

CONSTITUTION AMENDMENT  
BILL\*

Amendment of articles 56 and 156)

श्री लिमये (बांक) : मैं प्रस्ताव करता हूँ कि भारत के संविधान का और संशोधन करने वाले विधेयक को पुर स्थापित करने की अनुमति दी जाये ।

MR. DEPUTY-SPEAKER: The question is:

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

The motion was adopted.

श्री मधु लिमये : मैं विधेयक पेश कर रहा हूँ ?

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(Amendment of articles 75 and 164)

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CONSTITUTION AMENDMENT  
BILL—Contd.

(Insertion of new article 83A) by  
Shri C. K. Chandrappan.

MR. DEPUTY-SPEAKER: We shall take up further consideration of the following motion moved by Shri C. K. Chandrappan on the 23rd August, 1974:

"That the Bill further to amend the Constitution of India be taken into consideration."

He had just started on that day. He may now continue.

SHRI C. K. CHANDRAPPAN (Tellicherry): Sir, I have moved this Bill with a view to make our democracy more meaningful so that the Constitution could provide that the elected representatives are accountable to the people. Today when we are discussing this Bill, there is a lot of discussion going on in our country about electoral reforms. I may also recall the recent incidents in Gujarat. It is a State where the ruling party enjoyed massive majority but still they could not continue to rule. There was an agitation and finally the Assembly had to be dissolved. Today a movement is going on in Bihar demanding the dissolution of the Assembly. My party has taken a definite position about this kind of agitations. Whatever may be the motivations behind these agitations, we think they show a certain inherent weakness of our Constitution, which does not provide a democratic method by which the elected representatives of the people will be accountable to the people. Today once somebody is elected for 5 years he is free to do anything by way of corruption, nepotism, favouritism etc. He can even be of immoral character. A person like Mr. Tul Mohan Ram is still sitting with us in Parliament. We have, therefore, to initiate a democratic process by which if the

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[Shri C. K. Chandrappan]

elected members misbehave and forfeit the confidence of the people who elected them, the people should be able to act in a constitutional manner to recall them. I am not saying this just because this is there in several constitutions in the world like Switzerland, USA and all socialist countries. My point is, if such a provision is included in our Constitution, our political life will be cleaner. The right to recall will be a guarantee for that. Our democratic institutions will be more strengthened and the people will be more vigilant about their duties in a democracy.

I do not want to keep one thing vague. There are people who think that the Bihar agitation is an agitation to recall the members because they have become corrupt and are not behaving properly. I do not think so. The agitation which has been let loose in Bihar is an attempt to unleash mobocracy, to create anarchy and subvert the democratic institutions. It will definitely pave the way for fascism in our country. When a member is elected from a constituency, there are a definite number of people who are electing that member. They should be given the right to recall him in whatever manner that may be prescribed for this purpose. Mr. Jayaprakash Narayan's agitation is not that. He is mobilising people from somewhere and using them to force the legislators to resign. That is not what is meant by the right recall. Our party has taken a consistent position with regard to electoral reforms. We believe that democracy in our country can be strengthened by expanding the base of democracy. That is why we always demand for voting rights from the year of 18. We also demand that proportional representation should be constitutionally guaranteed and electoral laws amended to give effect to that. Then only the right to recall will have any meaning. Today there is a possibility of

a member getting elected from a constituency even though he secures only a very small percentage of the votes. It happens in our country in many constituencies that 10 or 12 candidates are contesting the total votes polled is only 30 or 40 per cent and the successful candidate gets only a portion of these 30 or 40 per cent. So, he cannot genuinely say that he is a real representative from that constituency. So, the right to recall should be a part of the total electoral reform that we will bring about in our country to make the electoral system more democratic and more meaningful.

If we adopt this right of recall, it will arm the people with an additional power. The people will be vigilant if they have the constitutional right to recall a member and they will exercise this right when a particular member in Parliament or the State Legislature is not discharging his responsibilities to their full satisfaction. In this way, a member would be accountable to his constituents. Like the Soviet law, there should be a method by which a member can report to the electorate what he has done in Parliament or the State legislature during every session. Now it is left to the discretion of the member to decide whether in the next five years he should even show his face to the electorate. There are many members who do not do that even now. Under the present system of elections the caste, community, religion, money and so many other factors decide whether a member will be re-elected, not his work in the legislature or his performance in the constituency as the representative of the people. When we say that the right of recall should be there, we mean that there should be a provision by which the elected members will go back and report to the people from time to time of their activities so that the electors will know what their representatives are doing.

It is also a corrective measure. Then many of the members will not dare to do what they are now doing. Defection is a common phenomenon now in our country. I know there is a Bill pending to prevent defection. That Bill seems to be a mockery of democracy. It is not at all clear whether that Bill could be implemented and in what way it will be implemented. If we can find out a way as to how we will incorporate this right to recall in the Constitution and the concrete rules with regard to that, then that will create a better atmosphere in the country.

What happens when there is no right to recall? Then, this kind of movement which is taking place in Bihar, which has taken place in Gujarat and which took place long ago in Kerala, in 1959, will be encouraged. There is no point in blaming the people because they do not have any other constitutional methods by which they can exercise their right. In 1959, in Kerala, when there was a properly-elected Government in power, a movement was unleashed against that Government. It was spearheaded by the Congress party, the present Prime Minister who was the President of the ruling party at that time and the Government was brought down. It was referred to in Parliament for so many days. Even at that time, many persons who respected the democratic wishes of the people pointed out that this would lead to a bad precedent and that this would lead to scuttling of democracy at a later stage. It might have been expedient for the ruling party at that time to bring down a democratically-elected Government which was headed by the Communist Party of India in 1959 in Kerala.

In 1973, a similar practice was indulged in by the people in Gujarat. Today, in a much bigger way, the threat to democracy is posed in Bihar and the people say that the

agitation will be spread to other parts of the country also. When they agitate over the demand that the elected representatives should go or the elected Assembly should be dissolved, it is, of course, an attempt to scuttle the democratic institution. But, at the same time, they can point out that there is no constitutional method by which they can recall back those elected representatives who have been proved to be corrupt in the eyes of the electorate. So, this weakness will remain and it will instigate the processes in our country which will endanger democracy in our country. That why I say that the right to recall should be incorporated in the Constitution.

Now, when I speak of this right of recall, certain basic things should also be pointed out. When we say that there should be electoral reforms to strengthen democracy, it cannot happen in a vacuum. It can happen only in relation to certain socio-economic changes which the policies of the Government will initiate. When we say that there are corrupt practices indulged in during elections, at the time of election campaigns, and even after a candidate is elected, when he is compelled to defect from one party to another and he is induced to defect, that is, money plays a big role, how can all this be prevented is a very important thing. Even when we incorporate the right to recall, money influence can play a negative role in the operations of the right to recall. What we believe is that certain fundamental economic changes should be brought about in our country: first, Government should put an end to the parallel economy, to the operation of black money; Government should consciously make propaganda with the cooperation of all the political parties to see that the influence of caste and religion does not play a vital role in the elections; they should also ensure that the black money is com-

[Shri C. K. Chandrappan]

pletely eliminated from the national life. If these influences are not eliminated, even with all good amendments or good changes that we may incorporate in the electoral law or even in the Constitution, we will not be able to bring about any desired change to strengthen democracy in our country.

Our Party, the Communist Party, had considered this problem from the very beginning and our Party had taken a position from the very inception of the Party; in its programme it has been stated:

"It will grant universal and equal suffrage to all male and female citizens in the elections to Parliament, Legislative Assemblies and local bodies through secret ballot. The principle of proportional representation will be adopted in all elections, and the right to recall all elected representatives by the majority of electors will be established."

This is what our Party has thought about electoral reforms which, in our opinion, will help our democracy to thrive in future. Today people like Shri Jayaprakash Narayan and others who are unleashing this movement in Bihar for the dissolution of the Bihar Assembly say, as if they are talking something very new, that they are for a total revolution, for bringing about a total change. But, if you look at the facts, it is not so. All those people who are today supporting Shri Jayaprakash Narayan and his movement were once the protagonists of the present Constitution and they always thought that any change in the Constitution like proportional representation or right to recall would only help the Communists in our country, and they tried to win political power in our country through Constitutional methods. But today they find that their reactionary combination could

not come to power utilising even the present Constitution, and that frustration, that disappointment, is now leading them to a position where they are striking at the very root of the Constitution, the very root of democracy and democratic institutions. That is why we say that this movement is not a movement for strengthening democracy; this movement is a reactionary movement to strengthen the hands of reaction and pave the way for fascism. What we want by way of this amendment and similar things is strengthening the Constitution, strengthening democracy and democratic institutions in our country; we want to make democracy hundred per cent meaningful and make the people the real masters in the democracy and the elected representatives the servants of the people. This is the purpose of this Bill and I commend the Bill for the consideration of the House.

MR DEPUTY-SPEAKER : Motion moved:

"That the Bill further to amend the Constitution of India be taken into consideration."

There is an amendment given notice of by Shri M C Daga. Is he moving that?

SHRI M C. DAGA (Pali): Yes, Sir, I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 2nd March, 1975." (1)

MR. DEPUTY-SPEAKER: If you wish, you may speak on it.

श्री मूल चन्द डागा : उपाध्यक्ष महोदय, आजकल जो यह संविधान के खिलाफ गलियाँ में और सड़कों पर निर्गम लिए जाते हैं उन के आघार पर श्री चन्द्रप्पन एक बड़ा बिल लेकर आ गए हैं और कह रहे हैं कि संविधान के अन्दर ऐसी क्लॉक लगा दी जाय जिस से