

In regard to the specific cases of alleged deaths due to food poisoning in Banda District referred to by the Hon'ble Member, the State Government has reported that one Kalloo lodged a report at Police Station Ailani on 3rd May that five of his relations fell ill after taking bread prepared out of atta which had been collected by begging by his cousin sister in the village Alona. Out of the said five relations, three died before any medical aid could be given in the hospital while the rest two were discharged after recovery. The post mortem of those who died could not clearly establish the cause of death. The viscera is being sent to Chemical Examiner by U.P. Government. We are requesting U.P. Government to communicate to us any additional findings in this case.

11.56 Hrs.

PERSONAL EXPLANATION BY  
MEMBER

श्री चन्द्र शंलानी (हायरस) : अध्यक्ष जी, गत 10 मई को इस सदन में जब फटिलाइजर कारपोरेशन आफ इंडिया के विषय पर चर्चा चल रही थी इसी सदन के एक माननीय सदस्य, श्री एस० एम० बनर्जी ने एक पत्र पढ़ कर मुनाया और यह आरोप लगाया कि यह पत्र मेरे द्वारा लिखा हुआ है। उस पत्र में जो कुछ लिखा गया है उसके विस्तार में तो मैं नहीं जाना चाहता, लेकिन बहुत ही अदब के साथ अर्ज करना चाहता हूँ कि माननीय बनर्जी ने जिस पत्र का हवाला दिया है उसकी फोटो स्टेट कापी मैंने देखी है। यह पत्र मेरे द्वारा नहीं लिखा गया और यह टाइप्ड पत्र नहीं है, बल्कि हाथ से लिखा हुआ है। मैं आपसे विनम्र निवेदन करना चाहता हूँ और विश्वास के साथ यह कहना चाहता हूँ कि दुनिया के बड़े से बड़े एक्सपर्ट को वह पत्र दिखाया जाय। अगर वह पत्र मेरा लिखा हुआ साबित हो जाय तो बड़े से बड़ा जुल्म में सहन करने के लिए तैयार हूँ।

उसमें इस सदन के सम्मानित सदस्य, वरिष्ठ नेता, श्री के० डी० मालवीय और श्री हक्सर के विषय में जो लिखा

गया है, उस सम्बन्ध में मैं केवल इतना कहना चाहता हूँ कि जहाँ तक श्री मालवीय का प्रश्न है वह देश के वरिष्ठ नेताओं में से एक हैं और देश की जनता और देश के लिए उनका जो त्यागपूर्ण जीवन रहा है और जो कुर्बानियाँ उनकी रही हैं, तथा श्री हक्सर ने सरकार में रहकर इस देश और देश की जनता की जो सेवा की है, जो योगदान दिया है वह भुलाया नहीं जा सकता।

अध्यक्ष महोदय : आप बहस मत कीजिये।

श्री चन्द्र शंलानी : ठीक है : मैं केवल इतना ही कहना चाहता हूँ कि वह पत्र मने नहीं लिखा है।

11.59 hrs.

CONSTITUTIONS (THIRTY-SECOND  
AMENDMENT) BILL

THE MINISTER OF HOME AFFAIRS (SHRI UMA SHANKER DIKSHIT) : I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. SPEAKER : Motion moved :

"That leave be granted to introduce a Bill further to amend the Constitution of India."

SHRI SAMAR GUHA (Contai) : I want to oppose the motion for leave to introduce the Bill, for the following reasons.

12.00 Hrs.

A resolution was adopted by this House on the 8th December, 1967 to take steps against this practice of defections. Accordingly, a committee consisting of the Members of all the Opposition parties and also representatives from the Government was formed, and this committee had deliberations and held many meetings, and on the basis of the discussions at those meetings, certain recommendations, some unanimous and some not unanimous—there were some dissenting notes—were also made, and the report was published and circulated by the Government and sent to the Members also.

I agree with the objects of the Bill that the Prime Minister or the Chief Minister

in the case of the States should not continue to hold office without being elected for more than six months. I also agree with the provisions that neither the Prime Minister nor the Chief Ministers should hold office without being elected from the lower House, the Lok Sabha in the case of the Prime Minister, and the Legislative Assembly in the case of the Chief Minister, I quite agree with it.

There were a number of recommendations made. Firstly, there is the code of conduct of the political parties, and a recommendation was made. Then there was a recommendation about the limitation of the size of the council of ministers. Although it was not unanimous, it was the general view of the committee that there should be a limited size of the council of ministers. It was almost accepted.

I may quote from page 8 of the report which says :

"The formula before the committee was that the size of the Council of Ministers should not exceed 10 per cent of the strength of the Lower House in the case of unicameral, and 11 per cent of the strength of the Lower House in the case of bicameral, legislatures; in regard to States and Union Territories where the strength of the legislature was below 100,—” etc.

So, certain recommendations were made.

MR. SPEAKER: These can be gone into at the time of consideration; not when leave is being sought for introduction of the Bill.

Shri Samar Guha: I will finish in one minute. About the right of dissolution being accorded to the council of ministers, questions were raised about the merits. There was also a recommendation made about it. I only want to point out what has been stated in the report which says :

"Compared to roughly 542 cases in the entire period between the First and the Fourth General Election, at least 438 defections occurred in these 12 months alone. Among Independents, 157 out of a total of 376 elected joined various parties in this period. That the lure of office played a dominant part in

decisions of legislators to defect was obvious from the fact that out of 210 defecting legislators of the States of Bihar, Haryana, Madhya Pradesh, Punjab, Rajasthan, Uttar Pradesh and West Bengal, 116 were included in the Councils of Ministers which they helped to bring into being by defections. The other disturbing features of this phenomenon were : multiple acts of defections by the same person or set of persons...” etc.

This cycle of defections has been completed. Unfortunately, the ruling party is a grant conglomeration of defectors of different political parties, from the CPI, from the erstwhile Praja Socialist Party, the erstwhile Socialist Party, the Jan Sangh, the Swatantra party and so on.

Now, there is a sign of defections from the Congress party itself. In the States, there are signs of defection from the Congress party and the Congress people are killing the Congress people there. With a view to consolidate their own position, they are bringing this Bill without consulting the Opposition Members. It was the duty of the Government to consult the Opposition parties before introducing this Bill in the House; at the stage of preparation of the draft they should have been consulted and a consensus should have been evolved...

MR. SPEAKER: You can mention this at the time of the consideration stage.

SHRI SAMAR GUHA: When this Bill was in the stage of drafting, what did we witness in Orissa? What did we see in Manipur? In Banaras recently some of the socialist M.Ps had been allured to defect; in the SSP conference, the highest dignitaries of the Congress Party were present; in fact they addressed that conference and they allured those people to defect. I oppose this Bill because it does not include the consensus that was arrived at by the Defections Committee. The Ruling Party has become a big political super bazar.

MR. SPEAKER: Order, please. This is the introduction stage.

SHRI SAMAR GUHA: I am concluding. This is brought with a view to consolidate the future of the ruling party. This

'should be withdrawn and there should have been consultation with the Opposition Parties and on the basis of the consensus a new Bill should be brought before this House.

**SHRI UMA SHANKAR DIKSHIT:** He has raised certain questions of merit and various details. We are at the stage of introduction of the Bill. All these matters can be considered by the House freely at the time when the Bill is taken up for consideration and we shall certainly deal with them, with the question he has raised as to why defections have taken place and so on. Our understanding of the opinion of the House is that the House as a whole has been wanting a Bill of this kind to come before it...

(Interruptions)

**MR. SPEAKER:** The question is: "That leave be granted to introduce a Bill further to amend the Constitution of India."

*The motion was adopted.*

**SHRI UMA SHANKAR DIKSHIT:** Sir, I introduce the Bill.

12.08 Hrs.

QUESTIONS OF PRIVILEGE—Contd.  
(iii) NON-COMPLIANCE OF THE PROVISIONS OF SECTION 16(2) OF THE INDIAN TARIFF ACT, 1951 BY THE GOVERNMENT

**श्री मधुलिमये (बांका):** अध्यक्ष महोदय, केन्द्र सरकार के मंत्रियों ने पिछले तीन वर्षों में टैरिफ कमीशन कानून की एक महत्वपूर्ण धारा का जो लगातार उल्लंघन किया है, इस सभा के और जनता के अधिकारों पर जो आक्रमण किया है और सदन की जो मान-हानि की है उसका प्रश्न मैं उठाना चाहता हूँ।

इस कानून के खण्ड 16(2) में कहा गया है:

"टैरिफ कमीशन की हर अन्तिम रपट की प्रतिलिपि सरकारी निर्णय के समेत तीन महीनों के अन्दर संसद् के सामने रखनी चाहिए, लेकिन यदि यह रपट नहीं रखी जा सकती है तो उसके कारणों का स्पष्टीकरण

करने वाला वक्तव्य पार्लियामेंट के सामने रखना चाहिए"।

इस कानून ने संसद् को एक बड़ा अधिकार प्रदान किया है और वह है टैरिफ कमीशन की सिफारिशों को प्राप्त करना। यह कमीशन विशेषज्ञों का कमीशन होता है। इनके द्वारा की गई जांच से उपभोक्ताओं को ऊंचे दामों से राहत मिलती है। दामों को नियन्त्रित न करने से मुद्रा स्फीति और दाम वृद्धि से अर्थव्यवस्था का संकटग्रस्त होना अनिवार्य है।

जब से इस मुल्क ने नकली समाजवाद के रास्ते पर आगे कूच शुरू की श्री ललित नारायण मिश्र के नेतृत्व में विदेश व्यापार मंत्रालय ने टैरिफ कमीशन की सिफारिशों को दबाने का काम शुरू किया। पूंजीपतियों से लाखों लाख रुपया वसूलने का इस कमीशन की रपट एक हथियार बन गया है। इसके एवज में पूंजीपतियों को 'दाम बढ़ाने की पूरी छूट दी गई, कृत्रिम ढंग से चीजों का अभाव उत्पन्न किया गया छोटे बुनकरों तथा उपभोक्ताओं का खून चूसने का मिलसिला प्रारम्भ हो गया।

व्यापार मंत्रालय ने लोक सभा सचिवालय को मेरे पत्राचार के बाद अन्त में जो जानकारी दी है, उस से साबित होता है कि:

(1) टैरिफ कमीशन की विस्फोट एमिनटेट फ़िलामेंट और स्टेपल फाइबर की रपट सरकार को 1970 के शुरू के दिनों में प्राप्त हुई। मगर आज तक न इस को सदन के सामने रखा गया है और न ही रखने के कारण बताये गए हैं;

(2) सिन्थेटिक फाइबर रपट 1970 के सितम्बर महीने में सरकार को दी गई। आज तक वह रपट न प्रकाश में आई है और न ही इसको न रखने के कारण कभी लोक सभा को बताये गये हैं;

(3) स्टेपल फाइबर यार्न रपट सरकार को अगस्त, 1972 में मिली। वह भी इसी तरह दबाई गई है;