

SHRI NIREN GHOSH (West Bengal): We will ask for clarifications later.

THE DEPUTY CHAIRMAN: You may lay it on the Table of the House.

PROF. V K.R.V. RAO: Yes, Madam. With your permission, I lay on the Table of the House a statement on the grounding of M.V. "Vishva Shanti" near Constantza port on the 1st March 1968.

THE DEPUTY CHAIRMAN: Copies must be circulated to the Members of the House and they may ask for clarifications tomorrow. Now we go back to the debate. Mr. Mookerjee.

RESOLUTION RE PROCLAMATION BY THE PRESIDENT UNDER ARTICLE 356 OF THE CONSTITUTION IN RELATION TO WEST BENGAL—*Continued*—

SHRI C D. PANDE (Uttar Pradesh): The voice of Bengal

SHRI VIDYA CHARAN SHUKLA: We should hear him without interruption.

SHRI DEBABRATA MOOKERJEE (West Bengal): Madam Deputy Chairman . . .

SHRI BHUPESH GUPTA: I assure you, I would not interrupt. My only request is: For goodness' sake, tell the truth.

SHRI DEBABRATA MOOKERJEE: Madam, I have profited a good deal from the advice given by my friend, Mr. Bhupesh Gupta. He has advised me to tell the truth and nothing but truth. This is a piece of advice which I should endeavour to follow not only today and here but for the rest of my life. But I would expect Mr. Gupta at the same time to follow the same advice. But the trouble is that we always look at events through coloured glasses. Mr. Gupta's glasses are coloured red.

SHRI BHUPESH GUPTA: Madam, this is a reflection on my glasses. My glasses are not red.

SHRI DEBABRATA MOOKERJEE: My glasses are coloured white. It is a neutral colour; it is in fact no colour at all in scientific terms. There-

fore I am more prone—I use the word advisedly—towards truth than perhaps Mr. Gupta is. I am in perfect agreement with him when he says that in the circumstances which prevail in West Bengal it is necessary that we face the electorate and we know their mind. It is Mr. Gupta's hope that the policy which has been pursued by his Party or more properly the United Front Party in West Bengal is a policy which is likely to be endorsed by the people at the polls. It is equally my hope that the Congress Party, when it faces the electorate, will face them boldly and put forward before them its programme and invite their candid opinion and that opinion is expected to be reflected in a clear and unequivocal manner this time, according to us, in our favour and, according to Mr. Gupta, in favour of the Party to which he belongs. (*Interruption*) I will not attempt to vilify anybody or any Party but I do not propose to deny myself the right of which Mr. Gupta freely availed himself of, putting his interpretation upon the events that have overtaken West Bengal during the 9-month regime of the United Front Government.

Madam, it would have been very helpful for me if I could get some statement from Mr. Gupta which would clearly show in true light the performances of the Party to which he belongs. Unfortunately no such clear statement is available. But there is a statement to which I must call the attention of the House. That is a statement of a very authentic nature made by no less a person than Mr. Ajoy Mukerjee. You will remember, Madam, Mr. Mukerjee listed four points and to those four he added a fifth.

SHRI BHUPESH GUPTA: On a point of order, Madam. We are discussing the Proclamation, i.e., the act of dissolution and dismissal. That relates only to that period. It does not go beyond that period. Therefore he should confine himself to that particular period.

THE DEPUTY CHAIRMAN: Mr. Gupta, please take your seat.

SHRI DEBABRATA MOOKERJEE Madam only two minutes ago Mr Gupta did not hesitate to hang three persons by the swing of one rope One was Dr Ghosh, another was the Home Minister and the third gentleman to share the honour was Mr Dharma Vira The four points to which Mr Ajoy Mukerjee referred were briefly these He was completely disillusioned with the policy and programme of the United Front Party

(Interruptions)

SHRI BHUPESH GUPTA Madam, I wanted to relieve him of the anxiety of my presence here

SHRI DEBABRATA MOOKERJEE Madam, I have grown accustomed to Mr Gupta's ways I have grown equally accustomed to his puckered-up brows clenched fists and his pursed-up lips displaying a beautiful set of white teeth against the background of an ebony face If Mr Bhupesh Gupta will forgive me, I am inclined to think that the Spanish Poet, Cervantes, did not write in vain He anticipated my friend, Mr Bhupesh Gupta, when he conceived the character of Don Quixote who mistook every wind-mill for a giant and every country wench for a damsel in distress Mr Gupta sees some danger of dark designs lurking, not only in the mind of the Home Minister or the Minister of State for Home Affairs but everywhere I wish to tell Mr Gupta there is no such danger anywhere except perhaps in his own mind I think I can as an elderly person advise Mr Gupta not to look at the world through a coloured glass but to look at things as they are He is free to approach the electorate to acquaint them with the policies of his Party he is welcome to do so just as we on this side of the House, the Congress, should be allowed to approach the electorate, face them and acquaint them with our policies and programmes and get their verdict We shall bow our heads to that verdict,

SHRI BHUPESH GUPTA Madam when they bow their heads, they pick some pockets

SHRI DEBABRATA MOOKERJEE Madam my friend seems to be suffering from kleptomania Mr Ajoy

Mukerjee of the United Front was thoroughly dissatisfied with his own Party he said that in the industrial field there was widespread discontent there were disorders, ghettos and inhuman treatment meted out to the people running the industries and there were a very large number of cases of physical violence Secondly he said that certain political parties were determined to organise the landless labour moving about with weapons and forcibly occupying the lands of the jotedars Thirdly lawlessness has raised its ugly head throughout the State and it was receiving active encouragement from some of the political parties which had joined the Government Fourthly a wing of a political party had openly invited China to help the party in bringing about an aimed revolution Lastly out of great sorrow he referred to an instance of physical humiliation and insult he had received at the hands of people who were connected with some sections in his own Government namely the U F Government These are matters of history I cannot improve upon them nor can Mr Gupta with all his ingenuity take away from them So when Mr Gupta says that Dr Ghosh's Ministry was responsible for doing this for doing that and for doing the third thing he ought also to remember what his erstwhile Chief or his prospective Chief himself said in connection with certain sections of the party belonging to the U F Government Let us hope that the U F people will not show Mr Ajoy Mukherjee the same courtesy as they had shown him in the past The courtesy consisted in giving him a blow in the morning apologising to him in the noon and slapping him on the cheek in the afternoon It is a matter of deep shame that Mr Gupta should have thought it necessary to talk of unity in the U F The U F was united only in utter confusion and in complete disunity In the morning they would take a decision in the Calcutta net and in the afternoon they would have it condemned publically in meetings in the parks and squares of Calcutta Why? It is because the U F Government had lost completely its control over a rebellious section of

their party which is still showing its fangs and telling them that they are betraying the true interests of the party by entering into some kind of an alliance with the consequence that the U.F. Government as it was in the past was a reactionary Government, and if it succeeds in forming a Government in the near future, it will be no better than the 'B' team of the Congress Party. So this is the story of the much vaunted unity. This is the story of collective ministerial responsibility to which Mr. Gupta thought fit to draw the House's attention pointedly. I will not add to that story. I will only ask Mr. Gupta, through you, to remember certain cardinal things. He knows them all right but in the enthusiasm of indulging in fireworks, he forgets them, and allows his better judgment to be warped by considerations which are wholly extraneous to the question in hand. I will ask Mr. Gupta to advise his party—he is a gratuitous adviser—to respect law and order. I will request Mr. Gupta to go about the countryside and preach that democracy can live and flourish only if the rule of law is firmly established.

SHRI BHUPESH GUPTA: Democracy lives in Mr. Ghosh's permit box. It has been living so for 20 years—in the permit box of Mr. Ghosh and Mr. Profulla Sen . . .

(Interruptions)

SHRI DEBABRATA MOOKERJEE: Mr. Gupta is terribly fond of digging a man's past. If he digs up my past . . .

SHRI BHUPESH GUPTA: Not your past. If I were to dig up yours, I know you were once a very good lawyer, you contested the elections and we defeated you in the first General Elections and Mr. Atulya Ghosh made you a Judge through the Government. I have not said that.

SHRI DEBABRATA MOOKERJEE: If he is anxious to dig up my past, he is welcome to do so but I can assure him that he only dig in for gold. He is anxious to explain the genesis of people and their emergence into this House. I do not grudge him that exercise but I shall refrain from referring to the genesis . . .

SHRI BHUPESH GUPTA: You never won any elections.

SHRI DEBABRATA MOOKERJEE: . . . of Mr. Gupta and his emergence here. He came here because of certain forces of disruption, of dishonour, that had grown in that part of the country.

SHRI BHUPESH GUPTA: He said that I came here because of forces of disruption. It is better to come as representing them than represent Mr. Ghosh.

SHRI NIREN GHOSH (West Bengal): The Congress is utterly in disorder.

SHRI DEBABRATA MOOKERJEE: I do not grudge.

SHRI BHUPESH GUPTA: How is it? This is a reflection on our elections. We defeated him and he became a judge. He should be grateful to us. You were defeated, Mr. Roy, out of sympathy, made you a judge. Everybody knows it. Can you deny that?

SHRI DEBABRATA MOOKERJEE: I can stand Mr. Gupta's ignorance but I cannot stand his arrogance. When ignorance is united to arrogance, it becomes absolutely intolerable. I wish Mr. Gupta acquainted himself with the procedure of appointment of High Court Judges. Unfortunately for him, he has never been within miles of courts of law.

SHRI BHUPESH GUPTA: After having seen you, I wish to be miles and miles away from the courts.

SHRI DEBABRATA MOOKERJEE: My esteemed friend to my left, Dr. Sapru, reminds me that Mr. Gupta is a Barrister, but the profession of law despaired of him and made a present of him to politics and a politics of a particular type where he flourishes very well indeed. It is my hope that some day Mr. Gupta will sit by my side.

SHRI BHUPESH GUPTA: Where? Here?

SHRI NIREN GHOSH: He is inviting Mr. Gupta to sit with him in the other world.

SHRI DEBABRATA MOOKERJEE: My friend Mr. Niren Ghosh is perhaps grudging Mr. Gupta the pleasure of accompanying me to the other world. The other world might be hell or might be heaven. I do not know but so far as I am concerned, I hope I am not destined for hell but you seem to say I am not destined, for heaven either. Possibly then I go to purgatory and there at least I expect to see to my right Mr. Ghosh and to my left, Mr. Gupta to be purged of their sins.

SHRI NIREN GHOSH: I would not like to live with you even in purgatory

SHRI DEBABRATA MOOKERJEE: I am not aware if the Chinese have a separate purgatory.

SHRI BHUPESH GUPTA: He has said that he would like to see two of us on either side. Can we implement it now?

3 P. M.

SHRI DEBABRATA MOOKERJEE: Now there is a persistent request from my right and from my left to tell you about the Chinese hell. My difficulty is that I have never been a denizen of hell, far less of the Chinese hell. I would leave that job to my esteemed friend, Mr. Niren Ghosh, who has, so far as this House is concerned, played excellently well the part of Sancho Panza *de la Mancha*, following closely Mr. Bhupesh Gupta seated upon the rosy jade *Rozinante*.

SHRI NIREN GHOSH: You are the Sancho Panza of Shri Atulya Ghosh, who is in Bengal and you are playing the game here. You should realise that you are the Sancho Panza of Shri Atulya Ghosh.

SHRI BHUPESH GUPTA: I hope you won't get the part of Birinchi Baba.

SHRI C. D. PANDE: We are not able to appreciate what you say.

SHRI DEBABRATA MOOKERJEE: I wish my friend, Mr. Bhupesh Gupta, were a true democrat; but from what he said it seems he believes in settling disputes not in the usually understood democratic

manner of sitting across the table and settling them. It seems he believes in taking every dispute to the streets. Therefore my grievance is: do what I will, say what I like. Mr. Bhupesh Gupta would not agree with me when I say: Let us sit across the table and decide our disputes. If he and his party were so minded, it would not have been necessary for the Government of India to impose President's rule upon the State of West Bengal. It must be admitted that there were ugly cases of floor crossings. These gentlemen, esteemable as they are, showed clearly by their floor crossings that they deserved to be dealt with in a very firm manner by the electorate who had returned them to the Bengal Assembly. To that extent, certainly it is a welcome sign that soon, enough, very soon perhaps, we are going to have an election at which these gentlemen, the defectors, will be called upon to prove their *bona fides* to the people at large, and that would be a very healthy exercise. But Mr. Bhupesh Gupta suggests that whenever there is a difference or a dispute, it deserves to be taken to the *maidan* where a settlement has to be reached by whipping up popular anger and enthusiasm in the wrong way, creating thereby, a kind of mass hysteria. That way, I fear, Mr. Gupta is not behaving in a democratic fashion. He seems to be a believer in ochlocracy, that is to say, in a kind of mass upsurge on the crest of which he hopes to get swept into power. That may produce results for some time but not for all time. If Mr. Gupta sits quietly down and places his hand upon his heart, I am sure he will not like the way in which the Assembly of West Bengal has been treated by the Speaker. He may have his own point, of view. I am prepared.

SHRI BHUPESH GUPTA: A great Speaker shall be remembered a historic ruling, a historic Speaker.

SHRI DEBABRATA MOOKERJEE: Now was it the right way for the Speaker to impose his will to suppress the democratic rights of the

elected representatives of the people of West Bengal sitting in the Assembly there? No law, no legislation, no constitutional provision clothes the Speaker with the right to make a pronouncement upon the legality or otherwise of a Government. The Speaker exercises his right within certain circumscribed limits. He is the custodian of the rights and privileges of the House.

SHRI BHUPESH GUPTA : And that is what he did.

SHRI DEBABRATA MOOKERJEE : Who has ever heard in any part of the world of a Speaker in a democratically elected Assembly sitting upon the legality of a Government? No one has ever heard of it, and I submit, Madam. . . .

SHRI BHUPESH GUPTA : The subsequent Government installed was an illegal Government and so it happened,

SHRI DEBABRATA MOOKERJEE : I submit, Madam, the argument which Mr. Gupta puts forward in support of his interruption is still more fallacious.

SHRI BHUPESH GUPTA : Will you yield? I will put forward.

SHRI C. D. PANDE : He will not yield.

SHRI DEBABRATA MOOKERJEE : Mr. Bhupesh Gupta will be pleased to remember that after the ruling had been delivered the matter was taken to the Calcutta High Court. That court went into the matter and held that the Governor, Mr. Dharma Vira, did possess the power of withdrawing his pleasure in relation to a particular Ministry.

SHRI BHUPESH GUPTA : The Speaker's ruling was not taken to the High Court.

SHRI DEBABRATA MOOKERJEE : It is irrelevant that the Speaker's ruling should be taken there. The Speaker based his ruling upon two considerations.

SHRI BHUPESH GUPTA : What are they?

SHRI DEBABRATA MOOKERJEE : . . . first that the Government of Mr. Ajoy Mukerjee had been so dismissed, and that Government having been illegally dismissed, the installation of Dr. Ghosh as the head of the Council of Ministers subsequently was also illegal, and that the Assembly had been summoned into a session upon the advice of an illegally constituted Ministry, was not a session in the eye of law.

श्री राजनारायण (उत्तर प्रदेश) :

इतना समय माननीया सबको देना पड़ेगा, हमको कोई एतराज नहीं है लेकिन हमें अपना समय मिलना चाहिये ।

श्री सी० डी० पांडे : यह पार्टी का टाइम है ।

SHRI NIREN GHOSH: You know what a gentleman he is.

THE DEPUTY CHAIRMAN: Please do not interrupt the speaker. You also sit down, Mr. Rajnarain.

SHRI DEBABRATA MOOKERJEE: Sit down please. Please listen to what I have got to say, and then you say what you have got to say.

श्री राजनारायण : मगर आप उनको तो कहिये कि कुछ प्वाइंट बोलें ।

श्री सी० डी० पांडे : प्वाइंट तो बोल रहे हैं ।

श्री राजनारायण : इसी को प्वाइंट कहते हैं ।

श्री सी० डी० पांडे : श्री भूपेश गुप्ता को क्यों नहीं कहा कि प्वाइंट बोलें ।

श्री राजनारायण : आध घंटा हो गया और एक प्वाइंट नहीं बोले ।

SHRI DEBABRATA MOOKERJEE: Kindly listen:

श्री राजनारायण : एक उदाहरण हमको दीजिए ।

THE DEPUTY CHAIRMAN: Let Mr. Mookerjee proceed uninterrupted,

श्री राजनारायण : माननीया, मैं आपके जरिये कह सकता हूँ, यह हमारा अधिकार है, जरा सुना जाय। एक उदाहरण दुनिया की डेमोक्रेसी का हमको दे दिया जाय जहाँ कि मिनिस्ट्री डिमिशन की गई हो इस तरह से। प्लेजर का मतलब समझते नहीं। यह आप लीगल अथॉरिटी है।

SHRI DEBABRATA MOOKERJEE : This is the foundation of the argument upon which the Speaker's ruling was delivered. Therefore the moot point was whether the Governor of West Bengal had the legal and constitutional right to withdraw his pleasure from the Ministry presided over by Mr. Ajoy Mukerjee.

SHRI BHUPESH GUPTA : No.

SHRI DEBABRATA MOOKERJEE : I fear Mr. Gupta cannot very well at this stage say "no", for it is a decision of the High Court at Calcutta, and until and unless that decision is set aside, Mr. Gupta and I and everyone must feel bound by it.

SHRI NIREN GHOSH * * *

SHRI DEBABRATA MOOKERJEE : I do not know whether my friends opposite really understand the import of what they are saying.

SHRI BHUPESH GUPTA : I understand it.

SHRI DEBABRATA MOOKERJEE : If they do, then so much the worse for them. I submit, Madam, the judgment delivered by the High Court at Calcutta, prevails, if you advertise yourselves as democrats, if you believe in the rule of law then, unless and until that judgment is set aside, you must feel that you are bound by it.

(Interruptions)

SHRI BHUPESH GUPTA : We say it is a perverse judgment, a coloured judgement.

(Interruptions)

SHRI NIREN GHOSH : It is a political judgement.

(Interruptions)

SHRI AKBAR ALI KHAN (Andhra Pradesh) : Madam, I would request that all these observations regarding Judges should be expunged.

* * * Expunged as ordered by the Chair.

SHRI BHUPESH GUPTA : No, no We challenge it. It is a perverse judgment.

SHRI DEBABRATA MOOKERJEE : I beg to submit, Madam

THE DEPUTY CHAIRMAN : You should not make reflections.

SHRI AKBAR ALI KHAN : Madam all these remarks should be expunged.

SHRI C. D. PANDE : But Mr. Niren Ghosh said that it is a political judgment.

SHRI DEBABRATA MOOKERJEE : Mr. Niren Ghosh does not understand what he says and therefore

SHRI RAJNARAIN : Point of order, Madam.

THE DEPUTY CHAIRMAN : All right. What is your point of order?

SHRI DEBABRATA MOOKERJEE : I will not interrupt you. You go on. I will not imitate bad manners.

THE DEPUTY CHAIRMAN : Mr. Rajnarain, you have appealed to me and you should address me. And Mr. Mookerjee will sit down when Mr. Rajnarain is on his point of order. Be brief Mr. Rajnarain.

SHRI C. D. PANDE : Mr. Niren Ghosh said that it was a political judgment.

श्री राजनारायण : मुझे यह निवेदन करना है कि क्यों यह कहना कि यह जजमेन्ट परवर्न है, यह जजमेन्ट गलत है क्या यह अन्पार्लियामेन्ट्री है? माननीया मैं पूछ रहा हूँ, पांडे नहीं पूछ रहे हैं।

THE DEPUTY CHAIRMAN : I do not think it would be unparliamentary, but it is not proper. I say it is not proper

SHRI BHUPESH GUPTA : You may not like it, but we like it.

The DEPUTY CHAIRMAN : Please sit down.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) Madam, may I say that the Rules of Procedure of this House clearly provide that there should be no aspersions cast on the Judges of High Courts (*Interruptions*) May I have my say? I am saying that one of the hon Members was pleased to remark, addressing Mr Mookerjee, that the Calcutta High Court * * * I am only requesting you, Madam, to please go through the records later on and if there are any aspersions cast on the Judges of a High Court or on the Calcutta High Court, you may consider what to do with them. If you find that they are in accordance with the Rules of Procedure of this House or according to Parliamentary practice, you may allow them to stay, but otherwise you may take such action as the Rules of Procedure require to be taken.

SHRI BHUPESH GUPTA : We question that judgment. I am saying that he is a Judge like him, like my hon friend Mr Mookerjee. If I say he is a bad man, that he is a wicked man, you can take it as an aspersion. I only say that he is a Judge like him. Let Mr Mookerjee say that he himself is a bad Judge, a perverse Judge or a corrupt Judge, if he says that, then he is what he is. That is what I say.

THE DEPUTY CHAIRMAN : I will go through the proceedings and .

SHRI BHUPESH GUPTA : No, no.

THE DEPUTY CHAIRMAN : Please sit down.

SHRI BHUPESH GUPTA : I say the Judges in Calcutta are like Mr Mookerjee here. You cannot expunge it in your chamber, Madam. There are Judges like my hon friend Shri Debabrata Mookerjee.

SHRI AKBAR ALI KHAN : No, no. Mr Niren Ghosh said that it was a political judgment. That is objectionable.

SHRI NIREN GHOSH : You don't know.

*** Expunged as ordered by the Chair.

(*Interruptions*)

THE DEPUTY CHAIRMAN : Please sit down all of you. When I am on my legs you should take your seats.

SHRI DEBABRATA MOOKERJEE : I will only say that these observations are puorile.

THE DEPUTY CHAIRMAN : If I say that I will go through the proceedings, why do you get so provoked? There is such a thing as . . .

SHRI BHUPESH GUPTA : We are not provoked.

THE DEPUTY CHAIRMAN : Keep quite. There is such a thing as parliamentary and unparliamentary. But there are other things also which must be seen. There is no question of any expunction unless I go through the proceedings. If you have compared somebody without positively pointing out to him, it is all right. "Like" is all right. There is nothing wrong in it. We should not get unnecessarily sensitive over these things. Now, Mr Mookerjee, you must wind up. You have taken a lot more time. I have given you ten minutes more because of the interruptions. Now you must wind up.

SHRI DEBABRATA MOOKERJEE : Speaking for myself, I can say that my shoulders are broad enough to take the broadside coming from Mr Bhupesh Gupta and his lieutenant Mr Niren Ghosh.

SHRI BHUPESH GUPTA : He is not my lieutenant. He is my colleague.

SHRI DEBABRATA MOOKERJEE : What I wanted to point out is this. The Speaker, having before him the judgment of the High Court . . .

SHRI BHUPESH GUPTA : On a point of order. You will see from the Rules that we cannot discuss a Speaker's conduct without a substantive motion. Your Secretary will tell you that.

SHRI C. D. PANDE : You can quarrel over that in the Assembly there.

SHRI DEBABRATA MOOKERJEE : May I remind my hon. friend, Shri Bhupesh Gupta, that the very

[Shri Debabrata Mookerjee]
basis of this discussion is the statement of the Home Minister and the Home Minister was pleased to say that there are three factors which contributed to the unfortunate result of the imposition of President's Rule there, one chronic political instability, two the deliberate policy of certain groups not to face the Assembly or allow it to function, and three the Speaker's repeated adjournments *sine die* which provided the background against which the Government took the considered view of the measures that could be adopted to remedy the situation. Therefore, it is not irrelevant to refer to the Speaker's ruling, that is considered to be one of the three factors responsible for the introduction of President's Rule. With your leave, Madam, I will refer briefly to the observations made by the Speaker himself when he adjourned the House *sine die* for the second time. He said he saw no reason to revise his opinion since no authoritative pronouncement had been forthcoming as regards the legality or constitutionality of his conduct, reflected in his order to adjourn the House *sine die*. I submit, Madam, the Speaker of West Bengal, was purblind and he allowed his better judgment to be warped completely by political considerations. He should have taken note of that judgment, and believing in democracy believing in the rule of law, it was the bounden duty of the Speaker to give full faith and credit to the judgment of the Calcutta High Court.

SHRI BHUPESH GUPTA **Bun-**
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SHRI DEBABRATA MOOKER-
JEE and held that that judgment should prevail unless and until it was set aside on appeal.

To return to my original point Madam we are going to have the elections. Mr Gupta and his party are very anxious to face the electorate they shall certainly be welcomed to do so. We on our part, we of the Congress shall not shrink from our duty and our responsibility, we have the courage to face the electorate with the programme of our party. Let Mr Gupta and his party do that and let me on behalf of my own party, the

party to which I have the honour to belong express the hope publicly that henceforth the respective parties will go by the rule of law. We believe in democracy and

SHRI BHUPESH GUPTA Who are you to say that? Let Mr Chavan say it. If he says it I can understand it. But who are you to say all this?

SHRI DEBABRATA MOOKER-
JEE Mr Gupta grudges me a representative character. I have not grudged him that. But I have now begun to doubt whether Mr Gupta has any authority to speak on behalf of his party. He is just one-fourteenth of his party. Fourteen parties had an eighteen point programme.

SHRI BHUPESH GUPTA You belong to the crowd of Ali Baba and the forty thieves. West Bengal has reproduced Ali Baba and his forty thieves and my hon friend there belongs to that group.

SHRI DEBABRATA MOOKER-
JEE Each of these 14 parties of the United Front contributed one point. Only four points remained to be shared between them and they were disorder, disarray, disruption and discontent.

SHRI DAHYABHAI V PATEL (Gujarat) Madam, I have heard with attention the previous speakers particularly as they come from the province which is primarily concerned in this debate. I am sorry that the province of Bengal has been suffering all these years. Even before we got independence it was famine and after we got independence there has been unrest, food shortage and perhaps there is a lack on the part of the people to pull themselves out of the situation. I do not want to be unfair to the people there perhaps they have not had proper guidance but the fact remains that there is a certain lack on their part which is not healthy to the province of Bengal. People do not seem to realise that it is only by greater production that prosperity will come that they will prosper that the province of Bengal will prosper and that India will prosper.

There is another factor that should attract our sympathy over the years. Crowds of refugees have been coming

into Bengal. I hope we have now seen the last of it. Only four or five years ago I had gone there with several colleagues from other parties in Parliament and I saw the wretched condition in which the refugees were coming from across the boarder were hardly anything, some of them with scarce clothes on their bodies and in a few cases, I am very sorry to observe, one cloth had to be shared by both the husband and the wife. It is understandable that under such conditions the province has not been able to make progress; it is understandable that people are being driven to desperation under such conditions. And of course there are parties in this world who always look for a happy hunting ground in such situations, parties who look out for disruption and disorder and where else could there be a ready-made situation to suit them? It is unfortunate that our Government has not been listening to us. I have been one of those who have been repeating in this very House more than once that Lenin said that the road to Paris is through Shanghai and Calcutta. They got Shanghai years ago. Is this Government going to make a present of Calcutta to them? Madam, in recent years we have the experience of happenings all over the country. After the general election with the Congress Party in utter disarray one group against another, with no direction, no leadership, every month of every third week the Prime Minister goes to take advise from Mr. Kosygin or Mr. Kosygin comes here and gives advice. What else can happen to this country . . .

SHRI NIREN GHOSH: Not from Johnson?

SHRI DAHYABHAI V. PATEL: . . . because after all it is known that their party wants to spread their cult all over the world and in their own Bible which Lenin wrote for them he said that the road to Paris is through Shanghai and Calcutta. It is the neglect of our Government that has allowed these conditions to prevail and therefore the Congress failed so badly in the elections. The situation has been bad in many places but it is very bad in Calcutta. The Government should have forseen such a

situation because Bengal is a border province. Soon after the elections we had the ugly happenings of Naxalbari. We know the geographical position of that little bit of territory. That is a little neck between two parts of this country which we cut and separated. Many people are looking forward to seize that. I hope there are not many in this country of that view but there are many across the border who are waiting for that chance. What happened in Naxalbari, the trouble that is taking place in Calcutta, what happened in Assam, are all pointers and this Government is not able to make up its mind what to do. It is just drifting. Is there any Government? Madam, if you look at this morning's paper you see in what disarray this Government is. Mr. Chavan does not know what to say in Parliament about the situation in Punjab created by the Speaker's ruling or by the constitutional crisis there. Another important member of the Government, the Law Minister, chooses to make a statement in public, not in Parliament, saying quite the reverse, quite contradictory. I do not know whether this is contempt of Parliament or not. When Parliament is sitting the Law Minister should make his statement in Parliament and two important Ministers of the Government should not make such confusing, if not contradictory, statements on practically the same day. When we open the paper this is what we see in the morning. I do not know what impression it makes upon my friends opposite or those who adorn the Congress benches or the Prime Minister. It is because of the Government that we have this difficult situation in Bengal. One cannot but sympathise with the poor people of Bengal who have been suffering under this agony. Perhaps as the cities have the advantage of the Press; what is happening in Calcutta is better known but the rural areas have also suffered. What happened in Naxalbari? How the crops of people were harvested by persons who had nothing to do with them? Yet the Government was not able to keep law and order. Was that a Government? Was that a Government to be tolerated? Had the Central Government no responsibility in this? Why

[Shri Dahyabhai V Patel]
 were they waiting for long? If they had responsibility what did they do about it? The previous speaker, an eminent lawyer and a High Court Judge, told us what he thinks about the United Front. It is not my purpose to repeat his arguments but he had quoted from the remarks of the Chief Minister of that United Front. Under these circumstances how can we say that there was a Government? I would sympathise with the Governor who had as the representative of the Central Government, the difficult job of discharging his responsibilities knowing it full well. He is one of the ablest officers of the Government of India who has acquitted himself creditably in many appointments. He had a very difficult responsibility to discharge, knowing full well perhaps—I am sure he does—that he would get hardly any sympathy or understanding from this weak Government which is a House divided against itself which does not know what to do and what to say. Any other Government would have lent him strong support when he tried to keep law and order when he put down the Gherao Ministry. This Government did not know what to do. Under these circumstances he tried to give the democratic processes a trial under the Constitution as best as he could. I think he did his duty well. I do not agree with my friend Mr Bhupesh Gupta nor do I think the remarks or criticisms that he made about him were at all justified.

Madam, all this trouble arises because this Government refuses to look at facts and to look at history. Is it not under similar circumstances that the communists had seized power in the countries of Eastern Europe, in Czechoslovakia and Poland? Is the India Nehru Government preparing this country for such a state of affairs? Then what they are doing in Bengal is quite all right if that is their plan. If it is not so, why do not they take the lessons of history and act? Under the circumstances the only action possible is the action taken by democratic countries even by President Nasser of whom Mr Bhupesh Gupta till very recently was a great admirer.

SHRI BHUPESH GUPTA Even now I am an admirer.

SHRI DAHYABHAI V PATEL and that is the banning of the Communist Party. Banning of the Communist Party is the only way out of the situation in this country and if democracy is to be saved, that is the only way.

SHRI BHUPESH GUPTA. I do not admire you if you ban my Party.

SHRI NIREN GHOSH Mr Dahyabhai is it not briefed by the US Embassy?

SHRI BHUPESH GUPTA I admire you Mr Patel but if you ban me I will not admire you.

SHRI DAHYABHAI V PATEL You need not. I am not looking for your admiration. I have my own views. I have my own convictions. I do not need to learn them from anywhere else. I have not had my convictions or learnt my lessons at the feet of Gandhiji to be altered by the alterations that have taken place in the Congress, the party which wins elections and takes votes in the name of Gandhiji. I have never allowed them to alter my views about it. It is the Congress Party that has changed.

SHRI BHUPESH GUPTA You can alter them.

SHRI DAHYABHAI V PATEL its loyalty from one man to another from one philosophy to another and, therefore the confusion in the Congress Party. Look at that. We have some people who belong to the old guard who still remember the days of Gandhiji. We have another set of people perhaps who do not even know that and they have their views. They do not know what to do. Of course my friend Mr Bhupesh Gupta and his friends are here to add to their confusion not only by their speeches and the performance by the very well subsidised press from the communist countries. People who wanted to preach the communist cause like Mr Krishna Menon, were able to get a printing press and all sorts of things on a payable whenable basis. These are known facts and the Congress has allowed this situation to develop with open eyes. It is the guilt of the Congress Party that has brought us

to this and I think they must blame themselves. The Congress had forgotten service to the masses. They have forgotten going to the people in the villages and listening to their grievances, talking to them and explaining to them what the situation is and why their difficulties are there, because they do not care. They have been only worrying about how they could keep themselves in power. That is what they have been doing all these years and that is the cause of their downfall.

In this House we have exposed cases of corruption of their Chief Ministers time and again. I do not know but my friend Mr Bhupesh Gupta says many things about Mr Atulya Ghosh and the Congress Party there. I have no knowledge of these things in such detail, but it looks as if things are not all right. And certainly it is up to the Congress Party to get up and set it right if it wants to keep the Government going if it wants to be a Party there. Otherwise they will have to make room for another Party. Of course the recent decision of the Congress at Hyderabad to topple non-Congress Ministries rightly or wrongly may cause difficulties everywhere but it is not going to help the Congress. It is not going to help the cause of democracy.

SHRI BRAHMANANDA PANDA (Orissa) It is dead.

SHRI DAHYABHAI V PATEL Which is dead the Congress or democracy?

SHRI BRAHMANANDA PANDA Congress.

SHRI DAHYABHAI V PATEL I am quite inclined to agree with you that the Congress is dead just living on oxygen. It would be good if they would give it decent burial. They did not listen to the advice of Gandhiji to wind up the Congress Party after freedom had been attained. If they had listened to him we would have had a clear democracy, democratic parties in this country standing for principles and ideals which the people would have understood. Here we have confusion with so much of illiteracy.

The Congress has managed to take advantage of the situation all the time. The country will have to pay for it, if the country does not realise what is happening. The lessons of history are before us. We have known how communists have taken over many places many countries outside India and if India is not alert we are exposed to the greatest danger. We made the mistake, under Jawaharlal Nehru's inspiring rule, of shouting "Hindi-Chini Bhai Bhai". What happened to us? Now, everyone of these friends is interested in seeing that this country does not become strong because everyone looks at us with envy, distrust or danger. We do not know who is the real friend whom we can look forward under this situation. That is why we are getting more and more into trouble and confusion. It is not relevant to mention the economic mess that the country is making on this issue but the political mess that they have made is very relevant because what has happened in Bengal is directly a result of the utter confusion in the political thought of the Congress. By their utter disregard of the lessons of history, they have allowed the situation to deteriorate so badly in which the poor people of Bengal are suffering the most whether it is in the cities or in the rural areas. One cannot but sympathise with the people. What else can one do? All democratic forces must sit up and find a way out. Otherwise it is not only a disaster to Bengal but to the whole of India. Let us take the warning.

SHRI SURENDRA MOHAN GHOSE (West Bengal) Madam Deputy Chairman the only thing is when my friend Shri Bhupesh Gupta spoke and afterwards Shri Debabrata Mookerjee was speaking, some heat was generated in this House and my doctors advised me to keep away from excitement, so I was hesitating but now it has settled down.

This matter has been discussed from constitutional and legal points of view and Shri Debabrata Mookerjee has tried to give answers to the questions raised by the opposition Members and I am not going into those aspects. I have decided to speak

[Shri Surendra Mohan Ghose]
because today what is required, I feel, is that a commonsense view is to be taken forgetting all our party affiliations etc, for the time being a commonsense view of the political situation in the country as well as outside also in the international field. My friend, Shri Dahyabhai Patel, just casually mentioned that our Prime Minister is going to Mr Kosygin and Mr Kosygin is coming here. At the same time he ought to have noticed that not only our Prime Minister but the heads of Governments all over the world are running all over the world including Mr Johnson, Mr Wilson, Mr de Gaulle and others. That shows that they have also felt some pressure of the political forces which have been generated by their blind activity of cold war which has brought them face to face with the total destruction of the present civilisation or finding out some solution as to how all of them can live and just work for future peace and progress. It must have been so felt otherwise these leaders not simply for the fun of it are running about meeting each other. Therefore, in the international field also, if we are to take any lesson from the movements of these heads of States, it becomes clear that something very grave is going on there.

My friend, Shri Bhupesh Gupta, referred to the last general elections. Let me tell him not to take any pride in it, but let me make a statement of fact. I entered politics at the age of 15, and at the age of 75 which I am running now that is the only passion in my life, nothing else could attract me but only politics and my country and also international peace and human unity. My friend jocosely comes and tells me that he will destroy my ideas. I told him that he can never destroy them. I find that you are rather coming nearer to my ideas and Russia is also trying to come nearer and nearer to that great ideal something which I kept a secret. I am now telling you that for your information because you were in our party. The day when I first signed that pledge with my blood. I was asked "why have you signed this pledge, to fight for your country's

freedom?" I said, "Like yourself, as you expressed so eloquently all the feeling which is uppermost in your mind, the same thing for me." The leader told me, "Yes, true, but remember one thing".

SHRI BHUPESH GUPTA. Who was that?

SHRI SURENDRA MOHAN GHOSE. Shri Hemendra Kishore Acharya. He told me, "Remember one thing". This I kept a secret, now I am divulging it for your information so that you also may know, as you belonged to the party one day, what was the ideal before that party for which you were also called in that party and Shri Niren Ghosh also was called in that party. I was told, "Remember one thing. Your remaining under the British Government is not only causing Indian people to suffer but dependency is the cause of suffering for the humanity of the world. Unless you are free, the world will not be free, the world suffering will not be removed. Therefore, that responsibility also is yours." Afterwards I came to learn from Shri Arobindo's writing that not only for freedom but we shall have to work for world unity, and he has written volumes on it, giving all the political, historical, social, psychological forces and how those forces are working to bring about that human unity. I leave it there.

When I first rose and said that I rise to support this motion today we are in a peculiar position in which we are supporting this motion. I also felt a little happy. I was glad that after all these years Shri Bhupesh Gupta and myself again today are in the same boat in a very stormy night. But the eloquence with which he was trying to justify the United Front.

SHRI BHUPESH GUPTA: "Kandari husiar"

SHRI SURENDRA MOHAN GHOSE: That "husiar" is for you "Kandari" is standing here. That "husiar" is for you my friend. The point is this. The eloquence with which he has tried to defend and explain the unity of the United Front. I only wish it was true, nobody would have been happier than myself. But my friend Shri Dahyabhai Patel has

said something, I need not go into that. I know, perhaps you yourself know, that I keep myself in very close contact with workers of all these 14 parties of your United Front, and they come to me occasionally for advice. Therefore, I know their mind. If at all it was united in its activities, if we are to draw any conclusion about their unity, they were united to simply create chaos, anarchy and confusion, nothing else. So, to one aspect of the whole situation I would like to draw specially my friends, Shri Bhupesh Gupta's and Shri Niren Ghosh's attention, and that is this. Before the time of the election I did not know much about what was going on, but at the time of election I had occasion to know something about what was going on. I am not going to mention any party or any country, but I came to this positive conclusion that due to the cold war of these two power blocs, a situation was created in India releasing all sorts of political forces, conflicting, contradicting and clashing with each other; all sorts of political forces were released as a result of the cold war of these two power blocs, and those who were in it, the forces, were encouraged, roused, only on one aspect of the whole political activity, that is, power, power, power, power; denounce this man, denounce that man, and try to come to power. This power phobia, I do not exclude my party also, this power phobia, this power madness was so widespread that no political party was free from this cold war activity going on in India, and there were two trends at the time of the election of these political forces which I could see on the surface: one, down with the Congress, and the other, keep away Communists. These are the two open trends which I could discern from the surface. But those who were playing this game, perhaps by seeing the result of the elections, they realised that they could not get all that they wanted—both sides. They became disillusioned.

Another thing is, the common-sense view with which I look at these political forces. My friend knows it. On the one hand, dynamic forces are released without taking responsibility of their leadership. No party, has

taken leadership of all this burning, shooting, all these activities going on all round, with thousands and thousands of people defying the bullets; they are coming forward. But no political party has taken the leadership, the responsibility saying, yes, we are doing it and for this purpose. A leaderless mob engaged in such a destructive work, self-destruction or destruction of society—anything they will destroy—is let loose. On the other hand, political parties—my party, your party, every party—and their leaders are there but nobody listens to them. If anybody goes and says, oh, stop all these things, the leaders will be hooted out. Nobody will listen to them. So, on the one hand, such a tremendous political force is released without leadership and on the other hand, we all claim to be the leaders of the people, without anybody to follow us seriously. This is nothing but a clear indication of complete anarchy engulfing us, which has caught us unawares.

So, in this connection, the time has come. Not only here, I say, internationally also. Today also you raised the question of Rhodesia, about Ian Smith's cold-blooded murder of two patriots, and of three more patriots also today probably. And my friend, Mr Bhupesh Gupta, mentioned about some demonstrations in London. Well, I can see as a result of this cold war for the last ten or twelve years, so many forces have been released all over the world, especially in Africa and in other parts. I will not be surprised if the United Kingdom Govt., the head of the Commonwealth, may be blown off by the forces which they have generated and created, white and black. We have some experience of these riots here. It may assume a gigantic preparation, it may create a gigantic situation all over the world, it may blow up all the existing authorities in many countries of the world. It is high time for all of us to think coolly and try to read the direction of these political forces released here in India. We are concerned with our own country. And our Government and the Foreign Department, they will take care of the international affairs. But it is high time that we just took stock of the whole situation and try to realise the position.

[Shri Surendra Mohan Ghose]

Before I conclude, I just want to mention one or two things I was noticing my friend from the time he came here to this Parliament, he makes eloquent speeches in defence of democracy in Bengal. It was not in defence of democracy, but in defence of mobocracy. Mr Gupta, if you read your own speech on the Bengal situation where you have spoken about saving democracy you will yourself feel, no no, I have done a wrong thing, that was not real democracy. Mr Promod Das Gupta, Mr Niren's Secretary, their party's secretary, made a statement, I do not know, it has opened the eyes of Bengal. He made a statement I read it in the newspaper—I do not know whether it is true or not—that the Naxalbari activities were really created by the CIA agents. They did not take any responsibility for the Naxalbari activities. If that were really so, it is high time for all of you to beware, to be conscious, to be on your guard that because of these cold-war tactics these agents have penetrated everywhere. Therefore, my appeal to all of you will be this. We welcome this President's rule. It has come really as a boon. I am one with you in congratulating the people of West Bengal because ultimately they have brought about a situation in which President's rule had to be introduced. There I congratulate them. The leaders' eyes will be opened everywhere. It should open their eyes to the actual realities of the situation: what are those forces, what are they trying to do overnight. Everybody denounces somebody. But the day he leaves that party and goes to join another he becomes a hero. All these things sometime we also played. I myself also played this game in politics. But that time has gone. It has gone for ever, never to come again.

SHRI BHUPESH GUPTA: You did very well in your days.

SHRI SURENDRA MOHAN GHOSE: In those days that was the politics and I played it and I may say I may take a little credit that I played it very successfully in Bengal.

SHRI CHITTA BASU (West Bengal): You became a victim of it.

SHRI SURENDRA MOHAN GHOSE: I am not going into this because today this new situation is to be viewed, looked into, with the prospect of the future. The great leaders of all the nations, they also perhaps will come to realise.

SHRI BHUPESH GUPTA: I hope you will not call myself Guru mera chela.

SHRI SURENDRA MOHAN GHOSE: Never a guru always takes pride when the chela becomes greater than him.

About Mr Dharma Vira, I could not agree with all your condemnation of him. Mr Dharma Vira really came to rescue the State from the anarchy and Dr Profulla Ghosh will be remembered, not in the language which you have used, but will be remembered that even at that age, with that health, he came forward to save democracy.

With these few words, Madam I give my support to this.

श्री दत्तो पन्त ठेंगड़ी (उत्तर प्रदेश) :

महोदया उम अवसर पर अपने विचार व्यक्त करते हुये बड़ा दुख हो रहा है। मैं समझता हूँ कि दूसरे महायुद्ध के पश्चात् हिन्दुस्तान में यदि कोई एक राज्य ऐसा होगा जिसने राजनैतिक अस्थिरता का सब से अधिक अनभव किया होगा तो वह राज्य बंगाल है।

[THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) In the Chair]

आज यह जो समस्या बहा खड़ी हुई है, उसके दो सदर्थ हैं इमीडियेट कांटेक्ट है और वाइडर एंड लांग रेंज कांटेक्ट है और जहाँ तक इमीडियेट कांटेक्ट का सम्बन्ध है मैं समझता हूँ कि अभी तक जो भाषण हुए हैं उनमें उस पर काफी प्रकाश डाला गया है। विभिन्न दल हैं युनाइटेड फ्रंट है काग्रेंस है, आपस में खीचातानी चल सकती है, टैक्टिक्स और स्ट्रैटेजी भी अलग अलग तरह की अलग अलग है। इसकी गहराई में न जाते हुये मैं समझता हूँ कि इसमें जो

सैद्धान्तिक मबाल मन्निहित है, जो वाडडर और लाग रेज काटेकस्ट इममें आता है जोअधिक महत्वपूर्ण है देश की दृष्टि में, उधर आपका ध्यान आकृष्ट करना आवश्यक है। हम लोगो ने ऐसा तय कर लिया कि मविधान और लोकतंत्र के आधार पर हिन्दुस्तान का कारगेवार चलेगा, किन्तु जिस समय हमारा मविधान बनाया गया था उस समय यह स्वाभाविक है कि कई सम्भावनाओं और कांटेजैमीज का विचार उस समय हम लोगो के मन में नहीं आया था। आज राजनैतिक 4 P M परिस्थिति में जैसा फर्क होता जा रहा है परिस्थितियाँ बदलती जा रही हैं नयी नयी समस्याएँ खडी होनी जा रही हैं उसमें ऐसा प्रतीत होता है कि मविधान के अब तक के प्रावधान अधूरे हैं, विशेष रूप में गवर्नर की भूमिका क्या रहे, अधिकार क्या रहे, जिम्मेवारी क्या रहे, और स्पीकर की भूमिका, अधिकार और जिम्मेवारी क्या रहे, दोनो विषय ऐसे हैं जिनके बारे में हमें फिर से विचार करने की आवश्यकता है ऐसा मैं समझता हूँ। वैसे देखा जाये हमारे यहाँ गवर्नर की जो भूमिका है वह एक तरह से ब्रिटिश सावरेन की तुलना में आ सकता है, दोनो समकक्ष आ सकते हैं और साथ ही साथ जहाँ गवर्नर को यह जिम्मेवारी दी गई कि मन्निमडल बनाने के लिये वह किमी न किमी को निमन्त्रित करे, वहाँ किम आधार पर यह निमन्त्रण देना चाहिये, जिसको चीफ मिनिस्टर के नाते बुलाना चाहिये, यह सब तय करने के बारे में कोई नियम या कोई कन्वेन्शन अभी तक डाले नहीं गये। यह बात ठीक है कि इस विषय में गवर्नर को कुछ डिमक्शन दिया जाना आवश्यक भी है लेकिन डिमक्शन का भी उपयोग किम तरह से होना चाहिये, इसके बारे में कुछ नियम बनाने की आवश्यकता थी, ऐसा मैं समझता हूँ। हमारे मविधान

के आर्टिकल 164 में चीफ मिनिस्टर क अपोइन्टमेन्ट के बारे में जो कुछ भी कहा गया है उसमें कोई भी नाम्म स्टेन्डर्ड या गार्डिडिंग प्रिन्सिपल्स इम तरीके के अभी तक बताये नहीं गये।

मैं ऐसा जानता हूँ कि कास्टीट्युण्ट असेम्बली की जो ड्राफ्टिंग कमेटी थी उसके सामने यह विषय विचारार्थ आया था और उस समय यह मोचा गया था कि इन्स्ट्रुमेन्ट्स आफ इन्सट्रक्शन भी कास्टीट्युशन के डिड्यून में डाल दिया जाये वैसे इन्स्ट्रुमेन्ट्स आफ इन्सट्रक्शन में गवर्नर के लिये कुछ गार्डिडिंग प्रिन्सिपल्स ऐसे प्रथित किये जायें जिमके अनुसार सरकारी नता का चुनाव करना चाहिये उसको बनाना चाहिये। किन्तु वह बात उस समय शायद इतनी अर्जेंट मालूम नहीं हुई जितनी आज वह अर्जेंट हो गई और इस दृष्टि में इस तरह का इन्स्ट्रुमेन्ट्स आफ इन्सट्रक्शन जिमका विचार पहले किया गया था बाद में उसको अधूरा छोड़ दिया गया, वह बनाने की अब आवश्यकता है ऐसा मैं समझता हूँ। इस तरह का कोई इन्स्ट्रुमेन्ट्स आफ इन्सट्रक्शन न होने के कारण मविधान के अन्तर्गत रहने हुए भी गवर्नर का व्यवहार किम तरह से और स्वेच्छाचारी हो सकता है, मनमाना हो सकता है, उसका थोडा सा यदि उदाहरण देखे तो पता चल सकता है। जो गामक दल है वह माइनारिटी में आ जाता है मैं उदाहरण बताऊँ कि यह परिस्थिति तीन जगह आती है, राजस्थान में पिछले आम चुनाव के पहले छः महीने में नवम्बर के महीने में यह परिस्थिति आई थी, वहाँ असेम्बली को न प्रोरोग किया गया, न डिजाल्व किया गया, चुनाव तक वैसा ही कारगेवार चलता रहा। यही परिस्थिति वगाल में आ गई। वहाँ असेम्बली को डिजाल्व किया गया और आज अडर सिमिलर सर्कमस्टेन्स पजाब के गवर्नर ने असेम्बली को प्रोरोग कर दिया है किन्तु असेम्बली को अभी तक डिजाल्व नहीं किया, यानी मध्यावधि चुनाव का मौका

[श्री दत्तोपंत टेंगडी]

अभी तक नहीं दिया गया। इस तरह से लगभग एक ही जैसी परिस्थिति में राजस्थान, पंजाब और वेस्ट बंगाल के गवर्नर अलग अलग ढंग में व्यवहार कर चुके हैं। उसको देखते हुए हम तरह का इन्स्ट्रुमेंट आफ इन्स्ट्रक्शन्स बनाने की आवश्यकता में समझता हूँ। जो बात गवर्नर के बारे में है वही बात स्पीकर के बारे में है। स्पीकरों ने जो भूमिका निर्वाह की है उसके विषय में एक ओर में निंदा की बात एक ओर में प्रशंसा की बात कही गई। किन्तु मैं यह समझता हूँ कि स्पीकर की भूमिका क्या है यह निश्चित होना चाहिए और किसी भी तरह से स्पीकर अपने अधिकारों को, संविधान को, व्यवहार में लाने के रास्ते में बाधा न ला सके यह भी देखना होगा। वेस्ट बंगाल के स्पीकर ने अच्छा किया या बुरा किया, पंजाब के स्पीकर ने अच्छा किया या बुरा किया, इसके बारे में अलग अलग दल के लोग अपनी अलग अलग राय दे सकते हैं। किन्तु परिस्थिति जो है उसके कारण बाधाएं कैसे निर्माण होती हैं यह हम देख सकते हैं। पंजाब के स्पीकर ने साइने डाइ एडजार्न नहीं किया, स्पेसिफिक पीरियड के लिए एडजार्न किया। यह स्पष्ट था कि चूंकि बजट 31 मार्च के पहले पास होना चाहिए, तो एक तरह से कांस्टीट्यूशनल क्राइसिस खड़ी करना, यह उद्देश्य उसके पीछे था, दूसरी बात स्पष्ट है, हालांकि वेस्ट बंगाल के बारे में स्पीकर ने किम का बहुमत है, किमका बहुमत नहीं है, इसके विषय में शक्ति परीक्षा होने देना चाहिए था, स्पीकर ने ट्रायल आफ स्ट्रेन्थ होने देना चाहिए था। उसमें आगे आने वाली क्राइसिस टल जाती। लेकिन वह नहीं होने दिया और उसमें भी दूसरी बात, कि किमी भी तरह में जो सरकार बनाई गई है, जो गवर्नर ने बनाई है, वह सरकार कांस्टीट्यूशनल है, लीगल है या नहीं, यह बताने का अधिकार वास्तव में हमारे स्पीकर को कांस्टीट्यूशन के अन्तर्गत नहीं है। तो इस तरह से

स्पीकर अपने अधिकारों के बाहर न जाएं, अनिक्रमण न करें, अपने अधिकारों को इस तरह से उपयोग में न लाये कि जिसके कारण संविधान को व्यवहार में लाने में अमुविधा निर्माण हो, बाधा निर्माण हो, यह भी देखना आवश्यक है, और इस दृष्टि में मैं समझता हूँ कि गवर्नर और स्पीकर दोनों की भूमिका, अधिकार और जिम्मेदारियों का स्पष्ट विवरण इसमें होता है। इस तरह का एक लांग रेन्ज खयाल करके इन्स्ट्रुमेंट आफ इन्स्ट्रक्शन्स निर्माण करने की आवश्यकता है, यह बातमें कही।

साथ ही साथ, मैं यह भी बताना चाहता हूँ कि केवल कांस्टीट्यूशन में परिवर्तन करने मात्र से कुछ कार्य होगा, ऐसा नहीं समझा जा सकता। विभिन्न दल होते हुए भी, राजनैतिक स्तर पर बहुत खींचातानी होते हुए भी यदि हम इसका अनुभव नहीं करेंगे कि राष्ट्र की ओर भी अपनी एक जिम्मेदारी है तो कांस्टीट्यूशन हम कितना भी अच्छा बनाएं तो भी उससे काम बनने वाला नहीं है। मैं कांग्रेस या विरोधी दल, दोनों में से यह नहीं कहूंगा कि कौन सही या कौन गलत है, किन्तु हमें जो कांस्टीट्यूशन के अन्तर्गत स्वतंत्र्य दिया गया है उसका यदि दुरुपयोग होता है, तो वह भी राष्ट्रवादी शक्तियों को रोकना आवश्यक है। अभी जो बात चली थी कि तरह तरह का प्रचार हो रहा है—कहीं वाशिगटन का नाम आता है, कहीं मास्को का, कहीं पीकिंग का—उससे तीन दिन पहले की एक घटना मुझे याद आती है। जैसा मैंने यह कहा कि भाषण स्वतंत्र्य का, प्रचार स्वतंत्र्य का, जो कांस्टीट्यूशन के अन्तर्गत है, दुरुपयोग न हो उसके बारे में हमें देखना होगा। हमारे मित्र डा. ह्याभाई पटेल ने कहा कि किमी एक पार्टी को बैन करना चाहिए। मैं बैन के पक्ष में नहीं, किन्तु अप-प्रचार का कोई भी गलत परिणाम अनपढ़ जनता के मन पर न हो यह देखना भी राष्ट्रवादी शक्तियों का काम है। पिछले शुक्रवार को मैं देहरादून में था, वहां कुछ मजदूर भाइयों

मे मेरी बातचीत हुई। अब कितना अपप्रचार हो सकता है कास्टीट्यूशन के अन्तर्गत स्वातंत्र्य का दुरुपयोग हो सकता है इसका छोटा सा उदाहरण हमारे मजदूर भाई ने बताया : "आप जानते नहीं है माओ त्से तुंग साहब की नीति क्या है ?" मैंने कहा, भाई, मैं नहीं जानता। तो बोला : "भारतीय संस्कृति के अनुसार वह चलते हैं"। "वह क्या करते हैं?" तो मजदूर ने हमें बताया जैसे राजा रामचन्द्र जी लका पर आक्रमण करने के लिए गए, लका को जीत लिया और लका के ही एक आदमी को मिहामन पर बिठा कर वापस चले गए, उसी तरह मे माओ त्से तुंग भी यहाँ मेना लेकर आयेगे हिन्दुस्तान को जीत लेगे और आपको, हमको मिहामन पर बिठा कर वापस चले जायेंगे। राजा रामचन्द्र जी के अनुयायी माओ त्से तुंग है, यह बात एक मजदूर ने हमें बताया। यह बात मजदूरों तक कैसे पहुँचती है? मतलब यह है कि अपप्रचार होना है, भाषण स्वातंत्र्य का भी दुरुपयोग होता है। तो इस दृष्टि से हम में, आपस में राजनैतिक मतभेद हो सकता है, सार्वजनिक ढाँचे के अन्तर्गत हम आपस में लड़ भिड़ सकते हैं तो भी यह राजनैतिक दल के हित के भीतर है, यह सबको मन में रखने की आवश्यकता है। कास्टीट्यूशन के अन्तर्गत पाज जो वोटिंग है, गवर्नर और स्पीकर का भूमिका के बारे में, उनको हम दूर करते हैं तो इस तरह की आपत्ति बार बार झेलने की बात नहीं आएगी, ऐसा मेरा विश्वास है।

जहाँ तक इमीडिएट कास्टेज की बात है मैं यह कहना चाहता हूँ कि सरकार को यह गलती नहीं करनी चाहिए कि हर छ महीने के बाद फिर से वही बात, पोस्टपोन करते जाना, एकमटेन्ड करते जाना। यह गलती नहीं करनी चाहिए। यह गवर्नर के हित में है, देश के हित में है कि बंगाल में तुरन्त मिड टर्म पोल होना चाहिए, मध्यावधि चुनाव होना चाहिए। सब लोगों को अपना अपना प्रचार करने का स्वातंत्र्य

रहेगा और इस मध्यावधि चुनाव में नयी लोकतांत्रिक सरकार आनी चाहिए यह आवश्यक है, और इस दृष्टि में मध्यावधि चुनाव की माग करने हुए और यह जा बात कास्टीट्यूशन के अमैन्डमेंट के बारे में मैंने कही, साथ ही साथ राष्ट्रवाद के बारे में कही, उसको फिर से दोहरा कर मे अपने भाषण को पूरा करता हूँ।

श्री राजनारायण : उपसभाध्यक्ष महोदय, श्रीमन्, मैं पहले अपनी माग ही को रख देना चाहता हूँ। पहली माग तो यह है कि जनतंत्र, सविधान सुनीति, सुगोभा और समदीय परम्परा कायम रहे, इसलिए मैं चाहता हूँ कि राज्यपाल धर्मवीर को वहाँ में फोरन वापस बुलाया जाय क्योंकि इस व्यक्त ने वहाँ पर जनतंत्र अपराध किए हैं। दूसरी बात यह है कि अतिरिक्त चुनाव शीघ्रानिशीघ्र हो और जून के बाद किसी तरह से टले नहीं। तीसरी बात यह है कि वर्तमान युग में जा पुलिस की ज्यादतियाँ हुई हैं, उनके लिए एक निष्पक्ष न्यायालय की स्थापना हो, जो यह देखे कि एक सरकार का हटाकर दूसरी सरकार आती है, तो वह किस अन्याय के रास्ते को पकड़ कर चलती है।

मुझे अफसोस है कि इस समय हमारे जज मुखर्जी साहिब चले गए हैं। वे कास्टीट्यूशन के पंडित तो हैं, मगर पंडितानाई दो तरह की होती है। एक तो सादुभाष्य है। ॥ ॥ एक दुष्टभाष्य होता है। मैं रामझना हूँ कि सविधान की धाराओं में सादुभाष्य के सम्बन्ध में श्री मुखर्जी ने . . . श्रीमन्, श्री शुक्ल जी और श्री हाथी जी हमारी बात नहीं सुन रहे हैं।

उपसभाध्यक्ष (श्री महाबीर प्रसाद भार्गव) : आप कहिये।

श्री राजनारायण : मैं जानना चाहूँगा श्री हाथी जी, श्री शुक्ल जी से, जो इस समय बात करने में व्यस्त हैं कि क्या यह चीज समदीय प्रथा के विरुद्ध नहीं है कि आप की तरफ मूह न करे और एक दूसरे से आपस में गपवाजी करे ?

श्री विद्या चरण शुक्ल : अगर यह अनुचित है तो हम नहीं करेंगे ।

श्री राजनारायण : हमारा एक ही स्पष्ट मवाल है कि दुनिया के जनतंत्र में हमें कोई नजीर बतला दी जाय कि जहाँ पर एक सरकार बनी हुई है और उस सरकार में बहुमत किस का है, किस का नहीं है, यह प्रश्न राज्यपाल अपने तहत में लेकर सरकार को बरखास्त कर दे । मैं अदब के साथ जानना चाहता हूँ सरकारी पक्ष के लोगो से, श्री शुक्ल जी से, श्री हाथी जी से कि वे हमें कोई नजीर बतला दें जहाँ पर एक सरकार है और राज्यपाल यह कह दे कि नहीं, अब इस सरकार का बहुमत नहीं रह गया है । इस दृष्टि में मैं आज बंगाल के स्पीकर ने जिस महिमा और गरिमा की सुरक्षा की है उसका समर्थन करने के लिए खड़ा हुआ हूँ । मैं जब इसका समर्थन करता हूँ तो पूरे ससदीय प्रथा और जनतंत्र प्रणाली का अपने सामने रखकर करता हूँ ।

SHRI BIJUPESHI GUPTA Mr. Vice-Chairman, there is no quorum.

SHRI M. N. KAUL (Nominated). There is no quorum.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): You may continue, Mr. Rajnarain. The bell is ringing.

श्री राजनारायण : तो मैं यह कह रहा हूँ कि हमें कहीं से एक नजीर बतला दी जाय कि वहाँ पर बहुमत किस का था । मित्राथ मदन को छोड़ कर इसका निर्णय लेने का अधिकार किसी बाहरी शक्ति का नहीं है । अगर कोई भी दुनिया के ससदीय प्रथा का जानकार होगा तो मैं समझता हूँ कि वह हमारा समर्थन करेगा और सायद कौल साहब बोलें तो वे भी हमारा समर्थन करेंगे । गवर्नर को कतई यह हक नहीं था । अगर हम भविष्य की बात करें, जनतंत्र की बात करें, ससदीय प्रथा की परम्परा की बात करें, तो हमें मुक्त कण्ठ से कबूल करना चाहिये, श्री शुक्ल जी को कबूल करना

चाहिये कि राज्यपाल धर्मवीर ने जघन्य अपराध किया है और जनतंत्र और ससदीय प्रथा के पीठ पर छुग भोंक कर एक सरकार जो वहाँ पर चल रही थी, उस सरकार को डिमिड कर दिया गया और उसकी जगह पर दुमरी सरकार को प्रतिष्ठित कर दिया गया । दुनिया का जनतंत्र आज रोता है, आज वह अगड़ाई ले रहा है और दम तोड़ रहा है । इस तरह में नहीं चलेगा और क्या ऐसा निकम्मा राज्यपाल जनतंत्री व्यवस्था में हो सकता है । मैं तो बहुत ही अदब के साथ फिर कहना चाहता हूँ कि अगर शुक्ल जी जनतंत्र चाहते हैं, अगर हाथी जी जनतंत्र चाहते हैं, तो दम्भ की बात मत करें और सारी बुनियाद को समझो । आज सारे देश में अनुशासनहीनता का कार्य चल रहा है, पार्टी के अन्दर अनुशासनहीनता चल रही है, सरकार के अन्दर अनुशासनहीनता चल रही है, तो फिर भविष्य और कानून का उल्लंघन मत किया जा रहा है । यह कहीं एक तरफ था एक कानून की बात नहीं है, सारे देश के वातावरण में यह चीज छाई हुई है और इसका गम्भीरता में मोचना चाहिये ।

मैं दूसरे पक्ष को भी कहना चाहूँगा कि रुल आफ ला एक सामान्य शब्द बन गया है । मत आफ ला कानून के शासन का मत । मैं आपा सानन से जानता हूँ श्रीमन्, जब आपने देखा होगा कि हम गवर्नर जी का एक समतिपत्र देने जा रहे थे और रुल आफ ला श्री तन्हाण साहब का इतना भयकर है कि शासन में ही हम लागू को सरकार गिरफ्तार कर लेता है । यह रुल आफ ला है या जगल का कानून है ? यह अभद्र कानून है, अशिष्ट कानून है और जनतंत्र तथा भविष्य की हत्या करने की व्यवस्था है । अगर कोई कानून को जानता है, अगर कोई कानून का पंडित है, तो मैं उनका पूछना चाहता हूँ कि हमें कोई नजीर बतला दी जाय कि केवल धारा 144 का उल्लंघन करना 188 दफा का अपराध बनता है ? हरगिज नहीं ।

हम से कहा जायेगा कि सुप्रीम कोर्ट जाओ, तो हम कितने मामलों में सुप्रीम कोर्ट जायेंगे। (Interruptions) तो मैं फिर कहना चाहता हूँ कि जो लोग शोभा और सुनीति की बात करना चाहते हैं, कानून और विधान की बात करना चाहते हैं, वे पहले अपनी छाती पर हाथ रख कर पूछें कि वे कानून को कितनी दूर तक मानते हैं। कानून क्या श्री शुक्लजी की भूकृति विलासिता है, कानून क्या श्री शुक्ल जी की स्वैच्छाचारिता है और क्या उनके अहम भाव की पूर्ति है? अगर सरकार की इच्छा पूर्ति ही कानून माना जाय, अगर बड़े बड़े ऊँचे अधिकारियों की भूकृति विलासिता को ही व्यवस्था का नाम दिया जाय, तो किस तरह से उनकी व्यवस्था ही उनका कानून है? यह मुकर्जी मंत्रिमंडल था। माना मुकर्जी की सरकार वहाँ पर चल रही थी, माना की मुकर्जी की सरकार में दोष थे, तो उस दोष के निवारण के लिए यह रास्ता नहीं था कि एकदम राज्यपाल यह कह दें कि आप चले जाओ और उनकी जगह पर घोष को बिठला दें? तो मैं यह जानना चाहता हूँ, कि यह कौनसा कानून है, कानून विधान है, कौनसा नियम है और कानून नजीर है? मैं गहराई के साथ और जिम्मेदारी के साथ पूछना चाहता हूँ कि सरकारी पक्ष खड़े होकर हमें बतला दें, दुनिया के जनतंत्र में बतला दें, किसी मुल्क के जनतंत्र में बतला दें कि जहाँ एक सरकार बनी हो, मदन में मवाल आया हो, तो उस सरकार को राज्यपाल या बादशाह डिमिशन कर दें।

एक सवाल प्लेजर का है। ड्यूरींग दी प्लेजर आफ दी किंग। सवाल यह है कि किंग की इच्छा के अन्तर्गत वह शासन करेगा। क्या यह प्लेजर कोई लीगल सेक्शन है यह प्लेजर शब्द कोई कानूनी अधिकार नहीं देता है। यह ता करटमी का शब्द है। यह लिखा जाता है। उसका अर्थ यह कभी नहीं होगा कि मनमाने तरीके से, निरकुश

तरीके से कोई भी राज्यपाल चाहे, कोई भी प्रेजीडेंट चाहे, किसी सरकार को उठाकर फूट दें। फिर जब वहाँ के राज्यपाल ने कानून तोड़ दिया, जब मर्यादा नाश दी, बहुमत किस का है इसका सब से उचित और सब से तात्कालिक स्थल है मदन और मदन के काम को नहीं करने देता है राज्यपाल, तो मैं कहना चाहता हूँ कि स्पीकर ने वहाँ के मदन की प्रतिष्ठा की रक्षा की, मदन के गौरव की रक्षा की और मदन की महिमा और गरिमा की रक्षा की यह कह कर के कि जिस ढंग में मदन के हक का राज्यपाल ने अपने आदेश के जरिये इस्तेमाल में नहीं आन दिया और एक सरकार को यहाँ पर वापिस कर दिया उसका मानन के लिये मैं तैयार नहीं हूँ। उनको इसका पूरा हक है। बंगाल के स्पीकर ने जो भी काम किया उसके लिये मैं उनका आभार ज्ञाना चाहता हूँ। अगर उसी के साथ आभार उगा स्तर पर पंजाब के स्पीकर की बात नहीं करता। पंजाब के स्पीकर की बात भिन्न है। कोई यह न कह दें कि बंगाल के स्पीकर की बात की जब हम नाईद करने हैं तो कांटे भी स्पीकर जब चाहे तब अग्रेम्बनी का अनिश्चित काल के लिये स्थगित कर दें। मैं अगर पंजाब में होता

श्री अकबर अली खान : प्रिंसिपल एक होना चाहिये।

شہری ابرہیل خان :
پرنسپل ایک
ہونا چاہیے۔

श्री राजनारायण : हा प्रिंसिपल एक हो और वह प्रिंसिपल हमने मदन में कई बार कहा। जब मुस्लिम लीग वहाँ पर उत्तर प्रदेश में थी और मुस्लिम लीग ने बाहर यह फैसला ल लिया था अपनी पार्टी में कि हम स्पीकर पर अविश्वाम का प्रस्ताव लायेंगे, फिर जब टंडनजी मदन में आये

[श्री राजनारायण]

तो खड़े हो करके बोलते हैं कि अगर एक भी मुस्लिम लीग का मेम्बर हमारी व्यवस्था में असहमति प्रगट करता है तो मैं इस्तीफा दे देता हूँ। मुस्लिम लीग दब गई, बैठ गई, उन्होंने कहा कि श्रीमान् आपमें हमारा कोई अविश्वास नहीं है, आपकी कोई व्यवस्था की नज़ीर हम नहीं दे सकते जिसमें हम आप पर पक्षपात लगायें। यहां पर अगर देखा जाय तो एक नहीं अनेक पक्षपात की लड़ियाँ हैं और एक लड़ी में नहीं मालूम कितनी कड़ियाँ हैं जो कि पक्षपात में प्रभावित हैं। तो हम वैसा स्वीकार चाहते हैं, हम वैसा अध्यक्ष चाहते हैं। यहां पर कोई अध्यक्ष हो यहां विरोधी पक्ष में हम लोग चाहे उसकी गलत से गलत रूनिंग पर कुछ भी कहते रहेंगे तब भी श्री मोहन धारिया और श्री चन्द्रशेखर जैसे दो चार कहने के लिये खड़े हो जायेंगे कि अध्यक्ष मर्त्य हैं, इस प्रकार जहां मीठा मीठा होगा वहां हम और जहां कड़ुआ होगा वहां खायेंगे नहीं।

श्री महेश्वर नाथ कौल : आप पंजाब के स्पीकर के साथ ज्यादाती कर रहे हैं।

श्री राजनारायण : अब हमारा दूसरा प्रश्न है। मुकर्जी ने 18 दिसम्बर को सदन बुलाने की बात की थी। 23 नवम्बर को श्री मुकर्जी को बरखास्त कर दिया गया।

श्री महेश्वर नाथ कौल : 21 को।

श्री राजनारायण : 21 नवम्बर को आपको बरखास्त कर दिया गया और 21 नवम्बर को ही श्री घोष को प्रतिष्ठित कर दिया गया। कितना समय रह गया था। 9 और 18 हो गये 27 दिन ...

श्री महेश्वर नाथ कौल : नहीं, नहीं, फिर गलती हो गई, 29 में गिनियें।

श्री राजनारायण : 29 का सदन बुलाया राज्यपाल ने, इस लिये 29 से आप गिनियें जो लकीर के फकीर हैं। तो हमारा

मीथा सादा प्रश्न है कि इसमें कितने दिन बीत गये, अगर इतने दिन रुक गये होने राज्यपाल श्री धर्मवीर तो वहां कौन सी धरती घंस जाती, कौन सा आकाश उड़ जाता। जो तमाम खूनखराबी हुई, जो बदमज़गी हुई, जो वहां कानून में व्यवधान आया उसकी मारी की मारी जिम्मेदारी केन्द्र की सरकार पर है और वहां के राज्यपाल श्री धर्मवीर पर है और इनके अनिरिक्त और किमी पर नहीं है।

एक बात और। वह चले गये सम्मानित सदस्य जो खड़े हो कर बोल रहे थे, उनका नाम नहीं जानता। मैं यह कानून पढ़ना चाहता हूँ संविधान का। संविधान के अनुच्छेद 189 का जो प्राविज्ञो है :

“परन्तु

यानी अगर कोई असेम्बली भंग कर दी जाय, विघटित कर दी जाय ता भी स्पीकर की क्या स्थिति है :

“परन्तु जब कभी विधान सभा का विघटन किया जाय तो विघटन के पश्चात् होने वाले विधान सभा के प्रथम अधिवेशन के ठीक पहले तक अध्यक्ष अपने पद को रिक्त नहीं करेगा”।

हम कहना चाहते हैं कि श्री घोष ने 18 नवम्बर को प्रतिष्ठित अंश ... कहां हुआ। इसका प्रतिपादन क्या बंगाल में हुआ। बंगाल के स्पीकर को कैसे हटाया गया, क्यों हटाया गया। उसको हटाने की प्रभुताई किंगने ली। जिसने प्रभुताई ली क्या वह जनतंत्रीय है क्या वह संवैधानिक है या तानाशाह है, डिक्टेटर है! अपने संविधान की हत्या करोगे और दूसरों के ऊपर दोषारोपण करोगे। अगर यही बात है तो उत्तर प्रदेश में तुमने राष्ट्रपति का शासन लागू कर दिया है, वहां के स्पीकर को क्यों नहीं हटाते। इस लिये नहीं हटाने कि उत्तर प्रदेश के श्री जगदीश शरण अग्रवाल वहां की

कांग्रेस पार्टी के लाडले हैं दुवारे हैं और इस लिये उनको नहीं हटाया गया। एक ही के तहत में विभिन्न राज्यों में स्पीकरों के साथ विभिन्न प्रकार की व्यवस्था हो यह वही इंसान बरदाश्त कर सकता है जिस की जनतंत्र में आस्था न हो, जिस की नियम और कानून में आस्था न हो। फिर हम से सरकारी पक्ष के लोग कहते हैं कि कानून टूट रहा है, संविधान टूट रहा है। कानून को तोड़ने वाला कैसे कानून की रक्षा की बात कर सकता है।

मैं एक बात और कहना चाहता हूँ। रूल आफ ला के माने क्या हैं। कानून के आसन के माने क्या हैं? इसके माने बुरे कानून को मानना, बैड कानून को मानना हर्गिज नहीं है। श्रीमन्, मैं कहना चाहूंगा कि जो बुरे कानून को तोड़ते नहीं, जो बुरे कानून के सामने नतमस्तक होते हैं वे राष्ट्रपिता महात्मा गांधी की आत्मा की हत्या करते हैं। राष्ट्रपिता महात्मा गांधी न हमें यही सिखाया था कि बैड आर्डर, बुरे कानून, काले कानून को तोड़ना ही हर जनतंत्रीय इंसान का कर्तव्य है। इसलिये मैं चाहूंगा कि इसमें श्री मांहत धारिया हमारा समर्थन करेंगे। हम सत्याग्रह की कोख से पैदा हुए हैं। यह कांग्रेस की सरकार सत्याग्रह की कोख से पैदा हुई है। बुरे कानूनों को तोड़ कर, बुरे कानूनों का उल्लंघन कर और धर्जजी साम्राज्यवाद के कानूनों की धर्जजी धर्जजी उड़ा करके कांग्रेस की सरकार आई है। फिर भी जब हमको ये लोग समझाने लगते हैं "रूल आफ ला, रूल आफ ला" तो हमारी समझ में नहीं आता है। हमारे अकबर अली खां साहब कौन से रूल आफ ला को चलाना चाहते हैं?

شہری اکبر علی خان : وہ سادہ ری

کا زمانہ تھا اور یہ انڈیپنڈینس کا

زمانہ ہے۔

Now your people are there.

†[श्री अकबर अली खान : वह सत्वेवगी का जमाना था और यह इन्डीपेंडेंस का जमाना है।
Now your people are there.]

श्री राजनारायण : श्रीमन्, आप हमसे ज्यादा जानकार हैं। इनको समझा दीजिये अपने चैंबर में बुला कर के तो ज्यादा भला होगा। स्लैवरी का एक शब्द या फ्रीडम का एक शब्द लेने से अकबर अली खां साहब, काम नहीं चलेगा। स्वतंत्रता और जनतंत्र के माने क्या हैं! बहुमत को अल्पमत में परिणत करना और अल्पमत को बहुमत में परिणत करना और रास्ते में रोड़े अटकाना यही स्वतंत्रता है, यही आजादी है। अगर जनतंत्र के हिमायती हैं अकबर अली खां साहब तो मैं उनसे अदब के साथ अपील करूंगा कि अल्पमत अगर हो तो अल्पमत को बहुमत में बदलने की जितनी सहूलियत हो सकती है उनको अगर वे प्रदान नहीं करते हैं तो वे समझ ले कि वे जनतंत्रीय नहीं हैं, संवैधानिक नहीं हैं।

संविधान, संविधान का नाश लगना है और रोज संविधान की हत्या हो रही है इंगी दिल्ली में। संविधान में लिखा हुआ है कि न्यायपालिका और कार्यपालिका अलग-अलग होंगी। बीस साल हो गये और दिल्ली में आज भी न्यायपालिका और कार्यपालिका अलग-अलग नहीं हुआ है। श्रीमन्, मालूम नहीं कि हमारा नुकसान हुआ या भला हुआ, मैं इस पर कुछ नहीं कह सकता, मगर मैं यह जानता हूँ कि अगर डी० सी० यानी डिप्टी कमिश्नर और डी० आई० जी० पुनिस अगर मैजिस्ट्रेट को बुला कर के उसके कान में कुछ समझाये न होते तो शायद हम लोगों की सजा बढ़ जाती। यानी कार्यपालिका और न्यायपालिका का अलग-अलग नहीं है, इस लिये अदालत के उठने तक हम लोगों को सजा मिल गई। हमारा ध्यान चल रहा था और ज्यों ही हम बैठें त्यों ही बाहर से खबर आई कि डिस्ट्रिक्ट

[श्री राजनारायण]

मैजिस्ट्रेट साहब बुला रहे हैं जुडिजियल मैजिस्ट्रेट को। मैजिस्ट्रेट अदालत में बैठा हो, हम लोग वहाँ पर बयान कर रहे हैं और हमारे बयान रिकार्ड हो रहे हैं, उस समय डिस्ट्रिक्ट मैजिस्ट्रेट आ करके जुडिजियल मैजिस्ट्रेट को बाहर बुलाये और वह मैजिस्ट्रेट जाय, यह कोई कानून है, यह सविधान है, यह जनतंत्र है। कानून है ऐसे कानून और जनतंत्र पर।

मैं कहना चाहता हूँ कि कितने विश्व-विद्यालय हैं, कितनी शिक्षा संस्थाएँ हैं जिनमें सरकार की पुनिस का पदारपण हुआ है, कितने विद्यार्थी भूते गये हैं, कितने नागरिक भूते गये हैं। इसकी जिम्मेदारी भूपेश गुप्त और नीरेन घोष पर डालने से काम नहीं चलेगा।

हमारे मित्र ठगड़ी साहब चले गये। ठगड़ी साहब ने एक बात बहुत अच्छी कही नीरेन घोष शायद उस समय नहीं थे। उन्होंने कहा कि आज यहाँ के मजदूरों का कोई पार्टी ममझा रही है कि माओ तो राम है। राम जैसे लंका में गये थे और लंका का दहन किया था, विभीषण को गद्दी दे दी, उसी तरह में भारत में माओ आयेगा, लंका रूपी कांग्रेसी राज का दहन करेगा और नीरेन घोष जो विभीषण है उसको गद्दी दे देगा। यह ठगड़ी साहब कह गए। मैं ठगड़ी साहब में कहना चाहता हूँ कि वह अन्धकार में है, यह चीज आज में नहीं चल रही है, यह चीज चल रही है 1958-59 से।

श्री श्रीजकिशोर प्रसाद सिंह (बिहार): ठगड़ी उनको विभीषण कहें तो आपको कुम्भकर्ण।

श्री राजनारायण: हमका कुम्भकरण कहे लेकिन गिनना साहब को खरदूपण जरूर कहें।

सवाल, श्रीमन्, साफ है। मत यहाँ विभीषण बना, मत रावण बना, मत कहो कि

हम इस बैंड रूल को खत्म करने के लिए राम को लायेंगे। राम का साथ वहाँ की जनता ने दिया था। मैं साफ कहना चाहता हूँ कि बराबर कम्युनिस्ट पार्टी की तरफ से—जब नीरेन घोष और भूपेश गुप्त साथ चल रहे थे—कहा जाता रहा है कि हम विभीषण हैं—उनकी एक नहीं अनेक किताबों में लिखा हुआ है—कि लंका का दहन करने के लिए राम आएगा, हम उसका साथ देंगे।

स्वास्थ्य, परिवार नियोजन और नगर विकास मंत्रालय में उपमंत्री (श्री बी० एस० मूर्ति): रावण के भाई हैं।

श्री राजनारायण: कांग्रेस और कम्युनिस्ट दोनों बकार हैं। मैं कई बार कह चुका हूँ कि चार बकार हैं—कंगाली, करोड़-पन्थ, कांग्रेस और कम्युनिस्ट। कंगाली क्यों है क्योंकि करोड़-पन्थ है, करोड़ पन्थ क्यों है क्योंकि कांग्रेस का राज है, कांग्रेस का राज क्यों है क्योंकि कम्युनिस्ट जाल-बूटा है। घरना अगर भूपेश गुप्त कांग्रेस का साथ छोड़ दे तो आज हम केन्द्र में कांग्रेस की सत्ता हटा सकते हैं। जब डा० लोहिया जीवित थे, रोन्दूल हाल में बैठे हुए थे, उन्होंने कहा कि: "If Congress goes, we are prepared to take over". इस वाक्य पर दस्तखत कर दो, कम्युनिस्ट पार्टी ने उस पर दस्तखत नहीं किए, जनसंघ ने नहीं किए, डा० लोहिया बैठे रह गए वहाँ पर।

SHRI PHUPESH GUPTA: I do not want to disturb my friend. You see, sometimes my friend used to bring certain childish things, but we said, डा० लोहिया हमारे ज्यादा दोस्त थे। हमने कहा ठीक से ड्राफ्ट करो। मधु लिमये ले आए थे, हमने कहा कि इसको अच्छा करो, ड्राफ्ट इंग्लिश में है, हम इसको सही कर देंगे। कांग्रेस जायगी तो हम ले लेंगे, ठीक है।

श्री निरंजन बर्मा (गध्य प्रदेश) श्रीमान, जनसंघ स्वतंत्र बुद्धि में विश्वास करता है, किसी का पिछलग्गू नहीं बनता।

श्री राजनारायण : हमने वस्तु स्थिति का बयान किया, किमी न काटा नहीं। वह ड्राफ्ट ठीक था, कई घंटे के मनन के बाद तैयार किया गया था, हम बहा बैठे थे, हमारे सामने यह हुआ कि केन्द्र में कांग्रेस की सरकार को बिन हटाए विभिन्न राज्यों में जो गैर-कांग्रेसी सरकारें हैं वे ठीक से नहीं चल पायेंगी, इसलिए उन्हें चलाने के लिए यह जरूरी हो गया है कि केन्द्र में कांग्रेस की सरकार हटे। हम आज भी इसी मत के हैं। विशद व्याख्या न करेंगे, हम देश की जनता को यह बताते हैं कि हम सब विरोधी दल केन्द्र में कांग्रेसी सरकार को हटाने के लिए तैयार हैं। अगर कांग्रेस की सरकार जाती है तो हम शासन सम्भालने के लिए एक बद्ध हैं। चाहे यह वाक्य ठीक न लगता हो लेकिन यह सत्य है कि इस वाक्य पर न कम्युनिस्ट पार्टी ने दस्तखत किए और न जनगण ने किए।

SURI BHUPESH GUPTA: I will correct it because he is my friend. They had one advantage about Dr. Lohia. We had given up the cult of personality long ago, with Stalin. I said: "They can sign, I have to call a meeting".

उपसभाध्यक्ष (श्री महाबीर प्रसाद भागंव) : राजनारायण जी, आपके 5 मिनट बाकी है।

श्री राजनारायण : मुर्कजी साहब को किना बका दिया गया था ?

उपसभाध्यक्ष (श्री महाबीर प्रसाद भागंव) : भूपेश गुप्त को आधा घंटा दिया गया, आप 25 मिनट ल चुके हैं।

श्री राजनारायण : मेरा इतना ही निवेदन है कि जहां तक संयुक्त सोशलिस्ट पार्टी का मवाल है, संयुक्त सोशलिस्ट पार्टी का दिमाग साफ है कि कांग्रेस को केन्द्र से जाना चाहिए, मगर इस एक वाक्य पर दस्तखत करने के लिए हमारे मित्र, भूपेश गुप्त को अपनी किमी कमेटी से अधिकार लेना है। फर्क हा गया। जनसंघ के नेता ने साफ कहा कि हम इस पर दस्तखत नहीं करेंगे। सामान्य यहां उलझ

जाना है, और कही नहीं उलझा है। जो अपने को विरोधी दल कहते हैं, चाहे कम्युनिस्ट पार्टी हो, चाहे जनसंघ हो, स्वतंत्र हो, रिपब्लिकन हो इस वाक्य पर आज दस्तखत करने के लिए तैयार हो जायें, दस्तखत कर दें, तो हम दस दिन के अन्दर केन्द्र में कांग्रेस की सत्ता खत्म कर सकते हैं। अगर राज्यों में संविधान ठीक से चल सके, जनतंत्र पनप सके और जनता की रूचि का यामन हो तो जरूरी है कि इस नालायक कांग्रेसी सरकार को हटाओ। हम तो आज भी तैयार हैं दस्तखत करने के लिए।

श्री अकरार अली खान : यू० पी० में क्या हुआ ?

श्री राजनारायण : अभी बंगाल के एक मित्र बोल रहे थे। उन्होंने कहा कि झगड़ा हुआ। गोलियां चली, मारकाट हुई, कोई पार्टी इसकी जिम्मेदारी क्यों नहीं लेती। हम जिम्मेदारी लेने के लिए तैयार हैं। अगर हमारे कार्यक्रम में, अगर हमारे प्रोग्राम में कोई व्यवधान पैदा होना है और कोई हिंसा हो जाती है तो मैं इसके को चोट पर उग मदन में कहना चाहता हूं कि हम उसकी जिम्मेदारी लेने को तैयार हैं, हम भागना नहीं चाहते। जनतंत्र में अहिंसा और हिंसा इन दोनों रास्तों में फर्क करना चाहिए। मेरा कहना है कि अगर अहिंसक सेना है तो अहिंसक सेना का नेता सेना के आगे रहना है, अगर हिंसक सेना है तो हिंसक सेना का नेता सेना के पीछे रहना है, गांधी जी ने यही समझाया था, भारतीय स्वतंत्रता संग्राम में यही सीख दी थी। हमन अहिंसा की लड़ाई लड़ी है। तो नेताओं को आगे रह कर सारी चीजों की परिस्थिति को कंट्रोल करना चाहिए, नियंत्रित करना चाहिए, यह नहीं करना चाहिए कि नेता लोग घरों में घुस कर बैठे रहें और जनता को आगे झोंक द। इसीलिए दिल्ली में जब जब हमन प्रदर्शन किए हैं हम आगे रहे हैं, पीछे नहीं रहे हैं, घरों में नहीं बैठे।

उपसभाध्यक्ष (श्री महाबोर प्रसाद भार्गव) : राजनारायण जी, घटी के पीछे क्यों रहते हैं ?

श्री राजनारायण : हमारा कहना है कि मत पीछे-देखू बना, मत बगल-देखू बना, आगे-देखू बना। आज अपने मित्र भूपेश गुप्त जी से, डाह्याभाई पटेल से, वर्मा जी से, नीरेन घोष से निहायत अदब के साथ अपील करना चाहता हूँ कि बंगाल में जो वृद्धशा काँग्रेसी राज ने करा दी है, वहा जो निरंकुश ढंग पर अराजकता का राज हो गया है, वहा जो निरंकुश ढंग पर गड़बड़ी हो रही है उन तमाम गड़बड़ियों को सुधारना चाहते हैं तो मित्र लोगो फौरन से फौरन—आज अपनी कमेटियों में अधिकार न लिया हो तो कल ले लो, हमारा कमटी का अधिकार तो सर्वदा है एन सर्वमान्य चीज के लिए—इस पर दस्तगत कर दो। केन्द्र में जब तक काँग्रेसी सरकार को नहीं हटाओंग तब तक राज्यों में गैर-काँग्रेसी सरकारें समुचित ढंग से, सुचारु रूप से नहीं चल पायगी। काँग्रेसी सरकार प्रतिक्रियावादी है, जनतंत्र-विरोधी है, संविधान-घाती है और जिस सत्याग्रह माता के कोख से निकली है उसी के पेट पर लात मारने वाली है। तमाम राज्यों में गैर-काँग्रेसी सरकारें हो पायें तब काँग्रेसी सरकार, यह ज्यादा दिनों तक समुचित नहीं हो पायगी। इसलिए पूरी ताकत लगाया और ताकत लगाकर श्रीमती इन्दिरा नेहरू गांधी की सरकार बनाया। जो आजकल का नारा है वह मैं दोहराना चाहता—

जाग, परनी, आग, आधी
 गद्दी छाड़ इन्दिरा गांधी ।'

यानी धरनी अपनी कट रही है, भयकर आधी आ रही है, उम्रानिए हे श्रीमती इन्दिरा गांधी अपनी गद्दी का छाड़ना। नहीं मन्दी के साथ बगल में जायगी। धर्मवीर न जो अराजक रिश्ता पेटा कर दी है, उसके प्रति अपने विरोध को दोहराते हुए, वहा

अन्तरिम चुनाव शीघ्रानिश्चित हों, किसी भी हालत में जून के बाद न टाले जाये और जो एट्रामिटीज हुई हैं उनकी न्यायिक जांच हो और जो बातें मैंने कही हैं उन तमाम बातों को दोहराते हुए मैं अपना स्थान ग्रहण करता हूँ।

SHRI B. K. P. SINHA: Mr. Vice-Chairman, the confirmation of the Proclamation has come before this House for the first time but the issues raised by the Proclamation have been discussed threadbare in the House during the last six months. There is nothing that remains unsaid. And so far as confirmation is concerned, it was the unanimous demand of all the opposition parties. When the Government of Dr Prafulla Chandra Ghosh was faced with certain defections from his party, and when it was not possible to form any stable Government, it was not only the Governor, not only those who held in their hands the reins of power, but all the opposition parties also were of the view that the only way out of that constitutional impasse was the Proclamation of President's rule. And therefore I feel it is no use now bringing in old issues, as old as the original sin of Eve because, in the situation in which the Proclamation came, it was inevitable; it was necessary.

Mr. Vice-Chairman, after the last General Elections a new political pattern has emerged in this country. In many States no party has an absolute majority and even in States where parties have absolute majorities because of the aggravated phenomenon of defections from the majority party the Governments have become unstable. And that is why we find today that in a major part of India President's rule had to be proclaimed. We have to live with this situation for some time to come.

In this connection a few pertinent questions arise in my mind, which I would like to put before this House and the Government. Now the Constitution never contemplated that President's rule shall be very frequent, or shall continue for a long time. This is clear if we bear in mind the fact that, when an Assembly is

dissolved there are no Members of the Assembly and therefore that Assembly or the Members of that Assembly cannot send any representatives to this House the Rajya Sabha. Now when no such situation was contemplated by the Constitution, that situation cannot be corrected except by a Constitutional amendment. I am reminded in this connection of the experience of Kerala where President's rule had to continue for three years or more. The result was that twice biennial elections were not allowed in Kerala and for at least three years or more Kerala was partially denied representation in this House. Since this pattern is becoming very common I would like the Government to consider if it is possible to introduce a Constitutional amendment in the relevant article—article 84 of the Constitution—so that even when an Assembly is dissolved those who were Members of the Assembly at the time of dissolution, constitute an electoral college and they elect Members to the Rajya Sabha so that at least the State is not denied representation in the Rajya Sabha for a considerable period. And I am sure that if such an endeavour is made by Government, the opposition parties also will not object to it.

SHRI VIDYA CHARAN SHUKLA
 Mr Niren Ghosh will support it

SHRI NIREN GHOSH: What is your proposal?

SHRI B K P SINHA: My proposal is to have a Constitutional amendment so that those Members who are Members of the Assembly at the time of its dissolution constitute an electoral college and they elect Members to the Rajya Sabha till a fresh Assembly is regularly elected. And I hope all the opposition parties will say they accept such an amendment.

SHRI AKBAR ALI KHAN: With proportional representation.

SHRI B K P SINHA: Now Mr Vice-Chairman, I come to another important issue and that issue arises from the statement of the Home Minister made on 20th of February, 1968 wherein he says:

We had been advised that it would have been competent for the Parliament on a Proclamation being issued under clause (b) of article 356 to undertake certain appropriate measures to enable the Assembly to start functioning again.

SHRI M N KAUI: Very doubtful.

SHRI B K P SINHA: That really raises the issue whether article 356 is an integrated article. My Hon. friend here holds the view that this article is not capable of being split up into various parts and not capable of application in parts. Now I leave aside the bigger issue whether it is an integrated article or is capable of application in parts. I assume for purposes of argument that this article can be split up and applied in parts. But then if it can be applied in parts, what does article 356 (b) say? That article lays down that the President may by Proclamation "declare that the powers of the Legislature of the State shall be exercisable by or under the authority of Parliament". The crucial words are "the powers of the Legislature of the State". Parliament takes over such powers of the Legislature of the State. And what is the Legislature of the State? That is defined in article 168. Article 168 makes it very clear:

'For every State there shall be a Legislature which shall consist of the Governor and (a) in the States of Andhra Pradesh, Bihar, Madhya Pradesh, Madras, Maharashtra, Mysore, Punjab, Uttar Pradesh and West Bengal two Houses; (b) in other States one House.'

Therefore a Legislature does not mean an individual and separate House of the Legislature; it means a body with Governor at the apex and two Houses at the base. And it is only when the Constitution contemplates an unified action by these three bodies acting together that the Legislature is constituted and when Parliament takes over the powers of the Legislature of a State it really takes over the powers which require three bodies, that is, the two Houses and the

[Shri B. K. P. Sinha]
 Governor, to act in unison. It is not as if the House of the People takes over the powers of the Assembly, and the Rajya Sabha or the Council of States takes over the powers of the Council of the local Legislature. Those other powers are not taken over, because the Legislature is not the individual Houses of the State. Therefore, when some people try to proceed on the assumption that, if Parliament acts under article 356.(b), the Lok Sabha or Rajya Sabha shall be competent to change the Rules of Procedure of the Houses, they proceed, in my opinion, on a wrong assumption. And what is the article that gives power to the two different Houses to promulgate their own rules? That is article 208:

“A House of the Legislature of a State may make rules for regulating, subject to the provisions of this Constitution, its procedure and the conduct of its business.”

The power of making rules is a power which vests in each House. It is not the Assembly which can frame rules or participate in the framing of rules for the Council. Nor is it the Council which can participate in the framing of the rules for the Assembly. These are powers conferred on the two bodies separately and individually by the Constitution itself and, therefore, when Parliament takes over the powers of the Legislature, it does not take over the powers of the separate and individual Houses. Therefore, when people here say, or when newspapers report with a touch of authority that it is possible for Parliament to take over the powers of the Legislature of the State, and thereafter amend the Rules of Procedure of the Assembly or the Council, they proceed, in my opinion, on an incorrect appreciation of the provisions of this Constitution. Therefore, the remedy does not lie, in my opinion, in the observations of the Home Minister. What then is the remedy? If the Speaker adopts an attitude which is not in conformity with the high position that he occupies if a Chief Minister or the Prime Minister does not act in the spirit of the Constitution, if a Governor or the President does not carry out the obligations of

a democratic system, then the Constitution provides no remedy, and the system itself breaks up. In this connection, Mr. Vice-Chairman, I am reminded of an observation of Gladstone, made more than sixty or seventy years ago but which is very appropriate in the situation with which we are faced now. Speaking of the British Constitution Mr. Gladstone remarked:

“The British Constitution more than any other leaves open doors which lead into blind alleys, for it presumes more boldly than any other good sense and good faith in those occupying high offices. And when these are lacking we are faced with a blind alley.”

And what is being done in some States by those who hold high offices or positions is really landing us or leading us into a blind alley. The Constitution does not provide any remedy, but something can be done, to correct the situation, to improve the situation, I suggest in this connection that the presiding officers of Parliament, or the Speaker of the Lok Sabha, can convene urgently and peremptorily a Speakers' Conference and this issue, this new phenomenon, can be the subject-matter of discussion there, rather it can be the sole subject-matter of discussion at that conference. And the Speakers at that conference, if they can evolve some consensus some code of conduct for the Speakers to observe, I think that will help considerably in the solution of the problem. Even an amendment of the Constitution, in my opinion, would not provide a remedy because a thousand and one situations may arise and no Constitution can contemplate in advance all the permutations and combinations of circumstances which a speaker might have to face or which a Chief Minister might have to face in which he would have to exercise these powers. Therefore what is necessary is for those who hold high offices to come to some consensus about the day to day working and, to develop such a consensus and to accept it in the day to day working in the spirit and good faith that are demanded of those who hold high offices.

Mr. Vice-Chairman, so for the demand made from the other side—and rightly made in my opinion—a demand in which the spokesman of the Bengal Congress has also agreed here, that there should not be any undue delay in holding the mid-term elections, I fully agree with it. I have already indicated that the Constitution does not provide for a situation in which you can dissolve an Assembly and elect Members to the Rajya Sabha. Really the makers of our Constitution did not contemplate this sort of a situation. They contemplated that President's Rule would only be few and far between and that too only for a short period. But now we have to face an abnormal situation. Therefore, I feel that the earliest opportunity consistent with peace and good government, consistent with the proper preparations for the holding of the elections, peacefully should be utilised for holding the mid-term poll. Thank you, Mr. Vice-Chairman.

SHRI NIREN GHOSH: Mr. Vice-Chairman, first of all I would like to say that I do not like to join issues with my hon. friend Shri Dahyabhai Patel who has spoken here today in such a way that it is for the Congress to ponder over this issue and find out why he should have become an exponent for their point of view. It is not for me to ponder over that matter.

Next I would like to say that the experience of West Bengal, the lessons that can be drawn from West Bengal, seem to have been lost on the Government. They don't seem to have learnt anything yet from them. I would like to remind the Government that it is now amply apparent that by subterfuges and by giving the provisions of the Constitution the go-by, and by bribery trying to instal a government against the wishes of the majority of the people, is a method or a process which the Congress has launched upon which will not stand them in good stead in the days to come. Mr. Vice-Chairman, I would like to say that in West Bengal the present drama is linked with two names. They are Prafulla Chandra Ghosh who is known as Aminchand, and Humayun Kabir who is called

Mir Jaffar. It is this combination of Mir Jaffar and Aminchand which the Congress backed that has brought about the whole drama. The Congress backed it and in their haste they went in for a coalition. They are afraid of going in for a coalition in Punjab, but they went in for a coalition and all sorts of methods and tricks they tried in order to succeed.

SHRI LOKANATH MISRA (Orissa): You could not get an appropriate name for Atulya Ghosh?

SHRI NIREN GHOSH: As for Atulya Ghosh, he is already finished. He is "Atulya", he has no comparison. So that is the position.

Now, what is the issue at stake. Everywhere and in all the States the primacy of the Assembly must be ensured and the Assembly is sovereign and not the centre and its agent the Governor. It must be regarded as such and in no case can the wishes of the people of the State, in no case the Assembly can be bypassed. The Assemblies are sovereign bodies. Trying to get things done behind the back of the Assembly, ignoring the people of the State, that will not work in India any more. It worked in Kerala in 1959 and even in 1965 after the Kerala elections it worked. But I would like to tell the Government in all humility that this is not going to work in India in any of the States in future. This is one thing which they should remember.

I would like to ask the Government this question. They talk of the rule of law. The Treasury Benches, the Ministers and particularly the Home Minister, Mr. Chavan, they are talking of the rule of law. But unfortunately it is their own protegee who has broken all canons of the rule of law. The Congress and the P.D.F. combination with a section of the bureaucrats and a section of other officials, such a combination is there and I am sorry to say that even the Judiciary is being brought in and they are all acting in a partisan manner. They give such judgments: I would also like to say since the issue of gherao was raised, that even before Mr. D. N. Singh gave that judgment on the question of gheraos or something like that, when

President

[Shri Niren Ghosh] the Federation president delivered his presidential address in Delhi, he congratulated him through a trunk call. That was even before this issue was raised. Who will believe in his judgment? It is well known that he has links with the vested interests and with the big bourgeoisie interests. When they come and say openly such things then the people begin to lose faith in such talks on democracy. Let the Government remember that such things will not do any good for the development of democracy. Under this regime all the rights of the people have been affected and they have in fact, become insecure. As regards the tortures and repressions and other things Shri Bhupesh Gupta has related them and we have also related them and so I do not want to take up the time of the House on that score. Only I would like to say that this sort of torture and repression recalls to our mind what is being enacted in Southern Rhodesia or in Viet Nam by the American barbarians and aggressors. It recalls to our mind that episode.

5 P. M.

Another lesson that we should learn is this that Central interference in the affairs of the States, not only in West Bengal, but be it Punjab, Haryana, Uttar Pradesh or Bihar, must stop. The Governor should only be a constitutional head. Governors cannot be autocrats. Even Sir Tej Bahadur Sapru said that the word 'pleasure' in the phrase 'pleasure of the Crown' was only a form of courtesy and he has no power whatsoever. He can never dismiss a Ministry unless an adverse vote is passed in the Assembly or the Legislature. That being the position, this operation topple of non-Congress Governments that the Congress Party and the Centre have undertaken and which they are trying to carry out is bound to result in a fiasco as it has already resulted in a fiasco in West Bengal. The people of West Bengal did not tolerate it and so they had to eat their own words, the humble pie and they had to dislodge the unlawful and unconstitutional Government which they had set up. Had it been an independent State the people of West

Bengal would have overthrown that Government. There is no doubt about it. If such a thing occurs in Delhi the people of India will overthrow this Government if an attempt is made to repeat in Delhi the history of what was done in Bengal. That is the lesson that you must learn. So I would like to say this in all humility. Mr Hathi, you are the Leader of the House and you are a Cabinet Minister. Please advise your Government that attempts to interfere in the affairs of States, whatever State it might be. I am not speaking of West Bengal alone. I am speaking for all the States. If an interlude that flimsy and tentative on your part should occur. You should realise that if democracy is to work in India, if there is to be any semblance of any order or system in India then this practice, this conspiracy, these undemocratic methods must be given up once for all. You should remember that there are in India many national language groups and they have their rights. The affairs and destiny of West Bengal would be decided by the crores of inhabitants of West Bengal, whether they are Bengalis or non-Bengalis who have come to the State. Similarly the affairs of UP would be run by the 8 crores of people who inhabit UP and not Delhi and Bihar would be run by the five crores of Biharis and not by Delhi. That is the thing you must get clear. That is why I say that interference in the affairs of the States should cease once for all and the Governor should in no case do anything behind the back of the Assembly. He must be like the British Crown.

THE MINISTER OF LABOUR AND REHABILITATION (SHRI JAISUKHLAL HATHI) Shall I get information about the Durgapur strike or not? Shall I or shall I not do it from Delhi?

SHRI NIREN GHOSH If the States had untrammelled powers I would not want you to waste the time. I say in order to give the federal principles free play the powers of the Centre at Delhi should be reduced. The Centre should be divested of all the powers there should only be minimum powers at the Centre in respect of defence, communications, currency, foreign affairs, something like that.

All the other powers should go to the States. The States should not be supplicants on bended knees at the Durbar of Delhi in order to develop their States because I would say that in this period the Centre has discriminated against Bengal. Licences have not been issued; industrialists have been told to shift their industries from West Bengal. Even to that extent they are going in order to suppress a non-Congress Government. Certainly, we would not tolerate, we would not put up with such a situation in future. If the industrialists want to sabotage production, if they go against the laws of Bengal, certainly we must have full powers to make whatever laws we choose in order to fashion the destiny of Bengal. And I say this should apply to all the States and in that case the States will have enough resources to build their own States. For example, in West Bengal, Mr. Vice-Chairman, we have coal, we have a big port; we have steel plants and other industries and oil may be struck. One-third of the Central revenue from income-tax comes from West Bengal. If those people cannot run their industries then West Bengal certainly can set up hundreds of new industrial undertakings and solve the problem of unemployment in a few days. Given some latitude the State of U.P., the State of Bihar, the State of Maharashtra, the State of Kerala, the State of Tamil Nad can all do it. It is the Centre which is standing in the way of industrialisation and a solution of the problem of unemployment arrogating to themselves the power which should naturally belong to the peoples of the States. The pattern of India, I say, should change. This is the problem that has been posed by this experience in West Bengal. Punjab and Haryana and we should learn from it.

Another thing I would like to say is about the treatment meted out to the Speaker. They cannot say that the Speaker should vacate his office. You are in the Chair, Mr. Vice-Chairman and you know the Constitution. A Speaker should vacate his office if he ceases to be a member of the Assembly; that is what is said. What does it mean? It means that the Assembly is

in existence and he ceases to be a member. Otherwise he cannot cease to be a member of the Assembly unless the Assembly is in existence. If the Assembly continues, if the Assembly is in existence and the Speaker ceases to be a member of the Assembly then he should vacate his office. Another provision is that even if the Assembly is dissolved before the new Assembly is brought into being, just before the first meeting of the new Assembly he has to vacate his office. So even if the Assembly is dissolved he continues in his office, he vacates only just before the new Assembly holds its first sitting. So in their vindictiveness, in their vengeance against the Speaker who uphold the dignity and prestige of Assemblies in India, who has shown how a Speaker should uphold the primacy of the Assembly and stand up against the autocratic provision which has been there in the Constitution, this autocratic Government at the Centre has come down upon him which is again an unconstitutional act. I tell you, Mr. Vice-Chairman, that the people of Bengal will take it as an insult to them and they would reply to this insult in proper terms in course of time and history will show that.

Now, Mr. Vice-Chairman, I would like to say about the demand of the people of West Bengal. Even if you wanted to by-pass the Assembly immediately a reference should have been made to the electorate. That was not done and those things went on. Now, attempts are being made to delay elections as long as possible. If preparations had been made, we could have held elections even in March-April. Our Party has said, our United Front has said that it should not be later than June. In any case I demand that attempts should be made to hold elections not later than June. I had a talk with the Chief Election Commissioner and I got the impression that he thinks that elections can be held in the last week of October or the first week of November. I would like that the elections should be held in June. I know that the Centre is acting in such a way as to torpedo the early holding of elections. I de-

[Shri Niren Ghosh]

mand that the elections be held in June. Otherwise, we would consider that an injustice has been done. You are trying to get partisan advantage by holding elections later than in June, but even then it should not be as late as the last week of October or the first week of November.

I may tell you that now there is no rule of law in West Bengal Plain-clothed policemen are there right and left beating the factory workers, bus conductors and industrialists. Not a single issue has been settled with the factories. It is more than 22 weeks since lock out in Martin Burn and I. S. W. and other lockouts and closures have been made. They have not been able to solve the problems. All the parties are siding with them. Actually I do not know and I cannot talk about the top layer of the big business and the other propertied class, but 90 per cent of the people of Bengal feel insecure under this Governor's rule, under the rule of Mr. Dharma Vira. He rules under your behest. He carries out your behest. I have no doubt that a feeling of insecurity is creeping and right or wrong all canons of the rule of law are broken. Attempts are made to dispossess the kisans of their land. Lathi-charges are daily being made and all sorts of agreements have been broken and production has been sabotaged. Anarchy has been let loose by the police in order to punish the people of Bengal. That is how they will try to deal with other States. They want to take the destiny in their own hands and overthrow this non-Congress Government. If the President's rule continues, complete anarchy will creep in West Bengal.

SHRI M. N. KAUL: Then, Parliament is responsible and you can raise these matters here.

SHRI NIREN GHOSH: Then do away with all the States. Have Parliament. You have converted Parliament into State Assemblies. We are not discussing all-India affairs. Now, you have Punjab, Hariana, Bihar, U. P. Next is perhaps Kerala, then Orissa, then Tamil Nad.

SHRI M. N. KAUL: Till elections.

SHRI NIREN GHOSH: Let Parliament be converted into Legislative Assemblies of different States.

SHRI M. N. KAUL: Till elections are over.

SHRI NIREN GHOSH: That is what you are doing. So, I would like to say that elections must be held as soon as possible. In future the entire pattern of relations and correlation between the States and the Centre should be revised. You must recall the Governor, Mr. Dharma Vira is the most hated person in Bengal. Nobody believes his word. You should recall him. I would like to say that the United Front is sure to rout the Congress in the coming elections and reduce it to a small minority. The Congress has lost once and for all. The last elections have given objective assessment of the different parties of the United Front parties had an objective. If the parties of the United Front go by the result of the last elections, there would not have been much of a difficulty in the allocation of seats. That is the objective before us. All can be accommodated. I know that if it is done, the Congress would be reduced to a minority of 50 to 60 members. Not more than that.

SHRI AKBAR ALI KHAN: Question.

SHRI NIREN GHOSH: You may question. In the case of Kerala, you said perhaps you were still there and you questioned it. Now, Kerala has gone. West Bengal has gone.

THE MINISTER OF STATE IN THE DEPARTMENTS OF PARLIAMENTARY AFFAIRS AND COMMUNICATIONS (SHRI I. K. GUJRAL): Where has it gone?

SHRI NIREN GHOSH: Search inside your pocket and then you will not find the Congress in your pocket.

SHRI I. K. GUJRAL: Where has Kerala gone?

(Interruptions)

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Order, order. Please wind up.

SHRI NIREN GHOSH: Recall the Governor. Reshape the Centre-State.

relations. Maximum possible powers should be given to the States. Mid-term elections should be held not later than June. This unconstitutional and vindictive behaviour towards the Speaker should be stopped. Let a change in policy be ushered in. Otherwise, you are trying to break up India. We are trying to preserve the unity of India. We will fight for unity against your reactionary forces. We will fight for the democratic unity of Bengal and we will maintain and preserve the unity of India, despite you. You have partitioned India. Now, you are trying to partition India into 17 or 18 constituents by your autocratic and ruthless behaviour and by suppressing the States. You are breaking up India. We will resist that and we will maintain the unity of India on a democratic basis, on a federation of the Indian States, in which the States will enjoy the maximum of power and a Constitution would be drawn up on a voluntary basis, with the absolutely minimum of power at the Centre. That is the only basis on which the fabric of Indian unity could be strengthened.

SHRI CHITTA BASU: Mr. Vice-Chairman, I rise to echo here, in this House, the feelings and sentiments of the great people whom I represent here. You know that the people of West Bengal led a heroic and courageous fight against the Centre and also fought for the dismissal of the illegally constituted Government under the leadership of Dr. P. C. Ghosh. After the first battle was over, the people of West Bengal heaved a sigh of relief, when the President of the country was pleased to take over the administration. Now, after the Presidential takeover, the people of West Bengal are still continuing their movement afresh on the basis of three major, broad demands. Firstly, the Governor, Mr. Dharma Vira, should be recalled immediately. Secondly, there should be a probe instituted into the police excesses committed during the regime of Dr. P. C. Ghosh. Thirdly, you should hold an early mid-term election. When I say all this, I would like to submit in this House what justifies the demand of the West Bengal people in the matter of recall

of the Governor. You know that Governor Dharma Vira was the central figure in the whole episode, in the whole drama, which was gradually unfolded and moved towards a climax. You know that Mr. Dharma Vira represents that relic of British bureaucracy which was once described by Pandit Nenru as the British steel frame. That being the case, the people of West Bengal, who have been pioneers in the freedom movement of our country, have got a qualm in resistance to all British ideals and British practices. Naturally the very presence of Mr. Dharma Vira is now considered to be an affront to the spirit of freedom of the people of West Bengal. Therefore, they cannot remain satisfied unless Mr. Dharma Vira is removed from West Bengal even at this late stage. Secondly, the people of West Bengal, as you know, waged a determined struggle for the advent of freedom to our country, to usher in a new order of society and in that struggle it is the vested interests which had to be fought. You know that Mr. Dharma Vira has got connections with these big business houses of this country. It is no secret today that Mr. Dharma Vira had got relations even with the late Lala Shri Ram. Not only that. Some time ago it was alleged that some of the Birlas have got contact men who happen to be the relations of Mr. Dharma Vira. It was also alleged that by maintaining a liaison man of Birlas, who happened to be a relation of Mr. Dharma Vira, Birlas got so many favours from the Government. That being the case, while the people of West Bengal want to fight the vested interests, want to fight the big business houses in the country, the big business houses found a reliable friend in Mr. Dharma Vira, and there are valid reasons to believe that these big business houses of this country had a very big hand in the matter of hatching the conspiracy to topple the United Front Government of West Bengal. You would be surprised to learn, you need not be surprised, it is a fact, that lakhs and crores of rupees were spent for the purchasing of defector M.L.As. and hundreds and thousands of rupees were spent freely by the big business houses, and there-

[Shri Chitta Basu]

fore the people of West Bengal cannot tolerate the presence of Mr Dharma Vira who worked there for the toppling of the Government of the United Front at the bidding of the big business houses of the country.

Again, I have got a third charge against him that he deliberately schemed and sowed disaffection and recalcitrance among the bureaucracy of the State. A section of the bureaucracy did not want that the United Front Government should continue peacefully and rule the country according to the law, and it is known to many that Mr Dharma Vira invited District Magistrates and Superintendents of Police in the name of a tea party, and he utilised that occasion to instigate them against the United Front Ministry. It may be known to you, Sir, that one of the Inspectors General of Police sought for the Border Security Force even without consulting the United Front Ministry, even without consulting the Chief Minister of the State. Therefore, he was primarily responsible for sowing disaffection, for sowing recalcitrance among the State bureaucrats who were working against the interests of the people in the past and also against the United Front regime. He was a willing partner in all those conspiracies.

Fourthly, he took active part in the matter of launching a conspiracy which was called a bid for a coup on October 2nd. You would be surprised to learn that it was this Mr Dharma Vira who called Shri Ajoy Mukherjee and the former Chief Minister, Shri P. C. Sen, over to dinner. Who is he to have political talks? Who is he to indulge in such political overtures and indulge in political and partisan activities? Therefore, he is also responsible for that ignominious bid of the Congress to stage a coup in October in order to break the United Front and the unity of the people.

Fifthly, I may say that even before the dismissal of the United Front Ministry Mr Dharma Vira went out of his way and directed the police and the army to remain ready to suppress any popular resistance which might

follow in the wake of its dismissal. My point is this. When there was a legally constituted Government under the leadership of Shri Ajoy Mukherjee he directed the police and he directly contacted the military so that they may remain alert in case there was necessity for suppressing the popular movement. He worked behind the back of the legally constituted Government.

Again sixthly, I want to say that you will find in his report that he says that on the 11th of February, 18 MLAs wrote to him—I will quote 'on the 11th of February 18 MLAs wrote to me withdrawing their support to the Progressive Democratic Front—Congress coalition Government from that date.' When he says that 18 MLAs of the Congress-P.D.F. coalition withdrew their support to the coalition Ministry, may I know why that coalition Ministry was not dismissed on the basis of the same standard which was applied in the case of dismissing the United Front Ministry? Therefore, here he also played a partisan role. He played a part which satisfied the Congress bureaucracy and which satisfied the party that is in power at the Centre. He acted there not as a Governor, he acted there not as a constitutional head, he acted as a Congress President or a Mandal President. I do not know what only to further the cause of Congress interests in that State. Not only that, I will show you that he gave five days' clear time even according to this report so that the Congress people may make manoeuvres, may make manipulations so that they may continue in the majority by arranging and persuading some people with higher bids. In this case also his role is reprehensible. His role is despicable. He acted more in the interests of the Congress than of the State, nor did he exercise his power in the capacity of Governor.

Then I want to say, seventhly—I have got eight charges against him—seventhly he sought to malign the Speaker. In this report you will find that he says: "It is however clear that it will be impossible to hold any session of the Assembly so long as the

present Speaker continues to adhere to his view and does not enable the House to transact urgent and important business". Sir, it has been discussed earlier that what the Speaker, Shri Bejoy Banerjee, has done in West Bengal he has done in the best interests of democracy, in the best interest of preserving the parliamentary institutions, its norms and practices. I simply want to quote one paragraph of his ruling wherein he has said: "I would be failing in my duty if I did not uphold the rights and powers of the House in the face of the attempts to infringe and restrict such rights". Mr. Banerjee is a beloved son of Bengal who tried to defend the rights and privileges of the elected members of the House, and I need not go into the justification of his ruling.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Come to your next point.

SHRI CHITTA BASU: But here in this report the Governor seeks to malign the Speaker who defended the democracy, who defended the Constitution in his limited capacity.

Again I want to say that he did not place a correct report as in one case I want to point out that he has said in a part of his report . . .

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Come to your point. Otherwise you will not be able to finish your points.

SHRI CHITTA BASU: I am coming to my point. These are my points.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Eight, nine, ten you are saying.

SHRI CHITTA BASU: He has not given the correct report because at one stage he says that he asked Shri Ajoy Mukherjee to advance the date for summoning the Assembly on the 23rd of November. But so far as I know Shri Ajoy Mukherjee did tell the Governor that the Cabinet was scheduled to meet on the 23rd of November and he would place the request of the Governor there at the Cabinet meeting and then would communicate to the Governor if it

would be possible for the United Front Ministry to advance the date for summoning of the Assembly. But without waiting till that time, even without waiting for three days—this request he expressed on the 21st. He could not wait for two days, even to allow the United Front Cabinet to discuss the latest request of the Governor, whether the date for the summoning of the Assembly could be advanced or not. Thereby he also acted in a very partisan way because it was those betrayers, those traitors, those renegades who were willing to wait for a single moment. . .

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): I am afraid your 15 minutes are over.

SHRI CHITTA BASU: How much time have I got?

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Fifteen minutes you have finished.

SHRI CHITTA BASU: Then I will finish.

Again, my tenth charge—it was under his control and superintendence that the police committed excesses on the people of West Bengal during that period and the result was, I can say, thousands of people have been tortured physically, scores have been killed by bullets and many more people have been maimed.

I say, now that the President has taken over, it is the duty of this Government to institute a probe into the excesses committed by the police under the leadership, under the superintendence under the control of Mr. Dharma Vira.

Before concluding I say that early mid-term poll should be held, an inquiry or probe should be ordered into the police excesses committed during Dr. P. C. Ghosh's regime and that alone can satisfy the people of West Bengal. Then alone can we approve of the Proclamation as is being placed here.

SHRI BRAHMANANDA PANDA: Sir, much storm in this House has blown over West Bengal affairs. A few more gusts are not going to change the devil-may-care attitude of the contenders for power. West

[Shri Brahmananda Panda]
Bengal is a pointer. It is a symbol of our misconduct in general and of the Congress in particular. It is said that power corrupts and absolute power corrupts absolutely. That is what the Congress is today. I know that there are many in the Congress ranks who are not happy with this phase of the Congress, this naked lust for power. They must assert themselves now and show the path of wisdom to their bosses.

I was following the wordy duel between Shri Bhupesh Gupta and Shri Debabrata Mookerjee. In the beginning I was a little amused. But later on I felt distressed because in slashing their allegations and counter-allegations, they forgot the people of West Bengal and the democratic way of life we adopted for ourselves. Shri Rajnarain actually entertained the Congress Benches when he invited Shri Bhupesh Gupta and Shri Verma to join him in dislodging the Congress from office at the Centre. Shri Bhupesh Gupta declined the offer with a smile while Shri Varma preferred an independent existence. This sad plight of the Opposition is keeping the Congress in power for the inconvenience of both. I am happy that, in this House placed as I am without any party to whip me from behind, I can view things dispassionately. And that distresses me most because I see clearly that we are all helping the growth of fascist counter-revolution in this country and digging the grave of democracy. It is high time that we all sit round a table forgetting for a time our own shells and compartments and come to an agreement for the sake of democracy. If democracy dies, it will be our death, death of liberty, progress and peace.

Thank you.

SHRI B. D. KHOBARAGADE (Maharashtra): Mr. Vice-Chairman, Sir, I welcome the Proclamation issued by the President imposing President's rule in West Bengal. It brings to an end the state of instability which was prevailing in that State. As a matter of fact, I felt that the President should have imposed his rule in West Bengal long

before when the Speaker of the West Bengal Assembly adjourned the Assembly *sine die* without giving an opportunity to the Assembly to discuss and decide whether the Government really enjoyed the support of the majority of the members in the Assembly.

Sir, during the last session, I had expressed my views on the action of the Governor in dismissing the United Front Ministry which was headed by Shri Ajoy Kumar Mookerjee and in installing another Ministry headed by Dr. P. C. Ghosh. The action of the Governor was definitely wrong and undemocratic. . .

SHRI CHITTA BASU : Unconstitutional.

SHRI B. D. KHOBARAGADE : Not unconstitutional. I will not say 'unconstitutional' because . . .

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Let him speak. Please do not comment.

SHRI B. D. KHOBARAGADE : . . . because the H.gh Court had decided that the action of the Governor was legal and constitutional. In view of the judgment of the High Court, I do not want to dispute that unless and until that judgment is set aside by the Supreme Court. But I must say that the action or the decision of the Governor was most undemocratic and not in keeping with democratic traditions. Sir, we are all wedded to parliamentary democracy and we want to see that parliamentary democracy flourishes in this country. Everybody has been criticising the action of the Governor. But at the same time, just because the Governor has done a wrong thing, there can be no justification whatsoever for the Speaker's behaviour in the Assembly. Shri Rajnarain has said that there is no instance in the whole history of mankind where a Governor has dismissed a popular Ministry. But just because one man has killed a cow, nobody can defend and justify another person who has killed the calf. The question is this. Suppose a popular Ministry during off-session period loses the support of

the majority of the members in the House. The question is whether that Ministry should be allowed to function in the State, because the Chief Minister is not compelled to advise the Governor to convene the Assembly until and unless the period of six months lapses between the last meeting of the House and the next meeting of the House. In my opinion, it means that during this interval in spite of the Government being a minority Government will be allowed to function in the State. That should not be the position. Minority Government should not be allowed to function in the State for a long period. Therefore, I would like to request the Government that the Constitution should be amended; article 174 of the Constitution which provides for an interval of six months should be amended and this period should be reduced to three months. Therefore, the Assembly will always be given a chance at short intervals to decide the question whether any Ministry in power, whether any Government in power, enjoys the support of the majority of the Members therein, or not.

Sir, the Speaker's action has brought the whole democracy into ridicule and contempt. He has thrown away all the democratic conventions to the wind. On the 11th February, some 18 members had defected from Dr. Ghosh's Ministry no doubt. Shri Chitta Basu also referred to that point. But the Assembly was scheduled to meet on the 14th February. If the Assembly had met on the 14th, it could have got an opportunity to decide whether the Ministry of Dr. Ghosh really enjoyed the support of the Assembly or not. The Speaker should have allowed the Assembly to decide that question on the 14th February.

SHRI CHITTA BASU : Why not previously?

SHRI B. D. KHOBARAGADE : Previously also. When the Assembly met in November, instead of adjourning the Assembly *sine die* the Speaker should have allowed the Assembly to discuss the question and decide whether the Ministry commanded the

support of the House or not. On the first occasion the Speaker adjourned the Assembly. On the second occasion also when opportunity was given to express its opinion, the Speaker again intervened and adjourned the Assembly *sine die*. Of course, as pointed out by Mr. Chitta Basu, the Speaker has claimed that he has done it keeping in view the importance of the rights of the House because he said that the popular Ministry was dismissed by the Governor without giving a chance to the Assembly to discuss that question. Whether the Ministry should be dismissed or not is the privilege of the House, I agree. And if the Governor dismisses it without the adverse vote of the House, then he is acting wrongly.

Sir, after a Ministry is installed in power after the general election, then the House only has got the power to dismiss it. If that Ministry does not enjoy the support of the House and if it is voted out on some important measure of policy, then that Ministry must resign. Therefore, this question can only be decided by the House and not by the Governor. That is true. But even though the Speaker says that he wants to uphold the dignity of the House, and when an opportunity is given to the House to exercise the rights, the Speaker adjourns the Assembly and does not give any opportunity to the House to give its opinion on the prime issue.

Sir, in the House of Commons the Speaker is allowed to adjourn the meeting only on two occasions—firstly, if there is no quorum in the House and, secondly, if there is disorder in the House and it becomes difficult for the Speaker to carry on the proceedings of the House in an orderly manner, but that too he cannot adjourn the House *sine die*. He can adjourn it only temporarily, for a few hours or for a day or so. After that he must give an opportunity to the House to assemble together and carry on its business.

Sir, in my opinion the Speaker has no power to decide political issues which must be decided by the House. The Speaker is supposed to regulate

[Shri B. D. Khobara Gade]

the proceedings of the House and he should allow the House to conduct its business in a proper way and a proper atmosphere so that political decisions can be taken in the House. The Speaker cannot arrogate to himself the rights and privileges of the House and should not go on deciding the issues which should be properly decided by the House itself.

SHRI CHITTA BASU: He has to defend the rights of the House.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): It is time to wind up.

SHRI B. D. KHOBARAGADE: No doubt we would like to welcome the President's Rule because of the situation prevailing there. At the same time we do not want that the President's Rule should continue there beyond a certain limited period. In any case elections must be held as early as possible. We read in the papers that the Chief Election Commissioner has gone to Calcutta to see how early elections can be held there. Sir, arrangements for mid-term polls are being made in Haryana, and if there was no difficulty in making arrangements for general elections in Haryana, I do not understand what difficulty can there be for holding elections in West Bengal before the monsoon starts. Because once the monsoons come in, elections cannot be held till it is over, and it will mean that elections can be held only in November/December. Therefore, it is my earnest desire and I would urge upon the Government to take early steps to hold elections there before the monsoon sets in.

Sir, there are only two things that are required for holding elections. The first is revision of electoral rolls. The second is making arrangements for polling. Now electoral rolls are there. Only you have to make some changes here and there and it should not take more than a month or two and elections can be held in May/June.

So far as practical difficulties are concerned, I think there can be no difficulty at all. If the Government

and the Election Commissioner can hold elections in Haryana in May there should be no difficulty in holding elections in West Bengal also before monsoon sets in. Therefore, as we have deprived the people of West Bengal of their democratic right to conduct their own affairs by imposing the President's Rule, we should undo this act by giving to the people of West Bengal, by holding elections as early as possible, the right to conduct their own affairs.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Minister.

SHRI BHUPESH GUPTA: May I know if the Minister has got that letter?

SHRI VIDYA CHARAN SHUKLA: I have got that letter and I am going to refer to it.

SHRI BRAHMANANDA PANDA: Speak the truth.

SHRI VIDYA CHARAN SHUKLA: We are not in the habit of speaking untruth.

(Interruption by Shri Brahmananda Panda)

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Order, order.

SHRI VIDYA CHARAN SHUKLA: Mr. Vice-Chairman, Sir, most of the Members opposite have repeated the old allegations and the old arguments that we have heard in this House several times before whenever this question of West Bengal came up before, and it was probably inevitable because after the President's Rule was imposed in West Bengal there has been no further development on the political scene of West Bengal. Hon'ble Members probably had nothing else to say except to repeat what they have been saying here.

Sir, it is quite clear that we were not at all anxious to impose the President's Rule in West Bengal and take away the rule of the people's representatives from them. Mr. Bhupesh Gupta might term the President's Rule in West Bengal as their victory. But I do not think it is anybody's victory; it is everybody's defeat that has brought about President's Rule in West Bengal and I would request responsible political

leaders to ponder over and think whether such things that keep on happening are conducive to the peoples good. It is no use making allegations against the Governor or against this political party or that. There were certain circumstances which everybody knows. Before the general elections there were efforts to make some sort of United Front. But no one United Front could be made, there were two United Fronts. Several parties were contesting elections. After the election results came in, it was found that the then ruling party, the Indian National Congress, did not obtain absolute majority in the Vidhan Sabha. So the parties which were fighting against each other, which were denouncing each other in the general elections forgot their differences for the time being and came to a decision to capture power and form the Ministry. They had their own plans to do it. We do not quarrel with that. After that their own differences overtook them. The hon'ble House knows this. Things have come up several times here. Hon'ble Members have had occasion to hear the role of the opposition parties, how they differed from each other. We have heard hon'ble Members describing the role of the opposition parties and how the United Front Ministry in West Bengal functioned. I do not want to go into it. My main point here is that instead of recognising their own weaknesses, instead of recognising their inherent contradictions and the clashes of their own interests they are trying to close their eyes to realities and blame it on the Governor or the Congress Party. I suggest to hon'ble Members opposite that it is no use making all sorts of wild allegations because the people of India cannot be fooled by these speeches. Everything is on record. Things are clear. If these party leaders could realise that it is because of their own inherent contradictions and weaknesses that a situation of this kind arose in West Bengal that I think would help in improving the situation in future. But if this kind of self-deception goes on, I wonder if we will be able to im-

prove the political scene of West Bengal even after the mid-term elections.

Sir, most of the Members, including Members of my Party here made references to mid-term elections and said that they hope that the elections could be held in time as early as possible. Sir, I said in my opening speech that we do want ourselves that the mid-term elections should be held in West Bengal as quickly as possible. On 4th March a letter was addressed from the Home Ministry to the Chief Election Commissioner. I would quote from the letter. It is four-line letter. It says:

Government would like the mid-term election to be held in West Bengal as early as possible. I would request you to make preparations accordingly and to let me know when it will be possible to hold the election.'

SHRI BHUPESH GUPTA Who signed it?

SHRI VIDYA CHARAN SHUKLA A representative of the Home Ministry signed on behalf of the Home Ministry. Now Sir, that does not make any difference. It is as authoritative as anything. It was a letter from the Government to the Election Commission.

SHRI BHUPESH GUPTA Mr Vice-Chairman this is rather important because in another connection

SHRI VIDYA CHARAN SHUKLA: I am not yielding. I have a very limited time.

SHRI BHUPESH GUPTA Here is a letter written by

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) It is a letter from the Home Ministry to the Election Commission.

SHRI BHUPESH GUPTA To whom?

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) To the Election Commission.

SHRI BHUPESH GUPTA: How does the Government function? Who writes that letter? . . .

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): It may be anybody.

SHRI BHUPESH GUPTA: Anybody should not write.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): It is written under the orders of the Home Minister whosoever writes.

SHRI VIDYA CHARAN SHUKLA: I fail to understand the attitude of the hon. Member. I have stated here authoritatively . . .

SHRI BHUPESH GUPTA: That I have not questioned.

SHRI VIDYA CHARAN SHUKLA: Even if it is signed by an Under Secretary, it does not matter as long as it is signed . . .

SHRI BHUPESH GUPTA: No.

SHRI VIDYA CHARAN SHUKLA: You might object to the procedure. But as far as the authenticity and authoritativeness of the letter is concerned, there is no doubt about it.

SHRI BHUPESH GUPTA: I have not questioned the authenticity of the letter, nor have I even remotely suggested that he is not telling the truth. But naturally any vigilant Member of Parliament would take note of the fact that a letter is alleged to have been written by the Home Ministry.

SHRI M. GOVINDA REDDY (Mysore): What do you mean by 'alleged'?

SHRI BHUPESH GUPTA: On behalf of the Minister, somebody writes. Clearly the letter is addressed to the Chief Election Commissioner or the Election Commission which is an independent authority under the Constitution. It is meet and proper that the letter is written by proper authority.

SHRI VIDYA CHARAN SHUKLA: I can assure the hon. Member that it was written by a proper authority.

Sir, as far as other arguments of hon. Members are concerned, I do not think I should go into all those details, except to say that some very useful suggestions have been made by hon. Member, Shri B. K. P. Sinha, and some other Members who spoke from this side. Sir, certain allegations have been made against the Governor which I emphatically repudiate. There is no question of the Governor taking part in the politics. The Governor has been doing his duty to the best of his ability. I do not think *there is any complaint about the discharge of his duties as far as the people of West Bengal are concerned.* After he took over as the representative of the President, the administration in West Bengal has been running smoothly. There has not been any complaint of any kind of discrimination.

SHRI BHUPESH GUPTA: Not at all.

SHRI VIDYA CHARAN SHUKLA: Hon. Members might differ, but this is the position. As far as the question of legality or otherwise of the Ghosh Ministry is concerned, there are court judgments, there is the Government statement here, and I do not want to repeat all those old arguments . . . (*interruption by Shri Bhupesh Gupta*). I am not yielding. I do not have time.

SHRI BHUPESH GUPTA: Sir, I said there are cases of detention without trial. People are being harassed. Either I am wrong or I am right. I think I am right and I am speaking on the basis of newspaper reports. . .

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Let him finish.

SHRI BHUPESH GUPTA: What steps are they going to take?

SHRI VIDYA CHARAN SHUKLA: I was coming to it. You are very impatient. What can I do? Sir, as far as the cases under the Preventive Detention Act are concerned, I would say that to-day there are less people under preventive detention than there used to be when the United Front Government was functioning. Now, political prisoners who were taken under detention . . .

SHRI NIREN GHOSH: During the United Front regime, was there any political prisoner under preventive detention?

SHRI CHITTA BASU: During the United Front Government, was anybody arrested under the Preventive Detention Act?

SHRI VIDYA CHARAN SHUKLA: I will give you the figure. I do not know what category they were given. I have got the total figure which I will give you. The total number of people who were detained under the Preventive Detention Act under the United Front Government was 1,416. The number of people who were detained under the Dr. Ghosh Government was only 1,008. The number was reduced.

SHRI CHITTA BASU: That is because the United Front Government arrested blackmarketees.

SHRI VIDYA CHARAN SHUKLA: I do not know why these gentlemen are unnecessarily jumping from their seats. I am only giving the figures which have been supplied to us by the West Bengal administration and they are on record. These are figures which are unquestionable because they are on the record of the Government.

SHRI BHUPESH GUPTA: How many are under detention now?

SHRI VIDYA CHARAN SHUKLA: After the President's rule came, those people who had to be taken into custody to maintain law and order were all released. So there is not a question of any kind of victimisation or any kind of political reprisal. There is nothing of the sort going on. And if there are any cases which have not been looked into and which need to be looked into, we shall definitely look into them and take proper action about them.

SHRI BHUPESH GUPTA: Mr. Vice-Chairman, the position is this. There are three categories under the Preventive Detention Act.

SHRI VIDYA CHARAN SHUKLA: I would not yield. The hon. Member keeps on repeating the old thing again and again.

SHRI BHUPESH GUPTA: I am not repeating the old thing . . .

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Will you please take your seat? Let the Minister finish.

SHRI BHUPESH GUPTA: Sir, he is giving certain figures. I am giving something else. Now, there are three categories under the Preventive Detention Act. Some are treated as political prisoners.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): Let him have his say. You can ask for clarifications later.

SHRI BHUPESH GUPTA: No question of clarification. Many are held in detention. They are shown under a certain category—anti-social elements. But they are not anti-social elements. They are political workers and workers of the trade union movement. Such people who are arrested are not in the category 'C' but they are in the category 'A'. Government says they do not fall into the political category. But representatives of the various organisations had met the Governor and given some list. But yet delay is taking place. Why the Government of India do not make a general jail delivery in this connection. I cannot understand . . .

SHRI VIDYA CHARAN SHUKLA: Sir, the Government categorises the various detenus who are taken into detention and it is up to them to detain in this category or that category. It is not open to anybody including the Central Government to scrutinise whether a particular person who was detained was detained properly in this or that category. I am not going into that. It is only a question of the total number of people who were detained and I have given the numbers as they are.

Sir, useful suggestions were also made by Shri Khobaragade. I more or less agree with what he said about the Speaker's role and I would say that the entire House should be worried about—the recent trends that we see in the country. It might be that the Speaker's powers may have to be discussed here. We have been

[Shri Vidya Charan Shukla]

been told that the hon Speaker of the Lok Sabha is already considering a suggestion to call a Speakers' conference or something I do not know what the present position is But this is a thing which is worrying all well-meaning people in the country and I hope we will be able to find some solution for it in future

Sir, I have covered all the points that have been raised here and I hope the House will approve of this Resolution that I have had the honour to move

SHRI BHUPESH GUPTA: Mr. Vice-Chairman, perhaps you felt that we were interrupting him I was in no mood to interrupt him in any manner But one fact remains Now, the hon. Minister himself said that we should try to get back normalcy as far as possible so that the elections could be held in a better climate Nobody will disagree with that proposition But the fact remains that repression continues The fact remains that a large number of people under one alibi or another are being kept as detenus, and their number runs into several hundreds. I am told a few days ago, according to a Bengal newspaper, the number was [THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) in the Chair]

about 500 Now it may be a little less because some, I understand, have been released Please understand, among those categories were members of our party who are MLAs Surely an MLA is not a goonda. Among them were MLAs, legislators, Corporation Councillors and so on They were also shown in 6 P.M

that category Anyhow, they were not released The point I am now making is that the Central Government should release all these persons That is very, very essential Repressive measures should be revoked and many cases which are pending against a large number of people should be withdrawn Even in the old days of Dr B C Roy, when the situation attained normalcy, generally all those arrested were released and

cases were withdrawn. But this is not being done now. Haggling and bargaining is going on the side of the Government in regard to this matter Therefore I would urge upon the Central Government here that if they are at all interested in creating a better atmosphere and a better climate then these things must be done immediately

Secondly I think the Governor cannot be allowed to run the Administration like that I know the constitutional position That we will discuss later, but some *ad hoc* arrangement should be made in consultation with the U F leaders as to how the situation in West Bengal is going to be handled between now and the time of mid-term elections. The feelings are growing that the Governor is manipulating his office in order to improve the chances of the Congress Party; some measures he is taking in that direction All those things are there I am sorry to say that Mr Chavan did not even have the courtesy to be present here, not even once did he come to this House (*Interruption.*) I am not casting any reflection on Mr Shukla but he should have been present here

SHRI M P SHUKLA (Uttar Pradesh): On a point of order, is he making his second speech, Sir?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): He is not making a second speech; I won't allow that He is finishing

SHRI M P SHUKLA: Sir, what he says should not go on record.

(*Interruptions*)

SHRI BHUPESH GUPTA: This is a new thing Record is not anybody's father's property; record is the property of the House; everything that we utter goes on record unless expunged under the rules

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Now please finish

SHRI BHUPESH GUPTA: Now he may not feel it but we certainly feel that Mr Chavan should have been present here at least once

SHRI NIREN GHOSH Sir . .

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Mr. Ghosh, you have already spoken.

SHRI NIREN GHOSH: Just a clarification, Sir. I want to know whether about 400 to 500 political persons belonging to various political parties are being held under detention at present. I would also like to know the figures during the United Front regime. I would also like to know whether Shri Jagdish Das and Shri Ram Chatterji, ex-MLAs, have been told that they would not be released and they would remain in preventive custody. Now it is the Union Government that is ruling. We are not feeling secure that there will be free and fair elections. So some arrangement has got to be made about that and these people should be released forthwith.

SHRI VIDYA CHARAN SHUKLA: Sir, I have already clarified most of the points that have been raised here by the hon. Members. As far as the pending cases are concerned, I want to say that it is our policy not to withdraw the cases involving violence. We do not want to withdraw any cases which are pending in the court of law and which are cases of major violence. (Interruptions.) As far as other cases are concerned which do not involve any violence, we can look into them.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): The question is:

"That this House approves the Proclamation issued by the President on the 20th February, 1968, under article 356 of the Constitution, in relation to the State of West Bengal".

The motion was adopted.

THE WEST BENGAL STATE LEGISLATURE (DELEGATION OF POWERS) BILL, 1968.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN). As the Bill is only consequential, I think . . .

SHRI BHUPESH GUPTA (West Bengal): No, no. It is not consequen-

tial. Which provision of the Constitution says that?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA): Sir, I move:

"That the Bill to confer on the President the power of the Legislature of the State of West Bengal to make laws be taken into consideration."

(Interruptions)

Sir, I have to make some introductory remarks first. As the House knows, this Bill has to be passed to take powers to make laws in regard to the State of West Bengal. The Proclamation under article 356 of the Constitution has just now been approved by this hon. House. Now under this Proclamation the powers of the Legislature of the State are exercisable by and under the authority of Parliament. It is now proposed that Parliament may authorise the President and give him the powers of the Legislature of the State of West Bengal to make laws for the State. As we did in the case of several other States which have been under the President's Rule for the last 15 years, like Punjab, PEPSU, Travancore-Cochin, Kerala, Orissa, Haryana, etc. we are going to form a Consultative Committee which will not only consider the legislative measures of the State of West Bengal but would also discuss the non-legislative matters, if and when necessary. Normally we keep the strength of the Consultative Committee at 45 but in this particular case we are providing for a Consultative Committee which will consist of 60 members, 20 from this hon. House and 40 from the Lok Sabha. I am sure that these two provisions that we are making in this Bill are non-controversial and, as you very rightly observed, this is a Bill which is consequential. Once the hon. House has approved the Proclamation of the President, the Bill follows as a logical corollary; there can be no doubt about that, because it only provides some machinery for the interim period during which we could have the opinion of the Members of Parlia-