It is an established practice that the Chair will not compel a Minister to divulge some information in answer to a question when the Minister pleads his inability to do so on the ground of public interest. In the present case, some Members have expressed certain misgivings about the manner of these investments by the LIC and have drawn attention to a criticism that the LIC funds are being invested to strengthen the hands of monopolists. It has been further pointed out that the extent of shareholding of the LIC in the various companies can be found by anyone on an inspection of the records maintained by these companies and also filed by them with the Registrar of Companies.

This House has no doubt the right to discuss the investment policy of the LIC as indeed it has done before.

In view of the established Parliamentary practice to which I referred to in the beginning; I cannot call upon the Minister to disclose the names of the individual companies whose shares were purchased or sold by the LIC during 1968. I would, however, suggest that the Deputy Prime Minister might make a statement clarifying the position regarding these investments and also give as much information as possible to allay any misapprehension that the Members might entertain in regard to these investments.

SHRI BHUPESH GUPTA (West Bengal) : Thank you very much. Will you put a time-limit to it ?

CALLING ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE

CONSTITUTIONAL IMPLICATIONS OF THE CENTRE'S ATTITUDE IN REGARD TO THE DEMAND FOR THE RECALL OF THE GOVERNOR OF WEST BENGAL

SHRI A. P. CHATTERJEE (West Bengal) : I beg to call the attention of the Minister of Home Affairs to the constitutional implications of the Centre's attitude in regard to the demand for the recall of the Governor of West Bengal.

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : Sir, Article 156 of the Constitution provides that the Governor of a State shall hold office during the pleasure of the President and that, subject to such pleasure, the Governor shall hold office for a term of five years from the date on which he enters upon his office. However, the present Governor of West Bengal had requested the Prime Minister towards the end of October, 1968 for a change on personal grounds. He was persuaded to stay on in view of the mid-term elections which were to follow soon. The request made by him is under consideration.

SHRI A. P. CHATTERJEE : According to Article 163 of the Constitution a Governor has to act on the advice of the Council of Ministers. Now, if that is so, will the hon. Minister inform this House, in the name of constitutional propriety and in order to avoid stiff-necked obstinate opposition to the policy of the, Council of Ministers, which otherwise a Governor is bound to obey and to follow, in order to avoid all these things and in order to see that the constitutional machinery in a particular State functions smoothly with a Governor, who has to comply with the advice of the Council of Ministers, according to Artilcle 163 of the Constitution was it not incumbent upon the Central Government to recall the Governor when the United Front Ministry asked the Central Government to have him so recalled ? In this connection may I ask the hon. Home Minister also this ? Is it or is it not a fact that there was this question also looming large that this Governor of the State of West Bengal would try to play, well, not a very fair game with the causes of the summons which were required to be read by him at the beginning of the first session of the Legislature ? Now if the Central Government had complied with the request of the State Government, then this constitutionally critical position, which has been created by the Governor of the State of West Bengal by not reading out the entire address which he has to read in accordance with the constitutional provisions, would it not have been avoided ?

SHRIMATI LALITHA RAJAGOPALAN (Tamil Nadu) : On a point of order, Sir.

SHRI A. D. MANI (Madhya Pradesh) : No point of order.

SHRIMATI LALITHA (RAJAGOPALAN) : There is a point of order. Article 163 of the Constitution says :

> "There shall be a Council of Ministers with the Chief Minister at the head to aid and advise the Governor in the exercise of his functions except in so far as he is by or under this Constitution required to exercise his functions or any of them in his discretion."

So under this Article he can take the advice of the Council of Ministers and at the same time he can use his discretion whether to act on that advice or not.

SHRI BHUPESH GUPTA (West Bengal) : On a point of ignorance.

SHRIMATI LALITHA (RAJAGOPALAN) : No, no, I want to make another point.

MR. CHAIRMAN : There is not point of order; it is a question of clarification.

श्री राजनारायण (उत्तर प्रदेश) : व्यवस्था का प्रश्न बहस का प्रश्न नहीं हो सकता । यह प्रश्न बहस का है, आर्गुमेंट का प्रश्न है । कोई पोइंट आफ़ आर्डर नहीं है ।

SHRIMATI LALITHA (RAJAGOPALAN) : The Article further says :

> "If any question arises whether any matter is or is not a matter as respects which the Governor is by or under this Constitution required to act in his discretion, the decision of the Governor in his discretion shall be final."

So he cannot say that . . .

MR. CHAIRMAN : Now questions for clarification.

SHRIMATI LALITHA (RAJAGOPALAN) : What is your ruling, Sir ?

MR. CHAIRMAN : There is no ruling.

(*Interruptions*)

SHRI A. P. CHATTERJEE : Sir, now what I was asking from the hon. Minister is this that in view of this that the Governor was known to be planning to play not a very fair game with the United Front Ministry in the matter of the Address which they would like him to present, an Address prepared by them and which he is required to read under the Constitution without any amendment and without any alteration, in view of that, well, was it not incumbent upon the Home Ministry of the Central Government to recall the Governor ? I will ask the Home Minister another question also. Is the Central Government really interested in creating a constitutional crisis in the State of West Bengal ? Is the Central Government not interested in allowing the State Government of the State of West Bengal to carry on the Government of West Bengal smoothly and in accordance with the constitutional privileges given to it in a constitutional manner ? If the Central Government was so interested in allowing the United Front Ministry to carry on smoothly and in accordance with the constitutional powers vested in the United Front Ministry, then why—I am asking this question pointedly—why then did the Central Government not recall the Governor when the United Front Ministry asked for his recall ? Secondly, was it not incumbent upon the Central Government to see that the constitutional machinery, which provided for the Governor to act on the advice of the Ministers, was it not incumbent upon the Central Government to see that there should be such a Governor, who would not be stiff-necked, who would not be obstinate and who would not listen to the advice, from outside the State of West Bengal, to the advice of interested persons ? If that is so, then why the Central Government refused to recall the Governor even though it was again and again urged upon the Central Government by the United Front Ministry ?

SHRI Y. B. CHAVAN : Sir, I am not supposed to give the arguments; I am supposed to give the clarifications. My first clarification is about the latter point which the hon. Member raised, namely, what is the attitude of the Government of India towards the West Bengal Government. And I would like to make it clear that we have welcomed the United Front forming the Government in West Bengal. We have welcomed the formation of their Ministry and we have declared our intention to give them full co-operation. That is our attitude towards the West Bengal Government, and, Sir, this is a very serious assurance that is given by the Prime Minister of this country. This Government stands by that assurance.

[Shri Y. B. Chavan]

As far as the question of Governor is concerned, he has asked me why the Government failed to anticipate a situation where certain things were to happen. I do not think any Government could act on a hypothetical basis at that time

(Interruptions)

Secondly, Sir, what happened exactly yesterday, I have not got any report from the State Government and therefore I refuse to comment on it at this stage.

Thirdly, Sir, as far as the change of the Governor is concerned, I have mentioned. What is important is the actual fact and, Sir, the Governor himself has expressed a desire and a wish, and has requested for the change, and I have said, Sir, that the Government of India is considering this proposal. Why was the insistence on his recall necessary, I have not understood. May be they have good reasons; I am not commenting on them and I do not want to comment also. He has himself wanted the change, on personal grounds. I have said that in my report. Therefore, Sir, I think this controversy should not be pursued in a spirit which will unnecessarily create further bitterness, and I would request hon. Members not to pursue this controversy.

SHRI A. D. MANI : I would not like to pursue the matter in that spirit but I want to ask some points of clarification. May I ask the Home Minister whether it did not occur to the Central Government that the policies followed by Mr. Dharma Vira was the issue before the mid-term election, and that the mid-term election was a censure of his policies as recently disclosed in the results of the mid-term election where the issue of his policies was put before the electorate ?

SHRI C. D. PANDE (Uttar Pradesh) : That is our policy.

SHRI A. D. MANI : Why was no action taken by Government immediately after the election ? Why did they wait till this time ? This is the first point I want to raise. The second point is : Does the Government accept the position that the States have a right to be consulted on who shall be their Governors, or does the Centre take the position that it alone shall decide who shall be the Governor of a State ? Has not that right been conceded to the States ? Is not that right being conceded to some States, and are not some States being allowed to exercise the veto ? I believe Gujarat has done it in the past. They said, "We do not want a Central man as our Governor" And he was not sent. And when that has been the position, why has not the request of the West Bengal Government been acceded to by Government ? The third point is : So many conversations took place with Mr. Jyoti Basu and Mr. Mukherjee. I do not want the details of the conversations, but when a Government makes a representation to the Central Government, this House has a right to know what did they ask the Central Government to do. If not the details, at least tell us simply that they wanted the Governor to be recalled. We want at least that information. If you do not give this information, somebody is going to give it in the Wsst Bengal Legislative Assembly. You must respect the sovereignty of this House and its right to be heard upon all these matters. Tell us what were the representations made by these two persons to the Central Government.

SHRI Y. B. CHAVAN : The questions that he raised as Nos. 2 and 3, I have already answered. About the meaning of the elections in 1969 in Bengal, it is a matter of interpretation. It is a matter of political interpretation as to what is the mandate of the electorate; he is entitled to have one view and I am entitled to have another view.

SHRI BHUPESH GUPTA: What is your view ?

SHRI Y. B. CHAVAN : I would interpret the results to mean that the people of Bengal have given a mandate to the United Front to govern West Bengal constittiounally.

SHRI K. P. SUBRAMANIA MENON (Kerala) : Sir, the matter involved is not so simple as the Home Minister seems to suggest. Of course I do not want to create any bitterness on this issue but at the same time we must be clear on one or two points. The essential fact of the matter is that the will of the people as expressed by the result of the elections in West Bengal has been thwarted by an individual, may be because of the power which

he holds with the backing of the Central Government or may be because of some of his own idiosyncracies but the point is, in a matter like this : is the will of the people to be the supreme thing or is the will of an individual however highly he may be placed is to be respected ? This is the essential issue and the essential aspect of democracy, whatever may be its form, is that the people's will should rule supreme in all matters If we consider this as the essential aspect of democracy what happened in West Bengal—the Governor's action—goes against all tenets of democracy whatever may be the constitutional provisions. The constitutional provisions as such are not the main thing, the main thing is the will of the people as to how they wish to have their Government carried on. I would therefore ask the Government why it was not possible for the Central Government to have acted in good grace It is said that Mr. Dharma Vira, had asked to be relieved in October, 1968. There were five months in between and they could have avoided a crisis of this sort and avoided slapping democracy in the face by keeping him there and creating a crisis of confidence in the institutions of parliamentary democracy among the people. They could have avoided it, they could have straightway done it as soon as he asked for it Even after the elections were over there was enough time The elections were over on February 9 and the results were announced on February 14 and there were three weeks in between The Central Government could have saved their face, Mr. Dharma Vira could have saved his face, the United Front Government in West Bengal could have saved its face. They could have done it without prolonging this issue and bringing the whole thing to a crisis. May I know from the Government why they did not anticipate a difficulty like this and avoid this sort of a constitutional crisis ?

SHRI Y. B. CHAVAN . Sir, most of the time the hon Member expressed his views and I have no comments to make on his views As far as the question is concerned, I have replied already

SHRI G GOPINATHAN NAIR (Kerala) : Sir, the hon Minister quoted the constitution to say that the Governor holds office during the pleasure of the President. The West Bengal Government made a request for the recall of Mr. Dharma Vira to the President but the decision against his recall was taken by the Internal Affairs Committee of the Cabinet which might have advised the President not to recall him. If the Internal Affairs Committee of the Central Cabinet has such powers to decide and advise the President on the question of the recall of the Governor has not the Cabinet of West Bengal the same power to advise the Governor as to the contents of his Address to the legislature ?

SHRI Y. B. CHAVAN : I do not know exactly what happened in West Bengal. I have no information about it and I do not want to comment without having any information on the subject.

SHRI CHITTA BASU (West Bengal) : Sir, it is reported in the Press that the copy of the Address which was given to the Governor of West Bengal to be delivered in the joint session of the legislature of West Bengal yesterday found its way to the Home Ministry and the Governor of West Bengal made up his mind under instructions and advice from the Home Ministry from here and in this context may I know what was the ground for the Government of India to advise the Governor of West Bengal to omit certain portion of the Address given by the West Bengal Cabinet to be delivered in the legislature yesterday ? And the contents of those portions omitted have been published in the Press today Will the hon. Minister kindly let the House know what are the portions which were found so objectionable by the Governor and also by the Government of India as not to be read in the House and why it was not found to be in tune with the Constitution of the country ?

Secondly, Mr. Chairman, Sir, the question of the power of the Governor has been raised Is it not obligatory on the part of the Governor of a State to read the Address as drafted and ratified by the Cabinet because this Address outlines the policy of the Government ? By his action of refusing to read the entire Address as given by the Cabinet of West Bengal did not the Governor of West Bengal violate the constitutional obligation he has to discharge as the Head of the executive of the State ? If so, will the hon. Minister be pleased to state in the House whether or not this action of the Governor lays him open to admonition, criticism and dismissal, if not impeachment, because there is no provision for the impeachment of Governor in the Constitution of India ?

[Shri Chitta Basu]

Lastly, may I also know from the hon. Minister whether this attitude of the Centre does not create an impression in the country today that the institution of Governor would be used by the Centre to topple non-Congress Governments in many States which are in existence today and which may come into existence tomorrow thereby straining the already strained Centre-State relations in the country ? In view of all these may I know whether the hon. Minister will say that the Governor of West Bengal should not only be allowed a change but dismissed for his constitutional improprieties so that normalcy can be restored between the State of West Bengal and the Government of India ?

And in conclusion may I also know whether the Government of India is also willing to consult the Government of West Bengal in the matter of placement of another person as the Governor of the State ?

MR. CHAIRMAN : How many questions would you raise ?

SHRI Y. B. CHAVAN : I do not know what all questions he has raised but one thing I must say. He made certain allegations that we had in our possession parts of the Governor's Address. It is not true and we have not advised in any way.

SHRI A. P. CHATTERJEE : But it does not look like it.

SHRI Y. B. CHAVAN : As far as the changeover is concerned I have said that the matter is under consideration.

SHRI A. G. KULKARNI (Maharashtra) : May I know from the Government whether...

श्री राजनारायण : श्रीमन्, इनका क्या है, यह चव्हाण साहब के कमरे में जा कर पूछ लेंगे ।

श्री ए० जी० कुलकर्णी : आप क्या कह रहे हैं ।

श्री राजनारायण : श्रीमन्, हम यह कह रहे थे कि इन को ज्यादा मौका मिलेगा, चव्हाण साहब के घर पर जा कर पूछलें ।

SHRI A. G. KULKARNI : That right you also have got. You can also go there; you can also telephone and ask.

Now, Sir, I want clarification on three points.

Firstly, I want to know whether it is not a fact that the Government of India tried to discuss with the United Front Government in a conciliatory way to find a way out of this problem and to avoid a confrontation and if so, what was the attitude of the United Front Government on the consiliatory attitude taken by the Government of India.

Secondly...

SHRI A. P. CHATTERJEE : What is that conciliatory attitude ?

SHRI A. G. KULKARNI : First let me seek my clarification. Then we can sit together and I shall explain to you.

Secondly, I want to know this. Some friends are putting much emphasis on carrying out the constitutional responsibility by the Governor. The Constitution as well as convention demands that as soon as the Governor or what you call the presiding Officer of the Budget Session—whether he is the President here or the Governor there—enters the House, is it not the duty and courtesy on the part of the Members of the House to stand up ? How do they know that the Governor is not going to read paras 2 and 3 ? So, I want to know whether the Government of India takes a serious view of the flouting of the Constitution by the Members concerned. What is the view of the Government on that ? They only talk of the Constitution. They do not know how to implement it. It is one thing to talk of the Constitution and another thing to implement it. The third point is...

SHRI BHUPESH GUPTA : On a point of order. Where does our Constitution say, as the hon. Member has lectured, that we have to stand up ?

AN HON. MEMBER : There is no point of order.

(Interruptions)

SHRI M. RUTHNASWAMY (Tamil Nadu) : Standing up is a matter of manners, not of the Constitution at all.

SHRI A. G KULKARNI : My last point is this. Really the need of the country today is to have a conciliatory and compromising attitude to the Governments elected by the people. In this connection, the Central Government and the State Government, of whatever party it be, must pull together. It is of immense necessity to see that we must all pull together with a sense of compromise and understanding each other. Would the Government of India impress upon the United Front Government in Bengal to behave like this ?

SHRI Y. B. CHAVAN : As far as the third part of the question is concerned it is certainly necessary for all Governments, including the Central Government, to have a conciliatory attitude and to give due co-operation. I do not want to make any allegation against the West Bengal Government on this matter. Effort will have to be made for a conciliatory approach and I think these efforts will succeed. As far as what happened is concerned, whether somebody stood up or did not stand up, I have not got any official information. I cannot comment on it.

DR. B. N. ANTANI (Gujarat) : Do not try to be too clever.

श्री राजनारायण : श्रीमन, मैं यह जानना चाहता हू कि क्या घर मत्री जी का ध्यान सविधान के उन अनुच्छेदो की ओर आकर्षित हुआ है या नही जिनमे राज्यपाल के तीन कर्म बताए गए है, एक तो है राष्ट्रपति का एजेन्ट, दूसरा है उसका स्व-विवेक और तीसरा है मत्रिपरिषद की सलाह से काम करने की आवश्यकता ।

श्री अकबर अली खान (आध्र प्रदेश) : स्व-विवेक क्या है ?

श्री राजनारायण : डिस्क्रीशन । एक एजेन्ट, दूसरे डिस्क्रीशन और तीसरे केबिनेट की सलाह से काम करना, ये उसके तीन काम है । (*Interruption*) अगर कोई आदमी स्व-विवेक नही समझता तो हम डिस्क्रीशन कह दे रहे है, स्व-विवेक डिस्क्रीशन का अर्थ है । तो, श्रीमान, राज्यपाल राष्ट्रपति के एजेन्ट की हैसियत से कोई गलत काम कर दे तो उसमे इम्पीचमेट आफ प्रेज़िडेन्ट हो सकता है या नही क्योकि हमारे सविधान मे प्रेज़िडेन्ट को इम्पीच करने का अधिकार है ।

एक माननीय सदस्य : गवर्नर के लिए नही है।

श्री राजनारायण : गवर्नर के लिए इसीलिए नही हुआ क्योकि गवर्नर जो प्रेज़िडेन्ट के एजेन्ट की हैसियत से काम करेगा उसका सारा भार प्रेज़िडेट पर जायगा । हमने काफी तीन-चार दिन तक इसको देखा है, हम विद्यार्थी है कास्टीट्यूशनल हिस्टरी के, इसलिए मै बता रहा हू । आपके द्वारा मै माननीय मत्री जी से निवेदन करना चाहता हू कि इसको समझ कर आगे काम करने की कृपा करे —

> "Since the dismissal of the Fox-North coalition in 1783, there has been no instance of dismissal of any Ministry in England too."

1783 के बाद किसी सरकार को बादशाह डिसमिस कर दे इसका कोई नमूना नही है । श्रीमन, यह सारा मामला इसलिए उठा क्योकि राज्यपाल ने एक इतना गलत कदम उठाया कि पश्चिम बंगाल की सरकार को डिसमिस कर दिया । यही मूल है—

> "As Laski put it, the King's dismissal of the Ministry is the abandonment of his neutrality. He has, by their dismissal, asked the country to reject their views and has thereby proclaimed his own."

पश्चिम बगाल मे शुद्धत. यही किया राज्यपाल ने । राज्यपाल ने अपने डिस्क्रीशन मे वहां की मत्रिपरिषद को डिसमिस किया । मतलब क्या हुआ ? वहां की जनता के द्वारा जो वहा की सरकार चुनी गई उस जनता की इच्छा न रहे बल्कि उस राज्यपाल का स्व-विवेक उसकी इच्छा का रूप ग्रहण करके वहा पर प्रतिष्ठित हो जाय, यह राज्यपाल ने काम किया । तो राज्यपाल एकाउन्टेबिल किसी को होगा या नही । राज्यपाल के डिस्क्रीशन का यदि गलत इस्तेमाल होता है तो राज्यपाल किसके प्रति जिम्मेदार होगा, इसकी कही खोज पड़ताल इस सरकार ने की या नही ? मै आगे कहना चाहता हूं कि

[श्री राजनारायण]

पार्लियामेंटरी गवर्नमेंट इन इंग्लैंड 1950 का 407 पृष्ठ अगर सरकार पढ़ेगी तो उसको मालूम हो जायगा कि—

"Dismissal is an extreme step which, in England, could involve the very survival of monarchy."

कहा गया है कि अगर इंग्लैंड में भी बादशाह वहां की सरकार को डिसमिस कर दे तो वहा क्या होगा । मोनार्की आएगी, यह मोनार्की का सर्वाइवल होगा । इसी प्रकार से वहां का उदाहरण यहां ले लिया जाय । यहां डेमोक्रेसी है, यहां जनतंत्र है, अगर राज्यपाल को हम इतनी हस्ती और सत्ता दे दें कि राज्यपाल अपने स्व-विवेक का इस्तेमाल करके जब चाहे किसी सरकार को डिसमिस कर दे तो वह राज्यपाल उस समय वहां का मोनार्क हो जायगा । इस सत्ता को प्रतिष्ठित करके यह कदम उठाया जा रहा है ।

"It is sufficient to recall the execution of Charles I to appreciate how the British deal with their erring Kings."

अपने गलती करने वाले बादशाहों से इंग्लैंड की जनता कैसे व्यवहार करती है, यह हमारे माननीय घर मंत्री जी चार्ल्स फर्स्ट से सबक लें । वे चार्ल्स फर्स्ट से सबक लेने के लिए तैयार होंगे या नहीं ? यह मैं इसलिए कह रहा हूं क्योंकि भारतवर्ष की जनता में अगर जनतंत्री स्व-विवेक से उठे तो सारे का सारा दोष श्री यशवन्तराव चव्हाण का होगा क्योंकि यही घर मंत्री हैं और जिस तरह से चार्ल्स फर्स्ट के साथ हुआ वही घटनाएं यहां की जनता अपने जनतंत्री स्व-विवेक से कर सकती है । यह कोई मामूली काम नहीं हुआ है । इसलिए मैं इसको बता देना चाहता हूं ।

"The provision for impeachment in the Indian Constitution provides safeguards against an indiscreet President".

श्रीमन, प्रेज़िडेन्ट के...

MR. CHAIRMAN : Mr. Rajnarain, you need not tell us about the history of England. Most of us have read the history of England. You have explained sufficiently your point of view. Therefore, you may kindly put a question for clarification.

श्री राजनारायण : अगर इस बात की जानकारी है तो हमारा यह प्रश्न है कि हमारे कांस्टीट्यूशन में जब प्रेज़िडेंट को इम्पीच करने का हक रखा है, जो प्रेज़िडेंट इलेक्टेड है, जिस प्रेज़िडेंट का चुनाव होता है, उस प्रेज़िडेंट की सत्ता राज्यपाल की सत्ता से कई गुनी ज्यादा है तो जब प्रेज़िडेंट का कांस्टीट्युशन के साथ अन्याय करने में इम्पीचमेंट है तो क्या राज्यपाल को कहीं इम्पीच करने की गुंजाइश होगी या नहीं होगी, यह हमारा प्रश्न है ।

MR. CHAIRMAN : I cannot give you more time. You have already taken ten minutes. You may take another three minutes.

श्री राजनारायण : थोड़ा समय हमें दीजिये । इस सवाल पर आप डिसकशन रखिये, यह इतना अहम सवाल है और इसीलिये मैं पहले ही निवेदन कर रहा था कि हमारा . . .

MR. CHAIRMAN : So far as this matter is concerned, I cannot give you more time.

श्री राजनारायण : जब आप ऐसे आ गये तो हम भी अपने राइट पर आ जाते हैं । हम समझ रहे थे कि आप हमें ठीक से पढ़ने देंगे । हमारा कालिंग अटेंशन है । वह यह है : "पश्चिमी बंगाल सरकार द्वारा राज्यपाल श्री धर्मवीर को वापस बुलाने का अनुरोध और केन्द्रीय सरकार द्वारा राज्य सरकार के अनुरोध का अस्वीकार करना, राज्य सरकार द्वारा राज्यपाल के अभिभाषण का प्रारूप तैयार करना और राज्यपाल द्वारा उसमें संशोधन की सिफारिश को मंत्रि परिषद द्वारा अस्वीकार कर देना, से उत्पन्न सांवैधानिक संकट पर" । इतना बड़ा हमारा कालिंग अटेंशन था, इसलिये मैं यह कहना चाहता हूं . . .

SHRI KRISHAN KANT (Haryana) : Sir, on a point of order. You have admitted the calling attention notice as it is listed

here. He is reading the calling attention as given by him. So, the question is clarifications can be asked on this calling attention and the statement made by the Home Minister. He is reading other points which are irrelevant.

MR. CHAIRMAN : If you want clarification on some other matter which is not here, make a separate motion, I shall consider. You should not do that.

श्री राजनारायण : ठीक है । आप जरा कृपा कर के सुनें तो अपने अधिकार और कर्त्तव्य की ओर भी देखने की अनुकम्पा करें । मैं यह कहना चाहता हूं कि सदन में जितने लोग अब तक बोल चुके हैं उनमें से किसी ने मिनिस्ट्री के डिसमिसल की बात उठाई, किसी ने सदस्यों के राज्यपाल के आने पर न उठने की निन्दा की, किसी ने कुछ कहा और किसी ने कुछ कहा लेकिन उसके लिये आपने नहीं टोका ..

सभा नेता (श्री जयसुख लाल हाथी) : टाइम की बात है ।

श्री राजनारायण : . . . और जब घर मंत्री और पूरी केन्द्रीय सरकार की जिम्मेदारी मैं निकालने लगा तो आप क्यों टोकने लगे ।

MR. CHAIRMAN : Raise it in a few words.

श्री राजनारायण : सुनिये । अब तक तो खत्म हो गया होता । मैं आपकी जानकारी के लिये विशेष तौर से और सदस्यों की जानकारी के लिये विशेष तौर से कहना चाहता हूं कि आयंगर साहब जो कि लोक सभा के अध्यक्ष रह चुके थे उनका जब फेयरवेल एड्रेस हो रहा था तब क्या बात हुई । क्या उस फेयरवेल एड्रेस की जानकारी माननीय मंत्री जी को है कि उन्होंने क्या कहा? उन्होने यही कहा है कि आज अन्य राज्यों के गवर्नर जिस ढंग से काम कर रहे हैं यदि मैं भी वैसे ही केन्द्रीय सरकार की इच्छा के सामने झुकता तो मेरा टर्म बढ़ गया होता, पांच साल नहीं पंद्रह साल तक ।

श्री जयसुख लाल हाथी : कौन कहते हैं ।

श्री राजनारायण : आयंगर साहब ।

श्री शीलभद्र याजी (बिहार) : यह कहां बोले ।

SHRI RAJNARAIN : "While speaking at the farewell function organised on the eve of his retirement from office Mr. Ayyangar said"...

MR. CHAIRMAN : This has nothing to do with this.

श्री राजनारायण : है । इसीलिये मैं माननीय मंत्री जी से कहना चाहता हूं कि चूंकि श्री धर्मवीर एक एक मिनट, एक एक पग केन्द्र की सरकार से पूछ पूछ कर उठाते हैं इसलिये यह बात है । क्या यह सही नहीं है कि धर्मवीर जी वहां पर क्यों गये मैं आपको बता दूं कि श्री धर्मवीर को मैं जितना जानता हूं उतना शायद घर मंत्री नहीं जानते क्योंकि वह महाराष्ट्र से आते हैं और मैं उत्तर प्रदेश से आता हूं । श्री धर्मवीर को वहा केन्द्र की सरकार ने क्यों रखा ? धर्मवीर जी को वहां केन्द्र की सरकार ने क्यों रखा ? धर्मवीर जी के डिसक्रिशन से जो काम हुआ है उस काम को वहां की जनता ने ठुकरा दिया ।

MR. CHAIRMAN : You are going into irrelevant matters.

श्री राजनारायण : साहब, आप समझ नही रहे हैं।

MR. CHAIRMAN : I want you to put a question for clarification or you put a separate motion. I will not allow you more than two minutes.

श्री राजनारायण : ठीक है । आप जरा उसको कान में लगा लें । उसको आप कान में तो लगा लें । दो मिनट आप ही बोलेंगे तो क्या होगा ।

SHRI SHEEL BHADRA YAJEE : Do not cut joke with the Chairman. Obey the Chair. Nonsense.

श्री राजनारायण : क्या यह संसदीय प्रथा है? अगर वह नानसेंस कहें, बदतमीजी करें तो अब बाकी क्या रह गया है । तो मैं करूंगा नहीं, लेकिन बाकी यह रह गया है कि यहां से उठा

[श्री राजनारायण]

कर चप्पल फैके, वह मैं नहीं करूंगा । आप ऐसी बदतमीजी से इस संसद् को बचायें ।

SHRI SHEEL BHADRA YAJEE : Your behaviour here is a shameless act.

श्री राजनारायण : सदन के बाहर जा कर माफी मांगते हो और सदन में अकड़ते हो, बदतमीज कहीं के ।

श्री शीलभद्र याजी : चेयर को ओबे नहीं करता । बदतमीज आप हैं कि मनगढ़ंत तथा असत्य बात बोल रहे हैं ।

श्री राजनारायण : क्यों बदतमीजी दिखा रहे हो, सदन के बाहर हमसे माफी मांगे और यहां इस तरह की तेजी. . .

श्री शीलभद्र याजी : फिर आप मनगढ़ंत तथा असत्य बातें कर रहे हैं ।

MR. CHAIRMAN : You go ahead please. You go ahead.

श्री राजनारायण : श्रीमन्, मेरा सवाल यह है कि इस सरकार के विवेक में यह बात क्यों नहीं आई कि जब राज्यपाल की स्वेच्छा से जो युनाइटेड फ्रंट सरकार डिसमिस हुई वही सरकार जब फिर आ गई तो उनको वापस बुला लेते । इस सरकार को यह विवेक क्यों नहीं आया ? और यह विवेक न आ कर के जो गल्ती श्री यशवन्तराव चव्हाण ने उस समय की, राज्यपाल से डिसमिस करा कर के युनाइटेड फ्रंट के हाथ में ज्यादा ताकत देने की, वही गल्ती आज चुनाव के नतीजे की घोषणा के बाद राज्यपाल को वापस न बुला कर घर मंत्री फिर कर रहे हैं । इसलिये मेरी मांग है, मैं चाहता हूं कि जब इस देश में ऐसी स्थिति हो गई कि संविधान चल नहीं पा रहा है तो घर मंत्री का सुविवेक खुद उनको क्यों नहीं बाध्य करता कि घर मंत्री इस्तीफा दें और सारा जो कर्म हुआ है धर्मवीर का उसकी जिम्मेदारी लें और जिम्मेदारी ले कर कहें कि हमारा पाप हमको खा गया इसलिये हम इस्तीफा दे रहे हैं । यह हमारा सीधा सा सवाल है ।

श्री महाबीर प्रसाद भार्गव (उत्तर प्रदेश) : एस०एस०पी० का पाप आपको खा जायेगा ।

SHRI Y. B. CHAVAN : Sir, the hon. Member started putting his question in a very right manner and I think he stated the constitutional position very correctly that the Governor has got three functions, and then he proceeded further to put me certain constitutional questions. Again he cited some examples of the history of England also. My answer to his question is that, really speaking, the answer is in the question itself that he put. The Governor has got different aspects of functions to do and he himself has mentioned that he has discretionary powers. What happend in this particular case ? Because he was generally discussing the Constitution, therefore I mentioned it. As far as the Bengal situation is concerned, I do not want to go into the details because no clarification as such is necessary in this matter. Some of the facts which are yet not known, I do not want to go into that. But I personally would ask one counter-question. As far as the Government was concerned Government was considering the request of the Governor for a change. That is exactly what was wanted. Where was the necessity of all these constitutional difficulties or creating a sense of bitterness ? I would still request hon. Members not to proceed in this spirit.

SHRI BHUPESH GUPTA : I would strictly confine myself to the calling attention notice. It relates to the question of recall of the Governor prior to the joint session, which was yesterday. Another point as to what happened yesterday, the Governor's conduct of skipping over certain portions of the speech, that matter is not the subject-matter of discussion. I have given notice of a regular motion where this question should be discussed in all seriousness, the constitutional, political and other implications. I hope you will provide for a discussion. With regard to the suggestion for the recall or proposal for the recall of the Governor prior to 6th of March, that is to say, the date of the joint session of the two Houses of the West Bengal
1 P.M. Legislature Sir, from what the hon. Minister has said, it is quite clear that the Governor

himself wanted to leave West Bengal and as early as October last year, he had written to the Prime Minister requesting her to remove him from West Bengal. It remains to be explained why that was not done. The Governor, according to the hon. Minister, gave grounds of health. Well, I would like to know if our Prime Minister had any medical examination made of the Governor in order to find out if he was in sound health. Why was he not taken away especially when the United Front even before the election had demanded his removal and 40,000 people of West Bengal had earlier gone to jail in support of this demand, as a protest against the action of the Governor ? It remains to be explained. Even so, if they did not remove him last year, why before the election or immediately thereafter was he not removed to another State or wherever it may be—I am not going into that—in view of either the political situation in that State or in view of the results of the elections ? That remains to be explained. Do I take it that the Central Government was trying to engineer a situation in which they thought that they would be in a better position to discredit again—if they could—the West Bengal United Front Government ? It was a provocation which they gave yesterday. But it must be said to the eternal credit of the United Front and the United Front Government that they behaved with great dignity and with great confidence in what they were doing. Therefore, Sir, it should be explained why the removal was not made.

Now, the hon. Minister said that it is under consideration. I should like to know when the file was put up before the Cabinet and when the matter came under active consideration. Is it not a fact that one of the reasons why in December and January the Governor was not removed was that the Central Government here were expecting that the United Front would be defeated and that the Congress would again come to power there ? If Mr. Chavan will permit me, I can quote him, and since he is here, I would like to quote him. I happened to meet him on the 8th of January at the Banaras Airport. He was coming after an election campaign from West Bengal and Bihar. I was also coming to Delhi from my campaign in U.P. Mr. Chavan was very nice; he took me to his VIP room and gave me coffee. Only one thing he said. You listen. He is here. I am quoting his words. Immediately I took them down. He said, "Bhupesh, we are defeating you in Bengal this time" I said "Mr. Chavan, I do not think so" With his smile, Mr. Chavan said this thing. He will not deny it, I am sure. Is he aware that even after the polling had been completed but before the results were announced the Governor met some people including some foreign personalities—I will not name them—and told them that in this election the United Front would not get a majority but the Congress might get anything between 120 to 160 seats ? Therefore, it was quite clear that they were expecting that the United Front would be defeated and...

MR. CHAIRMAN : I would like to suggest that private conversations between friends need not be brought in; otherwise there is a danger. We talk about so many things. I talk about so many things in my Chamber and if quoted, what will happen ?

SHRI BHUPESH GUPTA : Therefore, please understand. Mr. Chavan is a sportsman. On the very first day of the Budget Session, I went to him, reminded him of what he had told me and he admitted and he congratulated the West Bengal United Front for proving him wrong. That is all right.

Now, Sir, one relevant question is there which Mr. Chavan should clarify. Mr. Chavan has said that they did not give any instruction to the West Bengal Governor not to read any portion of the Address. Yesterday he said it, I repeat it. But, Sir, the United Front demanded the recall of the Governor. When they formed the Government, this was one of the first decisions. A letter was written to the Prime Minister by the Chief Minister. Telephone conversation went on.

Secondly, Mr. Chavan also knew—and the Government knew—that the problem would arise there in regard to the Address and it was almost in the air, in the Press, that the Governor might not read a certain portion. Not only that. Yesterday, the Attorney-General gave an opinion before the Address was made—The Times of India carried it—that the Governor need not read every paragraph in the Address. In view of this, why did not the Central Government issue a direction under article 256 of the Constitution asking the Governor that in view of the controversy which has arisen, the Governor should read the entire Address without skipping

[Shri Bhupesh Gupta.]
over any passage ? Sir, that article clearly lays down that the Central Government can issue a direction in the case of the Governor. That also has to be borne in mind.

Before I sit down, all that I can say is that the Central Government deliberately kept him there in order to provoke again the West Bengal people and engineer a situation where they thought that a crisis would arise in which they would get the better of the West Bengal United Front Government. Now that this has boomeranged, would they now consider immediately recalling the Governor from West Begngal and give a clear assurance also that the appointment of the next Governor of West Bengal would be made not only in consultation with, but also with the prior acceptance of, the West Begnal United Front Government?

These are the questions confined to this particular issue of the matter. I am not going into the other things. I hope that you will allow a discussion with regard to the bigger question of the Governor's conduct yesterday. Mr. Jayaprakash Narain has made a statement and accused the Governor of undermining the Constitution. Mr. Jayaprakash Narain is not a party man. Therefore, we shall take this matter to the National Integration Council's Standing Committee which is meeting in March.

SHRI Y. B. CHAVAN : I am glad that hon. Shri Bhupesh Gupta has classified these two different things. About what happened yesterday, etc. if the hon. Member desires to discuss this matter at some suitable time, I will have no objection for such a discussion.

He asked a question why it is that after October he was not removed. I would like to point out two things to him that, first of all, it was intended to hold the elections in November. Unfortunately, there were very heavy floods in West Bengal. And when such an adversity comes, is it right to change administrators ? As the mid-term elections were round the corner and as a very difficult situation was there in the life of West Bengal, we did not think it wise to change the horse in midstream.

SHRI BHUPESH GUPTA : I see dark horse of the Congress Party.

SHRI Y. B. CHAVAN : Well, that is not horse sense, I should say.

SHRI BHUPESH GUPTA : Horse, you said. Only one horse is involved.

SHRI Y. B. CHAVAN : Anyway, for very good administrative reasons, we decided not to change him. I do not think that the Government's decision in that matter was wrong. It was oriented in a very good sense for the welfare of the people of West Bengal, as a matter of fact.

As far as the other matters are concerned, we are going to discuss them later on and we can certainly take them up.

SHRI BHUPESH GUPTA : I have got a reasonable doubt. Why didn't you exercise your power under article 256 when the Attorney-General spoke and other spoke and instruct the Governor that he should read out the entire thing instead of creating the crisis that he has created ?

SHRI Y. B. CHAVAN : You are coming to what has happened yesterday. I do not have facts officially, I just cannot speak.

Sir, you have very rightly advised him. But he has brought in the conversation that we had as two friends. I was at Banaras Airport not as Home Minister, I was there as a Congress leader, and I happened to meet another Communist leader. So, we met together and we were exchanging our assessments. He told me that my party was going to be defeated there this time.

SHRI BHUPESH GUPTA : I see. Therefore, do I expect that he did not believe in what he told me ?

SHRI Y. B. CHAVAN : As I was expecting the defeat of his party in West Bengal, he was expecting the defeat of my party in U.P.

SHRI BHUPESH GUPTA : I never told you that.

SHRI Y. B. CHAVAN : It was an exchange of assessment of two friends in the political sense. I do not mind his bringing it here because he brought it in a good sense, I should say. Sir, there is nothing more to be explained as far as this question is concerned.

श्री निरंजन वर्मा (मध्य प्रदेश) : मैं श्रीमान से यह जानना चाहूंगा, गृह मंत्री अगर जरा ध्यान दें, कि बंगाल में मोर्चे की विजय के बाद उन लोगों ने धर्मवीर साहब को हटाने के लिये आपसे मांग की और उसके बाद आपने उसका कोई उत्तर नहीं दिया, बल्कि केन्द्रीय सरकार की तरफ से यह कहा गया कि उनको नहीं हटाया जायेगा, उसके बाद फिर यह प्रचार में लाया गया कि धर्मवीर साहब ने तो आप से कई महीने पहले वहां से आने की मांग की थी और उस पर हम विचार कर रहे हैं। तो मैं इस से जनता में यह भ्रम फैला है कि, चाहे आप कुछ भी क्यों न कहे लेकिन आप ने बहाना लिया, वहां के लोगों के सामने आप झुक गये हैं। तो क्या यह मतलब नहीं निकलेगा।

धीरे धीरे यदि इसी प्रकार केन्द्र प्रान्तीय सरकारों के, कुछ लोगों के सामने झुकता चला जाय और उन की इच्छाओं के सामने बारबार नमन करता रहा तो आगे चल कर केन्द्र कमज़ोर पड़ जायगा और प्रान्तीय सरकारें ज्यादा बलवान हो जायेंगी तथा उस से केन्द्र के कमजोर पड़ जाने से आप के प्रजातन्त्र को खतरा उत्पन्न हो जायगा। क्या यह श्रीमान के ध्यान में है ?

SHRI Y. B. CHAVAN : Sir, the hon. Member has raised another aspect of the problem. We never decide questions on the point of prestige as such.

PAPERS LAID ON THE TABLE

NOTIFICATIONS UNDER THE INDIAN TELEGRAPH ACT, 1885

THE MINISTER OF STATE IN THE MINISTRY OF INFORMATION AND BROADCASTING AND IN THE DEPARTMENT OF COMMUNICATIONS (PROF. SHER SINGH) : Sir, I beg to lay on the Table, under sub-section (5) of section 7 of the Indian Telegraph Act, 1885, a copy each of the following Notifications of the Department of Communications (Posts and Telegraphs Board) :—

(i) Notification G.S.R. No. 247, dated the 24th January, 1969 (in English), publishing the Indian Telegraph (Second Amendment) Rules, 1969.

(ii) Notification G.S.R. No. 248, dated the 24th January, 1969 (in Hindi), publishing the Indian Telegraph (Second Amendment) Rules, 1969.

[Placed in Library. *See* No.LT-215/69 for (i) and (ii)].

NOMINATION TO THE GENERAL ASSEMBLY OF THE INDIAN COUNCIL FOR CULTURAL RELATIONS

MR. CHAIRMAN : I have to inform Members that I have nominated Shri Ram Singh to be a member of the General Assembly of the Indian Council for Cultural Relations.

Statement by the Leader of the House.

SHRI BHUPESH GUPTA (West Bengal) : Sir, what about the other thing—I wanted to invite attention immediately to that; otherwise it will not be relevant—the reported swearing in of the Raja of Ramgarh...

MR. CHAIRMAN : I have not given permission, I am sorry. You can bring it later.

SHRI BHUPESH GUPTA : To-day ?

MR. CHAIRMAN : Not to-day.

SHRI BHUPESH GUPTA : Sir, the High Court has passed strictures, the Supreme Court has passed strictures...

MR. CHAIRMAN : No, I had not given you permission. You can put it on Monday.

The Leader of the House.

ANNOUNCEMENT *RE* GOVERNMENT BUSINESS

THE LEADER OF THE HOUSE (SHRI JAISUKHLAL HATHI) : With your permission, Sir, I rise to announce that Government business in this House during the week commencing Monday, the 10th March, 1969, will consist of—

(1) Further discussion on the statement made by the Minister of Industrial Development, Internal Trade and Company Affairs on the 18th February, 1969, in regard to the allegations against the Birla Group of industries.

(2) Discussion on the Railway Budget for 1969-70.

(3) General discussion on the General Budget for 1969-70.