

### ANNOUNCEMENT RE COMPLETION OF THE DAY'S BUSINESS

MR. CHAIRMAN: Before We proceed to the rest of the business, I have an announcement to make in connection with the completion of today's business. The following programme will be followed:—

The House will now proceed to discuss the Motion and Resolutions on the Presidential Proclamations on nine States. The discussion will continue up to 6 P.M. Thereafter, the House will adjourn for an hour for the AT HOME arranged in honour of the retiring Members. The House will reassemble at 7 P.M. when the movers of the Motion and the Resolutions will reply. This will be followed by voting on them.

There will be no lunch recess today and the Special Mentions given notice of by Members for today will be considered by me tomorrow.

Now, we go to the Motion. Mr. Bhupesh Gupta.

SHRI BHUPESH GUPTA (West Bengal): Sir, I need not repeat it...

THE LEADER OF THE OPPOSITION (SHRI LAL K. ADVANI): Mr. Chairman...

MR. CHAIRMAN: The Leader of the Opposition wants to say something.

### RE. RULING BY CHAIRMAN ON POINT OF ORDER REGARDING DISSOLUTION OF METROPOLITAN COUNCIL, UNION TERRITORY OF DELHI

THE LEADER OF THE OPPOSITION (SHRI LAL K. ADVANI): Before we start discussion on the Motion and the Resolutions, I want to remind you of your assurance to the House that you would make enquiries about the time at which the Government had decided about the dissolution of the Metropolitan Council and

the time at which the order has been issued. We are awaiting your ruling, on that particular point because it is a very important matter and it will set precedents for the future.

MR. CHAIRMAN: Mr. Leader of the Opposition, you may be interested to know that I have secured that information which I shall place before the House tomorrow. Today is rather an important day. Tomorrow there will be time to speak on it, if you like. My ruling will be given and till then the House will hold itself in peace. I have got it in my pocket. I do my home work very properly. But I do not want to do this today because we have got the Motion of Mr. Bhupesh Gupta and the Resolutions of the Government.

SHRI BHUPESH GUPTA (West Bengal): May God bless your pocket. (Interruptions ">".

SHRI RAMANAND YADAV (Bihar): Now, Sir, Mr. Bhupesh Gupta believes in God.

SHRI BHUPESH GUPTA: Anyway, I am not asking for me. He certainly believes in God. I am not asking for any blessings for me, but I am asking for him only.

### I. MOTION SEEKING REVOCATION OF THE PROCLAMATIONS ISSUED IN RELATION TO THE STATES OF BIHAR, GUJARAT, MADHYA PRADESH, MAHARASHTRA, ORISSA, PUNJAB, RAJASTHAN, TAMIL NADU AND UTTAR PRADESH

### II. STATUTORY RESOLUTIONS SEEKING APPROVAL OF THE PROCLAMATIONS ISSUED IN RELATION TO THE STATES OF BIHAR, GUJARAT, MADHYA PRADESH, MAHARASHTRA, ORISSA, PUNJAB, RAJASTHAN, TAMIL NADU AND UTTAR PRADESH

MR. CHAIRMAN: Yes, Mr. Bhupesh Gupta.

SHRI BHUPESH GUPTA (West Bengal): Sir, I need not read out the Motion. The Motion is one asking for the revocation of the Proclamations with respect to the 9 States, dissolving the Assemblies there.

Sir, it is interesting and intriguing. ..

MR. CHAIRMAN: Mr. Bhupesh Gupta, please read out the Resolution first.

SHRI BHUPESH GUPTA: It is not necessary. But, if you say, Sir, I will read it out. You have not given me a copy even. All right. Give me something. All right. Sir, the Resolution is in my name and in the names of my other colleagues on this side, the entire Opposition. Sir, I move:

"That this House recommends to the President that the Proclamations issued by the President on the 17th February, 1980, under article 356 of the Constitution, in relation to the States of Bihar, Gujarat, Madhya Pradesh, Maharashtra, Orissa, Punjab, Rajasthan, Tamil Nadu and Uttar Pradesh, be revoked."

Now, Sir, I gave this Motion almost at the beginning of this Session, even before the Session started and it has been pending all these days. I have no explanations as to why it could not have been taken up at the beginning of this Session. Is it because, Sir, that, in the meantime, the Government gave a chance to some people to engineer defections of a large scale and ensure such a situation in which we of the Opposition would be in a minority over this matter and they on that side will be in a majority in the count of votes? Otherwise, Sir, I have no explanation whatsoever as to why this motion of mine, on an urgent subject, certainly very controversial, if you like to put it that way, and over which all of us on the Opposition side were so much agitated, was not taken up right in the first week of this Session notwithstanding the insistence of many Members. Drac-

tically all the Members of the Opposition on it. It seems that democracy now, parliamentary democracy now, is working out something like a one-way traffic. Sir, we are now<sup>1</sup> in the midst of a one-way traffic and it does appear, after organising defections, abstentions and absences on a large scale, the Government has come with its own Resolution, knowing full well that it does not have, its party does not have, a majority of its own in the House, for seeking approval of the arbitrary acts of dissolution. Sir, this is not a flattering commentary on the dignity and honour and integrity of our parliamentary institutions and even on our political morals.

Now, Sir, about the dissolution in the 9 States: The Assemblies in these 9 States, by a stroke of pen on the 17th February, were dissolved and, **Sir**, these 9 States mentioned in my motion account for 440 million of India's 650 million population and it comes to 67 per cent of the total population. These nine Assemblies had a total membership of 2239 out of the total of 3770 State Assembly members; I repeat, State Assembly Members, I am not including Union Territories or the Metropolitan Councils. That, again comes to 59.5 per cent of the total Members of State Assembly Members in the country. Surely, Sir, this was a grave and serious act. Any Government should ponder ten times, hundred times, before taking such action. It was not just a dissolution of a few Governments, it was a dissolution of State Assemblies, deprivation of the people of the representatives in the Assemblies and denial to them of popular institution through which they could run their affairs in terms of our Constitution. Sir, that was ignored. Now, Sir, it was done.

When, in 1977, on April 30th, the Janata Government dissolved nine Assemblies, our party came out against these dissolution also, and we went on record very strongly criticising the Janata Government all the time for such arbitrary action in order

[Shri Bhupesh Gupta]

to consolidate its political power, < which meant, in our view the i consolidation of the RSS-Jan Sangh power. Here again—once again—we strongly condemn the arbitrary, almost dictatorial, *mala fide* action of the present Indira Government with a view to extending and consolidating—not, of course, the RSS and Jan Sangh power, but of the one-party rule of the Congress (I) which, in the context, means nothing but personal power of Shrimati Indira Gandhi. And it is only as a matter of courtesy towards some of these friends there that the word 'Congress' occurs in the title of the party; it is "I" party. Now, Sir, just as we were opposed to the consolidation and extension of RSS and Jan Sangh power at that time through dissolution, we are now opposed to the arbitrary method of dissolution for the consolidation of authoritarian, personal power. This is the objective outcome of the situation, and if it is not halted, the inevitable result will be total subversion of the Cabinet-CMm-Parliamentary system, not to speak of the limited autonomy of the States given under our Constitution.

Sir, now, let me come to the arguments given by the Minister. Sir, I have carefully studied them. The first man to speak on that subject from the Government's side in support of the dissolution was the Law Minister, Shri Shiv Shankar. He is not present in this House. He said that the dissolution was very necessary because the non-Congress (I) Governments had lost people's confidence. This was one argument. This was said. The second argument was that the opposition was not cooperating with the Government. Sir, in the course of his argument he even mentioned, surprisingly enough, the Rajya Sabha amendment to the Motion of Thanks to the President that was passed. Sir, I recall that Motion of Thanks. Mr. Shiv Shankar took exception to that motion which was passed unanimously. What was that? The

Motion of Thanks to the President said:

"That an Address be presented to the President in the following terms: —

"That the Members of the Rajya Sabha assembled in this Session are deeply grateful to the President for the Address which he has seen pleased to deliver to both Houses of Parliament assembled together on the 23rd January, 1980, but regret (That is important) that the Address does not take notice of the disturbing attempts of engineer defections on a large scale in the Assemblies in the States under the non-Congress (I) governments and even to arbitrarily dissolve such assemblies in flagrant violation of all federal principles, nor does it give any assurance that the Government will not in any manner encourage, directly or indirectly, such attempts at subverting the Constitution and flouting democratic norms and standard!."

This resolution was a unanimous one of the House. It is not as if the Members sitting on that side voted against it when the final amended motion was put to vote and it went to the President. Therefore, the Government has shown utter contempt towards this House by ignoring this total resolution which even the Government party had voted for. It is a strange situation. Sir, we know that this Government is not responsible to the Rajya Sabha. But Rajya Sabha is one of the two Houses of Parliament and to show disrespect to the House is not only confined to this House, it is a disrespect of Parliament and parliamentary institution and democracy in the country. Can you cite one example from the annals of parliamentary democracy when a Government so cynically, so cold-bloodily, so insolently, had defied with contempt and disdain the very clear direction and resolution of one of the Houses of Parliament? If this is not

a move towards the destruction of democracy, what else is? I do not know. If this is not a notice that authoritative personal power will soon be ruling the country, what other kind of notice we need here? We should have shown some respect. Sir, to add insult to injury, what was done? Defections were organised to transform the minority in a majority, at least for this motion. I can give you some interesting figures. Even in January this year after the poll, the Congress (I) had about 70 Members in this House. On March 3rd this year, their membership went up to 87. Today it is well over 92 in a matter of less than...

SOME HON. MEMBERS- 99.

SHRI BHUPESH GUPTA: I do not know. Mr. Zail Singh should tell us. Here is an Olympic record set. I do not know whether they are thinking of sending a team to the Olympics in Moscow to tell the world that they have established the record of defections that had been seen in any other country in the world in a parliamentary democracy. But, Sir, Rajya Sabha is only one instance. During this period, since Mrs. Indira Gandhi's coming to power, 230 or 240 defections had been organised all over the country, the MLAs and MLCs take together. In Haryana, it was on a mass scale, in Karnataka it was on a mass scale, and in Himachal Pradesh, it was a wholesale buying. In other States, by nocturnal adventures and daylight adventures, people have been won over one by one, and even the ladies had not been spared to defect.

Well, Sir, here is a Bill which was introduced when Smt. Indira Gandhi was the Prime Minister. That Bill was introduced in 1973. It was called the Constitution (Thirty-second Amendment) Bill, 1973. The Bill was introduced by the Home Minister at that time, Mr. Uma Shankar Dikshit, a very staunch supporter, well-wisher, patron and family friend of Smt. Indira Gandhi. Sir, they were so much against defection that in the

Bill they provide in Clause 2(B), and I am quoting;

"If he (a Member) fails or abstains from voting in such a House contrary to any direction issued by such political party or by any person or authority authorised by it in this behalf without obtaining prior permission of such party, person or authority, he will be deemed as a defector and he will be liable to lose his membership."

Sir, they came out against defection at that time with such a vehemence that even if you remain absent defying the whip, you will lose your membership. Are you ready, Smt. Indira Gandhi, to pass this Bill with retrospective effect so that all the 220 people who had defected to your side not because of any abstentions but... I (Time bell rings) No, Sir, I will get more than half an hour on this.

Sir, we had lost their membership. You see the double standard. What else you want? Here is a Bill which is a condemnation of the action. And Mr. Morarji Desai also wanted to pass that Bill because he thought that that is how he could prevent defections from his side. These are the political leaders and parties who believe in defection, who trade on defection, and who are afraid of defection, depending on the situation in which they are faced. Mr. Stephen has come. He is not a defector. He is a person who salutes Sanjay Gandhi as the younger brother.

THE MINISTER OF COMMUNICATIONS (SHRI C. M. STEPHEN): I salute you also.

SHRI BHUPESH GUPTA: Now, Sir, why am I opposed to this? I have given Mr. Shankar's argument. All the arguments are extra-constitutional arguments. My friend, Mr. Zail Singh is here. He is a lovable person to look at certainly. And, Sir, he gave a television interview on Tuesday or \ Wednesday, within two days of the I dissolution. He was asked a question,

*lanri tsnupesth uuptaj*

"If that is so, if the States assemblies had lost their popular support, why have you not dissolved the Assembly of Haryana, the Assembly of Himachal Pradesh or the Assembly of Karnataka?" Sir, Mr. Zail Singh's wise, intelligent and *giani* answer was, "We have Governments there which are supporting Shrimati Indira Gandhi and her policy." Sir, is it the position?

SHRI N. K. P. SALVE (Maharashtra): That wa« in Hindi.

SHRI B iUPESH GUPTA: Sir, is it the position? Sir, you are a lawyer. The Constitution provides for dissolution only on one ground and that ground is given. Sir, it is not necessary for me to read to you but I will just read one line. Article 356 which they have invoked says: "If the President on receipt of a report from the Governor of a State or otherwise, is satisfied that a situation has arisen in which the government of the State cannot be carried on in accordance with the provisions of this Constitution, the President may be Proclamation." etc. etc. Sir, I underline these words. Therefore, Sir, the only requirement is whether the Government of the State was being carried on in accordance with the provisions of the Constitution. Not one Cabinet Member, Mr. Zail Singh, Mr. Shiv Shankar or even Shrimati Indira Gandhi had ever claimed or cited the argument under article 356 of the Constitution and they had not, of course, got a single Governor's report to the effect that the constitutional machinery had broken down in any of the States. Therefore, Sir, the action was immoral, unconstitutional in the broad sense of the term af least illegal, politically motivated and the whole purpose was to justify clearly and blatantly the authoritarian action to sweep away in one single stroke the Assemblies of the nine States in order

to prepare the ground for elections in the hope that they will return to power so that in this House they get the majority of 44 Members elected from those nine new Assemblies, to gain a majority in this House also. The Delhi Metropolitan Council is the latest victim. I am not going into it here. Therefore, Sir the design behind this dissolution must be understood. Now, Sir, look at *the London Financial Times* and see what it has said. I am not a votary of *the London Financial Times*. But, Sir, the *London Financial Times* has commented on it saying that the action has been taken with a view to preparing the ground for the Presidential system. This is what the *London Times*, no, *the Financial Times*, has said, I will read. The *Financial Times* of London has warned that action could be used "to push through amendments to the Constitution effectively muzzling, the opposition to her and establishing a Presidential system". The paper goes on to say that "Mrs. Gandhi will clip the powers of the State and return to over-centralised system of Government". This is the comment of *the Financial Times* which is sympathetic to them in many of its article and other things. All over the world this dissolution has been taken as a deliberate move not only to subvert the autonomy of the State, extend and consolidate personal power but also to prepare the ground so that in the Rajya Sabha they could gain a two-thirds majority to amend the Constitution and to return to the emergency days. They are dreaming of switching over to the Presidential system. Therefore, Sir, the enormity of this issue cannot and must not be underestimated or overlooked. This is why we are opposed to it. Our attitude to some of the Governments which are dissolve is well-known. The issue is not whether the Government dismissed were good or bad. That should have been left to the people. And it should not have been done in order to consolidate one party rule and personal power. Sir, personal power here is very important today. We do not have a De Gaulle

we know it, but De Gaullist ideas are spreading in our country. Some of them, some Cabinet Ministers, are spreading; otherwise, as I said before, I could not think of my good friend Mr. Stephen getting up and saluting Mr. Sanjay Gandhi at the first Parliamentary meeting of the party after the elections. Why salute your younger brother?

SHRIMATI SAROJ KHAPARDE (Maharashtra): There is nothing wrong.

SHRI BHUPESH GUPTA: Why did you not salute Kamalapati?

SHRI C. M. STEPHEN: I will salute you also.

SHRI BHUPESH GUPTA: I am very glad that I have attracted a salute. If you salute me, defect to my side and vote for me. You cannot salute me and carry the commands and do the command performance of Mr. Sanjay Gandhi.

SHRI C. M. STEPHEN: My saluting you does not mean joining you.

SHRI BHUPESH GUPTA: Here is Mr. Zail Singh, he is in consultations, he is not even listening.

MR. CHAIRMAN: Please don't invite people to defect inside the House. You can do it in the lobby.

SHRI BHUPESH GUPTA: Mr. Zail Singh said that Mr. Sanjay Gandhi is his patron. This he said in an interview with the press. I was surprised. Mr. Sanjay Gandhi is, perhaps, almost as young as his grand son, may be, not grand son, because he bears a black beard like my black hair, but certainly, he is not very much younger. But why should he refer to him as his patron. Rather, he should 'be Mr. Gandhi's patron.' But such is the situation today. We are afraid of that. And the State Assemblies have gone. Of course, Sir, they did not succeed in other States. But who are they? Well, I need not take

your time in discussing this. My issue is not whether the Governments were good or bad.

When the 45th Constitution (Amendment) Bill was discussed in this House in 1978, when Article 356, in particular, came in for a discussion, Comrade Ramamurti, we and others of the left, opposed Article 356 and voted against it in order to do away with the business of President's Rule in the country. Sir, the President's Rule which has been proclaimed at least 70 times by now, has been grossly misused time and again. Dr. Ambedkar, sponsoring the Constitutional Amendment and speaking on this Article, said that he expected that this Article would never be used, would scarcely be used; but this Article has been repeatedly used even for factional purposes of the Congress party, and now twice in a matter of 4 years for consolidation of one party rule. That party is in disarray and, therefore, we have the rule of Congress-I, which means the rule of Shrimati Indira Gandhi. And we shall be lucky if, before I retire, I do not see the day when we are in the midst of a rule, full-fledged rule of Mr. Sanjay Gandhi, Mr. Kamal Nath, Mr. R. K. Dhanwan, Mr. Tytler, under the cover of Shrimati Indira Gandhi.

SHRIMATI SAROJ KHAPARDE: You are an elderly person and you know it but I must tell you that they are all respected Members of Parliament. You cannot quote them like this on the floor of this House. You are doing injustice to them... *(Interruptions)*.

SHRI BHUPESH GUPTA: For Mrs. Saroj Khaparde, everybody has affection. ...

SHRIMATI SAROJ KHAPARDE: You should not quote Mr. Sanjay Gandhi like this.

SHRI BHUPESH GUPTA: Therefore, I take your interruption in good grace. But it does not convince me. I am very sorry. And you know how

[Shri Bhupesh Gupta]  
 sorry I feel when I am sorry about you. Sir, this is why we say. Now, we are in the midst of that. They say 'popular co-operation' and 'people had rejected'. What people had rejected? In the Lok Sabha elections, in the nine State assemblies, where dissolution has taken place now, in four of them, the Congress (I) did not get a majority. Majority of votes were cast against the Congress (I) and for different parties. How do you think you had been given the mandate for dissolving these State Assemblies? Even in Tamil Nadu, the Congress (I) got 31.3 per cent of the votes and it gained majority, in alliance with the DMK's 25.8 per cent. How do you then claim that you had been given the mandate to dissolve the State Assemblies? In the first place, you never asked for such a mandate in your election manifesto or otherwise that should you be returned to power at the Centre, you would dissolve the State Assemblies, where you would do a better showing in the elections. Therefore, the question of dissolving the State Assemblies does not arise, in point of fact in point of law. Besides, our constitution envisages that there will be a situation when one type of Government, one party, may be ruling the Centre and other parties may be ruling the States and it should be left to the people of the States themselves to decide as to what they should do when these Governments go wayward or become unpopular or lose their popularity. It is not for the Centre to intervene on political grounds such as this. Certainly, this is not provided for under article 356 of the Constitution. In abusing article 358 of the Constitution, for your narrow, partisan and personal ends, you have subverted the Constitution. Sir, you are a lawyer of great eminence. May I recall to your mind, our mind, the grim experience of the Weimar Constitution of 1922 which Germany had adopted? It was paraded as one of the best liberal bourgeois Constitutions. But that Constitution was violated step by step, in the name of the

Constitution. Each provision of the Weimar Constitution was abused and misused, time and again, to pave the way for a Hitler to come to power and, indeed, Hitler came to power under the Weimar Constitution itself. What is the guarantee, Sir, that in our country, under this Constitution, which was adopted many years ago, there shall not come into power, by molesting it, by violating it, by subverting it, step by step, year by year, the authoritarian personal power, when Parliamentary-cum-Cabinet system will be shadow, when it will only be a husk, the substance having been robbed by the power-crazy party and power-crazy people.

श्री भूपेश गुप्ता : सभापति महोदय, मैं यह जानना चाहती हूँ कि कम्युनिस्ट पार्टी को आपने कितना समय अलॉट किया है। 30 मिनट से ज्यादा हो रहे हैं (Interruptions) मुझे एक बात यह भी कहनी है कि इतना समय सब पार्टी के लोगों को मिलना चाहिए। मुझे सिर्फ इतना ही कहना है।

SHRI BHUPESH GUPTA: They are not afraid of time. Sir, I do not wish to say very much because you are being harassed because of me and this pains me.

Sir, before I sit down, I would like to say, I have made one success today. For a noble cause, I have provoked a lady, a young lady; not for any personal ends at all; but for the cause of the country.

MR. CHAIRMAN: Only five minutes.

SHRI BHUPESH GUPTA: Your five fingers; rightly so, Sir, because that was the hand on which the vote was put. Therefore, do not show that,

MR. CHAIRMAN: This is the right hand and not the left.

SHRI BHUPESH GUPTA: You can say that, but the hand frightens me, it frightens me now, because a great

tragedy has been committed, by the mistaken vote of the people. Angry with the Janata rule, justly annoyed with what they did, revulsion put one day the Janata to power and revulsion has again put the Congress (I) in power. I am not going into it, but I take notice of your hand and I end. I have spoken enough. I do not know what else to speak on this subject. I know the arguments will be given, but I do challenge justify your action in turn of the article 356 of the Constitution that there was a situation in the nine States where the Government of the States could not be carried on in accordance with the provisions of the Constitution. I know it for a fact that they wanted some Governors to submit a report for proclamation. They did not oblige and Mr. Zail Singh has been openly asking them to resign now because they know, they cannot easily dismiss the Governors of State. Make them resign; this is their line, harass them, insult them, create indignities for them so that out of sheer disgust, they leave the gubernatorial proposition in the Raj Bhawan. This is what is happening. We have spoken. Other friends on this side have spoken. We are fighting not for the sake of mere Constitutional propriety or in defence of this or that nicety of the Constitution. We are fighting here for autonomy of the State. We are fighting for the federal principles in the Constitution. We are fighting for democracy where neither authoritarian power, nor the RSS Jana Sangh power could rise again. Now, Sir, we are in the danger of being overwhelmed by authoritarian power. I shudder to think what will happen to this country if this Rajya Sabha loses majority on the opposition side and the ruling party gets two-thirds majority. Sycophany is rampant in that party, despite the fact that there are many honourable men and, Sir, I know it for a fact, I brought it to the notice in 1975 that there was a trend to switch over to the presidential system. A draft constitution—an outline—

was prepared a copy of which still I possess. What is the guarantee that we shall not go back to that horror of emergency, to that outrage and rape of the Constitution at the hands of these power-hungry people, power loving people, calling together, who think of destroying parliamentary cabinet system and placing it under the authoritarian personal power? I therefore, strike a note of warning. My only hope is that in the coming Assembly election in the nine States the Congress (I) party would be defeated in as many Constituencies as possible, so that they can never get a two-thirds majority in this House. This is a matter of challenge. All I say, the democratic norms and value today are at discount. Money power, temptations of office, the plums were being used to engineer defections, to win away people from the Opposition side, to muster strength on the side of the Government and thereby not only defeat the Opposition but carry forward the calculated plan of subverting democracy and replacing the present system by a system of presidential power, already on the high road to misadventure. This is what I say. I do hope that my Motion will get the approval, if not of my friend, Smt. Saroj Khaparde—who is not in a very good company now—but of many of our friends on this side.

Sir, I am very very proud of those colleagues of mine on this side of the House who had bravely, with dignity, with a display of personal character, resisted all kinds of allurements and approaches to defect to the other side, I have the greatest regard for them. I will treasure this thing as a precious memory all my life that even in this trying time when millions and millions of rupees had been spent, when Cabinet Members had raided the homes of the Members of the Opposition at midnight, irrespective of which sex that Member belonged to, even under such trying conditions, there have been



[Shri Bhupesh Gupta] trying conditions, there have been men of honour, integrity and courage. Some of them are sitting here, especially on the Congress(U) benches, for whom I have the greatest respect. (Interruptions).

Sir, I have done. All I say is, save democracy. We on this side of the House are battling in defence of democracy. May we succeed in the battle which would be fought in the mass arena, for which this is my last word: unity of all left, democratic and secular forces is must and life-giving factor. May we all exert our best energies to build up this massive broad-based unity to face the challenging situation, of which this dissolution—arbitrary and dictatorial—is a stern warning. Thank you.

*The question was proposed.*

MR. CHAIRMAN: Now I will call upon Giani Zail Singh to move his Resolutions and then the matter will be open for debate. You will get half an hour, or as much as the other mover. (Interruptions).

PROF. RAMLAL PARIKH (Gujarat): Sir, I have a point of order. Before the hon. Minister moves the Resolution, I have a point of order whether it is in order because each Proclamation is a separate Proclamation and here a Resolution is being moved for all the Proclamations together.

MR. CHAIRMAN: The voting will be separate.

PROF. RAMLAL PARIKH: I want you to examine the Rule of Procedures. How even the debate can be together on all these Resolutions at a time?

MR. CHAIRMAN: I understand that he is moving each Resolution separately.

PROF. RAMLAL PARIKH: The debate also should be conducted separately. Each Resolution should be debated separately. (Interruptions).

MR. CHAIRMAN: Let him move the Resolutions.

THE MINISTER OF STATE IN THE DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI SITARAM KESRI): May I make one request to you? The time which has been allotted to each party through you should be communicated and that time limit must be maintained by the speakers.

MR. CHAIRMAN: May I beg of the House to pay attention to this time schedule? Congress(I)—2 hours and 30 minutes, Janata—55 minutes, Congress(U)—35 minutes, Lok Dal—25 minutes, CPI—15 minutes besides what Mr. Bhupesh Gupta has taken. He has exhausted the time but he will only reply. CPI(M)—15 minutes.

SHRI BHUPESH GUPTA: The mover is excluded.

MR. CHAIRMAN: All-India ADMK—10 minutes, DMK—five minutes and others—45 minutes. This will give us 6 hours of debate and there is a break-up for each party which will be announced after Gianiji has finished moving the Resolutions.

THE MINISTER OF HOME AFFAIRS (GIANI ZAIL SINGH): Sir, I beg to move.....

SHRI BHUPESH GUPTA: What did you say. You beg to move or are you ashamed to move?

GIANI ZAIL SINGH: I said I beg to move. What would you like me to say?

SHRI BHUPESH GUPTA: I would say. Gianiji, if you take my wisdom, that I am ashamed to move.

GIANI ZAIL SINGH: Sir, I beg to move:

"That this House approves the Proclamation issued by the President on the 17th February, 1980, under article 356 of the Constitution, in relation to the State of Bihar."

I also move:

"That this House approves the Proclamation issued by the President on the 17th February, 1980, under article 356 of the Constitution, in relation to the State of Gujarat."

I also move:

"That this House approves the Proclamation issued by the President on the 17th February, 1980, under article 356 of the Constitution, in relation to the State of Madhya Pradesh."

I also move:

"That this House approves the Proclamation issued by the President on the 17th February, 1980, under article 356 of the Constitution, in relation to the State of Maharashtra."

I also move:

"That this House approves the Proclamation issued by the President on the 17th February, 1980, under article 356 of the Constitution, in relation to the State of Orissa."

I also move:

"That this House approves the Proclamation issued by the President on the 17th February, 1980, under article 356 of the Constitution, in relation to the State of Punjab."

I also move:

"That this House approves the Proclamation issued by the President on the 17th February, 1980, under article 356 of the Constitution, in relation to the State of Rajasthan."

dent on the 17th February, 1980, under article 356 of the Constitution, in relation to the State of Rajasthan."

I also move:

"That this House approves the Proclamation issued by the President on the 17th February, 1980, under article 356 of the Constitution, in relation to the State of Tamil Nadu."

I also move:

"That this House approves the Proclamation issued by the President on the 17th February, 1980, under article 356 of the Constitution, in relation to the State of Uttar Pradesh."

*The questions were proposed.*

MR. CHAIRMAN: All the motions and Resolutions which are tabled for today for this purpose have been duly moved.

ज्ञाती जैल तिहू : सम्माननीय सभापति जी, 9 रियासतों के अन्दर राष्ट्रपति शासन के प्रति जो प्रोक्लेमेशन का मत लोक सभा में रखा गया था वह वहाँ से पास हो चुका है, अब राज्य सभा के पास यह मत रख रहा हूँ और वैधानिक तौर पर भी और अखलाकी तौर पर भी और खायतों के अनुसार भी यह एक ऐसा मत है कि जिसको पास करना चाहिए। इस के संबंध में, हमारे जो 1977 में होम मिनिस्टर चौधरी चरण सिंह जी थे उन्होंने बहुत सोच-विचार कर फैसले किए थे और उन्होंने जो पत्र लिखा था उस में उन्होंने यह मेन्शन किया था कि उन्होंने जो इमिनेन्ट और कांस्टीट्यूशनल एक्सपर्ट लायर्स हैं उनसे भी कंसल्ट किया है।

**डा० भाई महावीर (मध्य प्रदेश) :** आपने समर्थन किया था उन का ?

**शानो जल सिंह :** मैंने उन की मुखालिफत की थी । और उन्होंने घाबोर में...

(Interruptions)

**DR. RAFIQ ZAKARIA** (Maharashtra): There should be no interruption Sir.

(Interruptions')

**MR. CHAIRMAN:** The debate was proceeding at a very high level because of the speech of Mr. Bhupesh Gupta, I think, if the House gives a chance, to the others, we will have a very high order of debate on this important question. Mr. Bhupesh Gupta has set this standard; let us follow it.

**शानो जल सिंह :** आनरेबिल चेयरमैन साहब, उन्होंने यह भी कहा था कि यह नेमेसरी नहीं बल्कि आब्लीगेटरी है कि हम ऐसा करें । मैं उस वक़्त चीफ मिनिस्टर था । मुझे भी उनका पत्र मिला । उन्होंने उस लैटर में कहा था कि आप खुद ही विधान सभा को डिस्सात्व करवा दीजिये नहीं तो हम कार्यवाही करेंगे । उन के कार्यवाही करने से पहले तीन-चार प्रांतों के एम० एल० एज० ने सुप्रीम कोर्ट में रिट पिटीशन की इस कार्यवाही को रोकने के लिए । सुप्रीम कोर्ट ने जो फ़ैसले दिये उनकी जरूरत पड़े तो हाउस में वह रख दिये जायेंगे, मगर

अभी मैं इतना ही कहता हूँ कि उन्होंने हमारी दरखास्त को रद्द कर दिया और कहा कि यह उनका कांस्टीट्यूशनल हक है, वह कर सकते हैं । उसके बाद इसी सदन में एक बार डिस्कशन हुआ, शायद 14 जून 1977 को । उसमें जो बहस हुई उसको भी देख सकते हैं । उस वक़्त शायद शांति भूषण जी का मिनिस्टर थे जनता पार्टी के...

**डा भाई महावीर :** शायद ?

**शानो जल सिंह :** शायद इस लिए क्योंकि उन की पार्टी की जो सरकार थी वह पोट फ़ोलियो बदलती रहती थी, कभी होम मिनिस्टर कोई होता था, वही फाइनेंस मिनिस्टर बन जाता था कभी डिप्टी प्राइम मिनिस्टर बन जाता था, इस लिए हो सकता है कि गलती न हो जाये । लेकिन इतना जरूर जानता हूँ कि वे जनता पार्टी के ब्रेन थे । उन्होंने बड़े जोरों से इन स का समर्थन किया । तो मेरे आनरेबिल दोस्त ने कहा कि मैंने उस की मुखालिफत की थी । इस का जवाब मैं बाद में दूंगा । उन्होंने अभी पूछ लिया तो मैं बता देता हूँ, चेयरमैन साहब, कि सच्ची बात यह है कि मैंने उन की बात का विरोध किया था । मेरे और दोस्तों ने भी किया था । हम इस बात का विरोध करते ही रहते क्योंकि जम्हूरियत के जो मुनहरी उमूल है वे यह हैं कि या तो मेजारिटी की बात मान ली जाये और अगर मेजारिटी और माइनारिटी में कंफ़िक्ट हो जाये तो फिर जूडीशियरी की बात मान ली जाए । हम माइनारिटी में थे, हमारी बात नहीं मानी गयी; मेजारिटी की मानी गयी । जब हम ने सुप्रीम कोर्ट जो कि हाईएस्ट जूडीशियल कोर्ट है हिन्दुस्तान की, अदालत की

तो उन्होंने भी फतवा हमारी राय के खिलाफ दिया। तो जम्हूरियत के उसूल के आगे हम ने सिर झुका दिया और मेजरिटी का और जूडीशियरी का फैसला हम ने मान लिया। अब यह इतिहास की बात है कि उन्होंने भी 9 स्टेटों में प्रेसीडेंट कल किया था और उन्होंने किसी गवर्नर की रिपोर्ट नहीं मांगी थी और हम ने भी गवर्नर की रिपोर्ट नहीं मांगी। केस बिल्कुल तैयार पड़ा था। हम ने उस को देखा और देखने के बाद हम ने सोचा कि बेशक यह हमारे विरोधियों का फैसला है, हम उस को नहीं मानते थे, लेकिन अगर वे एक अच्छी रवायत पैदा कर गये हैं तो हम उस को आगे ले जाये। तो मेरा यह खयाल था...

**श्री समावर्ति :** जानी जो, अब अपनी जगह सिद्धां जो को देता हूँ, लेकिन जाने के पहले आप को शेर सुना देता हूँ।

**जानी जल सिंह :** बहुत-बहुत शुक्रिया।

**श्री समावर्ति :** आप ने यह शेर तो सुना होगा —

“हम आ भी करते हैं तो हो जाते हैं बदनाम, वे कल भी करते हैं तो चर्चा नहीं होता।”

I. P. M.

**जानी जल सिंह :** जनाब आपने बहुत अच्छा कहा।

MR. DEPUTY CHAIRMAN in the Chair).

**श्री १० राममूर्ति (तमिलनाडु) :** उन्होंने तो शेर सुना दिया आप भी सुनाओ।

**जानी जल सिंह :** मैं चाहता हूँ कि हाउस का कम वक्त लू लेकिन कहीं और सुनाऊंगा।

डिप्टी चेयरमैन साहब, हमारी कोशिश यह थी कि जल्द से जल्द लोग अपनी राय देकर वहाँ अपने प्रतिनिधि की सरकारें बना लें। लेकिन इलेक्शन कमीशन ने जो पहली वोटिंग लिस्टें थीं उनका रिवीजन का काम पहले ही शुरू कर दिया था इसलिए उन्होंने कहा कि हम दो महीने में इलेक्शन नहीं कर सकते। अगर दो महीने की मियाद के अन्दर इलेक्शन हो जाते तो इसको पार्लियामेंट में लाने की जरूरत न होती। अब इसको मियाद 16 अप्रैल को खत्म हो रही है इसलिए जरूरी है कि हम इनको पार्लियामेंट में लाएं। लोक सभा ने इसको पास कर दिया है और मैं दरखास्त बढांगा कि राज्य सभा भी इसको परवान करे। मेरी अर्ज है कि विरोध के लिए विरोधता करना कोई ऊँचे दर्जे की सिपासत नहीं होती। हमारे दोस्त गुप्त जी की कुछ बातें आई हैं और कुछ और बातें भी सुनने को मिलेगी मैं इन सबका जवाब दूंगा। मैं सी०पी०आई० और सी०पी०एम० को अभी कुछ नहीं कहता लेकिन मेरी दरखास्त है कि हमारे जनता पार्टी के नेता और लोकदल के नेता लोगों का यह इखलाकी फर्ज बनता है कि जो काम उन्होंने किया था अगर वही काम हमने कर दिया तो वहाँ हमारी प्रशंसा और हमारी सपोर्ट करे। खैर अगर वह हमारी प्रशंसा नहीं कर सकते, हम को बधाई नहीं दे सकते तो कम से कम इस बात के खिलाफ तो न बोलें। बोलने से जनता को कचहरी में उनकी स्टैंडर्ड और नीचा जाएगा। मैं आशा करता हूँ कि वह इस को सपोर्ट करेंगे। मैं ज्यादा कुछ न कहते हुए इन शब्दों के साथ यह प्रस्ताव आपके सामने रखता हूँ।

SHRI ERA SEZHIAN (Tamil Nadu): Mr. Deputy Chairman, Sir, I rise to support the motion moved by Mr. Bhupesh Gupta and al. to oppose the Statutory Resolutions

[Shri Era Sezhiyan]

moved by the hon. Home Minister. When there was a demand to have these Proclamations discussed in this House under a motion of Mr. Bhupesh Gupta, the hon. Leader of the House, Mr. Pranab Mukherjee, said that the Government would bring this motion at the appropriate time. When Mr. A. G. Kulkarni wanted to move a motion on Friday two weeks ago, there was a concerted move to stall discussion on that motion I do not know what Mr. Pranab Mukherjee meant by the 'appropriate time'. I think much appropriation has gone into to bring about the 'appropriate time' to discuss this one.

Sir, the Congress (I) fought the elections on the slogan of stability at the Centre. They wanted to create a stable Centre. They have a stable majority in the other House. Because they lack a workable number in this House, to achieve, stability in this House so much horse-trading went on. The business of horse-trading probably has brought about a stable majority now for them.

As has been rightly pointed out by the CPI leader, Mr. Bhupesh Gupta this has been done against the expressed wish of the House. Even though the amendment was moved by the Opposition, once it has been passed, it becomes the resolution of this House, it becomes the wish of the House. I am aware that it is only recommendatory in its character. Though not statutory or mandatory, a resolution passed by this House should have been given due respect by the ruling party. I want to know what respect, what consideration, was shown by the Leader of the House, by the ruling party, by the Congress (I) when the resolution was adopted by this House, before they went into action. This is the proper forum because here is the House which has adopted the motion, expressed the wish. What happened to the expressed wish of the House? In what way did the Government took into consideration the expressed wish of the House?

Again and again it has been said that the present Government is following the footsteps of the Janata Government, what they did in 1977. The hon. Home Minister, Mr. Zail Singh, also referred to the letter written by the then Home Minister, Mr. Charan Singh and the statement made by the then Law Minister, Mr. Shanti Bhushan. Sir, I want to put it on record that this Government has not followed either the procedure adopted by the Janata Government or the concern shown by the Janata Government. You go through it carefully. The Assemblies were dissolved on the 30th of April, 1977, but the letter by Mr. Charan Singh was written on the 18th of April, 1977 to the respective Chief Ministers giving the grounds for the proposed action to be taken. That means they told them in advance the grounds on which the dissolution was about to take place, giving them ample scope to go to the court. As you are fully aware, Sir, Article 356 of the Constitution mentions about satisfaction of the President. It cannot be questioned unless you can prove the *mala fides* or the extraneous considerations that have gone into this one. Unless I have got the official stand, unless an official spokesman has given me the reason for dissolving these Assemblies, I cannot approach the court. I can only come here before the House and put my views. But the Janata Government gave an advance notice and the circumstances under which it proposed to take the action. Mr. Zail Singh also, who was the Chief Minister of Punjab, received such a letter. He also referred to that one. Then they went to the Supreme Court. The Supreme Court also took into consideration the letter written by the Home Minister and the statement made by the Law Minister and found the basis to come to a conclusion whether that can be sustained or not. Only after getting the Supreme Court's verdict, the Janata Government went into action.

I want to know from the hon. Minister whether any premonition

was given by the Government to the respective States, whether *the* grounds on which they proposed to take the action, were ever revealed before-hand so that any person who was to be affected, could approach the court. They say that they are following the Janata Government. Did you write or did you give even after the dissolution any official version on why the respective States were dissolved? I do not think that a blanket reason is going to apply to all the States whether it was the AIDMK Government or the Lok Dal Government or the Janata Government; the same thing could not apply to every State. It is not a blanket order written *to* be signed hurriedly by the President. The commissions of every State would be different. The Janata Government wrote the letter much in advance which formed the basis to go to the court. He also referred to the judgment. I wish the Home Minister reads the judgment carefully. It has not an all-time applicability. Under certain circumstances, under the situation that had been created after the Emergency, certain facts were placed before the Supreme Court, and when they gave the judgment, they were very categorical in saying that this could not be applied for all times to come. It is not as *ii* whenever the Central Government wants, it can dissolve a State Assembly and dismiss the Ministry. Mr. Justice Bhagwati and Mr. Justice Gupta in their Judgment have clearly stated:

"Now, we have no doubt at all that merely because the ruling party in a State suffers defeat in the elections to the Lok Sabha or, for that matter, in the panchayat elections, that by itself can be no ground for saying that the government of the State cannot be carried on in accordance with the provisions of the Constitution. The federal structure under our Constitution clearly postulates that there may be one party in power in the State and another at the Centre. It *is* also not an unusual phenomenon

that the same electorate may elect a majority of members of one party to the Legislative Assembly while, at the same time, electing a majority of members of another party to the Lok Sabha."

Therefore, when the Supreme Court gave the verdict, they were quite conscious of a particular situation created after the elections to the Lok Sabha in 1977. They were very clear and almost gave this warning that this could not be applied *ipso facto* to every State whenever the Central Government wants to intervene in that State; that just because a party in the State has lost the elections to the Lok Sabha or the panchayat elections, the Central Government cannot interfere. Further the judgment said.

"It is not the case that just an ordinary defeat has been suffered by the ruling party in these States in the elections to the Lok Sabha. There has been a total rout of the candidates belonging to the ruling party."

Therefore, they took into consideration a particular situation, a situation created by the Emergency.

The situation emerged on the background that led to the elections and the complete rout that visited the Congress Party then. It relates not only to the defeat in the elections; it relates to the entire character of the Emergency. As you are aware, once an Emergency is clamped on the country—not only a single Emergency but a double dose of Emergency was clamped in 1975 on this country—the federal character under the Constitution was simply brushed aside and it became a unitary form of Government. The States cannot function. It has been very well put by the Judges themselves. I do not want to quote the entire thing. If anybody wants to read it, he can read it. A peculiar situation, an extraordinary situation was created by the Emergency. Mrs. Gandhi has herself conceded that for the next one thousand

[Shri Era Sezhiyan]

years, Emergency will not come. I will be far more happy if it is not going to come within a decade or so. Things are not waiting for a thousand years. Within a thousand days or even a thousand hours, it may come at any time, the way things are going. After the Emergency when the unitary form of Government was firmly established, when the States became simply limbs of the Central Government, and when a massive defeat was given on the question of emergency—that was the thing that was taken into consideration by the Supreme Court. In the judgment it was said that it was not a simple defeat; it was a total rout." The figures have been given by Mr. Bhupesh Gupta when he spoke in this connection. It is not as if the Janata Government disturbed all the States where the Congress lost. For example, in Maharashtra also they lost very heavily but that State was not taken into consideration. Not only were the seats massively won by the Jan. 1a Party and the Congress completely routed in a number of States, but in the matter of votes also, if you take all the States where the Assemblies were dissolved at that time, the Janata Party won more than 50 per cent of the votes polled, 52 to 68 per cent—not negative or es but positive ones. As was pointed out here in four States the ruling party new got only 36 per cent of the votes. For example, in Uttar Pradesh, the Lok Dal has got 28 seats or so. Therefore, blindly you cannot apply the same norms here. That does not satisfy all the conditions. Then the rout was complete. The rejection by the people and the electorate; was unequivocally clear. Not only it was a negative vote. Positively also the Janata Party had won. But now, even where you won by securing 36 per cent of the votes, you *had* the temerity to apply the same norm

When they applied dissolution, they did not do it stealthily. Here, what have you done? The proclama-

tions were issued on the 17th February. On February 10th the Parliamentary Affairs Minister. Shri Bhishma Narain Singh, said to the Press in Patna "that the Centre was not going to dissolve the Assemblies in the non-Congress (I) ruled States, as had been done by the Janata Government in 1977." Here, our Home Minister is saying that they are following the foot-steps of the Janata Government. You should be discreet. Why are following the path of deception? Why are you deceiving and giving false information—information patently false. On February 10th he says that 'we are not going to dissolve Assemblies in the non-Congress (I) ruled States, as was done by the Janata Government in 1977'. Mr. Pranab Mukherjee, hon'ble Leader of the House, was also present in Patna on that day. The Press report\* stated that Mr. Pranab Mukherjee asserted at a news conference today that there was no proposal before Centre for dismissing the Governments in the States'.

Two Ministers, two hon'ble Ministers, following the Gandhian path the path of Mrs. Gandhi, not of Mahatma Gandhi—came before the Press and said that the Centre had no intention to dissolve any State Assembly. I would like to know : the hon. Home Minister what happened between February 10th and February 17th. This House is entitled to know that. After the 30th of January when we passed a Resolution and after February 10th, when these two Ministers stated as above, what was the compelling reasons to impose emergency in all these States?

In a statement issued by the Law Minister on February 18th after the issue of the proclamations, he said that the attitude of the opposition parties is symptomatic of non-cooperation and it clearly indicates the trend leading to complication of problems which would arise in the smooth working of the Government". Non-co-operation of the opposition parties. How? Where do they want op-

position parties to cooperate? Just because an amendment has been moved and passed in this House, they say that the opposition is not cooperating. Therefore, dissolve all the Assemblies where the opposition has majority.

I would like to know from hon. Minister, Mr. Zail Singh, what kind of cooperation he wants from the opposition. Here is the taste of things to come. He gave an interview in the Delhi Television. There he was asked why Haryana Assembly was not dissolved...

SHRI BHUPESH GUPTA: And Karnataka.

SHRI ERA SEZHIYAN: He said that "the Assemblies of Haryana, Himachal Pradesh and Karnataka, where the Congress (I) Governments were formed after the January poll were not dissolved as there was no point in removing those who accepted the leadership of Mrs. Gandhi and wanted to implement her programmes and policies."

Therefore, Governments will be spared if they accept the leadership of Mrs. Gandhi and agree to implement her programmes and policies, not the programmes and policies of the Central Government. It is not the programme or the policies of the Government, but it is the leadership of an individual, the leadership of Mrs. Gandhi. That is what he has said in the interview on the Door-darshan of Delhi.

Then, Sir, Mr. J. B. Patnaik, the Minister of Tourism and Civil Aviation—he has flown even higher—has said something on the 18th and this news item has appeared on the 19th February. The news item says:—

"Welcoming the dissolution of the Orissa State Assembly, Mr. J. B. Patnaik said that the dissolution should have been done much earlier. He also said that since the Lok Dal Government in Orissa does not have

any self-respect or wisdom, it has to be thrown out of power".

What kind of self-respect he wants, Sir? Does he want the self-respect of the Haryana Government?

AN HON. MEMBER: Of the 'Aya Rams' and 'Gaya Rams'.

SHRI ERA SEZHIYAN: Does he want the self-respect of the Bhajan Lal Government or of the Governments that stood the test of time?

Then, Sir, Mr. Zail Singh, while introducing this, narrated this one:

"In 1977, we approached the Supreme Court and we contested the case and once the Supreme Court gave a decision, we all bowed and accepted the decision and we are now implementing that decision."

I appreciate the humility which he has shown now. But, at that time Sir, what kind of humility did he show? After getting the Supreme Court judgement on the 29th April, the Assemblies were dissolved on the 30th and on the 2nd of the next month—this is the report that has come in the press—the outgoing Chief Minister of Punjab, that is the honourable Mr. Zail Singh, said this to the press:

"The Centre has exercised its power for political reasons by dissolving the Assemblies. In dissolving the State Assemblies, the ruling party has given the proof of its assuming, dictatorship on a large scale".

After getting the Supreme Court judgement, this is what he said...

SHRI MAHADEO PRASAD VERMA (Uttar Pradesh): This was his version.

N SHRI ERA SEZHIYAN: This was his version at that time. Now only, he has shown the humility. (*Time bell rings*). U will finish in a few minutes, Sir.



[Shri Era Sezhiyan]

Then, Sir, the Railway Minister, Mr. Kamalapati Tripathi, has given his version when the State Assemblies were dissolved. I am giving only a few instances and there are different versions coming from different authorities and we do not know which is the basic reason which compelled this Government and the President to dissolve the State Assemblies. In the holy city of Varanasi, on the 18th February, he said, Mr. Kamalapati Tripathi has said:

"The States were not only non-co-operative, but also they were not pursuing the policies of Mrs. Gandhi and were trying to create such a situation in which the Centre could not fulfil the promises made to the people."

Therefore, it is the Congress (I), it is Mrs. Gandhi, and unless you accept the leadership of Mrs. Gandhi, you wiH not be allowed.

MR. DEPUTY CHAIRMAN: I am only saying that you are taking your party's time.

SHRI ERA SEZHIYAN: How much time?

MR. DEPUTY CHAIRMAN: I am giving 55 minutes.

SHRI ERA SEZHIYAN: I wiH take 20 minutes and I will finish.

MR. DEPUTY CHAIRMAN: That is all right. But keep this in mind.

SHRI ERA SEZHIYAN: Addressing some MLA\* and MPs Mrs. Gandhi is reported to have said to the 27th February like this:

"Unity, hard work and discipline are the need of the hour and are necessary to convince the people that the Congress (I) Party is the only party which could fulfil their aspirations."

She advised them to be united, to do hard work and to remain disciplined.

Strangely it was the advice given by her to the MLAs and MPs of Haryana. Thi\* advice was given once they left other parties and came to her fold and not before they left their parties. This advice was given by her to them, ask^ing to be united and to remain disciplined, but after their defection. Thi» is the kind of advice she has given them.

Now, the position before the country and the House is that once a State Assembly is dissolved the Assembly is dead and it cannot be revived. Unless an opportunity is given to us to go to the court and the grounds are known before action is taken, it is difficult to present the mischief. Probably, that was the first occasion when an opportunity was given by the Janata Party to them to approach the courts giving them the possible time and grounds on which action was proposed to be taken. So, when the Assemblies get dissolved, it is very difficult to revive them because they are dead. Secondly, even with regard to the Proclamation, it will have a life of two months only. Even if this House and the other House reject the motion of approval it will not run for more than two months. Probably, they can bring forward another Ordinance just I on the last day. Constitutionally that is possible. But democratically it wiH not be right.

The way things are moving, the way the Centre is taking over the States' administration, the way the Ministers are bullying, and asking the States to obey the demigods or demigoddesses at Delhi. It is a serious and dangerous situation that is emerging.

In Trivendrum, a Congress (I) leader has been reported to have said that the Centre would dismiss within hours any State Government which does not implement the Centre's policies. This is the warning given to the State Governments.

Another Minister has gone to Bengal and he said that he would throw the entire State into the Bay of Bengal.

SHRI BHUPESH GUPTA: He said that he would not rest till he has thrown it. He is resting already...  
(Interruptions)

SHRI ERA SEZHIYAN: In the old Puranas we have the story that Lord Vishnu taking the 'Varaha Avtar' took the entire earth—into the sea. I do not know whether the modern "Varaha Avatars" adorning the treasury benches are trying to roll the States, and push them into the nearby seas.

Coming to the end, Sir, India is bound to be a federal system, with its vast dimensions, with many languages, many cultures, many traditions, customs, history...

SHRI N. K. P. SALVE: Is our Constitution federal in character?

SHRI ERA SEZHIYAN: I think so. But you are trying to change it into a unitary form... (Interruptions).

There is a very good book entitled 'Presidential Rule in India 1950-1974'. And this is the conclusion that the learned author. Mr. B. D. Dua, has come to:

"Though the study of presidential rule is the study of one aspect of the Centre-State relations, this dissertation looked into the problem from a very wide perspective of system analysis. In the process, the study highlighted the importance of presidential rule not only as a means to an understanding of the Indian federal system and its development over time but also the Indian political system within which this federal system worked. Thus, it illuminated some of the critical aspects of the working of the Indian polity, thereby providing a fresh insight into the developmental politics of India. Neither the Congress Party nor its leadership came out with any credit in

the proper use of the Constitution but that was how it was to be.

"Presidential rule was designed to preserve political unity against the threat of dysfunctional diversities. After a quarter of a century, it has become the means of establishing Central predominance"

Sir, in the other House one of the Ministers said that those who are in the Janata should not object these dissolutions, and that those in glass house should not throw stones. Sir, I am proud that the Janata lives in glass house: Whatever we do is observed by others and whatever others do we observe. We feel, Sir, that the tender plant of democracy can only be preserved in a glass house: it will never thrive in the dark dungeon cell of authoritarianism... (Interruptions).

Thank you, Sir.

SHRI DEVENDRA NATH DWIVEDI (Uttar Pradesh): Mr. Deputy Chairman, Sir, I am grateful to you for giving me an opportunity to participate in this very important discussion. Sir, I had imagined that as the first speaker from this side of the House I shall have the difficult task of replying to the arguments and points made by the hon. Members opposite. But I must express my gratitude to hon. Mr. Bhupesh Gupta and also Mr. Sezhiyan for having made my task very easy. Their arguments lacked in substance, and their arguments lacked in conviction. It appears that following the advice of the American Senator Mr. Henry Buggort, they have just decided to oppose. Mr. Henry Buggort used to say: Never mind what it is: just oppose. This was his philosophy and they have opposed on that philosophy. The people of this country have been watching with all trepidation how the Janata leaders and the other opposition leaders in the past few days have been speaking on the question of dissolution which is just the opposite of what they said three years ago. Sir, that re-

[Shri Devendra Nath Dwivedi] minds me of a joke that used to be current in the United States of America. It is about how people react not on the basis of what is done but on the basis of who has done it. When Roosevelt was the President of the United States of America, some Senator? approached him and protested against the manner in which the United States was supporting the dictatorial regimes in countries of Asia and other parts of the world. They said that that was something, inconsistent with the profession and practice of democracy by America. In that connection, they referred to the Shah of Iran. After listening to the Senators, Franklin Roosevelt replied in his typical colloquial manner. I use his words. I am quoting him. Mr. Roosevelt said:

"Yes, Mr. Senator, I agree with all that you have said. Mr. Senator I also agree that the Shah of Iran is the son of a bitch. But you know that he is my son of a bitch, not Stalin's son of a bitch and that makes the difference".

So this is the difference. Mr. Sezhian, all the other Janata leaders and the Lok Dal leaders are taking the position today that since it is Mrs. Indira Gandhi who has done it, therefore it is wrong. They have not gone beyond that. Sir, I listened with great patience and respect to the speeches of Shri Bhupesh Gupta who is regarded as the grand old man of this House. But of late he has started behaving as if he was the angry old man of the House. Sir, he used words of English languages in a manner as if they mean just the opposite of what they are supposed to mean and what they mean in the dictionary. He used 'democracy or going to the people' as anti-democratic. We have dissolved the Assemblies so that we can go to the people. The very definition of democracy is to govern with the consent of the people. We have decided to go to them. But Bhupesh Dada thinks that it is anti-democratic. We have acted within the parameters

of Article 356 of the Constitution. They call it 'flagrant' violation of the Constitution'. By the manner he has used these words, I am reminded of Alice in Wonderland where words mean just the opposite. I will just suggest Jnan Peeth Award to hon. Bhupesh Gupta for using English words in an altogether different sense which is just the opposite sense. Sir, the opposition's case has no legs to stand upon. They have made one or two points. I will deal with them a little later. Before that I want to make one or two points to put the case of dissolution in its correct perspective. I want to make one preliminary observation. That is that I for one am not going to invoke the Janata Party's precedent of 1977 or the Supreme Court judgement although the Supreme Court judgement is very much in our favour and the Janata Party precedent also goes in our favour. There are thousand and one reasons why we ought to have dissolved the Assemblies even if the Janata Party had not dissolved them in June 1977. Even if they had not done it, there were compelling reasons for us to do it. Even if the Supreme Court had not decided the way it did, we would have done what we have done because what we have done was a national imperative. Sir, I beg to submit with your kind permission that against the background not only of the verdict of the people, in 1980 but of all that has happened, in the past three years, we have to judge our action. Sir, I said earlier that it was a national imperative. Sir, I beg to say that we would have violated the spirit of the Constitution if we had not dissolved the Assemblies and ordered a fresh poll. Sir, it would have been an act of betrayal if we had not allowed the people to make the damage done at the State level by the Janata and what they did at the Central level. Sir, we have invoked the sovereignty of people. That is what we have done. We have not imposed the Presidential Rule so that the Centre can rule the States for months together. Before long

they are going to announce the dates of elections. All that we have done is to read correctly the meaning and significance of the verdict of the people of India given in January, 1980.

Sir, there are two aspects of the dissolution matter. One is Constitutional and the other is political. Sir, the Constitution has been invoked time and again by hon. Members opposite. Therefore, first I should like to deal with the Constitutional aspect. Sir, the Constitution has to be seen in its entirety; a total view of the Indian Constitution has to be taken. The Constitution of India is not just an amalgam of conflicting ideologies and systems of Government. It is an organic whole. There is a vital connection between the various provisions of the Constitution. The framers of the Constitution of India were not angry old-men. They were men of vision, they were men of foresight; they were men of imagination, and they had deep insight into the Indian realities. They drew upon the rich heritage of the democratic world. They studied the various Constitutions, they studied the functioning of the various systems, and they carved out a system of Government, a theory of Government which could meet the economic, social and political exigencies of the Indian realities and also which could suit to the Indian genius. Sir, we have tried to bring about a scheme of Government and a theory of Government which is a combination of the parliamentary system of Government and the federal system of Government. And in that process, Sir, we have rejected some of the classical orthodox features of federalism. Sir, we have accepted what is normally called the quasi-federalism. I should like to call it Centralised Federation because the Constitution of India contains certain features of Federation which are not to be found in any part of the world. Sir, we have a Constitution not only for the Centre but also for the States. This

residual powers are with the Centre. And what to speak of others, article 356 has made a departure from all the known Federations. We have broken a new ground in the experiment of Federation. And we have innovated new structural technique for inter-Governmental co-operation, a kind of thing which has not been attempted anywhere in the world or in any other country. Sir, I do not dwell at length about the strong elements of unitariness in our Constitution. Suffice it to say that ours is a kind of quasi-federation which is not classical and which has emphasised the need for unity in diversity which is the operational principle of the Indian society. Sir, when we look at the Constitution, we look not only at the written text of the Constitution, the words of the Constitution but also the spirit of the Constitution, the democratic spirit that underlines the Constitution, the basic assumption\* which underlie the parliamentary system of Government which is combined with a kind of quasi-federation that we have accepted. Sir sometimes I am amazed at the manner in which the Constitution is invoked. Sir, invoking the form of the Government and allowing the subversion of the spirit of the Constitution, invoking one text of the Constitution and allowing the total subversion of the total spirit of the Constitution is what all that the Opposition is doing. Sir, what has been happening in the past two or three years? It is not a question of the breakdown of constitutional machinery after January 1980. It is a question of total breakdown of constitutional machinery in the past two years at the Centre as well as in all the States. Any Government worth its salt\* at the Centre should have at least dissolved five or six State Assemblies and ordered fresh polls if they really respected the wishes of the people. Sir, we have not violated the letter of the Constitution and we have not violated the spirit of the Constitution. We have only discharged the duties which are

[Shri Devendra Nath Dwivedi]

enjoyed upon us in pursuance of article 355 and article 356 of the Constitution.

Sir, there is no mention of our having a strong Centre as against the weak States. The Constitution of India and the Congress Party in the past thirty years has believed in a strong Centre and in strong States. The two go together and we are not weakening the States. I again say we are not weakening the States. Have we brought about any change in the Seventh Schedule, which deals with the Union List, the Concurrent List and the State List? Have we done anything which impinges upon the States' rights. All what we have done is to enable the people to have strong States. Far from weakening the Centre-State relations, this will strengthen the Centre-States relations and you will put it on an even keel. Sir, this much in regard to the constitutional aspects.

Now, Sir, as I said at the very outset, I regard it primarily as a political question. That is why I have said that I do not have to invoke anything done under article 356 which is not justiciable and therefore I do not have to quote the Supreme Court. But we have to view the decision to dissolve the State Assemblies against the background of the totality of the circumstances obtaining in the country for the past two and a half years. Sir, what was the situation in the past two and a half years? Against this background the elections were held. Against this background the people decided the way they did. They are comparing 1977 election with 1980 elections. I am amazed at how they can compare the two elections. In 1977 it was the North Indian phenomena. In State after State you lost. You talk of massive mandate. You talk of totality. What happened in Andhra? What happened in Karnataka? What happened in Kerala? What happened in all these States? This time it is an

all-India phenomena. This time it is an all-India victory. My God, protect the country when they say this was the reflection of the popular will in March 1977. But there is another basic difference between January poll of 1980 and the March poll of 1977. Sir, March 1977 poll was pure and simple a negative vote. Due to the excesses of emergency people were angered. They voted against the Congress. They did not know what the Janata was. The Janata was the manifestation of the popular agent, a temporary one, which has been proved now. It was nothing more than the expression of popular anger. The Janata itself was the expression of popular anger against the Congress but no sooner had the results been announced the people realised what they had done. What has happened now. Has anybody shed tears except the opposition leaders and pseudo-intellectuals over the defeat of the Janata? I have witnessed the popular reaction on the date it was announced that Shrimati Indira Gandhi had lost the elections. People could not believe it. They suddenly realised what they had done out of anger. Before the whole

thing was clear the people started realising that probably what had been done had to be undone. They wanted to do it sooner rather than later but they did not allow it. What did the Janata do? There was a systematic destruction of all the Constitutional and democratic fabric that we have built over the years. What the Janata did, Sir, was that the democratic institutions were subject to unprecedented strains. There was breakdown of the Constitution right from the beginning, right from the time Morarji bhai was nominated as the leader and the future Prime Minister by Jayaprakash Babu. Beginning with that, what they did was nothing but negation of the Constitutional practices, democratic practice\* democratic theory and democracy as already practised here.

Result was that soon, within months, there was a total alienation between

the people and the Government, and Governments of all the States as well as of the Centre ran out of mandate. I remember, if I may be permitted to quote what I had said in the joint session of Parliament itself, that Janata party has already run out of mandate that is how people started reacting; they have run out of mandate and they have allowed months and years together to pass before the people of India get an opportunity. The people of India got the opportunity and this time they have not rejected Janata at the Centre; they have returned Shrimati Indira Gandhi to power not to rule the Union Territories only but to rule all over India, as one villager told me the other day in Varanasi, my home town. He said:

हमने इंदिरा गांधी को सिर्फ दिल्ली भेजने  
के लिए वोट नहीं दिया। देश को सम्भालो।

Sir, implicit in the verdict of the people was a directive to the Congress Party to enable the people of India to elect new Governments in the State\*. This is my interpretation of their verdict. It is not a question of there not having been any mention in the manifesto. What has happened is more important. Everybody in this country expected that soon after Shrimati Indira Gandhi has won the election, fresh elections will be ordered for the simple reason that they wanted a strong Government not only at the Centre but also at the State level. Honourable Atal Bihari Vajpayee said yesterday in the Lok Sabha that people have voted for a strong Centre only. No, they have voted for strong Governments at the Centre and the States. And now they are going to get an opportunity.

Sir, they are talking as if we have decided to postpone elections. We are holding elections and that is the most democratic and Constitutional thing that can happen. We are enabling the people to elect their Governments so that they may have a Government which functions.

Sir, they are talking of politics of consensus. These days, this word have become very prominent in the statements of the Opposition leaders. They talk of politics of consensus, as against politics of confrontation. Sir, our country- democratic theory is based on politics of consensus. For the past thirty years of Congress rule, this has been the basis. But who destroyed it and who brought politics of confrontation in Indian politics? It is the present leaders of Opposition. What happened in 1974 and what happened in the past while they were ruling? You can understand somebody pursuing the politics of confrontation in opposition but they were pursuing the policy of confrontation while in Government. They won the election but they behaved as if they had won a war, and they treated Mjs. Gandhi as a prisoner of war for all times. What have they not done? They have subverted democracy. They have tried to politicise the judiciary. They have played havoc with the bureaucracy and they have tried to nullify the election of a Lok Sabha Member, a person like Mrs. Indira Gandhi. She was elected but they said: No, you are not elected, you go back. So the people said: All right; we will elect Mrs. Indira Gandhi with 350-odd people together so that you cannot send them back. So, Sir, when it comes to acting in accordance with the provisions in our Constitution, beginning with March 1977, they never acted in accordance with the provisions of the Constitution. And as to the total breakdown of the Constitution machinery, I could again say that even before the elections, there was a total breakdown of the Constitutional machinery, particularly in the State from which I come, namely, U.P. Sir, in U.P., Mr. Banarsi Das was the Chief Minister. Here, I would like to tell a joke which is current in America. In America, they used to say that three different Presidents of the United States had proven three different things. President Roosevelt

[Shri Devendra Nath Dwivedi] proved that one can be President for an indefinite period. Then came Truman and he proved that any torn, dick and harry can become the President of the United States and speaking of Eisenhower, they say that he had proved that Americans do not need a President. Mr. Banarsi Das has proved that we do not need a Government. But, Sir, the people of U.P. need a Government. They would like to have a Government which can deliver the goods they want a Government which can improve the law and order situation. Sir, the Members opposite have walked about the law and order situation not having deteriorated sufficiently, to justify the Presidential intervention. How sufficiently is 'sufficient'. Sir? To what extent the law and order situation should deteriorate? How many murders have to be committed? How many rapes have to be done? How many assaults have to be made? How many robberies have to be made? How many such incidents should take place before the opposition leaders can say 'it is now arithmetically alright and you can impose President's Rule'. They are talking nonsense; they are talking rot. There was a total breakdown in the law and order situation. They have given a go by to the land reforms and other programmes of the past. The bureaucracy and the judiciary were all used as the handmaidens of the Janata Government. Sir, if this dissolution had not taken place, it is difficult for me to imagine as to what would have happened. Sir, since you have rung the bell, I would conclude, because there are other hon. Members of my party, who are abler than me and who will be speaking later. Hence, I would like to conclude by saying one simple thing. People, are the ultimate legitimiser of things. We have decided to go to the people. Don't be afraid. You should not be afraid of going to the people. I know why they are afraid of the people, because, they know they will be rejected. Now, you can not help it. As a German

philosopher has said—I hope my hon. colleague will correct me if I am wrong—I think, it is Mr. Brecht who said that you can elect a new Government, but you cannot elect a new people. If they want to remain in power or if they want to dislodge us, they will have to elect a new people. Unfortunately, they cannot do this. Sir, I would like to conclude by mentioning just one or two points. This election has energised democracy. This election has given a new lease of life to democracy in this country. This has shown a new vitality in our democratic system. Now, India stands to the crossroads. Under Mr. Indira Gandhi, people have rendezvous with destiny, as somebody has said. If they really believe in consensus, if they believe in the politics of consensus let them co-operate in nation-building. Let them co-operate, come forward. If they are defeated, they should accept the defeat with good grace. They should accept defeat with humility, as we accepted it with humility in March, 1977. Mrs. Gandhi has given a call to the opposition leaders to co-operate with her, to come forward, not to keep her in power, but to make the people prosperous, to remove poverty and to make India again as one of the countries which is respected all over the world. Now, you go abroad and find out what is happening today. Again people have started taking India seriously. I would most respectfully urge the hon. opposition leaders not to continue with their sense of negativism and not to oppose the Presidential Proclamation. I would urge my hon. friend, Mr. Bhupesh Gupta, to withdraw his Motion and I would urge the House to extend its wholehearted support to the Motion moved by the hon. Home Minister, Mr. Zail Singh.

SHRI V. B. RAJU (Andhra Pradesh): Mr. Deputy Chairman, Sir, in the name of the Constitution some clandestine effort is being made to subvert the Constitution. The same thing we used to say about democracy also. In the name of democracy, de-

mocracy was sought to be destroyed. It is not an intelligent argument here, in the House, that counts. I am aware that party discipline and majority, they decide the fate of the Resolution Or the Motion. Let us at this moment consider about the three values or objectives that we have committed to protect. Federalism and democracy are the main features of the Constitution. But there has been of late a growing tendency towards greater centralisation. What from the opposition we are worried is that this anxiety for over-centralisation may destroy the basic values or the political values and basic features of the Constitution.

What is the first article of our Constitution? "India, that is Bharat, shall be a Union of States," but the 'Union of States, is not a unitary State. We may find the absence of the words 'federal' and 'federation' in the Constitution, but the content of federalism is incorporated in the articles of the Constitution. It is not merely by articulation and expression that we can keep, what you call, the federal character of the Constitution, but by the spirit. Everything cannot be written into the Constitution. The working of the Constitution requires a spirit of understanding and tolerance. This is not a matter to be fought in the courts, it basically a political matter and this should actually be tackled in a political way. Only through the instrumentality of politics we can make this correction or apply a brake to this over-centralisation. Unfortunately, whichever party is at the helm, it reveals a tendency to grab more power. I am only sorry to say here that in 1977 we had the same experience. In fact, my party has been sandwiched between the Janata Party and the Congress(I) Party. Now suddenly the Congress (I) finds a virtue in certain actions of the Janata party and they would like to And an alibi. Why? Why can't you stand on your own? Time and again why do you take the name of the Janata Party? We know that the electorate rejected the Janata

Party and ousted the Lok Dal because of their mistakes and the electorate has given you a mandate a massive mandate to do something different from what the Janata Party Government had done. This spirit of "tooth for tooth" or "eye to eye" is not good. To work out a democratic polity it requires tremendous tolerance and patience. Because the Janata Party destroyed nine Congress States—the united Congress at that time—so the Congress (I)—would like to destroy nine States. In fact, when the united Congress was in rule, it never faltered, it tried to stick up at least to the letter of the Constitution, in the sense that they used to get the Governor's report. I am sorry the Janata Party created a very wrong precedent in 1977. Let us forget about it. Let us remove 2 P.M. that chapter from the political history of this country. I am sorry to say that the party in power at the moment is perpetuating that wrong attitude taken at that time.

Sir, what is President's rule? It means converting a federal polity into a unitary system in the State. President's rule means rule of the Union Council of Ministers. It is rule from Delhi. But India cannot be ruled from Delhi, let it be understood. There were reasons at the time of the framing of the Constitution, in the preparation of the lists of subjects and certain other matters, or incorporating the emergency provisions. There were certain reasons at that time—the war with Pakistan, the food problem, the integration of the 1 States and many other things which were really required for nation-building. They were there. But the party in power today seems to forget that the States have acquired a personality and identity particularly after 1956.

[The Vice-Chairman (Shri R. R. Morarka) in the Chair].

After the linguistic reorganisation had taken place, the States are



[Shri V. B. Raju]

acquiring a certain identity and personality and they are asserting. In fact, when it is Union of States, the strength of the Union is derived from the strength of the States. Weak States are no guarantee for a strong Union. And now has the idea come of a strong Centre? Some people talk loudly about a strong Centre. In fact, Mr. Vice-Chairman, I would like the jurists to examine whether the word "Centre" is found in any article of the Constitution. Conceptually, it is a mistaken notion that there is something as a "Centre". It is only a "Union". Centre means that everything should revolve round it. The word "Centre" was an imperial concept when power was centralised in the Governor-General-in-Council or the Viceroy when there were only provinces. We have gone a long distance from that concept. We have come to the concept of a "Union" and of our recognising the States. Never weaken the States and make them bend on their knees before you. The States should stand on their own. That is the real strength of this "Union".

So, anything that is being done or will be done to weaken the States' polity or the States' autonomy will in the long run ruin the integrity of the country, the integrity of the nation also. I am sure this matter will be taken seriously—not only about this Government's attitude but even about the attitude of the earlier Government—that certain forces in this country are determined to centralise polity and destroy States' autonomy. I am sure the democratic forces in the country will take this challenge. It shall not be confined to the debate here. The politics in this House is not the complete picture. Even in the politics outside, the Opposition parties are not going to take it as a mere academic matter, as a mere administrative matter, or a mere political issue. For the protection of federalism and democracy, any sacrifice is called for. This country can never

get away from the committed political philosophy of republicism, federalism and democracy.

Sir, article 356 is the most misused Article in the Constitution. I should say, in arithmetical terms, the Presidents of this country have chosen to issue Proclamations under this article 65 times. Sixty-five times this article has been used! This has been ever used. I think my friends know that this article corresponds to section 93 of the Government of India Act, 1935, which was the obnoxious section which the then vanguard party—the Congress—which was actually conducting the freedom movement, condemned. It was there to serve the imperial purpose.

Even Dr. Ambedkar had seen the danger inherent in this article and he had said that this would be a dead letter and it would not be used. But even the framers of the Constitution, Mr. Vice-Chairman, did not visualise that this article will be so misused by the Janata Party and its successor—Congress (I).

They never expected that this will be used for political party interests. In fact, article 356 should be studied along with article 355. Article 355 places an obligation on the Union Government to come to the rescue of the State if it has to face any internal trouble or external aggression. Instead of going to the rescue of the State what is sought to be done is that the democratically elected legislatures are, with a stroke of pen, being destroyed. And all this is being done in the name of the people. It is a convenient cloak to take the name of the people.

Mr. Vice-Chairman, political parties are the heart of a democratic politics and elections are the heart beats. The heart beats must be there. Elections must be there but it should not beat very fast. There should not be more elections than necessary. If the country is to experience elections every year, the election fever that

you generate in this country will ruin the country's economy. I am afraid the economic misery of this country is because of not only mismanagement but because of political over-activation. It is not good. Therefore, going to the people again and again—what will the people decide? Did the people draft the constitution? A few trusted people sat for them. They had the stamp of the people. The people vote any Party to rule or to govern but do not give a massive mandate to stand by you for your misrule. "This is not a massive mandate for your misrule."

Another thing, defection has been given respectability. "Either you defect or be prepared to be dissolved." This is the process through which defections are encouraged. Unfortunately, the party which brought the Anti-Defection Bill which was discussed for three years in a Select Committee, the same party today in a naked manner, is encouraging defection. Where does it lead to? We all walk into your parlour. So what? Let us take the example of a country boat; we are all sailing in a country boat. The ship of the State also is something like that. Getting frightened if we all go to one side of the boat the boat will sink. The same thing we told Mr. Charan Singh while we were discussing on the same subject in 1977; "the first act of your omission and commission against your own manifesto, is misuse of article 356 for political party purposes." We told him that he was destroying the Congress opposition. Strong opposition is the real health in any democracy. "When you destroy the opposition it is the beginning of the destruction of your own party. Internal rumblings within your party will start the moment the opposition is actually liquidated."

It has happened, and I wish you take a lesson. The Janata Party did, not take lesson from the defeat of the Congress in 1977. That was Congress (R); it was not Congress (I) and if

the Congress (I) does not take lesson from the defeat of the Janata Party or the Lok Dal there is no wisdom left in them. This is a very sad story. It is 65 times that the promulgation has been issued by the President intervening in the State polity destroying State autonomy. The break-up is like this. During Mrs. Gandhi's rule out of 65 times it has been issued 39 times. (Interruption) Sir, this happened thirty-nine times. That great man, Jawaharlal Nehru, after the enforcement of the Constitution, ruled the country as Prime Minister for 14 years, four months and three days. In his time it happened only seven times. Lal Bahadurji was there for one year, seven months and three days and it happened only two times. Mr. Morarji Desai was there for two years, three months and 23 days and it happened thirteen times. We do not spare Morarjibhai for this. We will not spare anybody, for that matter. We won't spare ourselves too. Sir, Mr. Charan Singh, in his rule of five months and nineteen days, did it four times. The only Prime Minister who did not do this was Nandaji—and he was Prime Minister twice—every time for 14 days. I think Nandaji's name alone will go into history. If you say his was a caretaker Government, well, even Mr. Charan Singh's Government was also a caretaker Government. Nandaji had at least the majority in the House but Mr. Charan Singh had no majority in the House and still he did it four times. Can you excuse these Prime Ministers? If I am wedded to federalism and if I am wedded to democracy, no, to whichever party I may belong. This is a national question. Power is no more the whole of political process than profit is everything of economics. So, if power alone is the motivation and nothing else in the world, then I do not know who can save this country.

This, Sir, is the story in a nutshell, about the misuse of article 356. It is loosely worded and Parliament needs

[Shri V. B. Raju]

to reconsider that article. The time may come when a sensible Government will take up redrafting of that article.

Sir, I would just take <sup>U</sup>P a few more points and then conclude. Shelter is sought to be taken under the judgment of the Supreme Court. The Supreme Court said, "We cannot take cognizance of the subjective satisfaction of the President, but if the reasons are given for that we shall certainly go into it." I think the Law Minister is aware of it,

SHRI N. K. P. SALVE: That is misreading of the judgment.

SHRI V. B. RAJU: Am I doing it? I am not spelling out their wording but for your benefit I will read it. What is if they have said? There was nothing i<sub>n</sub> the judgment justifying it.

SHRI N. K. P. SALVE: They will go into any extraneous and irrelevant remarks.

SHRI V. B. RAJU: That is what I am going to say. Thank you very much. They cannot go into the subjective satisfaction of the President. Once the reasons are given, they will i come into the picture. The Law Minister has chosen to give the reasons after the Cabinet decision.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI SHIV SHANKAR): You have misread my speech. I am going to say about

SHRI V. B. RAJU: No. We have got your PIB release.

SHRI SHIV SHANKAR: I am going to assert it here.

SHRI V. B. RAJU: And what are those reasons? Non-co-operation by the Opposition is one. Shall I read that? I would only be taking the time of this House. I would like to have it circulated to every Member. What

is the role of the Opposition? Is it Her Majesty's Opposition? Have you understood the role of the Opposition? The electorate have an abiding interest in the role of the Opposition; they would like the Opposition to behave as a watchdog and to highlight all the failings. We will do it certainly, in spite of the Law Minister's contention. Then he says that he has the suspicion that the State Assemblies might not ratify the Constitution (Amendment) Bill. In one breath he says this. In the other he says that it may not be necessary. If they are going to delay the ratification, by the dissolution will it be expedited? The action is most contradictory. What exactly is the view of the Government? Even now will the Government take the House into confidence and state the reasons why they have been dissolved? What is the non-co-operation? You have got the right to give directions to the State Governments. Even article 365 helps you. But that has not come into the limelight now. The Home Ministry has been kind enough not to misuse that and say that they have not been complied with. Now what is there under the Constitution that you have done? You have just treated the State Governments as the State Governments treat their municipalities and local bodies, nothing more than that. I think the Law Minister is the spokesman of the Government on legal matters when he says that these are the things. I would like that this matter be debated even for the benefit of the future Law Minister. After the Cabinet meeting, now he has given reasons. As I said, we are not going to seek the help of the courts in this matter. It is a political fight and we will fight it politically. Nobody is afraid of elections. Who is afraid of elections? Even the Janata Party used to say the same thing and my friends who are sitting on that side when they were sitting this side were speaking the same language as I am speaking now. (Interruptions) No, I am not blaming you. Sometimes in the condition in which you are placed

you cannot express yourself openly

and fearlessly. I sympathise with you.  
(*Interruptions*)

Then take the principle of uniformity and the doctrine of conformity. Where do they come from? Sir, in this country, with the dual polity, we were having till the fourth election—including the fourth election—simultaneous elections for Lok Sabha and for the State Assemblies. It changed only from the fifth election in 1971. I remember those days. The Law Minister was not present in Parliament at that time and he was not an active political participant at that time. (*Interruptions*). Why do you repeat that, I have committed mistakes, but I do not want to commit again mistakes of that nature. A wise man and an unwise man both commit mistakes. But a wise man does not repeat the same mistake. That is the difference. We are not angels. We are not angels like the Law Minister not to commit mistakes. Therefore, that is not the point. In 1971, the argument that was advanced was that the issues that would matter in the Assembly elections were different from the national issues that would come up in the elections to Lok Sabha. That was the argument and on that argument two elections have been fought. Even now I appeal to the ruling party: If you want to conform to the doctrine of conformity, let us see that a Constitutional amendment is made so that the elections are held simultaneously. Then this trouble would not arise. I want to see that the people are saved from frequent elections and from the threat of dissolutions. "If you do not follow my line of action, if you do not contribute to my way of thinking, I dissolve the Assembly and I check you out". That should not be the approach. Election is not a small matter. Mr. Law Minister, you have faced two elections. You know how much misery you must have faced. If you want to wreak vengeance against your enemy you set him up in election. We know how our workers suffered in the elections. It is not like an invitation to a dinner. Therefore, don't treat the elections so

lightly. What amount of prejudice, anger or animosity would be roused at the time of the elections? I am not speaking as a partisan, I am not having a partisan approach. I am only keeping in view the country's future in the next one decade or two. When the younger generation has to shoulder the responsibility, what political culture are we handing them over? I am sorry I have taken a few minutes more.

Sir, I will remind the ruling party that generally people vote down the Governments. They do not often vote the opposition with an intent to putting them in power. Be careful. You have to take care that the Government is not voted down. It is not the aspiration of the people to vote the opposition to power. Incidentally the advantage accrues to them. I would like to warn the ruling party about frequent use of the word "massive mandate". The ignorant people, the poor people, the toiling millions, the women, the minorities, the Harijans, the unorganised rural people have voted you to power or Mrs. Gandhi to power. But take note that the urban middle classes the elite the intellectuals, the organised workers, the organised employees, the fourth state can create difficulty for you. Do not think that the unorganised masses which have voted you, will be pleading for you, in favour of this dissolution. No. These matters will become really debating points. Therefore, Sir, it is not a small matter and this is not something that can be left to the whims and fancies of individuals. It is a national matter. Under Article 356 for two months the Union Government has political permissiveness. For two months they can do anything. It cannot be undone. You have dissolved the Assemblies. Even if we do not agree, they do not get rebirth. Nothing will happen. This is the political permissiveness allowed by the Constitution framers to the Union Government. Do not misuse the permissiveness. You should attempt to prevent from actually entering into your head this "political arrogance."

**श्री महादेव प्रसाद वर्मा:** मान्यवर, सन् 77 और 80 की तुलना में मैं नहीं जाना चाहता। बहुत सी ऐसी बातें हैं जिनको हमारे लायक दोस्तों ने सामने रख दिया। माननीय गृह मंत्री ने जो दलीलें दी हैं और भी उस पक्ष के लोगों ने कहा है उससे केवल एक चीज सामने आती है कि तुमने हमारी थाली गंदी कर दी इसलिए हम तुम्हारी थाली भी गंदी कर देंगे। यह कोई आर्गुमेंट नहीं है। मैं जानना चाहता हूँ कि सत्तारूढ़ दल चाहता क्या है। मैं थोड़ा सा ध्यान आपका आपके द्वारा सन् 75 की तरफ ले जाना चाहता हूँ। टोटल पावर इन्दिरा जी के हाथ में थी। दो बटा तीन मेज्योरिटी राज्य सभा में थी और दो बटा तीन मेज्योरिटी लोक सभा में थी। कॅबिनेट में सब उनके मंत्री थे। दक्षिण की बात तो दूर उत्तर भारत में भी कोई प्रदेश ऐसा नहीं था जहाँ पर डायरेक्ट अराउंटमेंट गवर्नर की तरफ से न हो। सब जगह उनके अपने मुख्य मंत्री थे और वे भी लगता था एक ही कुन्बे के हैं। बिहार में मित्र, उड़ीसा में सत्वधी, मध्य प्रदेश में शुक्ला, उत्तर प्रदेश में तिवारी मुख्य मंत्री थे। एक जगह झा और दूसरी जगह जोशी लगता था एक ही कुन्बे के मुख्य मंत्री थे। जैसे एक कहावत है— अंधा बांटे सेब इयां अपने-अपने को दे। यह स्थिति थी सन् 75 में। टोटल पावर इन पार्लियामेंट और टोटल पावर इन स्टेट्स। इसका नतीजा देश को क्या भुगतना पड़ा यह मैं बता देना चाहता हूँ कि इमरजेंसी लागू की गई और सारे कानून बदले गये। क्या मिला जनतंत्र को? उस शक्ति से न गरीबी दूर हुई और न ही देश के भ्रष्टाचार को हटाया जा सका, बल्कि देश में और अधिक भ्रष्टाचार फैल गया और नौकरशाही की लूट मच गई। उस शक्ति से देश का कोई सवाल हल नहीं हुआ बल्कि देश में जो लोकतंत्र था, आजादी थी वह मटियमेट हो गई। आप उसी शक्ति को फिर अजित करना चाहते हैं। मैं पूछना चाहता

हूँ कि उस शक्ति से क्या नतीजा निकलेगा? एक बार आपने उस शक्ति से इस देश का नक्शा देख लिया और यह भी देख लिया कि देश की सम्पूर्ण शक्ति एक व्यक्ति के हाथ में केन्द्रित हो जाने से देश को क्या नतीजा भुगतना पड़ता है। आज भी और उस समय भी यही नारा था कि इन्दिरा इज इंडिया एंड इंडिया इज इन्दिरा। लोक सभा और राज्य सभा में कुल मिलाकर कांग्रेस के पांच सौ से भी अधिक सदस्य थे। लेकिन इमरजेंसी आने के बाद आपको क्या फल मिला, यह आप देख चुके हैं। इमरजेंसी में जनतंत्र का गला घोंटा गया। कांग्रेस के जो आनबल मिनिस्टर उस वक्त थे वे चुं तक नहीं कर पाये। यही स्थिति आज भी हो गई है और आगे होने जा रही है।

मुझे जहाँ तक मालूम हुआ है उससे पता लगता है कि ऐसेम्बलियों का डिजोल्यूशन एक नवजवान के आदेश पर हुआ है। कोई कायदा नहीं, कोई कानून नहीं और कोई अन्य स्थिति भी नहीं थी। इसके समर्थन में अब जो कुछ कहा जा रहा है वे सब बहाने हैं। एक व्यक्ति ने ऊपर से आर्डर दिया कि यह करो, इसलिए कर दिया गया। यह स्थिति हमारे देश की होने जा रही है। यह स्थिति देश को कहां ले जाएगी, इस पर हमें विचार करना है। मैं उन सब बातों में नहीं जाना चाहता जो माननीय सदस्यों ने कही हैं। लेकिन यह कहना चाहता हूँ कि जनता पार्टी ने कुछ भूलों की दृष्टि में कोई सन्देह नहीं है उसकी एक भूल यह हुई कि वे अगर एक नेता को तानाशाह मानकर चले होते तो कम से कम यह स्थिति न आती। उन्होंने लोकतन्त्र को जनतन्त्र को एक रूप देने की कोशिश की। लेकिन तीस साल तक कांग्रेस के अन्दर जिस आबोहवा में लोग पल हुए थे उसमें जनतन्त्र की सिप्रिट ही मर चुकी थी, उसमें तानाशाही की बूझा गई थी। इसीलिए वह चली गई। वे आपस में मिलजुल कर काम नहीं कर सक, आपस में लड़ते रहे। इसके लिए जनता ने उनको सबक भी

दिया। लेकिन मैं कुछ स्पष्ट सवाल पूछना चाहता हूँ। अगर यह सिद्धान्त स्वीकार होने जा रहा है कि जो पार्टी केन्द्र में सत्ता में रहेगी उसी पार्टी की हुकुमत स्टेट्स में रहेगी तो आपको इस सिद्धान्त को स्वीकार करने का भी जबाब देना चाहिए कि इस देश में संघीय शासन-व्यवस्था का क्या होगा? दूसरी बात मैं यह पूछना चाहता हूँ कि फर्ज कीजिये, आपकी पार्टी राज्यों में चुनाव नहीं जीतती है क्योंकि पता नहीं जनमत क्या रख लेता है, आप स्टेट्स में हार जाते हैं तो क्या केन्द्रीय सरकार इस्तीफा देने के लिए तैयार है? आप यह वायदा कर सकते हैं कि अगर आप स्टेट्स में हार गये तो केन्द्र से भी आप इस्तीफा दे देंगे। मैं यह मानता हूँ कि केन्द्रीय सरकारों को राज्य सरकारों को आदेश देने का अधिकार है, हटाने का अधिकार है लेकिन संविधान में राज्य सरकारों को केन्द्रीय सरकार को हटाने का कोई अधिकार नहीं है। लेकिन फिर भी नैतिकता का यह तकाजा है कि अगर राज्यों में कांग्रेस-आई हार जाती है तो केन्द्र में उनकी सरकार को इस्तीफा दे देना चाहिए। मैं यह पूछना चाहता हूँ कि अगर केन्द्रीय सरकार ऐसा नहीं करती है तो क्या यह नैतिकता का हनन नहीं होगा? आप जानते हैं कि जनता पार्टी और लोक दल के अलग-अलग चुनाव लड़ने के बावजूद पिछले लोक सभा के चुनावों में उत्तर प्रदेश और बिहार में कांग्रेस-आई को 36 या 37 फीसदी से ज्यादा वोट नहीं मिले। अन्य राज्यों की बात मैं नहीं जानता, लेकिन सारे हिन्दुस्तान में इनको 40-41 फीसदी से ज्यादा वोट नहीं मिले। सन् 1977 में जो चुनाव हुए थे उनमें 67 फीसदी से ज्यादा वोट जनता पार्टी को मिले थे और कांग्रेस को सिर्फ 30 या 31 फीसदी वोट मिले थे। वह एक विशाल जनमत था। पिछले चुनावों में जनता पार्टी और लोक

दल में वोट बंट जाने के कारण कांग्रेस-आई न जरूर फायदा उठा लिया।

लेकिन जनता का-समर्थन आपको नहीं मिला। आप मनमानी करते रहे। मैं यह कहना चाहता हूँ कि प्रदेशों के इस चुनाव में आपकी हार हुई तो नैतिकता का तकाजा है कि सेन्ट्रल गवर्नमेन्ट को इस्तीफा दे देना चाहिए। फर्ज कर लीजिये आपने नैतिकता की नहीं सोची और प्रदेशों में सरकार आपके खिलाफ बन गई तो क्या आप उन्हें फिर तोड़ेंगे? उस जनमत की फिर अवहेलना करेंगे? और अगर नहीं तो फिर वह जो कन्फरेंटेशन पैदा होगा स्टेट्स में और केन्द्र में।

(Interruptions)

THE VICE-CHAIRMAN (SHRI R. R. MORARKA): Order plwae.

श्री महादेव प्रसाद धर्मा : उसका क्या जवाब है आपके पास? कोई माकूल जवाब है? फिर आपकी ध्योरी क्या यह रहेगी कि जब केन्द्र में जो सत्तारूढ़ पार्टी है वह जब तक किसी प्रदेश में सत्तारूढ़ नहीं होती तब तक आप बराबर चुनाव कराते जायेंगे। क्या मतलब है आपका फर्ज कर लीजिये कि उत्तर प्रदेश में आप हार जाते हैं और वहाँ सरकार लोकदल की बनती है तो उस समय फिर क्या आप उसको बदलेंगे? बिहार में दूसरी पार्टी की सरकार बनती है तो आप उसको बदलेंगे क्या यह ध्योरी डवलप होगी कि केन्द्र में जो पार्टी सत्ता में होगी जब तक वह स्टेट में सत्ता में नहीं आती तब तक स्टेट गवर्नमेंट को चलने नहीं दिया जायेगा क्या यह आप जनतन्त्र और लोकतन्त्र की रक्षा करने जा रहे हैं?

जिस समय इमरजेन्सी आपने लागू की थी, सारी ताकत के बावजूद, आपको दो तिहाई बहुमत लोकसभा में और दो

[श्री महादेव प्रताप वर्मा]

तिहाई बहुमत राज्य सभा में प्राप्त था और करीब-करीब सारे प्रदेशों में, उत्तर भारत के सारे प्रदेशों में आपका एक छत्र शासन था, इसके बावजूद आपने जनतंत्र की हत्या की और इमरजेन्सी लगाई। किसलिये? इसलिये कि आपका कहना था कि विरोधी पक्ष हमको चलने नहीं दे रहा है। आज कैसे चलाइयेगा? आज तो इतना बहुमत नहीं है, आज तो इतना जन-मत आपके साथ नहीं है। अगर कल कोई स्थिति पैदा हुई फिर आप यही बहाना करेंगे ना? कोई आपके खिलाफ आवाज उठाएगा कोई अखबार कुछ लिखेगा और विरोधी पक्ष के नेता कुछ कहेंगे और विरोध करेंगे आपके कारनामों का, तो फिर क्या यही बहाना लेंगे कि चूंकि हमारे कारनामों की मुखालफत हो रही है इसलिये हम जनतंत्र को नहीं चलने देंगे यही रास्ता तो बच गया है और क्या बच गया है आपके पास। मैं समझता हूं कि 36 फीसदी वोट लेकर आप अगर जैसा चाहे वैसा चलेंगे जनता के अधिकारों की हत्या करते चलेंगे तो एक भयंकर आन्दोलन शुरू होगा और यह भी याद रखिये कि 1970-71 में गरीबी हटाओ के नारे पर इंदिरा जी जता थी और आज केवल यही नारा दिया कि मजबूत हुकूमत दो और उस मजबूत हुकूमत को देने के कारण आपने स्टेट एसेम्बलीज को तोड़ दिया यह भी ठीक है लेकिन मैं आपसे पूछना चाहता हूं कि देश के अन्दर जो नाकर समस्याएँ 30 साल से उठी जा रही है कभी आपने उनकी तरफ भा ध्यान दिया? यह जातिवाद, यह साम्प्रदायिकतावाद, यह प्रांतवाद का जो जहरीला माहौल चल रहा है, बढ़ती हुई आवादी, पढ़े-लिखे लोगों में आमतौर से व्याप्त बेरोजगारी, यह बढ़ता हुआ भ्रष्टाचार और नौकरशाही के का आप इनको कंट्रोल कर लेंगे?

आप इन समस्याओं का समाधान ढूँढ़ें। अगर इन समस्याओं का समाधान आप नहीं ढूँढ़ सकें और केवल केन्द्र में और प्रदेशों में शासन, सत्ता लेकर बैठ गये और जबरदस्ती सारी चीजों को करके आप देश का सवाल हल करना चाहे तो यह नहीं होगा। इन समस्याओं के कारण देश में भयंकर तूफान उठेगा। जिसको आप नहीं रोक सकते फिर आपके पास कोई इलाज नहीं रह जायेगा बहाना करने का। क्योंकि आप के पास कोई जवाब नहीं है, चूंकि बढ़ती हुई सारी समस्याओं के हल के लिये आपके पास कोई रास्ता नहीं, आपका दिल दिमाग नहीं इसलिये एक बात रह जायेगी कि हमारे हाथ में शासन-सत्ता है इसलिये रोड-रोलर चलाकर सारे जनतंत्र की कुचल दो। इसके अलावा आपके पास कोई जवाब नहीं होगा। जनता-पार्टी और लोकदल ने पिछले तीन सालों में जो कुछ किया है वह इतिहास में रहेगा, जो भूलें उन्होंने की हैं वे भी रहेंगे। लेकिन जो यह सबसे बड़ी भयंकर भूल आप करने जा रहे हैं वह इतिहास में बड़े काले अक्षरों में लिखा जायेगा। क्योंकि एक बार पूर्ण सत्ता में आपने सारे भारत के जनतंत्र को रौंदा था और आज फिर उसी पूर्ण सत्ता को लेने के लिए आप आतुर हैं, पागल हो रहे हैं (Time bell rings) आपको शक्ति चाहिए, किस लिए चाहिए। अब जो इतिहास आप लिखेंगे वह बहुत भयंकर काले अक्षरों में लिखा जाएगा। याद रखिये। इंदिरा जी हों, हम हों या आप हों उन व्यक्तियों का कोई बहुत महत्व नहीं है। आज है कल नहीं है। आज कोई सत्ता में है, कल नहीं है। आज जो प्रधान मंत्री है, कल को जेल में जा सकता है। कल को जो प्रधान मंत्री था वह आज जेल में जा सकता है। यह स्थिति पैदा हो गई है देश में। इसलिए इन बुनियादी प्रश्नों को और

इन बुनियादी उसूलों को जो इस देश की जिन्दगी के अनुसार हैं उनको बरबाद करने की कोशिश न करें, शक्ति के जोश में आकर बरबाद करने की कोशिश न करें, हजारों वर्षों का इतिहास साक्षी है कि इस देश में कभी भी एक हो कर रहने की फुरसत नहीं मिली। अशोक के जमाने से लेकर आज तक सारा इतिहास है। कभी-कभी ऐसा मौका मिला है। अशोक के जमाने में सारा देश इकट्ठा था फिर टुकड़े हो गए। चन्द्रगुप्त के जमाने में इकट्ठा हुआ फिर टुकड़े हो गए। हर्ष ने उत्तर भारत को इकट्ठा किया था, फिर टुकड़े हो गए। मूगलों और पठानों के जमाने में हिन्दुस्तान इकट्ठा था फिर टुकड़े हो गए। ब्रिटेन ने बांधा था फिर टुकड़े हुए। आज आपके पास दो रास्ते हैं इस देश में लोकतंत्र और संघीय शासन व्यवस्था को अगर आपने सत्ता के लालच में पड़ कर, सत्ता के जोश में आकर, नशे में आकर- उसकी इस स्पिरिट को बरबाद करने की कोशिश की तो यह खूनी इतिहास लिखा जाएगा। देश को आप इस तरह इकट्ठा नहीं रख सकते। जिस दिन आपने जनतंत्र की गाड़ी को गिराया उसकी सोड़ी को हटाया उस दिन आप देश को इकट्ठा नहीं रख सकते। (Time bell rings) बस एक मिनट किसी विद्वान ने कहा था—

योवनम् धन सम्पत्ति प्रभूतम् अविदकितम्  
एके कम्पम नियमि किम् यत्र चतुष्टयम्

आप कितने भी सिद्धान्तों की बात करिये सारा देश जानता है कि सारी मिनिस्ट्री की सारी हैरीनेट सारी पार्टी को एक-एक नौजवान कंट्रोल किए हुए है। जवानी धन-सम्पत्ति प्रभुता और अविदकता एक-एक संहारकारी है और जहां

चारों इकट्ठा हो जाएंगी वहां कहर बरपा हो जाएगा। होश सम्मालिए, इस तरह रास्ते पर जाना बहुत ही खतरनाक हो रहा है। मेरा आपसे निवेदन है कि देश को तबाही के रास्ते पर मत ले जाइए। उसकी कोई जरूरत नहीं थी जनता पार्टी ने भूल की, यह मैं अब भी मानता हूँ कि जो उसने 9 स्टेट असेम्बलीज को तोड़ा, नहीं तोड़ना चाहिए था।

**श्री सीताराम केसरी:** उस नौजवान को भी एक लाख से ज्यादा वोट मिले।

**श्री महादेव प्रसाद वर्मा :** वोट की बात तो छाड़िये। वोट की बात मत करें। मैं 25 रोज तक से रायबरेली चुनाव में था। मैं जानता हूँ कैसे वोट मिले और क्या हुआ। किस के बल पर हुआ। वह मुझे स मत कहिये मैं सब जानता हूँ।

**श्री सीताराम केसरी:** इसका मतलब है 1977 में आपने भी इसी तरह किया था।

**श्री महादेव प्रसाद वर्मा :** मैं जानता हूँ कि कैसे वोट आए हैं। उसकी बात छोड़िये जैसे हो रहा है तैसे हो रहा है। मैं कह रहा हूँ कि भयंकर रास्ता आपने अपना लिया है। इस तरह से बंजारा बन कर किसी के डिक्टेसन में रहना कांग्रेस पार्टी कोई पार्टी है क्या? यह कोई पार्टी नहीं। अगर एक जगह से एक सूत हटा लिया तो तो वह ताश के पत्ते की तरह से बिखर जाएगी। यह कोई पार्टी है? यहां तो डिसक्शन होता है, क्या आपने पार्टी के अन्दर इस संवाद की रखा था कि असेम्बलीज को तोड़ा जाए या नहीं?



श्री सीताराम कंसरी : हाँ रखा था।  
वर्किंग कमेटी ने फैसला किया था।

THE VICE-CHAIRMAN (SHRI  
R. R. MORARKA): Order, please.  
When your turn comes, you can reply.

SHRI SITARAM KESRI: Thank  
you, Sir.

श्री महादेव प्रताप वर्मा : इसलिए  
आप जो कहने जा रहे हैं वह मेरे कहने  
से सुनने वाला नहीं है। मैं जानता  
हूँ और एक ही चीज आपको चेतावनी  
की तरह से देने जा रहा हूँ। मैं सन् 1920  
का फाइन फाइटर हूँ। मैंने जिन्दगी के  
60 साल लड़ाई में लगाए हैं। सन्  
1921 से 1942 तक 13 महीने जिन्दगी  
मौत का सवाल सामने आया था।  
मुझे भी मुल्क के लिए शर्ब करने का,  
दर्द रखने का हवा है। आपसे अपील  
करता हूँ कि ताकत के जोर में आकर  
देश को बरखादी के रास्ते पर मत ले  
जाएँ। धन्यवाद।

SHRI P. RAMAMURTI: Mr. Vice-  
Chairman, Sir, I rise to support the  
motion moved by Comrade Bhupesh  
Gupta and oppose the motion moved  
by Mr. Zail Singh.

When these nine Assemblies were  
dissolved, no reasons were given for  
the dissolution of these Assemblies.  
Different Ministers stated different  
reasons. It is a very strange sort of  
Government that the Government is  
not able to speak with one voice and  
the people are not told what the  
reasons are for the dissolution of  
these Assemblies. But the official  
spokesmen of the Government, name-  
ly, the various Cabinet Ministers,  
speak in different voices about the  
dissolution. Somebody says that the  
States are not cooperating. I do not  
know in what way they were not  
cooperating. Somebody says that the

law and order is not properly main-  
tained. If law and order is not prop-  
erly maintained, I would like to ask,  
where is the law and order properly  
maintained in Andhra Pradesh? Rapes  
are taking place. Murders are taking  
place by the police itself.

AN HON. MEMBER: In Delhi. . .

SHRI P. RAMAMURTI: Delhi is a  
different matter. All these things are  
taking place in Andhra Pradesh. The  
Congressmen of this State have now  
come out with statements that the  
Chief Minister is the most corrupt  
man and that he must be immediately  
removed. Sir, I cannot understand  
these things at all. So this cannot  
be the reason.

Then, they said that the States  
refused to cooperate with the Central  
Government. After all, you passed the  
Preventive Detention law. That  
is not a law which is obligatory. It is  
not obligatory to arrest. That is a  
weapon to be used against hoarders  
and black-marketeers. If some States  
have some other way of dealing with  
them you, have got to allow them. It  
is not obligatory for them to use that  
only. All these arguments were  
given. These hold no water whatso-  
ever.

Then, Sir, you too umbrage, you  
took shelter that this is what the  
Janata Government had done in 1977.  
At that time you had yourself  
opposed it. I will come to the last  
point which Mr. Zail Singh made  
about it, namely, that you opposed it  
not on constitutional grounds, you  
opposed it on moral grounds. The  
Congress Party at that time was  
united and you opposed the dissolu-  
tion of State Assemblies by the Janata  
Party on grounds of public morality  
and democracy. Today when you come  
into power, you say: We have changed  
our morals, we have changed our  
standards of public morality and  
democracy and political behaviour.

But what I want to state is that in  
1977 it was a different situation. JH

this country. Elections took place after the emergency was imposed in this country when all the fundamental rights of the people were completely denied; even the right to life was completely denied. The Attorney-General on behalf of the Government went to the Supreme Court stated that the present position, even the right to life in this country does not exist; it has been extinguished. Atrocities were committed. Thousands of people were jailed without any reasons whatsoever. Atrocities like compulsory sterilisations were committed. In all these things, State Governments actively participated. The Government of Uttar Pradesh and various other States which were under the Congress rule, participated in these atrocities of compulsory sterilisation, jailing people without reasons; all these things had taken place at that time. And that was the issue before the electorate—the misdeeds not only of the Central Government but the misdeeds of State Governments concerned; they were all Congress Governments. These circumstances were different when the assemblies were dissolved because you had committed the atrocities on the people and the State Government had committed atrocities on the people. It was on this specific issue that the elections were fought. This time the elections were not fought, on the issue of State Government's performance. This time the issue on which you fought was that the other parties were not capable of providing a stable Government in this country and that you will give stability. The State issues were not raised at all as far as this election is concerned. Therefore, there is no point in comparing it with 1977. There is absolutely no comparison whatsoever. Conditions are entirely different and your arguments fall to the ground. Then you comment, "Well, we went to the Supreme Court and the Supreme Court gave this judgment and we are accepting the rule of law". This is what you are saying. After all the Supreme Court did not say that you

must dissolve the Assemblies. When those Assemblies had been dissolved, you went to the Supreme Court to be determined whether that was constitutionally right or not. The Supreme Court only decided the constitutional propriety of dissolving those Houses. They did not go into the political aspects of it. It is a constitutional question and it was to be decided whether under those circumstances it was constitutionally right or not. That was the only position taken by the Supreme Court. Therefore, it was not a mandatory thing. The political and moral aspects of it are for us or for you to decide. Do you stand by those principles of morality in public life, political life? Today you want to give them the 'go by'. Then you quote the Supreme Court judgment. The devil quotes the scriptures. But when the devil quotes the scriptures, the devil does not cease to be a devil. He is still a devil and you are the devil today. This is what I want to say.

The argument is put forward that these Governments had lost the mandate of the people. You are talking about these Governments losing the mandate of the people. What about Haryana? What about Himachal Pradesh? The moment they joined your party; they got the mandate of the people. After all these people had been elected on the Janata ticket. The moment they joined the Congress they got the mandate of the people.

SHRI SAT PAUL MITTAL (Punjab): You also said that in 1977.

SHRI P. RAMAMURTI: I have already pointed out that the 1977 elections were fought on a different issue which included the State issues, the atrocities committed by the Congress Governments in the States. This time no such issue was raised in the elections. This is what I pointed out (*Interruptions*).

AN<sup>1</sup> HON. MEMBER: What were the issues now. Is it atrocities on Harijans?

SHRI P. RAMAMURTI: On Harijans also you committed atrocities.

SHRI P. RAMAMURTI: On Harijans also you committed atrocities. These were the issues raised at that time, i.e., the atrocities committed by the Congress Governments in the various States on all the sections of the people. (Interruptions) Yes, Andhra Pradesh. Why did you leave Andhra Pradesh? Corruption charges are made by Members of your own party, it is well known, against the State Government and against the Chief Minister and the State Government is not being run according to the Constitution. Then what is the standard you have? When it comes to an opposition party, this is what you are doing. But when it comes to Haryana or Himachal Pradesh, it is different. Sir, I remember that in 1937, there was a different Congress (I) in Uttar Pradesh, a Member—I forgot his name—who was elected on the ticket of Muslim League crossed over and joined Congress, he was about to be made a Minister. Yes, his name was Hafiz Ibrahim. But Pandit Jawaharlal who was at that time the President of the Congress, said, "All right, you join the Congress but you resign your Assembly seat and seek a mandate of the people and get elected again." That was the standard at that time. That is the correct attitude that was set up at that time. Those were the public moral standards that were set up at that time. Look at the Congress today. If a man who was elected from the Janata Party joins that Party, if the whole Party joins you, then it is a good thing. This is wonderful. Wonderful standards of public morality you have (Interruptions) You don't ask Mr. Bhajan Lal to go and stand before the people and get elected. You don't have the courage. If today Mr. Bhajan Lal stands for election in Haryana, because of the fact that he has become a turncoat, he will be defeated by the people of Haryana. That is why you dare not do that. Have the courage to do it. You tell Mr. Bhajan Lal, "You can join the Congress Party. You stand on the Congress ticket." You do not have the courage to do it. And this is the kind of public morality that you are

having. That is why I say that the whole thing is nauseating. Devil quoting the scriptures will not help. After all, the devil continues to be a devil and you continue to be a devil.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI YOGENDRA MAKWANA): You are also quoting the scriptures.

SHRI P. RAMAMURTI: Of course, I am quoting the scriptures. But fortunately or unfortunately, I am not a devil like you. I do not do these things.

SHRI YOGENDRA MAKWANA: You are a better one, I think. (Interruptions)

THE VICE-CHAIRMAN (SHRI R. R. MORARKA): Order, please.

SHRI P. RAMAMURTI: Then, Sir, far more than this. I am now concerned with article 356.

THE VICE-CHAIRMAN (SHRI R. R. MORARKA): Mr. Ramamurti, you have already taken 13 minutes. And your Party is allotted 15 minutes.

SHRI P. RAMAMURTI: I am finishing. I am not continuing for long. You know that I speak within time. If I exceed, I may exceed by a minute or so because of the interruptions.

Then, you are talking of article 356. We are certainly of the opinion that article 356 must be removed.

Article 356 empowers the Central Government to remove a State Government if in its opinion the State is not running according to the provisions of the Constitution. That is there. But why we are opposed to it is that the very concept of State autonomy is completely being eroded by this article. Here the State Governments and the State Assemblies are elected by the people of those States to function within the framework of the rights

that have been conferred on the States by the Constitution. And if the State Government transgresses those provisions and acts beyond the provisions of the Constitution, in that case, there is the High Court there is the Supreme Court to strike down those actions. Why should the Central Government functioning upon that? The Central Government is impinging on the basis of elections of Parliament by the entire people of this country, and if the Central Government misbehaves, who is to dissolve the Central Government? Can anybody dissolve the Central Government and Lok Sabha on the ground of their misbehaviour and misdeeds. It is ultimately left to the people. When you go back to them to do it, to reject this Party. The sovereignty of the people is asserted there. Similarly, the sovereignty of the people within the rights which are conferred on the State Assemblies must be asserted there. Why is the Central Government to sit in judgement? This article 356 has been misused innumerable times even to compose the quarrels within your own Party, even when there is no breakdown of law and order. When you are not able to compose your differences and the factional fights, times without number it was used in Andhra Pradesh, it was used in Uttar Pradesh. And this time again you are using it for a nefarious purpose. All that I want to point out is that the continuation of this thing would mean that all the norms of State autonomy would become a nullity, and inside the country the State autonomy will be a bogus name and it will be without any content whatsoever. And ultimately this will lead to a situation when the people of this country will begin to fight, the unity of this country cannot be maintained, and on the other hand disintegration will take place because the people will feel that their rights within the limits of the Constitution itself are not guaranteed by the Central Government and that they are being trampled upon. I warn you. Today you may succeed. After all, you are adept in seducing people. As far as seduction is concerned, I am

not afraid of seduction because our Party cannot be seduced. You can never be successful in getting any man from our party. From the Communist Party (Marxist) you cannot get anybody. Therefore...

DR. RAFIQ ZAKARIA; Not worth seducing.

SHRI P. RAMAMURTI; Very good. I do not want to belong to that section, that brand, of people whom you consider to be worth seducing. Have them all in your party. Therefore, when the question of seduction comes all that I want to say is that you are today vitiating completely the public life in this country. The entire people of the world are laughing at it. Even a person like Mr. Fenner Brockway, who had been a friend of India in the freedom struggle and who battled for our independence on the floor of the British House of Commons, delivering the Rajaji Memorial Lectures the other day said, my heart today burns at seeing these *Aya Rams* and *Gaya Rams*. Is this democracy and is this what you are today promoting? You may promote it for your own nefarious ends but ultimately truth will triumph and ultimately virtue will triumph and vice will completely perish. This is what has been inscribed on the wall of this House.

सत्यमेव जयते नानृतम्

But what you practise is:

अनृतम् जयते न सत्यम्

This is what you are doing. Ultimately I say that truth will triumph and all that you are doing today is bound to perish.

SHRI N. K. P. SALVE; Sir, I rise to support the motion moved by the hon. Home Minister and simultaneously I have the privilege of opposing the motion moved by my esteemed colleague, Shri Bhupeth Gupta. I must submit, Sir, having listened to the debate attentively and very carefully hearing the observations made by the

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hon. Members, the debate has maintained a very high level. I will not only try to be objective in my submissions to the House but I shall also try to be brief and also try to maintain the level, if I cannot raise it.

Sir, we are to justify this Proclamation not only on the constitutional validity for disregarding the opinion of the elected representatives of the nine States, whom the constitutional experts call the legal sovereign, and giving the matter over to the political sovereign, i.e. the electors, but we will also, Sir, in the course of this debate, point out clearly, because the country as such must know, that we have not in doing this violated any norms of parliamentary democracy nor is there any violation involved of political morality. But, Sir, listening to the debate, I must submit, it has been of some amusement to me to hear to the speeches of the Members who were in the Janata Party in 1977 and who supported the motion moved by Chaudhari Charan Singh then, and also the CPM Member, —but he has gone away.

SHRI P. RAMAMURTI: No, I am here.

SHRI N. K. P. SALVE:—Who supported the motion to dissolve the Assemblies in 1977 and the extraordinary case that they are making out. They are seeking to make a distinction between the case now and the case then. Sir, this distinction is without a difference at all. It exists only in the figment of their imagination. It does not exist in reality as I shall point out from the case that was preferred to and adjudicated upon by the Supreme Court.

Shri Bhupesh Gupta is looking at me indignantly. Whether we are on this side of the House or on that side of the House, he is stagnant where he is. I wish he could progress a little more and come towards the correct side, >

Sir, so far as these hon. Members are concerned, their observations are really interesting. It is unfortunate...

SHRI BHUPESH GUPTA: Why did you go to the wrong side?

SHRI N. K. P. SALVE: Sir, I entirely support Giani Zail Singh when he said in all fairness and good grace that the Members of the former Janata Party, who might be in the Lok Dal now, conforming to the highest norms of political ethics and democracy, should at least absent themselves from the voting because that will not expose them to any hypocrisy and sanctimony. In addition, it exposes them as very bad losers, because they have lost the game. (Interruptions). Why are you Madam, getting annoyed.

SHRIMATI PURABI MUKHOPADHAYA (West Bengal): Then, do not try to sermonise.

SHRI N. K. P. SALVE: Who can sermonise you? You have sermonised me all your life 3 P.M. and now you are saying this... (Interruptions).

I am submitting, Sir, \* that these hon. Members in the Janata party—not Mr. V. B. Raju; I have respect for him and I shall deal with it separately—are bad losers and they are not adhering wistfully to the rule of the game which they have themselves laid down. I shall show you what the rule is that they have laid down and then I shall come to my point, because it is no use showing double standards as the erstwhile Members of the Janata party are doing and showing, whether they are in the Lok Dal or whether they are continuing to be in the Janata party..

AN HONOURABLE MEMBER: Janata (J) now.

SHRI N. K. P. SALVE: Janata-J or Janata party whatever it may be

Those who supported the motion at that time, have no business at this juncture to draw a distinction, a distinction which does not exist; it is a distinction without a difference. It is necessary to know it firstly. Sir, comments have been made on the ground that federalism is outstretched. It is one contention of those who wanted to oppose, as Giani Zail Singh has said and even Bhupeshdft said in his profound ignorance of the real character of the Constitution, so far as the federal character and the federal control is concerned. They have said that this sort of proclamation has made a very serious inroad; it has outraged the basic federal character of our Constitution. Sir, it is not so if one goes into the federal content in our Constitution. Sir, one way is to study what the Supreme Court has to say with regard to the basic character of our Constitution, so far as the federalism is concerned. Sir, five propositions emerge, and I shall formulate the propositions and every proposition that I formulate, I shall read out two or three lines. The first proposition that emerges from the reading of the Constitution—I wish, Mr. V. B. Raju was here, because he was very vehement in saying that our Constitution is a federal Constitution—is, and the Supreme Court has laid down in terms, that our Constitution notwithstanding the fact that Article 1 of our Constitution reads "that India, that is, Bharat, shall be Union of States", as in terms laid down by our Constitution, is not federal in character. At the highest, it is *quasi* federal in character. Secondly . . . (Interruptions').

SHRI BHUPESH GUPTA: So, you have committed *quasi* murder... (Interruptions).

SHRI N.-K. P. SALVE: I am quoting Supreme Court and I will justify. It is a serious matter, kindly understand. It is not a political gimmickry I am indulging in.

The second proposition that emerges is that federalism is not a part of the basic structure. So, don't say

that the Constitution is even outraged. The Constitution cannot be outraged, if at all, unless the basic structure is violated.

Six-, the third proposition that has been laid down by Supreme Court is that Parliamentary democracy is a basic structure in our Constitution. Fourthly, Sir, free and fair election is not merely the very essence of Parliamentary democracy; that itself is the basic structure. And fifthly, which is most important, that the Constitutional process which enjoins ascertainment of opinion of the electorate, the political sovereign, whom the Constitutional experts described as political sovereign, can, by no means or manners, infringe on the *quasi* federalism or the basic structure as such. If this be the proposition, those who have been advocating that this has outraged federalism, that has outraged Constitution, are speaking in a language which is against the law of the land laid down by Supreme Court. This is the law laid down, and they came to consider the totality of law in the case of State of Karnataka versus Union of India reported in 1978-2 S. C. R. 1 am reading from page 128.

"Strictly speaking, our Constitution is not of a federal character, where separate, independent and sovereign States could be said to have joined to form a nation as in the case of the United States of America or as may be the position in some other countries of the world. It is because of this reason that sometimes it has been characterised as *quasi* federal in nature."

These things have been discussed in great detail. I do not want to take the time of the House, to go into this. They have said:

"We may now refer to *some* other characteristics and features of our Constitution to demonstrate the weak character of our federal structure and the controlling hands of the Centre on the States in certain matters."

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Sir, Mr. Raju is not here. He was saying that the States are independent. There is no such word as 'Centre', he said. Sir, the Supreme Court has laid down in terms of the law of the land that it is the Centre which must have all-pervading influence on several matters and the salient features have been enumerated. This is what they say in the end.

"Such is the nature of our federal structure."

In the same judgement, they have observed;

"If this be the correct view about the basic structure, as a mode of interpreting the Constitution only, the so-called federalism as a fetter on legislative power must find expression in some express provision to be recognised by courts. It may be mentioned here that a majority of judges who decided the Kesavananda Bharati's case have not treated 'Federalism' as part of the basic structure of the Constitution. And none of them has discussed the extent of the 'federal' part of this structure. It is not enough to point to article 1 of the Constitution to emphasize that our Republic is a 'Union' of States. That no doubt is true. But the word 'Union' was used in the context of the peculiar character of our Federal Republic as revealed by its express provisions. We have still to find from other express provisions, what this 'Union' means or what is the extent or nature of 'federalism' implied by it."

There is no question. If we have complied with the requirements of article 356 in dissolving the State Assemblies, this is the end of the matter. This federalism concept and this charge of outrage on the concept of federalism exists only in the minds of those who have unnecessarily criticised the stand of the Government in this matter. Sir, at this juncture. I

would like to come to it straightaway. I would like to say that no violation of article 356 is involved and there has been absolutely no distinction and no difference. Mr. Shanti Bhushan has gone away. There are certain things which have been accepted by the Supreme Court. They have laid down. I will quote the quintessence of the rationale of the judgement in this case and if the circumstances completely conform to the rationale of this judgement and if these circumstances are such that it we fall within that, then and then alone, we would be justified and not otherwise. There is a letter of the Home Minister of 18th April, 1977. This is on page 19(g). I am referring to the judgement of the Supreme Court in the case of Rajasthan vs. Union of India. This gives; letter of the Home Minister of 18th April, 1977. I would give only two lines. The letter inter alia read;

"People at large no longer appreciate the propriety of continuance in power of a party which has been unmistakably rejected by the electorate. The climate of uncertainty, diffidence and disrespect has already given rise to serious threats of law and order."

Sir, when he was called upon by the Supreme Court to say what he had to say in the matter, this is what Mr. Shanti Bhushan has said:

"Shri Shanti Bhushan was asked whether the Centre would not be failing in its duty if it did not exercise its power at this crucial juncture to test the legitimacy of a State Government. He replied that, after all, whenever the power was conferred by the Constitution, it was not done simply for the sake of conferring it. Obviously, the Constitution contemplated the circumstances under which that power could be exercised. When these circumstances arose, it was obligatory on the part of the Centre to exercise that power. Mr. Shanti Bhushan said he failed to see why

the State Governments objected to going to the people, to seek their mandate. "If we recognise the real sovereignty and the supremacy of the people, there cannot be any possible objection." If anyone claimed a divine right to rule whether the people wanted him or not, then, of course, there can be an objection to go to the people." We have not claimed any divine right. We have asked for the necessary mandate from the people, so far as the States are concerned. (*Interruptions*) Sir, on page 25 the argument was advanced—just three lines—that the Law Minister's view is that where there is an overwhelmingly large electorate verdict in a State against the party to which its Government belong—the verdict has to be against the party to which the Government belongs—the situation not only justifies but makes resort to a fresh election or an appeal to the political sovereign imperative. What has happened this time? What is the verdict against and in favour of the ruling party? Sir, the verdict against the ruling party in Bihar is, they polled 23.5 per cent votes and against them went 76.45 per cent votes. In Gujarat they polled 36.85 per cent votes, and against them went 63.15 per cent votes. In Madhya Pradesh the ruling party polled 31.30 per cent votes, and against them went 68.70 per cent votes. In Maharashtra 32.18 per cent votes went in favour of the ruling party and against the ruling party went 67.72 per cent. In Orissa niggardly 19.72 per cent went in favour of the ruling party and against the ruling party went 80.48 per cent. In Punjab, there were 23.37 per cent in favour and 76.63 per cent against the ruling party. In Rajasthan 31.65 per cent in favour and 68.35 per cent against were polled by the ruling party. In Tamil Nadu 25.39 per cent in favour and 74.61 per cent went against the ruling party. And in Uttar Pradesh they got minuscule 28.29 per cent and 71.71 per cent votes went against the ruling party.

SHRI P. RAMAMURTI: Just one clarification. Will he apply the same standard to the present ruling party which got 42 per cent in the whole country and 58 per cent of the people went against them? When he is applying this test to the States, will he apply the same standard and justify his own Government?

SHRI N. K. P. SALVE: It is not a question of argument. I am applying the test of article 356(1). The test for article 356 was not then available. I was only advancing an argument, for those who are seeking to draw a distinction. I am not like Mr. Ramamurti who takes one stand at one time and then makes a somersault and in the process makes a laughing stock and then walks away. I do not do that. The position remains, what does he say to the basic argument, to the argument of Mr. Shanti Bhushan that if there had been more votes polled against the ruling party and there are a substantial number of percentage of votes, much beyond 60 and in some cases above 75 per cent against the ruling party, it is not only something which needs to be done as a matter of expediency but which enjoins as an imperative on the Government to dissolve the Government concerned? That is so far as article 356 is concerned and if correct criteria were applied, there is not the slightest difficulty about it. Sir, it was wrong of Mr. Ramamurti to say that the Supreme Court did not go into the moral authority when they were determining this issue. They have also referred to the considerations of moral authority in this Union vs. Rajasthan case. On page 4 of this judgement, it is clearly laid down, I am quoting:

"If the Union Government thinks that the circumstances of the situation demand that the Government must seek a fresh mandate to justify their moral rights in the eyes of the people to continue to exercise powers in the



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interests of their electors or else the discontent of the masses may have repercussion not only on the law and order\* situation but will also affect the legal responsibilities or duties which the Union Government has towards a particular State or towards Indian citizens in general, all of whom live in some State or other, it cannot be said that resort to article 356 of the Constitution is not called for."

Can there be any terms clearer than this?

Again on page 3, in absolutely clear terms it is said;

"One purpose of our Constitution and laws is certainly to give the electors a periodic opportunity of choosing the State legislature and, thereby, of determining the character of their State Government also. It is the object of every democratic constitution to give such opportunities. Hence a policy devised to serve that end could not be contrary to the basic structure or the scheme of the Constitution".

Sir, finally, this is what they have observed. This is from the judgment. This is the quintessence of the judgment. This is the real part of the judgment.

"The consent of the people is the basis of the democratic form of Government and when that is withdrawn so entirely and the unequivocally as to leave no room for doubt about the intensity of public feeling against the ruling party, the moral authority of the Government would be seriously undermined and a situation may arise where the people may have to give respect and obedience to the Governmental Authority and then conflict and confrontation may develop between the Government and the people leading to the collapse of the administration."

Dicey, the most eminent authority on the Constitution has this to say so far as the power to dissolve is concerned. Sir, I quote Dicey from "An Introduction to the Study of the Law of the Constitution" This is what he says:

"But the reason why the House can in accordance with the constitution be deprived of power and of existence is that an occasion has arisen on which there is fair reason to suppose that the opinion of the House is not the opinion of the electors. A dissolution is in its presence an appeal from the legal to the political sovereign. A dissolution is allowable, or necessary, whenever the wishes of the legislature are, or may fairly be presumed to be different from the wishes of the nation".

Sir, the position is absolutely clear that in view of these decisions of the Supreme Court and the authority of these constitutional experts, the only course open to the Home Minister under the circumstances was to go in for the Proclamation dissolving these Assemblies. But, Sir, what is it? Did the Janata Party expect or did they want to continue to rule these States with what is happening here in Delhi, the way the things are happening here? The man they proclaimed to be their Prime Minister has already kicked them on their face and gone away. Their main constituent is going away. They are saturated and dripping with instability here. Still they expect that they should have been allowed to continue in power there! Sir, it is a tribute to the greed for power of a party. Could they have managed the affairs of the States without putting the people to unabashed tyranny? It would have been momental instability. If anything that was needed to be done it was just this dissolution that was necessary. Look at the amount of corruption that existed in Madhya Pradesh. It was openly being said by the people that the Janata

Party was angry with the Chief Minister, Mr. Saklecha, because he had so crudely carried on this corruption that even the Income Tax authorities had found it out. This is how they did it.

Anyway, Sir, one thing is absolutely clear. A party which is not able to give stability to itself could not have given stability to the States and the Government. These people would have been living in misery, misfortune and harassment. I submit in all humility that the subsequent events have proved beyond doubt that the decision of the Prime Minister in advising the President to dissolve these Assemblies has not only been proved wise and mature but has saved the people of the State from the agony and tyranny of a rule by a party which is perennially in internal crisis and the impending elections shall affix the seal of whole-hearted approval of the political sovereign—the electorate—of the State by once again giving a massive mandate in these elections to Mrs. Indira Gandhi.

DR. (SHRIMATI) SATHIAVANI MUTHU (Tamil Nadu): Mr. Vice-Chairman, Sir, I rise to support the motion moved by hon'ble, Mr. Bhupesh Gupta against the Resolutions moved by the hon'ble Minister of Home Affairs with the greatest anguish at the Proclamation of President's Rule in nine States and at the cynical subversion of democratic values which the Proclamation implies. No words can be too harsh to condemn the autocratic, unprincipled and immoral act done to murder democracy in the name of the Constitution and in the name of the people.

The pre-midnight dissolution of nine State Assemblies is an unabashed exercise of naked authoritarianism supported by a tissue of distortions, so as to pave the way for one single party to entrench itself in all citadels of power from Kashmir to Kanyakumari. In this process, the unprinci-

pled Congress (I) Government with one fell stroke, has swept away many State Governments which had an impressive record of service to the people in a democratic way. It has also swept away all principles and morals, which are characteristic of our Indian nation. It has also cynically thrown a spanner into our federal structure, with incalculable damage to our democracy.

We admit that one central party has come to power but it is mainly on a minority vote and by cashing on the resentment of the people at the unfortunate split of the Janata Party, which was entrusted with the Government with greatest and most unprecedented enthusiasm. By what right can this party assume that it is the sole representative of all the people of India in all the States where it won parliamentary elections? Parliamentary elections and State Assembly elections cover entirely different spheres. Election to Parliament is for dealing with vital all India subjects like Defence, External Affairs, Communications, etc. while election to State is for dealing with the maintenance and developmental work for the States in direct contact with their people.

The State Government is the guarantor of the welfare of the people in the States, and once a particular State Government has been placed in power by the people, it cannot be argued that the Government loses its popular status simply because in a parliamentary election the people in that State voted for another party. As I said, the issues facing a parliamentary election and an Assembly election are different. In the present case, the Congress (I) party came to power in the general elections largely because of disenchantment at the dissensions in the Janata Party which so convincingly routed the Congress Party three years back. It is highly pernicious to imagine that simply because a negative vote brought the party to power in many States, that party

[Dr. (Shrimati) Sathiavani Muthu]

was the only party to command the confidence of the people even in the domain of the States.

I am surj that the powers in the Treasury benches know that theirs is a shaky seat because it was gained by the most unscrupulous propaganda over the people promising stability, plenty and what not. They know fully well that if the harsh economic conditions of the people are to be improved, there is no other way except to attempt solutions in concert with all parties who carry with them the sanction of the people. But that appears to be a tall order for them. Accustomed to rule with impunity and disregard of all values, for them the better path is one of confrontation, rather than conciliation. They will have their monolithic rule from Kashmir to Kanyakumari even at the cost of trampling the most cherished values of life.

The whole act breathes of unexampled cynicism. Take, for example, my own State of Tamil Nadu. The AIADMK Government under charismatic leadership of Puratchi Thalaivar M.G.R. was brought to power by the people of Tamil Nadu to attend to their pressing needs. Within three years, that Government became the most responsive, responsible and cleanest Government in the history of India and commanded the admiration of all right-thinking people of India and the world. During the last general election, the plank on which the election was fought was stability at the Centre and the people opted for stability. But how does option of the people exercised in a general election on entirely different issues be taken as a vote of no confidence in the AIADMK Government which has done such signal service in the cause of weaker sections of the State? The Leader of the Congress (I), Madam Gandhi, must be knowing fully in her heart of hearts, as to how this Government was functioning with dedication in the interest of the people. She must also be knowing that

the AIADMK Government promised her co-operation in the vital nation building tasks for promoting all round development of the country. And yet she had the temerity to throw aside the Tamil Nadu Government in flagrant violation of all norms of democracy. Is this the way to protect the real interests of the people?

It would be revealing to state that the three Assembly by-elections in Tamil Nadu which were simultaneously held along with the parliamentary elections revealed a different story. Congress (I) was nowhere in the picture. Two seats were won by the AIADMK and its ally, the communists at Panamarathu Patti and Vilavancode respectively. The third, Usampatti, was won by Forward Bloc. Does it not show that so far as State issues are concerned, the people of Tamil Nadu have voted with great discrimination and thrown out the Congress (I) and its ally, the DMK; Congress (I) cannot claim at all that the people were behind it so far as purely State issues are concerned. And yet the Central Government in unholy haste rushed to dismantle the AIADMK Government which has shown unmistakably that it carries the support of the people in the Assembly elections.

If the AIADMK Party is returned with a majority in Tamil Nadu Assembly, will the Parliament Members of your party from the relevant constituencies resign their seats in the Lok Sabha? That will be a logical extension of your own fictitious reasoning. Will you follow this principle in all the nine States if you face a debacle there.

Sir, let us compare the case of Tamil Nadu with that of Haryana and Himachal Pradesh. The two latter Governments are still in power because by the most blatant exhibition of defections the members changed their party labels overnight. By changing the labels they become popular representatives of the people.

And AIADMK Government which carried the holy mandate of the people to represent them for  $n v_e$  years from 1977 ceased to be representative. What a travesty, of justice! Can political Chicanery go further? Can anything match such craftiness and impudent disregard of the basic values enshrined in the Constitution?

Now, Sir, let us look at the record of the Congress Party in Tamil Nadu. The whole world knows that they got a stunning defeat in 1967 at the hands of the great forces, of Dravidian culture under the dynamic leadership of Arignar Anna. If the Party had contested alone in subsequent elections, the people of Tamil Nadu, who were firmly behind the dynamic Dravidian forces, would have given them short shrift. But that party was able to get a few seats only because of election adjustments with this or that wing of Dravidian forces. Then how can you say that the Congress (I) Party carries with it the entire mandate of the people of Tamil Nadu? Alone they are nowhere, but leaning on the shoulders of AIADMK or DMK they get seats mainly on the prestige of the two latter parties. So, talk of a massive mandate from the people will be clearly seen to be moonshine and so much dust thrown in the eyes of the people. Even in other States Congress (I) had election adjustments with other parties, even with Janata in Kerala, and their victory cannot be rightly claimed as a massive mandate from the people.

Sir, it is not by political trickery that we can solve the massive problems facing the country. Again I am telling the Congress (I) that it was due to the image of Anna that they got seats in Tamil Nadu. The people there are motivated by Dravidian ideology and culture and with brazen impudence the Congress (I) Government dissolves the very Government of AIADMK which is rooted in Anna's exposition of Dravidian ideology and culture. It is better that that Party realises that power games

do not last long. You will reap the benefit of it in the near future in the coming elections.

Was law and order situation one of the factors of dissolution? Can the Government mention any single case of break-down of law and order which made normal Government impossible? The other day, Madam Prime Minister was referring excitedly to Villupuram, as if it was responsible for a serious law and order situation. Why quote the Villupuram incident which happened a year back in support of an undemocratic act. When the Villupuram incident happened, had anybody termed it as a communal clash? Had any political party said so? Had they organised processions or meetings in that regard? Had they raised their voice on any occasion by raising issues in the Assembly or pressing No-Confidence Motions? If the situation was so bad, why was no No-Confidence Motion moved or why was agitation not carried? And now they are talking of Villupuram. This is the height of cynicism. If the high-up in Congress (I) have any modicum of sincerity they would realise that the AIADMK Government under the inspiring and dedicated leadership of the former Chief Minister Puratchi Thalaivar MGR attended to all the troubles in the State with promptness and expedition and down the throats of the people. The people never blamed the AIADMK Government. The Government introduced many progressive measures. It was the only Government which allowed police to have an organisation for their legitimate interest. The conditions of NGCs and students were improved. Unemployed graduates were promised stipends. It was a truly welfare Government, dedicated to people night and day.

THE VICE-CHAIRMAN (SHRI R. R. MORARKA): Madam, you have already taken ten minutes. The time allotted to you was only ten minutes. It is already over. (Interruptions) I have to go by the time allotted.

DR. (SHRIMATI) SATHIAVANI MUTHU: Sir, only three more pages I have to read. And yet the Congress (I) powers found that Government no good. Haryana and Himachal Governments with their mind boggling acts of unprincipled defections were much better. If this is the standard of judgment of Congress (I) powers, it would be better if they see the writing on the wall which is already visible.

Talking about law and order, hon. Members of the House will not fail to note the contrast between the situation that existed before dissolution and after. What was a peaceful State has been turned into a Police State by the President's Administration in connivance with other interests to bound out the AIADMK Party and its respected leader Puratchi Thalaivar MGR. From the way things are turning out, there is a threat to the life of the leader, whose life has been attempted many times earlier. Hon. Members know that on 2-3-1980, there was a brutal police attack on a peaceful procession of AIADMK and allied parties in protest of dissolution, 500 people were seriously injured. Political procession is democratically accepted. I do not see why police attacked this procession. I along with my respected colleague Mr. P. Ramamurti went in a jeep. A hail of sticks, stones, bricks went over our heads. It was a miracle that we survived. I have also to point out that 138 cases were taken up for prosecution by the police in Tamil Nadu on charges of attempted murder and included among the cases was that of a 13-year old boy who was found to be blind and discharged by the Magistrate. This is the quality of Police administration you are having in Tamil Nadu under President's Rule. Will you resign on this issue. Can I ask the Government to resign now? This is the thing that is happening there.

When earlier the State Governments were dissolved, Mr. Charan

Singh wrote at least a letter to all the Chief Ministers of the States concerned. Now, in the present case, what have you done? On 17-3-80 you sprang dissolution like a bomb-shell, you never even had preliminary discussions with the President. He was in Hyderabad. You should have consulted him in this important matter. Sir, we were told the Cabinet met at 8 P.M., you presented the President with a fait accompli. What type of democracy is this?

Regarding the Constitution (Amendment) Bill for extension of reservations of constituencies for SC/ST, though the Bill has been passed by Parliament, it has not been ratified by the requisite number of States. So far as Tamil Nadu AIADMK Government is concerned, they have offered their wholehearted co-operation in nation building tasks. When we joined Mr. Charan Singh's Government at the Centre we did so on a specific condition that the Special Courts would be abolished. We co-operated with you in passing the PDA Bill. And our Government was clean and responsible. Just because the DMK party joined with you in the election, you unsettled our party Government which has such a glorious record. You are inventing umpteen excuses to justify your action.

THE VICE-CHAIRMAN (SHRI R. R. MORARKA): Madam, please conclude now.

DR. (SHRIMATI) SATHIAVANI MUTHU: Nothing can wash this guilt. By organising defection\*, in Haryana and Himachal Pradesh, you maintained power for you. But at what cost? At the cost of all the moral and democratic values. Even in Rajya Sabha, we see every day defections organised for joining the Congress (I).

The whole world is watching mockingly at your new pattern of democracy—to win at any cost regardless of basic principles. You have spurned the hand of co-operation and

taken to confrontation. We from the I AIADMK Party were all for co-operation but you stabbed us to oblige your DMK friends. Who are they? They have been called murderers in the affidavit filed by Mrs. Indira Gandhi herself, and now you have joined the murders. (*Interruptions*)

SHRI V. GOPALASAMY (Tamil Nadu): It is a false statement (*Interruptions*).

DR. (SHRIMATI) SATHIAVANI MUTHU: It is in the affidavit. It is in the affidavit. It is there. (*Interruptions*)

SHRI V. GOPALASAMY: It is a false statement. (*Interruptions*).

DR. (SHRIMATI) SATHIAVANI MUTHU: I say it is in the affidavit. You refer to it.

THE VICE-CHAIRMAN (SHRI R. R. MORARKA): Madam, Muthu, you kindly address the Chair.

DR. (SHRIMATI) SATHIAVANI MUTHU: Sir, the time is not far when the people will wake up to the trickeries practised on them. The coming Assembly elections will show that the people of Tamil Nadu will give a fitting reply to all your manipulations for supremacy.

SHRI MURASOLI MARAN (Tamil Nadu): Mr. Vice-Chairman, Sir, we have seen Mrs. Sathiavani Muthu shedding crocodile tears because the Tamil Nadu Assembly was dissolved. Sir, I would like to bring to her notice...

DR. (SHRIMATI) SATHIAVANI MUTHU: How can they be crocodile tears.

SHRI MURASOLI MARAN: They are real tears, they are genuine tears I pity.

DR. (SHRIMATI) SATHIAVANI MUTHU: I pity, you have now come to the side of the ruling party.

SHRI MURASOLI MARAN: I would like to remind the House and Madam also that in this House when we were discussing the Forty-fifth Amendment Bill, Sir, Mr. Bhupesh Gupta, Mr. Ramamurti and myself I moved an amendment to delete Article 356 from the Constitution. Those people who are now speaking about autonomy, federalism and all sorts of things, then chose to please the then Prime Minister, Mr. Morarji Desai. They voted against our amendment. Sir, now they come and say all sorts of things against that Article. It means that it is nothing but political hypocrisy.

Sir, almost 65 times Article 356 has been used and misused. But the dissolution of nine State Assemblies in 1977 and also in 1980 stand on a different footing. Sir, this is the second time that the Legislative Assemblies have been dissolved after the mid-term poll to, Lok Sabha, and this is also the second time that the President has issued the proclamation without the Governors' reports. As many Members have pointed out, just like Mrs. Sathiavani Muthu, not even an advance notice was given. Even Mr. Sezhiyan said that no reasons were attributed. This is so because in Article 356 there is a word called "otherwise". The President need not get a report from the Governor.

Many of us would remember that when the provision was taken up for discussion in the Constituent Assembly, Mr. H. V. Kamath said this. I want to quote.

"This is a mischievous word. It is a diabolical word in this context, and I pray to God that this would be deleted from this Article. If God does not intervene today, I am sure, at no distant date. He that means God—will intervene. When things will take a more serious turn, the eyes of every one of Us will be more awake than they were today."

Sir, it so happened that Mr. H. V. Kamath was there as a Member of the

[Shri Murasoli Maran]

Lok Sabha in 1977 when the nine State Assemblies were dissolved.

But he did not raise his little finger. He did not issue any statement against that. Sir, as Mr. Kamath predicted, God did not come; the Supreme Court judgment alone intervened.

Many who preceded me have quoted extensively from the judgment of the Supreme Court. Sir, it will be very interesting to quote a few sentences from Justice Bhagwati's judgment. He has made it very clear in his judgment. He said:

"The consent of the people is the basis of a democratic form of government, and when that is withdrawn entirely and unequivocally as to leave no room for doubt about the intensity of public feeling against the ruling party, the moral authority of the government would be seriously undermined, and a situation may arise where the people may cease to give respect and obedience to governmental authority and even conflict and confrontation may develop between government and the people, leading to a collapse of administration. These are all consequences which cannot be said to be unlikely to arise from such an unusual state of affairs and they may make it impossible for the government of the State to be carried on in accordance with the provisions of the Constitution. We subscribe to the proposition that if the consent is so unequivocally withdrawn by the people, then in that case, there is no constitutional authority for the government to continue to administer the State."

Sir, this judgment makes a lot of difference. According to this judgment these nine State legislatures have no Constitutional authority to continue as the people have withdrawn their consent which is evident from the mid-term polls. Whether we like it or not this is the legal position now. When they say that advance notice

was given by the previous Government when they say that even. Mr. Charan Singh sent a letter to the Chief Ministers in which he gave the reasons and when they ask why the present Government did not do it, the answer is simple. At that time, Mr. Charan Singh and the Janata Government were the pioneers in this operation. Now, this Government is armed with the Supreme Court judgment. That is why there was no necessity for any advance notice, that is why no reasons were given. Actually, had they been clever, they should have anticipated the dissolution and resigned honourably, as Mr. Qevraj Urs did.

Sir, similarly if only the Janata people had listened to the advice of Mr. Jayaprakash Narayan, we would not be discussing these proclamations. Sir, I want to quote what Mr. Jayaprakash Narayan, godfather of the Janata Party, stated on April 2 in Bombay. It is a press statement issued from Jaslok Hospital. He said:

"I should think that a new tradition should be established so that when a change takes place at the Centre, the State Governments should also resign. There should be elections so that people have a chance to elect their new representatives."

Sir, our Janata friends did not listen to Mr. Jayaprakash Narayan when he was alive. They did not listen to him even when he was dead.

Now, regarding the Supreme Court judgment from which I quoted, what was the reaction of the Janata people? The then Law Minister, Mr. Shanti Bhushan, fully agreed with that view. There was a debate in this House. At that time, Mr. Shanti Bhushan said:

"We subscribe to this proposition that if the consent is so unequivocally withdrawn by the people, then in that case, there is no constitutional authority for the Government to continue to administer the State."

Sir, this is the same position that has come about. I do not know with what courage the Janata people are now attacking these proclamations. Sir, we know that these nine proclamations are the same as those issued in 1977. Not even a word was altered; not even a comma was changed. Now, they shed crocodile tears. I think our friends will not object if I say that they are crocodile tears. In fact, their tears are more false than those of a crocodile.

AN HON. MEMBER: You seem to be fond of crocodiles.

SHRI MURASOLI MARAN: That is true. Now, what has happened is a plebiscite. The 1980 election is a plebiscite. In fact, when I say it is a plebiscite, I am repeating the words of hon. Mr. Advani, sir, in this House during that debate, Mr. Bhupesh Gupta put a question to the then Law Minister, Mr. Shanti Bhushan: "Was there any plebiscite?" Mr. Shanti Bhushan said: "The 1977 Lok Sabha election was really a plebiscite." Then Mr. Advani said, "It was a plebiscitary election." Sir, I would say that what has happened now is a plebiscitary election. The electorate has risen in revolt against the Janata. Lok Dal and AIADMK misrule. So they had no moral right to continue. (Time bell rings). I will finish.

Sir, the present Constitution is not truly a federal Constitution. I am of the opinion, we are of the opinion, **that you should make it truly federal** **that article 356 should be deleted.** Otherwise, Sir, this House and the other House would be discussing proclamations of this kind very often. Thank you.

**श्री जगन्नाथ जोशी ( दिल्ली ) :**

उपसभाध्यक्ष महोदय सदन में नौ विधान सभाओं को भंग करने के आदेश के विरोध में जो प्रस्ताव पेश हुआ है उसके समर्थन में और नौ विधान सभाओं को भंग करने के लिए जो मूल अध्यादेश जारी किया गया है उसका विरोध करने के लिए मैं खड़ा हुआ हूँ।

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ये विधान-सभायें भंग करने के लिए कई तर्क दिये गये हैं। उनमें से एक तर्क दिया गया है कि जनता ने हमको पिछले चुनावों में भारी बहुमत दिया है जैसा कि सन् 1977 में जनता पार्टी को मिला था। दूसरी बात यह कही गई है कि कानून और व्यवस्था की स्थिति इतनी बिगड़ी हुई थी कि राज्यों में राष्ट्रपति का शासन लगाना जरूरी हो गया था . . . (Interruptions)

राष्ट्रपति का शासन मध्य प्रदेश, राजस्थान, बिहार उत्तर प्रदेश आदि अनेक राज्यों में लागू किया गया है। तीसरी बात यह कही गई है कि जिन राज्यों में जनता पार्टी की सरकारें थीं वे केन्द्र के साथ सहयोग नहीं करती थीं सहकार नहीं करती थीं। इस प्रकार से ये तीन कारण दिये गये हैं। मैं यह बताना चाहता हूँ कि जनता पार्टी की सरकार ने सन् 1977 में जिन नौ विधान सभाओं को भंग किया था उसके पीछे एक बड़े महत्व की बात थी। हमने सन् 1977 के आम चुनावों में लोगों को यह आश्वासन दिया था कि हम लोगों का उन दिनों जेल होने का लाभ उठा कर संविधान में जो तोड़ मोड़ की गई है और जिस प्रकार से विधान-सभाओं और लोक सभा की अवधि और कार्यकाल जो पहले पांच साल का होता था, उसको बढ़ा कर छः साल किया गया है उसको हम पांच साल करेंगे। सन् 1972 में विधान सभाओं के चुनाव हुए थे और उनका कार्यकाल सन् 1977 में समाप्त हो गया था। इसलिए हमने यह आश्वासन दिया था कि हम इस अवधि को 5 साल करेंगे। हमने लोक सभा की अवधि को भी पांच साल किया। जिन विधान सभाओं की अवधि खत्म हो गई थी उनको भंग किया। जिन प्रदेशों में आपात काल के कारण लोगों पर अत्याचार किये गये और जिन प्रदेशों की जनता आपात काल के कारण पीड़ित और जर्जरित थी वहाँ की विधान सभाओं को भी हमने भंग किया। मैं मानता हूँ कि इस वक्त आपको बहुमत



[श्री जगन्नाथ राव जोशी]

मिला है। लेकिन सत्ता कोई नई चीज नहीं है। आपने पहले भी सत्ता का उपयोग किया है। आप फिर सत्ता में आए हैं। आपको इस सत्ता का उपयोग देश के अन्दर सबालों को हल करने में और देश का निर्माण करने में करना चाहिए था। आप जन-हित के कार्यक्रम बनाते। लेकिन चक्रम-वक्रम खेल चलता है। आज आप जनता पार्टी का तर्क दे रहे हैं। कल जा कर दूसरी पार्टियाँ भी अधिकार में आएंगी। वे फिर आपके ऊपर अंगूली दिखाएंगी। आपको कोई न कोई तो अच्छा उदाहरण पेश करना चाहिए क्योंकि जीवन में आखिर यह कहा जाता है कि सर्व आत्मवशं सुखम, सर्व परवशं दुःखम। दूसरे की ओर देख कर अगर कोई गलत काम करता है तो वह ठीक नहीं है। अगर कोई मेरे घर चोरी करता है तो मैं उसके घर चोरी नहीं करता हूँ। इस तर्क को कोई मान्यता नहीं मिल सकती कि अगर कोई मेरे घर चोरी करता है तो मैं भी उसके घर जाकर चोरी करूँ। मैं चोरी नहीं करूँगा क्योंकि चोरी करना गलत काम है। इसलिए आज आवश्यकता इस बात की है कि देश में स्वस्थ परम्पराएं डाली जाएं। अगर आप स्वस्थ परम्परा देश में डालते तो यह बहुत अच्छा होता। जैसा अभी कहा गया है कि श्री देवराज अंस ने बहुत सोच-विचार करके त्याग-पत्र दे दिया। यह बहुत अच्छी बात है। श्री देवराज अंस ने त्याग-पत्र इसलिए दिया था कि विधान सभा को भंग करके नये चुनाव कराए जाएंगे क्योंकि आखिर इस देश के अन्दर एक स्वस्थ परम्परा के रूप में शासन-प्रणाली चलनी है। कोई भी सरकार क्यों न हो, उसको मौका मिलता है। इस वक्त आप कहते हैं कि जनता आपके साथ है। ठीक है, लेकिन आप फिर दल-बदल को प्रोत्साहन क्यों देते हैं? आपको इसकी क्या जरूरत थी? यह मान लिया कि जनता आपके साथ है, आप जनता का विश्वास प्राप्त कर सकते थे। आप हरियाणा में चुनाव

कराते, हिमाचल प्रदेश में चुनाव कराते, कर्नाटक में चुनाव कराते। किन्तु आपने कुछ राज्यों को छोड़ दिया क्योंकि आपको पता चला कि केरल में 21 जनवरी को विधान सभा के जो चुनाव हुए उनका नतीजा आपके मन के अनुकूल नहीं निकला। इसलिए आपने सीखा कि अब क्या करें और तब यह दल-बदल की बात सामने आई। फिर हरियाणा की बात सामने आई, कर्नाटक की बात सामने आई। वहाँ पर सारा का सारा माहोल जो पहले श्री देवराज अंस के साथ था वह सारा का सारा श्री गूण्डूराव के साथ चला गया और वह पवित्र हो गया। जिस प्रकार से पानी चाहे कहीं से भी आए, अगर वह गंगा में मिल जाता है तो वह पवित्र हो जाता है। कहीं कोई सवाल नहीं है। मैं पूछना चाहता हूँ कि यह सब क्या है? यह आगे चल कर आपको तकलीफ देगा। इसलिये मैं बता रहा हूँ कि यह करना नहीं चाहिए जिससे कि जन-मन में संदेह हो। जनता ने आपको अधिकार दिया है इसलिये नहीं। बार-बार चुनाव के दौरान इंदिरा गांधी जी ने कहा कि हम पीछे की बात कहेंगे नहीं, करेंगे नहीं। हमने सबकुछ सीख लिया है।

"There is no such thing as emergency."

"There will not be emergency for another thousand years."

तो जनता ने आपका साथ दिया। उसको लेकर आप क्यों नहीं गये। आपने अधिकार के आते ही उसका दुरुपयोग करना शुरू कर दिया। जो दिल्ली में हुआ वह हम सब देख रहे हैं। यहाँ पहले के लेफ्टिनेंट-गवर्नर चले गये। दूसरे जो आए उनके आते ही नई दिल्ली नगर पालिका चली गई, थोड़े ही दिनों बाद मेट्रोपोलिटन काउंसिल चली गई। जब आपको यह करना था तो फिर 9 के साथ 10वाँ क्यों नहीं किया क्योंकि विसी ज्योतिषी ने बताया होगा कि 9 का आंकड़ा

अच्छा है। सूर्य ग्रहण 16 को है तो 17 को करो। तो जब मामले ऐसे हल हो जाएं तब फिर चर्चा का सवाल ही पैदा नहीं होता। किसी ने भीष्म नारायण सिंह का जिक्र किया, किसी ने प्रणव मुखर्जी का जिक्र किया कि उन्होंने पटना एयरपोर्ट पर कहा कि यह नहीं होगा वह नहीं होगा। उनके कहने का कोई लाभ नहीं है। क्या होता है यह किसी को पता नहीं चलता। जैसे इमरजेंसी डिक्लेयर हो गई और कैबिनेट मिनिस्टर्स को इसका पता दूसरे दिन चला वैसे ही इनकी हालत है। उनको भी कहां पता चलता है? हमारे श्री साठे जी ने कहा कि कलंड टी० वी० होगा, फलां होगा, फलां होगा सिनेमा क्या क्या होगा, यह क्या होगा यह भगवान जाने। विध-वास के साथ कोई कुछ बोल सके यह बात कहां है। मैं किसी की आलोचना बिल्कुल नहीं कर रहा हूं। मैं आपकी आलोचना नहीं करता। मैं यह आलोचना इसलिए कर रहा हूं कि सत्ता हाथ में आते ही इसको एकदम केन्द्रित करके उसका उपयोग खुद के लिए करो यह जो पुरानी परम्परा है वह परम्परा जब फिर दिखने लगती है तो मन को ठेस लगती है कि भारतीय राजनीति फिर गलत रास्ते से जाने लगी है। अब किसी ने कहा कि दिल्ली में बहुमत मिला है। एक बात आप भूल गए कि इसी लोक सभा चुनाव के साथ ही दिल्ली मेट्रोपॉलिटन कौंसिल के लिए भी एक उप-चुनाव हुआ था। उस उप-चुनाव में कांग्रेस का उम्मीदवार हार गया और जनता पार्टी का जीत गया। आज लोग बड़े समझदार हैं। वे केन्द्र में आपको सत्ता देंगे तो राज्यों में भी आपको ही दें यह जरूरी नहीं है, कारपोरेशन में आपको ही देंगे यह जरूरी नहीं है। 1971 में लोक सभा का चुनाव होने के बाद 1972 में कारपोरेशन आपके हाथ में नहीं आई यानि कि अब लोग विवेक करने लगते हैं। वह यह अच्छी तरह समझते हैं कि असेम्बली में किसको वोट दिया जाए, लोक सभा में किसको दिया जाये और मेट्रो-पॉलिटन में किसको दिया जाय। यह लोग

बिल्कुल समझते हैं। 1952, 1957, 1962 और 1967 के लोक सभा और असेम्बलियों के चुनाव साथ साथ हुए, हर पांच साल के बाद। परन्तु यह गाड़ी पटरी से उतर गई जब कि 1969 में कांग्रेस का विभाजन हुआ। उस समय जो यह गाड़ी पटरी से उतरी थी अभी तक ठीक नहीं है। इसलिए अधिकार का खुद के लिए दुरुपयोग करने की बात को लेकर जनता के मन में जो सन्देह है उस सन्देह को आपको दूर करना चाहिए। लेकिन जिस ढंग से दिल्ली में एन० के० सिंह का मामला हुआ, जिस ढंग से नई दिल्ली नगरपालिका को समाप्त कर दिया गया, जिस तरह से मेट्रोपॉलिटन कौंसिल को समाप्त कर दिया सारे पार्लियामेंटरी नाम्स को ताक में रख दिया Highly gross impropriety, है। क्या जरूरत थी। थोड़ी सा रुक जाते कुछ बिगड़ता नहीं था "Set very good precedents".

कुछ बिगड़ता नहीं था। आपके साथ बहुमत है यह मान कर चलते। हम भी यह मान कर चलते किन्तु उस अधिकार का जो उपयोग है वह अच्छे काम के लिए करना चाहिए।

दूसरी बात मैं यह बताना चाहता हूं कि आज अपने देश के अन्दर सामाजिक अत्याचार होते हैं उनको राजनीति के साथ मत जोड़िए। इसका राजनीति से बहुत कम मतलब है। नारायणपुर में जो कुछ हुआ उसके लिए आपने कहा कि उत्तर प्रदेश की सरकार ऐसी है और दिल्ली में जब अंधों पर लाठी चार्ज हुआ तो इन्दिरा जी कहती हैं कि पुलिस वालों से कैसा व्यवहार करें पता नहीं। तो हमारे जानी जी एक कदम और आगे आये और उन्होंने कह दिया कि इसमें आर० एस० एस० वाले घुसे थे। तो क्या पुलिस में आपको सलाह देने वाले भिडर आर० एस० एस० के हैं। आसाम में जब गड़बड़ होती है तो आर० एस० एस० वाले हैं, हवाई जहाज उड़ा लिया गया

[श्री जगन्नाथ जोशी]

तो आर० एस० एस० वाले हैं यह कहा जाता है। पंडित जी जब कह रहे थे तो बड़ा आश्चर्य हुआ और जिनको छुड़वाने के लिए संजय गांधी जी ने राजनारायण के साथ बैठकर बात की कि इनको छोड़ेंगे या नहीं छोड़ेंगे, उन्होंने यहां खड़े होकर कहा। तो जब राजनीति इतनी घटिया दर्जे की हो गई है तो इससे किसी का भला नहीं हो सकता। किसी का भला नहीं होता है। वे तो अंधे थे। मैं समझता हूं कि उन पर लाठी चलाने वाले लोग अंधे थे वे भी चला सकते थे किन्तु गृह मंत्री जी को आंखें खोल कर हर चीज को देखना चाहिए। यह तो ओवर सिम्पली-फिकेशन से काम नहीं चलेंगा। आसाम में कुछ होता है तो संघ वालों का हाथ है, पुलिस वालें कुछ करते हैं तो संघ का हाथ है। यह ठीक बात नहीं है। इसलिए जब भी अत्याचार होते हैं, दंगे होते हैं, उसके मूल में जाने की कोशिश करें। नारायणपुर, पारस-बीषा, पिपरा जो है या अभी-अभी दिल्ली में जो विद्यार्थी मारा गया आज तक पता नहीं चला पुलिस वाले तो पता नहीं लगा रहे हैं। यह जो सारे अत्याचार होते हैं इनको राजनीति से मत जोड़िये। हम सारे आपके साथ हैं। हम सब को मिल कर हल करना है। यह समाज के लिये कलंक है। दुर्बलों पर जब भी अत्याचार होते हैं तो उसका मतलब यह है कि सब लोगों को हमने शिक्षा नहीं दी, उनके संस्कार ऐसे नहीं बनाए कि दुर्बल की रक्षा करनी है आज देश के अन्दर जो दादागिरी पैदा होती चली जा रही है, उदड़ता पैदा होती चली जा रही है, यह सब लोगों के विचार का विषय है। इसको दलीय राजनीति में मत जोड़िये। यह मुझे दुःख होता है कि नारायणपुर तक इंदिरा जी चली गई, पिपरा क्यों नहीं गई, पारसबीषा क्यों नहीं गई? जहां-जहां पर अत्याचार होते हैं वहां पर क्यों नहीं गई? यह राजनीति से नहीं जोड़ना चाहिए।

तीसरी बात यह है कि जो तर्क दिया गया कि केन्द्र का आदेश नहीं मानेंगे, केन्द्र के साथ सहयोग नहीं देंगे। जहां तक यह अवधि बढ़ाने का सवाल था, आगे 10 साल का सवाल था हमने यहां पर समर्थन दिया था। मुख्य मंत्री को बता दिया था।

It was only a question of time,

यह मार्च में होता था किन्तु उसके लिए पहले ही राज्य सभा का चुनाव था। इसमें यहां भी आपका बहुमत होता। तो वास्तव में यह एक तरह का बैलेंस है। आप लोगों ने देखा हम जो संशोधन लाए थे उसको कुछ मात्रा आपने नहीं माना, हमको चुप रहना पड़ा। नहीं माने तो वैसे लोक सभा में गया। जिसको आपने न कहा था उसे हमने कुछ नहीं किया किन्तु आपकी स्थिति यदि वैसी होती तथा आपके विचार में बहुत तर्क होता तो आप इधर के चेहरे उधर दिखाने की कोशिश न करते। वैसे चेहरा बदलते हैं। पहले उधर था अब इधर आ गया हूं लेकिन दल-बदल से नहीं। यह हो जाता है इधर का चेहरा उधर और उधर का चेहरा इधर, वह चुनाव के जरिये हो जाता है क्योंकि जो आज यहां बैठेगा कल वहां भी बैठेगा। यहां से वहां और वहां से यहां, यह सब चलता रहता है। लेकिन यह मेरी समझ में नहीं आ रहा है कि कल तक जो यहां बैठे थे वे चेहरे आज खटाक से वहां दिखाई देने लगे हैं। असल में यदि आपके मन में विश्वास है कि हमने जो किया है वह सही है तो लोग मानते। आज यहां बैठ कर भी आपका साथ दें। यहां बैठने का यह मतलब नहीं है कि विरोध ही करें। यह हमारा साथ नहीं देते यह कह कर विधान सभाएं भंग की गई। इसको मैं नहीं मानता। मुझे असल में एक दूसरा ही डर है। वह यह है कि कुछ लोगों ने कहा, अभी गनी खान चौधरी साहब और स्टीफन साहब ने कहा कि वेस्ट बंगाल की सरकार को बंगाल की खाड़ी में डुबो देंगे। दूसरे ने केरल में कहा। मुझे डर

बह लगने लगा है कि एक बार चुनाव के बाद यह आर्टिकल 356 का अनुच्छेद एडजस्टेज लेंगे। आर्टिकल 356 के अनुसार केन्द्र का आदेश मानना जरूरी है। इसको आधार बना कर कल जाकर केरल और बंगाल की विधान सभाओं को भंग करेंगे। यहाँ कम से कम चुनाव हो रहे हैं। मुझे डर है कि वहाँ चुनाव भी नहीं होंगे। एक बार नौ विधान सभाओं के चुनावों के बाद यहाँ पर भारी बहुमत हो जाए, कोई भी गवर्नर का प्रोक्लेमेशन पास होने की स्थिति में आ जाए फिर जैसे पहले केरल में हुआ था छः महीने राष्ट्रपति शासन बढ़ाया गया, फिर और छः महीने बढ़ाया गया उसके बाद फिर और छः महीने बढ़ाया गया। यहाँ कम से कम चुनाव तो हों। मुझे बिल्कुल डर है कि केरल और वेस्ट बंगाल में जब राष्ट्रपति शासन लागू हो जाएगा तो पक्का हो जाएगा। अब बिल्कुल आप पर भरोसा करने की स्थिति नहीं रही है।

(Time bell rings)

अंत में एक बात जानी जी के बारे में बता कर समाप्त कर दूंगा। जानी जी ने जनता का बहुत तर्क दिया। जनता ने ऐसा किया, जनता ने वैसा किया। जानी जी मुझे इसलिये डर है कि जनता ने जैसे किया आप बिल्कुल वैसे मत करें। एक बार अनुकरण शुरू हो जाता है तो फिर जैसे भिमी ने कहा कि शेर जैसा है तो लोग पूँछ पकड़ने की कोशिश करते हैं। आपने कहा जनता ने ऐसा किया। उसके बाद जनता ने क्या किया। प्रधान मंत्री पद के लिये लड़ाई हुई। जनता पार्टी टूट गई, स्थिरता आ गई और आप के मुँह में यह शब्द दिल्ली के बीकली में खुशबंत सिंह जी जिसको एडिट करते हैं उसमें आगे है कि क्या संजय गाँधी प्रधान मंत्री नहीं बन सकते हैं? क्यों नहीं बन सकते हैं? बन सकते हैं। हमारे प्रधान मंत्री का स्वास्थ्य बहुत अच्छा है फिर भी समय रहते सोच समझ कर बड़ों को छोटों के लिए राज्य छोड़ना चाहिए वरना वे छीन

लेंगे। मेरा डर यह है कि जनता का ज्यादा उदाहरण मत दिया करिये। आगे चल कर वहाँ भी प्रधान मंत्री की लड़ाई होगी और फिर देश के अन्दर अस्थिरता आयेगी जो हल नहीं चाहते हैं। तो बार-बार जनता जनत कह कर देश के अन्दर आप यह करेंगे तो फिर मैं बताता हूँ कि जनता अब सजग हुई है विवेकपूर्ण हो गई है। अधिकार कम उपयोग खुद के लिए हो इसलिए आप कौन्सिलेशन में तोड़ मरोड़ करेंगे तो जनता आपको उखाड़ फेंक देगी।

अन्यवाद।

4 P.M.

श्री श्रीकान्त वर्मा (मध्य प्रदेश) :

उपसभाध्यक्ष महोदय, आज इस सदन में लोकतंत्र का नाम बार-बार सुना जा रहा है और मजे की बात यह है कि लोकतंत्र की दुहाई वे लोग दे रहे हैं, जिन्होंने की तीन साल पहले लोकतंत्र की पीठ में छुरा भोंक कर उसको दफना दिया था। तीन साल पहले भी इसी सदन में 14 जून को तीन घंटे की एक बहस हुई थी और उस बहस का विषय भी नौ राज्यों की विधान सभाओं का भंग होना था। अब उस बहस में उस समय के शासन पार्टी के कुछ मंत्री महोदयों और नेताओं ने क्या कहा था, वह मैं आपके सामने पढ़ कर सुनाना चाहता हूँ। तत्कालीन जनता पार्टी और बाद में लोक दल के नेता श्री रबी राय ने उस बहस में कहा :

“बौधरी साहब (मतलब बौधरी : चरण सिंह) ने जो कदम उठाया वह प्रजातंत्र और संविधान की रक्षा के लिये उठाया गया”

उपसभाध्यक्ष महोदय, अगर उस समय नौ राज्यों की विधान सभाओं का भंग होना प्रजातंत्र और संविधान की रक्षा था तो इस समय नौ राज्यों की विधान सभाओं को भंग होना अप्रजातांत्रिक और संवि-

[श्री श्रीकान्त वर्मा]

ब्राम की हत्या कैसे हो गया ? उसके बाद तत्कालीन विधि मंत्री श्री शांति भूषण जी ने अपने विद्वतापूर्ण भाषण में कहा है—वे वकील हैं विद्वान भी माने जाते हैं, मैं नहीं जानता हूँ कि विद्वान कैसे हैं—लेकिन इतना जानता हूँ कि वकील कामयाब हैं—उन्होंने कहा कि :

"The Central Government was only protecting democracy, the rights of the people, by insisting that if such a serious attitude has been shown by the people, if such a serious want of confidence has been shown by the people in the Congress Party which is running the Governments in those States, well, people must be brought into the picture immediately."

Sir, why should not the people be brought into the picture immediately today? What has gone wrong? What has changed? The context remains the same.

इसके बाद उस समय के गृह मंत्री चौधरी चरण सिंह जी ने फरमाया कि :

"अब मैं कास्टीडियूशन की रचना तो नहीं जानता । लेकिन आज अगर म्यूनि-सिपल इलेक्शन में भी रूलिंग पार्टी हार जाती है तब वे इस्तीफा दे देते हैं । जब शासक दल जनता की नुमाइंदगी नहीं करता या कोई बड़ी नीति का प्रश्न उठता है तो वे स्वयं ही इस्तीफा दे देते हैं" तब फिर इन तीनों राज्यों की सरकारों ने और कम से कम एक प्रदेश में चौधरी चरण सिंह की सरकार थी, उसने तत्काल इस्तीफा क्यों नहीं दिया ? आज चरण सिंह से लेकर जनता पार्टी तक जितने भी टूटे-फूटे रण के पहिये हैं, वे सब झोत्कार कर रहे हैं कि लोकतंत्र की हत्या हो गयी । लेकिन उस समय उनकी आवाज कहाँ खो गयी थी जब कि उन्होंने लोकतंत्र की हत्या की थी । जबकि आज

तो वास्तव में लोकतंत्र की हत्या नहीं हो रही है, बल्कि लोकतंत्र को कायम किया जा रहा है । जानी जैल सिंह जी ने किसी पाखंड की भाषा में बात नहीं की । दो टूक बेलाग भाषा में बात की । उनका अपराध इतना ही है कि वे अंग्रेजी परस्ती को खुश नहीं कर पाते हैं । वे हिन्दी में बोलते हैं और अपनी मातृ-भाषा में तथा हिन्दी में बोलना कोई जुर्म नहीं है । बल्कि इस पर तो अभिमान होना चाहिये । उन्होंने चौधरी चरण सिंह की भाषा में, जोकि गवं, अभिमान, अत्याचार और तानाशाही की भाषा है, बात नहीं की । चौधरी चरण सिंह का एक-एक शब्द हम लोगों ने इस सदन में सुना है और हम जानते हैं कि यह व्यक्ति इस देश का सबसे बड़ा तानाशाह है । हम जानते हैं कि अगर इनके पास सत्ता साल भर भी रह जाती तो वह इस देश को तहस-नहस कर देते । हम जानते हैं कि मोरारजी भाई के पास अगर पांच वर्ष होते और उनकी पार्टी टूटी-फूटी नहीं होती, अगर उनको पार्टी के भीतर अधिकार प्राप्त होते तो वह देश को नष्ट कर देते, केवल अपना और अपने परिवार का शासन कायम कर देते । ऐसे तानाशाहों के अढ़ाई वर्ष हमको देखने पड़े और इस देश की जनता को सहना पड़ा और जब वक्त आया तो जनता ने उसको भलबे के ढेर की तरह उठा कर फेंक दिया ।

उप-सभाध्यक्ष महोदय, जब यह शासन 1977 में आया, तब जनता पार्टी के प्रवक्ताओं ने कहा कि दूसरी आजादी आई है । इसका मतलब था कि 1947 से लेकर 1975 तक एक आजादी रही । जिसके लिये लोकमान्य तिलक तथा गांधी जी ने खून बहाया लेकिन दूसरी आजादी चौधरी चरण सिंह और श्री मोरारजी देसाई ने कायम की 1977 में

जिसके लिये न चौधरी चरण सिंह ने खून बहाया और न श्री देसाई ने खून बहाया। लेकिन उसे उन्होंने दूसरी आजादी का नाम दिया और कहा कि यह जनता पार्टी की सब से बड़ी देन है कि वह दुबारा आजादी को कायम कर रही है। लेकिन यह साबित हो गया है कि यह दूसरी आजादी नहीं थी, गुलामी थी क्योंकि आजादी इतनी सीमित नहीं होती, आजादी का मतलब केवल वोट देने का अधिकार नहीं होता है। आजादी का मतलब कुछ अखबारों में लिखने, छापने की सुविधा नहीं होता। यह भी होता है। लेकिन आजादी इससे कुछ ज्यादा बड़ी चीज होती है। आजादी वह होती है जहां आदमी को बोलने की आजादी हो, आत्मा की भी आजादी हो, लेकिन साथ-साथ रोटी की भी आजादी हो। लेकिन इन अढ़ाई वर्षों में क्या हुआ? इन अढ़ाई वर्षों में पिछले तीस वर्ष की इमारत पूरी तरह ढह गई और उसकी जगह सारा देश एक कब्रिस्तान में एक शमशान में बदल दिया गया। जो कुछ भी अच्छा हुआ था, उस सबको नष्ट कर दिया गया और जगह-जगह जैसे खण्डहर दीख पड़ते हैं, उसी तरह कमीशन दिखाई पड़ने लगे। यह आकस्मिक नहीं है कि कई कमीशन उन राजमहलों में बिठाये गये जो कि वाकई खण्डहर हो चुके थे इन अढ़ाई वर्षों में इन कमीशनों के अलावा कोई काम नहीं किया गया। अगर इन अढ़ाई वर्षों में कोई लक्ष्य था तो सिर्फ यह था कि श्रीमती इन्दिरा गांधी, श्री संजय गांधी, उनके परिवार के सदस्यों, उनके मित्रों और अन्यो को परेशान किया जाये और इस हद तक कि वे राजनीति छोड़ दें और अगर नहीं छोड़ते हैं तो उनको जेलों में डाल दिया जाये ताकि मजबूर होकर उनको राजनीति छोड़ देनी पड़े। यह प्रतिहिंसा की राज-

नीति थी। यह दूसरी गुलामी थी क्योंकि गुलामी वह होती है जो दूसरों को वहां तक खदेड़ देती है कि उसे वोट देने का अधिकार तक नहीं रह जाये। वस्तुतः इन्होंने ऐसा ही किया था। श्रीमती गांधी चिकमगलूर से जीत कर आई और उसके तत्काल बाद लोक सभा में एक प्रस्ताव लाया गया, सिर-तोड़ बहुमत के आधार पर और इसी सिर-तोड़ बहुमत के आधार पर उनको चुने जाने के बावजूद निकाल दिया गया। तो यह क्या था? यह प्रतिहिंसा का शासन था और इस पर जनता पार्टी को गर्व है और जनता पार्टी कहती है कि उसने लोकतंत्र को कायम किया है। लेकिन वास्तव में लोकतंत्र कायम नहीं हुआ था, लोकतंत्र को ढहा दिया गया था।

मैं तो यह कहूंगा कि कोई वर्ग नहीं और मैं केवल केन्द्र सरकार की बात नहीं कर रहा हूं, जनता पार्टी की केन्द्र सरकार, बल्कि हर प्रदेश में कोई भी वर्ग ऐसा नहीं जिसने एक दिन भी चैन की सांस मार्च, 1977 से लेकर 8 जनवरी, 1980 तक ली हो। कोई वर्ग नहीं जो सताया न गया हो। वैज्ञानिक इसलिये परेशान थे कि सारी विज्ञान की नीतियां रद्द की जा रही थीं। उन्हें यह समझ में नहीं आ रहा था कि देश में रहें या विदेश में जायें, कहां जायें? उनका मनोबल जबर्दस्त गिरा हुआ है और उसको उठने में भी वर्षों लगेंगे। अध्यापक इसलिये परेशान थे कि इतिहास की पुस्तकें जलायी जा रही थीं, बदली जा रही थीं। वे पुस्तकें लायी जा रही थीं जो पं० जगन्नाथ राव जोशी को पसन्द आये वे पुस्तक लायी जा रही थीं जो श्री नानाजी देशमुख के हस्ताक्षर से अनुमोदित हों; वे पुस्तकें लायी जा रही थीं जो श्री मुह गोलवलकर और उनके उत्तराधिकारियों को आदर्श इतिहास की पुस्तक लगती।

[श्री श्रीकान्त बर्मा]

सिर्फ इतना ही नहीं। बात अगर पुस्तकों तक रहती तब भी कुछ था लेकिन उसके आगे बढ़ कर, जो दंगे हुए दंगे तो पहले भी होते थे कांग्रेस के राज में दंगे नहीं हुए, यह बात नहीं, लेकिन फिर भी अल्पसंख्यकों का मनोबल गिरा हुआ नहीं था। अल्पसंख्यक यह सोचते थे कि कोई शक्ति है जो हमारी रक्षा को आयेगी। लेकिन क्या कारण है कि 1977 से 1979 के बीच जितने भी दंगे हुए उनके सामने अल्पसंख्यकों ने अपने आपको पूरी तरह असहाय महसूस किया क्योंकि ये दंगे सरकारी पैट्रोनेज के बल पर हो रहे थे। इन दंगों में जनता पार्टी के नेता और कार्यकर्ता, जनसंघ के कार्यकर्ता, राष्ट्रीय स्वयंसेवक संघ के निष्कर पहनने वाले पहलवान, ये सब शामिल थे। और उनको सरकारी पैट्रोनेज होने की वजह से अलीगढ़ जैसी जगहों में एक साल से भी अधिक काल तक दंगे चलते रहे, बल्कि जैसे कि जंगलों में आग लग जाती है तो वर्षों तक आग लगी रहती है, वैसे अलीगढ़ में एक साल से दंगों की आग जल रही है।

उपसभाध्यक्ष महोदय, शायद देश के पूरे इतिहास में, पिछले 500 साल के इतिहास में इतना भयानक वक्त कभी नहीं आया जितना कि इन ढाई वर्षों में आया। गोली कांड की संख्या देखिये। अंधों का जिक्र हुआ, कि अंधों की पिटाई हुई। जिन्होंने पिटाई की मैं उनको भी अंधा कहता हूँ। पुलिस वाले अंधे थे, एक अंधे ने दूसरे अंधे को पीटा लेकिन जनता पार्टी वाले तो आंध्र वाले थे, क्योंकि उन्होंने "दूसरी आजादी" कायम थी, क्योंकि उन्होंने लोकतंत्र कायम किया था। उस समय उनकी आंख कहां गई जब पंतनगर में लोगों को इस कदर गोलियों

से भून दिया गया कि उनको खेतों में भी छुपने की जगह नहीं मिली। वे तो आंध्र वाले थे। उन्होंने क्यों इस तरह से निहत्थे और कमजोर लोगों पर हमला किया ?

उपसभाध्यक्ष महोदय, मैं यह नहीं कहता कि हमारे शासन में सब कुछ ठीक होगा या सब कुछ ठीक हो जायेगा। कोई भी सरकार जो दावा करती है कि वह सभी चीजों को ठीक कर देगी। वह झोंग हांकती है। लेकिन मैं यह जरूर कहूंगा कि आज इन दो-ढाई महीनों में वे जुल्म और अत्याचार के निशान नहीं दिखायी दे रहे हैं जो कि जनता पार्टी ने आते ही दिखाये। न जाने कितने पत्रकारों का तबादला किया। पत्रों की स्वाधीनता की बात करने वालों ने न जाने कितने पत्रकारों और संपादकों को निकाल दिया। उनको तो लोकतंत्र की बात करने का कोई अधिकार है ही नहीं। पर हमारे मित्र राममूर्ति जी को भी दल-बदल के खिलाफ कोई बात करने का अधिकार नहीं है; क्योंकि वे ढाई साल और उससे भी अधिक कब से उस पार्टी के साथ कंधे से कंधा मिला कर बैठते रहे जो कि न केवल दल-बदल कराती रही बल्कि जो कि तमाम दल-बदलुओं को मिला कर बनी थी। इसलिए उनको दल-बदल के खिलाफ कुछ कहने का कोई अधिकार नहीं है और अगर वे इतने सीरियस थे तो फिर उन्होंने उस समय मोरारजी भाई के कान पकड़ कर—क्योंकि वे कान पकड़ने की स्थिति में थे, पश्चिमी बंगाल की सरकार से मोरारजी भाई को बड़ा खौफ होता था—उस समय क्यों नहीं कहा कि दल-बदल के विरुद्ध कानून लाया जाये ? क्यों अपनी बात नहीं मनवाई ? आज कहने से क्या फायदा है।

इस भाष्य में महोदय, इन प्रदेशों में भ्रष्टाचार की क्या स्थिति है, उस पर मैं कुछ कहना चाहता हूँ। आप सब जानते हैं कि इसी सदन में बैंगलिंगम का नाम कई बार आया। बैंगलिंगम का नाम बहुत से मन्दिरों में उजाला कर देता है और बैंगलिंगम का नाम आते ही जैसे श्री कान्तिभाई देसाई और श्री मोरारजी देसाई और श्री चरण सिंह और उनके रिश्तेदारों के नाम याद आते हैं। यह कहने की जरूरत नहीं है। मध्य प्रदेश में क्या हुआ। श्री सबलेखा का 50 करोड़ रुपया किस तरह नेपाल में इकट्ठा है उस पर हमारे साथी कल्पनाश्रम जी उधर बैठते हुए कई बार प्रकाश डाल चुके हैं। जहाँ तक उड़ीसा का प्रश्न है, उड़ीसा अब अपने सूर्य मन्दिर के लिये मशहूर नहीं रहा है, वह तो श्री बिजू पटनायक के कारनामों के लिये मशहूर हो गया है। तमिल नाडु का भी जिक्र आया। तमिल नाडु के मुख्य मंत्री के अभिनय के लिये तमिल नाडु आज ज्यादा प्रसिद्ध हो चुका है बजाय मीनाक्षी मन्दिर के। जो जनता पार्टी अथवा डी एम के, अकाली पार्टी के नेता जो कुछ करते रहे हैं, उन्हीं के बल पर उनके प्रदेश मशहूर हो रहे हैं और उनका इतिहास, उनकी संस्कृति और उनकी परम्परा—सब कुछ भुलाया जा रहा है। तो आज अगर कांग्रेस सरकार ने यह फैसला किया कि नौ राज्यों में फिर से विधान सभाओं के लिये चुनाव हों तो केवल इसलिए कि इन प्रदेशों में इन नादिराजों और तानाशाहों की कार्यवाहियाँ समाप्त हो सकें और फिर से वहाँ की गौरवशाली परम्परा को कायम किया जा सके और वहाँ की अभिनयलीला, विकास लीला, वहाँ के छलछन्द को, भ्रष्टाचार को समाप्त किया जा सके, मीनाक्षी का मन्दिर फिर से मीनाक्षी का मन्दिर हो सके और कोणार्क का मन्दिर फिर से कोणार्क का

मन्दिर हो सके। इसलिये इन नौ राज्यों फिर से चुनाव करने का फैसला किया गया अन्यथा।

PROF. SOURENDRA BHATTACHARJEE (West Bengal); Mr. Vice-Chairman. Sir, We are offered an opportunity to speak when for the first time the present Government is acting on the plea that they are amulating; at least on one point, the Janata Government, because every time, the instance of 1977 when nine State Assemblies were dissolved, has been cited. The interesting part of it is that the ruling party has failed to adduce any clear-cut straight-forward reasons for the dissolution of the State Assemblies, if the fact had been admitted by them that wherever there would be some opportunity, they would establish their direct rule through this mechanism, that would have, been a fortnight and honest statement. Perhaps it would have been easier to understand their position but they are constantly shifting their ground.

The Law Minister cited the Resolution of Rajya Sabha amending the Motion of Thanks to the President, as one of the reasons for the dissolution. It is a very atrocious statement coming from no less a person than the Law Minister himself. Then, it was said that the Opposition was not co-operating and, therefore, the nine State Assemblies had to be dissolved. Ultimately, what will be the position of the Opposition if this non-co-operation continues? Sir, it means that if the Opposition Members do not behave, do not Act in a docile manner, then the rights of the Opposition even in Parliament will be jeopardised. Sir, never before, it was heard that Treasury Benches could dictate that Opposition should behave in this or that manner and unless they behave, such things will be coming up. So, it is a strange form of logic. This is a very distorted and perverse form of argu-



[Prof, Sourendra Bhattacharjee]

ment, and, therefore, it gives rise to much apprehension.

Now, one argument which is being heard is that these Assemblies in the 9 states forfeited the confidence of the people after the Lok Sabha elections. By the same criterion, the Assemblies of Haryana, Karnataka and Himachal Pradesh ought to have been dissolved.. . but for large-scale mass defections. Sir, defection has been made a virtue by the ruling party. Mr. Bhajan Lal gained the confidence of the people merely by defecting from the Janata Party to the Indira Congress. My appeal to the ruling party would be; let them not debase the standard of the politics of the country in such a manner. But this is the behaviour pattern which has been continuing for a long time. Politics, as such, has come under disrepute and the utter cynicism with which the political set-up is looked upon by the people today in the country portends danger for the political set-up as a whole. Whatever may be their talk about the massive mandate of the people. Let them keep in mind that they have no massive support and they have no massive confidence of the people behind them. People are growing gradually disillusioned about the political set-up which has been prevailing in the country because of this strange goings on. Those who are on this side of the House, cross over to the other side, during the day. This is a spectacle which only engenders total frustration among the people, where their mandate is distorted and encouragement to this process cuts at the very root of Parliamentary system of democracy. Now, the ruling party which is always talking loudly about democracy, in spite of their past records, which I do not intend to bring now, which proclaims loudly their faith in Parliamentary democracy and their faith in the Constitution of the country, is doing its utmost to subvert the Constitution and subvert any belief in Parliamentary democracy. As for parties like ours,

we do believe that this Parliamentary democracy, this bourgeois Parliamentary democracy is a device to continue the capitalist exploitation of the country and we do not conceal that our objective is to bring about a total change in the present social and economic system, if necessary, through revolution. We do not conceal it at all. But those, in contrast to this, say that this Parliamentary democracy is the best system and this is the best Constitution for a Parliamentary democracy. But let them ponder over the consequences of their synical activities in this field during all these years. The present ruling party has an unenviable record of superseding the State Assemblies and dissolving the State Assemblies prior to this action, 29 times. This is their record; subverting the Constitutional right of the people. Now, by one stroke of pen, nine State Assemblies have been dissolved and in the heart of the capital, the dissolution of the Delhi Metropolitan Council has taken place, without any information to Parliament though Parliament was in session. We are happy that they are creating complete disillusionment in the minds of the people about this Parliamentary democracy about this bourgeois Constitution. But let them take heed for their own interests that people would not tolerate this state of affairs for long and this cynical application this debauching of the Constitution would recoil on them and this would recoil on them in a manner which may be much more drastic than what had happened in 1977. Thank you.

[The Vice-Chairman (Shri A. G. Kulkarni) in the Chair]

SHRI SHIV SHANKAR: Mr. Vice-Chairman, Sir, I have been hearing the various speeches that have been rendered in support and against the Resolution moved by my colleague, the Home Minister. My friends on the other side have been using all types of adjectives and were not lagging behind in using all the expressions that could be found in the poli-

tical jargon. At one stage I was thinking whether it was not time for us that we codified the political ethos and the ethics in our country. The simple question, according to my concept, is whether the conditions that have been envisaged in article 356 of the Constitution have come to light so that it could be said that the presidential rule is justified. The significant expressions in article 356 are: If the President is satisfied that a situation has arisen in which the Government of the State cannot be carried on in accordance with provisions of the Constitution, then he can take the action as envisaged under article 356 of the Constitution. If this is the simple question that has to be answered, in my submission this aspect of the matter has been categorically concluded by the judgement of the Supreme Court rendered by the different Judges but in the same tone.

Without going into what happened in 1977 because to that aspect of the matter, if necessary, I will come slightly at a later stage. I am more concerned with the language and the concept that is engraved in the provision of article 356 and I will approach the problem from that point of view alone for the present. May I, Mr. Vice-Chairman, invite the attention of the House to the judgement of the Supreme Court, particularly to a passage, rendered by Justice Bhagwati and Justice Gupta jointly in the case of *State of Rajasthan vs. Union of India* and this passage has been endorsed by Justice Goswami and Justice Fazal Ali. That is how the four Judges of the Supreme Court have endorsed a particular passage which I would like to bring to the notice of the House. I quote: "When there is such crushing defeat suffered by the ruling party and the people have expressed themselves categorically against its policies, it is symptomatic of complete alienation between the Government and the people. It is axiomatic that no Government can function efficiently and effectively in accordance with the

Constitution in a democratic set-up unless it enjoys the good-will and support of the people. Where there is a wall of estrangement which divides the Government from the people and there is resentment and antipathy in the hearts of the people against the Government, it is not at all unlikely that it may lead to instability and even the administration may be paralysed. The consent of the people is the basis of democratic form of Government and when that is withdrawn so entirely and unequivocally as to leave no room for doubt about the intensity of public feeling against the ruling party, the moral authority of the Government would be seriously undermined and a situation may arise where the people may cease to give respect and obedience to governmental authority and even conflict and confrontation may develop between the Government and the people leading to the collapse of administration. These are all consequences which cannot be said to be unlikely to arise from such an unusual state of affairs and they make it impossible for the Government of the State to function in accordance with the provisions of the Constitution."

Therefore, Mr. Vice-Chairman, the position as it emerges based on the judgement of the Supreme Court is, if a ruling party in the State has lost the confidence of the people, then it could be discerned that a possibility of a constitutional breakdown occurs. The Supreme Court has considered both the aspects of the moral authority as well as the legal authority and they say that in accordance with provisions of the Constitution, the Government of the day cannot be carried on and that is how the Supreme Court had gone to justify the dissolution of the nine State Assemblies in 1977.

SHRI K. K. MADHAVAN (Kerala). I want to know whether it can be an arbitrary exercise, without any reasoning. (*Interruptions*) It is unfortunate. He has been a judge and a practising lawyer.

SHRI SHIV SHANKAR: I am no more a judge. Let my friend have this information. Or a lawyer. (*Interruptions*) My friend has proceeded on a presumption that it is an arbitrary action. What happened to the voice of my friends sitting on the other side when this happened in 1977?

SHRI JAHARLAL BANERJEE (West Bengal). We protested

SHRI S. W. DHABE (Maharashtra): Your party, also protested.

SHRI SHIV SHANKAR: Certainly we had protested. (*Interruptions*) Will you please listen to me? You must have the patience to listen to me when you interrupt me.

SHRI K. K. MADHAVAN: A mistake of yesterday cannot be justification or precedent for today.

SHRI SHIV SHANKAR: I borrow the expression of Mr. Ramamurti which he just now uttered. Perhaps it aptly applies to the other aide, the devil quoting the scriptures. May I proceed now?

Sir, Mr. Justice Beg, on this aspect, has also given a very clear expression. He has said in the same judgement:

"If the Union Government thinks that the circumstances of the situation demand that the State Governments must seek a fresh mandate to justify their moral rights in the eyes of the people to continue to exercise power in the interest of their electors or else the discontent of the masses may have its repercussions not only on the law and order situation but will also affect the legal responsibilities or duties which the Union Government has towards a particular State or towards Indian citizens in general all of them live in some State or the other, can we say that resort to article 356 of the Constitution is not called for? I think that it is impossible to substitute our judgement for that of the Union Government in such matter".

Apart from this I would like to quote the more passage and leave the matter "there because this aspect of the matter has been dealt with by all the Judges. That is why I thought I should quote these Judges. Mr. Justice Beg at a later stage says:

"As we have tried to indicate above, attempts to secure political victories by appeals to the electorate are parts of the recognised rules of a democratic system of Government permitting contests between rival parties so as to achieve certain other objectives. If such a contest with the desire for achieving a political victory in order to enforce certain programmes believed by the members of a party to be beneficial for the people in State as a method of achieving the objects set out in the Preamble are not only legal and permissible under the Constitution but obviously constitute the only possible legitimate and legal means of attaining the power to enforce policies believed to be correct by various parties according to their own lights, it could not possibly be asserted that procuring the dissolution of the State Legislative Assembly with the object of gaining a political victory is in itself an extraneous object which could not fall at all under article 359 of the Constitution."

So, Sir, I would not like to go deeper into this aspect. But what I wanted to submit was that having regard to the language and content of article 356 could it or could it not be said that when once a party which ruled in a State lost confidence of the people such a party not only has no moral right to continue to power but legally also the Government of the State cannot be carried on according to the Constitution. I would submit what happened.

In the year 1980 when the elections took place we were not responsible for the elections it was because of the deeds or misdeeds of those who are sitting in the Opposition that the elections were held in January, 1980—we went to the people's court with a clear objective as they have gone. We clarified in the manifesto the various policies that we said we would pursue. They also did accordingly. People with a massive mandate voted us to power. And if this be the situation, I may submit within the four corners of the dicta of the Supreme Court the State Governments which were ruled by different parties and which had taken advantage of the same situation in 1977, said that they would proceed in the States with reference to the same policy. They won the verdict of the people and got themselves saddled in power. And on that basis when they proceeded upto 1980 people thought that they did not have any more confidence in them. If this be the situation, a dichotomy arises according to my submission, and the dichotomy is when the State Governments of the day in these States lost confidence of the people, what moral or legal authority they had for purposes of pursuing certain policies since they were defeated at the polls? If that is the state of affairs, were we not justified in asking them to get out and to give a chance to the people so that the political sovereign may again have a say whether in the States their Government should come back to power or whether a different government should come back to power? This is the situation.

SHRI K. K. MADHAVAN; May I know from the hon'ble Minister whether he is prepared to ask their Members from the Lok Sabha to get out because his party was defeated in Kerala by the people?

SHRI SHRIKANT VERMA; Delhi is not the capital of Kerala.

SHRI SHIV SHANKAR: I think my friend's arguments have to be taken note of only to be ignored. Now, in 1977, the then Home Minister, urging the argument said this. I only quote two portions of his letter which he addressed. He said:

"People at large do not any longer appreciate the propriety of continuance in power of a party which has been unmistakably rejected by the electorate. The climate of uncertainty, diffidence and depression has already given rise to serious threats to law and order."

Then, further he says:

"Eminent constitutional experts have long been of the opinion that when a legislature no longer reflects the wishes of the people or the views of the electorate and when there are reasons to believe that the legislature and electorate are at variance, dissolution with a view to obtaining a fresh mandate from the electorate would be most appropriate."

"In the circumstances prevailing in your State, a fresh appeal to the political sovereign would not only be permissible but also necessary and obligatory."

Sir, my submission is this: In 1977 what was urged was that when once the political sovereign has rejected, on a mass base, a particular party, then such a party has no power to continue in the States because a law and order situation is likely to arise and therefore it is better to invoke the will of this political sovereign and it is on this basis the elections were held to the various Assemblies and those Assemblies were dissolved. Actually based on this letter when certain of the States went to the Supreme Court, the Supreme Court set its imprimatur over the approach that the then Government took and we bowed our heads to that judgment. If taking advantage of the Supreme Court Judgment in

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the self-same situation we have acted—whether it is the self-same situation or not. I shall shortly comment on it at a later stage and taking advantage of the dicta of the Supreme Court if we have proceeded to dissolve the Assemblies on the ground that the Governments in the States do not enjoy the confidence of the people, I submit that we are only doing the right thing which we are expected to do. There is no question of being hanky-panky in these affairs.

SHRI S. W. DHABE- Haryai and Himachal Pradesh.

SHRI SHIV SHANKAR: I will meet that point also.

SHRI K. K. MADHAVAN: It is politics of their convenience.

SHRI SHIV SHANKAR: My friend seems to be an incorrigible interruptor.

Sir, may I, at this stage, bring to the notice of the House, only to recall, what the then Law Minister had said? My predecessor, while justifying the dissolution of the Assemblies in the debate under Rule 176 in this House itself on 14th June, 1977 said:

"But we firmly believe that the Indian Constitution is a democratic Constitution and the essence of democracy is that any Government whether at the centre or in the States must govern the people of the country or the State, as the case may be, only with the consent of the people, only so long as the people want that Government to govern them, only with the broad consent of the people and only with the confidence of the people. As soon as it becomes quite clear to the Government that it has

totally lost the confidence of the people if the Government still tries to govern the people and rule over the people, then, Sir, so far as we on this side of the House are concerned, we feel that the Government cannot be carried on in accordance with the Constitution because the Constitution is a democratic Constitution and it is the people who are supreme under the Constitution and nobody else. Therefore, it is only so long as the people want that Government to govern them. Only so long as that Government has their confidence that the Government has a right to govern them and then only it will mean that it is being carried on in accordance with the provisions of the Constitution."

So, Sir, without going further . . .

SHRI SRIMAN PRAFULLA GOSWAMI (Assam): Sir, the Law Minister should not read so much about the former Law Minister. He should tell us about the Constitution . . .

(Interruptions)

SHRI SHIV SHANKAR: I am only trying to recall to my friends on the other side what exactly happened and what they, themselves had to say.

SHRI K. K. MADHAVAN: Is your law different from the law of the country?

SHRI SHIV SHANKAR: Therefore, Mr. Vice-Chairman, the simple approach, according to me, is whether the action taken is in accordance with the provisions of article 356 of the Constitution. This approach takes in both the aspects, namely the political as well as the legal aspects—political to the extent, as I have submitted that once a particular party loses the confidence of the people. It is better to invoke the will of the political sovereign again. It is in this context that one has to view the ambit of article 356,

In my submission, the action taken by us is strictly within the four corners of this article. Various arguments that have been addressed from the other side from time to time since this morning are the arguments of despair and dejection; because there were really no arguments that they could advance, various invectives were invented for hurling at us.

Now, Mr. Vice-Chairman, I would not like to go into the statistics. Possibility of an argument could be with reference to two States, namely, Bihar and Uttar Pradesh. I am taking it against myself to argue this case. While conceding that there is possibility of an argument as to whether in these States the Governments of the day had lost the confidence of the people, my answer to that is that the Governments of the day had really lost—the confidence of the people, because if you take Bihar, in Bihar, the ruling party, which was the Janata Party could secure only 8 seats as against 54 seats from the State. The other thing is that, so far as that State is concerned, they polled 23.55 per cent votes as compared to the votes that we had obtained in 1977, which stood at 22.90 per cent—practically the same. They could get only 8 seats. Therefore, by what stretch of imagination could it be said that they have, not lost the confidence of the people? Then, Sir, so far as Uttar Pradesh is concerned, may I bring to your kind notice that the Lok Dal, which was the ruling party, got 28.29 per cent votes? That means, about 71 per cent of the electorate voted against them—And I may bring to the notice of the House only for the purpose of recollection that we got in 1977 25.04 per cent votes, which is practically near the percentage that has been obtained by the Lok Dal? Now, Sir, I would not like to go into further details of the matter.

SHRI SADASIV BAGATTKAR (Maharashtra): Sir, as the Law Minister is dealing with the voting

I figures in the States may I bring to his notice that in the State of Bihar, out of 325 Assembly constituencies, the Congress (I) came out successful in 86 while the combined Opposition led by 239 Assembly seats? (Interruptions). That is the basis of argument. Now I am bringing to your notice the voting figures in the Assembly and the Parliamentary constituencies.

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): Mr. Bagatkar, you are going to speak. Why are you taking his time? You can give your arguments then. Why are you interrupting him?

SHRI SHIV SHANKAR: Sir, I thought that my friends on that side.

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): Don't bother. You continue.

SHRI SHIV SHANKAR: One aspect which I would like to deal, and about which an expression has been made, is regarding defections, because I would not like to bypass the question that has been raised, rather, I would prefer to meet the arguments that are being addressed by the other side. Sir, on this question of defection, my friends on the other side who belong to the Lok Dal group, have been saying that when it is a case of a substantial number of people going out, it is not a case of defection but it is a case of a split. May I bring to your kind notice, Sir, what the Government in 1978 had decided about defection or split? According to their concept the definition was this. It was agreed between them that splits in the political party should not be treated as defections and that for this purpose a provision should be made to define split as meaning—a division in a legislature party of which 25 per cent of its strength, subject to a maximum of five register themselves as a separate

[Shri Shiv Shankar]

party with the Election Commission. Now, Sir, on this background I would like to answer the questions raised with reference to Himachal Pradesh as also Haryana.

Sir, my argument is very simple. Take Himachal Pradesh. In Himachal Pradesh in all the seats where the elections were held our party won. Three seats were contested, there were elections in three seats and we won all the seats. Now, may I say that a substantial number of legislators who were representing the will of the people—it is not a case of defection; we were only eight in a House of 60—bowed down to the will of the people, and having bowed down to the will of the people they thought that if they represent the people they must embrace the party in whose favour the electorate had given the massive mandate? If this be the approach, I am submitting . . .

SHRI AMARPROSAD CHAKRABORTY (West Bengal): *Aya Ram* and *Gaya Ram*.

SHRI SHIV SHANKAR: The question of *Aya Ram* and *Gaya Ram* does not arise. This is the decision. May I submit, Sir? This decision was taken by the Janata Party which constituted of the Lok Dal segment and the other segments. This decision was taken in 1978, and at that time all the friends on the other side who are sitting there, were supporting that Government. If this is the Barometer by which you would like to judge whether it is a case of defection or a split, I regret that today you are trying to apply double standards. Because it merely suites you today, you would like to say that it is a case of defection and *Aya Ram* and *Gaya Ram*, when all of you put together had taken this decision. And I am applying the same, the same, decision that was taken then. What I am trying to say is that if the people obey-

ing the mandate have gone to the extent of saying that they would like to go to the party which has been accepted by the people, it cannot be a question of defection. On the contrary, it is a question of bowing to the people, and it is in that context I am saying that it cannot be called defection. It is normally a case of split. Many of my friends, particularly my friend, Mr. V. B. Raju, who is not present here said that they had committed a mistake, that the wisdom had dawned on them and that, therefore, they were trying to say against it very well. I accept this concept. If the wisdom has dawned on those legislators also who had committed a mistake, because of the will of the people, on what parity of reasoning are you going to reject this argument? Therefore, I submit that in the case of Himachal Pradesh or in the case of Haryana, it is the same standard which you people have made and it is on that standard that I am submitting that it cannot be called a case of defection; it is a case of split and there was no necessity for dissolving those Legislative Assemblies.

Sir, much has been said by certain of my friends about the arguments that I addressed immediately after the dissolution and particularly the statement that was issued by me. What was sought to be said was that the Law Minister had gone to the extent of saying that the Opposition parties were non-cooperative. May I remind them that the Forty-fifth Constitution Amendment Bill which was passed in the last session by both the Houses was an important, beneficent Bill and it was in the interest of the Scheduled Castes and Scheduled Tribes. A large segment of the society had been groaning under the burdens of our society for centuries and for their benefit and to provide an extension of reservation for them, the Bill was passed. I will invite their attention to two instances which show how these legislatures have behaved. So far as U.P. is concerned, in the U.P. legislature just after the Secretary of the

Assembly laid on the Table of the House on the 8th February, 1980, the communication issued by the Rajya Sabha alongwith the proceeding of both Houses of Parliament, seeking the consideration of the resolution to ratify the Constitution (Forty-fifth Amendment) Bill, the House was abruptly adjourned on a motion from the Government that the Assembly be adjourned *sine die*. I would like to ask: is it not a question where every Member of this House would feel ashamed on the conduct of the U.P. legislature? When this particular resolution comes and it is placed and the Secretary reads it, a motion is brought by the Government that the Assembly be adjourned *sine die*. Likewise, Sir, the Maharashtra legislature was similarly adjourned amidst an uproar from the Opposition that the Assembly do consider the ratification resolution. Now, if this be the conduct with regard to matters which can be reasonably deemed to be most non-controversial, how shall it be expected that in those States, the various welfare measures, the constitutional concepts and the goals that we would like to achieve—when I say "we", it is not but the people of this country—would necessarily those sitting on this side be carried out? How could it be expected from them, that they would really execute those policies?

SHRI S. W. DHABE: On a point of information. (*Interruptions*). You mentioned Maharashtra. The Explanatory Note was not sent alongwith the amendment Bill as in the Practice. The Chief Minister said that the Bill would be placed before next session of the Assembly. (*Interruptions*).

SHRI K. K. MADHAVAN: On a point of information. May I inform the hon. Minister that it was the hon. Minister's party which scuttled the Scheduled Castes Reservation Bill on August 20? On the 20th August when the Bill was before Parliament. ... (*Interruptions*) ... before the dissolution of the Lok Sabha... (*Interim RS—11*).

ruptions)... on the 20th August. (*Interruptions*).

SHRI SHIV - SHANKAR: I understand the upsurge on the other side because they have no arguments. (*Interruptions*).

SHRI K. K. MADHAVAN: That was scuttled by his party. (*Interruptions*).

SHRI SHIV SHANKAR: In the Supreme Court, time and again, notwithstanding the Forty-fourth Amendment, whereunder article 356(5) was deleted, it was categorically made out that so far as the question of the satisfaction of the President is concerned, it is not justiciable in a court of law. We, on our part, have not assigned any reasons other than what were assigned by my friends sitting on the other side, in 1977. We have bowed down to the verdict of the people. We have only tried to get into their shoes and they are getting so upset. The situation that prevailed in February did warrant dissolution and in the circumstances I very earnestly beg of them to support the Resolutions moved by my honourable colleague. Thank you.

5 P.M.

SHRI DINESH GOSWAMI (Assam): Before you call the next speaker, I would like to point out to you that only 10 minutes have so far been taken by the unattached group, I hope you will see to it that the unattached group get its full 45 minutes.

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): Shrimati Purabi Mukhopadhyay. You have got ten minutes only.

SHRIMATI PURABI MUKHOPADHYAY: Mr. Vice-Chairman, I rise to support the Resolution moved by Shri Bhupesh Gupta and to oppose the Resolutions placed before this House by the Home Minister.

Mr. Vice-Chairman, just now the Minister for Law spoke and spoke for quite a long time to explain that they have stepped into the shoes of the



[Shrimati Purabi Mukhopadhyaya]

Janata Government while dissolving the nine State Assemblies. I was amused to listen to this admission made by the hon. Minister.

May I remind the Members of this House and also those in the other House that even Shrimati Indira Gandhi and her party along with us opposed the dissolution of the State Assemblies by the Janata Government? The Janata Government did something wrong, and that is why the people punished them by outvoting them in this election. The admission that this Government did only what the Janata Government did is not only wrong, but is fallacious also. It is also impolitical to admit that they are stepping into the shoes of the Janata Government. We opposed it at that time and we are opposing it now and we will be opposing for the sake of democracy if any elected Government at the Centre, because of their majority, dissolve in future any State Assembly.

The Law Minister spoke about Himachal Pradesh. He did not go to Haryana because there he could not find any argument in support of not dissolving that Assembly. In Himachal Pradesh he said the legislators bowed down to the wishes of the people by changing sides. I think he was never in politics before. That is why he does not know that every candidate of a party has to stand by the election manifesto of that party and by the party ticket, whether he is elected or defeated in the election. Those Janata Members or Lokdal Members who changed sides were elected to the Himachal Pradesh Assembly on a particular party ticket, particular manifesto and a particular programme. If they wanted to defect, they should have resigned from their seats, and this Government would have been a model in not encouraging defection if they had decided in favour of fresh elections and a fresh mandate. The argument that getting a majority

from the people for the Lok Sabha entitles them to dissolve a State Assembly is a wrong argument because, Sir, even the election manifesto for a parliamentary election, that is, the Lok Sabha election, is different from the election manifesto for a State Assembly election. Now, in the Central election, that is, for the Lok Sabha election, they asked for a strong Centre and the people voted them to power to have a strong Centre. It does not mean that it is a reflection of the people's will and the people will never say that it reflects their 'no confidence' against the State Governments. Those State Governments were enjoying their full confidence, the full confidence of their Legislatures and they were not outvoted on the floor of the Assemblies. But they were surreptitiously, from above, by a Proclamation, dissolved. This is wrong and I do not agree with the Minister's analysis of the Proclamations. Nowhere in the Governors' Reports has it been said that a situation has arisen in a particular State where the State Government cannot function according to the Constitution and that is why the Governors never suggested dissolution. It is to suit the political purpose of Mrs. Gandhi and her party, the ruling party, that these Assemblies have been dissolved. They have the money power with them, they have the big business people with them and they know that, with that money power and having the Central Government in their hands, if they go in for Assembly elections they may get the majority. I do not grudge that they have got the majority in the General Elections for the Central Legislature, that is, for the Lok Sabha. But that argument is never valid because the people's will have been reflected only to form a Central Government and not a State Government. No question of any referendum was there and no kind of any consensus vote was taken as far as the State Governments were concerned. Take, for example, my own State. In my own State, most of the CPM Members have got elected both in the Assembly elections and in the Parliament elec-

tions also and they could not dissolve the State Assembly. They could not dissolve it and so, they have started a movement. A movement has been started by the ruling party itself to create a kind of law and order situation so that they can intervene at some stage and dissolve it... (*Interruptions*).

SOME HON. MEMBERS: Shame, shame.

SHRIMATI PURABI MUKHOPADHYAYA...on the ground that they cannot function. Take, for example, the case of Kerala. Can they say that they won a majority there or will there ever be a majority for them? That is why they take to some methods when it suits them and some other methods when it does not suit them. (*Interruptions*). You cannot shout me down and you also know that you cannot shout me down. So, please sit down.

SHRI RAMANAND YADAV: Sir,... (*Interruptions*).

SHRI JAHARLAL BANERJEE: Sit down. (*Interruptions*). Sit down.

SHRIMATI PURABI MUKHOPADHYAYA: Mr. Vice-Chairman, Sir, whatever time they have taken now, I will have it. (*Interruptions*). Whatever time they have taken to disturb me, I will take that time also. I know that they will disturb me. Now, Mr. Vice-Chairman, what do we find? Is it the Government of India which is very strong even now? No. Even in their States there are different groups and even in their State branches there are differences. (*Interruptions*). In 1967, Sir, we lost, as the Indian National Congress, as many as 7 States. It was in the 1967 elections. At that time, Sir, was any Assembly dissolved? No. Why? Because the constitutional authorities were not around Mrs. Gandhi at that time and that was why democracy could be saved at that time. But now only one slogan and they want one-family rule. Shrimati Indira Gandhi is so much respected in this country even now. But she has

allowed the satellites to grow around her... (*Interruptions*)...and now the slogan is that Sanjay must be made the Prime Minister ... (*Interruptions*) .. and there should be Presidential form of Government. TJaey did not get peoples mandate for this. (*Interruptions*).

SHRI SAT PAUL MITTAL: He will be the Prime Minister. If you say so, he will be the Prime Minister. ... (*Interruptions*).

SHRIMATI PURABI MUKHOPADHYAYA: She cannot even tackle her own party. She cannot... (*Interruptions*). Look at the Ministers. Look at the Minister who was sitting here—Mr. Zail Singh, the Home Minister. He was the Chief Minister of a State. We expected that with his experience as the Chief Minister he will at least be a tolerably good Minister of Home Affairs. But he is saying one thing here and going back on what he said soon after, allowing the officers to contradict him ... (*Interruptions*). That is the sort of Home Minister we have.

(*Interruptions*)

Only those were included to the Council of Ministers who were loyal to the son, not to the mother, because he gave the slogan... (*Interruptions*). Our slogan is: *Desh ko bachao*. That is why we have no punch of difference against her... (*Interruptions*). The Proclamation was not only morally wrong; it was politically wrong. It was nothing but misuse of power. Your condemning us for criticising that is nothing, new. They were the people who gave full assurance to Chaudhury Charan Singh when he became the Prime Minister. She gave the assurance that she would support him. But at the time when that Government wanted her support, she thought that it was the proper time to withdraw and then the Government would collapse and it would go. It is the inaction of the Janata Party, it is the inaction of the Lok Dal party which brought them back to power. Let them remain in power. But let them not say

[Shrimati Purabi Mukhopadhyaya] that the whole country is behind them. ' They are not... (*Interruptions*). If they misuse power, I can tell you one thing, I can warn them today, that as they were punished in 1977, they will be punished again by the people, because the people are our masters, the people are the watch-dog. They have punished the Janata for misuse of power by dissolving the Assemblies. And they will do the same now.

This Proclamation was passed on the 17th February. Today is the 27th March. All these days their emissaries came, sometimes with money backs, ...sometimes with... (*Interruptions*).

SOME HON. MEMBERS: Shame, Shame... (*Interruptions*).

SHRIMATI PURABI MUKHOPADHYAYA: ...Only to get majority in the House. Are they not sorry for this (*Interruptions*). It is a strange spectacle. Members who were sitting with us even during this session, after surreptitiously going back to that side—they are shouting at us... (*Interruptions*).

SOME HON. MEMBERS: Shame, shame... (*Interruptions*).

SHRI SAT PAUL MITTAL; Shame to you. Look to yourself. She brought you glory. And now you are... (*Interruptions*).

SHRIMATI PURABI MUKHOPADHYAYA: I stick to policies, I stick to principles and I stick to the party even if they have to sit in the Opposition. ... (*Interruptions*).

SHRI K. K. MADHAVAN: Sir, for peaceful proceedings of this House... (*Interruptions*)

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): You are interrupting every now and then.

' SHRI SAT PAUL MITTAL: I seriously charge that there is a plan... (*Interruptions*)

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): please sit down. Prof. Chattopadhyaya. (*Interruptions*). Here is a list before me wherein the numbers have been put by the Deputy Chairman.

SHRI SAT PAUL MITTAL: He must withdraw.

श्री रामेश्वर सिंह (उत्तर प्रदेश) :  
श्रीमन्, मेरा प्वाइंट आफ आर्डर है  
(*Interruptions*)

SHRI DINESH GOSWAMI: On a point of order, Sir.

श्री रामानन्द यादव : मेरा प्वाइंट  
आफ आर्डर है।

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): Mr. Dinesh Goswami has precedence, I am going to listen to him. Please wait.

SHRI DINESH GOSWAMI: My only point is that the time for the various parties and groups has been allotted and we have 45 minutes. Only one speaker of ours has taken only 10 minutes. We have got 35 minutes more. If the other parties have not exceeded their time, I have nothing to say. If the other parties have exceeded their time, We should not be deprived of our allotted time which we are not utilising fully. I can assure you that we are taking another 10 minutes or so. There should be no injustice to us.

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): Mr. Goswami, I have listened to you. I have all along been bringing to your notice that the Deputy Chairman has given numbers to various names. Mr. Chattopadhyaya will speak now. He has 20 minutes. You will get your time. I am not going to curtail it. We are sitting here up to 9.00 o'clock. Why are you bothered about it?

What is your point, Mr. Rameshwar Singh?

**श्री रामेश्वर सिंह : श्रीमन्, मैं यह कहना चाहता हूँ कि . . .** (Interruptions).

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): Your name has been

**श्री रामेश्वर सिंह : श्रीमन्, मेरा प्वाइंट आफ आर्डर यह है कि आज इस देश में क्या हो रहा है? इस हाऊस में क्या हो रहा है? 10 लाख रुपये आज एक मैम्बर को देने को कहा गया हल्ला मत करो बैठो**

struck off as has been suggested by your whip. Mr. Bagaitkar is going to speak.

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): Let Mr. Ramanand Yadav put his point of order now. I have allowed him to raise his point of order.

**श्री रामानन्द यादव : उपसभाध्यक्ष महोदय, इस हाऊस में . . .** (Interruptions)

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): Would you please listen? I have called Mr. Ramanand Yadav. He is raising his point of order. I want to listen to him. I will call you afterwards.

**श्री रामेश्वर सिंह : सबसे पहले मेरा प्वाइंट आफ आर्डर है।**

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): You have already finished, I have called Mr. Ramanand Yadav.

**श्री रामानन्द यादव : उपसभाध्यक्ष जी, इस सदन में दो माननीय सदस्यों ने**

इस सदन के माननीय सदस्यों के ऊपर इस तरह के आक्षेप लगाये हैं कि जो बेबुनियाद हैं (Interruptions)

**श्री रामेश्वर सिंह : मैं सही कह रहा हूँ.** (Interruptions) **बैत करुगा** (Interruptions).

**श्री रामानन्द यादव : रात दिन तक उनको सलाह मश्विरा देते थे . . .** (Interruptions) **कहा कि** (Interruptions) **मेम्बरों, का** (Interruptions) **मेम्बरों को खरीदने के** (Interruptions). **देया गया** (Interruptions) **कि एक** (Interruptions) **दूसरे सदस्य** (Interruptions) **यह गलत बात है।** (Interruptions)

**श्री रामेश्वर सिंह : हमको बोलने दीजिये श्रीमन्, ये लोग मुल्क में** (Interruptions) **बातावरण बना रहे हैं।** (Interruptions)

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): You please take your seat. (Interruptions) The Chairman has directed in the morning that we have to conclude this debate today. Indulging in any type of wild charges is not going to bring any decorum to this House or to the Debate.

**श्री रामेश्वर सिंह : मैंने किसी का नाम नहीं लिया** (Interruptions).

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): Mr. Rameshwar Singh, you please wait. Let Prof. Chattopadhyaya start speaking. And whenever the turn of your Party comes, you can say whatever you want. Now, Prof. Chattopadhyaya, please . . . (Interruptions)

**श्री रामानन्द यादव : हमारा प्वाइंट आफ आर्डर था कि क्या सम्मानित मेम्बर**

[श्री रामानन्द यादव]

किसी हाउस के मेम्बर के खिलाफ इस तरह का वॉर्डर एलोगेशन लगा सकते हैं। इस पर आप रुकिए दीजिये।

(Interruption).

SHRIMATI PURABI MUKHOPADHYAYA: Sir, I am on a point of personal explanation. You have to allow me because my name has been mentioned by Shri Parmanand Yadav. He is an hon. Member. He said that I was very close and the conscience-keeper of Mrs. Indira Gandhi at some time. Yes, I was. And I was very loyal and very sincere to her till she functioned in an unconstitutional manner.

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): What is the use of the explanation? I don't think this explanation can serve any purpose. Let us go on with the Debate.

SHRIMATI PURABI MUKHOPADHYAYA: I am on a point of personal explanation here. You have to allow me because he has mentioned my name. Till the un-constitutional authorities reared their heads . . .

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): That you have said in your speech. Why do you want to repeat it? Let us go on with the Debate.

SHRIMATI PURABI MUKHOPADHYAYA: Sir, I was. . .

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): This will not go on record.

(Shrimati Purabi Mukhopadhyaya Continued to speak).

श्री रामेश्वर सिंह : मेरा प्वाइंट आफ आर्डर है।

उपसभाध्यक्ष (श्री अरविन्द गणेश कुलकर्णी) : क्या है। सुनिये भाई।

श्री रामेश्वर सिंह : मेरा प्वाइंट आफ आर्डर यह है कि हमारे जो साथी सत्ता में बैठे हुए हैं ये लोग जिस तरीके की बात सदन में कर रहे हैं, इस पर मेरा प्वाइंट आफ आर्डर है (Interruptions) श्रीमन्, आप उनको रोकिये। वे मेरी बात सुनना नहीं चाहते हैं। नहीं चाहते हैं कि हाउस मेरी बात सुने।

श्री उपसभाध्यक्ष (श्री अरविन्द गणेश कुलकर्णी) : प्वाइंट आफ आर्डर क्या है।

श्री रामेश्वर सिंह : प्वाइंट आफ आर्डर यह है कि जो सत्तारूढ़ दल के लोग देश में रुपया देकर हर तरह से

(Interruptions)

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): There is no point of order. Now, Prof. Chattopadhyaya.

(Interruptions)

Prof. Chattopadhyaya, why don't you start?

PROF. D. P. CHATTOPADHYAYA (West Bengal): Mr. Vice-Chairman, Sir the question before the House is very simple and well known, namely, whether we are going to approve the Presidential Proclamation dissolving nine State Assemblies and whether the provisions of the Constitutions ...

SOME HON. MEMBERS: No, no. (Interruptions)

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): May I request my friends to please co-operate with the Chair.

SHRI JAHARLAL BANERJEE: We won't allow him to speak, (interruption).

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): Mr. Banerjee, you are wrong. Prof Chattopadhyaya

is not a person to interfere. Please do not make any allegations.

PROF. D. P. CHATTOPADHYAYA: Sir, many of our dear colleagues are retiring within a day or two. I thought the tenure of this debate, apart from its importance, should also be cordial. That is why even though we may differ from our friends politically, and we do differ, we may not, and we should not be bitter, polemical and inimical to each other. We may not agree politically, but that is a different thinff.

श्री रामेश्वर सिंह: श्रीमान मेरा प्वाइंट आफ आर्डर है (Interruptions) मैं यह कह रहा हूँ कि हम लोगों को और इनको बुलवाएं (Interruptions) और मेम्बरों को खपया दे कर दल-बदल करके लायें . . .

(Interruptions)

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): Mr. Rameshwar Singh, I will have to order that nothing will go on record if you go on persisting. Mr. Rameshwar Singh, the hon. 'Member, must know that many times he had spoken the same type of words. What you say will not go on record if you go on persisting. Everybody has said that they have not done such a thing. They have refuted and said that they have not done anything like this. Why are you unnecessarily persisting?

PROF. D. P. CHATTOPADHYAYA: Mr. Vice-Chairman, Sir, the question before the House is well known, whether we are going to approve the Presidential Proclamation dissolving the nine Assemblies and whether it has satisfied the requirements of article 356 of the Constitution. To these questions my answer is very clear, concise and monosyllabic 'yes' and in support of my answer 'yes' I have four-fold arguments. Firstly, I think it is constitutionally correct as has been very persuasively argued by the hon. Law Minister and some other colleagues of mine. Secondly, it is historically justified. Thirdly, it is

morally sound, provided we do not, believe in the double standards of morality. And, fourthly, it is politically not only desirable but it became absolutely necessary if the drifting mess of Indian politics were not to degenerate into an incurable chaos. This step was not only justified but became almost urgent. If in 1977 the main issue before the electorate was, as the Janata Party put across at that time, whether people are for emergency or not emergency, then in 1980 the main question before them was whether they want a strong stable Government which can rule and not something like 33 months of misrule or no rule?

When in 1977, we, the united Congress party went to electorate, we said—our leader said one thing very clear and that is coalition government in the Indian situation will not work. And, Sir, you know, it did not work. And what our leader said was not a personal surmise; it was thoroughly grounded in the experience of India between 1967 and 1971, another period—perhaps the first period—of coalition experiment. Therefore, in 1980 when we put across this view that a *kichri* Government did not work as we had forewarned our colleagues, our own people, and asked whether the people wanted a strong and a stable Government, the response was unequivocal and categorical: they did want a strong and a stable Government, and the result is well-known.

Sir, it has been said there is no parallelism between 1977 and 1980, that is, the dissolution of June 1977 and the dissolution of February 1980. I say, Sir, that not only the parallelism but: holds good what is more, the parallelism breaks down in favour of Congress Government of 1980. I say this because you will recall, Sir, even in defeat the Congress party did get 153 seats in 1977. But in defeat what is the number of seats that the last ruling party has got? It is 42. Ruling by proxy, which was a period of no rule, and preceding the no-rule period was the period of misrule, the number of seats that the Janata Party got, taking this together, that is, Lok Dal

[Prof. D. P. Chattopadhyaya]

plus the Janata Dal, did not come up even somewhere near to 153, and they say parallelism is breaking down and this was a plebiscitary voting. That is a word the former Law Minister used. They said that the Congress had been not only defeated but routed. But a routed Congress got 153 seats in 1977 and a defeated Janata-cum-Lok Dal-cwm-allies do not add up to 153. So, when the parallelism breaks down, it breaks down in favour of us and not them.

Sir, the question of Constitution has been raised and argued by more competent people. Sir, our Constitution has taken the United States as a model. The U.S. Constitution says that it is an indestructible union of indestructible units, meaning thereby; the union as a whole is indestructible States, i.e. and also the State units are indestructible. But, Sir, you must be knowing that under the leadership of Chief Justice Marshal in the last 100 years, the judicial pronouncements of the Supreme Court of the United States of America set a trend of increasing power to the union Government to ensure the strength of the Union Government and not primarily of the units. And also, Sir, you will find the Canadian Government, for example. There also it is said that the union is indissoluble and to Indian context this Canadian and Australian parallelism is more important because unlike in the United States where the States came together voluntarily and formed the union. In case of Australia, Canada and India, we inherited a Government of dominant unit bias and subsidiary federal character. Sir, before the 1935 Act, it was totally unitary. In 1935, it was primarily unitary and subsidiarily federal. From 1950, it continuous to be federal with a pronounced unitary bias. Let us take the principle on which the American Constitution rests. This is the indestructible Union of indestructible States. But what is the state of affairs we have been witnessing dur-

ing the last two and a half years? The State units were destroying themselves and if all the State units are destroyed how can the Union, India, that is Bharat, remain indestructible? The whole Union of States at both the levels were sought to be destroyed. This is the crux of the thing. This federal structure was under a great threat at a double level. The State Governments, like U.P. and Bihar and the people were given with caste warfare. This is not a question of communal flare up for one or two days. There has been continuous caste warfare. Sir, you should be knowing this and you should be reading the newspapers. Being a patriotic man, you should be knowing that large parts of the country are riven with dissensions, dissensions not of a minor concern, but dissensions which are deep-rooted. There is now an undeclared caste warfare which is going on. The States, the States which were ruled by the Janata Governments, used to swear day in and day out their love for the Harijans. But what did they do? Not only they adjourned certain State Assemblies as in U.P. or in Maharashtra without ratifying the Bill in regard to the extension of privileges to the scheduled castes and the scheduled tribes in relation to elections. Before the day the Assembly was dissolved, they took away the rights of the Harijans by one administrative decision. Bihar is vertically divided between upper castes and the lower castes. War within war. Party within party. Janata Party split. I am not delighted that the Janata Party is split, because, if the units are divided, then India, the Union, is weakened. Sir, I am pointing out a very sad fact. Without hurling abuses and using liberal investives, we should think in a sober and ponderous manner where the country is drifting. Look at the North-Eastern India.

Sir, as you know the American Constitution was framed under the shadow of the Balken experience, the continuous warfare of the States of the Balken area and also the constituent States of Italy. Italy was not

formed as one. But Balkanic states could redraw their maps. It is this experience which influenced Rousseau and Montesquieu, the spiritual fathers of the American constitution, that they should take the lessons of Italian warfare and the lessons of the Balkanic warfare, the proverbial word Balkanisation. They wanted indestructible Union of indestructible States. But Sir, Janata Party's non-rule and mis-rule have created a mess and drifting fast to chaos. You look to the blockade in the North-Eastern India. In the name of autonomy, in the name of federalism, the States were parading their own politics, somewhere politics of caste warfare and somewhere politics of communal warfare. We have had the sad and tragic experience of Belchi. Then, Pantnagar. Then, there have been several rounds of riots in Aligarh. Then in Jamshedpur. There was also communal trouble in Nadia. Now, we have the blockade in and of Assam area. Sir, the Home Minister is equipped with more facts and figures. The main point I would like to make is that the politics of violence about which our party warned the nation before 1977, came tragically true. Why did we say that? It was because we knew that this was going to be the shape. Whatever the Janata Party might say, a newly formed party, with its grand alliance of 1971 or conglomeration of desperate groups in 1977, cannot rule. They can divide Congress, but they cannot provide a good Government. They failed and in their heart of hearts they know very well what we meant by saying that the *Khichri* Government—to quote Madam Indira Gandhi—will not do. What was in the back of her mind? It was arithmetic of coalition experiments from March 1967 to August 1971. During this period Bihar had nine Governments, Punjab had four Governments, West Bengal had four governments, Kerala had three governments, U.P. had three Governments, Orissa had two Governments and in all as many as 27 Governments had fallen prematurely. Sir, who' is responsible and who is not is another issue, but the fact remains outstanding that

the coalition experiment is no answer to hatred towards Congress. You may hate Congress, you may throw it in the dustbin, some people thought that they had buried it deep under the mud, but hatred of the Congress is no answer to the needs of the Government. Therefore, the coalition Government did not work. The units of India, the Assembly units which have been dissolved had been drifting to the chaos had they not been dissolved. Take for example West Bengal. They say, autonomy. What do they mean? They say, autonomy, *versus* Central Government, but look at West Bengal. As I do come from the State, I know autonomous university elected bodies are being superseded, college governing bodies are being superseded, secondary education boards are being superseded, higher secondary education board is being superseded, local assemblies are being superseded, and assured elections are not taking place. Then see the position *vis-a-vis* centre. They are full-throated in the music of federalism. *Vis-a-vis* internal units they are bad authoritarians, arrogant, obstinate and unitarians, to the tip of the fingers. These are the double standards of morality we are seeing. Look at this. When the CPI(M) were oppressing these Marichjhapi refugees, they did not allow even the Janata M.Ps to visit Marichjhapi. On the one hand, the CPI(M) did not allow them to visit Marichjhapi and on the other hand, the CPI(M) were in good relations at Centre. What sort of politics is this? This is the politics of convenience of the worse variety. Suddenly, the Janata Party, a section of it, realises that it is full of RSS. Is it a new realisation? Did not the CPI(M) know that the RSS was a constituent of the Janata Party? Did it prevent the CPI(M) from supporting the Janata Party for long two years and three months? Didn't the CPI(M) friends know that the Lok Dal meant kulak lobby? Did they not say that it is rich farmers' lobby? Still did it prevent them from supporting, it? So they brought about the downfall of the

Lok Dal, they brought about the



[Shri D. P. Chattopadhyaya] downfall of the Janata Government and having the music between the two and they say that it is the beginning of the crumbling of the party system, the bourgeois democracy. This is the time for our trial. Look at their party constitution. They are revising the party constitution, with more centralisation, more power to the Centre and less power to the State units. Look at the latest party constitution of the Marxists. They have given more powers to the Central Committee and less to the State units, but when it comes to the nation, they are talking of federalism, more powers to the States. They say, give more powers to the Kerala Government, more powers to the West Bengal Government. For what? Is it only because they can supersede the elected bodies. And this is the federalism they mean in practice. (*Interruptions*) (Time Bell rings).

I conclude, Sir.

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): Mr. Bagaitkar, you have got 7 minutes only. I cannot allow a minute more than that.

श्री तदा शिव बागैतकर : उपसभाध्यक्ष महोदय, मुझे यह उम्मीद थी कि प्रो० चट्टोपाध्याय अपने भाषण में कुछ बुनियादी बातों पर प्रकाश डालेंगे, लेकिन उन्होंने ऐसा नहीं किया। यहाँ पर एक चीज की भूल की जा रही है और वह यह है कि हमारे संविधान का जो आर्टिकल 356 है उसमें राष्ट्रपति शासन के बेसिक कारण दिये गये हैं। उसको क्यों भुलाया जा रहा है, उसके बारे में एक किताब है प्रेजिडेंसियल रूल इन इंडिया। इसमें जो लिखा है उसको पढ़ कर मैं सदन में सुनना चाहता हूँ। इससे एक चीज साफ हो जाती है।

"Presidential rule was designed to preserve political unity against the threat of dysfunctional diversities. After a quarter of century, it

has become the means of stabilising Central predominance."

यह सारी विधान की चर्चा हमारे लॉ मिनिस्टर साहब ने की है। इस चीज को भुलाया नहीं जाना चाहिये था कि विधान के बारे में, संविधान के बारे में एक राय कभी नहीं बनी है, लेकिन यह बात मानी हुई है कि हमारे देश के शासन को फेडरल स्प्रिट में ही चलाना पड़ेगा। उसमें जो रेसिडुएरी पावर्स हैं वे ज्यादा स्टेट्स को नहीं दिये गये हैं, लेकिन सेन्टर को दिये गये हैं। वह सारी बात अपनी जगह ठीक है। लेकिन पिछले 25 सालों में कांग्रेस पार्टी ने जिस तरीके से शासन चलाया है और इस प्रावधान का जिस ढंग से उपयोग किया है वह गलत है। यही नहीं मैं यह भी कहने के लिये तैयार हूँ कि जिस तरीके से जनता पार्टी ने इस बारे में काम किया है वह भी गलत है। मैं उनकी इन बातों से सहमत हूँ। लेकिन आप हमें यह बताइये कि पिछले 30 सालों में कांग्रेस के शासन काल में कितनी बार राज्यों में राष्ट्रपति का शासन लागू किया गया है। श्री चट्टोपाध्याय ने कहा कि हिन्दुस्तान में कोयलीशन पार्टी की सरकारें नहीं चल सकती हैं। यह तो साफ बात हो गई। उनका कहना है कि कोयलीशन दलों को सरकार इस देश में नहीं चलेगी। लेकिन मैं पूछना चाहता हूँ कि बंगाल में कोयलीशन दलों की सरकार नहीं है? क्या केरल में कोयलीशन दलों की सरकार नहीं है। उन्होंने कहा कि जनता पार्टी भी एक प्रकार का कोयलीशन था। मैं उनकी बात मान लेता हूँ और इससे इंकार नहीं किया जा सकता है। लेकिन मैं समझता हूँ कि पिछले 30-40 सालों में इस देश में जिस कांग्रेस पार्टी का शासन रहा है सबसे बड़ी कोयलीशन पार्टी है।

The Congress itself is a coalition of interests.

कांग्रेस पार्टी में केपिटलिस्ट्स है और अन्य लोग भी हैं। आप इसको क्या कहेंगे? मैं चाहता हूँ कि आप इस प्रकार से इन को इतना सिम्पलिफाई न करें। इससे आपको कोई लाभ होने वाला नहीं है।

दूसरी बात मैं यह कहना चाहता हूँ कि जिन राज्यों की सरकारों को बहुत पहले समय से बर्खास्त किया जाता रहा है उसको आप समझ लीजिये सन् 1953 में पेंसु राज्य में प्रेजीडेसियल कूल लागू किया गया और इस लिये लागू किया गया कि उस समय कांग्रेस पार्टी में अन्दरूनी झगड़े थे और डा० भागवत मुद्ग्य मंत्री थे जिनको उस समय प्रधान मंत्री कहा जाता था। उनके झगड़े को लेकर वहाँ पर सरकार बर्खास्त की गई थी। उनको यह भी याद रखना चाहिये कि यह सिलसिला सन् 1975 तक तमिलनाडु की सरकार के बर्खास्त होने तक चलता रहा। उत्तर प्रदेश में भी कांग्रेस पार्टी में अन्दरूनी गुटबंदी और दलबंदी थी, इसलिये वहाँ की सरकार को तोड़ने के लिये भी इसका उपयोग किया गया क्योंकि पंडित कमलापति त्रिपाठी को वहाँ से हटाना था। इस प्रकार से हमारे संविधान का जो आर्टिकल 356 है उसका उपयोग करने के संबंध में सतारूढ़ बल के लोगों ने जो तर्क दिये हैं उनमें कोई सच्चाई नहीं है। इसका उपयोग सेन्टर की ताकत बढ़ाने के लिये शासक दल को लाभ पहुंचाने के लिये किया गया है। राज्यों की समस्याओं को हल करने के लिये इसका उपयोग नहीं किया गया है।

चूँकि मेरे पास समय बहुत कम है इसलिये मैं सदन का ध्यान भविष्य की ओर भी दिलाना चाहता हूँ। मैं इस बात की तरफ भी सदन का ध्यान खींचना

चाहता हूँ कि जब नौ विधान सभाओं को भंग किया गया तो 18 फरवरी को हमारे गृह मंत्री टेलीविजन पर आए और सवालों के जवाब में जब हरियाणा और हिमाचल प्रदेश की चर्चा आई तो उन्होंने कहा कि वहाँ पर क्या गलती है? हम उन सरकारों को बर्खास्त क्यों करें? क्योंकि उन सरकारों ने श्रीमती इंदिरा गांधी के नेतृत्व को कबूल कर लिया है, उनके प्रोग्राम को उन्होंने मान लिया है, इसलिये उनको बर्खास्त करने का सवाल उठता ही नहीं। यह जवाब 18 या 19 फरवरी, को टेलीविजन में गृह मंत्री का जो भाषण हुआ, जो मुलाकात हुई, उसमें उन्होंने कहा। मैं पूछना चाहता हूँ कि आप कितने आर्ग्युमेंट्स कर रहे हैं। एक तरफ आप लोक इच्छा का सवाल उठा रहे हैं और दूसरी तरफ सवाल उठा रहे हैं कि हमारे नेता को जो लोग नेता मानेंगे उनसे झगड़ा खत्म हो जायेगा। धीरे-धीरे आप लोग जिस तरफ जा रहे हैं उसमें देश के फंडरल स्ट्रक्चर को छोड़कर यूनिटरी फार्म आफ गवर्नमेंट को खड़ा करने का आप कोशिश कर रहे हैं। यह जो सब बातें आप कर रहे हैं जिसमें कि प्रायरिटी एक आदमी, एक व्यक्ति की होगी वह बड़ी खतरनाक होगी। आप अब खुलकर यूनिटरी फार्म आफ गवर्नमेंट की तरफ बढ़ रहे हैं।

(Time bell rings.)

महोदय, एक मिनट में समाप्त कर रहा हूँ।

इसलिये आप जो राजनीतिक फैसले कर रहे हैं उसका भविष्य में भी असर होना है और इनका बहुत महत्व है। जो राजनीतिक फैसले आप करते हैं जैसे कि आपने राज्यों की सरकारों को बर्खास्त किया, आपके मन में चोर छुपा हुआ है। इसलिये मैं साफ-साफ शब्दों में कहना

[श्री सदाशिव बागाईतकर]

चाहता हूँ कि आप लोगों की मंशा है कि हिन्दुस्तान में युनिटरी फार्म आफ गवर्नमेंट चले, एक केन्द्र का राज चले। तथा इसके आगे आपकी यह भा मंशा है कि यहां जो लोकतंत्र, पार्लियामेन्टरी डेमोक्रेसी चल रही है इसको बदलकर जैसा कि इमरजेंसी के दरम्यान आपने एक्सप्रेसोडिज किया था प्रेसिडेंशियल सरकार हिन्दुस्तान में होना ज्यादा लाभदायक है। यह आप की इच्छा है। यह चोर अभी तक आपके मन में है।

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): You have now to conclude.

श्री सदाशिव बागाईतकर

I will conclude by reading the reaction of 'Financial Times' of London.

जो बातें आप कर रहे हैं उसके दूरगामी परिणाम जो होंगे उनको आप देख नहीं रहे हैं। राजनैतिक लाभ के लिये जो काम आप कर रहे हैं उससे संविधान का नुकसान है, लोकतंत्र का गला घटने का उसमें खतरा है और आप इसका देख रहे हैं, दुनिया इसका देख रही है। अंत में मैं आपका फाईन-शियल टाईम्स, लंदन का जो रिएक्शन है उसको पढ़कर सुनाना चाहता हूँ :

"This action could be used to push through amendments to the Constitution effectively muzzling the opposition to her and establishing Presidential system. Mrs. Gandhi will clip the powers of the States and return to an over-centralised system."

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): That is all right. Mr. Goswami. You "have got ten minutes

SHRI SADASIV BAGAITKAR: I have finished.

तो उपसभाध्यक्ष महोदय, इन बातों का जवाब मंत्री महोदय अभी दें दे।

SHRI DINESH GOSWAMI: I will finish, in ten minutes if there is no interruption. Mr. Vice-Chairman, Sir, I have taken my stand to support the motion of Mr. Bhupesh Gupta. Sir, we are discussing today an extremely important subject, in spite of the fact that our decision will have any effect upon the nine Assemblies which have already been dissolved. We know that even if a motion of disapproval is passed, the nine Assemblies are not going to be reviewed. Elections are not going to be stopped. We are discussing it because the time has come when the Parliament shall have to give a guideline as to in what circumstances and in what conditions article 356 can be really enforced.

I have gone through the debates of the Constituent Assembly. This point was raised by many a Member, and forcefully among other by Mr. Hari Vishnu Kamath that the wordings of article 356, were so wide that any Government, if at a particular point of time, wanted to encroach upon the federal structure of the Constitution, there was hardly any bar. The concluding lines of Dr. Ambedkar in reply were very pertinent. While concluding the debate he said, that it was not possible to lay down in broad guidelines as to what should be the consideration and criteria. But he expressed his hope that this particular article in the Constitution will be a dead letter never to be used. When I went through the entire debate, I found that this particular article of the Constitution was incorporated with the intention that it would be used in very extraordinary case and must not be used in the manner in which either we or the Janata Party have used it in the recent past. I have heard some of the very interesting arguments advanced.

The dissolution of the nine Assemblies has been sought to be supported on the basis of the argument<sup>3</sup> advanced by the Janata Government and also on the basis of the Supreme Court judgement, Mr. Salve and others referred to the arguments of Mr. Shanti Bhushan. It is a tragedy and an irony that Mr. Salve is drawing inspiration from Mr. Shanti Bhushan.

SHRI N. K. P. SALVE: No, no. (*Interruptions*).

SHRI -DINESH GOSWAMI: Mr. Shanti Bhushan was trying to defend an indefensible political case on that day. If anybody wants to defend that indefensible case on the basis of Mr. Shanti Bhushan, I think it is a sad day for anyone. (*Interruptions*).

The next thing is the Supreme Court judgment. The point whether it is constitutional or unconstitutional, the courts will decide. But the point that we must remember is that many decisions which are political may be legally correct but politically wrong. Many decisions which are politically correct may be legally wrong. How can you forget that in the Bank Nationalisation case the Supreme Court struck down our laws on pure legal interpretation which were ultimately proved to be correct politically and -were approved by the people of our country? Political decisions cannot always to be tested on the touchstone of legal dictum. Let us take a common example. A man on the point of death starvation approaches another and asks for a piece of bread and if the starving man is turned out and he dies, the man who turned him out will not legally commit any crime. And, if the hungry man steals an orange from an orchard of the rich man to save his <sup>life</sup> well, that hungry man will be legally guilty of theft. Legally he will be guilty but morally he will not be and legally the man who denied the piece of bread will not be guilty though his action indirectly resulted in the death of the man. Therefore, the question is not whe-

ther this dissolution is legally correct but whether the question is politically correct. I am today approaching the subject absolutely objectively because I have got no political axe to grind. It is my view that if this country is to run, one cannot run it by a strong Central Government alone. One may run the Delhi Municipal Corporation by a strong Central organisation but cannot run this country. And that was our failure in the 1977 elections. You cannot also run this country by a weak Centre and that was the failure of the Janata Party which led to its ruin. A country can only be run on proper lines if you have a strong Centre but, at the same time, if the Centre allows the federal structure to function independently and permits the flower of federalism to grow. The moment there is any interference by the Central Government on this concept of federalism, the country will face peril. Equally, if the Centre becomes weak, the country faces peril. We have experience of the past: one is our 1977 experience and the other is our 1979 experience. If this country is to progress, we must maintain a very healthy balance between the two. And that is why, Sir, in the concept of federalism that we have envisaged in our Constitution, we have not borrowed any provision from any other Constitution.

Mr. Chattopadhyaya was dealing with the concept of unitary system versus federalism. We are not discussing here whether the power of federalism should be more or the power of the Centre should be more. We are only discussing a subject, whether in the light of a particular political happening, the Centre is correct in interfering with the functioning of the States. When the Supreme Court in its judgment says that in a particular election if the votes go in a particular manner, and the ruling party is routed, if dissolution is ordered for against the party in Government which was routed, it cannot be said to be violative of article

[Shri Dinesh Goswami] 356. But the Supreme Court failed to envisage that people voted in the Parliamentary election on considerations which are completely different from those to what vote in the Assembly elections or in the municipal elections. Can we forget that in the 1971 elections the Congress Party won all the parliamentary seats in Delhi but immediately when elections to Council took place, the Congress Party lost all the seats. Does it mean that within two or three months the attitude of the voter change? No. Because the people wanted a strong Government, they voted for the Congress Government at the Centre. It is because they wanted federalism to grow and because they wanted an experiment of different set-up that they voted for different party in the Union territory in 1967, when the Congress Party lost States after States, the Congress Government was voted to power in the Centre. The Indian voters may not be literate, but they have the maturity of political judgment. They thought that the Centre must be strong, but the Centre must not be that strong that in the process there is only one colour throughout this country, different colours may be imparted to different regions so that the country may strive. The Supreme Court in their judgment never took this view into account because the Supreme Court was only adjudicating on the legal point. The Supreme Court is not a political body to deal with the political aspects that the political aspects of this country at any point of time should be taken note of by the Supreme Court.

Sir, who can forget that this country has stood the test of democracy when democracy in all other neighbouring countries has failed? If it has stood the test of time for three years of democracy when this country was going through strains of different

natures, when communal holocaust were taking place, there was one man to guide the destiny of this country, and that was Pandit Jawaharlal Nehru. We may criticise Pandit Jawaharlal Nehru on different grounds, but nobody can for a moment criticise him on the ground that he did not love the democratic system. Who can forget his own letter which he wrote in 1935 in the *Modern Review*, under the pseudonym of Chanakya? He wrote himself that Jawaharlal Nehru has all the capabilities and qualities to be a dictator, but the people of India must not allow him to be a dictator. Therefore, Pandit Jawaharlal Nehru even in moments of stress and strain respected the democratic structure and its traditions; and that is why the democratic traditions really flourished in this country when democracy failed in the neighbouring countries. Unfortunately, I feel that the democratic traditions have suffered a set-back and strain during the last few years—in our own rule and equally in the rule of the Janata Party—with the result that today the people have lost absolute confidence in us, the politicians, and the credibility in the system itself. I was very unhappy, to be very frank, when my friend said that 10 lakhs of rupees have been offered to a Member of this side by the Ruling Party. Is it going to help restore any sense of confidence in the minds of the people in the Parliament that we have? What is the utility of such a discussion here? This reflects only a view that Members you can purchase and sell. Sir, when I go in a crowded train or a bus, I never disclose myself as a Member of Parliament. When they ask me about my profession, I say that I am an advocate. The opinions they express about the politicians and about the political system, is something which makes me sad. The people have lost confidence in us and have lost credibility in the system itself. Sir, in the neighbouring countries if democracy has failed, it is not because they did not want

democracy if in Pakistan it has failed, it ^ not that the people did not want democracy to thrive. It failed as the people found that in the system as practised people talked about values idealism and all that only to serve their individual purposes. And for them any system which can deliver the goods becomes a better system. Sir, democracy today is at the cross roads of history in this country. Though I do not belong, to the Janata Party, I wanted them to rule well. They got a massive mandate just as we had got in 1971. I happened to be in the Congress Party at that time. People thought while they voted in 1971- for us that we would guide the destiny of this country on the path of socialism. There was tremendous euphoria in the minds of the people. One could see the rapport between the candidates and the voters during the elections, *j* saw it between myself and the voters. But, unfortunately,, it is not so now. We, the elected people, committed mistakes. (*Interruptions*) Sir, we committed mistakes. Who does not commit mistakes? But, if we repeat the same mistakes, there can be no excuses. In 1977, the Janata Party with the same euphoria was voted to power. They said that the Janata Party would deliver the goods. Unfortunately, the Janata Party gave them only political liberty; they could not touch the economic problems.

In 1977 to a great extent people got economic benefits. But we curtailed their political rights which had a definite reaction. The people this time have undoubtedly voted for Mrs. Gandhi. I will not be one who wiH question that she has not got a massive majority. But the euphoria is not there in the minds of the people. Let us be very frank. The people have become very doubtful because they feel that if Mrs. Gandhi failed to deliver the goods, if she failed to govern this time—I wish she governs this time—well, not only will she lose the elections, not only will her party may have to sit on that side, but the democratic structure may itself

collapse. And that is why when the ruling party takes every decision, I wish it learns from its past. Do not take a decision which may in a remote way disrupt the democratic structure and its functioning. The dissolutions of the nine Assemblies has really eroded the credibility of the ruling party and have established that their promise that the Government would run the country by the democratic traditions is only a hollow promise and that is why I have taken my stand here to oppose these proclamations.

I thank you very much, Sir, for giving me this time.

THE VICE-CHAIRMAN (SHRI A. G. KULKARNI): The House stands adjourned up to 7.00 P.M. today.

The House then adjourned at six minutes past six of the clock till seven of the clock.

The House reassembled at seven of the clock, Mr. Chairman in the Chair.

MR. CHAIRMAN: Mr. Viren Shah. Please confine yourself to ten minutes. Your party...

SHRI VIREN J. SHAH (Gujarat): I thought there were 12 minutes left, according to my calculation out of our 55 minutes. And this is my maiden speech i<sup>n</sup> this session.

MR. CHAIRMAN: That is all right. If you can bring the house down in the last two minutes, we wiH allow you.

SHRI VIREN J. SHAH: Mr. Chairman, Sir, the debate has run true to form. The positions taken by all speakers were as anticipated. The only difference is that the roles have been reversed as between 1977 and 1980. When this happens on an issue which affect, the people of India and our constitutional and parliamentary

[Shri Viren J. Saha]

institutions, naturally the people do feel intrigued. They feel concerned about the way in which the politicians look at a matter which may be apparently similar but reversing the positions on the grounds of philosophy, on the grounds of law, on the grounds of working of the system of democracy. People thinking about values in public life or morality in politics, not only by the views expressed but by the mobility which we have seen in this very House in the last three days—I am not talking about the earlier mobility—people oppose something today, which they supported at one point of time. I think some day, and sooner rather than later, we all will be answerable to the people for creating this peculiarly undesirable situation. But confining myself to this particular debate, all the speeches heard in favour of the resolution moved by the hon. Home Minister mentioned three reasons. One was, "The Janata Government did it; and so we did it"; secondly, massive mandate; and thirdly, the Supreme Court judgment. The leader of the present ruling party, the Prime Minister and her other colleagues had in the past, in no uncertain terms, very strongly criticised the move of the Janata Party at that time. If I may quote two or three sentences from an article written by Mr. Kripalani, he said:

But it is on record that the dissolution of the Assemblies was then considered by Indira Gandhi and her party as illegal and unconstitutional. In effect, therefore, she says, "I will condemn an action as evil when I am not in power. But as soon as I come to power, I shall do the same thing and consider it right"

The philosophy behind this, Sir, is that \*wo wrongs can make one right. Is this the way in which we are going to conduct ourselves? In that very context, here is a newspaper report which I do not think has been denied.

Here is the *Hindustan Times* of the 11th February which says, quoting a member of the ruling party, a member of the Treasury benches:

"Patna, Feb. 10.—The Union Minister for Parliamentary Affairs, Mr. Bhishma Narain Singh said today that the Centre was not going to dissolve Assemblies in the non-Congress (I) ruled States, as had been done by the Janata Government. "But we shall not behave like the Janata Government in this matter of dissolving Assemblies in the non-Congress (I)—ruled States", he added."

The tragedy is that though in this system of Government, we have accepted the practice and principle of joint responsibility of the Cabinet. The Prime Minister is supposed to be first among equals. Is there any Cabinet Minister who thinks himself or herself to be anywhere near being equal to the Prime Minister? Statements of this kind are being made when already the wheels have been set in motion first to take over the Governments run by other Parties, calling it a split when the whole party or part of it moves only to retain power, and not on any ideological grounds. The hon. Law Minister defined it as a split and not defection. For "want of time, I won't go into that. A queer logic was advanced by him that in the Lok Sabha elections—he was citing the example of Himachal Pradesh in particular—if the people have voted for Congress (I), all the legislators should move over to that Party. I will give you an example.

In the latest Lok Sabha election in the Baroda constituency in Gujarat, in all the seven Assembly segments the Congress (I) won. In the Assembly election, in the very Baroda constituency where the Congress (I) won in the Lok Sabha election, the Janata candidate was elected. By the logic advanced by the hon. Law Minister, the Janata candidate, after

being elected, should have immediately switched over to the Congress (I). Is this the kind of morality that we want to spread, preach and perpetuate in this country?

Apart from that, even when this was mentioned, what the Janata Government did was I think, amply justified though the facts completely differ. This expression 'massive mandate' needs to be looked into. If we look at the figures of voting that win show that the mandate in fact is not so massive.. I will quote the figures from a well-studied analysis; The figures clearly show that in 1977 when the Janata Party got 65 per cent in Bihar and 68 per cent in Uttar Pradesh, the Congress (I) got only 22.9 and 25 per cent in these States. In Haryana the Janata Party got 70 per cent. Was it the same thing in 1980 elections when in Bihar and Uttar Pradesh the Congress (I) got only 36 per cent and 35 per cent respectively. Out of nine States in five States they did not have more than 30 per cent of the votes. This has to be understood in the context of 'massive mandate' . . .

SHRI PILOO MODY (Gujarat):  
M.M.

SHRI VIREN J. SHAH: Yes, M.M. as Mr. Piloo Mody has said.

It says that the vote against the Congress Party in 1977 was indeed a protest vote as noted by the judges and the voter turn-out, without parallel in the country's electoral history, signified the strength of the protest. In contrast, in all the nine States, except Orissa, the voter turn-out was lower in 1980 than in 1977. Had there been a protest vote against the Janata misrule the sharpest increase in the voters' turn-out would have been associated with the largest falls in the Janata vote. This has not been so. The cautious conclusion is that there was no protest vote against the undivided Janata and that many people who did not give their votes for them did not vote for the Congress (I) either.

This is the whole basis on which this particular edifice of 'massive mandate' was built up. I am now going to cite the particular judgment of the Supreme Court in the Rajasthan case which has been relied upon by several speakers to justify their opposing views. I would come to it a little later. But in this particular case the whole question in 1977 was, as was mentioned by one of the Supreme Court Judges, a very simple question, a one-question aspect: Democracy versus dictatorship, whilst, Sir, this time in 1980; the basis which the ruling party has given or the argument advanced is three-fold; Stability law and order and prices. And Sir, on each of these, we have seen, Mr. Chairman what has happened. The

first point was stability. But the first thing that they have done is to destabilise the 9 States and the Union territory of Delhi, and thus is the definition of stability. And, now law and order. Right from making a lathi-charge on the blind or on the lawyers to pointing a revolver at a sitting High Court Judge in the High Court compound, to killing of people—Mr. B. P. Maurya has raised in this very House the fate of a Harijan girl in Delhi itself, this capital city of India, where in a police station, a Harijan girl has been criminally assaulted and it is a 'lapata' case no information and there is a fear that she might have even been killed—this is the law and order situation that we have. A Member was mentioning, and I would also like to mention, about the shooting at and the firing on the onion growers and as London Economists said that in this particular election the issue was onion versus democracy, that the issue was onion-or-democracy-kind of thing. These onion growers were fired upon. But Sir, unfortunately, what has happened is that words have lost their meaning. The same words are used to mean contradictory thing. Shri Srikant Verma was talking about *tanashahi* of Mr. Charan Singh and Mr. Morarji Desai and we in the country talked about the *tanashahi* of Mrs. Gandhi



[Shri Viren J. Shah.] during the emergency period and the fear of that happening even now. But words have lost their meaning. The same words are used in an entirely and a totally different context and from that point of view, perhaps there is stability, and there is law and order and the prices also have come down. I saw this because, if sugar was sold at Rs. 2.75 a kg. in December, 1979 and if it is not available at Rs. 6 per kg. even then one can say that the prices have come down.

SHRIMATI SAROJ KHAPARDE: Who is behind it? (Interruptions) Who is behind it?

AN. HON. MEMBER: The Congress (I).

SHRI PILOO MODY; She is one lady who never goes to the bazar but the bazar comes to her.

SHRI VIREN J. SHAH; Sir, this one minute of interruption should be deducted from my time.

Sir, the honourable Law Minister referred to article 356 and the Supreme Court Judgment had tried to justify that they have functioned within the rule of or within the constitutionality of article 356. I am afraid, Sir, that that cannot be fully justified because the Supreme Court judgment brings out two things. Even under section 356 with the infamous Forty-second Amendment Bill, if there is a nexus between the reasons or if there is anything *mala fide*, the judges can go into it. But after the Forty-fourth Amendment, Sir, the bar goes out completely. Whilst talking about the Supreme Court judgment which has been quoted, let me also quote from Mr. Justice Bhagwati and Mr. Justice Gupta, a few sentences. I quote:

"The situation here is, however, wholly different. This is not a case where just an ordinary defeat has been suffered by the ruling party of the State at the elections for the

Lok Sabha. There has been a total rout of candidates belonging to the ruling party and in some of the plaintiff's States, the ruling party has not been able to secure a single seat. Never in the history of this country such a clear and an unequivocal verdict has been given by the people, never a more massive vote of no-confidence in the ruling party has been given.'

Sir, is it possible, is it conceivable, that the Supreme Court could say the same thing about the situation that has been created in the 1980 elections? Sir the real motives of these people were different. The main consideration is political expediency. These were no norms set to get the supporters who came, who were brought very recently from the other parties to the Congress (I). The motive was to provide them berths in the States because they could not be provided berths here, to have a two-thirds majority in the Rajya Sabha so that you can amend the Constitution and do whatever you like and the main aim is power. Mr. Salve was talking about the federal structure. This is not a question of federal or quasi-federal structure; but we are reducing this now to a pseudo-federal structure or situation. For want of time I will not go into great details. Mrs. Gandhi, when she was the Prime Minister, had made a specific policy-decision that elections for State Assemblies and the Lok Sabha should not be held simultaneously because the local issues should not be allowed to override national considerations. What happened to that now? What has happened is Mr. Stephen is supposed to have made a very extraordinary statement that the States must obey the Centre otherwise their Government would be dismissed. (Time bell rings) There is neither logic, propriety nor constitutional support to this thesis. Assuming that these nine States elect non-Congress (I) Governments, would it mean that according to Mr. Stephen's logic, the Congress (I) Government here at the Centre would resign?

Lastly, I would only appeal to the Rajya Sabha members in particular, and I want to quote, if you will permit me, Sir, from "The Concept and Relevance of Second Chamber" by Mr. Jaffer Sharii Emami, Ex-President, Iran Senate:

"In a country with a federal system, the Upper House of Parliament has a great responsibility. A federal system constantly suffers strains against many stresses and, from time to time, is under strong pressures. History is witness to many events when momentary pressures threatened to disrupt the system altogether."

This is a challenge before us. I would therefore, appeal to the Members, while voting, to consider this. The Upper House should transcend petty political problems and needs, and rise above all to vote for laying down certain principles which will be followed later.

I would finally say, Sir, that it was said in the other House by Mr Stephen that the dissolution was justified on several grounds. To my mind this move of the Government is constitutionally indefensible, politically unwise and ethically immoral. I support the motion of Mr. Bhupesh Gupta and oppose the Resolution of the Home Minister.

MR. CHAIRMAN: Shrimati Rajinder Kaur. Ten minutes only.

•SHRIMATI RAJINDER KAUR (Punjab): Mr. Chairman, Sir, I will finish before 10 minutes. Don't worry . . . (Interruptions) I am by nature always in the Opposition. I wish today to speak in Punjabi. It is my endeavour that in spite of being in politics I should speak according to my conscience. The result is that I

\*English translation of the speech delivered in Punjabi.

am always in opposition no matter whether I sit on the treasury benches or on the side opposite.

When" the Janata Government had dissolved nine State Assemblies of the country, even at that time, I had opposed it. Two types of assemblies existed at that time. Some of the State Assemblies were such which have completed five years and their term had been extended for another year through an amendment of the Constitution. The Janata Party had made it clear in their election manifesto that if they were voted to power, they would revoke the Constitution Amendment. If they had dissolved those Assemblies alone, Janata Party would have been fully justified. But they dissolved even those Assemblies like U.P. which had been elected only two or two and a half years ago and by so doing they had committed a mistake which the Congress is going to repeat now. It is a fact that the way Congress had been defeated, it could not have a comparable victory. Their members are in a majority, but they do not enjoy the majority of votes.

Now, they are hunting for technicalities like the law says this and the judgment of the Supreme Court says that. But there are certain democratic norms also on the basis of which democracies function in 'India Today' an interview of our Home Minister Giani Zail Singh was published in that interview the Reporter had asked him that he says since the majority of the people have voted against the Janata and have voted them out of power, 90 you are dissolving the State Assemblies. But if the Congress loses in any of the State Assemblies will they dissolve the Lok Sabha. He replied 'No' because election to Parliament, to Lok Sabha, are fought on National issues while election to State Assemblies are contested on local issues. I agree that he is right to a large extent. But he knows that in Punjab, in Ferozepore, a bye-election to the State

[Shrimati Rajinder Kaur]

Assembly has been won by an Akali candidate, while from the same segment a Congress (I) candidate won the Lok Sabha election by a margin of twelve thousand votes. At that time there were no National issues involved in the Lok Sabha Election. The issue for the election was as to who should be the next Prime Minister. Whether they should vote for the person in whom even his own party had no faith or for one who was nothing more than a peasant leader. The obvious choice was Smt. Indira Gandhi. So people have voted for her. I know that in Punjab even staunch Akalis voted for Smt. Indira Gandhi, simply because she is the only person who can rule. But that does not mean that they have voted against the State Government. It has been stated that law and order situation is very bad. Law and order is considered bad in all the States wherein Janata Party Government has stuck and wherever it has crossed floor law and order situation has become very good. Take Haryana for instance. In the Daily Tribune which the Hon'ble Home Minister must be reading, there is report about Gohana where one Harijan was beaten to death by a factory owner. Mr. Mittal is sitting here. Can he cite an instance when Akalis beat someone to death? But what is the situation of law and order in Chandigarh which is a Union Territory? On the one hand we have a report about Gohana and at the same time we have a report about Chandigarh that three children of a mother had been abducted on 13th January, 1980. She tells even the names of the abductors, but still the children have not so far been traced. But no such incident took place during our three years regime. Secondly, the crux of the matter is that whosoever comes to power, wishes to acquire still more powers. There is no limit to acquiring powers. Our mythology says that a man who acquired worldly power does not care even for God. Similarly those who are in opposition, always talk wisdom

and those who are in power want to acquire still more powers. When the Janata Party was out of power, they use to demand decentralisation of power. But Smt. Indira Gandhi used to say that if power were decentralised, it would pose a danger to the country. When they were voted out of power, their Karnataka Chief Minister Shri Dev Raj Tiwari demanded rethinking over the Centre-State relations and Smt. Indira Gandhi said that was desirable. Now, when they are in power they say there should not be a different government in a State. Our Law Minister says that the law is very simple. If the President dreams that a particular State Government is not functioning properly the Assembly should be dissolved. That means they can form or dissolve State Assemblies at their whims. Even if a Party wins the State elections, you can dissolve the Assembly. When Janata Party was in power, it was said that defection must be checked. Simply because the Janata was in Power and people used to defect to it, you demanded that a Member should vacate seat on defection to other Party. Today, they defect towards the Congress. Now, you say that when people have given you mandate, there is no law against defection. We should rise above Party considerations and think about the country, otherwise its future won't be bright. So I support the motion of Shri Bhupesh Gupta and oppose the Resolution moved by Hon'ble Home Minister.

MR. CHAIRMAN: Now, Shri Bhupesh Gupta. I hope you will be brief.

SHRI AMARPROSAD CHAKRA-; BORTY: Mr. Chairman, Sir, all the parties, groups and individuals are given time. And we have been given 45 minutes under the category of 'Others' and we have taken only 30 minutes. And 15 minutes more are left for us.

MR. CHAIRMAN: I am afraid, I am told it is too late now...

SHRI AMARPROSAD CHAKRABORTY: Sir, apart from being a signatory to this Motion, I also represent my Party, the Forward Block. All the parties, groups and individuals are given time to participate in this important discussion. We are allotted 45 minutes and three of us have taken 30 minutes. And, Sir, 15 minutes are left but we are not called and Mr. Bhupesh Gupta is called to give reply. So, sir, I strongly protest against this.

PROF. SOURENDRA BHATTACHARJEE: The time of 'Others' should not be curtailed. That is our humble submission. And we seek the protection of the Chair.

MR. CHAIRMAN: I will give you five minutes.

SHRI AMARPROSAD CHAKRABORTY: Mr. Chairman, Sir; it is a very important point on which we have started discussion in this House because, Sir, by a stroke of pen and by making a wrong interpretation of article 356, nine State Assemblies have been dissolved. By taking shelter under certain decisions of the Supreme Court, by taking shelter under article 356 of the Constitution those nine State Assemblies were dissolved. Sir, those decisions of the Supreme Court could be interpreted in another way also, they have the other side also.

Sir, what is our experience? Sir, according to Dicey, a noted constitution doyen, what did our Founding Fathers do to the Constitution? They described this as a Union of States and not a Unity of States because, Sir, the definition of federalism presupposes the Union of States and not the Unity of States. And gradually, Sir, the multi-party system has developed in this country. So, Sir, if a Government which has a majority at the Centre does this by taking shelter under article 356 with a view to gaining power and complete unitary power at the Centre, not only will it be injustice but it will also lead to

dictatorship. What is our experience for the last few years? During the emergency and pre-emergency period, the country was heading towards authoritarianism. Sir, judiciary has been influenced and the Constitution has been amended by taking the centralised power at the Centre. Sir, all the State Assemblies have been dissolved and the powers have been centralised and we were heading for the dynastic rule and the rule of the family. This time also, sir, it is very amazing that this side is depending on the very arguments which were put forward in 1977 on the basis of which some States were dissolved. And that side puts the same arguments that were put forward by these people that it was unconstitutional. They put the argument that it is against federalism. They put the argument that it is amassing of power and authoritarianism. And now they are doing the same thing. Now, Sir, it is amazing that they are going the way where federalism is going to be stabbed and the Constitution is going to be raped and the country is going, towards authoritarianism. What do we find at the Centre? Why have they not been able to form a full Cabinet? Why have they not been able to bring out some policy? Why have they not been able to fix up the responsibility? It is because, Sir, they are trying to get power over the entire country. They are trying to take the country towards authoritarianism. They are trying to take the country to dynastic rule and the rule of the family. (*Time bell rings*) So, Sir, from our experience from that time onwards—from the time of the emergency, we can say that this dissolution is not only unconstitutional but it is also improper and it is leading to authoritarianism in this country. With these words, Sir, I support the motion moved by Shri Bhupesh Gupta and oppose the Resolution of the Government placed before this House.

SHRI BHUPESH GUPTA: Sir, I rise to give only a formal reply to the

[Shri Bhupesh'h Gupta]

debate that has taken place simultaneously on my motion which is shared by others also and on the Resolution moved by the hon. Home Minister, Shri Zail Singh. Sir, we have fought a very important battle that is our satisfaction. Many of us will be out of this scene some time or the other, but the arguments, the logic, the reasons, that have been adduced by us in support of our motion will remain just as theirs also will remain. It will be for the posterity to judge as to which side was speaking the voice of the people and of democracy, probity and integrity in public life and who were speaking the voice of a fanatic, 'frenzied, limitless lust for consolidation and extension of authoritarian personal power. So, Sir, I need not go into it. What however the historian will have to probe is as to how it became possible for the ruling party in this House, which did not have—and even now, does not have—of its own a clear majority in the House, to face it with the Resolution 'of Shri Zail Singh, and even expect to get it passed.

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI BHISHMA NARAIN SINGH): We are going to prove it just now. (*Interruptions*)

SHRI BHUPESH GUPTA: That will be for the historian to probe into it and I leave it to the historian to probe into it. But, then, Sir, the deficit seems to have been made up in the course of the last few weeks. We are told, Sir, that the value of an additional vote newly acquired for the Government side, against our Motion, and for the Government Resolution has not only been valued and assessed in moral and political terms but also in financial terms.

THE MINISTER OF SHIPPING AND TRANSPORT (SHRI A. P. SHARMA): False, absolutely wrong.

SHRI BHUPESH GUPTA: I am not saying it against anybody. .. (*Interruptions*). The value of the vote has been assessed in very many terms, and we are told, Sir, that so

far as its economic value is concerned, an additional vote newly acquired has been equivalent to—I am not saying anything against anybody—lakhs of rupees.

SHRI A. P. SHARMA: This is a very derogatory remark. How did he come here to this House. (*Interruptions*).

SHRI BHUPESH GUPTA: I have come to this House on my own. I have not said anything against anybody. I only said that every vote is politically, morally valued and this vote, I am told, has been economically valued also.

SHRI BIPINPAL DAS (Assam): By saying this, Sir, he is casting aspersions... (*Interruptions*)...

SHRI BHUPESH GUPTA: We have fought the battle on questions of principle. Have I touched somebody on the wrong? I am sorry for it if it is so. The only thing I said was that everything is valued in life nowadays.

Now, Sir, the debate is over and my friend, Mr. Zail Singh, is waiting to give his reply. I would only add a word before I sit down. I think first of all I am grateful to all the 'friends on this side who have spoken ably in support of our collective motion. That had been an excellent performance. I would not say those on the other side have not performed well. They have performed from their angle with a sense of, well, loyalty at least; but that has been a command performance. Sir, you have had the spectacle here of the command performance on the one side and the performance dictated by political morality, passion for democracy and desire to uphold our Parliamentary institution and above all, as I said probity and integrity in public life, on the other. The battle has, therefore, a serious future significance. What will happen today when we press the button, I do not know, because we have been up

against this tremendous offensive of money power, of allurements of office and temptation of positions, and we have fought them. We have been surrounded on all sides not merely by the merits or the demerits of a Resolution, we have been surrounded on all sides by a tremendous, concerted, encircling, offensive of... (*Interruptions*) Sir, we have fought . . . (*Interruptions*).

DR. RAFIQ ZAKARIA: On a point of order, Sir . . . (*Interruptions*).

SHRI SAT PAUL MITTAL: What an excellent performance . . . (*Interruptions*)

SHRI YOGENDRA SHARMA (Bihar): What Mr. Bhupesh Gupta is saying is only this that those who were previously called Aya Ram and Gaya Ram are now called Liya Ram and Diya Ram . . . (*Interruptions*).

SHRI K. K. MADHAVAN: Sir, you allow them to shout for two minutes. Otherwise, they cannot get sleep. (*Interruptions*).

MR. CHAIRMAN: My congratulations to the hon. Member. He certainly can make himself heard over this noise. (*Interruptions*) I shall go carefully through the record and if there is anything unparliamentary or undignified, I shall remove it. (*Interruptions*).

SHRI BHUPESH GUPTA: Sir, I withdraw if one word is unparliamentary. (*Interruptions*).

AN HON. MEMBER: Nothing ^ unparliamentary. (*Interruptions*).

MR. CHAIRMAN: I have not ruled on any expression being unparliamentary. I shall go through it carefully. (*Interruptions*) It will remain as it is, if there is nothing objectionable. Do not worry about it. (*Interruptions*) .. ..

DR. RAFIQ ZAKARIA: Sir, it is a reflection on the Members. (*Interruptions*). If you go on shouting, we will go on shouting. (*Interruptions*)

SHRI BHUPESH GUPTA: I know I Parliamentary expressions (*Interruptions*).

DR. RAFIQ ZAKARIA: What do you know? I would like to ask (*Interruptions*).

SHRI BHUPESH GUPTA: Sir, I repeat. We have been encircled.

DR. RAFIQ ZAKARIA: Sir, the words 'use of money power' are a reflection on the integrity of the Members. (*Interruptions*).

SHRI BHUPESH GUPTA: That part is over. I know you cannot score a moral point by raising a point of order which has no substance at all. Sir, all I say is this.

DR. RAFIQ ZAKARIA: This is something strange.

SHRI BHUPESH GUPTA: Sir, I know my friend is getting up like a Jack-in-the-box all the time. Let him do go. Let him put his hands on his heart and ask him in his own goodness sometimes whether what we have been saying from this side has some substance or validity. I believe in the goodness and in human conscience. And I do not exclude my 'friend' from that category of human species. As I say, this is this. Now, as I said, we have given our case. Let the people judge. May I make a suggestion? May I make a suggestion to the Government? Let the proceedings on this subject, let the debate on this subject, in both the Houses of Parliament, including all these speeches for and against, for this Motion or against this Motion and *vice versa* be produced in the form of a pamphlet and produced before the public. Let the public know. Let it go to the people. Let the people judge as to who spoke and what.

SHRI A. P. SHARMA: Your performance, time and again, should also be produced before the public

SHRI BHUPESH GUPTA: I am not prejudging your thing and you are not prejudging my thing. But let us go to the greatest Parliament of all, the people. Let them judge what we have said. My friend has talked about the people. He forgets those who oppose this Resolution of the Home Minister and those who support our collective Resolution represent, even by the count of 1980 votes, the majority of the voters in the country. This is a fact recorded by the Election Commission. This is a fact. The fact we are divided does not mean that majority of the people have supported them.

SHRI A. P. SHARMA: You will always remain divided.

SHRI BHUPESH GUPTA: We, as political parties, are divided. We had fought each other. May be, we shall be doing so. But over this matter, we represent this solid unity of 58 per cent of the people, who had voted even in 1980 against this Government. That is all I say. Sir, I do not wish to, say anything more. We have said enough. Once again, I say the last word has not been said. There was a time, only three years ago, when many friends from that side, almost all of them, sat here and joined with me in opposing the Proclamation and the Dissolutions (Interruptions),

SHRI A. P. SHARMA: You joined us, we did not join you. It is you who left. (Interruptions).

SHRI BHUPESH GUPTA: Owing to human weakness, Shrimati Saroj Khaparde, people will be attracted to your side, but at the moment we are fighting for principle. We do not suffer from either collective or individual weakness of any kind. Therefore, we shall not oblige you. Now, Sir, I have said that the battle has been fought, but let this matter be debated in the whole country in the forthcoming election and otherwise also so that democracy is defended.

Lastly, Sir, Rajya Sabha had a historic opportunity. On the 30th of

January we passed a significant Amendment to the President's Address. In fact, a Motion of Thanks which is historic in its own way is unanimously passed. People look to the Rajya Sabha with hope and confidence. Rajya Sabha in the last three years had decided many wrong things successfully. That historic role again has fallen to us. I do not know how on this particular occasion the Rajya Sabha will stand, whether it will pass the test or not, but I do believe, Sir, a moral cause, a just cause, a cause for democracy is always imperishable, unconquerable and deathless and even if the pressing of buttons don't do justice here, tomorrow in the larger life of the nation it will stand in greater glory and shine in brilliance and it will be known that the Opposition, despite their division stood together like a solid rock in defence of democracy and against the arbitrary, authoritarian action, tearing to pieces the spirit of the Constitution, if not the letter, but according to me, the letter has also been torn to pieces.

Therefore, may I thank our friends who have supported this motion? I would appeal to all Members of the House to support the only sensible, and reasonable, honourable and dignified motion, to vindicate the honour and prestige of this House so that it can pass and we live up to the excellent tradition that we have set in this House over the past years especially during the last three years.

Thank you very much.

MR. CHAIRMAN: Order please.

जानी जैल सिंह : सत्कार योग्य सभापति जी, श्री भूपेश गुप्त जी ने एक संकल्प पेश किया था और उसके बाद मैंने 9 रियासतों के प्रोक्लामेशंस का संकल्प पेश किया। आनरेबल मेम्बर साहेबान ने बड़ी कीमती राय दी। भूपेश गुप्त जी क्योंकि उसी पार्टी से तात्कुक रखते हैं जिन्होंने उनका समर्थन किया इसीलिये वह उस के ग्रेटफुल हैं और मैं सारे हाऊस का ग्रेटफुल हूँ वंशक उन्हें मेरे

इस रेजोलूशन की ताईद की या इसकी विरोधता की। मैं भूपेश गुप्तजी का भी ग्रेटफुल हूँ। वह ग्रेटफुल हो या नहीं। 'वह हमारे हों या न हों हम तुम्हारे हो चुके'।

चैयरमैन साहब, भूपेश गुप्त जी ने आधा घंटा तो इस संकल्प को पेश करते वक्त लगाया और आधा घंटा से ज्यादा या कुछ कम अब लगाया। मैंने पहले भी बहुत कम वक्त लिया था और अब भी चाहता हूँ कि आपका बहुत, कम वक्त लूँ क्योंकि मेरे कृष्णीग शिव शंकर जी ने, जो बहुत से मेम्बर साहेबान ने एतराज उठाये थे, उनका जवाब दिया और उनके जवाब का कोई उत्तर विरोधी दलों की तरफ से नहीं आया . . . (Interruptions)

श्री रामेश्वर सिंह : सभापति जी, मेरा प्वाइंट आफ आर्डर है . . . (Interruptions)

श्री सभापति : जरा बैठ जाइये।

श्री रामेश्वर सिंह : सभापति जी, मेरा प्वाइंट आफ आर्डर है। यह जो मंत्री जी ने कहा है कि अपोजिशन के लोगों ने हमारी बात को नहीं माना तो मैं उनसे कहना चाहता हूँ कि भजन लाल की सरकार को और हिमाचल प्रदेश की सरकार को आपने भंग क्यों नहीं किया। यहां मेरा प्वाइंट आफ आर्डर है कि हरियाणा की सरकार को क्यों नहीं भंग किया? हिमाचल प्रदेश की सरकार को भंग क्यों नहीं किया . . . (Interruptions) क्या यह सही नहीं है कि दो करोड़ रुपये देकर भजन लाल से दल बदल कराया गया। क्या यह सही नहीं है 10 लाख रुपये लेकर यहां के सदस्यों को बरगलाया गया और अपने पक्ष में किया गया? ये मेरे सवाल हैं . . . (Interruptions)

MR. CHAIRMAN: The hon. Member should sit down. Please go on.

श्री ए० पी० शर्मा : तुम खुद बदनो हुए हो।

श्री सभापति : आप अपना शुरू कीजिए।

ज्ञानी जैल सिंह : जनाब चैयरमैन साहब, मैं अदब से प्रार्थना करता हूँ कि इतनी बातें कहीं गई और मैंने सब से सुनी। कोई किसी बात पर एतराज नहीं किया। अब जब मैं उनका जवाब देता हूँ बड़े अदब से उनको सुनना चाहिये। यह समझना चाहिये कि यह इस्पात की तलवार की धाराओं की लड़ाई नहीं है यह विचारधारा की लड़ाई है। इस विचारधारा की लड़ाई में जब हम लड़ रहे हैं और जब हम यहां लड़ते हैं तो जनता की तरफ से लड़ते हैं . . . (Interruptions)

श्री रामेश्वर सिंह : यह विचारधारा क्या है . . . (Interruptions)

ज्ञानी जैल सिंह : बेशक उनको 542 सीटों में से सिर्फ सात सीटें ही मिली हों मगर फिर भी वह कहते हैं कि वह जनता की तरफ से ही लड़ते हैं। जब आप जनता की तरफ से लड़ते हैं तो मैं तो उस पार्टी का मेम्बर हूँ जिस पार्टी ने 352 सीटें जीती है। जनता हमारे साथ। जनता की आवाज कांग्रेस (आई) के साथ है। जनता की आवाज सी० पी० आई की नहीं है जनता की आवाज कांग्रेस (आई) की है। मैं बड़े अदब से कहता हूँ . . . (Interruptions)

श्री कलराज मिश्र (उत्तर प्रदेश) : पैसे की आवाज है।

ज्ञानी जैल सिंह : ऐसी बात करना आनरेबल मेम्बर्स की और जनता जनार्दन का अपमान करना है और हम जनता को अपना भगवान समझते हैं और अगर आप जनता के खिलाफ कोई बात करेंगे तो हम नहीं सुन सकते हमारे कई आनरेबल मेम्बर साहेबान ने भाषण दिये। मैं समझता था कि श्री भूपेश गुप्त जी जैसे आदमी जो एक बहुत अच्छे पार्लियामेन्टेरियन हैं, कैसे किसी पर शक कर सकते हैं वे क्या कहते हैं, यह सुन लीजिए . . . (Interruptions)



श्री रामेश्वर सिंह : हमको भी ऐसा ही लगता है । आप अकेले उनको ही क्यों कह रहे हैं ।

ज्ञानी जैल सिंह : ऐसा ही लगता है । मैं सब दोस्तों को जानता हूँ और सब दोस्त मुझे जानते हैं और जो नहीं जानते हैं वे भी कुछ दिनों में जान पाएंगे । मैं यह कहना चाहता हूँ कि हम वह चीज नहीं कि एक रोज़ इधर और एक रोज़ उधर... (Interruptions)  
दुश्मन को न देखो नफरत से, शायद वह मोहवत कर बैठे ।

मैं अभी श्री भूपेश गुप्त जी की बातों का जवाब नहीं दे रहा हूँ । उनकी बातों के बारे में मुझे जो कुछ कहना है वह मैं बाद में कहूँगा लेकिन मैं भूपेश जी से कहना चाहता हूँ कि उन्होंने जो यह बात कही है कि ताकत के जोर से और मनी के जोर से इस हाउस में उनको माइनोरिटी में कर दिया गया है, यह उन्होंने कैसे अनुभव कर लिया ? पहले तो यह शक की बात है, उन्हें पहले नहीं कहनी चाहिए थी । लेकिन अगर उनको कहना ही था तो आनन्दबल मेम्बरों की इज्जत का तो ख्याल रखते (Interruptions) मैं पूछता हूँ कि श्री भूपेश जी आदर्श के लिए लड़ रहे हैं, आप जनता के लिए लड़ रहे हैं, मैं इसके लिए आपका आभारी हूँ । आप इमरजेंसी के लिए भी लड़े थे, 20 प्वाइंट्स प्रोग्राम के लिए भी लड़े थे, हमारे साथ रह कर लड़े थे फिर आपको क्या हाँ गया ? अब आप समझते हैं कि ये सब प्रोग्रेसिव हो गये, इन्होंने आपकी बातों पर दस्तखत कर दिये ? ये कहते हैं कि हम मदद का हाथ बढ़ाएंगे । यह बड़ी खुशी की बात है (Interruptions)

श्री जगदीश प्रसाद साधु (उत्तर प्रदेश) : कभी हमने भी तुमको चाहा था कि तुम्हें याद हों कि याद न हो ।

ज्ञानी जैल सिंह : मुझे इस बात पर खुशी होगी कि आप एक जगह इकट्ठे हो जायें । लेकिन पहले सी० पी० आई० वाले और सी० पी० एम० वाले इकट्ठे हों । उसके बाद फिर

कांग्रेस (यू), लोक दल और जनता पार्टी को साथ लेकर लड़ेंगे और फिर आपको यह भी कहा जाएगा कि आपको प्रधान मंत्री बनाएंगे और फिर आपकी हालत भी चौधरी चरण सिंह जैसी होगी... (Interruptions)  
मुझे तुम जो भी कहते हो, तुम्हारी बात मान लेता हूँ, लेकिन दुनिया वाले तुम्हारी दास्तान कुछ और ही कहते हैं ।

कुछ मेम्बर साहिबान ने इस बात पर जोर दिया है कि कांग्रेस-आई के शासन में और जनता पार्टी के शासन में फर्क है । उन्होंने कहा कि कांग्रेस आई को बहुमत नहीं मिला लोगों का । आप जरा गौर से देखिये । जब सन् 1977 में जनता पार्टी जीती तो उनका रुन हुआ । उस वक्त लोक सभा में 154 मेम्बर अपोजीशन में बैठते थे । और वह अपोजीशन

रिकग्नाइज्ड करना पड़ा । लेकिन 8 P.M. आज की हालत क्या है, अपोजीशन ही नहीं बन सकी । जीतने की बात इससे जाहिर होती है और जनता की राय का बैरोमिटर क्या है । इसके लिये कहते हैं कि वोट का परसंटेज देखिये । मेरे एक दोस्त ने कहा कि वोटों के हिसाब से 51 परसेन्ट वोट नहीं बनते हैं इसलिये कांग्रेस (आई) को जाता नहीं कहा जा सकता । (Interruptions)

अभी सुनिये । इंडियन कांस्टिट्यूशन, हिन्दुस्तान की जम्हूरियत को समझिये । यहाँ पर प्रिफरेंसियल वोट नहीं है । यहाँ आम जनता के हर बैलट पर वोट मिलता है । फर्स्ट और सेंकिड प्रिफरेंस नहीं है ।

श्री पीलू मोदी : बिल्कुल सही बात है ।

ज्ञानी जैल सिंह : मोदी साहब, जरा सन्न कीजिये । मुझे आप दिखाई देते हैं और सबसे ज्यादा दिखाई देते हैं । मेरी बात सुनिये ।

श्री पीलू मोदी : इन बेचारे को पानी तो पिलाओ ।

ज्ञानी जैल सिंह : चेयरमैन साहब, इन्होंने मेरी सिफारिश की है कि पानी पिलाओ, लेकिन साथ कहा बेचारा । बेचारा गृह मंत्री

नहीं होता। इस बात का जरा ध्यान से ख्याल रखेंगे।

कहा गया कि बोट कम मिले। आप मानिये कि पांच आदमी एक रेस में दौड़े। उसमें एक, एक हजार मीटर की रेस में दौड़ कर सबसे आगे निकल गया। दूसरा एक मीटर पीछे रह गया, तीसरा डेढ़ मीटर पीछे रह गया और चौथा दो मीटर पीछे रह गया और पांचवां गुछ और मीटर पीछे रह गया। तो जब प्राइज डिस्ट्रिब्यूशन होने वाला हो तब जाकर अगर वे कहने लगे कि यह तो सिर्फ एक हजार मीटर दौड़ा है और हम जा चा है हम 3 हजार और इतने सौ मीटर दौड़े इसलिये हमको इनाम मिलना चाहिए। ये जम्हूरियत की बात कहते हैं और फिर कहते हैं कि जनता पार्टी ने तो इसलिये सरकारें तोड़ी थी क्योंकि रूलिंग पार्टी जो है उसका राउट हो गया था। अब राउट किसको कहते हैं। जहां 31 परसेन्ट से लेकर 24 परसेन्ट बोट मिले रूलिंग पार्टी को और फिर कहते हैं कि हमें नेगेटिव बोट मिले। पहली बात तो यह है कि हमने पाजिटिव बोट लिये। मगर मैं एक मिनट के लिये कहता हूँ कि वह नेगेटिव बोट थे। एक मेम्बर ने कहा कि जनता के खिलाफ गुस्सा था। यदि जनता के खिलाफ गुस्सा था तो लोक दल को दे देते नेगेटिव बोट। अगर नेगेटिव बोट दोनों दलों के खिलाफ था तो ये जो हमारे दोस्त बैठे हैं कम्युनिस्ट पार्टी वाले उनको दे देते, फारवर्ड ब्लाक को दे देते। फिर कांग्रेस (आई) हो दिखाई दी नेगेटिव बोट के लिये। ये बोट नेगेटिव नहीं है ये पाजिटिव बोट हैं। लोगों ने यह समझा कि हिन्दुस्तान की एकता, हिन्दुस्तान को जम्हूरियत, हिन्दुस्तान के गरीबों का भला कोई कर सकता है तो वह एक ही पार्टी है जिस की नेता श्रीमती इंदिरा गांधी है। अब भूपेश गुप्ता जी को मैं कुछ नहीं कहता क्योंकि उन्होंने उस वक्त भी प्रेजिडेंट रूल की मुखालफत की थी। यह तो उसूल की बात है।

SHRI JAGJIT SINGH ANAND  
(Punjab): Consistent view.

**ज्ञानी जैल सिंह :** ठीक है आनन्द जी आपने मुझे करेक्ट किया है। समापति महोदय कांग्रेस (यू) वाले जो उधर बैठे हैं उनको भी मैं कुछ नहीं कहता। उन्होंने उस वक्त भी विरोध किया था और अब भी वैचारे विरोध कर रहे हैं। लेकिन मुझे इस बात की समझ नहीं आई कि वह जो मेरे दोस्त सी० पी० एम० वाले बड़े हैं उस वक्त भी उनको जम्हूरियत का ख्याल नहीं रहा जब 9 सरकारें तोड़ दी गई थीं उनकी स्पीचेज मेरे पास हैं कोई झुठलाएं तो। बड़े जोर से कहा था कि तोड़ना चाहिए नहीं तो जम्हूरियत नहीं बच सकती। तो आज जम्हूरियत की कौन सी टांग टूट गई? सी० पी० एम० वालों से मैं दरखवास्त करूंगा कि सी० पी० आई से तुम्हारी मुलह सफाई हो जाये लेकिन इस बात का ध्यान रखना कि जिस बात पर आप हमें डिफेक्टर कहते हैं तुमको कोई डिफेक्टर कहना शुरू न कर दे। आज हमारे कुछ दोस्त आए, वो ह मारी ही फेमिली के मेम्बर थे। हमारे साथ रहे थे। कुछ दिनों के लिए रुठ गए थे फिर हमारे साथ आ गए तो आप बुरा मान गए। इसमें बुरा मानने को क्या बात है? आपके साथ तो वे कभी थे ही नहीं। अगर आपका ख्याल हो कि जनसंघ वाले आपके साथ रहेंगे तो वे आपके साथी हैं, आप उनके साथी है यह बात मैं मान सकता हूँ लेकिन आप हमको यह कहने वाले कि डिफेक्शन करवा रहे हैं जरा कान खोल कर देखिये . . . .

((Interruptions))

) सुनिये। समापति महोदय, यह तो स्लिप आफ टंग है कान खोल कर सुनिये आंख खोल कर देखिये। मैं विरोधी दलों के मेम्बरों का बहुत आभारी हूँ कि उन्होंने हमेशा मुझे करेक्ट किया है। यहां पर हिन्दुस्तान की पार्लियामेंट में लोक सभा में एक वाक्या हुआ चिकमगलूर से श्रीमती इंदिरा गांधीं जिनकी इन्वेक्शन में हार हुई था वे जीत कर आई। सेंट्रल गवर्नमेंट की मुखाल

[ ज्ञानी जैल सिंह ]

फत के बावजूद, दोनों कम्युनिस्ट पार्टियों की मुखाफत के बावजूद जीत कर आई। सभा में दो तीन दिन बैठने के बाद यहाँ जम्हूरियत के रखवालों ने क्या किया ? उनके खिलाफ (Interruptions) उनके खिलाफ एक्शन क्या लेते हैं ? मैम्बरशिप से भी खारिज और जेल में भी जाएं . . . (Interruptions) ..

THE LEADER OF THE OPPOSITION (SHRI LAL K. ADVANI): Sir, I am on a point of order. (Interruptions).

SHRI NAGESHWAR PRASAD SHAHI (Uttar Pradesh): This is contempt of the House.

SHRI LAL K. ADVANI: Sir, I am on a point of order. The hon. Minister is perhaps aware of the established traditions of the House. Just as we "have our own privileges and we are very anxious to ensure that the other House makes no reflections on us, similarly\_\_\_\_\_ (Interruptions) Sir, I am not yielding, please ask the Minister to sit down. (Interruptions). Sir, he is still standing. (Interruptions)- The hon. Minister is still standing.

SHRI RABI RAY (Orissa): The Minister must sit down. (Interruptions).

ज्ञानी जैल सिंह : तुम्हारी पार्टी की बात हो रही है। उस हाऊस लोक सभा की बात नहीं हो रही है। तुम्हारी पार्टी की बात हो रही है।

MR. CHAIRMAN: I do not think that any rule of order is arising. If a rule of order is to be ruled on, practically three-fourth of the speeches will be ruled out.

SHRI LAL K. ADVANI: Mr. Chairman, Sir, let me complete my say. It is a very serious matter because the hon. Minister has cast reflection on the other House. The other House had taken the decision

I on the privilege matter. Whether they are right or wrong in this House, we will not allow to be discussed.

GIANI ZAIL SINGH: I am talking about your party.

SHRI SUNDER SINGH BHANDARI (Uttar Pradesh): Sit down. Who are you to answer? It is for the Chairman to answer.

SHRI LAL K. ADVANI: It is for you to decide, Sir.

MR. CHAIRMAN: Please sit down. It is a case of tit for tat. There have been many things said. (Interruptions)

SHRI LAL K. ADVANI: Mr. Chairman, Sir....

MR. CHAIRMAN: Mr. Leader of the Opposition, he is attacking the attitude of a party. That party worked through a particular House. He is not criticising the House. He is criticising the attitude of a party (Interruptions)

SHRI LAL K. ADVANI: Mr. Chairman, Sir, let him sit down. I have not completed my say.

MR. CHAIRMAN: Mr. Leader of the opposition, I have ruled on this. (Interruptions)

ज्ञानी जैल सिंह : आनरेबल चैयरमैन साहब... (Interruptions) कांग्रेस 'आई' का जिक्र किया और कांग्रेस 'आई' के खिलाफ बातें कहीं गयीं। परन्तु आज जब मैं जनता पार्टी की बात करता हूँ तो फिर इनको क्यों एतराज होता है। जरा सब्र से सुनिये . . .

(Interruptions)

SHRI LAL K. ADVANI: Mr. Chairman, Sir..

MR. CHAIRMAN: I have already ruled on this matter.

DR. RAMKRIPAL SINHA (Bihar): Mr. Chairman, Sir, please listen to us. (Interruptions)

ज्ञानी जैल सिंह : जनता पार्टी ने अपने बहुमत के जोर से न सिर्फ श्रीमती गांधी को मेम्बरशिप से हटाया बल्कि उनको जेल में भेज दिया जबकि उनके बेटे भी जेल में थे। उस वक्त इन जम्हूरियत के राखे की उंगली नहीं उठी, उस वक्त जम्हूरियत के राखे कहाँ गये थे। उस वक्त जम्हूरियत का कल्ल हो रहा था... (Interruptions) जम्हूरियत के कातिजों को... (Interruptions) में कहता हूँ कि जनता पार्टी जम्हूरियत की कातिल है..... (Interruptions)

SHRI SHANTI BHUSHAN (Uttar Pradesh): You must at least listen to the point of order. You must allow him to complete his point of order. (Interruptions)

MR. CHAIRMAN: Silence, Order, order, order. He is on a point of order.

SHRI A. P. SHARMA: You have already- ruled it out, Sir.

SHRI LAL K. ADVANI: Mr. Chairman, Sir, I feel a very distressed today, particularly because... Please. Only if you sit I will speak.

MR. CHAIRMAN: I beg your pardon. I forgot that I was standing. I do not know whether I am standing on my feet or on my head.

SHRI LAL K. ADVANI: Sir, even the Minister is again on his legs. Ask him to sit down. He is standing again.

MR. CHAIRMAN: A point of order is moved. Nobody speak now. Yes, Mr. Leader of the Opposition.

SHRI LAL K. ADVANI: Sir, first of all, I would like to express my distress at this that I rise on a point of order, I hardly say one sentence—I have only uttered one sentence—and the Home Minister stands up and

does not allow me to speak. I expected.... (Interruptions)..... I expected you to call him to order, and you did call him to order. You asked him to sit down.

MR. CHAIRMAN: Mr. -Leader of the Opposition, my voice is—  
जो कहा जाता है कि—सातवीं की सुनता कौन है खाने में।

श्री लाल कृष्ण आडवानी : श्रीर नक्कार-खाने में अगर आप खाली होम मिनिस्टर की बात सुनेंगे तो बहुत तकलीफ होगी, और आज दुख इस बात का हुआ कि आप दूसरे किसी की बात सुनने के लिए तैयार नहीं थे।

DR. RAFIQ ZAKARIA: Sir, this is reflection on the Chair. (Interruptions).

SHRI L. R. NAIK (Karnataka): This is reflection on the Chair (Interruptions).

SHRI LAL K. ADVANI: Mr. Chairman, Sir, it is the established practice of both Houses that the decisions of the other House are not at all commented upon. (Interruptions) They are never commented upon. If something is said about me here that I did this or that I moved a privilege motion from a wrong point of view, I can understand that. But there can be no reflection on any decision of the other House.

MR. CHAIRMAN: Mr. Home Minister I would request you to choose your words. Whatever you say may be said but not reflecting on the other House. (Interruptions).

ज्ञानी जैल सिंह : चेंबरमैन साहब, लोक सभा के हाऊस के प्रति कोई भी मेरा लफ्ज कहा गया हो तो मैं उसके लिए क्षमा मांगने के लिए तैयार हूँ। लेकिन मैंने जो कुछ कहा, वह विरोधी दल के रवैये के अनुसार ही

**[जानी जैल सिंह]**

कहा। लेकिन अब भी मैं जनता पार्टी के नेता को कहूंगा कि ठण्डे दिल से सुनिये इतनी घबराहट पैदा न कीजिए। देखिये —

“जनत में इठलाते रंगो-बू से बात बनती है,

जहां हम भी है, तो क्या गम है।

जहां तुम ही तुम हो, तो क्या गम है।”

हम तो आपके पवित्र विचारों को, महान् ख्यालों को बड़ी अच्छी जगह देते हैं श्री : मेहर-बानी करके कुछ हमारी बात सुनिये उसमें आपका फायदा ही होगा, नुकसान नहीं होगा।

**श्री रवि राय :** आपका भी तो फायदा होगा।

**श्री सुन्दर सिंह भण्डारी :** यह सुन कर के इधर के वोट उधर आ जायेंगे।

**जानी जैल सिंह :** अभी मैं आपसे प्रार्थना कर रहा था कि जम्हूरियत के सम्बन्ध में वोटों का या जनता की राय का बैरोमीटर क्या होता है। उसमें मैं ज्यादा विस्तार पूर्वक नहीं कहता, लेकिन इतना मैं आपके ज्ञान के लिए कहता हूँ कि जिन स्टेट्स में प्रेजिडेंट रूल हुआ है, उनकी हालत यह है कि बिहार में 23 प्रतिशत और समथिंग, गुजरात में 36 प्रतिशत .....

एक माननीय सदस्य किसको ?

**जानी जैल सिंह :** रूलिंग पार्टी को मध्य प्रदेश में 31 प्रतिशत, महाराष्ट्र में 32 प्रतिशत, उड़ीसा में 19 प्रतिशत और पंजाब में 23 प्रतिशत ....

**एक माननीय सदस्य :** आपको कितने मिले है ?

**जानी जैल सिंह :** राजस्थान में 31 प्रतिशत तमिलनाडू में जो हमको मिले, वह

आप जाकर इलेक्शन कमीशन से पूछ लीजिये मैंने यह इलेक्शन कमीशन से लिए हैं। लेकिन मेरा मतलब सिर्फ इतना है कि जहां भी रूलिंग पार्टी की सरकार को इतने वोट मिले हैं ... वे सरकारें और विधान सभाएं टूटी हैं, और प्रेसीडेंट ने कोई ज्यादाती नहीं की, बिल्कुल इन्साफ किया। तो इसके लिए ...

**श्री सुन्दर सिंह भण्डारी :** पानी पिलाइए।

**जानी जैल सिंह :** थैंक यू मेहरी मच। मेरे दोस्त, आप तो पानी कहते हैं हम तो आपके कहने पर उठर भी पी सकते हैं। मैं अपने दोस्तों से, खासतौर पर जनता पार्टी के और लोकदल के दोस्तों से, दरखास्त करूंगा जिनके साथ मुझे बहुत हमदर्दी है, कि जनता पार्टी और लोकदल ो हो गए, दो होने के बाद फिर दो-दो हो गए। और फिर उसके बाद क्या होगा यह, भगवान जाने। अब गलियों में बच्चे गाते जा रहे हैं :

“इस दल के टूकड़े बीस हुए कोई यहां गिरा कोई वहां गिरा।”

लेकिन कुछ पर्सनेलिटी हैं, शख्सियतें हैं, जिनका मैं आदर करता था। पार्टी के तौर पर कान क्या जाने क्या बनेगा ? लेकिन शख्सियतें हैं, उनके लिए मैं थोड़ा सा बहूंगा जब ये इक्ठ्ठा थे, जब 9 रिशासतों को तोड़ा गया था, जब चौधरी चरण सिंह भारत के प्रधान मंत्री उस वक़्त के होम मिनिस्टर थे, उन्होंने इसी हाऊस में यह कहा था — यह हम सब को मान कर चलना ही पड़ेगा कि डेमोक्रेसी का, जनतन्त्र का, बुनियादी उसूल यह है कि इलेक्टड इलेक्टोरेट की नुमायंदगी करते रहेंगे, अगर यह नहीं करती, तो उसी जगह डेमोक्रेसी खत्म हो जाती है। इंग्लैंड का हवाला देते हुए उन्होंने कहा कि “जब कभी वहां की रूलिंग पार्टी महसूस करती है कि वहां की जनता के जवाब का और उनकी आशाओं का भली प्रकार प्रतिनिधित्व नहीं करती है”— मैं स्टेटमेंट पढ़ रहा हूँ, चौधरी साहब ने कहा ; “तब वह फीरन इस्तीफा दे।” आगे चल कर

वह कहते हैं—“अब यहां रूलिंग पार्टी को जाहिर हो गया दुनियां को जाहिर हो गया कि वह प्रतिनिधित्व नहीं करती। इस्तीफा देने के लिए उनको मशविरा दिया; उन्होंने इस्तीफा नहीं दिया। इस्तीफा नहीं दिया तो आर्टिकल 356 के अन्धर प्रेसीडेंट ने उन को हटा दिया।”

यह उस महापुरुष की बात है जिन को इन्होंने एक बार निकाला और फिर उस को डिपुटी प्राइम मिनिस्टर बनाया और फिर प्रधान मंत्री बनाया और ये हमारे दोस्त...

**कई माननीय सदस्य :** नहीं, आपने बनाया।

**ज्ञानी जैल सिंह :** ठीक है। उनकी बात भी ठीक है। इन्होंने नहीं बनाया, जनता पार्टी वाले सच कहते हैं। आपने (जनता पार्टी ने) नहीं बनाया... (Interruptions)

**श्री पीलू मोदी :** कह दीजिए आपने ही बनाया।

**श्री जगजीत सिंह आनन्द :** आपने कुर्सी दी चरण सिंह को और बाद में खींच ली।

**ज्ञानी जैल सिंह :** कामरेड की बात मैं माने लेता हूं। कुर्सी ली और छीन ली। मैं, कामरेड जी, आपसे पूछता हूं : आप तो बड़े उसूल परस्त हैं और यहां इस सदन में है जम्हूरियत के लिए भी आप बड़ा जोर देते हैं। जहां जहां कम्युनिस्ट पार्टी का राज है दुनिया तो वहां दो पार्टियां एगजिस्ट करती हैं। (Interruptions) वहां हिन्दुस्तान की तरह जम्हूरियत है? यहां आप चाहते हैं जम्हूरियत तब तक रहे जब तक आप का राज नहीं होता।

**श्री योगेन्द्र शर्मा :** आप हमारे ज्ञानी जी को सोशलिस्ट कन्ट्राज में भेज दीजिए, वृत्त से सोशलिस्ट कन्ट्राज हैं जहां कई पार्टियों का संगठन हो चुका है। (Interruptions)

**श्री जगजीत सिंह आनन्द :** जब चरण सिंह का यह बयान था तब भी हमारा वही स्टैंड था जो आज है।

**ज्ञानी जैल सिंह :** सोशलिस्ट कन्ट्राज में जो तर्जुमन है वह बहुत अच्छी है, मैं उसका प्रशंसक हूं। मैं उस की तारीफ करता हूं मैं। कम्युनिस्ट नहीं हूं, मैं जम्हूरियत पसन्द हूं। लेकिन जब आप जम्हूरियत का स्वोगन लगाते हैं तब मुझे डाल आता है।

चरणमैन साहब, इन्हीं बच्चों पर डिफेंक्शन का सवाल आया। अभी जब इलेक्शन होने वाले थे तो जनता पार्टी पुकार कर कह रही थी कि यह डिफेंक्शन की सरकार है, चरण सिंह डिफेंक्शन का सरकार है। लेकिन इन्होंने डिफेंक्शनों के साथ सुलह की और कहा कि हम सेक्यूलर, सोशलिज्म पर विश्वास करने वाले लोगों के साथ मिलकर चलेंगे। जो न के साथ मिल जाय वह सोशलिस्ट बन जाता है, ओथोस्टेटियन भी बन जाता है। मैं अपने दोस्तों से सी० पी० एम० और सी० पी० आई० के दोस्तों से प्रार्थना करता हूं कि इतना तो आप को ख्याल रखना चाहिए कि जो दोस्त किसी प्वाइन्ट पर, किसी कदम पर आपके साथ हैं उनके साथ दुश्मनी पैदा न करे वरना हिन्दुस्तान में समाजवाद आने में देर लगेगी। हम समाजवाद जल्दी लाना चाहते हैं। मैं अपने दोस्तों को कहता हूं कि आप दोस्ती उन लोगों से डाल रहे हैं जो आपके समाजवाद की जड़ें काट रहे हैं। जो कास्टिज्म पर, कम्युनिज्म पर विश्वास रखते हैं, जो किसानों और मजदूरों की बात सुनने के लिए तैयार नहीं हैं आप उनके साथ दोस्ती रखते हैं। मूबारक हो आपको, लेकिन जरा ख्याल कीजिए, भले आदर्शियों से दोस्ती बनाइये। अगर आपने वही रास्ता अस्तिदार किया तो दुनिया वही समझेगी कि आप कम्युनिस्ट नहीं हैं, आप अन्व्युनिस्ट हैं। इसलिए मैं कहता हूं सी० पी० आई० वाले दोस्त आप जरूर बखिलाफ वोट दो, हमारे कांग्रेस (यु) वाले बखिलाफ वोट दें, लेकिन लोकदल, जनता

[ ज्ञानी जैल सिंह ]

पार्टी और सी० पी० आई० एम० का अखलाकी  
फज्र बनता है कि तीन साल के बाद वे अपना  
रादा न बदलें, वे भूपेश गुप्तजी के रिजोल्यूशन  
को रिजेक्ट करें और मेरे मत की सपोर्ट करें।  
इतनी बात कह कर मैं खत्म करता हूँ।

SHRI BHUPESH GUPTA; Sir, we are grateful for the entertainment. (Interruption). Sir, we are grateful for the entertainment provided by the Home Minister. (Interruptions) I wish he continued<sup>1</sup> for a longer itime.

MR. CHAIRMAN: The House will now proceed to vote. I shall first put the Motion. (Interruptions). Order, order, please. (Interruptions). Order, order, please. I shall first put the MotiQ<sub>n</sub> moved by Shri Bhupesh Gupta to vote. This matter cannot be decided by a voice vote. Lungs are quite strong on both sides. The House will now proceed for Division. Ring the Division Bell . . . (Interruptions) Members will kindly take their seat\* . . . (Interruptions) Hon. Members will now vate electronically on the Resolution.

The question is:

"That this House recommends to the President that the Proclamations issued by the President on the 17th February 1980, under article 356 of the Constitution, in relation to the States of Bihar, Gujarat Madhya Pradesh, Maharashtra, Orissa, Punjab, Rajasthan, Tamil Nadu and Uttar Pradesh, ibe revoked."

|                   |        |              |
|-------------------|--------|--------------|
| The               | House  | divided      |
| MR. CHAIRMAN:     | Ayes   | : 95         |
| Noes              |        | 119          |
| AYES—95           |        |              |
| Advani,           | Shri   | Lal K.       |
| Anand,            | Shri   | Jagjit Singh |
| Asthana,          | Shri   | K. B.        |
| Bagaitkar,        | Shri   | Sadasiv      |
| Baleshwar         | Dayal, | Shri         |
| Banerjee,         | Shri   | Jaharlal     |
| :Basheer, Shri T. |        |              |

Bhabhra, Shri Hari Shankar  
Bhagat, Shri Ganpat Hiralal  
Bhandari, Shri Sunder Singh  
Bhanu Pratap Singh, Shri  
Bhattacharjee, Prof. Sourendra  
Bhola Prasad, Shri  
Bose, Shrimati Pratima  
Chakraborty, Shri Amarprosod  
Deb Burman, Shri Bir Chandra  
Dhabe, Shri S. W.  
Dhulap, Shri K. N.  
Ghose, Shri Sankar  
Goswami, Shri Dinesh  
Gupta, Shri Bhupesh  
Gupta, Shri Ram Lakhan Prasad  
Hansda, Shri Phanindra Nath  
Hashmi, Shri Syed Ahmad  
Hegde, Shri Ramakrishna  
Jagbir Singh, Shri  
Janardhanam, Shri A. P.  
Jha, Shri Shiva Chandra  
Joshi, Shri Jagdish  
Joshi, Shri Jagannathrao  
Kadarshah, Shri M.  
Kakati, Shri Rabin  
Krishnan, Shri E. R.  
Krishnan, Shri U. R.  
Kulkarni, Shri A. G.  
Kumaran, Shri S.  
Lahane, Shri Motiram Udaybhanji  
Lakhan Singh, Shri  
Lepcha, Shri Sangdopal  
Madhavan, Shri K. K.  
Mahapatro, Shri Lakshmana  
Mahavir, Dr. Bhai  
Majhi, Shri Dhaneswar  
Mallick, Shri Harekrushna  
Master, Shri K. Chathunni  
Mathur, Shri Jagdish Prasad  
Menon, Shri Viswanat'ha  
Mishra, Shri Kalraj  
Mody, Shri Piloo  
Mohinder Kaur, Shrimati  
Morarka, Shri R. R.

Mukherjee, Shrimati Kanak  
 Mukhopadhyay, Shrimati Purabi  
 Muthu, Dr. (Shrimati) Sathiavani  
 Nanda, Shri Narasingha Prasad  
 Narendra Singh, Shri  
 Nathi Singh, Shri  
 Nigam, Shri Ladli Mohan  
 Nizam-ud-Din, Shri Syed  
 Oza, Shri Ghanshyambhai  
 Parikh, Prof. Ramlal  
 Patel, Shri Manubhaj  
 Pradhan, Shri Patitpaban  
 Prem Manohar, Shri  
 Rajan, Shri Pattiam  
 Rajinder Kaur, Shrimati  
 Raju, Shri V. B.  
 Ramamurti, Shri P.  
 Rameshwar Singh, Shri  
 Ray, Shri Rabi  
 Reddy, Shri B. Satyanarayan  
 Reddy, Shri K. V. Raghunatha  
 Roy, Shri Kalyan  
 Sarup Singh, Dr.  
 Sebastian,, Shri K. C.  
 Sezhayan, Shri Era  
 Shah, Shri Viren J.  
 Shahabuddin, Shri Syed  
 Shahedullah, Shri Syed  
 Shahi, Shri Nageshwar Prasad  
 Shanti Bhushan, Shri  
 Sharma, Shri Ajit Kumar  
 Sharma, Shri Yogendra  
 Shastri, Shri Bhola Paswan  
 Shastri, Shri Brahmdeo Ram  
 Sheikh, Shri Abdul Rehman  
 Siddhu, Dr. M.M.S.  
 Singh, Shri Shiva Nandan  
 Sinha, Shri Indradeep  
 Sinha, Dr. Ramkripal  
 Soni, Shrimati Ambika  
 Surendra Mohan, Shri  
 Surjeet, Shri Harkishan Singh  
 Swaminathan, Shri V. V.  
 Varma, Shri Mahadeo Prasad

## NOES—119

Adishesiah, Dr. Malcolm S-  
 Adivarekar, Shrimati Sushila Shankar  
 Amarjit Kaur, Shrimati  
 Amla, Shri Tirath Ram  
 Anandam, Shri M.  
 Anjiah, shri T.  
 Antulay, Shri A. R.  
 Arif, Shri Mohammed Usman  
 Avergankar, Shri R. D. Jagtap  
 Balram Das, Shri  
 Banerjee, Shri B. N.  
 Barman, shri Pasenjit  
 Bhagwan Din,, Shri  
 Bhattacharya, Shri G. C.  
 Bhim Raj, Shri  
 Chanana, Shri Charanjit  
 Chandrasekhar, Shrimati Maragatham  
 Chattopadhyaya, Prof. D. P.  
 Chaudhari, Shri N. P.  
 Chaurasia, Shri Shivdayal Singh  
 Das, Shri Bipinpal  
 Deshmukh, Shri Bapuraoji Marotraoji  
 Dinesh Chandra, Shri Swami  
 Dutt, Dr. V. P.  
 Dwivedi, Shri Devendra Nath  
 Gogol, Shri Tilok  
 Gopalsamy, Shri V.  
 Goswami, Shri Sriman Prafulla  
 Gowda, Shri U. K. Lakshmana  
 Gupta, Shri Gurudav  
 Habibullah, Shrimati Hamida  
 Ibrahim, Shri B.  
 Ismail, Shrimati Fathema  
 Jadhav, Shri Pandurang Dharmaji  
 Jain, Shri Dharamchand  
 Jamuna Devi, Shrimati ~  
 Joshi, Shri Krishna Nand  
 Joshi, Shrimati Kumudben Manishan-  
 kar  
 Kalanlya Shri Ibrahim  
 Kamble, Prof. N. M.  
 Kesri, Shri Sitaram



[Mr. Chairman]  
 Khan, Shri F. M.  
 Khan, Shri Khurshed Alam  
 Khan, Shri Maqsood Ali  
 Khan, Prof. Rasheeduddin  
 Khaparde, Shrimati Saroj  
 Koya, Shri B. V. Abdulla  
 Kripalani, Shri Krishna  
 Krishna, Shri M. R.  
 Kureel, Shri Piare Lall urf Piare Lall  
 Talib  
 Lalsawia, Shri  
 Lokesh Chandra, Dr.  
 Mahanti, Shri Bhairab Chandra  
 Mahida, Shri Harisinh Bhagubava  
 Makwana, Shri Yogendra  
 Malik, Shri Syed Abdul  
 Manhar, Shri Bhagatram  
 Maran, Shri Murasoli  
 Maurya, Shri Buddha Priya  
 Mehrotra, Shri Prakash  
 Mehta, Shri Om  
 Menon, Shrimati Leela Damodara  
 Mhaisekar, Shri G. R.  
 Mishra, Shri Mahendra Mohan  
 Mittal, Shri Sat Paul  
 Mohanty, Shri Surendra  
 Mohideen, Shri S. A. Khaja  
 Mondal, Shri Ahmad Hossain  
 Moopanar, Shri G. K.  
 Moses, Shri M.  
 Mukherjee, Shri Pranab  
 Mulla, Shri Suresh Narain  
 Munusamy, Shri V. P.  
 Naidu, Shri N. P. Chengalraya  
 Naik, Shri L. R.  
 Nalwa, Shri Harisingh  
 Natarajan, Shri C. D.  
 Pande, Shri Bishambhar Nath  
 Parbhu Singh, Shri  
 Pattanayak, Shri Bhabani Charan  
 Poddar, Shri R. K.  
 Prasad, Shri K. L. N.

Rahamathulla, Shri Mohammad  
 Rai, Shri Kalp Nath  
 Rajasekharam, Shri P.  
 Ranganathan, Shri S.  
 Rao, Shri V. C. Kesava  
 Ratan Kumari, Shrimati  
 Reddy, Shri Mulka Govinda  
 Reddy, Shri R. Narasimha  
 Roshan Lal, Shri  
 Sahu, Shri Santosh Kumar  
 Salve, Shri N. K. P.  
 Samad, Shri Golandaz Mohammed-  
 husainA.  
 Saring, Shri Leonard SolomonSharma, Shri  
 A.P.Sharma, Shri Kishan Lal  
 Sheikh, Shri Ghouse Mohiuddin  
 Shyamkumari Devi, Shrimati  
 Singh, Shri Bhishma Narain  
 Singh, Shri Ng. Tompok  
 Singh, Shrimati Pratibha  
 Sisodia, Shri Sawaisingh  
 Sujan Singh, Shri  
 Sultan, Shrimati Maimoona  
 Sultan Singh, Shri  
 Swu, Shri Scato  
 Tama, Shri Ratan  
 Tilak, Shri S.  
 Totu, Shri Gian Chand  
 Vaishampayan, Shri S. K.  
 Varma, Shri Bhagavati Charan  
 Venigalla Satyanarayan, Shri  
 Venka, Shri V.  
 Venkatrao, Shri Chadalavada  
 Verma, Shri Shrikant  
 Yadav, Shri Ramanand  
 Yadav, Shri Shyam Lal  
 Zakaria, Dr. Rafiq

*The motion was negatived.*

SHRj LAL K. ADVANI: Sir, I have a brief submission. (*Interruptions*)

SHRI A. P. SHARMA: Under what rule is he going to speak?

SHRI LAL K. ADVANI: Sir, I would like to make a brief submission. *(Interruptions)*

SHRI PILOO MODY: I think the Ministers should behave with greater decorum, Sir. *(Interruptions)*

MR. CHAIRMAN: Mr. Piloo Mody, that clock should convince you more than I can.

SHRI LAL K. ADVANI: Mr. Chairman, Sir, the results of the voting are not at all unexpected. In fact, yesterday, various representatives of the Opposition groups had assembled and we took stock of the situation and we felt that the Government would succeed. But the victory is not a 'won' victory but it is an engineered victory, engineered by defections. *(Interruptions)*

SHRI A. P. SHARMA: He cannot speak, Sir

SHRI LAL K. ADVANI: Sir, I and my colleagues . . .

MR. CHAIRMAN: What do you want?

SHRI LAL K. ADVANI: Sir, I and my colleagues regard this as a dark day for democracy. The ugly political style of the ruling party has been exposed . . . *(Interruptions)* I would not like to be a party to the approval of this Resolution. I cannot be a party to the approval of this Resolution. *(Interruptions)* These proclamations are anti-democratic. They are a "disgrace for democracy. *(Interruptions)* will record my protest against it. And I along with my colleagues would like to walk out from the House.

*(At this stage, several hon. Members left the Chamber)*

LEADER OF THE HOUSE (SHRI PRANAB MUKHERJEE): Sir, there was no point and therefore, nothing should be . . . *(Interruptions)*

SHRI DINESH GOSWAMI: Sir, I am not joining the walk out. But I am

going out. Sir. For the purpose of record, I am not joining the walk out.

MR. CHAIRMAN: But why don't you sit down?

SHRI PILOO MODY: Mr Chairman, Sir, you kindly note . . . *(Interruptions)*

SHRI RAMANAND YADAV: Sir, I am on a point of order.

MR. CHAIRMAN: As regards the point of order, now that you are left alone, at least now you can maintain silence. As regards whatever has been said, it was inaudible to me. But I reserve the right as Chairman to look into it and will expunge if there is anything which is either against the rules or which offends the rules.

I shall now put the Resolutions to vote, which will be State by State.

*The motion was adopted,*

"That this House approves the Proclamation issued by the President on the 17th February, 1980, under article 356 of the Constitution, in relation to the State of Bihar."

*The motion was adopted.*

MR. CHAIRMAN: The question is:

"That this House approves the Proclamation issued by the President on the 17th February, 1980, under article 356 of the Constitution, in relation to the State of Gujarat."

*The motion was adopted.*

MR. CHAIRMAN: The question is:

"That this House approves the Proclamation issued by the President on the 17 February, 1980, under article 356 of the Constitution, in relation to the State of Madhya Pradesh."

*The motion was adopted.*

MR. CHAIRMAN: The question is:

"That this House approves the Proclamation issued by the President on the 17th February, 1980, under article 356 of the Constitution, in relation to the State of Maharashtra."

*The motion was adopted.*

MR. CHAIRMAN: The question is:

"That this House approves the Proclamation issued by the President on the 17th February, 1980, under article 356 of the Constitution, in relation to the State of Orissa."

The motion was adopted.

MR. CHAIRMAN: The question is:

"That this House approves the Proclamation issued by the President on the 17th February, 1980, under article 356 of the Constitution, in relation to the State of Punjab."

*The motion was adopted.*

MR. CHAIRMAN: The question is:

"That this House approves the Proclamation issued by the Presi-

dent on the 17th February, 1980, under article 356 of the Constitution, in relation to the State of Rajasthan."

*The motion was adopted.*

MR. CHAIRMAN: The question is:

"That this House approves the Proclamation issued by the President on the 17th February, 1980, under article 356 of the Constitution, in relation to the State of Tamil Nadu."

*The motion was adopted.*

MR. CHAIRMAN: The question is:

"That this House approves the Proclamation issued by the President on the 17th February, 1980, under article 356 of the Constitution, in relation to the State of Uttar Pradesh."

*The motion was adopted.*

MR. CHAIRMAN: The question is: adjourned till 11 o'clock tomorrow.

The House then adjourned at fiftyone minutes past eight of the clock till even of the clock on Friday, the 28th March, 1980.