

16 50 hrs.

CONSTITUTION (AMENDMENT)
BILL

(Amendment of articles 74 and 132
by Shri C. K. Chandrappan)

SHRI C. K. CHANDRAPPAN
(Tellicherry) Sir I beg to move

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

This Bill seeks to provide a ceiling on the number in the council of ministers in Parliament as well as in State assemblies. I think the whole House will agree that there is need for such a ceiling on the number of the council of ministers. On 8 December 1967 a resolution was unanimously passed in this House. This House is of opinion that a high level committee consisting of representatives of political parties, constitutional experts be set up immediately by the government to consider the problem of legislators changing their allegiance from one party to another and their frequent crossing of the floor in all its aspects and make recommendations in this regard." After that a committee was appointed and it included eminent constitutionalists, representatives of various political parties and other public men. There was a lawyers group. The Committee of Defection produced a report and that report has been placed before us. In that report several important aspects of our political life are discussed, aspects which polluted the atmosphere and created a situation by which democratic institutions could be weakened. The question of defection was one of the very important aspects that the committee discussed. They recommended that there should be a ceiling on the size of the council of ministers.

It is not only because the country could not afford to pay unnecessarily when cabinets are expanded but also because cabinet expansions were used as instruments for defection. Cabinet expansion in many cases had been used as an exercise in political corruption. So, if we want to weed out that kind of corrupt political atmosphere from our country and create healthy traditions to strengthen the democratic institutions various actions have to be taken. A ceiling on the number of ministers at the Centre and the States is one of the steps required.

Some time ago I had an opportunity to move another Bill regarding the right to recall but unfortunately the government was not ready to accept that. Coming to the magnitude of the problem we are facing today, in the introduction to this report it is said

Out of the 742 defections which took place from the first to the fourth general elections 116 defectors were accommodated in the Cabinets of various States.

That means nearly one-fourth of the total defectors were lured to the Cabinet. That is a case of political corruption. You tell them "Please come to this side. We will give you a seat in the Cabinet." There are people ready to cross the floor. That happened in our country in a big way. That is one of the reasons which prompted me to move this Bill. This kind of floor-crossing, defecting from one party to another and multiple defections are another symptom of political instability. Some persons defect from one party to another today. The next day they defect from that party to a third party. The third day they come back to the original party and so on. Haryana is notorious for that, which provoked Mr Chavan to say, "Gaya Rams and Aya Rams." This does not do credit to any country. That does not show the growing maturity of democracy.

in our country. This kind of tendency finds expression when there is political instability in any State.

This committee says:

"That lure of office played a dominant part in the decision of legislators to defect was obvious from the fact that out of 210 defecting legislators of the States of Bihar, Haryana, M.P., Punjab, Rajasthan, U.P. and West Bengal 116 were included in the council of ministers...."

So, my earlier figure was wrong. Out of 210 defectors, 116 found a berth in the council of ministers!

17 hrs.

It is very difficult to study what happened in all States, but I made a sample study of four States. In Bihar, there were ministries which had only 3 members. They could manage. But there were Ministries with 37 members. What was the rationale behind it? Whenever there was political instability in a State, when the Chief Minister thought that his chair was not very safe, he tried to attract members from the opposition and offered them seats in the Council of Ministers. For example, when Shri B. P. Mandal of the Soshit Dal was the Chief Minister, he had a cabinet of 34 members. He was out-done by Shri Kedar Pandey, who had a Cabinet of 35 members, which was later raised to 37. Shri Ghafoor of the Congress Party had a Cabinet of 46 members. How can this be justified? The object should be to have a compact small Cabinet to run the administration efficiently. I am sure, Comrade Ramavatar Shastri will refer to all the tricks played by the Chief Ministers. In fact, there were occasions when in some parties there were no followers because all were Ministers. This happened in Bihar.

Then, take a small State like Manipur. They also indulged in this very brilliant trick of Cabinet-making. The smallest Ministry in that State had only three members. I have tried to study the position there from 1961 to 1975. When Shri Raj Kumar Dorendra Singh was the leader of the Democratic Legislative Party, his Council of Ministers consisted of 19 members. If he had added a few more members, 50 per cent of the Assembly Members would have been in the Council of Ministers. How could this be justified? In the case of a poor and small State like Manipur, whose requirement is very small, the strength of the Council of Ministers had gone to this fantastic figure of 19.

It is the same story in the case of UP when the SVD Ministry was in power. They did the same exercise.

In Punjab this was done by Shri Prakash Singh Badal, who belonged to the Akalis. when he was the Chief Minister. His Ministry had 26 members, and the smallest Ministry in that State had only two members. These are some of the exercises done by Chief Ministers for remaining in office

17.05 hrs.

[SHRI VASANT SATHE in the Chair]

Now, the question is how we can overcome this situation. If we have to overcome this situation, then, first of all, there should be a great political awareness created among the people. Giving them the right of recalling the Members who are defecting is the only answer. If a Member defects, those who elected him must have the right to recall him. This is an enabling provision by which we can see that at least some political morality is imposed on the Chief Ministers because they cannot go beyond a certain limit because of the constitutional limitation binding their hands from indulging

Shri C. K. Chandrappan] in the exercise of political corruption.

The Committee on Defections, after discussions, reached a consensus which was more or less expressed in their Report thus:

"The formula before the Committee was that the size of the Council of Ministers should not exceed ten 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 a bicameral Legislature. In regard to the States and Union Territories where the strength of the Legislatures was below 100, the size of the Council should be fixed so as not to exceed 15 per cent of the strength of the Lower House."

Various parties expressed their positions very clearly in regard to this problem. For example, our party, the Communist Party, took the position as under:

"The size of the Council of Ministers shall be restricted to ten per cent of the total membership of the Lower House or 30, whichever is less."

Shri Jaiprakash Narain said that in regard to the numerical strength, the consensus would be that 50 should be the maximum to which a State can go in making the Council of Ministers. But the unfortunate thing is that many years have passed and the Government has not come forward with any legislation to create a healthy atmosphere in strengthening our democracy. That is the reason why I thought this kind of a Bill should be introduced in this House.

My request would be that the Government should accept that there is need to create an atmosphere by which the democratic institutions will be strengthened, the politics of our country will be cleaned and all those factors which are leading to political corruption will be fully eliminated.

For that there is bold and decisive action required from the Government, but I am sorry to say that the Government is not forthcoming with any suggestions. Their actions are still more disappointing.

Only today we read in papers that the Congress party has adopted six Members from this side to that side of the House, three Members from this House and three Members from the other House. Mr. Stephen will say that at the time of Gujarat discussion, we discussed the same point. He said that the people might change genuinely and, when they change genuinely, they may take a new political position and that new political position might find itself in the expression of their joining a new party. I am not against it. If you ask me, whether it is a good thing, I would say, if a person with a reactionary idea changes to a progressive idea, to a better idea, it is a good thing. But there is a problem. In a parliamentary democracy, in terms of membership of the Legislature or the Parliament, if you exercise this practice, it becomes very difficult.

I do not mind a political party canvassing for its politics, projecting its philosophy, projecting its programme, before the people and attracting the people towards it. It is a good thing. But here the Members of the Legislative Assembly, the Members of Parliament, are the elected people. They are not just individuals. The Members of Parliament are elected by nearly a million people. We are responsible to them. They vote for me; they vote for Mr. Stephen or for Mr. Mavalankar, not just as individuals. You symbolise a certain programme, a certain political party, a certain political ideology. You symbolise certain goals which the people cherish and vote for you. In the House, you are representing a certain philosophy, a certain programme, a certain ideology, certain goals which your voters cherish and vote for you.

I have no business, after coming to this place, to betray my voters and pass on to this side or that side of the House. I can do it in my individual capacity but not as a Member of Parliament, not as a legislator. That is an immoral political action. It is a corrupt political practice. This is being done on a large scale.

Now, if I am not to be misunderstood, I may tell you, in all seriousness that a Jana Sangh Member overnight joined the party on that side under the shadow of Emergency, under the shadow of MISA. It does not strengthen the content of the Congress party. Of course, I am nobody to advise the Congress party. But I am more concerned about the future of democracy in this country. If the reactionary forces are to be fought and defeated, then you have to fight against them, against their ideology and politics not merely by putting them under MISA for 10 days, blackmailing them and taking them to your party. That will lead to a position where you will create political instability in your own ranks. Then, the game of disruption, de-stabilisation, in your party which was done from outside will be played from within. That will be the danger. The disruption will be from within.

That is not going to strengthen the democratic elements in our country. That will weaken the democratic institution in our country. That will create cynicism in the minds of the people, that will create despair; that will create frustration in the minds of the people. Those parties and those individuals who plead or who believe seriously that this country should go on the path of democracy, that this country should attain its goal, that the democratic institution gets strengthened, let us resolve that we will do everything possible to make the democratic institution strong by honestly working for it and sincerely working for it. In that case, I am not saying this is an end in itself—this Bill

or this thing. There are series of remedial measures suggested. A right to recall means that you are accepting the right of the people as the masters and here you are enabling and you are restricting the Chief Ministers as also the Prime Minister in regard to indulging in politically corrupt practices....

SHRI M. RAM GOPAL REDDY
(Nizamabad): *Om Shanti.*

SHRI C. K. CHANDRAPAN: I am only saying that in that spirit the Minister should approach this matter and I also request my friend that no bitterness is meant. It is all an effort to come to a good result and a right conclusion which will strengthen the democracy.

I am commending this Bill for the approval of the House.

SHRI B. V. NAIK (Kanara): As far as the marshalling of facts and figures is concerned, the contemporary and the recent past history of India is concerned and that of the various States, various Ministries irrespective of the parties which were in power, I could not add anything more to what the hon. and learned friend and the mover of this Bill, Shri C. K. Chandrapan has said.

But, while his diagnosis of the malaise or the malady of the body-politic of this country is understandable, while he has gone with a perfectly analytical mind which is evidenced by the facts and figures he has adduced, I wonder whether the solution that he has put forward or he has offered, that the total number or the size of the Council of Ministers should not exceed 10 per cent of the total strength of the Lok Sabha or the competent legislature to which the respective Council of Ministers is accountable—whether this solution or this remedy is the remedy is the thing which this august House should apply its mind to.