

[Dr. Ram Subhag Singh]

- (8) Consideration and passing of the following Bills as passed by Rajya Sabha:—  
The Advocates (Second Amendment) Bill, 1968.  
The Maternity Benefit (Amendment) Bill, 1967.
- (9) Further discussion of the Centre-State Relations at 6.00 P.M. on Tuesday, the 17th December, 1968.
- (10) Further discussion on the motion for modification of the Civil Defence Rules, 1968, at 6.00 P.M. on Wednesday, the 18th December.
- (11) Discussion on the motion for annulment of Conduct of Elections (Second Amendment) Rules, 1968, given notice of by Shri Srinibas Misra at 5. P. M. on Thursday, the 19th December.
- (12) Discussion under Rule 193 to be raised by sarvshri Madhu Limaye and George Fernandes regarding Report of the Committee of Inquiry (Steel Transactions) by Shri A. K. Sarkar at 6 P. M. on Thursday, the 19th December.

SHRI TENNETI VISWANATHAM (Visakhapatnam) : What about the company Donations Bill?

MR. DEPUTY-SPEAKER : Yesterday, the report of the Business Advisory Committee was accepted here....

SHRI TENNETI VISWANATHAM : It has been donated away.

SHRI S. M. BANERJEE (Kanpur) : I only want to make one submission....

SHRI C. C. DESAI (Sabarkantha) : We would like to have an assurance from the hon. Minister that the session of the House will not be extended beyond Friday next.

DR. RAM SUBHAG SINGH : There would not be any extension. We are going to disperse as announced earlier.

SHRI S. M. BANERJEE : It is quite clear that the Companies (Amendment)

Bill is not coming up. I only want to impress upon the hon. Minister that a saving clause be added that anybody who takes donation can return it .

SHRI UMANATH (Pudukkottai) : It should apply to donations with retrospective effect.

11.18 hrs.

### MATTER UNDER RULE 377

#### BYE-ELECTION IN JATUSANA CONSTITUENCY IN HARYANA

श्री राम सेवक यादव (बाराबंकी) :  
उपाध्यक्ष महोदय, आज न तो कोई प्रश्न थे और न ही कोई ध्यानाकर्षण प्रस्ताव आपने स्वीकार किए। मैं दो महत्वपूर्ण चोजों की ओर माननीय मन्त्री महोदय का ध्यान खींचना चाहता हूँ। एक तो मुझे रात को तार मिला है कि जाटूसाना में सरकारी मशीनरी का बेजा इस्तेमाल हो रहा है...

MR. DEPUTY-SPEAKER : I have given permission to Shri Kanwar Lal Gupta to raise a matter. He may raise it now.

श्री कंबर लाल गुप्त (दिल्ली सदर) :  
उपाध्यक्ष महोदय, मैं आपको धन्यवाद देता हूँ कि आपने मुझे नियम 377 के अधीन, कल जो जाटूसाना में चुनाव हो रहा है वहाँ पर जिस तरह से घाघलेबाजो हो रही है और सरकारी मशीनरी का बेजा इस्तेमाल किया जा रहा है, उसको यहाँ पर उठाने की इजाजत दी है। आप इस बात को स्वीकार करेंगे कि देश में फेयर एन्ड इम्पार्शल चुनाव होने चाहिए, उसका नतीजा कुछ भी हो, इसकी चिन्ता किसी को भी नहीं करनी चाहिए। लेकिन जाटूसाना में, राव बीरेन्द्र सिंह ने जो सीट खाली की थी, उसपर कल चुनाव है और वहाँ पर कल से जो कुछ हो रहा है उसको अगर आप सुनेंगे तो यह विश्वास करेंगे कि फेयर एन्ड इम्पार्शल चुनाव का तो कोई सवाल ही नहीं है बल्कि वहाँ पर रेप

आफ डिमोक्रैसी हो रहा है। हजारों की तादाद में सादा वर्दी में पुलिस लोगों को पकड़ रही है। उनको टौरचर कर रहे हैं उनको पीट रहे हैं। लोगों को कह रहे हैं कि तुम्हें वोट नहीं देने दिया जाएगा। यह सवाल कांग्रेस या जनसंघ का नहीं है बल्कि यह लोगों को उनके वोट देने के हक की आज़ादी का है। जैसा मैंने कहा वहाँ पर लोगों को आतंकित कर रहे हैं और उनको रोक रहे हैं। इतना ही नहीं मेरे पास कई तार व टेलीफोन आये हैं कि उन्हें डराया व धमकाया जा रहा है। वहाँ पर वह सारे मंत्री बैठे हैं इस पर हमें कोई ऐतराज नहीं है लेकिन उन्होंने एलैक्शन कमिशन से इस बारे में शिकायत भी की है और इस सिलसिले में मैं आज के इंडियन एक्सप्रेस में से थोड़ा पढ़ कर हाउस को सुनाना चाहता हूँ :

“But the Opposition leaders say that the police force is there to help the Congress candidate by frightening away voters sympathetic to the Vishal Haryana candidate. They have also complained to the Chief Election Commissioner that the Government is using official machinery to further the prospects of the Congress at the poll.”

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) : On a point of order. I have seen rule 377 under which this discussion is sought to be raised.

श्री रवि राय (पुरी) : उपाध्यक्ष महोदय, जब आपने श्री कंवर लाल गुप्त को इसे रोज करने की इजाजत दी हुई है तब फिर यह कैसे इस पर प्वाएंट ग्रीफ आइंडर उठा सकते हैं ?

MR. DEPUTY-SPEAKER : He has a right to say. He is not challenging the rule.

SHRI VIDYA CHARAN SHUKLA : I am only trying to bring to your notice that this rule entitles the hon. member to raise a specific issue before the House with your permission, an issue which is within the

competence of the Union Government and the Central Legislature. The question of use or misuse of official machinery in a State Government does not fall within this field.....

SHRI S. M. BANERJEE (Kanpur) : Election Commission is a Union subject.

श्री रवि राय : एलैक्शन कमिशन केंद्रीय सरकार के अधीन है। श्री शुक्ला साहब बेकार में कंवर लाल गुप्त को बीच में रूकवा रहे हैं।

SHRI VIDYA CHARAN SHUKLA : I should be allowed to complete my submission.....(Interruptions).

श्री कंवर लाल गुप्त : वह लोग वहाँ जो पुलिस के डंडों के जरिए एलैक्शन जीतना चाहते हैं तो ऐसा नहीं होने दिया जायगा।

MR. DEPUTY-SPEAKER : I gave permission to him to raise an issue pertaining to a Union subject, that is, the Election Commission. This matter should be brought to the notice of the Election Commission; that is all.

SHRI VIDYA CHARAN SHUKLA : I am only trying to say that the issue he is trying to raise has nothing to do with the Election Commission. He is alleging that the State Government of Haryana which is controlled by the State legislature is misusing its official machinery for certain purposes for party ends. That is the allegation. The Election Commission has nothing to do with it.

SHRI S. M. BANERJEE : Having lost its majority, the State Government is doing those things.

SHRI VIDYA CHARAN SHUKLA : The allegation is against the Haryana Government and the Haryana Legislature is fully competent to look into it and take a decision and reprimand the Government if it is doing anything wrong. Whatever the State Government has done, right or wrong, is being questioned here. If the State were under President's rule, I can understand it. But when the State has its own legislature functioning,

[Shri Vidya Charan Shukla]

and a responsible government, responsible to the State legislature is there, the conduct of that Government cannot be questioned here.

As for the Election Commission, with your permission he is entitled to raise a matter, to which I have no objection. But if the matter raised pertains to the State Government and the State legislature, directly or indirectly, I must take objection. I have been patiently hearing him and I notice that he has been trying to raise an issue relating to the State Government.

**SHRI RABI RAY :** He has not finished.

**SHRI VIDYA CHARAN SHUKLA :** If it is anything relating to the conduct of the Election Commission in regard to its work, it is a different matter. The Election Commission has given certain work to the State Government. The allegation is that the State Government is not doing it properly.

You may allow him to speak, but let him not make any allegation against the State Government like this. If there are any allegations, the State Assembly can look into it. But if he wants to say anything about the Election Commission and its work, he is perfectly entitled to do so. But do not permit him to accuse the State Government because it will be encroaching upon the sphere of the State Legislature of Haryana.

**MR. DEPUTY-SPEAKER :** When he approached me, I cautioned him. The only question is that he should alert the Election Commission. Beyond that nothing should be said. The scope should not be extended beyond that.

**SHRI KANWAR LAL GUPTA :** I agree.

**SHRI UMANATH (Pudukkottai) :** The allegation is violation of the provisions of the Representation of the People Act. That is within the Central sphere. His point is that the officers of the State Government, who are acting on behalf of the

Election Commission under the Act, are misusing their powers.

The State machinery is acting under the particular Central Act and under the rules laid down by the Central Election Commission. So, if the violation is by the State Government or by the State Ministers, then we are entitled to discuss or condemn that violation. It is entirely within our powers. How can the State Government be exempted from that?

**MR. DEPUTY-SPEAKER :** You are drawing a subtle distinction, but he has made it very clear. The question is only limited in the sense that where the attention of the Election Commission or their machinery is attracted, that point he is entitled to raise, but he goes beyond that and says that the Ministers are there, goonda raj etc.

**SHRI KANWAR LAL GUPTA :** Who says ? I have not said.

**SHRI UMANATH :** The point is who violates the Representation of the People Act. If the Ministers violate, naturally we are entitled to raise it.

**श्री श्रीम प्रकाश त्यागी (मुरादाबाद) :** उपध्यक्ष महोदय, आपने यह कहा है कि जो विषय एलेक्शन कमिश्नर से सम्बन्ध रखता है उसी के ऊपर यहाँ कोई मामला उठाया जा सकता है लेकिन देखने की इस में बात यह है कि जो सेन्टर से सम्बन्धित विषय है उसको बाएलेट किया जा रहा है। एक्स, वाई जेड बाएलेट कर रहा है, कोई स्टेट मिनिस्टर कर रहा है और वह वहाँ पर इम्पार्शियल एलेक्शन नहीं होने दे रहा है तो वह सेन्टर का सब्जेक्ट हो जाता है। अब जब तक वह बात यहाँ नहीं बताई जायगी जब तक यह नहीं बतलाया जायगा कि इम्पार्शियल एलेक्शन वहाँ नहीं होने दिया जा रहा है और उस ओर ध्यान आकर्षित नहीं किया जायगा तब तक एलेक्शन कमिश्नर उस में कैसे प्रीकाशन लेगा और वह एलर्ट कैसे होंगे ? अब इसके लिए आप ही हमें कोई तरीका बतलाइये।

MR. DEPUTY-SPEAKER : He was permitted to alert the Election Commission to take precautions, beyond that nothing.

श्री श्री प्रकाश श्यामी : उपाध्यक्ष महोदय, मैं केवल एक बात जानना चाहता हूँ। एलैक्शन कमिश्नर का ध्यान उस पर विशेष रूप से इसलिए आकर्षित किया जा रहा है कि एलैक्शन की इम्पार्शिएलिटी वहाँ खतरे में है और उसके लिए जब तक हम यह न बतायें कि खतरा कैसे हो रहा है मैं नहीं जानता कि इस के सिवाय और कौन सा मार्ग है ? उपाध्यक्ष महोदय, आप को इस के अलावा अगर कोई और मार्ग मालूम हो तो कृपया हमें बतलाइये। मेरी समझ में माननीय सदस्य जो बतला रहे थे कि स्टेट को और से वह गड़बड़ हो रही है और ध्यान आकर्षित कर रहे थे तो वह अपनी लिमिट में थे।

SHRI S. M. BANERJEE : I want to quote a ruling of this House. When Mr. Ananthasayanam Ayyangar was the Speaker, there was a by-election in Delhi. In that by-election Shri Bal Raj Madhok won. There, a candidate called Shri Om Prakash Gupta was fighting. One Shri Navneet Ram Bhatia who was canvassing for Shri Om Prakash Gupta was arrested in a particular place and this question was raised in this House. The difference is only this that while Haryana has a State legislature, Delhi did not have.

MR. DEPUTY-SPEAKER : That is a vital difference.

SHRI S. M. BANERJEE : The Speaker, Mr. Ananthasayanam Ayyangar, did not raise objection on that issue.

It was said that this was an interference and he was afraid that the elections could not be fair. On this even adjournment motions were discussed and it was ruled out and the Home Minister ultimately came and said that this was unfair.

MR. DEPUTY-SPEAKER : The question was that it related to Delhi which was under the Central. It has no bearing on this point.

SHRI SHEO NARAIN (Basti) : To maintain law and order is the subject of the State and it is the duty of the State Government. Here Mr. Kanwarlal Gupta is reading a paper. Any paper is not a Bible, Sir. This was a ruling given by the hon. Speaker of Uttar Pradesh that the paper is not a Bible. It is not a Governmental document. I would request the Opposition also. We are going to meet them in the mid-term elections. All the Parties should give a joint statement to the Government and Election Commission that they would behave according to the Rules.....(Interruptions) We want fair elections in this country. We want democracy to survive in this country. We do not want *Hulladasi* and goondaism. Law and order is a State subject and the hon. Minister is quite correct to oppose it.

SHRI CHENGALRAYA NAIDU (Chittoor) : Their complaint is that they are using Police force in Haryana to maintain law and order.

AN HON. MEMBER : No, no, Sir.

SHRI CHENGALRAYA NAIDU : That is to maintain law and order they have used Police. They have asked the Police to go into those remote villages where goondaism is going on, where bad elements are threatening the people not to vote for Congress or to vote for this Party or that Party. (Interruptions). The Government has sent the Police to give protection to the voters to exercise their franchise correctly and according to their wishes. But what these people want is that they do not want the Police to protect the voters. They wanted the bad elements and goondaism to go on. No Government worth its name can ever allow law and order to be disrupted. In Haryana the Government was forced to send the Police force to maintain law and order.

श्री कंबर लाल गुप्त : मैंने कालिंग एंटेन दिया था। आपके कहने से 377 में मैंने इसका सादा है. नहीं तो मैं इंसिस्ट करता।

मेरा कहना यह है कि विशाल हरियाणा के नेताओं ने और वहाँ के कैडोडेट ने

[ श्री कंवर लाल गुप्त ]

इलैक्शन कमिशन के पास शिकायत की है कि ठीक तरह से वहां इलैक्शन नहीं हो रहा है, वहां पर डेमोक्रेसी का रैप हो रहा है, वहां पर डेमोक्रेसी खतरे में है। मैं आपको पढ़कर सुनाना चाहता हूँ कि उन्होंने क्या शिकायत की है :

"They have also complained to the Chief Election Commissioner that the Government is using official machinery to further the prospects of the Congress at the Poll."

MR. DEPUTY SPEAKER : This is an allegation. (Interruptions)

AN HON. MEMBER : It is a fact.

श्री कंवर लाल गुप्त : ला मिनिस्टर यहां बैठे हुए हैं। मैं उनकी सेवा में यह अर्ज कर रहा हूँ। मैं शिव नारायण जी को बधाई देना चाहता हूँ कि उन्होंने बहुत अच्छी बात कही है और मैं उनकी बात से इत्तिफाक भी करता हूँ। सदन का हर माननीय सदस्य यह चाहता है कि फ्री एंड फेयर इलैक्शन हो। मैं चाहता हूँ कि इलैक्शन कमिशन को ला मिनिस्टर साहब कहें कि उसका एक अधिकारी वहां जाये और देखे कि किसी भी तरह का इंटरफीयरेंस फेयर एंड फ्री इलैक्शन में न हो। इसका पूरा-पूरा प्रवर्ध किया जाएगा, यह आश्वासन मैं ला मिनिस्टर से चाहता हूँ।

इसके अलावा मैं यह भी चाहता हूँ कि आल इंडिया रेडियो से भी घोषणा की जाए कि हर एक आदमी को आजादी है वोट की और जितना वह चाहे वोट कर सकता है, दे सकता। चूंकि आपकी कांग्रेस में से दस-बारह लोग निकल गए हैं इस वजह से आपकी हालत एक खिसियानी बिल्ली की तरह की हो रही है। आपको जहां इस वजह से डमल्ट हुई है उसको बचाने के लिए आज आप किसी भी काम पर इस इलैक्शन को जीतना चाहते हैं फिर चाहे वह पुलिस के डंडों के जोर से हो या किसी

और तरीके से हो। वहां पर सादे कपड़ों में हजारों पुलिस के लोग इन्होंने छोड़ रखे हैं और वे गांव-गांव जाकर गांवों में फैलकर कांग्रेस का काम कर रहे हैं और अतंर मचा रहे हैं, हरिजनों को डराया जा रहा है कि तुम्हें कांग्रेस को वोट देना पड़ेगा। इसके साथ-साथ यह भी कहा जा रहा है कि अगर कांग्रेस का कैंडिडेट जीत जाएगा तो वह मिनिस्टर बनेगा और अगर तुमने . .

MR. DEPUTY-SPEAKER : I am not concerned with the things as to how the propaganda goes on. If the Law Minister has got anything to say on the specific question put by the hon. Member, he might reply to it. Regarding the Election Commission, of course, it is an independent authority.

THE MINISTER OF LAW (SHRI GOVINDA MENON) : Under the Constitution, the duty of conducting elections even in a State for a State Assembly is vested in the Chief Election Commissioner. And, therefore, if there are any complaints in this House regarding the conduct of election in Haryana, I shall be happy to transmit the statements made here to the Chief Election Commissioner. He is an independent authority.

SHRI KANWAR LAL GUPTA : He must assure us of a fair and impartial election.

SOME HON. MEMBERS rose—

MR. DEPUTY-SPEAKER : No, no. I am proceeding to the next business.

11.36 hrs.

#### CONTEMPT OF COURTS BILL

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI K. S. RAMASWAMY) : I beg to move that this House do concur in the recommendation of Rajya Sabha that the House do join in the Joint Committee of the Houses on the Bill to define and limit the powers of certain courts in punishing contempts