

SHRI P. K. DEO (Kalahandi) : Though we do not see eye to eye on several points with the Treasury Benches, I fully agree with Shri Menon because the entire argument boil down to this, whether the passing of a Bill means the last stage only or the various stages, the first, second and third readings of the Bill. That is the entire controversy. For that purpose a special guideline has been given to us by the Rules of Procedure. This is not the first time that a Constitution (Amendment) Bill could not be passed because of the lack of requisite strength. So, to re-open this question, or to challenge the ruling of the Speaker, will not be correct.

MR. DEPUTY-SPEAKER : He has not challenged.

SHRI P. K. DEO : So, if you think it proper, you may refer it to the Rules Committee, but the recommendation of the Rule Committee cannot have retrospective effect.

MR. DEPUTY-SPEAKER : Please do not anticipate.

SHRI P. K. DEO : I think it will be only for future guidance.

SHRI S. M. BANERJEE : I have heard with rapt attention the submission made by the hon. Law Minister. On that particular day we wanted to raise it as a point of order when the Speaker first declared that the Bill would be taken into consideration. Then, he realised that two-thirds majority of the Members present and voting and 50 per cent of the total membership of the House was needed for the particular purpose because this was a Constitution (Amendment) Bill. Later on I have also consulted the various rules. As the hon. Minister said just now, let us not rely on individual wisdom, but on the collective wisdom of the Rules Committee. After all, the Rules Committee have framed the rules and the interpretation of the rules should also be left to them. I agree with Shri Bhandare, Shri Kunte and others that this should be referred to the Rules Committee.

SHRI UMANATH (Puddukkottai) : Now that the question has been raised seriously, we are not breaking the convention by this round of discussion.

MR. DEPUTY-SPEAKER : It has been broken. That is why I am allowing you.

SHRI UMANATH : It has not been broken because here it is a question of the rules and their interpretation *vis-a-vis* the Constitution that has been raised by Shri Limaye and replied to by the Minister. The House feels that it is a serious question on which a determination has got to be made. The reply of the hon. Minister to Shri Limaye is not going to solve the issue raised here. Since the question has been raised, it has to be resolved. This proposition has now been made by Shri Bhandare, and supported by all sections of the House, that the matter should go to the Rules Committee where a thorough discussion can take place and some determination can be made. I also support it.

SHRI GOVINDA MENON : The Government has no objection.

MR. DEPUTY-SPEAKER : I do not think Shri Limaye wants my ruling on the various points he has raised. The main question is to refer it to the Rules Committee. We will convey this to the Speaker.

15-38 hrs.

CONSTITUTION (AMENDMENT) BILL —(contd.)

(AMENDMENT OF ARTICLE 164)

MR. DEPUTY-SPEAKER : We take up further consideration of Shri P. K. Deo's Bill. Shri Imam may continue his speech.

SHRI P. K. DEO (Kalahandi) : There was a symposium on this subject recently, and a number of speakers are going to participate in this discussion. Therefore, the time allotted for this Bill may be extended.

MR. DEPUTY-SPEAKER : I have called Mr. Imam.

SHRI J. MOHAMED IMAM (Chirradurga) : I have moved an amendment to the effect that this Bill on account of its extraordinary importance must be circulated for eliciting public opinion by the 30th of June, 1970. The other day my friend, Mr. P.K. Deo while moving the Bill has given very valid and cogent reason why this bill should be passed. He had also pointed out the necessity for this provision in the changing circumstances. As pointed out by him, it is quite necessary that the person who becomes the Chief Minister of a State should be elected by the majority

of the members of that Assembly and it should not be left to the whim of the Governor to name whomsoever as the Chief Minister. It is quite necessary if democracy has to work properly and succeed in our country because now-a-days there is a tendency to make democracy a casualty for some persons to perpetuate themselves in power or to misuse their office. In fact under the guise of democracy, many sins are committed and many commissions and omissions are made. We have adopted the British Parliamentary system and we are trying to copy it here. In Britain, the head of the State is the king or the queen and that person is above politics. She is not partisan so much so that all parties have confidence in the head of the State.

Secondly, all the parties have implicit confidence in the head of the State. It is said that the British sovereign has a unique position in the United Kingdom. Then in Britain there are well-organised parties and the number of parties is limited to two. When there were two parties, it would be easy to determine which party was in a majority. Thirdly, in Britain and perhaps in other countries also, they are not plagued by the disease of defection which has become so much rampant in India. What is the position in India where we have copied the same parliamentary system of Government. There is the head of the Union. There are heads of the States. At present, I am not referring to the Head of the Union but I have to refer to the heads of States, namely, the Governors. What are our Governors? They are nothing but a creation of the Government of India or of the Centre. They are their nominees. I can say that most of these Governors who have been appointed till now are partisans. They belonged to the ruling party sometime or the other. One of two may have been I.C.S. officers who had served under them. You cannot give credit to them as being independent or as being above party for being the head of the State.

MR. DEPUTY-SPEAKER : We have exceeded our time. Please conclude.

SHRI J. MOHAMED IMAM : I shall finish in a few minutes. Because you have rung the bell, I shall hurry up. This subject being important, I thought I could get a little more time. Now, thirdly, times

have changed. The office of the Governor was not very important in the past because there was a homogeneity between the government and the party throughout the country. But now each State is under a different political party and no government has a decided majority. The Governors who are the agents of the Central Government and who are nothing but their masters' voice cannot exercise their independent discretion. But they have to work according to the instructions of the Central Government. That is why there has been so much of confusion in each State when the Chief Minister was elected.

My friend Shri P. K. Deo gave a catalogue of the previous instances where Governors have been responsible in brushing aside the party which was actually in a majority and calling the leader of the minority party to form the government, and giving him sufficient time to form the government with the hope that when he forms the government many would defect to him and there would be a majority. In fact, this has happened many a time.

15. 47 hrs.

[SHRI SHRI CHAND GUPTA in the Chair]

I think we can take the latest example of what happened in Uttar Pradesh. I think there the B.K.D. party first of all wanted to join hands with Congress (O) and they came to a solemn understanding to form a Government, but the Governor would not call Shri Charan Singh or anybody else, and he never invited him to form the government because he received a call from Delhi. He came here and after being briefed as to what to do, he returned and gave some time for them to rehabilitate themselves. So, after some time, there was a rumour that Shri Charan Singh joined the other group. Then the Governor took advantage of that again and invited Shri Charan Singh to form the government. Now, there is a precarious majority on account of the attitude of the Governor.

MR. CHAIRMAN : I thought you were to conclude.

SHRI J. MOHAMED IMAM : I am concluding. No government is in a stable position there. Added to that, there has been a series of attempts to topple those governments that have a majority and on account of this we cannot say what the

[Shri J. Mohamed Imam]
fate of the State Governments will be. After all, what we need is stability; stability and progress go together. Without stability there cannot be progress. The Central Government through their Governors are trying to disturb the stability. So, my friend's anxiety is this. The Chief Minister or any person who becomes Chief Minister should not be the nominee of the Governor or he should not reflect the views of the Governor. He must be a person who enjoys the confidence of the majority of the members of the Assembly. How to ensure this? We cannot entrust this to the sweet will of the Governor who himself is not quite independent but who looks for his continued existence and everything on the Central Government. So, the most democratic thing we can do is to leave this choice to the members of the Assembly. Let all the members of the Assembly at a meeting to be called by the Governor elect a person who is to lead the House. After all, it must be remembered that the Chief Minister is called the Leader of the House; he is not the leader of the party. When he is called the Leader of the House, it is but right and in the interests of equity that he is elected by all the members of the Assembly. If he distinctly enjoys a majority, then certainly he will become the Chief Minister. Only by this process democracy can function properly, there can be stable Governments and we can avoid defections.

With these words, I support the Bill. It is an important Bill in which the State Governments are interested. So, it is better that they are also consulted. That is why instead of hustling through this Bill, let it be sent to the State Governments. Let them place it before each Assembly and ascertain their reactions. That is why I have moved that this Bill be circulated and I am sure the House will approve of my suggestion.

श्री रवि राय (पुरी) : इसके बाद वाला श्री फर्लेडीस का बिल बहुत महत्वपूर्ण बिल है। इस बिल के लिए डेढ़ घंटा दिया गया था। मैं जानना चाहता हूँ कि अभी कितना समय बाकी है ?

सभापति महोदय : इसमें सन्देह नहीं है कि दूसरा बिल भी महत्वपूर्ण बिल है।

लेकिन इस बिल पर अभी दस माननीय सदस्यों के और नाम हैं। उनके बोल चुकने के बाद फिर दूसरा बिल आ जाएगा।

श्री जार्ज फरनेन्डीख (बम्बई दक्षिण) : मेरा व्यवस्था का प्रश्न है। आपने कहा है कि दस लोग और बोलने वाले हैं। प्रश्न यह है कि जो समय आपने इस बिल के लिए मुकर्रर किया था उसके भीतर ही आप इस बिल को समाप्त कर देंगे अगर दस लोगों को बुलवा लेंगे या उसके बाद भी यह बिल चलेगा ?

मैं यह भी जानना चाहता हूँ कि मेरा जो विधेयक है उसको पेश करने का मुझे मौका मिलेगा या नहीं मिलेगा या इसी बिल पर आज सारा समय निकल जाएगा ?

सभापति महोदय : मैं प्रयत्न यही करूँगा कि सभी माननीय सदस्य निश्चित समय के अन्दर बोल लें और यह समाप्त हो जाए और आपका बिल आ जाए।

श्री जार्ज फरनेन्डीख : समय जो मुकर्रर किया जाता है, उसका कोई अर्थ है या नहीं है ?

सभापति महोदय : एक बार जब कोई महत्वपूर्ण बिल आ जाता है तो उस पर अगर सदन के ज्यादा लोग बोलना चाहते हैं तो उनको अवसर दिया जाता है।

SHRI HANUMANTHAIYA (Bangalore): Sir, the Bill that has been moved by Mr. P. K. Deo relates to constitutional amendment. I very much wish his speech was on the level of a constitutional debate. But I am sorry to note that he has descended to the level of making wild allegations against other political parties and his opponents in particular.

SHRI P. K. DEO : I never made any such allegations.

SHRI HANUMANTHAIYA : I attach great importance to whatever is said by members of his standing. I always have a good opinion of their judgment and parlia-

mentary flair. To say that life and property are in danger, that the Congress is misruling and that all the Governors are henchmen, is extravagant language which could well be avoided. The purpose with which he moves the Bill on a constitutional matter is to get the approval of the House. This is neither the forum nor the occasion to express your angers against your political opponents. Therefore, let the debate on constitutional and legal matters be free from acrimony, personal allegations and extravagant statements of the kind that Shri Deofhas made.

So far as the Bill is concerned, it relates mainly to one item only, namely, that the Chief Minister should be elected instead of being called upon by the Governor to take the oath of office. He forgets that there is a historical background. The Constituent Assembly, of which I was also a member, had mainly the conventions and practices of the United Kingdom in view in framing the various articles of the Constitution pertaining to this matter. Calling upon the majority party leader, who is likely to command the confidence of the House, to take the oath of office as the head of the Ministry is a well-known convention. It is not written into the Constitution in U.K. In fact, there is no written Constitution at all there. Nor is there such a clause in any well-known constitution, either of Canada or of Australia or of several other countries which opted for parliamentary democracy and which are working parliamentary democracies. No doubt, he has quoted two instances, of West Germany and Ireland. But, as he himself knows, somehow these two countries, historically—of course, it is not their fault—have not come to that level of being quoted for constitutional discussion throughout the world. Only leading democracies are quoted for purposes of discussion of constitutional issues.

I agree with him in principle. There is no quarrel there. Whether the leader of the party should be called upon to take the oath of office by the Governor or he should be elected in the way suggested by the hon. Member is a difference, not of substance but of methodology.

Constitution is not a general cupboard into which you can put everything and sundry. Constitution is a document where

you incorporate fundamental principles and modes of working of the administration. Imagining a contingencies to arise, we do not put everything into the Constitution. So far as our Constitution is concerned, sometimes people blame that it is too bulky, that it contains too many articles of a detailed and administrative nature. For example, no constitution makes provision for salaries in the Constitution itself. That is a matter for Parliament to determine from time to time. Therefore, I do not want this Constitution to be further enlarged, containing all sorts of details.

I want him to remember that his party has also a government, and I am very happy about it. If you and I have responsibility of supporting our own party governments, we will have to take a reasonable attitude and a balanced attitude.

Calling, or inviting as they say, the leader of a party, which commands the confidence of the House is a graceful act. It may be that when a no-confidence motion is passed against a Ministry it goes out without grace. Therefore, a Ministry is expected to come with grace on the invitation of the Governor and I do not want this grace to be spoiled. The constitutional conventions have a grace and a flavour about them. We have to preserve them instead of distorting or making them rigid.

16 hrs.

I agree that after the 1967 general elections several instances have arisen where the actions of governors has been questioned. Even motives have been attributed. That is why the Administrative Reforms Commission took the whole position into consideration and suggested that in these matters of discretionary powers of Governors, guidelines must be framed. We have gone much beyond what Mr. Deo proposes to do in his Bill. The guidelines framed by the Government of India or the President are not likely to command general acceptance. We may say: here is a Government run by Congress party and they have framed the guidelines to suit their own party position. I did not want that. I wanted that the political parties which are bound to be represented in the inter-State Council contemplated by

[Shri Hanumanthaiya]
the Constitution, to make a draft thereby attracting to these guidelines general consent of the political opinion to the extent possible. Then these guidelines are to be issued in the name of the President. The President who is the appointing authority, has necessarily the power to give a list of guidelines to the Governor to act upon. From time to time if changes are necessary, those changes can be effected in the guidelines. But if this convention is sought to be embedded in the Constitution—my friend Mr. Deo knows how difficult it is to secure the special majority for Constitutional amendment. We should not think of amending the Constitution whenever a situation arises. The Constitution must contain fundamental principles. Working principles can be adjusted according to the circumstances and times.

Many of you accuse the Indian National Congress as one party having ruled for a long period of time. If you look at the whole picture dispassionately you will see that after 1967 the multi-party system has brought more miseries to this country than single-party governments ever did during the period of the three previous elections.

SHRI J. B. KRIPALANI (Guna) : Then why did you divide yourself ?

SHRI HANUMANTHAIYA : You wanted it and your wife wanted it and we had to do.

Therefore, Sir, if there was harmony between the Ministries and the Governor and no Opposition political party made an issue of the role of Governors in the previous fifteen years it is an achievement to the credit of the Indian National Congress. Multiparty system, however, desirable it may be from an individual point of view will not make for smooth working; will not make for advancement of the country. In India whenever a multi-party Government was formed the principle of joint responsibility came in for ridicule and you have seen what constitutional and legal irregularities have taken place in the country. This multi-party system as some of us talk today—has proved to be one of evil consequence. No democracy will be able to survive in this country with the perpetuation of multi-party system. Therefore,

if troubles have arisen, it is not so much because of the Governor as because of the difficulties created by the multi-party system, the inter-party rivalry and disregarding of the conventions that had been established in the country in the last 15 years.

My hon. friend, Shri Iman, said that this may go for circulation for eliciting public opinion. There is hardly any necessity for it. The Administrative Reforms Commission has itself made a recommendation in substance the same in principle as the one underlying the Bill that Shri P. K. Deo has placed before the House. This Report of the Administrative Reforms Commission has not yet been considered by the Government.....

SHRI P. K. DEO : They will not consider it.

SHRI HANUMANTHAIYA : They will consider it. I assure you that they will consider it.

SHRI RABI RAY : When ? You have already submitted 18 Reports.

SHRI HANUMANTHAIYA : They have considered 7 or 8 Reports. They will be doing it, one by one.

I am very happy that most of you take so much interest in the recommendations of the Administrative Reforms Commission. I would request Shri P. K. Deo to withdraw the Bill and take the position of pressing the Government to implement the recommendations of the Administrative Reforms Commission. That will effectively and unanimously serve the purpose that my hon. friend has in view.

SHRI J. B. KRIPALANI (Guna) : Mr. Chairman, Sir, I cannot compete in wisdom with an ex-Chief Minister. He has eloquently talked of the conventions that exist in England and, he says, that we are following in our policies the conventions that are usually followed in England.

Does he know, in England, there are certain things even in politics which are never done ? For instance, in England, nobody would dare to vote against the party candidate. Nobody in England, if he is worth anything, would vote against the person whom he or she has proposed. No Government in England would dispense

with the Habeas Corpus Act though the Parliament, in England, as my hon. friend will remember, can do everything except turning a woman into a man. But here, we can even do that because the men as well as the women can equally howl in this House.

Sir, the conventions are for persons who guide their conduct according to rules, according to laid down procedures, who respect certain things and who will not, at any cost, deviate from them. Conventions are not for persons who violate the law at will, who have no conception of procedures and who have no conception of the law, but who have only a conception of conscience.

My hon. friend is talking of multi-party system. When you have conscience, you will have multi-party system. You will have as many parties as there are consciences in the House. It may be accidental that the conscience of some hundreds of legislators may have been the same as the conscience of some of the bosses. But it will not always be so. It was not so recently when a Bill to abolish the privileges of I. C. S. officers was brought and people's conscience told them to be absent even though their Party accepted the Bill. Here, there is no question of conscience. Nor is it a question of convention nor is it a question of what is done in England. This is a unique land. We must, therefore, be very particular about what we do.

What does this Bill require? The Bill requires that the Governor should call the Assembly meeting and let the Assembly decide who is the leader of the dominant Party. It decides which is the dominant Party by a vote and then allows it to elect its own leader. These Governors are appointed—by whom? By the Government of India. Is it a fact or not? Governors are appointed by the Government of India.

SHRI RABI RAY : By Mr. Chavan.

SHRI J. B. KRIPALANI : May be Mr. Chavan or anybody else. They are appointed by the Government and if the Governor goes wrong, suspicion is that the Government of India has given him worry instructions. Do you want your Governors to be suspected?

SHRI HANUMANTHAIYA : No.

SHRI J. B. KRIPALANI : Then, the straight course is: let them call a meeting. What do Congressmen lose if a meeting of the legislature is called? What do they lose? On the other hand, they gain. Their Governors gain in respect and reputation. Their Governors are considered like Caesar's wife above suspicion. Caesar's wife was not above suspicion except in the eyes of Caesar himself. They must be kept on a pedestal. People should not be able to cast suspicion upon their credentials. They should not think that they are mere rubber stamps of the Party in power at the Centre. To-day the Congress may be in power at the centre. Tomorrow it will not find itself in the position in which it is even with the help of D. M. K. and the Communists. It will be in the minority. But I want to know as to what congressmen lose by this Bill. I want to know what is lost if such a thing is adopted.

The Government will be free from blame. The Central Government will be free from blame. Nobody would raise his little finger against them. Now, at every time that the Governor functions, his functioning is under suspicion. Take the instance of U.P. The Governor of U.P. did not call anybody to form the Government. He came to Delhi. First of all when he came to Delhi, nobody knew in U.P. that he was going to Delhi. He said that he was going to Kanpur. He took a long time to consider which Party commanded the majority. But after returning from Delhi, the very next day he called somebody to form the Government. Is not this conduct subject to suspicion? Why should the Governor put himself in such a position?

SHRI HANUMANTHAIYA : We agree with your view. Here the question is: whether the principle should be in the form of a constitutional amendment or guidelines framed by all the Parties.

SHRI J. B. KRIPALANI : Have you observed any convention? I ask you. Will there be anybody who has the shamelessness of voting against his party mandate in England? Can you give me an example in three centuries of English history when such a thing was done? Can you give me an example where party people say they were going to vote not according to their party whip but according to their conscience?

You are bringing something which does not exist but in this unique land. You have made it into an extraordinary land. You can do anything you like when you are in power, you can violate any convention. This is really a wonder land. It is not a democracy. It is not any autocracy even, because, Sir, he the autocrat breaks the law himself,—he is a law unto himself, but he does not allow others to break the law.

But, you not only break the law yourself, but you allow every Tom, Dick and Harry, even what you call the Naxalites, to break the law, and you don't break his neck. We are living in a Government which is confusion. In this confusion, this little order is sought to be brought. What do Congressmen do? You tell me what was wrong. The reputation of your Governor be kept; the reputation of your Central Government be kept; the reputation, whatever it is, of the Rashtrapati be kept; how does it offend you? I want to know.

Therefore, don't talk of conventions. Don't say that you were in the Constituent Assembly, when fools like me were also there. And, we knew, we were making Constitution for gentlemen, not for ruffians who can use the Constitution as they like, who can break the law as they like, who can break any convention. We did not make the the Constitution for that.

But, when things have come to this, that the Governors are suspect, that the Central Government is suspect, that there have been various minority Governments which when they have come into power, have been able to induce people to cross the floor and become majorities, then, Sir, this bill becomes necessary.

Congressmen lose nothing, but simply, they are obsessed by certain ideas of their own which they do not apply for themselves, which they only apply to others. We hear everyday big harangues about what ought to be done and what ought not to be done on the Radio, but those who say these things themselves violate what they want others to do.

We are the greatest humbugs going in the world. Humbug is the order of the day in this nation.

Therefore, I say, as he himself admits that in principle—it is good—therefore, why don't you accept it? You don't accept it because your conscience tells you not to accept it.

SHRI V. KRISHNAMOORTHY (Cuddalore) : Sir, the idea of introducing the Constitution (Amendment) Bill to elect leaders in the State Legislative Assemblies is very much meaningful in the context of our democracy in this country. Shri Hanumanthaiya when he was speaking, told us that in the course of their rule in the past 20 years, they did not have any such difficulties. But the only difficulty is that they never allowed any single equivalent Opposition in India to grow. That is the difficulty which they have left to our country.

SHRI HANUMANTHAIYA : We have allowed you to grow in Madras. Let there be no contradictions.

SHRI KRISHNAMOORTHY : We have grown in spite of your opposition. It has not happened in other parts. Mr. Chairman, democracy is now being tested in our country. After 1967, you are seeing—the country is seeing—that in most of the States, where there is no single party in majority, the Governors assume themselves as the solemn embodiment of democracy.

You know, Sir who are all the Governors? Most of the Governors are the defeated politicians of the ruling Congress. So, they are to subserve the interests of their own masters. When there is any Government against the interest of the Central Government, that is toppled as it has been toppled in U. P. and as are likely to be toppled in Gujarat and in some other States, the Governors are being used by the Government of India to topple the State Governments.

So, it is in evidence that the Governors are not impartial. I won't say that they are partial but they are not impartial. In some parts like Bihar, the Governors sometimes declare 'I will not listen to the Leaders of the Party. If necessary, I shall have to count the heads of Legislative Assembly Members.' Legislative Members are being counted by heads by the Governors.

[Shri Krishnamoorthi]

Shri Deo's amendment is to reduce the responsibility of the Governors. As our Acharyaji pointed out, let the Governor be an impartial man. Instead of counting the heads let him convene the Legislative Assembly and get the Leader of the House elected.

United Front Government comes and goes. It has failed in Kerala; it has failed twice in West Bengal; it has failed in Bihar; it has failed in some other States. Why? Because, the Leader of the House is not elected but appointed or nominated by the Governor. So, there is only admixture of political combination and it is only a physical change. The leader of the U.D.F. is nominated by the Governor. If there is an ideological merger or change, then the U.D.F. governments will not at all fail. Shri Deo's amendment is good not only now but for the future also because, nobody knows, what will be the future of this Parliament.

SHRI R. D. BHANDARE : If he is elected, do you mean to say that there will be no trouble?

SHRI V. KRISHNAMOORTHY : You would have chosen the freedom of conscience. And so long as you stick on it, no government will be allowed to fail because that will be like 'Aya Ram' and 'Gaya Ram'.

If you want to save democracy and if you want to see that democratic form of government to continue, at least don't go in for freedom of conscience. In a Parliamentary form of democracy, there should be a merger of mind and ideological unity and not collection of ten CPI and twenty C.P. (M) and some Bangala Congress and then some Independents and making it as 51, making it a majority and then forming Government by the Chief Minister.

The next day, every party wants to pull him down, because every party wants to increase the number of its MLAs at the next elections by giving all sorts of promises and by enunciating all sorts of policies which cannot be implemented by any Chief Minister. That is the reason why most of the U.F. Governments in the different States have fallen. Therefore, this new idea is welcome. If no party commands an absolute majority, let the Assembly be convened, and if there are three or four candidates

contesting for the leadership, if one man does not get the required majority, then the second preference votes may be counted and then the man who secures the absolute majority can be chosen. By that process, ideological combination is possible, and that will be suitable for the whole country. Today, we are seeing this kind of position only in the States, but we are going to see it at the Centre also after 1972 elections. No party is going to get an absolute majority. Not only is the Congress divided, but even the other parties are divided. So, there would not be any absolute majority for any party even in this Parliament. At that time, are we to depend upon our President to nominate a Prime Minister? He cannot nominate anybody because nobody will command an absolute majority. In that case, unless we convene the meeting of the legislature and see that the leader is elected by the legislature, democracy cannot function either in this Parliament or in the State Legislatures.

So, whether this constitutional amendment should be taken up or whether it is to be implemented in the form of a guideline to the Governor by way of a resolution or motion by this House, this principle is welcome to one and all, and I sincerely welcome this proposal.

SHRI BEDABRATA BARUA (Kaliabor) : So far as constitutional amendments are concerned, I feel that our Constitution needs surgical treatment. I am not one of those who believe in ancestor-worship and all that type of thing. We have got that type of thing amongst the primitive people. We also sometimes want to cultivate the feeling that a document is sacred and we must obey it, and sometimes, we ourselves succumb to that spirit.

I would submit that sometimes it is necessary to amend the Constitution, particularly since it was made 20 years back when we did not know how exactly the administration would function. Naturally, every Constitution has to be amended according to experience. Those who come later will certainly put forward their viewpoint, and at that time, it should not be said that it is a sacred document and it should not be tampered with. We have, therefore, certainly to consider whether such amendments can be carried through.

Our venerable Acharya has said that India is not England. I also believe that in India, we have still to build up a lot of conventions and traditions according to which the democracy system can operate. But we cannot go on only on the basis of conventions. When we formulated our Constitution, we put in some provisions from the American Constitution and some from the British Constitution. But when the Constitution starts operating and starts moving, then it is a dynamic process, and therefore, the document also must be made dynamic. Different parts of it may come into collision, and we must certainly see that things are sized out and they are made to operate. The type of sanctity which has come to the British Constitution has been given to it not by the Constitution but by the people. To that extent, I think every one would agree.

When we are considering this question, the moral authority of the State legislature has to be created. When the Chief Minister is appointed or elected or maintained in office, it is a question of the moral authority of the State Legislature which matters. When we want that India should be a federation, we must also consider that every unit of the federation should function properly. Some of these units are quite big, as big as some of the States in Africa or sometimes bigger than some of the States in Africa; the population in some of the States is equal to that of France or of England. It is our first concern to see how we should build up certain conventions and certain adherence to constitutional norms. We give the office of the Chief Minister that respect which the British Constitution gives to the British Prime Minister.

At the time of the [general election in Great Britain, the people say they choose between two alternative Prime Ministers. The office of the Prime Minister is held in high esteem there. It is not because he lives in No. 10, Downing Street but because under convention he behaves in a particular way that is very respectable. When Acharyaji said that we behaved in the wrong way, I would like to disagree, not because of the example that he may have cited. He has been unduly exercised about

the internal matters of our party which we do not generally discuss in public.

In Britain in the party structure itself, there is a certain responsibility in the leadership. The leadership there is really democratic. Once anything goes wrong under his leadership, 20 MPs or any group of people could say, 'we do not believe the leader is guiding us properly.' Or if any debacle happens, whether it is Mr. Home or anybody else the first step he takes is to resign from the leadership of the party to make way for others. This is a thing we have failed to learn.

So every minute our leadership in the becomes autocratic. It becomes an engine of intimidation and oppression. So what happens in our country must be read in the context of what has actually been the structure of the leadership in India, and unless we react against it, I do not know what a constitutional provision can do to react against that type of situation.

I have seen in a particular State when the leader was defeated, people were rejoicing as if they had been liberated. Lakhs of balloons went up in the air and crackers started bursting. People welcome each other. Restaurants were opened, thousands of people were taking tea and everything else at somebody's cost—God knows at whose cost. It was treated as a national liberation and an occasion for celebration.

Even after that, the leader is called back. Some sort of brotherhood comes up and says 'Look here, we want you. We are a small brotherhood. We must keep it up'.

In this situation, England does not apply. We have sometimes to go through a surgical process. Therefore, I am not very particular about applying English conventions in respect of our Constitution.

We see the phenomenon of *Aya Ramu* and *Gaya Ramu* who have discredited every Chief Minister. After all, the Chief Minister faces a situation in a political system in which the parties do not have much conviction. At least the generality of the party does not have much conviction. When we see there is no conviction, he has to go out and see what can be done. After all, he has some good things to offer. He wants to serve the people. He may be an honest

man. But then he has to look after this aspect. Such people have to be paid in some form or other. They can be paid in various forms including the one suggested here. Then perhaps a retired man would be the best Chief Minister. A poor Chief Minister has after all only a Ministership to offer. But a retired Chief Minister could still pay money in other forms which would be equivalent to that.

I do not know in this complicated situation where things cut across all our social and political life, what can be done. It is a big psychological problem; we have never been really democratic. Our members can flout their electorate. They work in the name of cast and say 'My caste Minister has not done this or that. So I defect'. The other people applaud it and say 'Bravo, you have done the right thing. Carry on; until you find another caste Minister, continue in this way..

How can you make democracy function by making an Assembly function like this? After all, we had that type of parade with MLAs lined up and lists being given. I think it is no better than the parades that were held even if the Assembly is to sit and decide. Because the key to the situation does not lie in the selection of the Chief Ministers, but in their removal. The entire democratic convention has to operate not on selection but on removal, unless [there are a number of Chief Ministers, a number of leaders who think that if they have really led the party or Government and the Government is still faced with a particular difficulty, it is for them to step out. He has to abide by the convention which has been built up by dozens of Prime Ministers in England. They have this convention in England that the Prime Minister simply retires. We also should have that type of convention, not that the Chief Minister should, by wire-pulling, using the ignorance of the people and the authoritarian atmosphere that obtains in the country, try to continue in power. Otherwise, people become violent, parties go berserk and try to fish in troubled waters, because there is no ideology left. We can solve this problem not by saying that the Chief Minister will be elected by the Assembly. If he is to be elected by the Assembly, he can be removed by the Assembly also. If removal can be done, which is much easier now,

then there will be more instability, and if there is too much instability, too much bribing, I do not think this will solve the problem at all.

SHRI J. B. KRIPALANI : You tell me what they will lose by it?

SHRI BEDABRATA BARUA : I am not speaking on behalf of my party, I am speaking on a constitutional position which cannot be resolved by making it more mobile. Already, the Chief Minister all the time is finding defections, somebody going from this side to that, and that will continue. To make it impossible, some different procedure has to be evolved. What about his going out of political life, retirement? I think the key to the entire situation lie in civilised political behaviour, in the willingness of the leadership to completely walk out of political life once things go wrong. Unless that happens, we cannot clean the political life.

SHRI J. B. KRIPALANI : Why do you oppose it?

SHRI BEDABRATA BARUA : I oppose it because it serves no useful purpose. As one friend said just now, we have got so many things written down in the Constitution. If we really want to learn from Britain, the whole Constitution should be based on conventions. For a long time there was no mention of a Prime Minister in Britain. Only in 1945 they said that His Majesty's Governments, First Minister would get a salary of so much. Only then it was realised that there was a Prime Minister under the British Constitution, though it came about more than hundred years ago. We also have to build up conventions. These conventions can be build up only when public opinion is mobilised. Even today I think there are States in India where public opinion is not effective, where literacy is less than ten per cent, and there defections take place. Where ideology is less important than politics, where leftist forces have come to operate these defections have gone up.

SHRI ZULFIQAR ALI KHAN
(Rampur) : What about Assam?

SHRI BEDABRATA BARUA : No MLA in Assam would think of defecting because when he gets down from the bus

[Shri Bedabrata Barua]
in his constituency, what would the people say? If the people say that he has done an excellent thing for a particular caste, the matter ends, he does it. But I do not think that in Bengal and Assam people would defect in that fashion. It may happen tomorrow, but we must try to lay down conventions, we must build up public opinion, we must have convinced political parties. There is no other short cut solution.

The creation of Chief Ministers possibly was a mistake. I think the Constitution provides so much autonomy to the States that now we have got Union Territories where all the money goes to the officers and we have got States where all the money goes to the Ministers. The smaller the State, the more the problems. Therefore, we must boldly think about these problems and find solutions to them, but that cannot be done on the basis of what we have accepted. We accepted, we tried to take the American model and have Governors. Possibly, that may solve our problems or may not solve our problems. These are days of innovations. We have to find out how things go. It is not necessary, nor is it part of our religion that we must have a Chief Minister or so many Ministers and we should appoint more and more Ministers in order to keep the party in power. Possibly we can say that in a State with a crore of revenue, there should not be more than 4 or 5 ministers, constitutionally. We can say in our amendment in the Constitution that there should be less Ministers so that it will not affect the economy of the State adversely. We can do so many things; we can say that only so much part of the revenue should be spent on the salaries of the Ministers, their bungalows, etc. We can also say that in a one crore State the salary of a Minister should be only Rs. 500. That type of thing we can provide. That will possibly change these tendencies and enforce some sort of a discipline. In the country politics has run amuck and everybody would like to have smaller and smaller unit where more politicians would be having more enjoyment. I do not see any way out of it by this method and I am absolutely sure that a constitutional amendment of this nature is not the way out.

SHRI UMANATH (Pudukkottai) : The time allotted for this Bill is over. The

next Bill is an important Bill. This is the last Friday for private Bills in this session. We should know the final position.

MR. CHAIRMAN : The point was raised earlier also. There are still some Members who want to speak and I have to give them a chance. Shri Karni Singh wants to speak and I have to call Shri Kunte also.

SHRI UMANATH : I do not object to that. I want to know the position.

श्री रवि राय : एक बात मुझ को कहनी है। गैर-सरकारी कार्रवाई के लिये जो समय मुकर्रर है उस में से आधा घंटा चला गया है। इसलिये आप कम से कम 6 बजे तक इस को चलाइये।

श्री मधु लिमये (मुंगेर) : वह तो करना ही पड़ेगा।

DR KARNI SINGH (Bikaner) : I should like to lend my support to Mr. P. K. Deo's Constitution amendment Bill. I think it is time that the procedure in relation to the appointment of Chief Ministers by Governors was laid down fairly and squarely by this House. I wish this matter had been discussed about three years ago when we had that unfortunate experience in Rajasthan, when the Governor abusing his powers brought in a Government without the verdict of the people. The statement of objects and reasons is clear : In many cases the Chief Ministers have been appointed without taking into consideration the verdict of the electorate as such appointment is within the discretionary powers of the Governor and it is therefore high time that the procedure for the appointment of Chief Minister is laid down. That is what the statement says.

Mr. P. K. Deo moved a motion that this Bill may be referred to the Select Committee. I think the House in their wisdom should accept this and refer it to a Select Committee. I represent Rajasthan and I can cite only that example due to short time at my disposal as to what happened there in 1967 will bring out clearly the reason why such a Bill is necessary. In 1967 the election results were out and the combined opposition strength was 2 or 3 more than the strength of the Congress Party. In spite of that the Governor dilly-dallied and did not call on

the majority leader to form the Government. Why he did that is a question which Mr. Chavan can best answer. The tactics of the Governor led many in this House on both sides to come to the conclusion that he was being partisan. Then the result was that President's rule was imposed when according to all concepts of democracy the majority leader should have been called to lead the Government. The united opposition's strength was demonstrated in Delhi and the Members were paraded before the President. The President himself was pleaded in front of me; I was there—Mr. Chavan, what have you to say to this? Whatever was the reason, we know the motivation behind this move. The Government did not want that the State of Rajasthan should go in the hands of the Opposition, and because of that, democracy was raped in Rajasthan, and Mr. Sukhadia, with a minority, was brought to power. The net result was that during the period that President's rule was imposed in Rajasthan for two months, the minority of congress in Rajasthan was made into a workable majority by the Congress and it is because of this, that we want to ensure that democracy is not raped in any other State in this country. Therefore, such a legislation is very important.

Mr. Chairman, something was said about Ayaram and Gayaram. May I very respectfully remind my friends on the Treasury Benches that the Ayarams and Gayarams started in Rajasthan in 1967 abetted by the Congress party. This disease of 'Ayarams' and 'Gayarams' spread from Rajasthan to other States. And who was the architect of Ayaram and Gayaram? Mrs Gandhi's blue-eyed boy, Mr. Sukhadia. It is all very well for this Government today to say that we will appoint a Committee to go into defections. I was a Member of that Committee that Mr Chavan appointed. But it may be remembered what kind of Committee he was appointing when he himself was responsible for these Ayarams and 'Gayarams' starting in this country by helping Mr. Sukhadia to power. This disease has to be rooted out. A Committee is no way to do it. It is the people and the politician who and they will have to put this right by putting their hands on their hearts and realising the Problem and take a decision to protect democracy in this

country and, if necessary, even to be prepared to kick their seats.

As I said in one of my earlier speeches, this philosophy of chairism in this country is reaching a proportion when India has begun to take the back seat and personal motivation takes the first seat. Such a situation should not be permitted in this country.

We can only look back at what happened in Bengal recently before President's rule was applied. In Rajasthan there was one procession, and Mr Chavan said that law and order had broken down and President's rule had to be applied. In Bengal the atrocities that were committed on the poor people had reached a proportion which no civilised government could tolerate. And yet, we kept quite. Why? Because the Treasury Benches needed the support of the Communist party to stay in power at the centre. If they had the courage to say that we would impose President's rule at that time, when a large section of the House asked for it, would they have had the Communist support withdrawn and those on the treasury benches would be sitting on the other side of the House. And naturally that would have meant the Ministers giving up the precious bungalows, their sleek cars and all the other amenities that they enjoy today.

Mr Chairman, I would very humbly submit to this House that Mr P. K. Deo's motion on his constitution Amendment Bill be accepted and it be referred to a select Committee so that we will have the wisdom of the Members of this House from all sides to comment on it.

श्री ओम प्रकाश त्यागी (मुरादाबाद) :
जब हमारा संविधान बना उस समय विदेशी विद्वानों का यह मत था कि भारत का विधान अच्छा है या बुरा, इसका आज पता नहीं चलेगा। उस दिन पता चलेगा जिस दिन भारत में कांग्रेस पार्टी अल्पमत में हो जाएगी और देश में उसका बहुमत नहीं रहेगा। वही बात आज सिद्ध हुई है। कांग्रेस पार्टी अलग-अलग प्रान्तों में हारी और इस कारण से देश के सामने एक समस्या उत्पन्न हुई। समस्या साफ है कि भारत का संविधान आज बहुत सी राजनीतिक समस्याओं का उत्तर देने में और

[श्री ओमप्रकाश त्यागी]

उनका समाधान करने में असमर्थ है। मैं श्री देव के बिल का समर्थन ही नहीं करता बल्कि मैं तो यह भी कहना चाहता हूँ कि संविधान में जो बहुत सी कमियाँ सामने दिखलाई दे रही हैं, उनका सुधार करने के लिये यह आवश्यक है कि कांस्टिट्यूट असम्बली फिर बुलाई जाए और संविधान में दुबारा संशोधन किया जाए ताकि हर तीसरे दिन जो हम को संविधान में संशोधन करने वाले बिल लाने पड़ते हैं, उनकी आवश्यकता न रह जाए।

भारत का ही एक मात्र ऐसा संविधान है जिसमें इतने कम समय में इतने ज्यादा संशोधन हुए हैं। आज जबकि केन्द्र में कांग्रेस की सरकार है और देश के कुछ प्रान्तों में दूसरी पार्टियों की सरकारें हैं, तब गवर्नर का क्या कर्तव्य है, अध्यक्ष का क्या कर्तव्य है, ये सब समस्याएँ ऐसी हैं जिन का समाधान होना आवश्यक है।

हम प्रजातंत्र में विश्वास करते हैं। प्रजातंत्र का इकाइयाँ प्रान्त हैं और वही से वह शुरू होता है। यह ठीक है कि केन्द्र को मजबूत रहना चाहिये। परन्तु समुच्चय भारत वर्ष के जों पैर हैं वे प्रान्त हैं और अगर प्रान्त लड़खड़ा जायेंगे तो समुच्चय देश लड़खड़ा जाएगा। चूँकि केन्द्र में एक विशेष पार्टी की सरकार है और उस का यह प्रयत्न है कि राज्यों में भी उसी के अनुकूल सरकारें बनें, इस लिए वह प्रयत्न उस पार्टी के व्यक्तियों को मुख्य मंत्री के पद पर नियुक्त करने के रूप में सामने आया है। हमारा देश प्रजातंत्र में विश्वास करता है। अगर कहीं भी प्रजातंत्र पर आघात होता है, तो उस को रोकना चाहिए। राज्य पाल की नियुक्ति केन्द्रीय सरकार की सिफारिश पर राष्ट्रपति द्वारा होती है। उनका चुनाव नहीं होता है। इस स्थिति में राज्य पाल को यह अधिकार दे देना कि वह मनमाने ढंग से मुख्य मंत्री नियुक्त करें, प्रजातंत्र की भावना के सबथा विपरीत है।

पिछले दिनों में इस प्रकार के स्पष्ट प्रमाण सामने आये हैं कि राज्यपाल ने अपनी इच्छानुसार, मंजूरिटी को ठुकारते हुए, एक ऐसी पार्टी के व्यक्ति को मुख्य मंत्री नियुक्त किया, जिस की विधान सभा में बहुमत नहीं था। प्रजातंत्र की भावना यह है कि बहुमत का आदमी शासन करेगा या मुख्य मंत्री नियुक्त किया जायेगा। ये पार्टियाँ हमारी उपज हैं, संविधान की नहीं। यदि आज पांच पार्टियाँ हैं, तो कल वे दस या बीस भी हो सकती हैं। हमारे संविधान में पार्टी गवर्नमेंट की व्यवस्था नहीं है। बहुमत की सरकार होने की व्यवस्था है अर्थात् जनता जिन लोगों को चुन कर विधान सभा में भेजती है, उन का बहुमत जिस व्यक्ति के पक्ष में होगा, वही मुख्य मंत्री बनेगा, संविधान की आत्मा और भावना इस बात का समर्थन करती है।

लेकिन वर्तमान समय में क्या होता है? राज्यपाल को यह अधिकार है कि वह किसी पार्टी के आदमी को मुख्य मंत्री नियुक्त करे और उस को सरकार बनाने का अधिकार दे। इस का परिणाम यह हुआ कि राजस्थान और बिहार आदि विभिन्न राज्यों में पार्टियों के व्यक्ति मुख्य मंत्री बना दिये गये, जो अल्प संख्या में थे, लेकिन जिन्होंने मुख्य मंत्री बनने के बाद मंत्री पद का प्रलोभन दे कर या घन के बल पर अपना बहुमत बना लिया। यहाँ पर "आयाराम" और "गया राम" की बात कही जाती है। आज देश का नैतिक स्तर बहुत गिर गया है। कभी इस बात की कल्पना भी नहीं की जा सकती थी कि हमारे देश में एम० एल० एज० भेड़-बकरियों की तरह बिकेंगे, बाजार में उनकी एक लाख पचास हजार या पच्चीस हजार रुपये कीमत लगेगी। कहीं मंत्री पद का प्रलोभन है और कहीं पैलियों का प्रलोभन है। आज केन्द्र की ओर से राज्यपालों के द्वारा अपनी पसन्द की सरकार बनाने का पड्यंत्र चल रहा है और प्रजातंत्र को लात मारी जा रही है, प्रजातंत्र का हनन किया किया जा रहा है।

यदि कोई कहे कि मुख्य मंत्री की नियुक्ति राज्यपाल के द्वारा ही होनी चाहिए, तो फिर राज्यपाल का चुनाव पार्लियामेंट के मेम्बरों और राज्य की विधान सभा के मेम्बरों द्वारा मिल कर हो। लेकिन आज तो राज्यपाल एक डिक्टेटर की तरह है। सेंट्रल गवर्नमेंट की सिफारिश पर राष्ट्रपति उस को नियुक्त करता है। यह प्रजातंत्र की भावना के सर्वथा विपरीत है। इस समय ऐसी परिस्थिति उत्पन्न हो गई है कि देश में किसी पार्टी का बहुमत होगा, इस में सन्देह है और 1972 में तो यह बात और भी सन्देहास्पद है। यदि यह सरकार चाहती है कि देश में तानाशाही हो जाये और सब सत्ता केन्द्र के हाथ में हो, तो वह संविधान में इस प्रकार का संशोधन कर दे। लेकिन अगर वह चाहती है कि देश में प्रजातंत्र जीवित रहे, तो यह ध्यान रखना होगा कि राज्यों में प्रजातंत्र के आधार पर सरकारें चले।

उस के लिए यह जरूरी है कि विधान सभा के सदस्य मुख्य मंत्री का चुनाव करें। यह कहा जा सकता है कि जब राज्यपाल किसी व्यक्ति को मुख्य मंत्री के पद पर नियुक्त कर देता है, तो विधान सभा को यह अधिकार है कि अगर वह उस नियुक्ति को गलत समझती है, तो वह उस को हाउस में अपने बहुमत के द्वारा बदल दे। लेकिन बदलने का तो मौका दिया नहीं जाता अर्थात् उसे बदलने का और चुनाव करने का मौका तो आता नहीं। तुरत कह दिया स्थगित कर दो विधान सभा। आज ही मंत्री बने और और एक दिन में वहां ड्रामा खेल कर के विधान सभा स्थगित करा दिया तीन महीने के लिए। तीन महीने तक विधान सभा में नहीं गए। इन तीन महीनों में उन सब एम एल एज को खरीद खरीद कर के बहुमत बना लिया। परिणाम यह है कि आज इस देश की जनता पर टैक्सों का भार बढ़ता चला जा रहा है। जहां पांच मंत्री काम कर सकते हैं, वहां पचास पचास मंत्रियों की बारात

और हरयाने में तो यहां तक हो गया कि जितने मेम्बर असेम्बली के उन में दो में से एक मंत्री, ऐसी स्थिति बन गई है आज प्रजातंत्र की हत्या हो रही है। विधान सभाओं को मौका दिया नहीं जाता। इसलिए एक ही रास्ता है कि विधान सभा के एम एल एज मिल कर अपना नेता चुन लें और उसको चुनने के पश्चात् मैं समझता हूं कि प्रान्त में और सेंटर में भी इस प्रकार की एक नेशनल, राष्ट्रीय गवर्नमेंट, जो कि सच्चे रूप में गवर्नमेंट होगी, निकल कर आएगी। और कोई रास्ता उस के लिए बचा नहीं है सिवाय इसके कि विधान सभा के सदस्यों को यह अधिकार दिया जाय कि वह इस प्रकार से अपने उस नेता का चुनाव करें।

मैं अन्त में एक बात कहना चाहता हूं कि एक बात यहां अभी उठाई गई थी कि जो नियुक्त करता है मुक्त भी वही करेगा। संविधान में अधिकार है कि राज्यपाल मुख्यमंत्री को हटा सकता है। परन्तु यदि विधान सभा मुख्य मंत्री का चुनाव करेगी तो फिर उसकी मुक्ति भी वही करेगी, राज्यपाल नहीं। चुने हुये जो आदमी आते हैं उन में से किसी आदमी को वह स्वीकार करता है। मुख्य मंत्री पद के लिए और उसी को नियुक्त करता है। उस के पश्चात् ला एंड आर्डर के हिसाब से अगर किसी राज्य की अवस्था ऐसी हो जाय कि वह राज्य संविधान के खिलाफ चला जाय तो उस अवस्था में राज्यपाल मुख्य मंत्री को बदल सकता है। यह अधिकार ज्यों का त्यों सुरक्षित रहता है। इसके मानी यह नहीं है कि क्यों कि विधान सभा उस की नियुक्ति कर रही तो उस की मुक्ति का अधिकार उसको नहीं रहेगा। राज्यपाल को हटाने का अधिकार है। इसलिए संविधान की उस धारा पर कोई बात नहीं आती है। केवल इतनी यह बात आती है कि देश तानाशाही से बच जायगा। आज केन्द्र का जो एक पट्ट-यंत्र चल रहा है कि किसी भी प्रान्तीय राजनीतिक स्थिति को वह स्थिर होने

[श्री ओमप्रकाश त्यागी]

नहीं देता और किसी भी राज्य में आज शांति है नहीं, यहां तक अवस्था आ गई है कि गांव की पंचायत तक तमाम देश एक चरित्र-हीनता की तरफ बढ़ता जा रहा है आज इस देश में अस्थिरता आ गई है। इसका कुपरिणाम यह होगा, अगर संविधान में इस प्रकार से परिवर्तन करके आपने प्रजातंत्र के आधार पर अपनी परंपराओं को स्थापित नहीं किया, संविधान में इस प्रकार के संशोधन नहीं किए तो परिणाम यह होगा, मैं चेतावनी देना चाहता हूं कि अगर इस प्रकार की अस्थिरता बनी रही, यह पड़्यंत्र आयराम और गयाराम का खेल चलता रहा तो एक ही चीज होगी कि जो हमारी सीमा पर बैठा हुआ शत्रु है, वह जिस बात की तलाश में था, वह मौका उसे मिल जायगा। वह जिस बात को आज तक न कर सका क्योंकि उस को कोई आधार मिल नहीं सका, वह आधार उसको अब मिल जायगा और इस देश में खूनी क्रान्ति के जो नारे लगाए जा रहे हैं नक्सलवाद और माओवादियों के द्वारा उस को शक्ति मिलेगी। देश का वातावरण बदलने में कोई दिक्कत फिर नहीं आएगी। देश का आदमी आज तंग आ गया है, आज सड़कों पर गलियों में, हर जगह चर्चा हो रही है, और जो राजनीतिज्ञ नेता गण हैं उन को खुली गालियां मिल रही हैं। यह केवल इसलिये कि प्रान्तों में यह जो झामा हो रहा है, उस के कारण ही ऐसी स्थिति बन रही है। इसलिए मैं इस बिल का समर्थन करता हूं और खास तौर से मंत्री महोदय से प्रार्थना करता हूं कि इस के ऊपर वह अपनी ओर से बिल ला सकते हैं। इस में बहुत से परिवर्तनों की आवश्यकता है।

SHRI DATTATRAYA KUNTE (Kolaba) : The Bill under consideration in the House deserves more serious attention than has been paid to it by those who have opposed it. Today, for instance, there were two hon. Members to my left who opposed it. The last person to oppose it was the hon. Member, Shri Barua. While opposing it he said that the conditions in the country have come to such a stage that any remedy

will be no remedy, and, therefore, he opposed it. He said whatever you do the Aya Rams and Gaya Rams will be there. He was good enough to say there are no Aya Rams and Gaya Rams as far as Assam was concerned. I wish he could convert all other provinces into Assam. He said what will happen if election of the Chief Minister took place and told that only money-bags will be able to win the election. Well, has he any remedy? He does not want to suggest any remedy. He should have suggested a remedy and if he had suggested a better remedy it would have been for the benefit of the House. He is opposing the Bill without suggesting a remedy and also ridiculing all the present happenings in this country. What sort of a democrat is he whose opinion we should follow in this country?

17 hrs.

Then there was another person, the venerable Chairman of the Administrative Reforms Commission. What did he say? He accepted that things have changed. What the framers of the Constitution considered, planned, imagined and desired has not come true and, therefore, he said, "Follow my lead." Follow what the Administrative Reforms Commission has recommended. He said there ought to be guidelines given to Governors. Well, as a matter of fact the motion from Shri Imam was : let this Bill be circulated. Let also the recommendations of the Administrative Reforms Commission be circulated. It might be the recommendations of the Administrative Reforms Commission are very good and more cogent. Then the opinion of this country will be in favour of those recommendations. Why does he want to say take my advice and leave the other. He is another democrat who believes that his opinion is good and hopes that Government will consider it. I think the recommendations of the Administrative Reforms Commission were before the Government when all these things happened in Bihar. Did the Government apply their mind to these recommendations? They did not. Why have they not applied their mind to the recommendations of the Chairman of the Administrative Reforms Commission?

Article 163, no doubt, gives the discretion to the Governor to appoint the Chief

Ministers and a further Article says that his discretion can never be challenged or questioned anywhere. Now, how has his discretion been used. Shri Hanumanthaiya who had the privilege of framing the Constitution—he is one of the fathers of our Constitution—did not want to spoil the grace of the conventions. Well, nobody would like to spoil the grace of the conventions but, unfortunately the conventions have not been laid down.

I would refer to an incident which happened as early as 1952. That was the year when the Constitution came in force actually. The first elections under the Constitution took place in 1952 and what was the spectacle in the Madras State. Shri T. Sripalakasam and his group had a majority—a clear cut majority. It was not a marginal majority just like the marginal majority in Rajasthan. A man like Shri Sri Prakasa who had been a member of this Central legislature; who had been a Minister; who was Governor in Bombay and later on became Governor in Madras all of a sudden called Shri Rajagopalachari, a venerable politician and a man who has rubbed shoulders with Gandhiji, who was our first Governor General, who was a Minister in Delhi who was a Governor of West Bengal to be the leader of the House. He is a venerable man no doubt; I revere him. Was he a Member of the House? No. He was not a Member of the Legislative Assembly; he was not a Member of the Legislative Council. The Governor calls him, he becomes a nominated Member of the Council. He becomes the Leader of the House and he forms a Government. What does he do? He breaks the small Tamil Toilers' party and wins them over to his Government because he has the right to give away Ministeries. He won over the Tamil toilers' party and made Shri Manickavelu one of his Ministers. That is what happened. Let us not look at what happened in 1967 in Haryana. The great Rajaji did it in 1952. How was he able to do it? Because the Governor did it. Who was the Governor? Sri Prakasha, one of our freedom fighters, who now says that the office of Governor has no meaning. Why did he not exercise his discretion properly? Why did he not stand true to the oath that he took?

I want to bring to the notice of the House what is the oath that the Governor takes.

Unlike you and I, unlike the Ministers and the Chief Ministers and the Prime Minister—our oath is only owing allegiance to the Constitution—it is only the President and the Governors who take the oath of preserving, protecting and defending the Constitution and the law and of serving the best interests of the State that he serves. Do the Governors remember the oath that they take? They only remember that they must abide by the orders of the Chief Ministers. They take the oath of preserving, protecting and defending the Constitution and the law.

Have we seen the Governors doing that? If we had seen the Governors doing that, we would have bowed down our heads to the Governors and we would have bowed down to the conventions which the framers of the Constitution some of whom are telling us about those grandeur days had laid down, and we would have stood by those things. But, unfortunately, the things are different.

I took you back to 1952 because, I can tell, you I was in the Congress party and, therefore, I can know inside things also. It looks as if the Congress says, "It is only we who have the authority and, if we will not be wielding the authority then no one else will be wilding authority." Is that the logic?

If we want democracy to succeed, let the Governors be respectable persons, be venerated not because of the office but because of their conduct. If the Governors had really behaved properly and exercised discretion properly, we would not have seen these unfortunate things.

Now, my hon. friend, Shri Hanumanthaiya told us, let us lay down proper conventions. What happened during the last three years? Most unfortunate situations. Just now, Dr. Karni Singh referred to what happened in Rajasthan. I want to talk about Rajasthan in a different context. What happened to the Government that was brought to power in Rajasthan even after counting of heads and not accepting those members because some of them were Independents? What a spectacle that the Members had to be paraded before the Governor in Jaipur and then brought to the Rashtrapati Bhavan here! That people will tolerate. But they will not tolerate a meeting of the Legislature to be called. What happened?

[Shri Dattatraya Kunte]

That Government which was brought to power by a man like Dr. Sampurnanand by rejecting the advice of the majority was not able to face the Legislature and the President's Rule was declared before the Government could face the Legislature. Can it be said that the Governor had exercised his discretion? Then, it is no doubt true that Mr. Sukhadia, after six months of the President's Rule, has again come in power. I do not want to go into the methods of Mr. Sukhadia. I am only concerned with the Governors' conduct today. I am not going to refer to any conduct of any other person. But that Government which was brought to power by Dr. Sampurnanand did not have a majority in the Legislature and it could not face the Legislature, and, therefore, the President's Rule had to be imposed in Rajasthan. And the only excuse given by the Home Minister of the Government of India was that there was some very big incident in Jaipur on one particular day.

Then we take another case, in November, 1967 the then Governor of Bengal was in a hurry to dismiss Mr. Ajoy Mukherjee's Government. He dismissed, only because Mr. Ajoy Mukherji was prepared to call the meeting in the first week of December whereas the Governor wanted the meeting to be convened by 30th November. That was all the scramble. What sort of government did he impose? Gaymans from Ajoy Mukherji's party. The grand old man, Mr. P. C. Ghosh and his supporters formed a government. That government also was not able to face the Legislature. Had the Governor exercised his discretion under Art. 164? Did he feel that P. C. Ghosh commanded majority in the House? And here is the spectacle of the Home Minister of the Government of India defending Dr. Sampurnanand and defending what Mr. Dharma Vira did.

We have the third instance in Bihar. Again a government was toppled and the So-shit Dal Ministry was put in power. There again it was the discretion of the Governor. He thought it commanded the majority. That government also was not able to face the legislature (*Interruptions*). I am afraid Mr. George Fernandes is interested in his Bill and is not prepared to listen to

cogent points. I am sorry if I am coming in his way. I would yield if he feels so.

SHRI GEORGE FERNANDES (Bombay South) : No, No. You can go on.

SHRI DATTATRAYA KUNTE : Sir, a person who belongs to a small group gets rarely an opportunity to speak in this House.

I was citing these three cases which took place during the last three years. Governors took an oath to preserve, protect and defend the Constitution and the law and to work to the best interests of the people of the State for whom he took that oath. They put the government in authority. They put the Chief Minister in authority and yet that Government was not able to face the legislature. It only proves that the Governors did not exercise their discretion. It was not anything new. Dr. Sampurnanand was told that this Government will have a majority. Shri Dharma Vira was told, Mr Kanungo was told that he will have the majority. But the same Kanungo - recently what did he do? Before putting the present Government in authority, four or five days before that, his report to the Government said that 'I do not believe any group or any person will have a stable majority in the House.' But within 2 or 3 days, just like a dust storm, he found all of a sudden that here was a person in Bihar who was able to command the majority.

There is another thing. What happens?

Mr. Hanumanthaiya wants to say : Let the Governor call one person to be the Chief Minister. Sir, the moment a person becomes Chief Minister, shall I tell you what one British author wrote in 1956. He said between a person who becomes the Chief Minister and his opponent in the Party for that post, even though these may be people of equal calibre, intellect and influence, yet the person who comes in authority becomes 100 times taller than his opponent as the person who becomes the leader he has all sorts of authority. He can dole out patronage. He does it and when he does it, what happens? Naturally, Mr. Barua was afraid of the money bags. The power that the Prime Minister and the Chief Ministers enjoy today is much more than the power enjoyed by the money bags. It is the political force and the political Power

that is there today. And, especially, when the State is coming into power more and more, the economic power also is very strong. Have the Members of the House forgotten, last July and August? It is true, the Prime Minister never even whispered that she might dissolve the House. But, was not this House always working under the shadow of a prospective dissolution of this House? And that is how the conscience worked. Naturally. But, after all, in this country what is the difficulty today?

Sir, in England, being a Minister or non-Minister does not make a difference in position. But, in India, between a person with a chair and with no chair, there is such a vast difference. We have not forgotten what Mahatma Gandhi said: "There are better men than Ministers who are working outside." Today, persons who do not hold positions, are unfortunately nobodys.

I had an occasion to go to the office of the Book Trust. The man in charge was all courtesy. In joke, I asked him: Mr. Tandon, is it not a fact that if I were not an M. P. you would not have been all courtesy, and you would not have offered to sell me these books with a little concession? I got those books with a little commission. Once become a Member, I get power, railway pass, I have air ticket, and I have influence everywhere. Fortunately in our country in olden times there was only one ruler in place; but now we have so many.

SHRI C. K. BHATTACHARYYA (Raiganj): M. Ps. are not big before the Parliament.

SHRI DATTATRAYA KUNTE: Only Government chooses. Therefore my friend is proving my argument that even if he becomes an M.P. if he does not hold office in the Government this thing happens. That is exactly what Jinnah found. Jinnah found that weightage the legislature does not give him any position. In the 1937 elections he found this, in respect of minorities in the Bombay State. There were 9% of the Muslims who had 18% of the seats. That 18% did not make them 51% in the House. And, what is the game in this House, Sir?

Everyone is wanting to be on the side of the 51 per cent. If you are 49% you are nothing. And, if you have 51 per cent you have everything. You can be appointed

on the Committees; you can be appointed as Chairman; everything happens. Therefore it is a game of 51% against 49%.

The other day, my hon. friend Shri Banerjee said, they are like Ghototkuch. When they fall on the side of the Kauravas, the Kauravas will fall; when you fall on the side of the Pandavas, the Pandavas will fall. They will always suffer. This is the game that we have seen.

Therefore, let us take away the Governor from this game. Because, it is he and the President, who take the oath of preserving, protecting and defending the Constitution and the law and working for the people of the State.

Though from that point of view, I do not accept that the amendment proposed is the last word. I should really believe that when this aspect is looked into and considered deeply we should know what is to be done. It is no doubt true that we should really try to grow a convention. If the framers of the Constitution had provided for this we would not have come to this position.

I wish the Government had come out with proper suggestions and certain amendments in this regard. They should not have left it to the Members of the Opposition but they should themselves have moved such an amending Bill but then what they say is, "It is not complete; it is not the last word".

Let them give us the last word or lead us if you can. If you cannot, at least we can give you a small lead. Therefore, let us consider this Bill from that aspect. Today Shri Imam's motion is for circulation of this Bill for eliciting public opinion and for that, I say that A. R. C. Report too should be circulated. It also says that there should be guidelines. If the Government has anything particular to advise that will also go before the people. Let these go to the people.

We are following the traditions of British Commonwealth. As Shri Hanumanthaiya said let us go democratically. That is all I want to say.

SHRI C. K. BHATTACHARYYA: Mr. Chairman, Sir, permit me to say something. Shri Kunte referred to Dr. P. C. Ghosh. I want to add one sentence. After the Governor had called upon him to be the Chief Minister, he did want to face the Assembly, notices were issued, Members had

come but Assembly could not meet because the Speaker, after taking chair, ruled in the Assembly that he did not recognise the Ministry appointed by the Governor and adjourned the House.

Therefore, it would not be correct to say that Dr. Ghosh did not want to face the Assembly. In between the Speaker came and stood. That is how subsequent things had developed there.

SHRI DATTATRAYA KUNTE : Then I stand corrected.

श्री मधु लिमये (मुंबई) : मेरा एक व्यवस्था का प्रश्न है। जो निजी सदस्यों के विधेयक होते हैं उन के लिए जो समय निर्धारित होता है, उसको हम लोग हमेशा बढ़ाते हैं। लेकिन क्या इसका यह मतलब है कि बाकी सारे धर्मों को हम धर्म करें? स्वयं मेरे अपने धर्म के बारे में जब लम्बी चर्चा चलने लगी और खुद गृह मंत्री इस चर्चा को लम्बा ले जा रहे थे तब मैंने इसकी आलोचना की थी और स्वयं मैंने प्रधानमंत्री को लिखा था कि यह ठीक नहीं है, आपको जो निर्णय करना है, जल्दी करें, मेरे बिल को ठुकराना चाहते हो तो ठुकरा दो, लेकिन अन्य सदस्यों के बिलों को आने दो। अब मैं उनके बिल के बारे में भी कहना हूँ। नाथपाई जी के बिल के बारे में भी मैंने जब उस पर लम्बी चर्चा चली थी, तब कहा था कि काफी चर्चा हो चुकी है इस पर। इंडियन पार्लियामेंटरी एसोसियेशन की तरफ से गवर्नरों के कार्य क्षेत्र के बारे में एक विचार गोष्ठी हुई थी और देश भर के लोग उस में आए थे। डिफिकल्टी का जहाँ तक सवाल है और उस पर चर्चा हो रही है, उस के बारे में तो प्रस्ताव आ रहा है। मेरा मुझाव है कि चर्चा काफी हो चुकी है और मैं 362 के तहत क्वीयर मोशन मूव करता हूँ।

सभापति महोदय : स्थिति यह है कि अभी कम से कम विधि मंत्री ने बोलना है और प्रस्तावक महोदय को भी बोलना है। अब पांच छः मिनट का समय ही बचा है।

श्री मधु लिमये : पांच छः मिनट नहीं। मेरे मामले पर जो बहस हुई वह 377 के

अनुसार हुई जिस का निजी सदस्यों के बिलों के साथ कोई सम्बन्ध नहीं है। उस के लिए मैंने स्पीकर की अनुमति ली थी। इसलिए उस में जो जो समय गया, तीस मिनट या चालीस मिनट, वह समय बढ़ा दिया जाए। कई दफा हम ऐसा कर चुके हैं। प्राइवेट मैनबर्ज के समय पर मैं आक्रमण नहीं होने दूंगा।

SHRI UMANATH : I have to introduce a Bill.

MR. CHAIRMAN : The Bill will be introduced.

SHRI P. K. DEO : I oppose on this ground. There should be equal standards for all the Private Members' Bills.

So far as Shri Limaye's bill was concerned, it was a very simple Bill on the Privileges of the I.C.S. people and it dragged on for three days.

SHRI MADHU LIMAYE : I did not drag it.

SHRI P. K. DEO : It was dragged on. The same thing was repeated again and again to the detriment of the other Bills. This is a very important Bill and we want to provide guidelines. So many points were raised. Opportunity should be given to all the Members who would like to participate in this debate.

श्री मधु लिमये : आप रिज्यूट कर रहे हैं? आप समझते हैं कि फेअर डिबेट नहीं हुई है? अगर दो मिनट का समय श्री फरनेंडीस को दे दिया जाए तो मैं बिल्कुल एतराज नहीं करूंगा। मैं इनके लिए बहुत कंसिडरेशन दिखाने के लिए तैयार हूँ। लेकिन श्री फरनेंडीस के बिल को आप ब्लाक न करें।

एक माननीय सदस्य : नो नो।

श्री मधु लिमये : नो नो करने से काम नहीं चलेगा।

SHRI UMANATH : He is correct. And that is the procedure.

श्री मधु लिमये : यह प्रिंसिपल लाबी यहां पर काम कर रही है। इस तरह नहीं चलेगा। न्याय होना चाहिए। मैं अपने बिल के बारे में बहस को खत्म करने सम्बन्धी जिस नियम को लागू करने के लिए तैयार था, वही मैं अब लागू करना चाहता हूँ। जो मापदंड

मैं ने अपने लिए निश्चित किया था, वही श्री पी० के० देव के लिए भी होगा और अन्य सदस्यों के लिए भी होगा।

श्री जार्ज फरनेन्डीज : सभापति महोदय, आप इस बारे में अपना निर्णय दीजिए।

सभापति महोदय : अभी एक दो मेम्बरों ने बोलना है।

श्री मधु लिमये : हम तो सिर्फ यह चाहते हैं कि माननीय सदस्य, श्री जार्ज फरनेन्डीज का बिल खत्म न हो। उन को सिर्फ दो मिनट चाहिए।

सभापति महोदय : मुझे इस में आपत्ति नहीं है।

श्री जार्ज फरनेन्डीज : सभापति महोदय, मेरा व्यवस्था का प्रश्न है : नियम संख्या 363 में कहा गया है :

"Whenever the debate on any motion in connection with a Bill or on any other motion becomes unduly protracted....".
प्राइवेट मेम्बरों के बिलों और रेजोल्यूशनों सम्बन्धी कमेटी ने श्री देव के बिल के लिए जो समय निर्धारित किया था,.....

श्री प्र० के० देव : और श्री मधु लिमये के लिए कितना समय रखा गया था और कितना दिया गया ?

श्री मधु लिमये : सभापति महोदय, बार बार मेरा जिक्र क्यों किया जाता है ? मैं ने तो ज्यादा समय नहीं मांगा था।

श्री जार्ज फरनेन्डीज : श्री देव के बिल के लिए जितना समय मुकर्रर किया गया था, उस से लगभग दुगुना समय हो चुका है। इस का मतलब बिल्कुल साफ है कि डीबेट प्रोटैक्टिड हो चुकी है। नियम 363 में आगे कहा गया है :

"...the Speaker may, after taking the sense of the House, fix a time-limit for the conclusion of discussion on an stage or all stages of the Bill or the motion, as the case may be."

बेरी प्रार्थना है कि मुझे अपना बिल पेश करने का अवसर दिया जाये। मैं इस से ज्यादा

आप से कुछ नहीं चाहता हूं। ये लोग साजिश के रूप में जो प्रयास कर रहे हैं, आप उस को यहाँ न चलने दीजिए। ये राजा लोग हमें रोकने का जो काम कर रहे हैं, उस को कम से कम इस सदन में आप न होने दीजिए।

श्री रवि राय : श्री मधु लिमये ने जो सवाल उठाया था, उस पर प्राइवेट मेम्बरों के समय में से चालीस मिनट लग गये थे। वह समय आप दे दीजिए। इस प्रकार प्राइवेट मेम्बरों का कार्य 5-10 बजे तक चलेगा।

श्री एस० एस० जोशी (पूना) : मैं सिर्फ यह प्रार्थना करना चाहता हूं कि सदस्यों को जितना भी समय देना है, वह दिया जाये, मुझे उस पर कोई उज्र नहीं है। लेकिन वर्तमान बिल के खत्म होने पर एक दो मिनट श्री जार्ज फरनेन्डीज को भी अपना बिल रखने के लिए दिये जायें। इस में ज्यादा वह कुछ नहीं चाहते हैं।

श्री हरदयाल देवगुण (पूर्व दिल्ली) : सभापति महोदय, निजी सदस्यों के विधेयकों के बारे में हमें यह परम्परा जरूर निभानी चाहिए कि जितने अधिक से अधिक विधेयक आ सकें, वे आयें और एक ही विधेयक बाकी विधेयकों को खत्म न करे। इस लिए कोई विधेयक किस सदस्य का है, इस में न जाते हुए यह गुंजायश जरूर रखनी चाहिए कि दूसरे सदस्य के विधेयक को भी शुरू होने का अवसर दिया जाये। श्री मधु लिमये को जो समय दिया गया है, वह प्राइवेट मेम्बरों के समय में से दिया गया है। या तो वह समय उन्हें नहीं दिया जाना चाहिए था, लेकिन अगर दिया गया है, तो वह समय पूरा किया जाना चाहिए। प्राइवेट मेम्बरों का काम ठीक 3 बजे शुरू होना चाहिए था। उस समय दूसरे काम को लेकर जो समय खर्च हुआ, उस की पूर्ति करने के लिए प्राइवेट मेम्बरों के समय को बढ़ाया जाना चाहिए और दूसरे विधेयक को पेश करने के लिए अवसर देना चाहिए।

SHRI DATTATRAYA KUNTE : I fully subscribe to the demand that as many Bills of private Members as possible should be brought forward before the House. At the same time, even if you accept closure, the right of the Mover of the Bill and the right of the Government to reply is there; that right cannot be stifled. That is what I would like to submit.

श्री मधु लिमये : मैं एक दूसरा सुझाव देना चाहता हूँ, जिस से श्री देव का बिल भी खत्म नहीं होगा। उन का "ए" कैटेगरी का बिल है; वह कभी खत्म नहीं होगा। इस लिए आप मुझे यह प्रस्ताव करने दीजिए कि इस बिल पर जो बहस चल रही है, नियम 109 के तहत उस का अगले सत्र के पहले शुक्रवार तक, जो कि बिलों के लिए हो, एजान्स कर दिया जाये। आप इस प्रस्ताव पर वोट ले लीजिए। इस तरह श्री देव का बिल भी खत्म नहीं होगा और श्री जार्ज फ्र-

नेन्डीङ को भी अपना बिल पेश करने का अवसर मिल जायेगा, जिस से उन का बिल भी खत्म नहीं होगा।

सभापति महोदय : मनानीय सदस्य अपना प्रस्ताव पेश करें।

श्री मधु लिमये : मैं प्रस्ताव करता हूँ :

"कि श्री पी० के० देव के संविधान संशोधन विधेयक (अनुच्छेद 164 का संशोधन) पर चर्चा अगले सत्र के निजी सदस्यों के विधेयकों के लिए आर्बिट्रल पहले दिन के लिए स्थगित कर दी जाये।"

MR CHAIRMAN : The question is : "That the debate on the Constitution Amendment Bill, (amendment of article 164) by Shri P. K. Deo, be adjourned to the 1st day allotted for Private Members Bills in the next Session."

The Lok Sabha divided :

Division No. 34]

AYES

[17.34 hrs

Dass, Shri C.
Devgun, Shri Hardayal
Dwivedy, Shri Surendranath
Esthose, Shri P. P.
Fernandes, Shri George
Gudadinni, Shri B. K.
Kalita, Shri Dhireswar
Katham, Shri B. N.
Khan, Shri Ghayoor Ali
Kripalani, Shri J. B.
Kunte, Shri Dattatraya
Mangalathumadam, Shri
Mirza, Shri Bakar Ali
Molahu Prasad, Shri

Mulla, Shri A. N.
Patel, Shri Manubhai
Patil, Shri N. R.
Rajasekharan, Shri
Ray, Shri Rabi
Sambhali, Shri Ishaq
Satya Narain Singh, Shri
Shastri, Shri Ramavatar
Sheo Narain, Shri
Tyagi, Shri Om Prakash
*Umanath, Shri
Vidyarthi, Shri Ram Swarup

NOES

Amin, Shri R. K.
Barua, Shri Bodabrata
Basumatari, Shri
Bhakt Darshan, Shri
Bhandare, Shri R. D.
Bhanu Prakash Singh, Shri
Bhattacharyya, Shri C. K.
Bist, Shri J. B. S.
Bohra, Shri Onkarlal

Burman, Shri Kirit Bikram Deb
Chandrika Prasad, Shri
Chaturvedi, Shri R. L.
Chaudhary, Shri Nitiraj Singh
Chavan, Shri Y. B.
Deo, Shri K. P. Singh
Deo, Shri P. K.
Dhrangadhra, Shri Sriraj Meghrajji
Gavit, Shri Tukaram

*He voted by mistake from a wrong seat and later informed the speaker accordingly.

Gowder, Shri Nanja
Hanumanthaiya, Shri
Kamble, Shri
Karni Singh, Dr.
Kesri, Shri Sitaram
Khan, Shri Zulfiqar Ali
Kotoki, Shri Liladhar
Kushwah, Shri Yashwant Singh
Laskar, Shri N. R.
Lutfal Haque, Shri
Meena, Shri Meetha Lal
Menon, Shri Govinda
Mohamed Imam, Shri J.
Mohammad Yusuf, Shri
Parthasarathy, Shri
Raghu Ramaiah, Shri
Ram, Shri T.
Ram Swarup, Shri
Randhir Singh, Shri
Rao, Shri K. Narayana
Rao, Shri Thirumala
Rao, Dr. V. K. R. V.
Roy, Shri Bishwanath
Sehgal, Shri A. S.
Sen, Shri Dwaipayan
Sethi, Shri P. C.
Shah, Shri Manabendra
Shankaranand, Shri B.
Sharma, Shri Ram Avtar
Shashi Bhushan, Shri
Shastri, Shri Ramanand
Shiv Chandika Prasad, Shri
Singh, Shri D. V.
Sinha, Shri R. K.
Santak, Shri Nar Deo
Sundar Lal, Shri J.
Suryanarayana, Shri K.
Tapuriah, Shri S. K.
Yadab, Shri N. P.

MR. CHAIRMAN : The result* of the division is :

Aves 26; Noes. 57.

The motion was negatived.

MR. CHAIRMAN : Shri MANUBHAI PATEL. He may continue next time.

17.35 hrs

INDUSTRIAL DISPUTES (AMENDMENT) BILL † 1970

(AMENDMENT OF SECTION 2, OMISSION OF SECTION 9B, ETC.)

SHRI UMANATH (Pudukkottai) : I beg to move for leave to introduce a Bill further to amend the Industrial Disputes Act, 1947.

MR. CHAIRMAN The question is :

"That the leave be granted to introduce a Bill further to amend the Industrial Disputes Act, 1947."

The motion was adopted

SHRI UMANATH : I introduce the Bill.

17.36 hrs.

HALF-AN-HOUR DISCUSSION VISIT OF VOHRA COMMITTEE TO U. P.

श्री चन्द्रिका प्रसाद (वलिया) : सभापति जी, मेरा प्रश्न संख्या 4346 वोहरा समिति के उत्तर प्रदेश के दौरे के बारे में था। जो रिपोर्ट है उसमें आप देखेंगे कि जहां उस कमेटी का उत्तर प्रदेश के 50 फीसदी हिस्से में दौरा करना था वहां वे सिर्फ कुछ हिस्सों में ही गए हैं। इसलिए यह जो रिपोर्ट है वह अपूर्ण रही है और हमें चर्चा उठानी पड़ी है। यह जो सेंट्रल कमेटी की रिपोर्ट है जिसने कि उत्तर प्रदेश के प्लड अफेक्टेड एरियाज का दौरा किया था उसके पेज दो पर वह कहते हैं :

"Meetings of the local officers were held under the Chairmanship of the Commissioners of Faizabad and Gorakhpur Divisions respectively. The Secretary, Revenue Department and Public Works Department, officers of the Irrigation and Buildings and Road Departments kindly accompanied the team."

उत्तर प्रदेश में जब प्लड आया था तो प्रधान मंत्री स्वयं गोरखपुर कमिश्नरी गई थीं और फैजाबाद और बनारस भी गई थीं। लेकिन वोहरा कमेटी के जो अफसरान थे और जो भारत सरकार के उच्चाधिकारी थे उन्होंने बनारस कमिश्नरी के जिलों को छोड़ दिया,

*Shri J. B. Singh also voted for AYES.

†Published in Gazette of India Extraordinary, Part II, Section 2, dated 8-5-70.