

[Dr. Pratap Chandra Chunder]

keep this discussion out of politics, the hon. Member has unnecessarily injected politics in this and has said that we represent a class or section and, therefore, we will not be able to do it. But what we had inherited actuary constitutes the sins of the previous Government. I am reluctant to say so but the hon. Member is forcing me to say so. He will know, Sir, that during the previous regime, the big industrial houses had trebled their total assets, whereas the percentage of people living below the poverty-line increased from 40 to near about 70. That is the type of Government which is being represented by the hon. Member there. Even in the recent elections in five States which were ruled by the hon. Member's party, in three of the States the people have rejected this party. This is the position. It is not that we are not being supported by the people. But the people have rejected their Governments which were ruling in five States. Only as a consolation, in two States, they have been brought back to power. Perhaps their leader was lamenting and weeping and moving about begging for votes and, therefore, as a consolation they have been brought back to power in two States. I did not want to power in two States. I did not want to bring in politics, but he forced me to do it. Anyway this is the position. This Government is quite conscious of the problem and this Government certainly will try its level best, first, to make the programme of adult education successful and secondly, to universalise primary and elementary education throughout the length and breadth of the country.

DR. M. R. VYAS (Maharashtra): In which State has his party succeeded? May I know in which State his party is going to form the Government?

SHRI NRIPATI RANJAN CHOU-DHURY: Sir, I seek the permission of the House to withdraw the Bill.

MR. DEPUTY CHAIRMAN: The question is:

"That leave be granted to the mover to withdraw the Constitution (Amendment) Bill 1974 (Insertion of new article 29A and omission of article 45)."

The motion was adopted.

SHRI NRIPATHI RANJAN CHOTJ-DHURY: Sir, I withdraw the Bill.

MR. DEPUTY CHAIRMAN: The next Bill...

SHRI NRIPATHI RANJAN CHOU-DHURY: After lunch.

MR. DEPUTY CHAIRMAN: The House stands adjourned till 2-30 P.M.

The House then adjourned for lunch at fifty-seven minutes past twelve of the clock.

The House reassembled after lunch, at thirty-six minutes past two of the clock. The Vice-Chairman (Shri Shyam Lai Yadav) in the Chair.

#### **SUPPLEMENTARY DEMANDS FOR GRANTS FOR EXPENDITURE OF THE CENTRAL GOVERNMENT (EXCLUDING RAILWAYS) FOR THE YEAR 1977-78**

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI SATISH AGARWAL): Sir, with your permission, I beg to lay on the Table a statement (in English and Hindi) showing the Supplementary Demands (March, 1978) for Grants for Expenditure of the Central Government (excluding Railways) for the year 1977-78.

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#### **THE CONSTITUTION (AMENDMENT) BILL, 1974**

(to amend article 85)

SHRI NRIPATI RANJAN CHOU-DHURY (Assam): Sir, I beg to move:

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

Sir, this is a very simple Bill seeking to amend article 85 of the Constitution by adding the words "on the advice of the Prime Minister" after the words "the House of the People", in sub-clause (b), clause (2) of article 85 of the Constitution.

Sir, article 85 of the Constitution gives our President the power to summon or prorogue either House of the Parliament or the Houses of Parliament and to dissolve the House of the People. In the Constitution nowhere it is clearly stated that the President, while exercising this power to dissolve the House of the People, shall act *suo motu* or according to the advice of the Prime Minister or the Council of Ministers. It is customary for the President to exercise his Constitutional powers according to the advice of the Prime Minister or the Council of Ministers. Naturally, our Law Minister, who will definitely oppose this Bill, will say...

SHRI PRANAB MUKHERJEE (West Bengal): How are you sure that he will oppose it?

SHRI NRIPATI RANJAN CHOU-DHURY: The<sub>v</sub> always oppos<sub>e</sub> whatever Bill I bring forward and so they will oppose this Bill also. If the Law Minister does not oppose and if he agrees with my Bill, then it is welcome. Then we ca<sub>n</sub> pass this Bill today. But those who will oppose this Bill will say that in the Forty-second Constitution (Amendment) Bill, article 74 has been amended. Sir, I am quoting:

"There shall be a Council of Ministers with the Prime Minister at the head to aid and advice the President who shall, in the exercise of his functions, act in accordance w'th such advice."

So, Sir, they may say that according to the Forty-second Amendment, the President is bound to act according to the advice of the Council of Ministers in every matter, and, therefore, the proposed amendment is redundant. But, Sir, a situation might arise when the House of the People may pass a motion of 'No confidence' against the Prime Minister, Shri Morarji Desai. In that case—this is the reason why I am bringing forward this Bill—Morarjibhai might consider that while passing the vote of 'No confidence' against him, the popular opinion or popular wish has not been properly reflected in the voting pattern of the House of the People. In that case, the Prime Minister should have the right to advise the President to dissolve the House of the People and ask for a fresh poll.

SHRI BHUPESH GUPTA (West Bengal): It is already there.

AN HON. MEMBER: It is already there. You are confused.

SHRI NRIPATI RANJAN CHOU-DHURY: It is not here. According to this amendment, the President has no alternative but to act according to the advice of the Prime Minister. Article 85 does not say anything about the normal functioning of the President. Article 85 does not mention the normal functioning of the Government. In article 74, it is stated as to how the Government should function. The Government functions in the name of the President and the President shall act according to the advice of the Council of Ministers regarding the normal functioning of the Government. Article 85 is not regarding the normal functioning of the Government. It deals with the President's relation with Parliament. Article 85, Sir, has got nothing to do with the Government. But, Sir, article 74 states how the Government should function. The Government will function in the name of the President and the President shall act according to the advice

[Shri Nripati Ranjan Choudhury]

of the Council of Ministers. Article 85 envisages the relationship between the President and the two Houses of Parliament. So, according to this article, the President's power is to summon or prorogue either House of Parliament or to dissolve the House of the People. Now, I do not know whether the Government will accept this amendment or not, because on many occasions they have rejected our amendments.

SHRI PRANAB MUKHERJEE: Parliament has already passed it.

SHRI NRIPATI RANJAN CHOUDHURY: But they are not going to abide by it. So far as education is concerned, you know, Sir, as a Member of this House, that on the floor of this House the Education Minister said that though the subject, Education, has been brought under the Concurrent List, it is up to them to decide whether or not to implement it. So, they are not implementing it. So, they are still saying that Education is a State subject. So many things are there. But it seems that they are not going to accept them. For them, Sir, anything that is there in the Forty-second Amendment is bad. Something may be good. But they are not going to accept that. So, I would say that even if the present Government or the present system accepts the Forty-Second Amendment, whatever amendment is there to article 74, the President is not bound by article 74 as it stands today to act insofar as article 85 is concerned. Article 74 is concerned with the business of the Government and article 85 states the relationship of the President with the Houses of Parliament. So that it should also be clearly stated here whether the President shall act according to the advice of the Prime Minister in case of dissolution of the House of

People. Again, Sir, many of our friends may say that this is the custom here. But we have never had such a situation. Two such situations we faced in this country. One was in West Bengal in 1968 or 1969 when one Mr. Dharam Vira was the Governor there—who is now a member and a big boss in the Janata Party set-up and he dismissed the United Front Ministry there led by Mr. Ajoy Mukherjee and then put up another Government by passing the Legislative Assembly. At that time also there was a lot of criticism against this action of that Governor, Mr. Dharam Vira. Another situation we faced was in Kashmir some days back when the legislature was dissolved. Now, Sir, in West Bengal, Mr. Ajoy Mukherjee, who was the Chief Minister, was not allowed to have a say even on the question of dissolution of the Assembly. He sought for a trial of strength in the House. But taking advantage of the provisions of the Constitution that the Council of Ministers may hold office during the pleasure of the Governor, Governor Dharam Vira dismissed the United Front Government and set up another Government. My contention is that where are certain loopholes about the powers, functions, etc. of the Governors and the President in the Constitution which need to be plugged. Twice the Lok Sabha was dissolved. That was dissolved according to the advice of the Prime Minister. But what was the situation? Once we lost the Constitution (Amendment) Bill in the Rajya Sabha—not in the Lok Sabha. So it was up to the Prime Minister whether or not to advise the President to dissolve or not. She advised the President to dissolve the Lok Sabha and the President obliged. The Prime Minister suo motu advised the President to dissolve the Lok Sabha. Twice the dissolution took place when the Prime Minister advised the President and the President obliged. But a situation may come when a vote of no confidence may be passed in the Lok Sabha against the Prime Minister or against the Government and in that case the

President has an alternative before him. The President can either ask another party to come forward or some other man, if he commands the majority, to take over. According to this provision of the Constitution, he can dismiss the Government and call somebody else to form the Government and put him in power. Such a situation has never been experienced by us at the Centre, been experienced by us at the Centre, been experienced by us at the Centre, is very sad. I told you about the case of "West Bengal. We have seen another case some days back in Tru pura when the Government which was demanding a trial of strength at the floor of the House was dismissed and replaced by a new Government. Of course, afterwards they had to dissolve the Assembly and go to the people. In West Bengal also, as you know, many things happened and after that they went to the polls. We have this experience in the States and that experience is not very happy. That thing may repeat at the Centre. A situation may arise in which the office of the President may be manned by some personality and that personality may come in clash with the man who is holding the office of Prime Minister. Now, if there is a clash of personalities or ideas between the office of the President and the office of the Prime Minister, anybody who is holding the office of the President may exert some political power and influence in the House. If he exerts his political influence, he may bring about a split in the ruling party and a vote of no confidence may be passed against the Government. In that case, the President can dissolve the Ministry and call somebody else to take over as Prime Minister and form a new Government. As it happened in Tripura, the Chief Minister, Shri Sukbambay Sen Gupta, wanted dissolution of the Assembly while others wanted to form the Government. The Governor

did not oblige the Chief Minister. He obliged the other party. If we have such a position here, there is nothing 1971 RS—5.

clearly written or stated in the Constitution. So, the choice of the President is open. He can act this way or that way. The ruling party very often cites examples from the U. K. or the U.S.A. They are also trying to set up or establish democratic system on the model of the U. K. or the U.S.A. What is the position in the United Kingdom? If such a vote of no confidence is passed, then the Prime Minister can advise dissolution of the House of Commons. That is the convention. Sir, the United Kingdom has got *no* written Constitution. Their Constitution is all conventions. But, in this country we have a written Constitution and I think that this provision must be incorporated in article 85 so that there can be no confusion as to what should be done in such a situation if it arises. Sir, a person who is elected as the Prime Minister or who is holding the office of Prime Minister commands the confidence of the people and I think he should have the right to seek the confidence of the people directly. If he is satisfied that the wishes expressed by the Members of Lok Sabha do not properly reflect the wishes of the people, then I think he should have the right to seek the popular opinion on issues.

SHRI BHUPESH GUPTA; The hon. Member raised this matter. I read the Bill. Of course, a speech can be made. He can speak on even zero. He is capable of that. I can also make one. But the point is this. Here, the hon. Member wants an explicit provision that the President can dissolve the Lok Sabha only on the advice of the Prime Minister. The only thing that he should be reminded of is that under article 74, by an amendment to the Constitution, it has been made even more explicit than before. The President can act only on the advice of the Council of Ministers headed by the Prime Minister. No action of the President, certainly no constitutional action or legal action is conceivable under our Constitution except on the advice of the Council of Ministers.

[Shri Bhupesh Gupta] Therefore, what is covered by article 85, namely the power of dissolution by the President is, in fact, the power of the Prime Minister to get the Lok Sabha dissolved. So, he wants to make something explicit. But this matter has been once and for all settled in our Constitution that the President can act only on the advice of the Council of Ministers. He has no discretion whatsoever.

SHRI NRIPATI RANJAN CHOUDHURY: Sir, I am thankful to Mr. Bhupesh Gupta for his intervention. But, I think, he has not heard me when I was speaking about the difference between article 74 and article 85.

AN HON. MEMBER: You may repeat it.

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): You please continue with your speech.

SHRI NRIPATI RANJAN CHOUDHURY: Sir, I think that it will be in the interest of democracy, in the interest of safeguarding and strengthening the democratic functioning of the parliamentary system that such a provision should be incorporated in article 85, and I hope the House will give thought over it.

With these (words, Sir, I resume my seat

*The question was proposed.*

3 P.M.

\*SHRI E. R. KRISHNAN (Tamil Nadu): Mr. Vice-Chairman, at the very outset, I would like to say that I am not in a position to extend my support to the Constitution Amendment Bill of Shri Nripati Ranjan Choudhury. He is seeking through this Bill to amend article 85 of the Constitution as the present provision is not clear whether the President is to

\* English translation of the speech delivered in Tamil.

exercise this power in his own discretion or act according to the advice of the Prime Minister in the matter. His contention is that this Article should be so amended that even the nominal powers of the President in dissolving the House of People should vest with the Prime Minister and the President should be constitutionally bound for ever by the advice of the Prime Minister, whether he has the majority in the House or not. Shri Choudhury is of the view that in a parliamentary democracy the Prime Minister should have the power of obtaining the verdict of the people when he considers that an adverse vote of the House of the People does not reflect the views of the people themselves.

I feel that if this Bill is passed, it will certainly toll the death-knell of democracy in the country. I will substantiate my contention with sound arguments. It cannot be denied that only the leader of a majority party becomes the Prime Minister, if the majority party loses the confidence of the House, naturally its leader has to resign his office. In a parliamentary democracy the House of People is the epitome of the collective will of the people of the country. If on the floor of the House, the Prime Minister and his majority party lose the confidence of the House, it means the people have recalled the faith reposed in them. In such a circumstance, why should the leader of such a party have the ultimate power of advising the dissolution of the House of the People? Already, the President's power under article 85 is circumscribed by the provision that he has to act on the advice of the Council of Ministers. If it is to be constitutionally provided that he should act on the advice of even the defeated Prime Minister, then naturally we are insulting the democratic ethics. If we do that we will be putting an end to democratic evolution in the country.

I will give you one example. **After** the last General Elections to Lok

Sabha, in which the Congress Party was defeated, the then Prime Minister did not resign for three days. She should have resigned immediately after it came to be known authoritatively that the Congress Party had lost its majority. Within these three days, all sorts of rumours were afloat throughout the country and the people were kept in animated suspension. Supposing, in 1982, the Janata Party loses its majority and the Prime Minister refuses to resign, what is the constitutional remedy? In fact, we should give thought to such an exigency and be prepared to solve it through constitutional norms.

Shri Choudhury is unduly worried about the Central Government. We are a federal country and the constituent units are States. If the ruling party in a State loses its majority on the floor of the House and if the Chief Minister does not resign, the President can dismiss it. If the State Government refuses to pay heed to the dictates of the Central Government the State Government can be dismissed by the President on the advice of his agent the State Governor. This power has been used any number of times during the past 30 years.

The latest incident is the dismissal of the Karnataka Ministry. Just four days before the Assembly was to meet, the President on the basis of Governor's Report, dismissed the duly elected Ministry, without showing the elementary patience of waiting for just four days. He did not give the Chief Minister a chance to test his strength on the floor of the House. If the President could take such a drastic action even with such constitutional powers enveloped with so many constraints, I wonder what would be the fate of the States if the Prime Minister is to have the ultimate say in such matters. I dread to think of such a day. In fact it will be doomsday.

I am sure that this Bill will not strengthen the sinews of democracy.

The Prime Minister at the Centre can perpetuate himself and his party in power for any length of time by dismissing the State Ministries run by political parties in opposition to him.

Bearing in mind what I have stated about the Karnataka Ministry bearing in mind that the President alone should have the power in the matter of dissolving the Lok Sabha, as otherwise we will be going against the tenets of democracy, I am sure that the hon. Member Shri Choudhury will not insist on getting this Bill enacted into a law.

SHRI NARASINGHA PRASAD NANDA (Orissa): Mr. Vice-Chairman, Sir, I congratulate Mr. Choudhury for making a mountain of a molehill and introducing some teeth to the debate on a Bill which is obviously redundant.

Sir, Mr. Choudhury tried to build up an argument by saying that Article 85 which deals with dissolution of the House of the People, to which he seeks an amendment by this Bill, is not governed by Article 74 of the Constitution which deals with the Council of Ministers and how the Government should act. According to him, Article 74 only deals with the normal functioning of the Government and Article 85 comes under the Chapter on Parliament, and, therefore, it is a distinct Chapter and it has no relation with Article 74. Here lies the mistake. The whole argument of Mr. Choudhury is based on this supposed distinction sought to be made by him.

Sir, you will kindly see that whatever little doubts might have been there prior to the forty-second Amendment about the powers of the President *vis-a-vis* the Council of Ministers, have been removed beyond a shadow of doubt, by introducing this amendment and making it beyond controversy that the President shall, in the exercise of his functions, act in accordance with advice of the Council of Ministers. Therefore, the President has absolutely no discretion in

[Shri Narasingha Prasad Nanda] the matter. Even before the Forty-second Amendment Act, the President had no discretion. He had to act on the aid and advice of the Council of Ministers. To set the matters at rest and to cover any such eventuality—according to the apprehensions expressed by Mr. Choudhury by giving certain supposed situation—Article 74 was amended and it has been made abundantly clear that the President has absolutely no discretion in any matter whatsoever. The President has to act on the aid and advice of the Council of Ministers. Now, the Hon. Member tried to make a distinction. This is an erroneous impression about the whole scheme of the Constitution. We have a Cabinet system and it is the Cabinet which is answerable to Parliament. The President is only a figurehead. Wherever the word 'President' occurs, it need not be repeated in each and every article that the President has to act on the aid and advice of the Council of Ministers or on the advice of the Prime Minister. If you kindly examine the whole scheme of the Constitution, it will be abundantly clear to you, Sir, that the President has absolutely no discretion on any matter. As the head of the executive, he has to depend on the aid and advice of the Council of Ministers. In regard to Parliament, he has to go by what is enacted by Parliament. Even as the head of the armed forces, he has to act on the aid and advice of the Council of Ministers. All these functions which have been assigned to the President are exercised only through the aid and advice of the Council of Ministers. If a question as to whether the House of the People should be dissolved arises, the President cannot act on his own, which we call a *suo motu* function. He cannot act *suo motu*. On his own accord, the President cannot act. He can act only on the aid and advice of the Council of Ministers. Therefore, to say that article 74 does not govern article 85, I would very respectfully submit, would be stretching the argument too far. Therefore,

I would submit that my hon. friend's\* apprehensions about certain situations are unfounded. He mentioned the case of West Bengal in 1968. how the Governor acted there and the case of Jammu and Kashmir. He also gave the instance of Tripura. My friend who spoke just now gave some other instances also, the instance of Karnataka and so on. I am not going into the propriety of those questions. But the President acted in all those cases only on the aid and advice of the Council of Ministers. These were not cases where the President acted on his own, in his own discretion. The Council of Ministers of which the Prime Minister is the head is answerable to Parliament. If the Council of Ministers takes a wrong decision, it is answerable to Parliament. Neither the Governor nor the President are answerable to Parliament. The Governor does not dissolve the House. He makes a report to the President. The Governor does not dissolve the legislature. He makes a report to the President and the President, on being satisfied under the relevant articles, acts. But the President acts only on the aid and advice of the Council of Ministers. Therefore, strictly speaking, legally speaking, neither the President nor the Governor act on their own. When the Governor makes a report to the President, the President acts only on the aid and advice of the Council of Ministers. Therefore, Sir, I am not able to envisage a situation where the President will act without the aid and advice of the Council of Ministers. There has not been any such instance in the past. No constitutional deadlock has been created of any such dispute between the Prime Minister and the Council of Ministers on the one hand and the President on the other in the past. Nor any such situation is likely to arise in future. Therefore, to amend the Constitution, to ask for amendments to the Constitution, on an apprehended situation, would be like a child's game and would be like playing with the Constitution. It would

be a child's play with the Constitution. So, Sir, I would submit that I am not able to support this Bill which has been brought forward by Mr. Chou-dhury and I do not see any justification whatsoever for the amendment sought by Mr. Choudhury.

With these words I conclude.

**श्री कल्पनाय राय (उत्तर प्रदेश) :** आदरणीय उप-सभाध्यक्ष महोदय, जो संशोधन विधेयक श्री नृपति रंजन चौधरी सहज ने पेश किया है, उसका मैं समर्थन करता हूँ।

श्रीमान्, आप जानते हैं कि हिन्दुस्तान एक अर्ध-विकसित देश है, एक अंडर-डेवलप्ड कंट्री है जहाँ पिछले तीस सालों में डेमोक्रेसी का एक्सपेरिमेंट चल रहा है। दुनिया के दो-तिहाई हिस्से में कहीं-कहीं तो पूँजीवादी ताकतों के हाथों में सत्ता है, और एक तिहाई भाग में कम्युनिस्ट शासन-प्रणाली दुनिया के देशों में विद्यमान है। लेकिन एशिया और अफ्रीका के देशों में डेमोक्रेसी और सोशलिज्म दोनों का एक्सपेरिमेंट चल रहा है, वह देश केवल हिन्दुस्तान है। हमने फैसला किया, हमारे राष्ट्र-नेताओं ने फैसला किया कि पूँजीवाद और समाजवाद की गुदगुदी गद्दी से हट कर हम एक तीसरी दुनिया का निर्माण करेंगे जिसमें मन की आजादी के साथ-साथ पेट की आजादी भी हो। इसलिए आजादी के बाद हमने हिन्दुस्तान को लोक-तांत्रिक गणराज्य घोषित किया। लेकिन आज हिन्दुस्तान में कांग्रेसी सरकार के हटने के बाद जो जनता सरकार आई है, उसने प्रजातन्त्र के लिए एक जबरदस्त खतरा उत्पन्न कर दिया है। आज सम्पूर्ण प्रजातन्त्र खतरे में पड़ गया है। क्या मोरारजी भाई की सरकार में काउंसिल आफ मिनिस्टर्स उसी भावना के अनकूल है जो इंग्लैंड और दुनिया के प्रजातंत्र देशों में है? क्या दुनिया में कोई ऐसा भी प्रधान मंत्री देखा गया है जिसकी कैबिनेट का एक कुलीन देश की

राजधानी में लाखों लोगों का प्रदर्शन कराये और कहे कि तुम आगे बढ़ो, हम तुम्हारे साथ हैं। क्या दुनिया में ऐसा एक्सपेरिमेंट हो रहा है? क्या राष्ट्रपति को ऐसी काउंसिल आफ मिनिस्टर्स की बात माननी चाहिए जिसने कर्नाटक की सरकार को बर्खास्त किया? कर्नाटक में देवराज अंस का मंत्रिमंडल था। चूँकि हिन्दुस्तान की भूतपूर्व प्रधान मंत्री श्रीमती इंदिरा गांधी के समर्थन में देवराज अंस थे, इसलिए पहली जनवरी को—पहली जनवरी को इतवार था, दूसरी को सोमवार था, तीसरी को ऐनेम्बली मिलने वाली थी लेकिन—कर्नाटक के गवर्नर गोविन्द नारायण ने यहाँ के प्रधान मंत्री और गृह मंत्री के कहने के बाद जनता की चुनी हुई सरकार को बर्खास्त किया, उसका गला घोट दिया। तो क्या ऐसी काउंसिल आफ मिनिस्टर्स की अप्रजातान्त्रिक बातों को राष्ट्रपति को मानना चाहिए?

गांधी जी की सभाधि पर कसम खाने वाले, गांधी का नाम लेकर प्रजातंत्र के नाम पर अधिनायकवाद के सिद्धान्त पर सत्ता ग्रहण करने वाली जनता पार्टी की सरकार ने जिस दिन जनतंत्र के ठेकेदार, काटंर ने हिन्दुस्तान की जमीन पर पैर रखा, उसी दिन अपने पितामह काटंर के सामने जनतंत्र का गला घोट दिया और देवराज अंस मंत्रिमंडल को बर्खास्त कर दिया। गवर्नर्स कांफेंस में 5-7 दिन पहले यह तय किया गया था कि किसी भी प्रदेश में सरकार का अल्पमत में है या बहुमत में, यह तय करने का काम विधान सभा के फ्लोर पर होगा। जब मुख्य मंत्री ने ऐनेम्बली को बुलाया था, 3 जनवरी को विधान सभा बैठने वाली थी, पहली तारीख को रविवार था, तीसरी को विधान सभा की बैठक देवराज अंस का बहुमत है या नहीं, यह तय होने वाला था, लेकिन पहली तारीख की रात को तानाशाही सरकार ने जनतंत्र का गला घोट दिया और देवराज अंस मंत्रिमंडल



[श्री कल्याण राय]

को बर्खास्त कर दिया। क्या इस तरह की काउंसिल आफ् मिनिस्टर्स की बात को राष्ट्रपति को मानना चाहिए, यह सवाल है।

आदरणीय उपसभाध्यक्ष महोदय, मैं आपके सामने यह कहना चाहता हूँ कि हिन्दुस्तान में हुए चुनावों में जनता पार्टी सत्ता में आई, लेकिन सत्ता में आने के बाद जनता के वोटों से चुनी हुई 9 विधान सभाओं को भंग कर दिया। लोकनायक जयप्रकाश ने कहा कि जनता का समर्थन श्रीमती इन्दिरा गांधी खो चुकी है, कांग्रेस पार्टी खो चुकी है इसलिये इन नौ प्रांतों में चुनाव होने चाहिए। उन नौ विधान सभाओं को, जिनकी टर्म 80 में खत्म होने वाली थी श्री जयप्रकाश नारायण ने उन्हें बर्खास्त कराया। जनता सरकार ने, जनता सरकार के काउंसिल आफ् मिनिस्टर्स ने यह कह कर विधान सभाओं को बर्खास्त कराया कि जनता ने वॉइकट कांग्रेस पार्टी के खिलाफ दिया है इसलिये यहां पर चुनाव होने चाहिये। उस समय हमारे हिन्दुस्तान के उपराष्ट्रपति जत्ती साहब एक्टिंग प्रेजिडेंट थे। उन्होंने दस्तखत करने में जब आनाकानी की तो राष्ट्रीय स्वयं सेवक संघ के लाखों नाज़ी और फासिस्ट स्वयंसेवकों ने उनका घेराव करने की धमकी दी। इस धमकी के कारण राष्ट्रपति ने उस पर दस्तखत कर दिये और इस तरह से नौ विधान सभाएं बर्खास्त कर दी गईं। क्या इससे प्रजातंत्र का गला नहीं घोंटा गया? क्या प्रजातंत्र का नाम लेने वाली जनता सरकार ने प्रजातंत्र का गला नहीं काटा? लोकनायक जयप्रकाश जी से मैं कहना चाहता हूँ और चौधरी चरण सिंह और प्रजातंत्र के ठेकेदारों से और अमेरिका के इशारे पर काम करने वाली जनता सरकार से पूछना चाहता हूँ कि जब इन पांच प्रांतों के चुनावों में आपको गहरी पराजय हो गई तो

क्यों नहीं आप पार्लियामेंट को भंग करते हो? जब कर्नाटक में तुम्हारी भारी पराजय हुई, आंध्र में तुम्हारी भारी पराजय हुई तो क्यों नहीं तुम इस्तीफा देते हो? वहां पर तुमने कांग्रेस पार्टी को तोड़ने की कोशिश की और तुमने कांग्रेस पार्टी के उस हिस्से से मिल-जुल कर काम किया जो हिस्सा देश के भूतपूर्व प्रधान मंत्री के विरुद्ध था। क्या तुम इस तरह से प्रजातंत्र की हत्या नहीं कर रहे हो? गांधी जी की समाधि पर जाकर प्रजातंत्र के नाम की कसम खाकर क्या तुम दिन-रात प्रजातंत्र की हत्या नहीं कर रहे हो? ऐसे काउंसिल आफ् मिनिस्टर्स को राष्ट्रपति का हुक्म मानना चाहिये। जो लोग प्रजातंत्र का नाम लेते हैं वे एक ही मूल्य और एक ही सिद्धांत पर क्यों नहीं चलते। जिस सिद्धांत पर, जिस मूल्य पर आपने नौ प्रांतों की विधान सभाएं भंग कीं उसी सिद्धांत पर, उसी मूल्य पर जब आपकी भारी पराजय हुई तो आप क्यों नहीं लोक सभा को भंग करते और पुनः चुनाव कराते हैं। आपने इन चुनावों में लाखों रुपये इस्तेमाल किये, तुमने एयरफोर्स के हवाई जहाजों का इस्तेमाल किया, तुमने डेली सरकारी हेलीकोप्टरों का इस्तेमाल किया, तुमने कांग्रेस पार्टी को तोड़ने में अपनी भूमिका निभाई है तब भी तुम्हारी गहरी पराजय हुई। आप लोगों में कहीं भी प्रजातंत्र दिखाई नहीं देता। आप लोगों में कहीं भी गांधी जी की शकल-मूरत दिखाई नहीं देती इसीलिये आप लोगों ने नौ प्रांतों की विधान सभाओं को भंग किया था।

अब सवाल उठता है काउंसिल आफ् मिनिस्टर्स क्या हैं? इस काउंसिल आफ् मिनिस्टर्स में चौधरी चरण सिंह प्रधान मंत्री की बिना इच्छा के लाखों-करोड़ों रुपये खर्च करके, सरकारी ताकत का इस्तेमाल करके लाखों लोगों को दिल्ली बुलाते हैं और वे लोग दिल्ली में आकर कहते हैं कि आगे बढ़ो, चौधरी चरण सिंह आगे बढ़ो हम तुम्हारे साथ हैं। यह कैसा प्रजातंत्र है?

**विधि, न्याय और कम्पनी कार्य मंत्रालय में राज्य मंत्री (श्री नरसिंह) :** इनसे कहिये कि यह विषय पर आयें।

**उपसभाध्यक्ष (श्री श्याम लाल यादव) :** आप जरा विषय पर ध्यान रखें।

**श्री कल्पनाथ राय :** यह जो काँसिल आफ मिनिस्टर्स है यह कई पार्टियों की खिचड़ी है।

What is a council of Ministers? Is it a Council of Ministers? Is it not the other version of the splinter groups? Is it not a heterogeneous Council of Ministers? Is the President bound to accept the advice of this heterogeneous Cabinet? Is it a Cabinet? Is it fit to govern this country? Is it for the people?

मैं एक सवाल पूछना चाहता हूँ कि जिस काँसिल आफ मिनिस्टर्स में एक मिनिस्टर उड़ीसा का हो, एक मिनिस्टर बिहार का हो, एक मिनिस्टर उत्तर प्रदेश का हो और दूसरे प्रदेशों के भी इसी प्रकार से मिनिस्टर्स हों तो क्या ऐसा मंत्रिमंडल देश का शासन चला सकता है? जिस मंत्रिमंडल में प्रधान मंत्री खुद कोई निर्णय नहीं ले सकते हों वह मंत्रिमंडल ज्यादा दिनों तक इस मुल्क का शासन-प्रबन्ध नहीं चला सकता है। जो प्रधान मंत्री अपनी इच्छा से मंत्रिमंडल नहीं बना सकता है वह मंत्रिमंडल देश का शासन नहीं चला सकता है। मैं समझता हूँ कि इस प्रकार की पद्धति जनतंत्र के विरुद्ध है। क्या इस तरह के मंत्रिमंडल की एडवाइस को राष्ट्रपति को मानना चाहिए? आपने इस देश के अन्दर तब जनतंत्र का गला घोट दिया जब आपने कर्नाटक में श्री देवराज अर्स के मंत्रिमंडल को हटा दिया और श्री गोविन्द नारायण को जो कि केन्द्रीय गृह मंत्री के नौकर की हैसियत से वहाँ गये हैं, उसको वहाँ का गवर्नर बना दिया। मैं समझता हूँ कि ऐसे गवर्नर को एक मिनट के लिए भी वहाँ नहीं रखा जाना चाहिए जिसने वहाँ के

मंत्रिमंडल को बर्खास्त किया। मेरी यह मांग है कि श्री गोविन्द नारायण को तुरन्त कर्नाटक से बर्खास्त किया जाय और राष्ट्रपति और प्रधान मंत्री को एक निष्पक्ष व्यक्ति को कर्नाटक का गवर्नर बनाना चाहिए। आप जानते हैं कि जब चुनाव हो रहे थे तो वहाँ से ओवर कमीशन के माध्यम से एक रिपोर्ट लिखाई जाती है जो कि वहाँ के मुख्य मंत्री के खिलाफ होती है। अखबारों में उसको छपा जाता है और रेडियो से उसका प्रचार किया जाता है। इन लोगों ने श्री अर्स के खिलाफ पुलिस में भी रिपोर्ट लिखाई। इन सब बातों के बावजूद श्री अर्स वहाँ पर चुनाव जीत गये। अब आपको डूबने के लिए चुल्लू भर पानी भी नहीं मिल रहा है। 25 तारीख को विधान सभा के चुनाव हुए और 25 तारीख तक ही भ्रष्टाचार के आरोप लगाये जाते रहे और शाह कमीशन की कार्यवाही भी चलती रही। आप जानते हैं कि श्री शाह बैंकों के राष्ट्रीयकरण के विरुद्ध थे और राजा-महाराजाओं के प्रिवीपर्स के समाप्त किये जाने के भी विरुद्ध थे। वह व्यक्ति हिन्दुस्तान के पूँजीपतियों के हितों का रक्षक है। जो व्यक्ति श्रीमती इंदिरा गांधी का दुश्मन हो वही व्यक्ति उनके खिलाफ जांच करने के लिए बैठाया गया है। आप जानते हैं कि 25 तारीख को ही चुनाव हुए और 25 तारीख को ही शाह कमीशन की कार्यवाही बन्द कर दी गई। ऐसी स्थिति में मैं पूछना चाहता हूँ कि क्या इस देश में प्रजातंत्र का कोई भविष्य है। जिस देश के लिए जवाहर लाल नेहरू, महात्मा गांधी और श्रीमती इंदिरा गांधी ने 30 वर्षों तक त्याग और तपस्या की है और इस देश में 30 वर्षों तक लोकशाही की स्थापना की है, आज उसी लोकशाही का भविष्य खतरे में पड़ गया है। क्या वर्तमान वातावरण में इस मुल्क के अन्दर लोकशाही का कोई भविष्य है? क्या दुनिया के किसी भी देश में रूलिंग पार्टी पिछली सरकार से इस तरह से बर्ताव करती है?

[श्री कलनाथ राय]

दुनिया में ऐसा कोई उदाहरण नहीं है जिसमें इस प्रकार से कोई सरकार बर्ताव करती हो। इंग्लैण्ड के अन्दर सत्ता बदलती रहती है और इसी प्रकार से अमेरिका के अन्दर भी सत्ता बदलती रहती है। इंग्लैण्ड के अन्दर चर्चिल चुनाव हार गये तो एटली प्रधान मंत्री बने। एटली ने अपने चुनाव घोषणा-पत्र के मुताबिक अपना शासन प्रबन्ध चलाया। उन्होंने चर्चिल साहब के बारे में कोई बात नहीं की। लेकिन इन लोगों ने कनाटक के अन्दर श्री देवराज अर्स के मंत्रिमंडल को समाप्त कर दिया। ऐसी स्थिति में क्या कोई भला आदमी राजनीति में भाग ले सकता है। आज हमारे देश में यह स्थिति हो गई है कि पूरी की पूरी जनता पार्टी भूतपूर्व प्रधान मंत्री श्रीमती इंदिरा गांधी और उनके परिवार के खिलाफ चरित्र-हत्या का वातावरण बना कर पूरे हिन्दुस्तान के अन्दर और दुनिया के अन्दर एक विषाक्त वातावरण बना रही है। रेडियो के माध्यम से, टेलीविजन के माध्यम से और अखबारों के माध्यम से चरित्र हत्या का वातावरण बनाया जा रहा है। जो खुद भ्रष्टाचारी हैं व दूसरों को भ्रष्टाचारी बता रहे हैं। कल तक जो कंगाल थे आज वे करोड़पति बन गये हैं। ऐसे लोग तो सदाचारी हो गये। लेकिन जो कल तक करोड़पति थे आज उनके पास रहने के लिए अपना घर भी नहीं है। उनको आप भ्रष्टाचारी बताते हैं। जनता पार्टी के मंत्रिमंडल में बहुत से कंगाल हैं जो आज करोड़पति बन गये हैं। उनको आप सदाचारी बताते हैं। इस प्रकार की मान्यताओं से किसी देश का शासन नहीं चल सकता है... (Interruptions)

मैं जानता हूँ कि वाह-वाही करने से काम नहीं चलता है। आनन्द भवन जिसमें श्रीमती गांधी का जन्म हुआ था, उसके जो सर्वेन्ट्स क्वार्टर्स थे, इस तरह का भी मकान आपके मंत्रियों के पास नहीं था। आज सबके पास 10 लाख रुपये की कोठी बनी हुई है। आप उस परिवार के खिलाफ जिसने कुर्बानी

की है, त्याग किया है, तकलीफ उठाई है, उसके खिलाफ भ्रष्टाचार की जांच करेंगे। आदरणीय उपसभाध्यक्ष महोदय, इससे क्या हिन्दुस्तान में कोई भला आदमी राजनीति में भाग लेगा? क्या हिन्दुस्तान में कोई योग्य आदमी, कोई भला आदमी, जिसका देश में सम्मान हो, जिसकी देश के प्रति निष्ठा हो, वह राजनीति में उतरेगा। नेहरू परिवार ऐसा परिवार है जिसने इस मुल्क की सेवा तीन पीढ़ियों से की है। मोतीलाल जी की जिन्दगी जेलों में बीती, जवाहरलाल नेहरू की 14 वर्ष की जिन्दगी जेलों में बीती और श्रीमती इंदिरा गांधी ने आजादी की लड़ाई में भाग लिया। जिस परिवार के बाप-दादा जेल गये, जिस परिवार के सारे लोग मुल्क के लिये कुर्बान हुए, जिसने कांग्रेस पार्टी को स्वराज भवन दान कर दिया, जिसने राष्ट्र को आनन्द भवन दान कर दिया, जिसके पास आज रहने को निजी मकान नहीं है, उस परिवार की प्रतिभा को नष्ट करने की कोशिश कौन कर रहे हैं? जो खुद भ्रष्टाचारी हैं, खुद दुराचारी हैं, खुद पापाचारी हैं, खुद अनाचारी हैं। जिन्होंने राष्ट्र को और देश को बरबाद करने का काम किया है, जो समाजवाद के दुश्मन हैं, जो पूंजीपतियों के प्रहरी हैं, जो भ्रष्टाचार के पोषक हैं। जिस मंत्रिमंडल में बीजू पटनायक और एच० एम० पटेल जैसे भ्रष्ट लोग हैं, वह सदाचार की बातें कह रहा है। आज इस राष्ट्र के प्रजातंत्र का भविष्य संकट में पड़ गया है। क्या कोई भला परिवार, क्या कोई अच्छा व्यक्ति राजनीति में हिस्सा लेगा? हमने इस देश पर हुकूमत की। हमने इस मुल्क को मजबूत बनाने की कोशिश की। हमारी पार्टी चुनाव में हार गई। हारने के बाद आप हमको जनता की निगाहों में गिराने की कोशिश करने लगे, बदनाम करने लगे। आदरणीय उपसभाध्यक्ष महोदय, श्रीमती इंदिरा गांधी की जांच करेगा, कौन शाह साहब। जिनके खिलाफ 190 व्यक्तियों ने भ्रष्टाचार के आरोप लगा कर राष्ट्रपति को दिये थे। शाह हिन्दुस्तान के

पहले जज हैं, जिनके खिलाफ इम्पीचमेन्ट करने की मांग पार्लियामेन्ट में उठाई गई थी। जार्ज फर्नेन्डीज, एस० एम० जोशी, मधु लिमये और राजनारायण आदि ने शाह के ऊपर भ्रष्टाचार के आरोप लगा कर पार्लियामेन्ट में इम्पीच करने की बात उठाई थी। वही शाह जांच करेगा उस महान परिवार की जिस परिवार ने इस मुल्क को आजाद करने के लिये, इस मुल्क को शक्तिशाली बनाने के लिये, इस मुल्क को आग बढ़ाने के लिये सब-कुछ कुर्बान कर दिया। आदरणीय उपसभाध्यक्ष महोदय, आज प्रजातंत्र के लिये एक बहुत बड़ा खतरा उत्पन्न हो गया है। अगर देश की जनता के मन में यह भावना पैदा हो जायेगी कि देश के नेता बेईमान हैं, देश की पार्लियामेन्ट भ्रष्ट है तो यह पार्लियामेन्ट फिर जनता पार्टी के हाथ में नहीं होगी, कांग्रेस पार्टी के हाथ में नहीं होगी बल्कि यहां मिलेदूरी वाले हुकूमत करेंगे और आपको, हमको और सब को जेल में जगह दे दी जायेगी। आदरणीय उपसभाध्यक्ष महोदय, यह मान्यताओं का सवाल है। प्रजातंत्र में मान्यतायें कैसे चलेंगी? आज राष्ट्रीय नेताओं के खिलाफ गन्दी बातें लिखी जा रही हैं। महात्मा गांधी की समाधि पर कसम खाते हैं और उन्हीं महात्मा गांधी के खिलाफ गंदा साहित्य लिखवाते हैं। नेहरू जी की कसम खाते हैं और उन्हीं के खिलाफ गंदा साहित्य लिखवाते हैं। देश में जनता पार्टी के पीछे जो सम्प्रदायवादी ताकतें हैं, वे मुल्क के माहोल को, मुल्क की राजनीति को खराब करने पर तुली हुई हैं। आदरणीय उपसभाध्यक्ष महोदय, जिस प्रजातंत्र को कांग्रेस पार्टी ने हिन्दुस्तान में 30 वर्षों तक जीवित रखा, उसने रोट्टी के साथ-साथ मन की आजादी को कायम किया। आदरणीय उपसभाध्यक्ष महोदय, प्रजातंत्र कोई एक खिलवाड़ नहीं है। दुनिया के कुछ मुल्कों में पूंजीवादी ताकतों की हुकूमत है, और कुछ मुल्क समाजवादी प्रणाली से काम करते हैं। अमेरिका में मन की आजादी है, रूस में पेट की आजादी है। मन की आजादी और

पेट की आजादी दोनों कायम हो, लोकतंत्र और समाजवाद दोनों साथ-साथ चले, इसका एक्सपेरिमेन्ट हिन्दुस्तान में जवाहर लाल नेहरू ने किया था और इस मुल्क में मन की आजादी और पेट की आजादी, लोकतंत्र और समाजवाद दोनों साथ-साथ चले थे। एशिया, अफ्रीका और दुनिया के अर्ध-विकसित मुल्कों का यह आदर्श बना, प्रतीक बना। यह प्रणाली जिसने बनाई, जिसने हिन्दुस्तान को आर्थिक दृष्टि से शक्तिशाली बनाया, जिस कांग्रेस पार्टी ने हिन्दुस्तान को दुनिया का दसवां औद्योगिक राष्ट्र बनाया, जिस कांग्रेस पार्टी ने हिन्दुस्तान को दुनिया का शक्तिशाली देश आर्थिक दृष्टि से बनाया, जिसने इस देश को एग्रिकल्चर के क्षेत्र में उन्नत बनाया, जिसकी विदेश नीति की दुनिया में चर्चा हुई उस सरकार को नष्ट कर देना, यह प्रजातांत्रिक भावना नहीं है। आदरणीय उपसभाध्यक्ष महोदय, जब प्रजातंत्र ही नहीं रहेगा तो कौंसिल आफ मिनिस्टर्स कहां रहेगी, प्राइम-मिनिस्टर कहां रहेगा। जिन मूल्यों, मानवीय चीजों के प्रति आपका दृष्टिकोण है जो दृष्टिकोण कांग्रेस के लिए ठीक है वही जनता के लिए ठीक है। मैं आपके सामने यह बुनियादी सवाल रखना चाहता हूं कि अगर हिन्दुस्तान में चरित्र हत्या का वातावरण बनाया जायेगा, इससे लोकतंत्र को क्या ताकत मिलेगी? यदि बलिदानों, त्यागी परिवार को भ्रष्ट कहने की कोशिश की जायेगी तो कोई भला आदमी राजनीति में नहीं आयेगा . . .

श्रम तथा संसदीय कार्य मंत्रालय में  
राज्य मंत्री (डा० रामकृपाल सिंह) : क्या  
माननीय सदस्य दो मिनट भी बिल पर  
बोले हैं . . .

श्री कल्पनाच राय : आदरणीय उपसभा-  
ध्यक्ष महोदय, आर्थिक दृष्टि से जनता सरकार  
दिवालिया हो चुकी है और इस मुल्क में न कोई

[श्री कल्याणराय राय]

सरकार है, न कोई कौंसिल आफ मिनिस्टर्स है। कौंसिल आफ मिनिस्टर्स के माने हैं एक मन और आदर्शों के व्यक्ति। मोरारजी देसाई कहते हैं :

Nehru's industrial policy was the best policy.

चौधरी चरण सिंह कहते हैं :

It is the worst policy.

चंद्रशेखर कहते हैं नेहरू की उद्योग नीति से नये हिन्दुस्तान का निर्माण होगा। जनता पार्टी के अध्यक्ष कहें कि नेहरू की औद्योगिक नीति ठीक है, चौधरी चरण सिंह कहें कि खराब है, बीजू पटनायक कहें कि नेहरू की नीतियां बिल्कुल खराब हैं। जगजीवनराम कहें नीतियां बिल्कुल अच्छी हैं। जगजीवनराम ने कहा कि :

Our agricultural policy was the only best policy, and on account of that policy, India has made all-round development.

हिन्दुस्तान के राष्ट्रपति ने बम्बई में बोलते हुए कहा कि हिन्दुस्तान में जवाहरलाल नेहरू की कृषि नीति ही सब से बुनियादी और वैज्ञानिक नीति थी। भाखड़ा नंगल से नागार्जुन सागर तक नेहरू की एक एग्रीकल्चरल पालिसी के गीत गा रहे हैं। भाखड़ा नंगल के कारण हरियाणा और पंजाब की मरुभूमि हरीभरी बन गई। नागार्जुन सागर के कारण आन्ध्र से मद्रास का जंगल हराभरा बन गया। राष्ट्रपति ने यह कहा। जिस कौंसिल आफ मिनिस्टर्स में 15 प्रकार के व्यक्ति हों, ऐसी कौंसिल आफ मिनिस्टर्स की बात राष्ट्रपति को नहीं माननी चाहिए।

Is the President bound to accept the advice of that Council of Ministers which is a conglomeration of splinter groups, which consists of heterogeneous elements?

आदरणीय उपसभाध्यक्ष महोदय, मैं सरकार से मांग करता हूँ कि गोविन्द नारायण

को तुरंत कर्नाटक के गवर्नर पद से हटाया जाये। मेरी सरकार से दूसरी मांग है चूंकि जनता पार्टी करोड़ों रुपया हेलीकोप्टरों पर खर्च करके दक्षिण भारत में बुरी तरह हार गई है इसलिए पार्लियामेंट को भंग किया जाये। पूरे देश में निर्वाचन कराया जाये। आदरणीय उपसभाध्यक्ष महोदय, तीसरी मांग यह है कि राष्ट्रपति जनता सरकार के भ्रष्ट मंत्रियों के खिलाफ एक जांच आयोग का गठन करें जो बीजू पटनायक, एच०एम० पटेल, चौधरी चरण सिंह, मोरारजी देसाई और इस पूरी कौंसिल आफ मिनिस्टर्स के भ्रष्टाचारों की जांच करे ताकि इस मुल्क में सदाचारी लोकशाही समाजवाद का भविष्य उज्ज्वल हो सके, धन्यवाद।

श्री महादेव प्रसाद वर्मा (उत्तर प्रदेश) : मान्यवर, जो इस बिल के प्रस्तावक हैं उनको एक बात का खयाल है कि 74 वाला आर्टिकल 85 पर लागू नहीं होता है। जहां उसमें दिया हुआ है कि प्रधान मंत्री या काउंसिल आफ मिनिस्टर की राय से ही प्रेसीडेंट कोई काम करेगा। उनका कहना है कि 85 उस पर लागू नहीं होता है उसके बाहर लागू होता है। एक कोर्टजेंसी तो उन्होंने सोची फर्ज कर लीजिये कि प्रधान मंत्री एडवाइज करता है या भंग करना चाहता है और प्रेजीडेंट नहीं करता, मान लीजिए कि 85 के अंतर्गत उसको अधिकार है और नहीं करता है लेकिन एक दूसरी कन्टिजेंसी एराईज होती है। फर्ज कर लीजिए कि प्रधान मंत्री लूज कर गया कान्फीडेंस और मिनिस्ट्री छोड़ना नहीं चाहता है और न पार्लियामेंट भंग करने के लिए प्रेजीडेंट से कहता है और मैन्यूवर करता है हास ट्रैडिंग शुरू होती है। तो क्या होता है? इसलिए मेरे खयाल से उसका कुछ भी अर्थ यह होता है कि 85 के अंतर्गत प्रेजीडेंट को अपने ढंग से निर्णय करने का अधिकार रह गया है और अब तो जैसा माननीय भूपेश गुप्ता ने कहा वह अधिकार केवल समझने की बात है। प्रेक्टिकली भी रह नहीं गया है

अगर रह गया है तो उसका कायम रहना जरूरी भी हो जाता है क्योंकि यह भी स्थिति आ सकती है प्रदेशों की—कि मिसाल के लिए भारतीय गणतंत्र से इसलिए यह नहीं बैठता है कि प्रदेशों का गवर्नर वहां की कौंसिल आफ मिनिस्टर्स की एडवाइज से बंधा हुआ है। इसलिए अगर कोई चीज होती है तो अंतिम जिम्मेदारी काउंसिल आफ मिनिस्टर्स की आती है लेकिन यही स्थिति अगर सेंटर में आ जाये तो उसमें कौन निर्णय देगा। ऐसी समस्या आयी तो नहीं लेकिन बात हो रही है कि बहुत सी बातें जिसको समझते हैं कि नहीं होंगी वे हो गयीं। कोई भी शक्तिमान व्यक्ति इतनी फालोइंग लेकर संविधान के साथ कुछ भी कर सकता है यह हमने पिछले 2 सालों में देख लिया था। बहुत से संविधानिक तरीकों से संविधान को बरबाद किया जा सकता है। यह भी हमने पिछले 2 सालों में देखा। हिटलर ने कहा था कि मैं बहुत ही संवैधानिक तरीकों से काम कर रहा हूं और करते-करते उसने जर्मनी के संविधान को ही समाप्त कर दिया। माननीय इंदिरा गांधी जी कहती थीं कि मैं बहुत ही संवैधानिक तरीकों से काम कर रही हूं और साथ ही साथ संविधान को समाप्त कर दिया। तो यह भी है कि एक एक्सीजेंसी पैदा हो सकती है। जैसा मैंने बताया कि कोई प्रधान मंत्री हुआ और हाऊस में उसका बहुमत नहीं रह गया फिर भी वह टाईम ले सकता है हफ्ते दो हफ्ते का। अगर साधन सम्पन्न हो तो जो लोग आज खिलाफ हैं वह चार रोज के बाद उनको खरीद सकता है। स्थिति यह पैदा हो जायेगी और प्रेजिडेंट को तब तक हाऊस को डिसाल्व करने का अधिकार नहीं है जब तक कि मंत्रिमंडल उसको एडवाइज नहीं करता है। तो क्या होगा? इसलिए 85 के अंदर अगर कुछ बची खुची शक्ति प्रेजिडेंट को उस हालत में है कि अगर वह देखता है कि प्रधान मंत्री का बहुमत नहीं रहा और यह भी देखता है कि प्रधान मंत्री हाऊस को डिसाल्व करने की एडवाइज नहीं दे रहा है, उस वक्त अगर

उसको कुछ शक्ति हो काम करने की तो यह अच्छा ही है कोई बुरा नहीं है। लेकिन मान्यवर, ये सब केवल दिमागी कसरतें हैं। प्रजातंत्र की 3-4 बुनियादी चीजें होती हैं अगर उस तरफ से दिमाग ढीला कर दिया उधर ध्यान नहीं दिया तो केवल कानूनी दाव पेंच से कुछ बचने वाला नहीं है इसकी सारी मिसालें इस देश में भी और विदेशों में भी आ चुकी हैं। उसकी 3-4 बुनियादी चीजें हैं जिनको हमें सुरक्षित रखना होगा। एक तो यह है कि अंतिम फैसला हर हालत में जनतंत्र के मामले में जनता के पास जाता है। हमने भूल यह की है कि आज तक जनता की ट्रेनिंग प्रजातांत्रिक आधार पर नहीं की है, सारी ट्रेनिंग बकवास की हुई है, केवल वोट की हुई है, केवल इस बात की हुई कि किस तरह के प्रलोभन देकर, किस तरह की गलत चीजें कहकर, झूठ बोलकर जनता को बरगलाकर शक्ति हासिल कर ली जाये।

इसका नतीजा यह हुआ कि वह जनतंत्र की ट्रेनिंग जो पिछले 30 साल से होनी चाहिये थी वह नहीं हुई। आज तक जनता इन पार्टियों से और उम्मीदवारों से पूछने का साहस नहीं कर सकी। किसी ने कहा मैं गरीबी दूर कर दूंगा—किसी आम सभा में—तो कहीं किसी ने पूछा किम तरह करेंगे? फलों काम मैं ऐसा कर दूंगा, मैं राहत पहुंचा दूंगा, भ्रष्टाचार दूर कर दूंगा। कैसे दूर करोगे? तो हर एक ने झूठे-मूठे वायदे किए, उसका नतीजा यह हुआ कि जनता का मनोबल जैसा ऊपर उठना चाहिए था, जैसा उसको प्रहरी होना चाहिये था जनतंत्र का, जयप्रकाश नारायण जी के शब्दों में, गांधी जी के शब्दों में, वह स्थिति नहीं पैदा हुई, तो यह एक मूल हमारी है।

दूसरी चीज, जनतंत्र में मान्यवर, पार्टियों का बहुत बड़ा स्थान होता है, यहां पर दूसरी एक स्टेज होती है जहां जनतंत्र की रक्षा पार्टियों के जरिए होती है बशर्ते कि वे पार्टियां जनतांत्रिक हों। पिछले 30 साल से तानाशाही पार्टियां चलती रहीं और मुझे यह कहने में



[श्री महादेव प्रसाद वर्मा]

हिचक नहीं कि आज हिन्दुस्तान में कोई भी जनतांत्रिक पार्टी नहीं है, क्योंकि यहां शुरु से ही परिचाटी बन गई जैसे कि— नेहरू जी को प्राइम मिनिस्टर होना है इसलिए सारे मेम्बर उनकी राय से बनने हैं, पंत जी को चीफ मिनिस्टर होना है इसलिए सारे टिकट उनके चले-चपाटों को मिलेगा। नतीजा यह हुआ कि सारी पार्लियामेंट और सारे प्रदेश की जो असेम्बलियां थीं वे केवल चंद लोगों के पीछे चलने वाले, बस्ता ढोने वाले लोगों की जमात बन गई और जैसे एक डिठोरचियों का दरबार हो गया। इसका नतीजा अच्छा नहीं हुआ और वह हमारे सामने आया है। पिछली अप्रैल, 75 में 500 से अधिक सदस्य ये कांग्रेस के, जब कि इमरजेंसी लागू हुई और उसके साथ सारी बातें और लागू हुई, अब उन्हीं लोगों में से बहुत संख्या में लोग इस बात को तसलीम करते हैं कि भूल हुई, नहीं होनी चाहिए थी। इन्दिरा जी भी कहती हैं कि आयरन्दा कभी मैं शक्ति में आई तो इमरजेंसी लागू नहीं होने वाली है। उन दिनों मैं कुछ दिनों छूटा था और जेल जाने के पहले मैंने देखा कि सारे के सारे एम०पीज० भयभीत इतने थे कि कोई उफ भी नहीं कर सकता था जानता हुआ भी कि केन्द्रीय सरकार ऐसे ऐसे कदम उठाने जा रही है। तो मैं कहना चाहूंगा, 30 साल के शासन का नतीजा यह हुआ कि उस पार्टी के अंदर, जनतांत्रिक भावनाएं नहीं बढ़ीं, उसका अपना कोई अस्तित्व नहीं रह गया। एक दो आदमियों के पीछे सारी पार्टी समाप्त हो गई, नाम के लिए वह पार्टी रह गई, काम के लिए वह पार्टी नहीं रह गई। वह केवल एक या दो व्यक्तियों के पीछे हुंकार करने वाली जमात हो गई और इसलिए जब तक यहां पर कोई पार्टी सिस्टम नहीं होता, जिस में हर वर्क को अपनी आवाज उठा सकने की आशा हो, फिर एक मनोबल भी हो, साहस भी हो और मौका भी हो, तब तक आप जनतंत्र की सुरक्षा नहीं कर पाएंगे। इंग्लैंड में 800 वर्षों में

जनतंत्र ने लड़ने-झगड़ते—दो बार बादशाह से विरोध हुआ, एक बार उसको फांसी हुई, एक बार उसको देश छोड़ कर भागना पड़ा, सारी विधा 1200 सदी से शुरू हुई और 1900 तक चलते-चलते उनको शऊर आया कि जनतंत्र कैसे चलता है? हमारे सामने इंग्लैंड का इतिहास था, दुनिया का इतिहास था। जिस काम को इंग्लैंड ने 800 वर्षों में सीखा उसको हम 30-40 वर्षों में सीख सकते हैं—लेकिन हमने उस पार्टी पद्धति को अपने सामने इन तीस सालों में सामने नहीं रखा। शुरु से ही, सन् 1947 की आजादी के बाद से जो दृष्टिकोण हुआ वह यह कि चंद नेता बैठ गए—दिल्ली में लखनऊ में और सुबों में—और सारी पार्टियों को उसी के ऊपर न्योछावर कर दिया, सारी पार्टियां कांग्रेस की टूटती गई। 1952 तक पहुंचते-पहुंचते कांग्रेस को जड़ें खोखली हो गई थीं, जिसका असली नतीजा 30 साल के बाद मिला। उन पार्टियों को जनतांत्रिक बनाना है जो भी पार्टियां राजनीति में आती हैं। जब तक वे पार्टियां जनतंत्रिक नहीं हैं, जनतांत्रिक ढंग से चुनाव नहीं करते तब तक उनको तसलीम नहीं किया जाए। आप कभी इस बात को स्वीकार नहीं कर सकें कि पार्टी तो तानाशाह हो और देश में जनतांत्रिक हुकूमत हो। तीसरी चीज, माफ करेंगे हमारे माननीय कल्पनाथ राय जी यह कहने के लिये, जनतंत्र के अंदर किसी भी व्यक्ति की चाहे वह कितना ही बड़ा क्यों न हो, उसकी हीरोवर-शिप कर के जनतंत्र को तबाह मत कीजिए। वह बड़े हैं। मैं मानता हूं, लेकिन मुझ से ज्यादा नेहरू जी को आप नहीं जानते होंगे। कल आप नहीं थे। मैंने बताया था कि 1929 में नेहरू जी के सिर पर लाठी पड़ते हुए हम लोगों ने रोकी थी जब गुंडों ने शारदा एक्ट को ले कर उन को मारने की कोशिश की थी और मुझे गर्व है कि उस में मेरी उंगली का एक नाखून उड़ गया था। उस वक्त हम सोच

नेहरू और गांधी जी की जय जय कार करते थे। लेकिन संघर्ष में एक व्यक्ति दूसरा होता है और सत्ता में आने के बाद वह व्यक्ति दूसरा हो जाता है। 1947 के बाद न केवल नेहरू ने बल्कि कांग्रेस के सारे नेताओं ने अपना वह सारा दृष्टिकोण बदल दिया। वह एक जमाना था। देश की आजादी प्राप्त करने की एक लगन थी, एक जलन थी। देश का बच्चा-बच्चा इस के लिये पागल था। उस समय देश में लाखों वालंटियर पैदा हुए और जब वह जलन निकल गयी तो देश की समस्याओं की जलन सामने आनी चाहिए थी, वह नहीं पैदा हुई और नतीजा हुआ कि शक्ति ने उन को चाट लिया। और उन को गिरा दिया। उन का नैतिक पतन हुआ। आप नेहरू जी के परिवार के त्याग की बात करते हैं। मुझे कोई एतराज नहीं है। जितनी चाहे आप उन की प्रशंसा कर लें, लेकिन एक बात मेरे भाई, यह समझ लें कि ऐसे ऐसे त्यागी भी हुए हैं जिन को आज आप का देश जानता तक नहीं है। जो इस स्वराज्य की, इस देश की आजादी की नींव का पत्थर बने हैं। आज यह महल तो हम लोगों को दिखाई देता है। बड़ा रंगीत हुआ है, लेकिन इस की नींव के जो पत्थर बने हैं जिस पर यह खड़ा है उस को देखने के लिए हमारे पास आंखें नहीं हैं। काहे आप इतनी प्रशंसा करते हैं। हम दंभ की बात नहीं करते, लेकिन मैं बताता हूं मैं अपने आप की बात कहता हूं। 1921 में 13, 14 साल की उम्र में मैं गोली खाते खाते बचा। 1931 के आंदोलन में 3 बार गोली खाते खाते बचा और 1921 से लेकर 1942 तक 13 बार मैं ने जिन्दगी और मौत के बीच फँसला लिया। किसी तरह बचा। अगर मेरे त्याग को आप एक तरफ रख दें और नेहरू परिवार के सारे त्याग को एक तरफ रख दें तो ईमानदारी की बात है कि शायद मेरा ही बजनी पड़ जायगा। फर्क सिर्फ यह है कि मेरे पास कोई हिटोरची नहीं था। मेरे पास मेरी प्रशंसा के बीत गये थे बला न हुई था, कोई अखबार नहीं था। मैं अपनी असाल दे रहा हूं इस लिए कि मैं अपनी बात

जानता हूं और मैं मैकडों मिसालें दे सकता हूं अपने को आजादी के लिए बलिदान कर दिया और उन का कोई नाम लेना नहीं रह गया। काहे इस तरह की आप प्रशंसा करते हैं। यह तो अपमान है उन बलिदानियों का अगर आप केवल नेहरू जी और पटेल जी की ही खाली प्रशंसा करते हैं तो। खाली इन चन्द नेताओं की जो गद्दी पर आ गये, सत्ता में आ गये और जो चमक गए दुनिया के सामने, अगर आप केवल उनकी ही प्रशंसा करते हैं तो यह अपमान है उन हजारों, लाखों बलिदानियों का जिन्होंने आजादी के लिए अपनी जिन्दगी दी है और जो घुट घुट कर मर गए हैं देश की आजादी के लिए। इस तरह की एक तरफा प्रशंसा आज तो नहीं होनी चाहिए, चाहे वह किसी भी नेता की बात हो और यह जनतंत्र के लिये हितकर भी नहीं होगी।

चौधरी जी ने जो यह बिल रखा है, उनको जैसा कि भूपेश जी ने कहा कि यह थम हुआ है कि धारा 74 धारा 85 पर लागू नहीं होती। लागू होती है, लेकिन मैं चाहूंगा कि वह 85 पर लागू न हो तो बेहतर है। इस को आप बांधना क्यों चाहते हैं। यह कंटिजेंसी आज तक पैदा नहीं हुई, लेकिन किसी दिन पैदा हो सकती है। कोई जिद्दी प्राइम मिनिस्टर हो। विश्वास खोने के बाद 15 रोज तक सत्ता अपने हाथ में रखने की कोशिश करे और बूक वह एडवाइस नहीं दे रहा है। तो क्या प्रेसीडेंट बेबस बन कर तमाशा देखता रहेगा। ऐसा प्राइम मिनिस्टर तो बिजनेस शुरू कर देगा। उस हालत में अगर प्रेसीडेंट को अधिकार हो कि इस स्थिति में वह डिजाल्व कर दे अपने आप तो यह देश के लिए हितकर होगा। इस लिए जो कुछ बचा खुचा रह गया है उस पर प्रतिबंध न लगाए इसलिए मैं इस बिल का विरोध करता हूं।

SHRI BHUPESH GUPTA: Sir, as I said earlier, this Bill really is no call- • ed for. I think-my friend is here now. It has been laid down in the Constitution that the President s"hall act on the advice of the Council of Ministers.



[Shri Bhupesh Gupta]

Article 74 demands of no other interpretation and article 74 is applicable to all actions of the Government, that is to say, the President has really now discretionary power under our Constitution to act in any matter. That is the position in England; that is the position in this country also.

Sir, in 1960, the late Dr. Rajendra Prasad asked a Law Seminar to consider what the powers of the President were with special reference to his discretionary power, if any. His suggestion was that it should be found out whether the President of India was bound, in all cases, by the advice of his Council of Ministers. In those days, immediately, Sir, a very noisy controversy arose on this point. The newspapers started writing about it and the law journals took up the issue and the debate started. I remember, I had tabled in this House a Bill making this explicit which was to be passed later as a Government Bill, during the emergency or before it, I don't remember, and it was passed. Now, Sir, when I tabled that Bill, the late Jawaharlal Nehru came to this House and made his position clear that he had been advised.—he also held that view—that the President, in all cases, was bound by the advice of the Council of Ministers and that was the stand of the Government also. He appealed to me that I should withdraw it and I withdrew it. Later, when other matters were discussed, I believe the Home Ministry was asked to prepare a note on the subject, in the late 'sixties' I think, and then the Home Ministry prepared a note on two points, namely, on the powers of the President and on the powers of the Governors. As far as the President's powers were concerned, well, they were really no powers and they had maintained that the President could act only on the advice of the Council of Ministers, that is, the position taken in 1960 by the Government and by us was sustained. I believe that that note is still available with the Government. I had a copy of it.

But I do not know whether I can find it now after so many years. But that should be available in the Home Ministry. It set at rest all the doubts and there was no debate afterwards. But, Sir, later on, well, for some reason or other, the Government felt that article 74 should be made more explicit and that article 74 should be amended a little with a view to making it still more clear. Article 74 says that there shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President in the exercise of his functions and that the question whether any, and if so what, advice was tendered by Ministers to the President shall not be inquired into in any court. Now, Sir, in the Constitution (Forty-Second Amendment) Act, it has been laid down like this;

"There shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President who shall, in the exercise of his functions, act in accordance with such advice."

Sir, this has been done in the Constitution (Forty-Second Amendment) Act in 1976.

The article was 4 P.M.

amended, nothing shall be called in question in a court of law. So the matter is settled. What Mr. Choudhury wants to do is to make it explicit also in the case of article 85. Well, it is said that the President has the power to dissolve the Lok Sabha. This is an act of the President. And every act of the President must be governed by article 74, namely, that such act must be based on the advice of the Council of Ministers. We have no problem that way. Anyway, it is only a redundant, I say.

SHRI NRIPATI RANJAN CHAUDHURY: Just a clarification. He has not read the contention of the Bill. It is not the Council but the Prime Minister, in my view.

SHRI BHUPESH GUPTA: I am coming to that. Now, what have you written in the Statement of Objects

and Reasons? Evidently, my friend has not read the Statement of Objects and Reasons. Article 85(2) (b) of the Constitution gives to the President the power to dissolve the House of People. It is not clear whether the President is to exercise this power in his own discretion or on the advice of the Prime Minister.

SHRI NRIPATI RANJAN CHOU-  
DHURY: Prime Minister, not the Council of Ministers.

SHRI BHUPESH GUPTA: One thing is clear: The President should act. The President should act on the advice of the Council of Ministers.

SHRI NRIPATI RANJAN CHOU-  
DHURY: Here I say, the Prime Minister.

SHRI PRANAB MUKHERJEE: Sir, just a clarification. This Bill was introduced about seven years ago. Unfortunately, the procedure of this House is such that a Bill introduced seven years ago comes up after seven years, in 1978. That has become out of context. If Mr. Choudhury knew that article 74 is going to be changed according to the Forty-Second Amendment, perhaps he would not have thought it necessary to bring this Bill.

SHRI BHUPESH GUPTA: Having not been clear, Mr. Choudhury states in the Statement of Objects and Reasons;

"...In a Parliamentary democracy the Prime Minister should have the power of obtaining the verdict of the people when he considers that an adverse vote of the House of the People does not reflect the views of the people themselves."

The Prime Minister has the power to do this "at any time-even today. Today Mr. Morarji Desai can go, for whatever reason-even for the satisfaction of my friend, Mr. Choudhury-and tell the President; My advice to you is to dissolve the Lok Sabha. You

may say anything against the Prime Minister and naturally he will come under the severest criticism. But the President has no other option today but to put his signatures to the dissolution. This is the position. The trouble with my friend is that he wants to take away or restrict the powers of the Council of Minister or the Prime Minister. The Constitution is merciful in this respect that it should be the Prime Minister acting on behalf of the Council of Minister who should advise the President. That is to say, the Prime Minister's advice should be the advice as that of the Council of Ministers as construed under article 74. My friend, the mover of this Bill, forgets about that. I am surprised how such an intelligent man should choose to bring in the Prime Minister when it is through the Council of Ministers headed by the Prime Minister. If you include it in the Constitution, the Prime Minister can ignore the Council of Ministers. The Council of Ministers is already covered by Article 74 and the President will act on his advice under Article 85. Here, Article 85 is sought to be modified to the detriment of the Council of Ministers as a collective body and in favour of the Prime Minister as an individual. That is certainly not democracy.

Therefore, this Bill has only to be opposed because it weakens democracy, restricts democracy and the individual of Prime Minister is put above the collective of the Council of Ministers. The Council of Ministers is made absolutely redundant in relation to the Prime Minister. In fact, it is the same thing when the Prime Minister gave advice for the proclamation of emergency. Therefore, it amounts to institutionalisation of the practice that took place on the 25th of June, 1975. Now, we are certainly not going in for that. Nobody will say that we should get into that situation when the Prime Minister can advise the President ignoring the Council of Ministers. But he wants it. So, it is wrong. When he gave notice of the Bill in those days of 1974 the cult of personality was very much there.

SHRI PRANAB MUKHERJEE: It started after 1974 and not in 1974.

SHRI BHUPESH GUPTA: I am not one of those who carry on all types of propaganda. Political things should not be mixed up with individual likes and dislikes. Whether Chaudhari Charan Singh likes it or not or I like it or not is not the point. This kind of erosion of democracy and parliamentary institution is not something that started during the emergency or because of the coming of one little chap on the scene. That thing accelerated it very much. But the process started much earlier and Mr. Charan Singh had been a party to that process when he was the Minister. Mr. Morarji Desai was very much a part of that process when he was a member of the Government and the Deputy Prime Minister of the country. The process started much earlier. It is not a creation of emergency when some conspirators suddenly went to Safdar Jung Road. At that time, they did not like Shri Kalp Nath Rai very much. What has happened has happened. I am not going into it. We are discussing serious constitutional matters. We should apply our minds not to individuals but to institutions and the working of the institutions. Let us take up this question and judge. Sir, if you ask me, it started much earlier even before Mrs. Indira Gandhi came to power. It started when the arbitrary use of power took place and the President was advised, for example, to dismiss the Kerala Government of 1955. It was dismissed in 1959. Although we had the majority there, Dr. Rajendra Prasad ordered the dismissal of the Government there on the advice of Jawaharlal Nehru. We were taken aback, at that time Shrimati Indira Gandhi was the Congress President. Somehow or the other, she got mixed up with this thing. It had started before. We have been drifting in that direction gradually. Now, I speak about the Prime Minister. What kind of Prime Minister do you want? What do you want to make of the office of the Prime Minister vis-a-vis the Council of

Ministers? The hon. Member should say that. All of us are thinking about it here. This is an issue which has to be settled not by acrimony and also not by mud-slinging and harping on the past only. This is a different matter. We have to settle this issue in the light of the experience of the working of the Constitution and the working of the Cabinet and parliamentary system over the last 28 years or so since the Constitution came into effect. This is how we should view this matter. We should have a historical approach, an analytical approach, a self-critical approach and find out why, how and when things went wrong. And then we should come to certain conclusions, irrespective of the individuals. We are dealing, Mr. Vice-Chairman, with institutions. That is more important. And whenever I got a chance to speak on such a subject, somebody listens and somebody may not listen, but ultimately it seems that many of the things we say here are confirmed by life. Sir, why do I say this thing? Even now what is happening? We hear rhetorics about the dismantling of emergency. It seems, our Janata friends, some of them, have got into some bulldozer to dismantle emergency unlike Mr. Sanjay Gandhi. He dismantled huts, jhuggis and jhompri, and demolished them. And you claim that you are dismantling the emergency apparatus. Are you doing it really?

Sir, I was surprised to find that the teachers of the Jawaharlal Nehru University have been served with some notices enquiring about their activities and opinions. Well, they have been served with them and I need not go into that subject at the moment. In one of the notices, I think, the University authorities have written that we have received a letter from the Prime Minister's House. Again the Prime Minister's House has come. Sir, again we hear about the Prime Minister's House. It is horrifying. We know South Block, Secretariat North Block and the Prime Minister's Secretariat. In Nehru's time. I never heard it. I knew that Nehru like any other

In Nehru's time, I never heard it. I knew that "Nehru like any other human being lived in a house and when the Prime Minister lives in a house, it becomes the Prime Minister's House. Well, sometimes, on a letter-head it was written 'Prime Minister's House'. It was clear. But orders were passed during Mrs. Indira Gandhi's regime on the telephone speaking from the Prime Minister's House. Was a *Chaprasi* speaking, a dog speaking, a cat speaking, a man speaking, women speaking, children were speaking because the Prime Minister's House was supposed to have all these creatures? It was not the Prime Minister's Secretary speaking, it was not the Prime Minister's Personnel Assistants speaking. It has been revealed. This thing happened. Again this practice has come. an enquiry has come from the Prime Minister's House. What is the locus standi of the Prime Minister's House, I should like to know. Does the Constitution provide an institution called the Prime Minister's House, I should like to know. Now, Mr. Morarji Desai has started the same thing. He uses the same car. No. 2800. Mrs. Indira Gandhi used this car. Mr. Morarji Desai uses the same car. No. 1 Safdarjung Road is again the Prime Minister's House. The rest also seems to be coming. This is what I am afraid of. (*Interruptions*) We should be really meticulous about it, very careful about it, having learnt the lesson. What is the Prime Minister's House- Who is that blighter who talks from the Prime Minister's House? Either the Prime Minister talks, the Secretary to the Prime Minister talks or some officials accountable to the Parliament talk. Prime Minister's House is not accountable to Parliament? Is it accountable to Parliament? The cook, the 'Panda'—the furniture and all those things, are they accountable to Parliament? No. Well, we would like to know it. Therefore, this concept of Prime Minister's House must go. This idea should go. And what is more? Teachers are being asked to explain. Queries are made by the Prime Minister's House

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about the teachers of the Jawaharlal Nehru University. What else you want? I would ask our friend, Mr. Morarji Desai—may be he does not know what has been written—to be a little careful because he has to be very careful in some of these things. He has grown old in rigidities and ideas but he has to be very careful about it. What is today our problem? In the working of the Cabinet system, Parliamentary system, in the context where the Prime Minister occupies a very important position, how the office of the prime Minister is run, that is what we all are interested in. In the first instance, the Prime Minister must function as the head of a collective body, exercising collective responsibility in relation to the Council of Ministers. I would not like any coterie of sycophants, flatterers, yes-men, careerists, time-opportunists, self-seekers to go by the name of Council of Ministers. I would not like them. I would not like it at all. This is not to say that all those people were like that. But it did happen and the country did get that impression. Shrimati Indira Gandhi is making good use of it. AIT right, I withdraw. Why did you not tell me? why did you not come and tell me that I was going wrong? Why did you not coiffe and point out to me my defects? She is saying all these things publicly. Now, whatever criticism you may have, I have many criticisms against her, but you cannot dispute that. I would like some of the former Cabinet Ministers of Shrimati Indira Gandhi to get up and say, we said these things to you but you did not listen to us. I am not making any acrimonious criticism against any of my colleagues in the opposition. They are now in my company. They are my *companions* and they "are my colleagues in the opposition, with whose help and cooperation I want to work here as an opposition Member, a humble opposition Member of this House. Is it not my intention to accuse them but the charge Shrimati Indira Gandhi is making against them should not be ignored by the leaders of the country, by the Members of Parliament,

[Shri Bhupesh Gupta]

by the "Ministers and ex-Ministers, whoever they are. When we are in the opposition, nobody has accused us of that charge. One day I told Shrimati Indira Gandhi that your trouble is that some of your people, Ministers and others, who come and talk to you—you can verify it from her, my friends are there from the ex-Prime Minister's House, if I may use "that expression—look to your feet" when they talk, some of them do not even look straightaway in your face, they are so afraid. I told some of them you were her colleagues, why did you not go and tell the Prime Minister what you felt, she was not sitting with a machine gun there—this is my language—so that the moment you talked to her she would start shooting at you. I told it to some of our colleagues and MPs. Some of them are sitting here. I told the former Prime Minister, I come to you only to say unpleasant things, I come to say only unpleasant things and I never come to tell you to say pleasant things. We have been misunderstood even for saying unpleasant things because they did not know and nor did we want to publicise them. I say and everybody knows it that when I met the former Prime Minister I said I come here only to tell you unpleasant things, which you would not like. I must say, she said; "That is why I want to listen to you. I like it. You come and say whatever you like". I would have liked, Mr. Morarji Desai also had told me on the first opening day of the Parliament with him as the Prime Minister last year in March—I must say in all fairness to him—"You come and tell me whatever you like. Abuse me in Parliament"; but come and tell me and I shall try to do so, and if I don't, I will tell you that I would not do so." I say this thing because it is very important for us to see as to how the Prime Minister runs the Government,

It is a Dhawan only? He was a Mathai. Why don't I hear about Mathai? Then it was Mathai whom

we expected in this House and as a result of my exposure, by our exposure, he had to go and in his biography he has said it that because of Communists' insistence, he had to go. I was there. Mr. Ranga was perhaps here at that time. And now we had this Dhawan—a 1970 version of Mathai of 1950's Mathai was somewhat restrained because stalwarts were there like Mr. Govind Ballabh Pant and some others, he could not try his tricks with them. And this little boy Dhawan became so I do not know what he became. Of course, I was told that he was only a errand boy who received telephone calls and passed on messages; but actually it was not so. Why should there be Dhawan, Additional Secretary to the Prime Minister, or a Personal Assistant to the Prime Minister becoming so powerful, so haughty, so arrogant, giving orders right and left to everybody, including the State Chief Ministers and other Ministers? Is it a small thing? Should we not think over it as to why such a thing could happen? If you say, everything resolves into individual terms—Mrs. Indira Gandhi and Dhawan—you will be misled in that. Individuals do not have a part to play. The system itself needs attention. The way we run our institutions, creates Dhawans and Mathais. Mathai goes and Dhawan comes and some other person will come, perhaps. Therefore, such things happen. Go to the root of the problem. I know for a fact that a large number of our officials were demoralised because of the phenomena like Mathai and Dhawan. After all, there are IAS men and others who are qualified, better educated, more efficient, self-respecting, perhaps better than the others, and when these people are ordered about either by a Navin Chawla or a Dhawan well, you can imagine what happens to be administrative moral and what happens in their case. Therefore, manner which is derogatory to the and we should pay attention to them.

No Prime Minister should be above Parliament and behave outside in a

manner which is derogatory to the Parliament. I did not like, for example, the way Mr. Morarji Desai said: "There shall not be any national dialogue on the Centre-State relations." Is it the way to speak when several Chief Ministers are demanding a national dialogue, when we are demanding a national dialogue, when some leading opposition people are demanding a national dialogue in the Congress Party, the Congressmen—Indira Gandhi Congress as they call it? Well, they are also demanding a national dialogue. Even a former Prime Minister said that there should be a national dialogue, apart from other leaders. Is it the proper way to say: "No, I will not even make an attempt to have such a dialogue". Is it the language of democracy or it is the language of authoritarianism? I ask my friends there. And it is said not in a polite way. Mr. Morarji Desai could have said that he is not convinced that a dialogue could be necessary, and all that. But he said: "No, I will not have it". May I know, is not the nation bigger than the Janata Party? Certainly it is bigger than the Council of Ministers and bigger than an individual, even that be Mr. Morarji Desai. If the nation wants the dialogue, it is going to have a dialogue. Mr. Morarji Desai may or may not participate in that dialogue, but as a democrat—as he claims to be—he is expected to be respectful to the sentiments and democratic public opinion to make arrangements for that dialogue. That is the style of democracy. The style of democracy does not mean deifying the opinion and defying the demand even for a dialogue. Dialogue does not mean only one view. Dialogue means different views. Let the question of Centre-State relations be discussed. But he says 'No'. This is not proper. Now, I have said about the Prime Minister's House. Many other things are happening. Today, for example, we hear that certain services in Delhi have been declared essential for the purpose of banning strikes. Has there been any meeting of the Council of Ministers to-

such a decision? Has it been decided that 'No; from now onwards, sweeping orders shall be passed for banning strikes, and, as a preparatory measure, certain services will be declared essential'? Has there been any definite meeting of the Council of Ministers where every Minister, every Cabinet Minister, was present and their opinion taken? To our knowledge, there has not been any such meeting of the Council of Ministers which has come to such a conclusion for dealing with strikes. Yet we talk of democracy. We talk of collective responsibility and we accuse others of doing certain things which are not good and so on. I say dangerous signs are there. Many things are happening in the country today. Does the Council of Ministers discuss all these things? Do they have notice before they discuss these things? This Council of Ministers is also functioning in the same way. Mrs. Indira Gandhi had been there for eleven years. Tragically for the nation, she went wrong. But you see what is happening today. You have seen what has happened in these eleven months, negative things. This is a dangerous thing.

Now, take the President, for example, Mr. Sanjiva Reddy has said that the powers of the States have been eroded. He has said this in an interview to the 'Link' Republic Day number. These are his own words. He agreed. But Mr. Morarji Desai said exactly the opposite thing. Who is advising whom? Now, two opposite things have been said. The President comes to one conclusion. The Prime Minister comes to another conclusion. Mr. Sanjiva Reddy is in favour of some kind of a dialogue and the Prime Minister says 'No'. He summarily rejects it. This is the state of affairs which we are entering into. Please remember that the signs are not good. My Janata friends have been the victims of some of the wrong things in the past. But they should bear in mind what is happening today. Now, we hear another name being frequently

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mentioned, our friend, Mr. Charan Singh. Well, I would not say very much about it. I would like to know more about it.

Now, I was a little surprised by what the Prime Minister, Mr. Morarji Desai, said the other day in the Lok Sabha. On the 21st of last month, a day after the President's Address, when a motion was being moved seeking extension of time for presentation of the report of the Joint Select Committee in respect of the Lok Pal Bill, Mr. Morarji Desai felt discomfiture over the delay in the presentation of the report to the House. Then, he made a statement. He said that he understood that certain MPs were not willing to be included, to be brought within the scope of the Bill. I am a member of the Joint Select Committee. I will not go into that. Is that the way for the Prime Minister to talk about a Joint Select Committee? He said that the delay is due to the fact that the MPs did not like to be included in the Bill. He said something to that effect. I am not quoting his exact words. Now, is it not a reflection on the Joint Select Committee? Is it not a reflection on the MPs? Is it not a reflection on the Chairman of the Joint Select Committee? He is also the Deputy Leader of his Party and hence the Prime Minister's Deputy in the other House also. Now, can he say like that? Surely, Mr. Morarji Desai had been informed something. But then, the Prime Minister does not divulge what is supposed to be a secret in the Joint Select Committee. If it is true, he has divulged a secret. Is it proper for the Prime Minister to do so? Let others say it; I can understand. They can be exonerated. But can the Prime Minister say like this? I do not know how Mr. Shyamnandan Mishra is going to react to this. But this is a matter, I am sure, with which the Joint Select Committee will be seized. Sir, beyond that I will not say anything because I am a member of the Joint Select Committee. Therefore, I

refrain from saying anything. Otherwise, I would have said much more on the subject. If Mr. Kalp Nath would have known these things he would have said much more on the subject.

What I say, today we have drawn up a scheme of things. The President is bound by the advice of Council of Ministers headed by the Prime Minister. It means, the President is helpless. He has to sign papers. The Council of Ministers must be responsible to Parliament and it must act responsibly. Some of the friends have pointed out about the nature of Council of Ministers. Sir, we have a Council of Ministers which is a sight by itself. It is a parliamentary tourist attraction. The Council of Ministers headed by Mr. Morarji Desai is a parliamentary tourist attraction. One parliamentary delegation from the West after another is coming to see how such a body could run a Government. Read the statements of Ministers. How many contradictory statements are coming from them? Mr. George Fernandes says one thing and somebody else says another. Mr. Bahuguna says something and another person says another thing. Mr. Charan Singh has got his own economics and Mr. Morarji Desai has got his own. Mr. Charan Singh has got his own interpretation of Mahatma Gandhi and Mr. Desai has got his own interpretation of Mahatma. Mr. Jagjivan Ram and Mr. Bahuguna look at Jawaharlal Nehru in one way and Mr. Charan Singh has a myopia and he has jaundiced look at Jawaharlal Nehru. And these are given a public expression. Even they are not agreed on what Jawaharlal Nehru is and what he stood for. Each one interprets Gandhiji according to his own party, according to his own requirement and according to his own good considerations.

SHRI MAHADEO PRASAD VARMA:  
Hon. Bhupesh Gupta has made

some remarks on certain statements of our hon. Prime Minister in the other House. It is all right that he has made such remarks, but I would ask Mr. Bhupesh Gupta, whether he likes it or not. Is it proper that day in and day out, in this House, in the absence of the Ministers, a Member of this House should go on talking whatever he likes? Is it proper?

SHRI BHUPESH GUPTA: I was asked this question some 20 or 25 years ago. Let us not go into it, it will be wasting time of the House. If the Ministers are absent in the House, it is not my fault. Ask them to be present here. Ask them to be present. Why are they absent?

शिक्षा, समाज कल्याण तथा संस्कृति  
मंत्रालय में राज्य मंत्री श्री धन्ना सिंह गुलशन):  
बैठे हैं। बैठे हैं।

SHRI BHUPESH GUPTA: If they are not present, take down the notes and tell them, this is what I have said. In any case they will get what I have said. Everything is recorded. Tomorrow or day after they can go through it and then they can come and say what they like. It is not that I do not respect my friend. As an individual he has said this thing. He is very much concerned about personal remarks. I do not say anything about personal matters. I am dealing with the institution. Personally, like all the Ministers. If I were there I would have criticized 'myself also, because that is not the way to function. That is not the way to function. The way the present Council of Ministers is functioning is not the way to function. It" should have the character of a collective body. I have not said it, but Mr. Jagjivan Ram has said that it is a conglomerate party. You might ask that Mr. Jagjivan Ram should have said this in the presence of all Ministers. It is for him to say so. But I tell you this is the impression the country has got.

SHRI N. H. KUMBHARE (Maharashtra) :  
But they claim that there is unity in diversity.

SHRI NRIPATI RANJAN CHOU-  
JHURY: Therefore, it is a tourists' attraction.

SHRI BHUPESH GUPTA : Unity in diversity! I would rather put it, it is diversity in unity. It is unity for holding themselves to power and diversity in making hay when the sun shines. That is how I look at it.

That is why I said that it is a parliamentary institution. Mr. friend, Shri Ranga, is an eminent politician and an experienced parliamentarian. He knows how things are done. Sit down for goodness sake, to come to a certain conclusion as to what should be the manner of the Council of Ministers' functioning in relation to the President and in relation to Parliament and as between inter se Members of the Council of Ministers having regard to the fact that the Prime Minister occupies the pivotal position. That you should settle.

Sir, we are called upon to look at the Shah Commission. When the Shah Commission will submit its report, we shall understand what should be done. Sir, I detest such ideas. The Shah Commission is not going to settle our problems of the functioning of parliamentary democracy. The Shah Commission will not give the solution that we need to put our parliamentary democracy on a sound footing. You see that the Cabinet-cum-Parliamentary system functions in the interest of democracy and **as far as possible** in consonance with the urges and aspirations of the people. That solution the Shah Commission will not give.

SHRI KALP NATH RAI: I want to ask one question. What about the impeachment of Justice Shah? 195 MPs. had submitted a memorandum to the President that he was a corrupt man and he should be impeached in



[Shri Kalp Nath Rai] Parliament. You were a signatory to that memorandum. What about that?

SHRI BHUPESH GUPTA: Therefore, I say we want to alert the nation about this thing. Things are not good. As I said, we have entered a period of crisis. Do you think you will solve the problem by declaring the elections in some States? You have only added to it. I know certain parties have won very resounding victories in some States—in two States at least. I concede that. Will that solve the problem? Rather instability has come, General instability has come. Instability arises not because of the game of numbers. Instability arises because of the policies of the Government. Indira Gandhi had the biggest majority—not the biggest but one of the biggest majorities we have ever had. But see how things became instable. We have seen that some of the State Governments fell despite their legislative majority. Why? Because of the policies of the Government. When the policies begin to come sharper and sharper in conflict with the requirements of development, with the urges of the masses, with the aspirations of the masses, and when they represent the betrayal of the interests of the people, a crisis develops, instability comes. That is what has come about. And that can't be stopped by attempting to consolidate political power. The Janata Party wanted to hold these elections to strengthen and consolidate its political power in other States. You have taken only eleven months to get a dressing down from the people and getting defeated in that bid. You can understand that if you go on at this rate for eleven years what will happen to the country and to yourselves? But you may not go that long. You may not have a long lease of life on the Treasury Benches. That is a different matter. I do not wish to say very much on the subject. We would like to hear our friend, Mr. Pranab Mukherjee. In fact, I was under the impression that he would be called.

Finally, before I sit down, I would request again our leaders here, our younger generation of politicians who have come, let us not get involved in a sort of combat of personalities or individuals. We must seriously ponder over the economic crisis that is still continuing and deepening in some respects. Take the case of the Budget this year. It is a scandalous budget that he has given. Our New Age has written it is not boldness, it is unashamed audacity of a bankrupt, of a farce, all rolled into one. This is how things happen. Therefore, before I sit down, I suggest that it is very, very essential today that we sit together calmly and quietly and discuss in an appropriate manner collectively as to how we can make our parliamentary Cabinet system work well within the present framework of the Constitution pending introduction of proportional representation and other things.

SHRI KALP NATH RAI: One question I wanted to ask Shri Bhupesh Gupta. What is his opinion about the proved corrupt Ministers who are in the Council of Ministers of the Janata Government?

SHRI BHUPESH GUPTA: You see, corruption has to be weeded out, no matter where it is. Howsoever highly placed, corruption must be fought at all costs and at all levels. There cannot be any compromise on it. We should be unsparing in this matter. That is my attitude in life and as you know very well, it has not been very pleasant for me because I have to speak against people here in this House also. But at the moment I am more interested in the Council of Ministers. The problem cannot be solved by rotating lunch at different Minister's houses. Your problem is of establishing norms and implementing them by the common consent of Parliament, of all parties." That is what should be done. And this institution, this grotesque perversion called the Prime Minister's house must go. We would

not like the Prime Minister's house doing this and doing that, asking for this thing and asking for that thing. If the expression "Prime Minister's house" is used, I think the Prime Minister should be taken to task. We want (definiteness as to who is responsible. No one should have the right to act on behalf of Parliament unless he is accountable to Parliament. The Prime Minister of the country should never act in any capacity other than being hundred per cent accountable to Parliament. Let us settle the problem of functioning and running the institution in a fair, democratic manner. Rest will look after itself.

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): Shri Pranab Mukherjee. Kindly be brief so that the Minister can reply.

SHRI PRANAB MUKHERJEE: Sir, I am happy that after many days rather many weeks, I am taking the opportunity of speaking. Sir, with the permission of the mover of the Bill, Mr. Choudhury, I may give a little background of the Bill. In fact, when I had the privilege of being a private Member in 1970, it was I who introduced this Bill, but when I became a Minister in 1973, according to the procedure the Bill lapsed and my good old friend, Mr. Choudhury reintroduced it now I have the opportunity of making some observations on it, and in that context Mr. Bhupesh Gupta has widened the canvas of the discussion within the purview of this Bill to a large extent regarding the very modality of democratic functioning in our country.

Sir, one point is quite clear as I have already mentioned. That is so far as the objective of the Bill is concerned, it has been fulfilled to a great extent by the amendment of the relevant provision by the 42nd Amendment to the Indian Constitution in 1974. But here too I would like to submit a point in favour of "Mr. Choudhury. Perhaps he has, at the back of his mind, the British practice when he wanted to give this prerogative to the Prime Minister.

Sir, if you go through the constitutional history of England from where we had practically borrowed the functioning of the Cabinet system, you will find that at least two illustrious Prime Ministers of England, Lord Salisbury and Sir Robert Peel, practically exercised this power" even in defiance of their colleagues. Sir Ivor Jennings has dealt with it in detail in his *Cabinet Government* and it seems to the readers that he also practically supports the view that a situation may arise when the Prime Minister is not merely to play the pivotal role. Perhaps he is to play the important role and while utilising this prerogative he is not trying "to concentrate power in his own hands. He is going to the people. He is going to the people, the ultimate authority where sovereignty resides and to whom everyone in the Government is accountable. That is why he is recommending to the President for dissolution. The question of horse-trading and all that has come in. But I think this is the best way to stop horse-trading. If you go to the people, if you ask for dissolution, where is the question of horse-trading and all that? Therefore, I feel that there is some reason when Mr. Choudhury suggested that this power, should be concentrated in the hands of the Prime Minister.

Secondly, Sir, I would like to clarify one position. Though we use the words "Council of Ministers", in fact, for all practical purposes in our country or any other country where a Cabinet Government is to function, power concentrates—whether we like it or not. I do not remember a Council of Ministers meeting even once in a year. You were a Minister and you know it better than anybody else. Practically, the functioning of the Council of Ministers is condensed in the Cabinet. Though even a junior member of the Council of Ministers is responsible for whatever is decided in the Cabinet, it may practically so happen that a junior Minister may sometimes know much less than even

[Shri Pranab Mukherjee] his Under Secretary or Deputy Secretary. This is a hard fact of life.

Sir, in the peculiar, complex mechanism of the administration, these things are happening and if we want to get rid of the situation—and Mr. Bhupesh Gupta has very correctly pointed out that such institutions which are accountable to Parliament should develop and function—in what way can we do that? Here I would most respectfully like to submit that he mentioned the point all right but did not elaborate it. He mentioned that concentration of power started not in 1974 but long before that and a system has been developed in a country like ours and in many other countries where individuals come and individuals play an important part. How to get rid of this? If we want to get rid of this in the real sense of the term and with all seriousness, perhaps we shall have to keep in mind that we cannot resort to standards according to our convenience. He has lamented that again these things have started coming up which, he feels, were aberrations. But, why? I fail to understand why he did not ponder over it for a while. I am discussing a very delicate matter, with which personally I am involved; but I think this House should consider that when a Commission was instituted with an omnibus power to look into the functioning of a Government which is accountable to Parliament, and through Parliament to the people alone, the whole concept of parliamentary democracy was challenged. Nobody would mind if you institute a Commission to look into the question of personal misdemeanour of a person—he may be the Prime Minister, he may be a Minister, he may be any important person. **But**, if you allow some authority to come into existence to look into, or to probe into, certain matters which got the approval of the highest sovereign authority of this country, say, Parliament—which may be accepted or may

not be accepted through poll—you are challenging the very concept and functioning of parliamentary government. When I raised the issue of oath of secrecy, I did not raise it for mere fun. Mr. Bhupesh Gupta has today lamented why the Prime Minister disclosed something which, according to the parliamentary practice, the procedures of Joint Select Committee, should not be divulged to the House, particularly that the Members of the Joint Select Committee should not speak on it. But, when you compel somebody to disclose certain matters which he comes to know only in the capacity of a Minister and when there is no specific allegation of personal misdemeanour against that man, it is just a question of an administrative decision. Then you cut at the very root of the system itself. When you create an authority which can even go into and challenge, look into, question into, take evidence and give a glare of publicity to a matter which got the seal of approval of Parliament, by resorting to that practice, you challenge the parliamentary system itself.

Then he is talking of the demoralization of the Civil Servants.

SHRI N. G. RANGA (Andhra Pradesh) : I am thankful to you for having defied those people.

SHRI PRANAB MUKHERJEE: Thank you. Sir, I can understand if a political party wants to fix the responsibility on its political opponents, but in a parliamentary system you must keep the Civil Servants out of the political control. You cannot help it because this is the practice. We have not introduced the system of the United States of America where with the new President the whole bunch of Civil Servants goes and a new one comes in. Here the Civil Service is Permanent. But, if you want to fix responsibility on the Civil Servants—and the Civil Servants simply carry out the orders of the political boss—you are bound to demoralize the Civil

Servants. There is no question whether a junior chap gave orders or not. That may effect individuals. But that does not vitiate the system. I am sorry you are looking at the watch. I will finish in two or three minutes. But I think it can go on even to the next week.

SHRI N. G. RANGA: It will go on. It is a very important question.

SHRI PRANAB MUKHERJEE: Sir, what I was trying to point out is that he has widened the scope of the debate. Otherwise, I know that the hon. Minister will just stand up and say that it is not relevant and is not within the purview of the discussion. But, at the same time, sometimes we have to discuss certain matters which may not be strictly within the purview of the discussion of a particular piece of legislation, but which affects our life, our body politic as a whole. Here, Sir, I would like to request the hon. Minister to keep in mind that he may sit in the Treasury Bench and we may sit in the Opposition, but we belong to the same system. If you look at the whole atmosphere created in this country for the last one year, you will find that the whole political system has been brought into disrepute. If you read the newspaper reports, if you listen to the radio reports, if you look at the television programmes, you will find that if there is any corrupt person in this country, he is a politician, and if there is any corrupt institution in this country, it is the political institution. If you try to bring into disrepute the political institutions, if you try to prove that your political opponents are corrupt, if you try to prove that your political opponents are dishonest, in that process you are eroding your own credibility. Unfortunately this is the development in this country. There is no industrialist dishonest in the country. If anybody has gone through the newspaper reports of the country for the last 11 months, he will find that no industrialist is dishonest in the country and no bureaucrat is dishonest and no other component of the society

is dishonest except the politician; only the politician is dishonest, only the political system is corrupt. Perhaps in their exhuberance, in their over-enthusiasm, they have forgotten that this is the method which has been practised in many other developing countries by those who are interested in encouraging the forces of destabilisation in these countries. When the character assassination of political leaders took place, practically that created the situation for the junta to take over in Indonesia. When the character assassination of political leaders in the erstwhile East Bengal and West Pakistan took place in 1958, that created the situation in which it was possible for Field Marshal Ayub Khan to take over power. There have been a number of instances in various parts of the world which can be cited. Of course, nobody is here to support corruption. There is nobody here to say that any individual misconduct or misdemeanour has to be approved. But, at the same time, if you want to bring the whole system into disreputation, in that process you lose credibility as a system and as an institution, which will be injurious.

The second thing I would like to say is about collective leadership. As has been very correctly pointed out by Shri Bhupesh Gupta, for the first time in this country we are having a Government formed by parties which claim to be one but which have not completely integrated. The Ministers themselves admit it. As a result, a certain situation is created. My hon. friend sitting in the Treasury Bench is well aware of it. The situation is similar to the one which obtained when certain coalition Governments or United Front Governments were formed in some States. An atmosphere was then created that if a particular Minister belonged to a particular party, perhaps the department became the property of that particular party. If in the Government of India, from where you are to have authority all over the country and you have to deal with most sensitive things, that im-

[Shri Pranab Mukherjee]

pression is created, if collective leadership is not there, if collective thinking is not there, if collective responsibility is not there, I am afraid it will not only jeopardise the functioning of Cabinet Government, but it will jeopardise the very existence of the political system in the country. If you want to rectify things, if you think that certain aberrations took place and you want to rectify them, you have to rectify in the desired direction, not with a vendetta, not with words which produce a reaction. I agree with Mr. Bhupesh Gupta when he suggests that in a democracy, the language used should also bear the test of democracy. We may disagree but there is a mode of disagreement in democratic functioning. If the question of Centre-State relations is raised, if the question of giving more powers to the States so far as their finances is concerned is raised or if the question of arriving at a solution through a national debate and discussion is raised, there is nothing wrong. I have no hesitation to place 5 P.M. it on record, it has been established in this country that in a democracy, particularly in our country, perhaps there is very little room for confrontation. If we had no confrontation with the set of ideas stated by Shri Jayaprakash Narayan in those days, if we had opened a national dialogue as suggested by some of the friends, some of those who were not with us, perhaps the situation in this country would have been different. At least there was scope for a dialogue, there was scope for a discussion. And in a democracy there should always be room for a dialogue, there should always be room for a discussion. We may agree or we may disagree. This is a sensitive issue. The Prime Minister may not agree with many of the viewpoints put forward by some Chief Ministers. Even we may not agree with them. Last time when I had the opportunity of taking part in the Budget debate, I told the Finance Minister when he made a very wild promise that he

was going to do away with sales tax, "Mr. H. M. Patel, if you just keep aside your latest political outfit, as Finance Secretary you had your experience; the State Government is not going to listen to you." In this House during the Budget debate, he himself had to admit that it was not possible for him to persuade the State Governments. There are certain areas where we may not be able to come to an agreement. Of course, the way sales tax was administered by the State Governments, there is no hesitation to point out and I agree with his thinking but I disagree with his modalities of getting things done. Therefore, if you want to have a normal functioning of the democratic system, and if you want to do away with the aberrations which, according to them, took place in the recent past, then they should not commit the mistakes which, perhaps, we committed. We have learnt from our experience and we can utter a word of caution to them and we can request them that this is an issue where there is scope for a national debate. Nobody would agree with Mr. Jyoti Basu, but definitely there may be certain areas of agreement with Mr. Jyoti Basu or with any other Chief Minister, because a situation has come when in the near future it may not be possible to have the same party ruling all over the country. ..

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): How much more time do you require?

SHRI PRANAB MUKHERJEE: If you permit me I can resume my speech on the next occasion.

THE VICE-CHAIRMAN (SHRI SHYAM LAL YADAV): Then you will continue your speech on the 17th of March.

सदन की कार्यवाही 6 मार्च, सोमवार,  
11 बजे तक के लिये स्थगित की जाती है।

The House then adjourned at three minutes past five of the clock till eleven of the clock on Monday, the 6th March, 1978.