

**THE WEST BENGAL STATE
 LEGISLATURE (DELEGATION OF
 POWERS) BILL, 1968—continued**

THE DEPUTY CHAIRMAN: Mr. Niren Ghosh.

SHRI NIREN GHOSH (West Bengal): Madam Deputy Chairman, we are told that the Bill is a consequential piece of legislation on the formation of the Presidential rule. But I beg to differ from that standpoint because what this Bill proposes to do is to confer power on the President to legislate on his own without the consent of Parliament. Now, the powers of the Assembly have been taken over by this Parliament and Parliament is not to legislate but on behalf of Parliament, the President is to legislate. So, in fact, Parliament is being shorn of the powers that accrue to it as a result of the Presidential Proclamation. And what does it amount to? In fact, it means Congress rule by decree in the State so long as the election does not take place. Now, this is a procedure, this is a method, to which I cannot agree strongly object to it.

SHRI AKBAR ALI KHAN (Andhra Pradesh): What is your solution?

SHRI NIREN GHOSH: Parliament should initiate legislation, Parliament should not be confronted with a fait accompli—President making decrees, making legislation, then some time or the other placing it before Parliament to concur with him or to make some modification if he wants. Now, that never happens. Parliament should never be confronted with a fait accompli. So, this process, this very thing that all the powers of Parliament are now to go to the President and for him to let late, this procedure is autocratic, and I do object to this. And moreover, it is Congress rule by decree. That is the worst part of it. When the Union Government at the Centre is that of the Congress, we know that it is Congress rule, since they have a majority in Parliament. But even by-pass of the Parliament by the Union Government, to legislate for the State, this is the very purpose of the Bill. To this I object. It is a autocratic Congress rule which we can never

accept. On what right, on what basis, the Government expect us to accede? The overwhelming majority of people of West Bengal are impeccably opposed to Congress rule in any shape or form. That being the position we cannot accede to such a piece of legislation. Since you have brought about this particular pattern of things to come into existence.

Now, Parliament should be completely seized of the matter; whatever piece of legislation, it is Parliament which should legislate and not the President by decree, that is the Union Cabinet by decree, this is the first thing.

Secondly, I would like to say, what is that Consultative Committee that is going to be nominated by on the advice of the Union Cabinet: "Forty Members of the House of the People and twenty Members of this House." Now, there are forty Members from West Bengal in the House of the People. Out of that number, at least 20 to 27 belong to the Opposition. Can I say that in the so-called Consultative Committee, out of those 40 Members, at least 26 or 27 will invariably belong to the Opposition? On what is his nomination business going to take place? I have every doubt, every apprehension because it is honest; the Congress Government at the Centre is not honest. With an overwhelming majority of the Members of Congress persuasion, they will park that Consultative body and try to see that it is giving advice to the President on all matters. If this body is to be constituted at all, out of those 40 Members, at least 30 to 33 should belong to the Opposition. Otherwise, this body will not be acceptable to the people of West Bengal. Madam, let me make it clear—they will look upon this body with suspicion, with quite reasonable suspicion, with justified suspicion, that any piece of advice that would be tendered by this body is a partisan advice and would militate against the interests of the State unless a clear assurance is given that this body will be in consultation with the Opposition, in consultation with the United Front in West Bengal and the

Members of the Opposition in Parliament, in both Houses of Parliament. We cannot accept such a consultative body and we cannot give a clean chit. On behalf of the people of West Bengal, we want to put the record straight that we will not accept such a body, we look upon it with suspicion, as a partisan body, not favourable to the interests of the State,

Madam, I would like to stress one point, since the Home Ministry is concerned with this. For all the bung-lings that are happening in India in the different States after the Fourth General Elections, Madam, the Cabinet is collectively responsible. There is no doubt about it. But the Home Ministry comes directly into the picture. Shri Y. B. Chavan is the Minister-in-charge. He is one of the most important members of the Cabinet. In fact, in the olden days, when Pandit Pant was there, he used to be considered as the No. 2 in command, next to Nehru. The Home portfolio is such an important portfolio. The Home Minister comes directly into the picture. And may I put it before the House that Mr. Chavan has made a mess of it though the Cabinet is collectively responsible. I indict the entire Government and the Centre for the process of disintegration, for the process of political instability, for the process of bankruptcy that they have led India to divisive tendencies. It is only by these tactics that they are prospering. It is why, Madam, that by their policy of suppression of the States they are making the people of the States one after the other against the Centre. It is happening and it is bound to happen, and in this whole picture Mr. Chavan is directly responsible. That is the point that we must remember.

Now, Madam Deputy Chairman, Mr. Y. B. Chavan, coming from Maharashtra, made a bid for becoming an all-India leader, a leader of importance, perhaps aspiring to the post of Prime Minister even now. And of course that is their quarrel. That is Mrs. Indira Gandhi, Mr. Morarji Desai and Mr. Chavan settle their business amongst themselves in their kitchen Cabinet. One tries

to put down the other. But that is their affair though we are also interested in a way as a political party. Since they are part and parcel of this Parliament and are running this Government we cannot close our eyes to all these facts.

SHRI 13KAILASHMANANDA PANDA (Orissa): Would you like to be the umpire as suggested by Mr. Chitta Basu?

SHRI LOKANATH MISRA (Orissa): You may not be interested in the Cabinet kitchen but you have to be careful about the kitchen fire.

SHRI NIREN GHOSH: Yes, licking you up or licking up this Parliament. Anyway, in this process Mr. Chavan wanted to project his image across the entire country so that his shadow spreads across the length and breadth of what is called India. Unfortunately it is now a black shadow a dark shadow. He has tarnished his image for ever because during the wherever democratic forces have tried to assert themselves Mr. Chavan, and his Home Ministry, on behalf of the Government of India, have tried to come down with a heavy hand upon them. At the same time he has not put down the divisive forces, the black forces, the communal forces and all that. They have been given a free hand. That is how his rule of India is. He believes in striking the democratic force, and, in the process, making Centre mere authoritarian. They scuttle whatever democratic rights the States enjoy, make them toe the line of the Centre; otherwise the State's people are not to enjoy any rights. But when the communalists run riot, when the Shiv Senas run riot, when anti-national forces run riot, they are not curbed. This is the image that Mr. Chavan has succeeded in projecting across the country. Whatever possibility there was of Mr. Chavan projecting a good image of an able administrator, of an honest administrator, he has finished all that possibility. The policy of looking to the interest of the people and cultivating friendship with them pursued by others has gone once and for all. Let me put it clearly. So the Home

[Shri Niren Ghosh] Ministry and Mr. Chavan personally, are directly responsible for all the dark spots in the country though, I repeat, I cannot absolve the other members of the Cabinet, neither Mrs. Indira Gandhi nor others, because they are collectively responsible. Their policies have generated reactionary, anti Indian, anti-national, pro-imperialist and anti-rights atmosphere- in the people of the States. These people are anti all these things, and Mr. Chavan is directly responsible for all this. To all his policies there may be applause from the bourgeois papers and monopolists but he has succeeded in plunging the whole country into darkness. That he has managed to do.

Now, Madam, I would like to say that there can be no free and fair elections in Bengal unless Governor Dharma Vira is removed forthwith, without the least possible delay along with the coterie of officers who conspired to dabble in politics, with the green signal from the Centre. They are Shri Upananda Mookherjee, Inspector-General of Police. Shri M. M. Basu, Chief Secretary of the Government of West Bengal. Shri S. B. Roy, Home Secretary, Shri P. K. Sen, Police Commissioner of Calcutta. All these top echelons today are directly responsible. They conspired to sabotage the policies of the United Front Government

THE MINISTER OF STATE IN CHARGE OF THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA): Is it proper, Madam, to make allegations against Officers like that?

THE DEPUTY CHAIRMAN: You cannot name them.

SHRI VIDYA CHARAN SHUKLA: He can say generally but not name them.

SHRI AKBAR ALI KHAN: Mr. Niren Ghosh, you can say officers in the Government. It is not proper to name them.

SHRI NIPESH GUPTA (West Bengal): On a point of procedure, when was it decided not to name them? They are directly under them? SHRI VIDYA CHARAN SHUKLA: There are rulings on that.

SHRI NIREN GHOSH: I would record one fact. Let them explain it. He said that the poll was alerted. It was under the signature of Mr. M. M. Basu and Mr. Upananda Mookherjee was still the Chief Minister. It was done without his knowledge. These officers were responsible. They did it under what provision of law? Is it not a conspiracy? What right has he to issue such orders? He is bound to obey and carry out the policy of the Cabinet. He went beyond his scope, beyond the constitutional bounds and entered into a conspiracy along with the Governor. Can they explain it?

Then the Ministers slowly went out of the Writers' Building because they knew that their dismissal was coming. They knew that Dr. P. C. Ghosh, that Upananda, was going to be installed. Therefore, they slowly sneaked away from the Writers' Building and found themselves in a few minutes at the Raj Bhawan Gables. This is as a result of their direct part in the conspiracy. And may I tell you, Madam, that Mr. Upananda Mookherjee and their group, the B.K.D. group, understood their Upananda Mookherjee used to supply them with fabricated statements. Behind their back these officers used to manufacture fabricated things . . .

THE DEPUTY CHAIRMAN: You must not indulge in all these things.

SHRI NIREN GHOSH: . . . He must, I told you, fabricate things so that he could mould his opinion. He conspired against these Ministers trampling un-

foot all canons of decent behaviour of an officer. Mr. Jyoti Basu, the then Deputy Chief Minister, once told Mr. Upananda Mookherjee that though he might not agree with their views on the policies of the Cabinet, he should obey the Chair. He told him that so long as they were sitting in the Chair, that is, they were in office, they must obey. What does it mean?

He must be lying. He was trying to scuttle the policies of the United Front Government. Therefore, unless there can be no free and fair elections*

Madam, I would like to tell Mr. Shukla. He said something. But he concealed certain information. I charge him with the fact of concealment of certain information from the House. What did he say? He said that there were arrests under the Preventive Detention Act. the P.D.A.. during the United Front regime and also during Dr. P. C. Ghosh's and Dr. (Thunder's) regime. And he gave certain figures. But when we asked him "Was a single political person arrested under the Preventive Detention Act during the United Front Regime?" he kept silent. Why? Does he not know? He knows. He should have given the information that during the regime of the United Front, there was no political vendetta, there was no political persecution and Congress was allowed to function unhindered . . .

SHRI C. D. PANDE (Uttar Pradesh): They let loose forces of anarchy,

SHRI NIREN GHOSH: . . . and not a single political person was arrested and put under preventive detention. But even now more than 400 political persons are held in detention under the Preventive Detention Act. They are all political persons, persons belonging to trade unions, Kisan Sabhas and different political parties. Now, as long as Governor Dharma Vira is there and as long as it is coterie of officers is there, they will be under their dictates: they are dictating in collusion with them and they are pursuing a policy of vendetta against the constituents of the United Front. How can you expect any free and fair election? You cannot expect . . .

THE DEPUTY CHAIRMAN: You must finish now.

SHRI NIREN GHOSH: Except Mr. Ananthasayanam Iyengar, I speak with full responsibility, all the Gov-"innrs" in the States have been tools in the hands of the Government at the Centre. They have behaved in a partisan way and have flouted the principles of democracy. They are Congress tools. They stand indicted. Nobody wants them. It is a bad omen

for our country that you are utilising all those Governors as your hen-(h)men. That is the position. And these persons as Shri Bhupesh Gupta said, are related to Charat Ram and Bharat Kam and his sister has been married to one of them and is holding shares. Is it not a fact. Madam, ' that Mr. Biren Mukherjee, Charat Ram and Bharat Ram frequented the corridors of Parliament, met Mr. Morarji Desai and Mr. Chavan and tried to topple the Government? Mr. Dharma Vira was a part and parcel of that conspiracy directly. This is another fact. Madam, that I want to put across. Such being the position let me make it clear that unless this coterie of officers is removed, there can be no free and fair elections in West Bengal, and there can be no good administration running there. They are pursuing a policy of vendetta. There is violence and lathi-charge daily on the workers, peasants and the common people. How long shall we tolerate this rule of anarchy unleashed by Mr. Chavan and the Home Ministry and their stooges and henchmen? So I say that the entire coterie of officers who are responsible should be removed, if there is to be any honesty and integrity, if there should be free and fair elections. So, Madam, with these words, I totally oppose this sort of procedure, this anti-democratic procedure, this procedure of Congress rule by-the backdoor for six months which we will never tolerate in Bengal or in any State where there is a non-Congress Government.

श्री दत्तो पन्त ठेंगड़ो (उत्तर प्रदेश) :

उपसभापति महोदया, मैं उन बातों को दोहराना नहीं चाहता हूँ जो कल इस संबंध में कही गई थी कि जब इस तरह का कांस्टीट्यूशनल क्राइम बढ़ा हो जाता है तो उस परिस्थिति में प्रेसीडेंट रुक लागू करना पड़ता है। लेकिन मैं यह निवेदन करना चाहता हूँ कि किन परिस्थितियों में प्रेसीडेंट रुक लागू किया जाय, इस विषय में एक सर्वोच्चतम नियम बनाना आवश्यक है और इस दृष्टि में कांस्टीट्यूशन में सुधार आने की आवश्यकता है।

[श्री दत्तो पंत ठेगड़ी]

हमारे सामने जो बिल लाया गया है उसके द्वारा पश्चिमी बंगाल में राष्ट्रपति का रूल लागू हो गया है या हो जायेगा। किन्तु इस समय हमें यह आश्वासन मिलना चाहिये कि 6 महीने की अवधि में ज्यादा देर तक इसको लागू करने का प्रयास शासन दल की ओर से नहीं होगा। क्योंकि केरल के बारे में यह देखा गया था कि हर 6 महीने के बाद वहाँ पर राष्ट्रपति के शासन को एम्बेडेड किया गया और इस तरह की बात वहाँ के संबंध में हमारे सामने आई। इसलिए मैं निवेदन करना चाहता हूँ कि 6 महीने की अवधि के पश्चात पश्चिमी बंगाल में राष्ट्रपति का शासन लागू नहीं किया जाना चाहिये। यह बात हम शासन से चाहते हैं।

दूसरी बात मैं यह कहना चाहता हूँ कि आज इलैक्शन कमिशनर का एक बयान अखबार में निकला है, वैसे तो बंगाल में भी इस तरह की बात की अपवाह फैली हुई है कि वहाँ पर इलैक्शन देर से होंगे। इस दृष्टि से एक बहाने का उपयोग किया जा सकता है कि जो मतदाताओं की सूची है, खासकर औद्योगिक केन्द्र के मतदाताओं की जो सूची है, वह गलत हो गई है, इस नाते उस सूची को रिवाइज्ड करने के बहाने में वहाँ पर इलैक्शन बाद को करवाने की बात कही जा रही है। इस तरह की शंका लोगों के मन में है। इसलिए मैं सरकार की ओर से आश्वासन चाहता हूँ कि इस तरह से मतदाताओं की सूची का बहाना नहीं किया जायेगा और वहाँ पर जल्द से जल्द इलैक्शन करवाये जायेंगे।

साथ ही साथ इस बिल में जो कंसल्टेटिव कमेटी की बात कही गई है उसके संबंध में मैं यह चाहूँगा कि उसमें जो मेम्बरों की 40 और 20 की संख्या दी गई है यह बहुत बड़ी मालूम देती है। दूसरी बात इसमें यह कही गई है कि इस कमेटी में जो मेम्बर रखे जायेंगे उनको स्पीकर और चैयरमैन अपने डिस्क्रेशन के

मुताबिक रखेंगे। तो मेरा निवेदन यह है कि इस तरह के मेम्बरों को नियुक्त करने से पहले किसी गाइडिंग प्रिन्सिपल्स का ख्याल रखा जाएगा। अगर यह बात तय हो जाती तो बहुत अच्छा होता क्योंकि यह जो प्रेसीडेंट रूल की अवधि है, उस कालावधि का दुरुपयोग कांग्रेस के फेवर पर किया जा सकता है। इस समय केन्द्र में कांग्रेस की सरकार चल रही है और वह अपना प्रभाव बढ़ाने के लिए तथा विरोधी दलों को बदनाम करने के लिए इस कालावधि को अपने फायदे के उपयोग के लिए इस्तेमाल कर सकती है। इसलिए हम चाहते हैं कि इस तरह की चीज़ न हो और उसका किसी तरह से दुरुपयोग न किया जाय। इस दृष्टि से मैं समझता हूँ कि यह जो कंसल्टेटिव कमेटी बनाने की बात कही गई है उसमें पश्चिमी बंगाल की असेम्बली में विभिन्न पार्टियों की जो स्थिति है उसके अनुपात से, प्रपोज़नल रिप्रजेंटेशन के आधार पर कमेटी में मेम्बरों की नियुक्ति की जानी चाहिये। यह एक सुझाव मैं वहाँ पर देना चाहता हूँ।

साथ ही साथ मैं यह भी कहना चाहता हूँ कि इस समय वहाँ पर जो राजनैतिक अस्थिरता है और पी० डी० ए० के अन्तर्गत जिन लोगों को रखा गया है राष्ट्रपति के शासन लागू होने पर उन लोगों को ग्रेसफुली छोड़ देना चाहिये। या फिर हर एक आदमी के केस को कोर्ट के सामने लाया जाना चाहिये। राष्ट्रपति शासन के अन्तर्गत किसी आदमी को बिना ट्राइल नहीं रखा जाना चाहिये। मैं जानता हूँ कि सरकार यह बात कह सकती है कि कुछ दल के संबंध में उसके पास कुछ एविडेन्स है जिसके आधार पर इस तरह लोगों को पी० डी० ए० के अन्तर्गत रखा जाता है। मैं सरकार से यह प्रार्थना करूँगा कि पी० डी० ए० के अन्तर्गत रखने के बजाय यह अच्छा होगा कि अगर किसी दल के खिलाफ इस तरह की एविडेन्स है तो उसे व्हाइट पेपर

के रूप में पार्लियामेंट के सामने रखा जाना चाहिये। अगर सरकार इस तरह की बात करेगी तो जनता के मन में जो आशंका है वह भी दूर हो जायेगी। ये सारे मुद्दाव मैं सरकार के सामने रखना चाहता हूँ और अगर सरकार इन मुद्दावों को स्वीकार करेगी तो इसमें राष्ट्रपति की प्रतिष्ठा बढ़ेगी और अगर वह अस्वीकार करती है तो राष्ट्रपति की प्रतिष्ठा घटेगी। इस बात का सरकार ख्याल रखे, यही मेरी प्रार्थना है।

THE DEPUTY CHAIRMAN: The Minister.

श्री राजनारायण : (उत्तर प्रदेश) : माननीया, मैं भी बोलना चाहता हूँ।

THE DEPUTY CHAIRMAN: You will have to be very brief. We have si ill to go through the amendments and the third reading. You can have i>n minutes.

श्री राजनारायण : माननीया, आपका पता नहीं कि मैं कितना ब्रीफ होऊंगा।

THE DEPUTY CHAIRMAN: Yesterday, I am told—you were not in the House, Mr. Rajnarain—the House had agiieed, on both sides, that this should be finished within one hour.

श्री राजनारायण : मैं इस विधेयक का धोर विरोध करता हूँ। विरोध ही नहीं बल्कि विरोध करता हूँ, करता रहूंगा और हमेशा कहूंगा। हम किसी भी तरीके में प्रेसीडेंट साहब के ऊपर यह भार देने के लिए तैयार नहीं है कि वे पश्चिमी बंगाल के संबंध में कानून बनायें। यदि इस तरह की व्यवस्था चालू कर दी गई तो फिर संसद को दफना देंगे। हमारे बजुर्ग मित्र श्री अकबर अली खां साहब मैं समझता हूँ कि मुझ से इतिफाक करेंगे कि यह कोई डेमोक्रेटिक तरीका नहीं है। यह जनतंत्रीय तरीका नहीं है। इस बिल के उद्देश्य और कारणों का देखा जाय तो इसके उद्देश्य और कारणों में यह लिखा है कि चूंकि वहां पश्चिमी बंगाल में राष्ट्रपति

शासन लागू है इस लिये राष्ट्रपति का शासन लागू होने पर वहां के कायदे कानून और कारोबार को करने के लिये पार्लियामेंट को अतिरिक्त समय देना होगा और पार्लियामेंट के किसी काम को रोक करके उसको करना होगा। मैं बहुत ही घबरा के साथ सरकार से जानना चाहता हूँ कि सरकार को यह समझ-बारी पहले क्यों नहीं आई। प्रेसीडेंट रूल आज से वहां कायम नहीं है, प्रेसीडेंट रूल कायम हुये कुछ समय हो गया है। उसको मद्देनजर रखते हुये पार्लियामेंट की घबधि उतनी बढ़ा देनी चाहिये थी। हर बात पर आज सरकार हावी होती जा रही है। प्रेसीडेंट रूल के माने हैं केन्द्रीय शासन का रूल और इसके अतिरिक्त और कोई दूसरा रूल है नहीं। तो जिन राज्यों में इस तरह की व्यवस्था हो रही है उन सभी राज्यों में प्रेसीडेंट के नाम पर केन्द्र की कांग्रेस सरकार अपने हाथ में सारी सत्ता अक्षित्यार करती चली जा रही है, जो भी जनतन्त्र का हिमायती होगा, जिस को जनतन्त्र के अ, ब, स का ज्ञान होगा, मैं समझता हूँ कि वह ऐसे घृणित प्रयास को सख्त मुखालिफत करेगा। इस लिये मैं ऐसे घृणित प्रयास, ऐसे अजनतंत्रीय प्रयास और ऐसे संविधानघाती प्रयास का धोर विरोध कहूंगा। मैं समझ नहीं पा रहा हूँ कि जो कुछ भी वहां के लिये कायदा कानून बनाना है उसके लिये यदि इस सदन की बैठक एक हफ्ता बढ़ जाय तो उसमें क्या दिक्कत हो जायेगी। कोई कारण नहीं है कि हम प्रेसीडेंट को सारे का सारा अधिकार दे दें, वे अपने लिये एक मलाहकार समिति बना लें और उस मलाहकार समिति के द्वारा पश्चिम बंगाल का शासन करें। यह बिल्कुल गूढ़ रूप में अतडेमोक्रेटिक है, गैरजनतंत्रीय है।

इसी के साथ साथ मैं यह निवेदन करूंगा कि जो हरियाणा के बारे में हम तरह का विधेयक आया था तो जहां तक मैं समझ रहा हूँ कि इस सदन में एक आश्वासन दिया

[श्री राजनारायण]

गया था कि भविष्य में इस प्रकार की गलती नहीं होगी और घर विभाग की ओर से इस प्रकार का आश्वासन दिया गया था। हमारे मित्र घर मंत्री कह सकते हैं जो इस समय यहां विद्यमान हैं कि कोई ऐसा आश्वासन नहीं दिया गया था। मैं जानता हूँ कि वे शब्दों में इस बात को कह सकते हैं, मगर जहाँ तक मैं स्मरण करता हूँ श्री चत्तारण साहब के मुखारविन्द में निकले हुए शब्द इस रूप में भुजे लगे थे कि यह एक मर्तवा हो रहा है और आगे इस तरह की बात नहीं की जायगी। आज वही जो हरियाणा के बारे में चीज हुई फिर पश्चिमी बंगाल के बारे में दोहराई जा रही है, वही कुछ दिनों के बाद उत्तर प्रदेश के बारे में दोहराई जायगी और वही कुछ दिनों के बाद दूसरे राज्यों के बारे में दोहराई जायगी। आखिर यह संसद क्या है। चुने हुए लोग यहां पर आये हुए हैं। अगर पश्चिमी बंगाल के बारे में हमको कुछ कायदे कानून बनाने हैं, वहाँ की आवश्यकताओं की पूर्ति के लिए कुछ विधेयकों की रचना करनी है तो इतने लोग बैठ करके उसको करने में क्यों सक्षम न हों, यह अधिकार उनको क्यों न दिया जाय। यह अवसर वही दिमाग नहीं दे सकता जो जनतन्त्र छोड़ चुका है, जो दिमाग तानाशाही व्यवस्था को इस देश में प्रतिष्ठित करना चाहता है।

माननीया, एक बात मैं और कहना चाहता हूँ, 40 और 20 का प्रतिनिधित्व यहाँ है, 40 लोक सभा के और 20 राज्य सभा के। पश्चिमी बंगाल में विधान सभा का जो गठन था यह सब लोग जानते हैं कि सभी विरोधी दल मिल कर के वहाँ कांग्रेस पार्टी के ज्यादा होने थे। यदि हमारी बात में दम है तो मैं चाहूँगा कि सरकार इस दम को पकड़े और अपनी तानाशाही मनोवृत्ति को कम करने के लिये इस ओर प्रयत्नशील हो तो मैं समझूँगा कि इस सरकार के अन्दर तानाशाही जो सी फीसदी है वह 95 फीसदी या 90

फीसदी रह जायगी, यदि जितने विरोधी दल राज्य सभा और लोक सभा में हैं उन विरोधी दलों के सदस्यों की जो सलाहकार समिति बनती है राष्ट्रपति के लिये उसमें बहुमत दिया जाय क्योंकि पश्चिमी बंगाल में विरोधी दलों का बहुमत था और उनकी सरकार को हटा कर के वहाँ पर एक गुंडी सरकार बनाई गई थी, उस गुंडी सरकार का भविष्य खत्म हो गया और अब वहाँ पर राष्ट्रपति का शासन लागू है। यदि सरकार इस विधेयक को पास करा कर इसको कानून की शक्ति दे दे तो भी मैं चाहूँगा कि सरकार इस का ख्याल रखे कि किसी भी हालत में कांग्रेस पार्टी का बहुमत सलाहकार समिति में न हो और पश्चिमी बंगाल के विरोधी दलों के लोगों को लेकर सलाहकार समिति बनाई जाय, यही हमारा कहना है।

माननीया, मैं अपने समय के अन्दर बैठ गया।

SHRI VIDYA CHARAN SHUKLA: Madam Deputy Chairman, as was said yesterday, this is more or less a consequential measure which follows the approval by this hon. House of the Presidential Proclamation.

SHRI BHUPESH GUPTA: How is it consequential?

SHRI VIDYA CHARAN SHUKLA: Because this makes certain arrangements which arise out of the Proclamation that the President issued and which this hon. House approved yesterday unanimously.

Madam, Mr. Bhupesh Gupta while aking repeated his earlier speech in the day and he was mostly attacking the West Bengal Governor and Ii." forgot everything else. But he made one point which I think deserves a reply. That was about the powers of the Consultative Committee. Now if hon. Members go through the Bill, they will see that the nam¹ is 'Consultative Committee'. It is a Committee which is to give advice to the President on the legislative business to be undertaken. There is no

question of any powers for *such* a Committee which is constituted only for consultations.

Now some other points have been raised by Mr. Niren Ghosh. I quite understand the ferocity of his speech because probably we will be missing him in this House for many many months together. So we should be indulgent to him and we should not mind if he even goes beyond certain limits which he normally puts on him-self (*ihilcrruptton*) Madam, he suggested that the Consultative Committee which is being made—the non-Member, Mr. Rajnarain, also gave this suggestion—should reflect the composition of the West Bengal Legislature. With all respect I would like to submit that this Consultative Committee is going to represent Parliament, not the West Bengal Legislature. And we are taking as much care as we can to see that the party composition in the Union Parliament is properly reflected in this Committee. We do not want to be partisan in this matter. We have laid down the standards which we have followed in earlier instances and we are following them here also.

Another suggestion that was made here was that the legislative measures should come before Parliament rather than the President enacting them for the States which are under the President's Rule, particularly West Bengal. Now this is clearly inconceivable because at present this Parliament which sits for about seven months in a year cannot also undertake the legislative and financial business of the three State Legislatures and still complete its own business. Even if we sit uninterrupted for the whole year. I do not know whether we will be able to finish our work if we undertake to bring everything before Parliament. Obviously it is for physical reasons that we have to take this opportunity to make a provision of this kind so that the President's Rule can go through with the least possible delay and the hon. Members who represent the country and particularly that particular State should have an opportunity to express their views which are always taken into account.

Shri Thengari said that this Committee is unwieldy. As you might be aware, previously we had been forming committees which never exceeded 45 Members. The strength of the committees were always kept at 45, 30 from the Lok Sabha and 15 from this House but this time the party composition is such and also since West Bengal particularly—which has come unfortunately under the President's Rule and it is very unfortunate for Bengal that it has come under the President's Rule and it has happened for the first time—is a very populous State and there are a large number of representatives from Bengal in both the Houses, we thought it would be only proper to have a little bigger committee.

SHRI LOKANATH MISRA: If population is to be the consideration, then you would have to have double the number for U.P.

SHRI VIDYA CHARAN SHUKLA: The Member is quite right. We will have to have a bigger committee for U.P. also, there is no doubt about it but I am explaining the reason why we have exceeded the usual number of 45 and increased it by 15 Members so that all the groups in the Parliament may be properly represented there, and we can accommodate more Members from Bengal.

I have touched upon all the relevant points that were made in this debate. I do not want to go into the irrelevant points which many Members, particularly Mr. Niren Ghosh, made. Here I would only request that this is not a political matter. We have tried to be as objective, as non-political as possible and I would request Members to give their support to this Bill which is only a temporary arrangement which has been made with all good intentions and honest intentions to serve the people of Bengal in the interim period till they have an opportunity of electing their own representatives.

SHRI BHUPESH GUPTA : Yesterday in the A.I.R., we heard that there were some meetings in Calcutta between the Chief Election Commissioner and the representatives of the parties and certain tentative decisions had

[Shri Biftupesh Chipta]
been taken on the basis of near-unanimity about the time of the elections— 3rd or 10th November. I would like to know whether from the Governor or the executive there the Central Government has any information and, if so, what is the position?

SHRI VIDYA CHARAN SHUKLA: I have also seen the Press reports about it. I have not had any official information from the Election Commission but it appears that the Election Commissioner has been consulting the major political parties in Bengal and as soon as we hear from him, the date of the elections, we shall announce it.

THE DEPUTY CHAIRMAN : The question is:

-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."

The motion was adopted.

THE DEPUTY CHAIRMAN : We shall now take up clause by clause consideration of the Bill.

Clause 2 was added in the Bill.

Clause 3—Conferment on the President of the power of the State Legislature to make laws

SHRI CHITTA BASU (West Bengal) : I beg to move :

1. "That at page 2, line 6, the words 'whether Parliament is or is not in session' be deleted."

2. -That at page 2, line 10, the words 'whenever he considers it practicable to do so' be deleted."

3. "That at page 2, line 11, for the words 'forty Members' the words 'forty-five members' be substituted."

4. "That at page 2, line 12, after the word 'Speaker' the words 'among whom shall be included all members who for the time being fill the seats allotted to the State of West Bengal in that House' be inserted."

5 'That at page 2, at the end of line 13, after the word 'Chairman' the words 'among whom shall be included all members who for the time being fill the seats allotted to the State of West Bengal in that House' be inserted "

Of course, when this Bill was introduced in the course of the inaugural remarks made by the Minister, it was said that it is merely a consequential Bill but it is not to be viewed in that literary sense of the term because, during this intervening period (his Bill will have effect on the administration as well as the legislative function-, of the West Bengal State as a whole. Of course, I do not like to enter into the first reading of the Bill and in this case, as a matter of principle, we are opposed to this Bill which delegates the entire legislative power to the President while the Parliament is there. I move for the deletion of the words 'whether Parliament is or is not in session'. I do not know what is the reason for the insertion of these words. Even in the body of the Bill it is stated that while any Act may be enacted by the President, that will be placed before the Parliament and we will be in a position to give our opinions. I think the Government has something in its view when they say that some Bills can be enacted even when the Parliament be in session or not. What is the extra purpose of putting in these words?' Either it is bad drafting or something else. It is redundant. There is no necessity of having these few words. Therefore, I have sought the deletion of these words.

SHRI LOKANATH MISRA: Give them the benefit of doubt.

SHRI CHITTA BASU: You can have an enactment whether we are here or not and after that that will come to us and under certain procedures, we can move amendments also. Therefore there is no necessity for these words.

Then I want the deletion of the words "whenever he considers it practicable to do so" in line 10 on page 2. I have the strongest possible objection here. The legislative function has been taken over by the President,

However big or respected he may be, he is a single individual. In this Bill there is provision for a Consultative Committee. This Bill suggests that the President can enact any legislation even without consulting that Committee which the Bill proposes to set up. By the dissolution of the West Bengal Assembly the people of Bengal have been deprived of an elected Government and in enacting any Bill, the representatives of the people of that State have no say. Even in the shape of the Consultative Committee there is some scope for discussion and giving suggestions as well as exchange of opinion among the members of the Committee but this Bill suggests that certain Bills can be made into an Act without consulting even this Committee which enjoys very limited powers, as the Minister was saying*. I am opposed to this very principle that you are restricting the representatives of the State in the exercise of their rights. You are also preventing or limiting the rights of the Committee—if not rights at least some opportunity to give suggestions to the President in the matter of certain legislations which he proposes to enact in regard to Bengal. You are giving that power to the President that he may not also consult the Committee. He may consult if it is found practicable by him. Under the Constitution the President acts on the advice of the Council of Ministers and as a matter of fact the Council of Ministers in this particular case will be acting on the advice of the Home Ministry. Naturally, the Home Ministry, if it feels to make such a law through the President, a law which may be anti-democratic, which may be undemocratic, we will have to swallow it. Therefore, I have suggested in my amendment that, if any legislative measure has to be taken by the President, ultimately on the advice of the Council of Ministers, which boils down to the advice of the Home Ministry, it has to be only after consulting the Consultative Committee which, as I have stated earlier, has very limited opportunity, has very limited scope to tender advice. Therefore it is undemocratic; even if it be for a limited period of time. It is very undemocratic and contrary to the basic principles of the Consti-

tution to have such legislative measures even without consulting the Consultative Committee which you are going to propose by this Bill. Therefore my amendment is this that the particular words, "whenever he considers it practicable to do so must be deleted, because it restricts the very limited right of the Consultative Committee which has got limited opportunity to tender advice to the President in the matter of legislation. Therefore it is undemocratic and the words have to be deleted.

Then my third amendment seeks to substitute "forty-five members" for "forty members", and my fourth amendment seeks the addition of "among whom shall be included all members who for the time being fill the seats allotted to the State of West Bengal in that House" after the word "Speaker". Madam, this is a very important Clause, because I want to remind you of similar legislations passed in this House, particularly the one in relation to Haryana, which we had the occasion to pass about a month or so ago. Now in this case the Government has markedly departed from the traditional method, has markedly deviated from the traditional method, has abandoned even the accepted principle in the case of Haryana—at least I have not seen another Bill of this nature. In that Haryana Bill it was said that the Speaker will nominate to that Consultative Committee all the Members of that House who were such members for the time being. Here you have simply given the number. I have got nothing to quarrel over the number. It may be forty-five, forty or even sixty: I have nothing to quarrel, but what is the basic principle? What are the underlying principles which have prompted the Government for not having a provision of a similar nature, similar to the one that was there, is still there in that Haryana Bill enacted? What is the basic principle which made Government to depart from that principle? I have got my own doubts, Madam. If you permit me to say, I must say that I have got this doubt. Don't take it that I am passing any insinuation. Of course, I belong to a political party as you do, and politics

[Shri Chitta Basu] must have something to do here. I have my apprehensions and I apprehend that there is something up the sleeves of Government in this particular case. Madam, I think you know that, in the Houses, as the Parliament of India is constituted today, from West Bengal there are forty Members in the Lok Sabha, and in this House there are sixteen Members from the State of West Bengal. And what is the political composition of these forty Members of Lok Sabha? You will know that Congress has got only fourteen Members in the Lok Sabha while twenty-six come from the Opposition; we have twenty-six Members in the Lok Sabha representing the Opposition parties in the State. The Congress has been reduced to a minority—it has only fourteen Members in the Lok Sabha. And even in the case of this House, out of the total sixteen Members the Congress has got ten, and the Opposition six. Now, after the Members retire from this House the position will become such that from the side of the Congress four will not be returned thereby reducing the Congress Members to six, and from the side of the Opposition two will not be returned thereby reducing the Opposition Members to four and if you add up these figures for this House to the figures in the Lok Sabha, the position will be that the Congress gets twenty Members, both Lok Sabha and Rajya Sabha, and the Opposition gets 30 Members, Madam, my apprehension is there. Had the Government retained the previous position, that which has been reflected in the case of the Haryana Bill, in this Consultative Committee, the composition would have been thirty of the Opposition and twenty of the Congress, and the Consultative Committee would have a majority of the Opposition. And only with this particular thing in view the Government has chosen not to lay down the particular principle on the basis of which previous legislations of this nature in relation to other States have been enacted. Therefore, I have this grave apprehension, that there are political designs behind it, that there is an attempt to have their majority in this Consultative Com-

mittee. I know the limitations of the Consultative Committee; whether a majority or a minority, it makes very little difference but the very approach of the Congress Party in power leads me to make this comment that they are still trying to cling to power even if they have been thrown overboard by popular verdict. (Interruptions) It is a very inconvenient truth; therefore you do not like to hear me. Now I want to know, and I think the House has got the right to liaise with the Minister what has been the basic consideration in the matter of bringing about some basic changes in the matter of principles for the formation of this Consultative Committee. Why has it been done so?

THE DEPUTY CHAIRMAN : That will do now.

SHRI CHITTA BASU : I am not taking much time. I have not taken the time to speak in the first reading stage. So I am speaking now and that on the whole of my amendments. This is a new thing".

SHRI G. H. VALIMOHMED MOMIN (Gujarat) : Say something new.

SHRI CHITTA BASU : Therefore I feel that this piece of legislation is defective, that even the limited democratic rights after the proclamation of President's rule are going to be reduced, are going to be curtailed. Therefore I think that these amendments ought to be given proper consideration, and the House will do well if these amendments are accepted. Madam, as a matter of principle I would have been glad had the Government accepted the proposal made by some hon. Members in the matter of formation of this Consultative Committee based on the proportional strength of the political parties reflected in the State Legislature. But I know that it will be much more inconvenient to them. Also I have suggested that method only because this Congress Government, on earlier occasions, had accepted that principle in the matter of the formation of that Consultative Committee.

The questions were proposed.

SHRI VIDYA CHARAN SHUKLA: Madam, Deputy Chairman, if the hon. Members see sub-clause (4) of clause 3 they would see in it a provision whereby the Acts which are enacted by the President would be laid on the Table of both Houses. And then the Members will have the opportunity to have their say on them. In case they are not satisfied with what the President of India has done, they have a mode through which they can have the Acts amended. So, so far as this particular thing is concerned, I think the Member, I think the hon. Members should not have any grouse that they will not have an opportunity, or that the Members who are not in the Consultative Committee will not have any opportunity of saying what they want to say about those Acts which the President enacts.

3 P.M.

Another point that the hon. Member raised was about the provision according to which he says laws could be enacted without even consulting the Consultative Committee. I would say that this provision has been kept only for the purpose of any emergency. We generally do not use it. We always bring measures, as far as possible, before the Consultative Committee and after taking their advice we advise the President and he then makes the law accordingly after taking all the views expressed in the Consultative Committee. This provision is kept here only in case there is an emergency and some work has got to be done immediately and there is no Legislature and Parliament also is not in session and Members cannot be collected at short notice. At such a time this provision could be used. But I would request hon. Members not to view it with any apprehension because the earlier record will show that we have not used that provision like that. Even at short notice we have been trying to get Members together, get their advice and then get the President to enact the law. Of course, I cannot satisfy Members who doubt I perpetually and who think that we have something up our sleeves and we want to deceive them and all that.

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.without reference to any specific instance. I cannot really satisfy them. As I have already said, the composition of this Committee should reflect the composition of the Union Parliament and not the State Legislature because there are several parties represented in the State Legislature which are not represented here. If we take the composition of the State Legislature into account and then try to constitute the Committee here we cannot give any representation to all those parties which are there in the West Bengal Legislature but not in the Union Parliament. Apart from this argument, this Committee is one which should reflect the opinion here. It is really meant to reflect the opinion of the Union Parliament and that is why we give it a representative character as we find it in the Union Parliament. But we have no political motives in making the composition like this and so I submit that the House should reject all the amendments moved by my hon. friend.

SHRI CHITTA BASU : Madam, the Minister has not told us why the Haryana principle has been abandoned in the present case,

SHRI VIDYA CHARAN SHUKLA: Madam. I do not think we have abandoned any principle.

THE DEPUTY CHAIRMAN : The question is:

1. "That at page 2, line 6, the words 'whether Parliament is or is not in session' be deleted."

The motion was negatived.

THE DEPUTY CHAIRMAN : The question is:

2. "That at page 2, line 10. the words 'whenever he considers it practicable to do so' be deleted/'
The motion was negatived.

THE DEPUTY CHAIRMAN : The question is:

3. "That at page 2, line 11, for the words 'forty members' the words 'forty-five members' be substituted."

The motion was negatived.

THE DEPUTY CHAIRMAN : The question is:

4. 'That at page 2, line 12, after the word 'Speaker' the words 'among whom shall be included all members who for the time being fill the seats allotted to the State of West Bengal in that House' be inserted."

The motion was negatived.

THE DEPUTY CHAIRMAN : The question is:

5. "That at page 2, at the end of line 13, after the word 'Chairman' the words 'among whom shall be included all members who for the time being fill the seats allotted to the State of West Bengal in that House' be inserted."

The motion was negatived.

THE DEPUTY CHAIRMAN : The question is:

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI VIDYA CHARAN SHUKLA: Madam, I move :

"That the Bill be passed." *The question was proposed.*

SHRI BHUPESH GUPTA : I have only a request to make. I do not want to make a speech. One point I want to make now because I may not get a chance later. The Indian Statistical Institute at Calcutta—a very unexciting subject—is under the Central Government and I understand from the representations made here to the Central Government and to the Prime Minister in particular who is in charge of this portfolio, that the Government is thinking of removing the Technical Wing of the N.S.S. to Delhi and is also disbanding that organisation there which would mean the removal of those workers from about 25 centres all over the country and the whole scheme is based on computerization of the work which they want to start now in Delhi. Madam, this has created a very great feeling among the

scientific workers. They feel that they are going to be retrenched. Indeed, many will be. In any case they will have to leave Calcutta now and go to various centres. Apart from that the Technical Wing will be brought here. Madam Deputy Chairman, in this connection I would also like to say that if this is done then the Indian Statistical Institute also will have to be changed when the Technical Wing of the N.S.S. is removed from Calcutta and brought to Delhi, for the purpose of organising the N.S.S. But I would say in this way it would be disorganised. So I would request the Government to look into this matter. This is Centrally managed and it is a Central Government institute in the sense that the Central Government helps it and the Central Government will be responsible for the other consequences of the step which they now propose to take. Therefore, I would request the Government not to proceed with the plan and not to disorganise the N.S.S. Let the N.S.S. remain where it is and let them not introduce computerization at this stage. Quite apart from other things, scientific workers are concerned and this is not the way of treating scientific workers. The N.S.S. has done a good job and it is connected with one of the well-known institutes in the country, namely, the Indian Statistical Institute.

SHRI CHITTA BASU : Madam, regarding the N.S.S. and the point raised by my hon. friend Shri Bhu-posh Gupta, I would say that in the matter of the Indian Statistical Institute the Government had set up a committee and that committee has submitted its report suggesting that the National Sample Survey should be reorganised on the basis of the introduction of computerization. That, I submit, Madam, will result in the unemployment of some 700 persons and the displacement of a large number of employees now working in Calcutta in the Indian Statistical Institute. So it would be the duty of the Government of India to see that in the name of bringing in efficiency, in the administration of the Indian Statistical Institute and in the name of increasing the efficiency of the

N.S.S. about a thousand employees are not thrown out of employment and disbursed throughout the country in these hard days, and the Government should not proceed with this matter.

SHRI VIDYA CHARAN SHUKLA: Madam, we will look into this.

THE DEPUTY CHAIRMAN : The question is:

"That the Bill be passed." *The motion was adopted.*

**RESOLUTION RE PROCLAMATION
UNDER ARTICLE 356 OF THE
CONSTITUTION IN RELATION TO
THE STATE OF UTTAR PRADESH**

THE DEPUTY CHAIRMAN : Now we pass on to the next item—Resolution.

SHRI OM MEHTA (Jammu and Kashmir) : Madam, before the hon. Minister moves the motion may I request that the Resolution and the Bill relating to Uttar Pradesh may be taken up together?

SHRI BHUPESH GUPTA (West Bengal) : No. no.

THE DEPUTY CHAIRMAN: That will, depend on the consensus and desire of the House.

SHRI BHUPESH GUPTA : It is quite possible that I may want to support the Proclamation and oppose the Bill of this kind. One is different from the other. One is an arrangement and the other is a big political question. It does not matter if they are taken up separately. We will finish the work in the same time.

THE DEPUTY CHAIRMAN : May I remind hon. Members that they should not repeat the same arguments in their speeches.

SHRI BHUPESH GUPTA : You see me every day, Madam, we do repeat in life. What else is life without repetition. Madam.

THE DEPUTY CHAIRMAN : Yes to-day we took them separately and today I am willing to take them up

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separately provided we finish them by five o'clock. Now let us start.

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

"That this House approves the Proclamation issued by the President on the 25th February, 1968, under article 356 of the Constitution in relation to the State of Uttar Pradesh."

SHRI BHUPESH GUPTA : Say Proclamation on the advice of Mr. C. B. Gupta.

SHRI CHANDRA SHEKHAR (Uttar Pradesh) : A Proclamation caused by the work of all the Opposition parties, because of the sabotage brought about by Comrade Gupta and his party and not by Mr. C. B. Gupta.

SHRI VIDYA CHARAN SHUKLA: Madam, though it may be futile and useless but I would appeal to hon. Members not to bring in politics into this matter.

SHRI BHUPESH GUPTA : Why?

SHRI VIDYA CHARAN SHUKLA : I mean party politics. I say this because this is a matter which is not liked by any of us. I do not think hon. Members on that side like it any better than we on this side. Here the situation that was brought about in Uttar Pradesh makes very painful leading. It is a painful story in Uttar Pradesh and I do not want to repeat that story here in detail. Still I think I will have to trace the events which led to this tragic state of affairs in the biggest State of the country, namely, U.P.

SHRI BHUPESH GUPTA : I hope it will not be politics.

SHRI VIDYA CHARAN SHUKLA: Well, it will not be politics. I will only say what you have been saying about your other friends and what those friends have been saying about you. I shall only give the opinion that you have about each other.

SHRI BHUPESH GUPTA : Then I will want to say what opinion we have about you.