआ उस से कम इन्होंने नहीं किया बल्कि उससे ज्यादा किया। इन्होंने इनसान को इनसान नहीं समझा, इन्होंने इनसानियत को खोकर काम किया। वैसे मैं उनका आदर करता हूँ, वे मेरे से बड़ी हैं लेकिन फि भी मैं कहूंगा कि जब रीजनिंग सामने आती है तब यही कहा जाता है कि ऐसे व्यक्ति को पब्लिक लाइफ से अलग करना चाहिए। इसीलिए मैं ने कहा कि इस मोशन की जो स्पिरिट है उसके साथ मैं पूरी तरह से सहमत हूँ।

श्रीलंका में आखिर में सुप्रीम कोर्ट ने फैसला दिया कि वहां का यह कानून अल्ट्रावायर्स है उसके बाद भी पार्लमेंट ने और प्रधान मंत्री ने कहा कि यह कानून पास होना चाहिए और उनको डिफेंचाइज होना चाहिए क्योंकि उन्हीं विधान का सबवर्जन किया है। यह पहला केस है जिसमें इन्होंने वैधानिक तरीके से विधान को खरम किया।

आखिर मैं मैं एक बात यह कह कर खरम करूंगा कि इसका जो जवाब है वह एक ही चीज है। हम कोई बदले की भावना से नहीं करना चाहते, बंडेडा की भावना से नहीं करना चाहते लेकिन साथ ही साथ हम और आप भी यह चाहते हैं कि पब्लिक लाइफ स्वच्छ रहे। अगर धर भी करप्शन है तो यहां भी होना चाहिए लेकिन साथ ही रूल आफ ला चलना चाहिए। परन्तु यह जो केस है वह उससे ऊपर है। उसका यह कोई परेलल नहीं है। जो मैं कह रहा हूँ वह कोई बंडेडा की भावना से या बदले की भावना से नहीं कह रहा हूँ लेकिन अगर देश को बनाना है, देश को आगे बढ़ाना है, देश को आगे ले जाना है और अगर आप चाहते हैं कि पब्लिक लाइफ में लोगों की कॉफिडेंस आये, डिमोक्रसी में लोगों की कॉफिडेंस आये तो उसके लिए जरूरी है कि इन्दिरा जी को कम से कम तीन महीने तिहाड़ जेल में रखा जाये और दूसरे उनको डिफेंचाइज किया जाये ताकि पब्लिक लाइफ स्वच्छ हो सके।

[श्री कंवर लाल गुप्ता]

इन शब्दों के साथ मैं इसका समर्थन करता हूँ ।

MR. CHAIRMAN: Before I call the next speaker let me take the opinion of the House. The time-limit for Mr. Bosu's motion was three hours. These three hours will be over in another two minutes. Now, is it the pleasure of the House that time may be extended by another two hours on a subsequent day to be decided by the Business Advisory Committee?

SOME HON. MEMBERS: Yes.

MR. CHAIRMAN: All right. Now, I call Mr. Mallikarjun.

SHRI MALLIKARJUN (Medak): Mr. Chairman, Sir, the motion moved by my great friend, Shri Jyotirmoy Bosu is nothing but a phobia. He and the other hon'ble Members who have made allegations have got Indira-phobia. On the one side they are seeking fundamental rights and protection of the Constitution and on the other they want to de-franchise. Is she not a citizen of this country? Mr. Bosu has referred to a number of commissions. May I ask Shri Shanti Bhushan, the Law Minister—who has appointed Shah Commission—has Justice Shah not been superseded? Is there any human psychology or not? You started with political vendetta soon after you took over the government. You are appointing him as Chairman of the Commission. Where is justice? This is political vendetta. My friend, the Law Minister, knows thoroughly well that there is a Representation of the People Act and under that there is conviction under Section 163A, 171(E), 171(F) and Clauses 2 and 3 of Section 505 of Indian Penal Code. See the protection under the Civil Rights Act,—Act No. 22 of 1955. All these Acts are there. What for are they meant?

In this Act, the Representation of the People Act,—there are two qualifications. From Section 4 onwards, you see qualifications for the Member

to contest for being a Member of either Houses here or for being a Member of the Legislative Assembly or the Legislative Council as the case may be. At the same time you have got the disqualification for the members, not to be there in any one of these Houses, not to be the people's representative at all.

SHRI JYOTIRMOY BOSU: How right you are?

SHRI MALLIKARJUN: Absolutely I am correct. Apart from that my hon. friend the Law Minister will agree that unless a person is convicted, he is allowed to contest. He is a free citizen of this country. All citizens have equal rights in this country. Anybody's fundamental right cannot be taken away by this oppressive, this authoritarian, dictatorial, totalitarian Janata Government. I am speaking all the time for protection of the democratic norms of this country. My dear friend Shri Jyotirmoy Bosu here brings up the Grover Commission Report. What happened to that? After the Report of the Grover Commission, what happened? After the Grover Commission Report, democratic elections were conducted. Mr. Devraj Urs became the Chief Minister again—against whom you levelled charges of corruption, nepotism, favouritism and so on. Is this not democracy? Are you not going to value the constitution which has been founded by the founding-fathers? You say that the citizen should be disfranchised for 10 years. It is not Mr. Jyotirmoy Bosu, but it is Mrs. Indira Gandhi. Mrs. Indira Gandhi definitely did constructive work for the betterment of this nation and her role in this development work, in this progress, in this development, of the nation will be written in letters of gold in the history of our country. (Interruptions) Whoever may be in power, power can be used; power may be misused also. Today, an allegation is being made against the son of Prime Minister, Shri Morarji Desai, involving an amount of Rs. 80 lakhs. I am not making

this allegation. But it is Mr. Madhu Limaye who is making this allegation. This also is confirmed openly through the Press. There is the former Home Minister publicly levelling charges and confirming that the present Government is functioning under the shadow of corruption all the time.

In the Representation of the People Act there are also clauses....

SHRI JYOTIRMOY BOSU: Who denies that?

SHRI MALLIKARJUN: Section 9 is there. It deals with corruption. Any person found guilty of corruption under the section will be subject to punishment according to law. Nobody is denying the right of equality before law. Everybody is equal before the law. You can't deny this right to any citizen of this country, with your *mala fide* attitude, with your malicious attitude, with your completely one-sided vengefulness, revengeful attitude and utter vindictiveness. You cannot do that. Democracy, especially Parliamentary Democracy, cannot function in this country with vengeance. The democracy in which Mr. Jyotirmoy Bosu believes may function like that because his attitude to democracy is entirely different from our attitudes. His attitude cannot be understood. Even if he understands, he cannot reveal it. Even if he reveals it, nobody can understand him! No people will understand him. This is the sort of democracy in which he believes.

But, Sir, I believe in a Democracy where the Fundamental Rights of a citizen cannot be taken away. Come on. I will challenge you: Let this Act be sent to the people. You ascertain the wishes of the people through Referendum. Take the Referendum on this issue—the Referendum which the hon. Law Minister, Shri Shanti Bhushan is bringing in by the Constitution (Forty-fifth) Amendment Bill. We will see what happens. We will see whether our people vote for this

amendment or not. We will see whether our people vote for disfranchise or franchise.

My hon. friend Shri Kanwar Lal Gupta very politely said, 'She is elder sister.'

19.00 hrs.

SHRI JYOTIRMOY BOSU: He did not say that.

SHRI MALLIKARJUN: He spoke respectfully, but at the same time, he brought out his point. I will ask the present Government that if they have got any courage, any conviction, let this question of de-franchising Shrimati Indira Gandhi, who has ruled this country for 11 years, be referred to the public and decided through a referendum. Then you, come out for a change in the Representation of People Act, or bring your Motion. This motion is a motionless motion. There is no truth. He has forgotten, that the law already exists. Forgetting the law in the Representation of the People Act, he has brought this motion. This is unjustifiable, undemocratic, it is indicative of totalitarian approach, dictatorial design and it is nothing but Indira Gandhi phobia of Shri Jyotirmoy Bosu. All the time, from morning till evening, he thinks of nothing else, but Shrimati Indira Gandhi. Let both of us have harmonium and tabla. You start accusing her, and I would start defending her; let both of us go to the rural area of this country and see what happens.

Today, after sixteen or seventeen months of Janata Government, what is happening? My dear friend, you have not come into power here, your party is in power in West Bengal only. You have no idea.... (Interruptions).

My friend, Prof. Mavalankar, very rightly quoted from Bhagwadgita. While entering from one of the doors, I just read here:

कर्मण्येवाधिकारस्ते मा

कलेषु कदाचन ॥

[Shri Mallikarjun]

That means, believe in doing karma. Shrimati Indira Gandhi did the karma, the action, for the welfare of the country. However, my friend, Shri Jyotirmoy Bosu has got only one feeling and that is not about anything which happens in the interest of the country, but always thinking of Shrimati Indira Gandhi and Sanjay Gandhi. I do not know, if while taking his lunch or dinner or during his sleep, he is always disturbed by her thoughts. Let me open his eyes. If at all anybody has done something good for the country, it is Shrimati Indira Gandhi, which will be written in golden letters in the history.

Now, if you believe in democracy, if you do not believe in totalitarianism, come forward and keep the letters exchanged between the Prime Minister and the Home Minister on the Table of the House; do not defend the beloved son of the Prime Minister, for whom his love has become more than the public interest of this country.... (Interruptions) Facts do come out of emotions while speaking of reality. He does not know, how to speak reality.

Finally, Sir, this motion has no meaning in it so long as the perfect law in the Representation of the People Act, 1951 exists.

MR. CHAIRMAN: The House will now take up the next time, the Half-an-Hour discussion to be raised by Shri Chitta Basu.

19.05 hrs.

HALF-AN-HOUR DISCUSSION

ARREARS OF PROVIDENT FUND

SHRI CHITTA BASU (Barasat): I rise to raise a discussion on the arrears of provident fund. As you know, Mr. Chairman, during the course of the reply to the Starred Question No. 265, the hon. Minister had read out certain

information. The information given was that the provident fund arrears to-day amounted to Rs. 20.77 crores, as on 30th June, 1978. Out of this amount, a sum of Rs. 11.6 crores is involved in cases, and the recovery of which is not only difficult, but is due to circumstances beyond the control of the Provident Fund Organization. Another information of telling effect was that Rs. 8.51 crores were due from the mills under the National Textile Corporation. The last point of information he gave was that Rs. 3.01 crores were held up because of court cases.

Mr. Chairman, I leave it to you and to the House to imagine what the Government can be expected to realize. You can go through it, as also add and subtract. I am at a loss to understand whether, out of Rs. 20 crores of arrears, Government at all expects to realize even a fraction of it. My arithmetic does not lead to any conclusion.

The Minister was of course pleased to state that several actions had been taken. The reply is there. I would not dilate on it, because the time at my disposal is short. What are the steps taken? I do not know. But as far as I am concerned, I know that there are two procedures available, for taking action. First is the recovery proceedings under the law, and the second, prosecutions. Let us see what has been the performance of the Government on these two counts, viz. recovery proceedings and prosecutions. In a note given to me during the meeting of the Consultative Committee for the Ministry of Labour, some facts were given. I quote from that note. It states that in so far as recovery proceedings are concerned, recovery cases instituted numbered 81,663 as on 31st March this year, cases settled were 64,132; it is an astronomical figure; and those pending with the Revenue Officers were 17,531.

You will recall that the earlier portion of the reply to my question said that Rs. 3.01 crores were held up