

Prices (St.)

[Shri Vasant Sathe].

availability of funds, the C.C.I. is not able to make any purchases. So, these is a complete collapse of cotton prices.... (interruptions) I agree with you that your authority cannot be eroded. Will you assure us a discussion on this issue under your powers?

MR. DEPUTY-SPEAKER: If the Speaker has said, as Shri Madhu Dandavate now says, that the question is serious and so there should be a discussion in this House, which has now been reinforced by Shri Sathe, I think due note should be taken. But you cannot expect me off hand from the Chair to say that there should be a discussion. After all, this would be taken note of, along with the other things that would be there. Let the Speaker decide it.

SHRI VASANT SATHE: You can at least say this deserves discussion. That much can fall from your lips, in view of the urgency of the matter.

MR. DEPUTY-SPEAKER: I think I have said that much.

SHRI VASANT SATHE: The Cotton Corporation has no funds.... (interruptions).

MR. DEPUTY-SPEAKER: Shri Madhu Dandavate has said so. You have also pointed out the urgency and the seriousness of the situation. Now I can see at least one dozen members on both sides of the House getting up on this. Therefore, this itself is an earnest of the seriousness....

SHRI VASANT SATHE: Now the Minister of Parliamentary Affairs is here. Will you allow a discussion? .... (interruptions).

MR. DEPUTY-SPEAKER: I cannot violate the rule. I have accepted the seriousness of the thing. I have

mentioned it. I have also said that if the members are so exercised over this, then it must be serious and, therefore, it deserves a discussion. But, do not go beyond that.

श्री मधु लिमये (बांका) : मेरी एक प्रार्थना सुन लीजिये टैक्सटाइल मिल्स नेशनल-लाईजेशन बिल चर्चा के लिये आ रहा है....

MR. DEPUTY-SPEAKER: Do not have a discussion on this.

श्री मधु लिमये : मैं डिस्कशन नहीं कर रहा हूँ, बल्कि सुझाव दे रहा हूँ कि मंत्री जी उस समय चर्चा के समय हाजिर रहें और बीच में हम लोगो के द्वारा काटन के बारे में जो बातें की जायेगी उनका जवाब दें।

15.39 hrs.

#### REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL\*

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): I beg to move for leave to introduce a Bill further to amend the Representation of the People Act, 1951.

MR. DEPUTY-SPEAKER: Shri Atal Bihari Vajpayee and Shri S. M. Banerjee to oppose the introduction of the Bill.

Shri Atal Bihari Vajpayee—not here; Shri S. M. Banerjee.

PROF. MADHU DANDAVATE (Rajapur): Sir, knowing the Business Advisory Committee's decision and agenda, as Mr. Limaye said, it is probable that we will not be able to find time. As Mr. Sathe suggested, if discussion is not possible, at least a Calling Attention should be admitted... (Interruptions).

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MR. DEPUTY-SPEAKER: Nothing more will go on record. All this will not go on record.

(Interruptions)\*\*

I know all of us are beaten by some bugs at one time or another. But I never knew that the cotton bug was so strong with you!

Shri Banerjee.

SHRI S. M. BANERJEE (Kanpur): Mr. Deputy Speaker, Sir, I rise to oppose the Representation of the People (Amendment) Bill....

(Interruptions)

MR. DEPUTY SPEAKER: Mr. Patel, will you allow the House to go on? It is very strange that you get so much excited. What is this? Kindly cooperate. Will you please allow the House to go on? The business before the House is: Mr. Gokhale has moved for leave to introduce a Bill to amend the Representation of the People Act, and Mr. Banerjee is on his legs to oppose it.

SHRI S. M. BANERJEE: Sir, I rise to oppose the Representation of the People (Amendment) Bill as introduced by Shri H. R. Gokhale, and I would request you to hear me and then ask Mr. Gokhale to give his explanation as to why the Ordinance was issued, why this Bill is being brought. You will recall, Sir, on the very day when a copy of the Ordinance was being laid on the Table of the House, myself and other members of this House belonging practically to all the Opposition parties opposed it. This Bill seeks to replace the Ordinance.

You will recall, Sir, this was done immediately after the judgment of the Supreme Court in the recent case of Kanwar Lal Gupta vs. A. N. Chawla where the Supreme Court had held that any amount spent by the political parties would also be

taken into account. I am not going into the merits of the Supreme Court judgment. But, immediately after the Supreme Court judgment, the Ordinance was promulgated.

Now I come to the Bill. This is what is said in the Statement of Objects and Reasons:

"However, in the recent case of Kanwar Lal Gupta vs. A. N. Chawla and others (Civil Appeal No. 1549 of 1972 decided on 3rd October, 1974), the Supreme Court has interpreted the aforementioned expression 'incurred or authorized' as including within its scope expenses incurred by a political party or other person referred to above. In view of the effect which such interpretation might have particularly with reference to the candidates against whom election petitions are pending, it became urgently necessary to clarify the intention underlying the provisions contained in section 77 of the Representation of the People Act, 1951..."

Certain recommendations of the Chief Election Commissioner were referred to a Joint Committee. I was a member of that Committee; Mr. Vajpayee and many others were also members of that. For months together we considered those suggestions, how the election expenses could be minimised and how the corrupt practices could be ended. We had submitted a report after deliberations for 8 or 9 months, and we thought that that report would also be laid on the Table of the House. We have suggested certain changes by which the election expenses could be lessened and the law could be simplified further. We have suggested how the corrupt practices could be eliminated. But I am surprised that that has not seen the light of the day. They have not considered that at all. But immediately after the Supreme Court's judgment on the said case, to cover up certain

\*\*Not recorded.

[Shri S. M. Banerjee]

cases which are pending before the election tribunal and High Courts, the Ordinance was promulgated. Rightly or wrongly, an impression has gone round the country that this has been done to protect the Prime Minister against whom election petition is pending. I am telling you honestly, Sir. I am not making any exception. It has gone deep into the minds of the millions of people that this is simply to cover that. If the Prime Minister had done anything which may be considered as a corrupt practice or if any Member among us against whom an election petition is pending has done anything of that kind, we have to suffer for it. The hon Minister has said openly that he is prepared to discuss the entire question how election expenses should be brought down with the Opposition members. Then, what was the necessity for bringing this? I am only opposing this because this was brought with an ulterior motive. It is a motivated piece of legislation and it should not have been brought and the President should not have used his discretion in favour of such a legislation and it is immoral to accept it.

**श्री अटल बिहारी वाजपेयी (ग्वालियर)**

उपाध्यक्ष महोदय, मैं इस विधेयक को पेश करने का विरोध करने लिये खड़ा हुआ हूँ। मेरे विरोध का आधार संवैधानिक, राजनैतिक और नैतिक है। सरकार ने सर्वोच्च न्यायालय द्वारा दिये गये एक महत्वपूर्ण और ऐतिहासिक निर्णय को ताक पर रखने के लिये अध्यादेश निकालनेक अधिकार का दुरुपयोग किया है। सर्वोच्च न्यायालय ने कोई नया कानून नहीं बनाया है। उसने केवल कानून की व्याख्या की है अपने निर्णय के पक्ष में उसने कुछ पुराने उदाहरण भी दिये हैं। सरकार को उसे स्वीकार कर लेना चाहिए था। लेकिन सरकार सर्वोच्च न्यायालय की मानहानि करने पर तुली हुई है।

इस विधेयक के अन्तर्गत जो एक्सपेंडिचरन जोड़ा जा रहा है, क्या वह एक्सपेंडिचरन और जिस क्लॉज के साथ वह एक्सपेंडिचरन जुड़ा हुआ है, वह क्लॉज परस्पर कान्ट्राडिक्टरी हो सकते हैं? क्लॉज में यह कहा गया है :

"Every candidate at an election shall, either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorised by him or by his election agent between the date of publication of the notification calling the election and the date of declaration of the result thereof, both dates inclusive."

लेकिन एक्सपेंडिचरन को जोड़ने के नाम पर सरकार क्लॉज को ही समाप्त करने पर तुली हुई है। क्लॉज में जो कुछ कहा गया है, एक्सपेंडिचरन के अन्तर्गत उसको विशद किया जा सकता है, उसकी व्याख्या की जा सकती है, उसका स्पष्टीकरण दिया जा सकता है। अगर एक्सपेंडिचरन में कोई ऐसी बात नहीं कही जा सकती है, जो सम्बद्ध क्लॉज के खिलाफ हो।

क्लॉज "एक्सपेंडिचर इनवर्ड्स और एयाराउण्ड्स" की बात कहती है, लेकिन सरकार कहती है कि इसका मतलब वह नहीं है। जो सुप्रीम कोर्ट ने निकाला है, बल्कि इसका मतलब यह है कि पार्टी का चुनाव खर्चा नहीं देखा जायेगा।

मुझे क्या आती है बिधि मंत्री पर। उन्होंने एक प्रैस सम्मेलन किया और कहाँ लवें कि 186 इलेक्शन पेटिशन पड़े हुये हैं और हम उस सब को बचाना चाहते हैं। क्या उनमें प्रधान मंत्री के खिलाफ इलेक्शन पेटिशन नहीं है? अगर उनका कहना है कि विरोधी दलों के मेम्बरों के खिलाफ इलेक्शन पेटिशन हैं, और हम को भी बचाने की सविस्तर योजनाएँ उनमें जापूत ही उठी हैं, तो मेरा विवेकन है कि वे हम की बचावे की विन्यास न करें। अगर सुप्रीम कोर्ट उनका चुनाव रद्द करती है तो करने दोषिधे।

एक सालभर का समय : हम आप को बचाना चाहते हैं ।

श्री अटल बिहारी वाजपेयी : मैं यही कह सकता हूँ कि हमें बचाने वालों से परमात्मा हमें बचाये । ये बचाने वाले बिगाड़ेंगे ।

मेरा कहना है कि चाहे किसी के खिलाफ इलैक्शन पेटीशन पड़ा हो, कोई चिन्ता की जरूरत नहीं है । सुप्रीम कोर्ट ने ऐसा फैसला दिया है, जिसकी हम पहले से भाग करते रहें हैं, जो चुनावों को शुद्ध रखने के लिये आवश्यक है, जो लोकतंत्र की रक्षा के लिये जरूरी है । चुनाव पर से पूजा का प्रभाव घटाना होगा, और इस लिये पार्टियों का चुनाव खर्च भी जोड़ा जाना चाहिए । हम तो यहाँ तक कहने के लिये तैयार हैं कि पार्टियों को अपना हिसाब खेले के लिये मजबूर करना चाहिए और उनके हिसाब का पब्लिक आडिट होना चाहिए । पार्टियाँ कहा से पैसा लाती हैं और चुनाव में कितना खर्च करती हैं, इसका पूरा विवरण सारे देश के सामने आना चाहिए । सुप्रीम कोर्ट का निर्णय हम दिशा में एक प्रगतिशील निर्णय है, मगर यह निर्णय सरकार को पसन्द नहीं है और उसने यह अध्यादेश निकाल दिया है ।

श्री अटल बिहारी वाजपेयी (अकोला) : उनको सही ढेर से सुना है ।

श्री अटल बिहारी वाजपेयी : ढेर से सुना, मगर अच्छा सुना इसलिये । आप उसका समर्थन कीजिये ।

श्री अटल बिहारी वाजपेयी : सुप्रीम कोर्ट लगातार प्रगतिशील साथ तक यह डिसिजन देता रहा है कि पार्टी का खर्चा इसमें नहीं लगाया जायेगा और अब एक हम उस डिसिजन को बदल दिया है ।

श्री अटल बिहारी वाजपेयी : मेरे मित्र, श्री साठे, ने पूरा निर्णय नहीं पढ़ा है । सुप्रीम कोर्ट ने पूरे उदाहरण दे कर सिद्ध किया है कि

वह कोई नई बात नहीं कह रहे हैं, अपितु पुरानी बात पर ही जोर दे रहे हैं ।

मेरा निवेदन है कि विधि मंत्री इस कानून को पेश न करें, इस अध्यादेश को गृह हो जाने दें और यदि सब की सलाह से चुनाव कानून में बुनियादी मशौघन करने हैं, तो उसके लिये एक बैठक बुलायें । अगर वह अध्यादेश को कानून का रूप देने के लिये बैठक बुलायेंगे, तो प्रतिपक्ष की सोचना पड़ेगी कि हम उस बैठक में भाग ले या नहीं ।

श्री मधु लिवसे (वाका) : उपाध्यक्ष महोदय, मैं चाहता हूँ कि इस विधेयक को पेश करने की जो अनुमति श्री गोखले ने मांगी है, उस पर पूरी बहुमत इसी समय हो । इस संबंध में मेरा जो विरोध है, उसके दो कारण हैं । जा राजनैतिक और नैतिक कारण हैं, वे तो अलग हैं, लेकिन मेरी राय में श्री गोखले जो काम करने जा रहे हैं, वह मविधान के खिलाफ है ।

अगर कोई विधेयक मातर्वे जिड्यूल की एन्ट्रीज या बुनियादी अधिकारों, इन दोनों के विपरीत है, तो क्या इस मदन को इस तरह के विधेयक को पाम करना का अधिकार है ? श्री गोखले कानून के बड़े पंडित हैं, और वह मानेंगे कि जो बीच प्राइमा-फेसो मौलिक अधिकारों के विरुद्ध है, उसको वह कानून का जामा नहीं पहना सकते ।

आर्टिकल 13(2) इस प्रकार है :

13 (2) The State shall not make any law which takes away or abridges the rights conferred by this part and any law made in contravention of this clause shall, to the extent of the contravention, be void.

"स्टेट" की परिभाषा आर्टिकल 12 में की गई है । उसमें पार्लियामेंट आती है । मेरी राय में यह कानून संविधान की धारा 13 के खिलाफ है ।



[श्री मधु लिमये]

पृष्ठा 14 इस प्रकार है :

14. The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

आप पूछेंगे कि इक्वल प्रोटेक्शन क्लॉज का इसमें क्या संबंध है। इसके लिये मुझे आप को उदाहरण देना पड़ेगा। आप जानते हैं कि इलाहाबाद उच्च न्यायालय में श्री राज नारायण बनाम श्रीमति इन्दिरा गांधी का एक पेटिशन चल रहा है। मैं कोई सबजुडिस वाली बात नहीं कह रहा हूँ। श्रीमती इंदिरा गांधी ने जो एफिडेविट दिया है, जो एक एक्ममेसिनन पब्लिक डॉक्यूमेंट है, . . . . .

MR. DEPUTY-SPEAKER: This is a specific point. This is an affidavit to the court, is it not?

SHRI MADHU LIMAYE: Yes. But this is an accessible and public document.

MR. DEPUTY-SPEAKER: But, this is under adjudication, at the moment.

SHRI R. R. SHARMA (Banda): Affidavit is not under adjudication.

SHRI MADHU LIMAYE: Affidavit is a public document, it is accessible to every citizen of India.

श्री गोखले बताए कि क्या मैं एफिडेविट की ठीक परिभाषा कर रहा हूँ। इसलिये मैं कैसे को प्रेजुडिस करने वाली बात नहीं बोलने वाला हूँ। लेकिन एफिडेविट में क्या-क्या इन्फ़ा गांधी ने एडमिशन किया है वह देखने योग्य है।

श्री ज्योतिर्भय बसु (डायमंड हाउस) :  
35 जीपों की बात बोलें।

श्री मधु लिमये जीप को बाद में लेंगे।  
. . . . (व्यवधान) . . . .

जब इन्होंने जीप की बात कही है तो जीप की बात ही पहले ने कीजिये।

श्री बसंत साठे : भान ए प्वाइंट आफ ऑर्डर। . . . (व्यवधान) . . . .

MR. DEPUTY-SPEAKER: I would like to be assisted by the Law Minister. Mr. Madhu Limaye has referred to a certain affidavit and is going to read it.

श्री मधु लिमये : लैजिस्लेशन में सबजुडिस का सवाल आता ही नहीं। लैजिस्लेशन जिस के लिये लाया गया है उसमें यह भी मामला सबजुडिस था। 180 मामले सबजुडिस थे।

MR. DEPUTY-SPEAKER: Why don't you allow me to seek his clarification?

SHRI MADHU LIMAYE: I am enunciating a principle.

MR. DEPUTY-SPEAKER: I would like to be clear whether it will be treated as subjudice in view of the fact that the case is pending before the court.

SHRI H. R. GOKHALE: Sir, I would humbly submit that I do not know which affidavit the hon. Member is referring to. But from what he has mentioned he is referring to some of the statements made by the Prime Minister in her affidavit which has been filed in the Allahabad High Court in a petition challenging her election. Now, a certain statement of facts is made and they are under adjudication. It is for the court to consider whether that affidavit should be accepted or not. What is the truth has to be ascertained by the court. To the extent this matter is under adjudication any discussion on facts stated on court of law or having come in the court of law would be a matter under sub-judice.

श्री मधु लिमये : 180 केसेज चल रहे हैं इसके बारे में जो सबजूडिस है, उसके ऊपर लेजिस्लेशन लायेंगे श्री. मैं सबजूडिस कोस का उल्लेख नहीं कर सकता ? क्या बात कर रहे हैं आप ? 180 जो केसेज सबजूडिस है उन्हीं पर तो यह लेजिस्लेशन बाप लाये हैं ।

MR. DEPUTY-SPEAKER: The point here is whether discussion or reference to this particular affidavit that Mr. Madhu Limaye has referred to and has just begun to read is sub-judice or not. That is the point. Before we go further I have sought the assistance of Law Minister. He has made a certain submission. I am to be satisfied whether it is sub-judice or not.

SHRI H. R. GOKHALE: I have never said the legislation is to be regarded as sub-judice. I have only said the particular case is..(Interruptions).

MR. DEPUTY-SPEAKER: I shall allow you. I shall allow everybody. Kindly sit down. Don't be impatient. But, I would like this point to be decided by me whether this particular affidavit is sub-judice or not. Let us be clear that it is not that the legislation is sub-judice. He has never said it. I want to be satisfied only on this whether a reference to this affidavit which is pending before the court is sub-judice or not. If you want to make a submission on this, I am prepared to hear.

SHRI SOMNATH CHATTERJEE (Burdwan): Sir, affidavit is nothing but evidence given in writing. There are two types of evidence—one is oral and the other is written. A document is prepared in the form of an affidavit which is appended in the footnote of it and somebody has to take the responsibility for this. It is nothing but an evidence given in writing. Therefore, the evidence given by a person or a statement made by a person can never be the subject matter of a dispute. It is in

connection with the dispute that some statement is made which is either in the form of an affidavit or an oral statement. The matter is with regard to the merits of the election as to whether the election should be set aside or not. That is sub-judice. That is my submission.

So far as the present Bill is concerned, this measure is introduced to be applied in respect of pending election petitions. Therefore, these are pending matters. The object of the Bill is supposedly for justifying the issue of ordinance to be made applicable to all pending matters. But, this is done in a shameless manner.

So far as legislation is concerned, what we are considering is this. Whether the Bill at this stage should be allowed to be introduced or not. The rule of sub-judice cannot stand in the way of a legislation. Certainly, we can discuss this legislation which is being brought before the House. What is the good of discussing the Bill if the rule of sub-judice stands in the way of discussing the pending election petitions?

MR. DEPUTY-SPEAKER: We are not discussing the Bill.

SHRI MADHU LIMAYE: We have a motion before us.

MR. DEPUTY-SPEAKER: Let us be clear. I shall hear you. We are not discussing the Bill.

SHRI MADHU LIMAYE: We are discussing introduction of the Bill.

MR. DEPUTY-SPEAKER: The point is: whether the Bill should be introduced or not.

SHRI SOMNATH CHATTERJEE: It is a fraud on the Constitution.

श्री सदन विहारी वाजपेयी : उपाध्यक्ष महोदय, अभी यह इंसोर्ट कर रहे हैं। उस पर बहुत ही रही है। फिर वह कहें कि इस

[श्री अटल बिहारी वाजपेयी]

बिल को कंसिडर किया जाय तब इस पर बहस होगी। दोनों बहसें हैं। अगर आप का कहना है कि इन समय डिस्क्शन नहीं कर रहे हैं इसलिये यह मामला नहीं उठ सकता तो क्या अब हम डिस्क्शन कर रहे होंगे तब उठा सकते हैं? अगर तब उठा सकते हैं तो क्या तब यह सबजूडिस बार्नी बात भ्र लाई होगी? अगर प्रधान मंत्री एफिडेविट में यह कहती है कि उनके चुनाव में 36 जीपें चली .... (इशवाचन) ....

MR. DEPUTY-SPEAKER: Please do not refer to it before I give my ruling on it.

श्री अटल बिहारी वाजपेयी : मैं रफर नहीं कर रहा हूँ। मैं यह कहता हूँ कि अगर वह कहती है कि उनके चुनाव में जा जीपें चली उसका खर्चा पार्टी ने दिया तो इसमें सब-जूडिस क्या है? प्रधान मंत्री जो कोर्ट में कहती हैं और जब उसको यहाँ कांटेडिक्ट नहीं करना चाहता तो क्या हम उसे उद्धृत नहीं कर सकते और यदि सब-जूडिस मामले पर यहाँ विचार नहीं हो सकता है तो हम सारे विधेयक पर विचार कैसे हो सकता है? जो विधेयक सब-जूडिस पेट्रीशनस को लेकर लाया गया? इसलिये मेरा निवेदन है कि जो भी मामले उन एलेक्शन पेशन से जुड़े हुये हैं उनको हमें यहाँ रखने की इजाजत होनी चाहिए।

SHRI MADHU LIMAYE: Sub-judice rule does not apply to the legislation. That is the Parliamentary Practice.

MR. DEPUTY-SPEAKER: I see your point.

SHRI PILOO MODY (GODHRA): Mr. Deputy-Speaker, Sir, if you take legal advice from the Law Minister, you will end up in a jam; it will not be a legal advice but it will be com-

monsense. What are we discussing? The same document was read out not once but three times already in the House.

The third point is what is sub-judice and what is not. Shrimati Gandhi has made a sworn statement. We are not challenging that statement. We accept it as truth, unless they want to maintain that she has lied. Therefore, if we were to dispute what she has herself said that this is not what happened but such and such thing has happened, then you can say that this is still to be decided, according to what the Law Minister has said. But we are not saying anything of that kind; we are only quoting what she has herself admitted and trying to prove that how the Ordinance and the Bill sought to be introduced will be affected by her own admission and she will be saved on the basis of her own admission if this Ordinance and Bill is passed. This is the simple logic of it.

SHRI S. M. BANERJEE: If I read the statement of objects and reasons, I find that this has been brought to cover the cases of election petitions. It clearly refers to pending election petitions. It refers to 'candidates against whom election petitions are pending'. I am told there are 272 cases pending.

SHRI JYOTIRMOY BOSU: 188.

SHRI S. M. BANERJEE: 188 including the Prime Minister's case. If the contention of the hon. Law Minister is that once she makes an affidavit or gives evidence before the courts, it becomes sub-judice, then my question is whether this Bill which wants to cover all the election petitions numbering about 188 or 200 can be proceeded with? Since these cases are also sub-judice, how can that be discussed? You cannot have two standards, one for the Prime Minister and another for the others.

**MR. DEPUTY-SPEAKER:** There is no question of two standards.

**SHRI S. M. BANERJEE:** I am not supporting her; we are sometimes accused that we are supporting her. The question is that in the affidavit there is reference to 35 jeeps...

**MR. DEPUTY-SPEAKER:** Please do not refer to it before I give my ruling.

**SHRI S. M. BANERJEE:** If that question is *sub-judice*, then all the other pending cases are *sub-judice* and we cannot bring this legislation here. Otherwise, we have every right to discuss it.

**SHRI VIKRAM MAHAJAN (KAN-GRA):** At the introduction stage of a Bill, the only point on which it can be challenged is its constitutionality.

**SHRI MADHU LIMAYE:** That was what I was going to say.

**SHRI VIKRAM MAHAJAN:** Whether this House is competent to legislate on this or not. This is the first point. None of the hon. members has touched the constitutional aspect whether the Government has the right to introduce the Bill. Secondly, while discussing a Bill, there are two basic principles which have to be observed, particularly rule 352 which says....

**SHRI S. M. BANERJEE:** That has been amended.

**MR. DEPUTY-SPEAKER:** You have to remember that he has now a new role as a whip of the party.

**SHRI PILOO MODY:** It has not changed him at all.

**SHRI VIKRAM MAHAJAN:** Rule 352 says: that no discussion shall

take place on a matter of fact regarding which a judicial decision is pending. That is, no reference will be made to a matter of fact on which a judicial decision is pending.

The question of how many jeeps have been used etc. is a question of fact on which a judicial decision is pending. Therefore, this cannot be discussed in the House.

**MR. DEPUTY-SPEAKER:** Before I call Shri Madhu Limaye, let me clear the docks. This is not a ruling; I am only referring to certain things so that there may not be more confusion with reference to what Shri Mahajan has said. A little while ago, when this was discussed, I had occasion to say that they got the wrong end of the stick. And Mr. Mahajan, I think, has caught the wrong end of the whip. He started by saying that objection to the introduction of the Bill can be taken only on the grounds of constitutionality, which is not in the rules. If he reads the rules very clearly,—

**SHRI PILOO MODY:** Which he cannot.

**MR. DEPUTY-SPEAKER:**—he will see that opposition can be taken on any ground, but when opposition is taken on grounds of legislative incompetence, then there may be a full discussion. I hope he will bear this in mind. Otherwise, if he wields the wrong end of the whip—(Interruptions)—if he always wields the wrong end of the whip, then, I do not know what to say!

**SHRI VIKRAM MAHAJAN:** That is the relevant rule. Kindly refer to rule 72. (Interruptions).

**MR. DEPUTY-SPEAKER:** Order, order. For the benefit of Mr. Mahajan, let me read out that rule which he wants me to refer to.

This is rule 72; it says:

"If a motion for leave to introduce a Bill is opposed, the Speaker,

[Mr. Deputy Speaker]

after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from the member who opposes the motion, may without further debate, put the question;"

There is no question of constitutionality

Then in the proviso, it says:

"Provided that where a motion is opposed on the ground that the Bill initiates legislation outside the legislative competence of the House, the Speaker may permit a full discussion thereon."

Do you accept it?

SHRI MADHU LIMAYE. I am standing on the proviso

MR. DEPUTY-SPEAKER Then, another confusion should not be there. If it is a question which attract rule 352, then that rule does not apply here at the moment, because I am seized of the question whether this Bill relates to the particular aspect, not to legislation all other pending cases but to this particular aspect of it, whether it is *sub judice* or not, as the Law Minister has submitted. That is what I have got to say.

SHRI MADHU LIMAYE: As applicable to the Bill.

उपाध्यक्ष महोदय, यह विधेयक किस चीज के बारे में है? उन्होंने खुद कहा है कि 180 चुनाव याचिकाएँ (एलैक्शन पेटिशनज) इस वक्त न्यायालयों के सामने पड़ी हुई हैं। उन में श्रीमती इन्दिरा गांधी के खिलाफ भी एक पेटिशन है, इस बात को ये काट नहीं सकते और इन 180 पेटिशन के बारे में इस विधेयक को लेकर भाये हैं।

उपाध्यक्ष महोदय, मैं शकवर और कील की किताब और मेज पालियामेंटरी प्रैक्टिस से कुछ पद्य पढ़ कर सुनाया हूँ—

"Matters pending judicial decisions: matter awaiting adjudication of a court of law should not be brought forward in debate except by means of a Bill."

इस में बिल का अपवाद किया गया है। यह देने मेज पालियामेंटरी प्रैक्टिस के 18वें एडीशन के पेज 416 से पढ़ कर सुनाया है। अब शकवर और कील की किताब को लीजिये—इसमें थोड़ा विस्तृत है पृष्ठ—900 से उद्धृत कर रहा हूँ—

"The rule of *sub judice* cannot stand in the way of legislation. If the rule of *sub judice* were to be made applicable to legislation, it would not only make Legislatures subordinate to the courts in that matter but would make enactments impossible because numerous cases concerning a large number of statutes await at all times adjudication in one court on the other. Parliament's main function to make laws will thus come to a standstill. This is neither sanctioned by the Constitution nor justified on merits. Legislatures being supreme and sovereign in the matter of making laws there is no bar on their work in the field of legislation. The members, however, refrain from referring to the facts of a case pending before a court, when a Bill is under discussion in the House."

MR. DEPUTY-SPEAKER: It is clear.

SHRI H. R. GOKHALE: I have not disputed that position.

श्री मधु लिमये : उपाध्यक्ष महोदय, यह बिल ग्राटिकल 14 को कैसे बायलेट करता है, यह इस्टेब्लिश करने के लिये मैं कौन्सिल दे रहा हूँ—मेरा और कोई मतलब नहीं है। ग्राटिकल 14 को यह बिल कैसे बायलेट करता है वह मैं साबित करूँगा। अगर इसके बाहर जाऊ तो आप मुझे टोकिये। उपाध्यक्ष

सद्व्यवस्था, आप यह देखें कि जो विधेयक है उसकी मुख्य बात क्या है। मूल संवदन इस प्रकार है जिस का एक जुमला माननीय वाजपेयी जी ने पढ़ा :

"Every candidate at an election shall either by himself or by the election agent keep separate and correct account of all expenditure in connection with an election incurred or authorised by him or by his election agent."

मान लीजिये उत्तर बम्बई में एक कमेटी बनती है इनकी रजामन्दी से, इनके कहने से कि एच० आर० मोखसे फोर लोक मभा सिटीजन्स कमेटी। या वह उस के अध्यक्ष है, या उसमें हिस्सेदारी करते हैं और सारा खर्चा इनकी सम्पत्ति में होता है, और अगर केस के दौरान इनका विरोधी यह साबित कर सकता है कि यह जो खर्चा है समिति की और मे यह इनके द्वारा अवरोधित किया गया है। आपने किन किन को छोड़ा है? पार्टी, बाई, असोसियेशन, वगैरह। सवाल पार्टी ने खर्चा किया, बीडी ने, इंडिविजुअल ने या एसोसियेशन ने किया यह नहीं है ?

whether that expenditure was authorised by the candidate or his election agent.....

MR. DEPUTY-SPEAKER: You are going into the merits of the Bill.

श्री मधु लिमये : मैं इस बात को रख रहा हूँ कि इसमें बुनियादी बात है कि क्या कैंडिडेट ने अवरोधित किया है ?

SHRI VASANTH SATHE: Yet he has not come to the point; no article 14 is involved.

श्री मधु लिमये : यह बताने की जरूरत है। उसी खर्च को पकड़ना जो आप के द्वारा अवरोधित किया गया है। प्रधान मंत्री इस सरकार की प्रमुख हैं, इस सरकार का जो खर्च होता है वह उनकी अवरोधनीय होता है।

उनकी इच्छा के विरुद्ध नहीं हो सकता। तो अगर जीपी, मोटरों ईलीक्ट्रिक आदि पर चुनाव के दौरान खर्चा किया जाता है तो आप कहेंगे कि उनकी रजामन्दी से नहीं हुआ। रायबरेली जिला कांग्रेस कमेटी के तहत उस समय कितने चुनाव क्षेत्र थे ? असेम्बली का नहीं था, केवल प्रधान मंत्री का ही क्षेत्र था। तो रायबरेली की कांग्रेस कमेटी के द्वारा जो भी खर्चा किया जाना है.....

MR. DEPUTY-SPEAKER: We are going into particular constituencies.. (Interruptions) we are concerned with the introduction. You are entering into a discussion.

श्री मधु लिमये : मैं वैधानिका पर बोल रहा हूँ। अटल जी के लिये सरकार मोटर गाड़ी का इन्जाम कहा से करेगी, ईलीक्ट्रिक को कहाँ से करेगी ?

MR. DEPUTY-SPEAKER: Will you please conclude now?

SHRI MADHU LIMAYE: A full discussion has to be allowed.

कार्टिड्गुनेलिटी का सवाल है कि यह बिल पास हो जाएगा तो प्रधान मंत्री के लिये अलग कानून बनेगा, और मधु लिमये या वाजपेयी जी के लिये अलग कानून बनेगा।

...

MR. DEPUTY-SPEAKER: I am only guiding the discussion; I am not giving my ruling Mr. Limaye's case is..

SHRI MADHU LIMAYE: I have not concluded; do not rush to conclusions.

MR. DEPUTY-SPEAKER: I am not concluding; I am not giving my ruling I am only trying to regulate and guide the proceedings. What I understand from your statement so far is that you are objecting to this Bill on the ground of constitutionality. But that is something different

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from the legislative competence of this House. I am only concerned whether you object to this Bill on the ground that it is outside the legislative competence of the House? Is that your case?

SHRI MADHU LIMAYE: Yes.

मैंने शुरू में ही कहा आप ने सुना नहीं। यह पार्लियामेंट फंडामेंटल राइट्स के खिलाफ कानून नहीं बना सकती। आप अधिक से अधिक खर्चा परमिट कर सकते हैं। यहाँ तो क्लिंग हो चुकी है।

SHRI VASANT SATHE: The simple point is of legislative competence. Presume for a moment that we pass a legislation which is unconstitutional and violates even fundamental rights, it is liable to be challenged before the Supreme Court and struck down. Nothing more can happen. You may question the propriety, but can you question the competence of this House? So, Mr. Limaye must restrict himself to the short point of legislative competence. If he satisfies you on this point, we are willing to listen to him. Otherwise, it will be going off the track if he speaks only on the question of unconstitutionality.

MR. DEPUTY-SPEAKER: Let us understand the issues. I am framing the issues.

SHRI MADHU LIMAYE: Let me frame my own issues.

MR. DEPUTY-SPEAKER: Let me try to understand what you are trying to say. I am not a stone or wood sitting here. When you argue something, you expect me to follow you and I am following you closely. Wherever I come to a point where I do not quite understand, it is my right to try to elicit from you what you are saying. This is what I am doing. You are trying to formulate that this Bill is outside our legisla-

tive competence and therefore, there should be a full-fledged discussion. Now, who will decide whether there is a *prima facie* case for a discussion? I will have to decide. Even in your letter you have not mentioned this as a ground.

SHRI MADHU LIMAYE: I am not bound to mention it. Even giving notice is not required and I can just stand up and oppose it. But you have created a precedent and so I gave notice.

MR. DEPUTY-SPEAKER: I am not questioning your right. If you had given that ground, the Speaker or I could have considered it in advance and decided whether there is a case for that. Now in the course of your submission you say that it is outside the legislative competence, and I am to be satisfied of that before I decide whether it is outside the scope or not.

SHRI MADHU LIMAYE: That is what I was saying.

लैजिस्लेटिव कमीटिमेंट का कहीं व्याख्या की गई है? मेरी राय में अगर वह लिस्ट को वायोलेट करता है, फंडामेंटल राइट्स को वायोलेट करता है या किसी कास्टीट्यूशनल प्राविजन को वायोलेट करता है।

then it is outside our legislative competence.

इसमें दो चीजों में फर्क करना है। मैं आपकी क्लिंग नहीं माग रहा हूँ।

I am giving my opinion, common sense. What is competence? Are you competent to legislate against fundamental right?

MR. DEPUTY-SPEAKER: I do not know what the courts will do. I cannot anticipate that.

श्री मधु लिमये : वह तो होता ही नहीं है। हजार बार फैसला हुआ है कि स्पीकर फैसला

नहीं करेगा। केवल आप हमें मौका देते हैं अपने विचार रखने का, उसमें अधिक हम कुछ नहीं मांगते हैं।

whether you consider this constitutional or unconstitutional.

इसलिये मैं कह रहा था कि अगर बाढ़ो, परसज, इंडिबिजुअल, पार्टी, इनकाका खर्चा आप इस डेफिनीशन से स्पष्टीकरण के द्वारा प्राप्ति नैजिस्पेशन नहीं स्पष्टीकरण के द्वारा हटाना चाहते हैं तो ये जो मिनिस्टर बांग हैं, प्राइम मिनिस्टर है या जो सत्ताधारी लोग हैं इनके अधिकारों में और हमारे अधिकारों में फर्क आ जायगा क्योंकि जो सुविधायें इन को मिलेगी हमें वही नहीं मिल सकती है। इसलिये अगर यह मैं एस्टैबलिश करे कि

XYZ expenditure was authorised by the Prime Minister or any other Minister

ता मुश्रीम कोर्ट के पुराने निर्णयों के अनुसार, नये नहीं, यह इन्क्वायन एक्सपेंडिचर में माना जाता है। लेकिन अब श्री गोखले साहब इस विषयक के द्वारा फर्क करना चाहते हैं और इस तरह की बोगस बाड़ीज एम्प्लियमेंज बैरर भी यह करेगा, उनका द्वारा सारा खर्चा चलायेगा तो हम लोग कहीं के नहीं रहेंगे। इसमें कोई इक्वेलिटी बिफोर ला नहीं होगी। गरीब पार्टी के लिये, गरीब उम्मीदवार के लिये अब कोई भविष्य नहीं है। आईदा पार्लियमेंट में इसी तरह के इनके लोग भरे जायेंगे इतना ही मुझे अर्थ करना है।

SHRI S. M. BANERJEE: Kindly see the Explanation in this Bill. It says:

'Provided that nothing contained in this Explanation shall affect—

- (a) any judgment, order or decision of the Supreme Court whereby the election of a candidate to the House of the People or to the Legislative Assembly of a State has been declared void...."

That expression is used here. Now kindly see article 137 with the heading "Review of judgments or orders by the Supreme Court"—

"Subject to the provisions of any law made by Parliament or any rules made under article 145, the Supreme Court shall have power to review any judgment pronounced or order made by it."

After this Bill is passed, supposing the Supreme Court has given a judgment against me, I shall not have the right to go before the court for review. I want to draw the attention of the Law Minister to this and request him to reply to this.

श्री जनेश्वर मिश्र (इलाहाबाद) : एक तरह से हमारे देश में चर्चा है इसकी। सत्तारूढ़ दल के लोग बार बार गुस्सा करने हैं और यह कहना चाहते हैं कि कोई ऐसी चर्चा नहीं है। लेकिन यह बात नहीं है हकीकत में जानते हैं कि सारे देश में इसकी चर्चा है कि यह बिल महज इसलिये पेश होने जा रहा है सदन में क्योंकि प्रधान मंत्री को मुरझित करना है, उन कुर्सी जाने वाली थी, सर्वोच्च न्यायालय का जो फैसला था उस फलसे को नजोर करके अगर इलाहाबाद हाई कोर्ट में भज दिया जाता है तो बहुत बढ़िया गुल खिल जाता। श्रीमती गांधी अब तक यहां से चली गई होती। पहले तो इन्होंने राष्ट्रपति में अध्यादेश जारी करवाया, उनकी इजाजत इसके लिये ली और अब गोखले साहब उसके स्थान पर एक बिल यहां पेश करने जा रहे हैं। प्रधान मंत्री सदन की नेता है। नैतिकता का यह तकाजा है कि इस सदन में यह बिल पेश नहीं किया जाना चाहिए क्योंकि वह नेता हैं, किसी दूसरी जगह राज्य सभा में पेश होना चाहिए और वही पहले इस पर बहस भी होनी चाहिये। वह इस सदन की नेता है और गोखले साहब उनके मातहत काम करते हैं। इस सदन में उनका बहुमत है। उस सदन में भी है। लेकिन उनको यहां इजाजत ही मिलनी चाहिए इस बिल को पेश करने की।



[श्री जनेश्वर शिन्धे]

अगर यह कानून बन जाता है तो यह तय बात है कि हिन्दुस्तान का लोकतंत्र एक भोगी और भ्रष्टाचारी लोकतंत्र बनेगा। पार्लियामेंट को, लोक सभा को भोगी और भ्रष्ट बनाने के लिये कोई कानून क्या आप बना सकते हैं, इस पार्लियामेंट के अन्दर इस तरह के कानून पर बहस हो सकती है या नहीं? हुन ही ईमानदारी के साथ मैं कहना चाहता हूँ कि इस बिल के पास हो जाने के बाद यहाँ का लोकतंत्र भोगी और भ्रष्ट बन जायगा, केबल ऐसे बाले लोग ही चुनाव लड़ने की हिम्मत कर पायेंगे, गरीब नहीं कर पायेंगे। आप इस सदन में आने की हिम्मत नहीं कर सकेंगे। जिस किसी के पास पैसा हो, पार्टी के नाम पर संगठन के नाम पर वही आयगा। इसलिये आप इनको मना करें इसको पेश करने से और श्रीमती इंदिरा गांधी को कह दें कि अदालत की इज्जत करने की आदत सीखें। अगर अदालत का फैसला इनके खिलाफ जा रहा है तो ईमानदारी से घुटने टेक कर उसका इनकी सज्जा करना चाहिये। बहुत बार ये फैसले उनके हक में भी गये हैं। गोखले साहब उनके मातहत काम कर रहे हैं। इन दोनों से और श्री रघुनमैया से भी मैं कहूँगा कि वह इस बिल को वापिस ले ले, सुप्रीम कोर्ट के फैसले को चलने दें, यही सबसे अच्छा होगा।

MR. DEPUTY-SPEAKER: Shri Gokhale.

SHRI PILOO MODY: One more thing.

MR. DEPUTY-SPEAKER: Only those who have sent the names to me in advance.

SHRI PILOO MODY: I am sending it to you.

Only one thing I would like to say. They are interested parties and interested parties can neither participate in the debate nor can they move

the legislation. Therefore, this should not be allowed. Even Mr. Gokhale is an interested party.

SHRI H. R. GOKHALE: Mr. Deputy-Speaker. Sir....

SHRI P. K. DEO (Kalahandi): Sir, I would like to submit that you permitted a full discussion..... (Interruptions)

MR. DEPUTY-SPEAKER: I will make up my mind after hearing the Minister.

SHRI PILOO MODY: How will you make up your mind without listening to me? (Interruption)

MR. DEPUTY-SPEAKER: Let us hear the Minister.

SHRI H. R. GOKHALE: Mr. Deputy-Speaker, Sir, I would first deal with the question of legislative competence. As you rightly remarked, so far as the rule is concerned, we have to ascertain whether the Bill is beyond the legislative competence of Parliament. The other questions of *ultra vires* and things like that do not really come in. Even on that point, I will be able to satisfy the House that there is no question of any contravention either of article 13 or 14 in this case. Article 137 is absolutely irrelevant. But I would deal with that also.

The first question is about the legislative competence. For that purpose, you have to look at article 246 of the Constitution which defines the competence of Parliament and State Legislatures both in respect of matters which are exclusively within the jurisdiction of Parliament and also with regard to matters which come concurrently within the jurisdiction of Parliament as well as State Legislatures. Article 246 reads:

"Notwithstanding anything contained in clause (2) and (3), Parliament has exclusive power

to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule (in this Constitution referred to as the "Union List")."

Therefore, when we consider the legislative competence of Parliament, we have to go to the Seventh Schedule to find out whether any of the entries in List I, Union List, covers this legislation or not. There is a direct entry under which laws relating to elections are entitled to be made by Parliament. Entry 72 says:

"Elections to Parliament, to the Legislatures of States and to the offices of President and Vice President; the Election Commission."

Therefore, article 246(1), read with entry 72 of the Union List, in my submission, makes it quite clear that legislation in respect of elections to Parliament, to the Legislatures of States and to the offices of President and Vice President and the Election Commission is within the jurisdiction exclusively of Parliament—which entry is contained in the Union List which is referred to in article 246(1). If Parliament had no competence to legislate on this Representation of the People (Amendment) Bill, the logical conclusion to which one would come is that even the original Representation of the People Act was beyond the competence of the Parliament. If it had the power to pass legislation in respect of regulation of elections and conduct of elections, it has power to amend that law also. And that is what this Bill is seeking to do.

Coming to article 13 or 14 to which reference has been made, it is a far-fetched argument. An attempt was made on this premise, as it were, that the law was being passed only for one person. I must take this opportunity to state categorically that it is not made for the purpose of the Prime Minister's petition; it applies to all petitions pending alike, belonging to all parties, and there is no

reason why one of the petitions should not be of the Prime Minister. I am dealing with the argument on article 14—equality before the law. That was one on which he was relying. Equality before the law can be said to have been denied if one person or one class of persons had this advantage and the others did not have it. The law provides that this advantage will be available to all persons irrespective of who those persons are.

SHRI ATAL BIHARI VAJPAYEE: What about Mr. Amarnath Chawla? Will he have the same advantage?

SHRI H. R. GOKHALE: It has nothing to do with this. But I will deal with that. It has been a settled principle that when a law is made to explain the real intentions of Parliament—it has been made not once but a number of times; even the Constitution has been amended before for that purpose—it is always the practice, and I think it is the correct practice, that the case in which a certain decision has been taken, in which a party has benefited by a certain decision, should not be affected. It has been dealt with in the Bombay High Court judgment. Parliament can do it, but as a matter of prudence, when certain things had gone before the court, when there was a dispute between two parties and one party had benefited by the judgment of the court, that party should not be deprived of the benefit because of the amendment of the law that has taken place subsequently. The proposed Bill expressly excludes application of this to cases which were decided by the Supreme Court or where the judgments have become final. That anomaly has no relevance to the question of legislative competence. Legislative competence is a thing which has to be examined looking at the entries in the Union List. And Parliament has the power to legislate in respect of elections and it has done that in the past. This is a Bill to amend the existing law; this is intended to amend

[Shri H. R. Gokhale]

the legislation which is in existence. Article 14, as I have submitted, has no application in the present case and still less article 13. Article 13 only says that we cannot pass a law which is in contravention of any of the Fundamental Rights, for example. It has been repeatedly said that the Fundamental Right is violated. Probably the reference was to article 14, because I have not been able to think of any other Fundamental Right.

श्री मधु लिमये मंने और कोई आर्टिकल माइन नही किया है ।

SHRI H. R. GOKHALE: You have cited only article 14. If article 14 had been violated, then article 13 would have been attracted. There also, the question of legislative competence was not there. Legislative competence, as you have rightly observed, Sir, is one thing and Constitutionality or being *ultra vires* is another thing. But since these matters were dealt with in the arguments, I am replying to them. If we have some classification, if the law applies only to a particular class of people, if it picks and chooses, if it applies only to a particular individual as against so many others who would be governed by different laws, then article 14 will be attracted. But here it is not so. Therefore, I would submit that neither article 13 nor article 14 nor any other provision of the Constitution is attracted.

There was a reference to the review provision, article 137 or so. Now, that really has no meaning at all. That reference has no meaning at all because I am told that there is a review petition pending in the Supreme Court filed by Shri Chawla. I have just been told. I am also told that that review petition will not at all be affected by what we are doing. The Supreme Court will not decide the review petition and cannot decide the review petition on the basis of the law that is being passed.

SHRI SOMNATH CHATTERJEE: If Mr. Chawla has filed a review petition and that is pending and if the Supreme Court changes the decision, sought to be nullified by the present Bill, why should we anticipate what the Supreme Court will decide?

SHRI H. R. GOKHALE: He has got a very large experience in review matters. The review petition has been filed and it has not been admitted. The Court has not issued a notice.

SHRI SOMNATH CHATTERJEE: If the review petition is decided in Mr. Chawla's favour....

SHRI H. R. GOKHALE: If Mr. Chawla succeeds or anybody else succeeds, it has nothing to do with the present ordinance. So, there is no point of order actually. I was referring to.....

SHRI SOMNATH CHATTERJEE: The law of the land as declared by the Supreme Court with regard to election expenses you did not accept but you accepted in the case of Gulaknath.

SHRI H. R. GOKHALE: Now, the hon. Member has gone to another point. Probably he is referring to Art. 143 and 141. On that also there are a number of decisions. I have got one ready at hand just now where for example, it has been said that even where an interpretation is given by the court, if the Parliament feels that that interpretation did not express the real intention of the Parliament, the Parliament can pass a law to negative that interpretation. That has been done a number of times. Again, that has no relevance at all to the question of legislative competence. I would, therefore submit that the question of legislative competence does not at all arise.

A reference was made to Art. 14 only so that the proviso to the rule was attracted. Otherwise, neither Art. 14 nor 13 has any relevancy.

SHRI SOMNATH CHATTERJEE: There is a difference between Mr. Chawla and the persons whose petitions are pending.

SHRI S. M. BANERJEE: We are taking from the hon. Minister that no Article has been violated by this and so, the net result is Mr. Chawla goes and others remain.

MR. DEPUTY-SPEAKER: I am concerned only with this limited question whether this Bill will be outside the legislative competence of this House.

I have already remarked earlier that the constitutionality or unconstitutionality of any particular law is not within the jurisdiction of this House. That is to be decided by the Court. Whether it violates Art. 13 or Art. 14 or Art. 137, the Court will decide on that and the Law Minister has given his own views in the matter. But it is quite clear that this is not outside the legislative competence of this House and this House can legislate....

SHRI SOMNATH CHATTERJEE: It is morally incompetent. ....  
(Interruptions).

MR. DEPUTY-SPEAKER: This House is fully competent to legislate on this matter... (Interruptions). Therefore, I put the question to the House

SEVERAL HON. MEMBERS: No, no.

MR. DEPUTY-SPEAKER: What else is there to be done by me?

SHRI MADHU LIMAYE: Let us all walk out including the Chair.

SHRI S. M. BANERJEE: This is a fraud on the Constitution.

Shri Madhu Limaye and some other hon. Members then left the House.

MR. DEPUTY-SPEAKER: Now, the question is:

"That leave be granted to introduce a Bill further to amend the Representation of the People Act, 1951."

The motion was adopted.

SHRI H. R. GOKHALE: Sir, I introduce the Bill.

16.50 hrs.

STATEMENT RE. REPRESENTATION OF THE PEOPLE (AMENDMENT) ORDINANCE, 1974.

MR. DEPUTY-SPEAKER: Mr. Gohale, again.

The Minister of LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): Sir, I beg to lay on the Table an Explanatory statement (Hindi and English versions) giving reasons for immediate legislation by the Representation of the People (Amendment) Ordinance, 1974, as required under Rule 71 (1) of the Rules of Procedure and Conduct of Business in Lok Sabha.

is the DEPUTY-SPEAKER: Item 8-A relates to Shri Joytirmoy Bosu, he has written that he has been waiting and waiting and he cannot wait any more and he has to go to the PAC meeting, and he has requested that this may be taken up tomorrow. That is up to the Speaker to decide. But he has made that request.

Now, we go to the next item.

16 52 hrs.

INDIAN TELEGRAPH (AMENDMENT) BILL

MR. DEPUTY-SPEAKER: Now, we take up further discussion on the Indian Telegraph (Amendment) Bill .....

DR KAILAS (Bombay South)-rose.

MR. DEPUTY-SPEAKER: Mr. Gowder-not here..

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): Only one hour has been allotted for this Bill and already two hours have been taken for this.