

[Shri Bhupesh Gupta.]

annoyed they withheld it. I put it to you that I have information that they consulted the American Embassy, they got their permission to read out even a condolence message in this House. I do not know when we shall get the time to condole over this Government.

श्री राजनारायण : माननीया, ज़रा एक बात और सुन ली जाय। इसी सदन की बात है कि 15 जून को इज़राइल ने रिफ्रेट जो किया था और जिस को सरकार ने बराबर छिपाया था, मगर हमारे खत लिखने के बाद डिप्टी मिनिस्टर जो विदेश मंत्रालय में हैं उन्होंने चिट्ठी भजी है

उपसभापति : आप बोल चुके हैं।

श्री राजनारायण : तो यह सरकार दो तरह का आचरण क्यों करती है ? मैं आपसे निवेदन करता हूँ कि यह कल गये होंगे, दूसरा खत लिखवाये होंगे और दूसरे खत को पढ़ रहे हैं, पहले खत को छिपाये हैं।

RESOLUTION RE. THE PROCLAMATION BY THE PRESIDENT OF INDIA IN RELATION TO HARYANA

II. MOTION RE. DISMISSAL OF UNITED FRONT GOVERNMENT IN WEST BENGAL

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) : Madam, on behalf of Shri Y. B. Chavan, I beg to move the following Resolution : —

"That this House approves the Proclamation issued by the President of India on the 21st November, 1967, under article 356 of the Constitution in relation to the State of Haryana".

SHRI BHUPESH GUPTA (West Bengal) : Why Mr. Chavan is not here ?

SHRI VIDYA CHARAN SHUKLA : It is the acknowledged parliamentary practice that any Minister can conduct the Government business in the House and I have been authorised.

THE DEPUTY CHAIRMAN : I think that Mr. Chavan should have been here but I presume he is otherwise engaged in another place.

SHRI BHUPESH GUPTA : He is not.

SHRI VIDYA CHARAN SHUKLA : He is in the other House.

SHRI BHUPESH GUPTA : The Opposition is moving a no-confidence motion...

THE DEPUTY CHAIRMAN : Mr. Shukla, do you want to speak ?

SHRI VIDYA CHARAN SHUKLA : Yes, I will speak for two or three minutes. The report of the Governor on which this action was taken has been laid on the Table of the House yesterday and it very clearly brings out the necessity for taking this action which had been taken in this regard.

SHRI BHUPESH GUPTA : On a point of order. Under the Constitution and the rules, in such a situation we are entitled to have a report of the Governor which conforms to the provisions and the principles of the Constitution. We have got a document euphemistically called the report of the Governor. But if you go through it, if you have a glance at it, you will see that by no means it could be described as a report of the Governor as required under the Constitution for the Proclamation under article 356, for the imposition of the President's rule. This is a kind of crude political essay.

THE DEPUTY CHAIRMAN : You will have your opportunity to comment on it. I think you must take your seat, Mr. Bhupesh Gupta, and Mr. Shukla, you may continue and finish.

SHRI NIREN GHOSH (West Bengal): This is no report...

SHRI VIDYA CHARAN SHUKLA : The main point made by the Governor in the report is because of political instability in the State the proper governance of the State of Haryana was not possible. And that is why the Governor recommended...

SHRI BHUPESH GUPTA : He does not know...

SHRI VIDYA CHARAN SHUKLA : ... that the President should take action under the relevant article of the Constitution.

SHRI BHUPESH GUPTA : On a point of order. This Report does not say this thing at all. The Report says, it may not be possible.

SHRI VIDYA CHARAN SHUKLA : The Report is in the hands of the Members. They have it. But the hon. Member should allow the House to hear me... (!?interrwptions.) You cannot block the entire House. Madam, he has no authority to block the entire House. The entire House has the right, if they want to, to listen to the Government's point of view. And I would request you to allow ..

SHRI BHUPESH GUPTA : I challenge...

SHRI VIDYA CHARAN SHUKLA : ... the House to listen to the viewpoint of the Government.

SHRI BHUPESH GUPTA : It is the Governor's point of view you are referring to. We are dealing with the points of view of chariatans.

THE DEPUTY CHAIRMAN : Mr. Bhupesh Gupta please take your seat now. I will call you later.

SHRI VIDYA CHARAN SHUKLA : It is very objectionable; the hon. Member is coming between us and the House.

SHRI NIREN GHOSH : Go and teach your children.

THE DEPUTY CHAIRMAN : I wnu'lJ request the Members... (*Interruptions.*)

SHRI BHUPESH GUPTA : I would like sitting... (*Interruptions.*)

THE DEPUTY CHAIRMAN : I am afraid even some Members in the Government Benches are not interested in listening Yes, please continue.

SHRI VIDYA CHARAN SHUKLA : I am not going to repeat what is said

in the Governor's Report. I am only completing the formality of saying a few words while moving this motion because you have said that while moving a motion we must say something about it.

Now, the question here is whether the Proclamation issued by the President should be approved or not. I can say that, on the basis of what the Governor has reported to the Union Government and also *on* the basis of what we have seen happening in Haryana for the last few months, it was absolutely necessary in the interests of democracy...

SHRI NIREN GHOSH : Ah ! ah ?

SHRI VIDYA CHARAN SHUKLA : ... as well as the proper running of the State Government that this action should have been taken. (*Interrwptions.*) That is why, Madam, this action was taken to save Haryana from the enemies of democracy and we have *come* here to take the approval of the House, and I am sure that the House will approve of the Proclamation issued by the President.

SHRI C. D. PANDE (Uttar Pradesh) : Communists have no love for democracy.

SHRI BHUPESH GUPTA : Madam Deputy Chairman, I move :

"That this House condemns the unconstitutional action by the Governor of West Bengal in dismissing the United Front Government in that State and illegally installing a Government headed by Dr. P. C. Ghosh..."

and I should like to add here * * * if you allow .. (*Interrwptions.*) I suggest...

SHRI C. D. PANDE : Madam, this should not be allowed. You should not allow it.

SHRI AKBAR ALI KHAN (Andhra Pradesh) : It should be erased from the proceedings.

SHRI C. D. PANDE : You and your party supported him... (*Interrwptions.*)

* * *Expunged as ordered by the Chair.

[Shri C. D. Pande.] As long as he was with you, he was a good man. Now he is * * *.

THE DEPUTY CHAIRMAN : Order, order.

SHRI NIREN GHOSH : A renegade. *(Interruptions.)*

THE DEPUTY CHAIRMAN : I do not need any explanation. That term will be deleted. Mr. Gupta, you yourself said...

SHRI BHUPESH GUPTA : * * *.

SHRI G. RAMACHANDRAN (Nominated) : May I ask Mr. Bhupesh Gupta a very simple question ? You have coined a very brilliant word in politics that so and so was * * *. But do you know, Mr. Bhupesh Gupta, that this * * * was working with you and you were working with him till yesterday ? Where is it... *(Interruptions.)*

SHRI BHUPESH GUPTA : * * *

THE DEPUTY CHAIRMAN : Please. Now, this expression has to be expunged. Let Mr. Bhupesh Gupta go on.

SHRI BHUPESH GUPTA : "and thus brutally trampling underfoot the system of Parliamentary Democracy". Madam Deputy Chairman, I rise with the greatest anxiety and the greatest concern today. As I speak on this motion, at the very outset, I should like to make it very clear for the sake of the future of Indian democracy and having regard to the lessons of history that, let us not treat it purely as an issue or narrowly as an issue between one side of the House and the other side. There are some things which are sometimes much more fundamental, deeper in significance from the point of view of today and tomorrow than mere party divisions and so on. Here, on this occasion I say about what has been struck in West Bengal, and not merely the people of West Bengal. They have been struck again and again in their very unfortunate history. They had been partitioned at one time by the Congress rulers. They had been betrayed earlier when the West Bengal Congress even

***Expunged as ordered by the Chair-

was dismissed by the Congress High Command. They had been denied amenities and so on. And even today millions of uprooted people are crying in agony for the relief that was promised to them before the partition of the country. Today we have a spectacle in our State, the land of Ram Mohan Roy, Rabindranath Tagore, Netaji Subhash Chandra Bose, C. R. Das and other countless mass of patriots. We have in that State the spectacle of some traitors being installed in the Secretariat, called the Council of Ministers. Madam Deputy Chairman, what could be a greater insult to the genius of our people, to the tradition of our land, to the creative genius of those forebears of ours, who thought of a decent honourable society, a democratic society and worked so that the people not only of Bengal but the rest of the country could live in honour and dignity ? The Congress Party which is in supreme crises, crisis of economic policies, crisis of their political life and political position, and crisis, above all, of their guilty and tainted conscience, has today decided to trample under its feet, in the name of the Constitution, the very foundations on which our Constitution is built. They have decided, like the Germans of one time, who undid the Weimer Constitution, to end the Constitution. It started much earlier. Today it has started before our eyes in a massive way by the fact that in a matter of a few hours yesterday, these Congress rulers sitting here claiming themselves to be democrats, these political pindaris, have devoured two non-Congress Governments out of time. Well, this in itself should make you sit up and think what is happening in the country. Clearly, they have decided to hang on to power by the use of force or by show of force. May I ask ? If your Ministers, the puppets that you have put in Writers Building and those who are supporting them would have the support of the people of West Bengal, is it necessary to send for the Armed Forces ? Well, it is said here in the statement "... to send 60 truck loads of armed personnel into the streets". The people of Bengal are held under confinement. Withdraw your army. If you have faith in democracy, let the people

decide things according to democratic tenets and principles. I have no doubt... (Interruptions.) I should not be disturbed.

SHRI BABUBHAI M. CHINAI (Maharashtra) : In order to safeguard the interests of the citizens, they have done it.

SHRI BHUPESH GUPTA : I am coming to you. They have sent for the Army. Well, you say, the United Front has lost popular support. Remove the Army for a while and you will see the people of West Bengal, young and old, men and women, boys and girls, storming the Writers Building to throw these men whom you use as puppets out into the streets of Calcutta. You are ruling with the gun.

Therefore, Madam Deputy Chairman, the crux of the matter is, the support to the Ministry or whatever it is called—the puppet show—in West Bengal is not the support of any section of the People of West Bengal. It has the support of the Army. It has the support of the gun. It has the support of the weapon. It has the support of a superior force. You have brought in the Army into politics in a manner. But at this rate how long will it take for the Army themselves to say, "If you gentlemen cannot run your Ministry without our support, why not let us have a little Ayub or some Generals to go there and become the Ministers, President and so on?" That is how the history has behaved. I fear and shudder. I view this matter as if we are on the threshold of entering that phase which invites military regimes. Military regime has already been established in West Bengal.

Therefore, do not talk about popular support. I wonder if Mr. Prafulla Ghosh's relatives even support him. The Congress Party today has got 132 Members there or more perhaps. They do not form the Government. They want the puppets to form the Government. They want some kind of Shikhandis to be there so that from behind they can rule the country. Wonderful things. We thought that we would have a Constitution and we would function in an honourable way. But we have today

monopolists. (Shri C. D. Pande stood up in his seat) Monopolists should not get up.

SHRI C. D. PANDE : How many votes did Ajoy Babu have when he was your Chief Minister ?

SHRI BHUPESH GUPTA : You may not like this word, but, honourable friends opposite, remember the experience of Pakistan. It began with the Opposition and the Communists and it ended with the people who sat on the other side. Mr. Suhrawardy had to spend a time in jail. Was he not a lover of democracy ? But Ayub Khan did not even spare him. A time will come when some of you will be sharing the same fate that many of us are sharing. Therefore, at least for the sake of democracy, for the sake of your children, wake up to the dangers that loom ahead. Wake up to the menace that challenges you. Wake up to the dictates of your conscience, if not anything else. And that is what I appeal to you.

Madam Deputy Chairman, here let me relate the case explicitly. In West Bengal, it is quite clear that the Government sits with the help of the Army ignoring the Constitution which has been violated in West Bengal. We have got a military regime, or a quasi-military regime because I cannot think of the Bengal Government today without the Army, maintaining in seats of power...

SHRI AKBAR ALI KHAN : You are forgetting that the Assembly meets on the 29th.

SHRI BHUPESH GUPTA : I am coming to that. My friend says 'Assembly'. Well, if you are so fond of Assembly you should have waited for another ten or fifteen days. The Assembly was to meet on the 18th December. Why did you do it? You could not wait and now you want the Assembly to meet. That is exactly how the Latin Americans functioned. First of all, they carried it through some means. Then they assembled. And when the Assembly was summoned, the Army was in the street. That is¹ how you are also behaving.

[Shri Bhupesh Gupta.]

Madam, therefore, your love for the Assembly we understand and we shall see what happens in the Assembly. Well, I salute the people of West Bengal. They are rising like a man to face up to this challenge, and I am sure my land of martyrs and heroes shall not go down without putting up the bravest fight that the Bengal traditions are capable of.

SHRI CD. PANDE : You are inciting the people to violence.

SHRI BHUPESH GUPTA : Let the hour of trial come. I hope the people will not stand this nonsense. (*Interruptions.*) The day is not far when people will come out in their millions, through general strike and other actions, to storm the havens of this ill-gotten, illicit political power.

SHRI C. D. PANDE : Mr. Jyoti Basu will kill you. He will not spare you.

SHRI BHUPESH GUPTA : Madam Deputy Chairman, never did they reconcile to the defeat of the Congress in West Bengal. And how can they ? Bengal, Calcutta are the seats of monopoly capital, both British and India. Bengal has got a powerful working class. Bengal has got a peasant movement. The Bengal intelligentsia, the educated middle class and the government employees, love democracy. They are prepared to make any sacrifice. Therefore, they felt that the power had gone out of their hands. The monopolists, political *thugs*, hoarders, profiteers, they all conspired with the Central Government to topple the West Bengal Ministry. We had the honour of being the first target of this reactionary Government that sits here. We have the privilege of being the target of attack first. Yes, at one time Bengal sent its martyrs to the gallows before others did. Once again, today it is a matter of privilege and pride that the people of Bengal, of all communities, from all provinces who live there—we are all one—will show that it is their privilege to be the target of attack of this Government. But that is a political question. Let me first come to the constitutional question.

The Governors have no power under our Constitution to dismiss a Ministry. This has been clearly stated by eminent jurists of the country. These jurists, some of them even opposed to our leftist view, as Constitutional lawyers have publicly stated so, namely that a Governor under our Constitution has no right to dismiss the State Government or the Ministry as Governor Dharma Vira has done. Therefore, the Governor has exercised a power which he does not possess and it has been possible because the centre of power are these people, because the Army is in their hands. Therefore, with the help of the Army the Governor has exercised certain powers beyond not only the provisions of the Constitution but even according to the conventions so far laid even under our parliamentary democracy which is very old. Therefore, we are faced with such a situation. This is the first point that I should like to make. No wonder, Madam. Deputy Chairman, when Shri Ajoy Mukherjee asked the Government of India or the President to refer the issue of the Governors' powers to the Supreme Court for opinion, legal and constitutional, this traitorous Government refused even to refer it to the Supreme Court. What does it show ? They are afraid of the opinion of the Supreme Court, the highest judiciary in the State. That itself shows that we are acting not only against parliamentary democracy but with premeditation in clear defiance of the rule of law.

Madam, the Supreme Court's opinion is not to be had. And Mr. Chavan said that plainly. Therefore, if there is a dispute between the Opposition and the Government whether the Governors have such powers, our Supreme Court is precluded from giving a verdict. Then who will decide it ? Not the Opposition. It will be decided by Mr. Chavan, Shrimati Indira Gandhi and the like and by their agent, Mr. Dharma Vira, and others who have been planted on the State. That is the position. Therefore, their desire becomes the law. *De facto* we have actually amended the Constitution. They have actually amended the Constitution even without the sanction of Parliament. Because the Constitution does not provide such

a power, you cannot act under the Constitution in this manner, and so you have acted and you have ignored the Constitution. Acting in the name of the Constitution you have *de facto* amended it outside Parliament in partisan interest, in the interest of monopolists and others. It is significant to note that some American Embassy officials speaking in the South said that American investors will take into account the fact that West Bengal is ruled by the leftists, and he hoped that the India Government will take into account the American reaction. The C. I. A. argument, the C. I. A. logic and the C. I. A. advocacy, they have all been accepted by them.

SHRI C. D. PANDE : On a point of order. I may inform him that the opinion of Mr. Ajoy Mukherjee, whose name you mention, himself said that your West Bengal was run in the interest of China. He said that there were Chinese agents in the Government.

3 P.M.

SHRI P. K. KUMARAN (Andhra Pradesh) : Is it a point of order ? (*Interruption.*)

SHRI BHUPESH GUPTA : Even the late lamented Govind Vallabh Pant did not take his son-in-law seriously. How can I take him seriously ?

SHRI C. D. PANDE : Do you contest the statement of Ajoy Mukherjee ? He said that in the Government he was running there were people who were pro-Chinese. Do you disagree ?

SHRI BHUPESH GUPTA : It is all bunkum...

SHRI C. D. PANDE : Did he not say that ?

SHRI BHUPESH GUPTA : Now, Madam Deputy Chairman, it is quite clear that the Supreme Court was bypassed. ...

SHRI C. D. PANDE : You are evading the issue. Do not swear by Mr. Ajoy Mukherjee.

SHRI BHUPESH GUPTA : ... in order to carry out this coup. This is point number one.

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SHRI C. D. PANDE : The Chinese agents were running the Government, not Ajoy Mukherjee.

THE DEPUTY CHAIRMAN : You have said it once, you need not repeat it. (*Interruption.*)

SHRI C. D. PANDE : I am not a Chinese agent.

SHRI BHUPESH GUPTA : You are not, because you are open for general sale.

SHRI C. D. PANDE : Not for the Chinese...

SHRI BHUPESH GUPTA : Because you are sold to the Americans... (*Interruption.*)

THE DEPUTY CHAIRMAN : You may continue your speech.

SHRI C. D. PANDE : You have void yourselves to Russia or China... (*Interruption.*)

SHRI NIREN GHOSH : Shri C. D. Pande is a blue-eyed boy of Washington... (*Interruption.*)

THE DEPUTY CHAIRMAN : That is all right ; let us go on.

SHRI BHUPESH GUPTA : Madam Deputy Chairman, let them listen to my arguments and then give counter-arguments. Therefore, this is a minority Government supported by the Congress though temporarily. Now the moment the United Front Government was formed, they conspired to topple it. The appointment of Dharma Vira was in pursuance of this conspiracy and I brought it to the notice of the House and wanted a discussion on it. To-day that suspicion has been vindicated. They raised a lot of noise about Naxal-bari in order to divide the Opposition so that they could bring in President's rule. That failed. Then they tried to buy up people. That also failed. Then they started working on the people and wanted to topple the Government. On October, 2, the Military was ready and army assistance was given to bring about the fall of the Government, in the dead of the night. That also failed. Now they decided to use this Prafulla Ghosh and others in order to topple the

[Shri Bhupesh Gupta.] Government. Even in that they failed. Then they decided to make the Governor act illegally and unconstitutionally to dismiss this Ministry because they knew that Prafulla Ghosh cannot be installed in office without the prior dismissal of the Government with the backing of the army. Hence they behaved in this way. Now it will be said that the Assembly is meeting. Well, we know what is going to happen. But why didn't you wait for another few days? Now what happened in Rajasthan? We took a deputation of the majority of the M.L.As. and presented them before the President of India and he was satisfied that they were present there. But nobody listened to them at that time. The Central Government ignored it. I can give many more examples when, in comparable situations, the Government acted entirely differently and in their party interest. To-day we are told here that the Governor said that some people had written letters to him. Am I to go by letters written to the Governor by some people when the test is the legislature? And this is what the Constitution provides for... (*Interruption.*)

SHRI C. D. PANDE : What was the difficulty in convening the Assembly earlier?

SHRI BHUPESH GUPTA : Now it is not for the Governor, when the objective test is the legislature, to give a go-by to it. This is his subjective decision. The Governor decides what is right and what is wrong while the Council of Ministers is responsible to the legislature. Their support has to be determined by the body to which they are responsible by a vote of confidence or otherwise. That was not resorted to at all. The Governor acted, therefore, absolutely illegally and subjectively. In our Constitution, unlike under the Government of India Act, the Governor is supposed to be a Constitutional figurehead in the State having the same powers as the British Crown, certainly not more powers than the President of India.

But now they have made the Governors tiny little dictators to do away with Governments at the behest of the

Centre. This arrangement may suit you to-day, but it may not suit you always. Certainly it does not suit democracy. It violates even the elementary principles of democracy. Here I invite your attention to a Ministry of Home Affairs' secret document, a confidential document, which they circulated to some of the top brasses and the Minister. This is a 13-page closely typed document—Dissolution of Legislative Assemblies and Lok Sabha—A note on the powers of the President and the Governor. You read this thing. If you read it, you will see that as far as the Lok Sabha is concerned, the President has not got such power which Mr. Dharma Vira has assumed. The President has the power only to act on the advice of the Council of Ministers and to dissolve the Lok Sabha if the Council of Ministers advises him in such a manner. With regard to the Governors, the Home Ministry document made out a very laboured case, an entirely wrong case ...

SHRI AKBAR ALI KHAN : These are the provisions of the Constitution.

SHRI BHUPESH GUPTA : ... that the Governor need not listen to the advice of the Council of Ministers, that they can act on their own, that they can dissolve the Assembly or decide not to dissolve it, irrespective of the advice of the Council of Ministers. The Governor has been put at a higher level in relation to the State legislature than the President of India in relation to Parliament. Is it the scheme of our Constitution? The hon. Minister says that the Governor has got powers to dissolve ...

DIWAN CHAMAN LALL (Punjab) : What has Mr. Bhupesh Gupta to say to Article 164(1)?

SHRI BHUPESH GUPTA : But it does not provide for the circumstances at all. Diwan Chaman Lall has forgotten all parliamentary knowledge ..

DIWAN CHAMAN LALL : May I read out Article 164(1) to my learned friend? This is what it says : "The Chief Minister shall be appointed by the Governor and the other Ministers shall be appointed by the Governor on the advice of the Chief Minister, and the Ministers shall hold office during the pleasure of the Governor".

SHRI BHUPESH GUPTA : What a wonderful discovery you have made! The same provision is there in the case of the Prime Minister and his/her Council of Ministers. The same provision is there in British parliamentary practice—"holding office during the pleasure of the Governor..."

THE DEPUTY CHAIRMAN : Yuu please continue your speech.

SHRI BHUPESH GUPTA : This is because you allowed this ignorant interruption. As I said, my dear friend, Diwan Chaman Lall, has forgotten all parliamentary knowledge, and he has never been brilliant at law. Therefore, I cannot blame him very much. Now, therefore, the Governor has to act on the advice of the Council of Ministers. That has a certain tradition. That is what makes our Constitution different from the Government of India Act. You cannot place the Governor at a higher level in relation to the legislature of a State than you place the President in relation to Parliament. And you will find that the scheme of the Constitution has absolutely been negated. Madam Deputy Chairman, who am I to give a legal opinion ? I only ask for the opinion of the Supreme Court. Why did Mr. Chavan not go to the Supreme Court ? Jurists, lawyers and eminent men who are in the summit of their legal profession and acknowledged as very learned people in this sphere, have, all of them practically, said that the Governor has no such power as has been exercised in Bengal for dismissal of a Ministry. This is quite clear. Madam Deputy Chairman, it is not accidental that they are appointing former I.C.S. officers as Governors—I.C.S., which Mr. Nehru called 'the steel frame of the British'. Mr. B. N. Chakravarty, an I.C.S. officer, dissolves the Haryana Assembly. Mr. Dharma Vira, a protege of the Congress Party, is again an I.C.S. officer, known for his services under the British. Now to-day who are ruling ? It is not even your Council of Ministers because more than one Cabinet Minister told me that this was never discussed in the Cabinet; they did not know about it. Today, therefore, a coterie has taken the decision. It is a coterie of Mr. Chavan which

includes Mrs. Indira Gandhi, Mr. Chavan, Mr. Morarji Desai and some others. Then there is that coterie of Secretaries, the Home Secretary and some other people. Governors of course are there with whom they are in constant touch. They have decided it even in defiance of their party, even in disregard of the Cabinet, the normal ways of Cabinet functioning. Therefore you have really an I.C.S.-ctim-Indira Gandhi and Chavan rule in the country which has nothing whatsoever to do with parliamentary democracy, nothing whatsoever to do with the Constitution. Now they have done it.

Now why they chose yesterday ? That I must explain. Today the West Bengal United Front called a mass meeting in the Calcutta Maidan to demonstrate the massive support for the United Front Government. They want to forestall it. It is not accidental. Section 144 has been imposed in Calcutta and its suburbs so that meetings cannot be lawfully held. That is number one. Secondly, they knew that some of the defectors were thinking of coming back to their fold and hence they wanted to forestall it by dismissing the Government so that they could not go back to their fold and meet on December 18 in the Assembly Session. That is why they carried out the coup in one single day. They did not hesitate at all. They could not wait. Now they are going to have this Assembly Session. We know all this. Now they are very fond of Assembly Session. But when the Kerala Assembly was dissolved in 1965, it was not even allowed to meet once. We asked for the Assembly to meet but the reply was "No, the Assembly shall not meet". The Assembly was summarily dissolved by an order from the Centre. Today even after dissolving the Government which was responsible to the Assembly and which was indeed the creation of this Assembly, and after beheading this Government these butchers of the Congress Party, these killers of democratic institutions, these violators of the pledges to the nation, these time-servers, these opportunists have come to the conclusion that the Assembly Session should be called.

[Shri Bhupesh Gupta.]

Well, let us see what happens there but I must give you the reasons for it. Two reasons I have already given you. Madam Deputy Chairman, the change of Government does not take place in this way and in any parliamentary democracy in the world a change of Government does not take place like this. (Interruptions) Nobody would say that there was civil commotion there. Did you have any news that there was civil commotion of such dimensions yesterday ? The Governor did not make any statement and no paper wrote about it. In fact the situation in Bengal yesterday and in the preceding week was much better from the law and order point of view than it was 3 or 4 months ago. When the situation was better and when there was no trace of civil commotion, they decided to call the Army and effect the *coup d'etat*. Well, the difference between you and Ayub Khan is that Ayub Khan marches directly with pistols in his hands and in a military uniform but you cowards of the Congress Government seek the help of the Army and work behind the guns. Ayub Khan is brave and arrogant but you are cowards and arrogant. Of course you are all suppressive, it is quite clear.

Madam, many events are taking place. Leaders of the United Front are being arrested under the Preventive Detention Act. We never arrested a single Congress leader during the nine months we were there. Many of you gentlemen in Bengal—of the Congress Party—eminently qualified to be treated under the Preventive Detention Act. We did not give you that treatment because we felt nobody should be treated in that manner. But you are arresting them ; large-scale arrests are there. Mr. Chavan, in fact, has prepared a list of the people to be arrested. The Central Intelligence people are taking positions side by side with the Army. Well, that is the position behind the puppet show. The rule will be of a quasi-military dictatorship by the Centre.

Madam, Deputy Chairman, I say again in great sorrow that we started our journey here after the commence-

ment of the Constitution and I along with you joined this House in 1952 and we have been here for 15 years. At least in the past they wanted to talk in the language of the Constitution. They had certain pretences. Now these shameless people do not have any more pretences at all. With Jawaharlal Nehru many things have gone and also have gone the pretences. Therefore in this ugly atmosphere, Madam Deputy Chairman, what can I say ? My people in West Bengal have been punished for no other crime than the exercise of their franchise to defeat the Congress, to instal a non-Congress popular Government in the State for a change after 20 years of corruption and misuse of authority and power by the Congress Government. The people of West Bengal today have been delivered to a bunch of traitors. The Army is marching in the streets of Calcutta, many leaders are being arrested one after the other and democracy is being stifled at every single point. But that goes to the glory of Bengal. The people are on strike, buses are off the streets, trams are not in the streets. West Bengal has suffered many an injury. Many a sorrow it has suffered but never it has gone down as a people, as a nation which does not know how to fight and I do hope the people of West Bengal will rise to the occasion. Let them perish for their goal, let them go down fighting. I am sure that in the coming days of trial the people of West Bengal will once again display the spirit of heroism, the spirit of unity, although they may have to face bullets, as many as Shri Chavan can give them, as many as Shrimati Indira Gandhi can give them. This kind of dictatorship shall not be tolerated. We have not become friends in the year of Grace 1967 to tolerate Mirzafars and Umi-chands. That is not the teaching of the thinkers of the people of Bengal, that is not the heritage that we have got from our martyrs. Madam Deputy Chairman, I know that the battle will be fought but I must tell the people of India through this House and even my friends opposite, our colleagues in this House, that they should think of parliamentary democracy today. Parliamentary democracy is not often killed by a

nuclear bomb suddenly. The fact remains that it has been molested and raped like this. That is what is happening in our country. What shall I say of Mr. Chavan and Mrs. Indira Gandhi ? What shall I say of Shrimati Indira Gandhi, a wonderful lady ? She dismissed the Kerala Ministry unconstitutionally in 1959 and being at the head of the Congress Government she dismisses two Ministries in the matter of a few hours. All records she has broken. There is no doubt about it. I do not know if Hitler were alive, if Mussolini were alive, probably they would have given Mrs. Indira Gandhi the order of merit.

THE DEPUTY CHAIRMAN : You have taken half an hour.

SHRI BHUPESH GUPTA : Madam Deputy Chairman, I am going to resume my seat. I do not know what to say. You can understand that there comes a time in the life of a nation when the heart wants to speak but the language fails. Here is an occasion when the people may not speak in the language which will be flourishing or which will be good for a parliamentary debate but I do hope that Bengal will speak in the language of its heart.

Madam, a crime has been committed. This is the beginning and I know that these people know that very well that the days are passing when they can rule the country and therefore they have decided, it seems, as a matter of plan, to throw even the semblance of democracy or parliamentary institutions. Here comes the great lady, the Prime Minister of the country, the daughter of Pandit Jawaharlal Nehru, to whom was written the 'Glimpses of History' in many letters compiled together. What is she going to do ? Mrs. Indira Gandhi, well, pretends to be very democratic. Well, she smiles. Democracy is not a matter of smiles or of cosmetics. Democracy is a matter to practise in life. Democracy is a matter of a way of political system and to-day we have created another record by a woman Prime Minister and one Government after another is being slaughtered at the altar of the ego of the Congress party. That is also a matter of record.

AN HON. MEMBER : Is he attacking a woman as a Communist?

SHRI BHUPESH GUPTA : Well, Gandhiji established certain good things. Nehru also, in his time, did but the daughter has got a wonderful way of slaughtering Governments one after another.

I say finally in condemnation of this Government that as long as these people, traitors to democracy, who commit treason to the Constitution, remain in power, this country has no future. It is paving the way for the emergence of certain things dark and green, direct military rule. Therefore I say that the people should wake up against this Government in all parts of the country by united mass action. What are the general strikes for, what are the other types of mass action for if we do not know how to utilise the democratic weapons to take a united mass action. And I do hope the Left and democratic and all other parties and all the right-minded people, whatever their other differences—there are many—should make one common cause ; that cause is to solemnly pledge for the defence of democratic unity. Everything must be mobilised for that action. I hope the people of Bengal will take action. (Interruptions.) National action, national unity, should meet this challenge of the avaricious evil forces represented by Shrimati Indira Gandhi, Mr. Chavan and the Government. The people of Bengal never took insult and oppression lying down. Never will they again take it lying down more especially in this year of 1967. when India has a great upsurge of popular movement.

THE DEPUTY CHAIRMAN : Please sit down. Mr. Gupta, please control yourself.

The questions were proposed.

THE DEPUTY CHAIRMAN: Mr. Chandra Sekhar, 15 minutes.

श्री चन्द्र शेखर (उत्तर प्रदेश) :
पद्मोदया, इसके पहले कि मैं हरियाना
और बंगाल के बारे में अपने विचार व्यक्त

[श्री चन्द्र शेखर]

करूँ, मैं अपने माननीय मित्र श्री भूपेश गुप्त और उनके सहयोगियों के लिये एक दूसरी दुःख की बात सुनाता हूँ। अभी पंजाब के चीफ मिनिस्टर ने वहाँ की विधान सभा में जो घोषणा की है वह पी०टी०आई० की खबर यह है कि :

"Sardar Gurnam Singh, the Punjab Chief Minister, announced in the State Vidhan Sabha to-day that he was resigning".

क्योंकि जो उनका समर्थन कर रहे थे, वे उनसे अलग हो गये.

श्री सुन्दर सिंह भंडारी (राजस्थान) : इन दोनों में तुलना नहीं है।

श्री चन्द्र शेखर : तीन सरकारें दो दिन के अन्दर गईं। मेरे मित्र, श्री सुन्दर सिंह भंडारी, यह समझते होंगे कि मुझ को इससे प्रसन्नता है, लेकिन मैं भी इससे दुःखी हूँ। कोई भी जनतंत्र चल नहीं सकता जब तक जनतंत्र में एक पार्टी के अलावा दूसरी कोई पार्टी शासन को लेने का अधिकार न रखती हो और इस जिम्मेदारी को निभाने की उसमें क्षमता न हो। जो भी जनतांत्रिक प्रणाली में विश्वास रखता है वह यह समझता है कि जनतांत्रिक प्रणाली का यह मकसद होता है कि एक सरकार जाये, एक पार्टी जाये तो दूसरी पार्टी शासन को हाथ में ले ले।

मैं माननीय भूपेश गुप्त जी से और उन मित्रों से कहूँगा जिन्होंने चुनावों के पहले अपनी पार्टियों को मजबूत करने की कोशिश नहीं की, केवल एक धारणा फैलाई कि किसी भी कीमत पर कांग्रेस को बरबाद कर दो, इस कांग्रेस पार्टी को तोड़ दो और उससे देश का भला होगा। वे नहीं जानते थे कि जिस समय वे यह नारा दे रहे थे, उसी समय वे संसदीय जनतंत्र की जड़ों पर कुठाराघात कर रहे थे। आज हमारे मित्र दुःख से कह सकते हैं कि क्यों मिलिट्री बुलाई गई, क्यों सेना बुलाई गई। मैं माननीय

भूपेश गुप्त जी का ध्यान उनके मुख्य मंत्री, जिनकी प्रशस्ति वे कर रहे हैं, अजय मुखर्जी साहब के उस वक्तव्य की ओर ले जाना चाहता हूँ जिसमें उन्होंने वामपंथी साम्यवादियों को जवाब देते हुये कहा था कि सेना बुलाने के लिये भारत सरकार से निवेदन उन्होंने किया था और उसका कारण उन्होंने यह बताया था कि सरकार के अन्दर ऐसी पार्टी है जो खुले आम चीन से समझौता करने के लिये चीन को निमंत्रण देती है।

मैं मानता हूँ, मैं अपने भाई भूपेश गुप्त जी से सहमत हूँ कि बंगाल की एक परंपरा रही है। भारतीय स्वतंत्रता के आन्दोलन में बंगाल ने अपना तुमाया हिस्सा अदा किया है। मैं यह भी जानता हूँ कि भारतीय संस्कृति और सभ्यता में बंगाल का स्थान सब से ऊंचा रहेगा। हमें भी इस बात का गर्व है कि बंगाल की वसुंधरा ने बटुकेश्वर दत्त और सुभाष चन्द्र बोस जैसे लोगों को पैदा किया। लेकिन बटुकेश्वर दत्त और सुभाष चन्द्र बोस बंगाल की वसुंधरा में इस लिये नहीं पैदा हुये कि वहाँ पर वहीं के रहने वाले लोग किसी विदेशी ताकत से मिल करके इस बात के लिये षड्यंत्र करें कि देश की स्वाधीनता, देश की आजादी उनके हाथों में बेच दी जाये। मुझे विश्वास है कि बंगाल की जनता, बंगाल के नौजवान आज भी यह समझते हैं कि जिस परंपरा को बटुकेश्वर दत्त और सुभाष चन्द्र बोस ने स्थापित किया, उसको जारी रखा जाये। जिस परंपरा पर इस राष्ट्र को गर्व है, जिस पर माननीय भूपेश गुप्त को गर्व है, उस परंपरा को नक्सलवाड़ी का षड्यंत्र करने वाले कुछ लोगों के हाथों में सौंपने के लिये बंगाल के नौजवान कभी तैयार नहीं होंगे। हमारा अगर कोई चार्ज है गृह मंत्री के ऊपर, भारत सरकार के ऊपर, तो वह यह है कि जिस दिन वहाँ के मुख्य मंत्री ने कहा था कि सरकार में ऐसे मंत्री हैं, जिनकी पार्टी चीन से समझौता

किये हुये हैं, उसी दिन इस सरकार को बरखास्त क्यों नहीं कर दिया गया।

महोदया, मैं आपके जरिये इस सदन से कहना चाहता हूँ कि जनतंत्र में बड़ी शक्ति है, जनतंत्र की आवाज में और इच्छा-शक्ति में यह ताकत है कि वह राष्ट्रों का निर्माण करती है। लेकिन जनतंत्र में एक बड़ी भारी कमजोरी है कि जनतंत्र के दुश्मन जनतंत्र में मिले हुये अधिकारों का उपयोग जनतंत्र को नष्ट करने में करते हैं। यह सारे संसार की परंपरा रही है। चाहे वह हिटलर रहा हो, चाहे वह मुसोलिनी रहा हो, चाहे कोई दूसरा डिक्टेटर रहा हो, जनतांत्रिक समाज जो अधिकार उनकी देता है, उन्हीं अधिकारों को इस्तेमाल कर के वे जनतंत्र की हत्या का प्रयास करते हैं। बंगाल में आज से नहीं . . .

श्री नोरेन घोष : जैसा आप लोगों ने किया।

What violence you have done during the last 20 years.

SHRI BHUPESH GUPTA : Go to Calcutta and govern without the army.

श्री चन्द्र शेखर : पिछले 6 महीनों में ऐसे लोग रहे हैं जिन्होंने खुल कर बंगाल के अन्दर देशद्रोह का काम किया है। मुझ सहानुभूति है हमारे मित्र भूपेश गुप्त और राजनारायण जैसे लोगों से; मैं उनके शब्द उद्धृत नहीं करूंगा; इसी सदन के अन्दर माननीय राजनारायण जी ने कहा कि नक्सलवाड़ी के अन्दर जनतंत्र की हत्या हो रही है, इसी सदन में श्री राजनारायण जी ने उस दिन आंसू बहाये जब आसनखोल में एस०एस०पी० के एक कार्यकर्ता की हत्या की गई और बंगाल की गवर्नमेंट उस पर कोई कदम उठाने के लिए तैयार नहीं थी। प्रजा सोशलिस्ट पार्टी के मित्रों से मैं कहूंगा कि कलकत्ता में प्रजा सोशलिस्ट पार्टी के दफ्तर में घुस कर वामपन्थी कम्युनिस्टों

ने उनके कार्यकर्ताओं को सड़कों पर बसीट कर पीटा। मैं पूछना चाहता हूँ जनतंत्र की बात करने वाले भूपेश गुप्त जी से, पूछना चाहता हूँ, जनतंत्र की बात करने वाले राजनारायण जी से कि क्या यही जनतांत्रिक परम्परा है, क्या इसी के लिए भारत के लोगों ने सहानुभूति दी थी, क्या इसी परम्परा के लिए यह संविधान बनाया गया था, जिसके अन्तर्गत हम और आप बैठ कर बात कर रहे हैं? मैं संविधान की परम्पराओं और उसके नियमों के बारे में बाद में निवेदन करूंगा, लेकिन ये मौलिक प्रश्न हैं जिनका उत्तर देश आपसे चाहता है। आपका विद्रोह कांग्रेस के प्रति हो, मैं उसको समझ सकता हूँ; आपका क्रोध शासन के प्रति हो, उसको मैं समझ सकता हूँ; मैं यह भी समझ सकता हूँ कि शासन की गलतियों को आप सामने लाएं; मैं यह भी समझ सकता हूँ कि आप कांग्रेस की भर्तना करें, लेकिन मैं इन मित्रों से यह निवेदन करना चाहता हूँ कि एक राजनीतिक अवसर का लाभ उठाने के लिए देश की जनतांत्रिक परम्पराओं के ऊपर जो लोग कुठाराघात कर रहे हैं उनका साथ देकर जनतंत्र की जड़ों को न समाप्त करें। बंगाल में 6-8 महीनों से जो हो रहा था वह ऐसा नहीं था जिससे जनतंत्र की जड़ें मजबूत हो रही हों। मैं भूपेश गुप्त से कहूंगा कि आम चुनाव के पहले क्या हालत थी; कलकत्ता के मदानों में कांग्रेस पार्टी की—मैं कांग्रेस पार्टी का कार्यकर्ता हूँ—सभाओं का होना मुश्किल था। चुनाव के बाद जब आपकी सरकार बनी तो जनता ने उसे उम्मीद और आशा की निगाह से देखा, लेकिन 6 महीनों में आपने जनता को कहां पहुंचा दिया। तीन दिन पहले डेढ़ लाख लोगों ने कलकत्ता के मैदानों में इकट्ठे होकर कहा कि अजय मुखर्जी की सरकार जानी चाहिए (Interruption.) मैं आपसे यह निवेदन करना चाहता हूँ कि अखिरकार डेढ़ लाख लोग अगर कांग्रेस के नेतृत्व

[श्री चन्द्र शेखर]

में आकर यह मांग करते ह तो क्या आपको इसमें कोई परिवर्तन नहीं दिखाई पड़ता है। अगर कोई परिवर्तन नहीं दिखाई पड़ता है तो मैं यही कह सकता हूं कि सूरज की रोशनी में किसी पक्षी को नहीं दिखाई दे तो सूरज की रोशनी का दोष नहीं, उस पक्षी की आंख का दोष है (Interruption) मैं आपसे यह कहना चाहता हूं कि यह परिवर्तन बड़ी तीव्र गति से हो रहा है। 6 महीनों के अन्दर गैरकांग्रेसी सरकारों ने यह छिड़ कर दिया है कि कांग्रेस बीस बरस में अपनी छोटी मोटी गलतियों से जहां पहुंची उससे आगे वे 6 महीनों में पहुंच गए हैं और आज देश की जनता का विश्वास . . .

SHRI NIREN GHOSH : Would you have a mid-term poll in Bengal »

श्री चन्द्र शेखर : उन पर से उ गया है। न जनतंत्र के नाम पर, न राजनीतिक नैतिकता के नाते, न संवैधानिकता के नाते और न जनता की मर्यादा के नाते आप यह दावा करने का हक रखते हैं कि अजय मुखर्जी की हुकूमत बनी रहे।

हमारे कुछ मित्र यह सवाल उठाते हैं कि अगर 20 दिसम्बर तक अजय मुखर्जी की हुकूमत बनी रहती तो क्या वज्रपात हो जाता। मैं आपसे यह निवेदन करना चाहता हूं कि गृह मंत्री जी के पास क्या जवाब है, अक्टूबर के महीने में जिस समय अजय मुखर्जी ने यह बयान दिया कि चीन के साथ कुछ मंत्री मिले हुए हैं, उसके बाद से अगर पिछले एफ-डेढ़ महीने के अन्दर इन मंत्रियों ने सरकार के पदों का लाभ उठा कर चीन के प्रति वफादार देशद्रोही तत्वों का कोई गुट बना लिया हो तत्सलवाड़ी में; बंगाल में; तो उसकी जवाबदेही किसके ऊपर है? भारत सरकार इस जिम्मेदारी से बनी नहीं हो सकती। अगर आज इस दिसम्बर के बाद कोई खूनखराबी होती है, अगर कोई कत्लेआम होता है और

कोई गृहयुद्ध होता है तो उसकी जिम्मेदारी धर्मवीर के ऊपर जो कल उन्होंने किया उस पर नहीं होगी, इसकी जिम्मेदारी होगी जो पिछले डेढ़ महीने तक माननीय धर्मवीर जी और गृह मंत्री जी सब शान्त, चुप बैठे रहे, यह जिम्मेदारी उनकी पिछले डेढ़ महीने की निष्क्रियता पर होगी। मैं आपसे कहना चाहता हूं कि जब कोई भी मंत्री विदेशी शासन से मिला हो, तब वह देश के खिलाफ क्या नहीं कर सकता।

एक बात और बड़े जोरों जा बहीमे रही है कि नरमुण्ड दिख ई पड़ेंगे, लोग कल हो जाएंगे। हो सकता है कुछ लोग मारे जायें, हो सकता है आप लोग इस क्रिया में ज्यादा दक्ष हों, लेकिन मैं उन मित्रों से कहना चाहता हूं कि इतिहास में कभी कभी राष्ट्र की एकता को बनाए रखने के लिए, आजादी को बनाए रखने के लिए, प्रजातंत्र को बनाए रखने के लिए अपने लोगों के खिलाफ भी हथियार उठाने पड़ते हैं और यह कोई शर्म की बात नहीं है। दुनिया के इतिहास में आखिरकार अब्राहम लिंकन भी पैदा हुआ है और अब्राहम लिंकन जैसे लोगों के ऊपर किसी भी समाज को, किसी भी राष्ट्र को गौरवान्वित होना चाहिए। अगर देश की एकता के लिए, देश की सार्वभौम सत्ता के लिए, कुछ लोगों को बलिदान होना पड़े, तो इसमें दुःख की बात तो है लेकिन देश की एकता से ऊपर कोई शासन, कोई पार्टी, कोई दल नहीं है।

मैं विरोधी दलों के मित्रों से कहना चाहूंगा कि कांग्रेस के बारे में उनकी कोई धारणा हो, लेकिन 1885 से 1947 तक कांग्रेस की परम्परा, बलिदान की परम्परा रही है, वह बलिदान राष्ट्र को उन्नत करने के लिए रहा है, वह बलिदान राष्ट्र को स्वतंत्र करने के लिए था। जिस बंगाल की परम्परा का चित्र माननीय भूपेश गुप्त ने किया है, वह बंगाल की परम्परा कांग्रेस की परम्परा रही है और उस परम्परा का निर्वाह करने के लिए कांग्रेस पार्टी सबसे बड़ी कुर्बानी करने के लिये तैयार है और

कोई भी सरकार जो कांग्रेस पार्टी की सरकार है, ऐसे अवसर पर निष्क्रिय नहीं रह सकती अगर वह रहना भी चाहे तो। जो उदारता माननीय चव्हाण जी ने दिखाई है, जो उदारता माननीय श्रीमती इन्दिरा गांधी ने दिखाई है वह बहुत ज्यादा है, लेकिन मैं अपने उन मित्रों से कहूंगा कि यह देश सिर्फ कांग्रेस पार्टी का नहीं है, सारे लोगों का है और इसलिए उस समय ही अजय मुखर्जी के वक्तव्य पर कार्यवाही होनी चाहिए थी। वह अकेला वक्तव्य काफी था डिसमिसल के लिए।

दूसरी तरफ कहा जाता है कि गवर्नर को अधिकार नहीं है। इस पर विवाद हो सकता है। उसमें एक पक्ष यह भी है कि गवर्नर को यह अधिकार है कि वह अगर यह समझे कि शासन संविधान के मुताबिक नहीं चल रहा है, तो उस सरकार को बर्खास्त कर सकता है। इस सम्बन्ध में मैं संविधान की धारा को उद्धृत नहीं करना चाहूंगा; क्योंकि बहुत से पंडित उस बारे में कहेंगे, लेकिन मैं एक उद्धरण डा० अम्बेडकर का देना चाहूंगा; वह मैं अंग्रेजी में पढ़ रहा हूँ :-

"Although the Governor has no functions, still even the Constitutional Governor, that he is, has certain duties to perform. His duties, according to me, may be classified into two parts. One is that he is to retain the Ministry in office because the Ministry is to hold office during his pleasure. He has to see whether and when he should exercise his pleasure against the Ministry. The second"....

यह उद्धरण है डा० अम्बेडकर का। उन्होंने कहा है कि गवर्नर को, राज्यपाल को, इस बात का अधिकार है कि वह यह सोचे कि किस समय वह अपना डिस्क्रिशन, अपना प्लेजर मिनिस्ट्री के खिलाफ इस्तेमाल करे। यह अम्बेडकर साहब ने जो हमारे संविधान के निर्माता थे, उन्होंने कहा था। ऐसी

परिस्थिति में अगर राज्यपाल धर्मवीर ने यह समझा कि अब शासन ठीक ढंग से नहीं चल रहा है तो यह उनकी राष्ट्रीय जिम्मेदारी थी—मैं विधान का पंडित नहीं हूँ, मैं नहीं जानता कि विधान क्या कहता है पर उनका राष्ट्रीय कर्तव्य पुकार-पुकार कर कह रहा था . . .

SHRI BHUPESH GUPTA : Just one point. Will you kindly yield ? See that Article 75 of the Constitution with regard to the Central Council of Ministers :

"The Ministers shall hold office during the pleasure of the President".

Do you mean to say that the same thing applies here also ?

श्री चन्द्र शेखर : महोदया, माननीय भूपेश गुप्त ने अपने विचार व्यक्त किए हैं। मैं तो केवल यह कह रहा हूँ कि संविधान-निर्माता डा० अम्बेडकर का भी यह विचार था। उस पर बहस हो सकती है, विवाद हो सकता है, मैं नहीं कहता कि अन्तिम बात यही है; लेकिन ऐसा नहीं है कि इसके पीछे कुछ संवैधानिक तथ्य या जोर नहीं है।

मैं तो केवल यह कहना चाहता था कि राज्यपाल धर्मवीर ने अपने राष्ट्रीय कर्तव्य का पालन किया है और इस सदन में मैं यह कहना चाहूंगा कि वे हमारी बधाई के पात्र हैं।

SHRI BHUPESH GUPTA : He should be impeached.

श्री चन्द्र शेखर : मैं राज्यपाल धर्मवीर को व्यक्तिगत रूप से नहीं जानता। हमारे मित्र ने कहा कि दो आई० सी० एस० अफसरों के जरिये दो मिनिस्ट्रियां को बर्खास्त कर दिया गया। लेकिन जहाँ तक मैं जानता हूँ और अखबारों के जरिये सारे देश को यह मालूम है कि धर्मवीर जी को राज्यपाल बनाने की सिफारिश श्री अजय मुखर्जी

[श्री चन्द्र शेखर]

साहब ने को श्री, अजय मुखर्जी साहब को उस समय घर्मवीर जी अच्छे लगते थे और अब नहीं लगते ।

SHRI BHUPESH GUPTA : No, no. I know the position because I have talked to Shri Ajoy Mukherjee on this. They mentioned this matter on the telephone and some 4 or 5 names were suggested. He said that as long as it was not a Congressman, it was all right, or something like that. Now you may say all these things. All these developments and the statements that are being made now show that Mr. Chavan and Shrimati Indira Gandhi were having a conspiracy to topple this Government ever since that time.

श्री चन्द्र शेखर : महोदया, मैंने अपने वक्तव्य के प्रारम्भ में ही कहा था कि हमारे मित्र श्री भूपेश गुप्ता और उनके साथी कांग्रेस के लोगों के इतने खिलाफ हैं कि उसके विरोध में वह जघन्य से जघन्य अपराध करने के लिये तैयार हैं । यह उन्होंने खुद कह दिया कि कोई भी हो कांग्रेस का आदमी नहीं होता चाहिये और आज उसका फल अगर वह भुगत रहे हैं, तो यह उनकी मनोवृत्ति का परिणाम है ।

SHRI BHUPESH GUPTA : I am talking about the same thing. Now, Madam, this is a serious thing. He said that with Shri Ajoy Mukherjee's consent the Governor was appointed. I say, no. He was appointed and they just mentioned some names on the telephone.

श्री चन्द्र शेखर : महोदया, मैं अन्त में केवल यही कहना चाहूंगा कि राष्ट्र हित में बंगाल की गवर्नमेंट का जाना नितांत आवश्यक था, जो कुछ भी किया गया, वह राष्ट्र के भविष्य के लिये, जनतंत्र के भविष्य के लिये, इस देश की भलाई के लिये आवश्यक था ।

जहां तक हरियाणा का सवाल है, हरियाणा के राज्यपाल की रिपोर्ट से यह साफ प्रगट है कि वहां के राजनीतिज्ञ . . .

SHRI BHUPESH GUPTA : You have now got the army there. President Ayub Khan also has done the same thing. I was reading his book the other day and I was horrified to find he had written the same thing there. And of course, Shrimati Indira Gandhi and Shri Chavan would also do the same thing.

SHRI NIREN GHOSH : This speech of Shri Chandra Shekhar reveals the-real position.

श्री चन्द्र शेखर : महोदया, अंत में मैं यही कहूंगा कि हरियाणा में जो कुछ हुआ वह राज्यपाल महोदय ने स्पष्ट किया है, जो कुछ, जिस तरह से लोगों ने इधर, उधर काम किये हैं, उससे जनतंत्र की मर्यादा को धक्का लगा है ।

इन शब्दों के साथ मैं माननीय गृह मंत्री जी के उस प्रस्ताव का समर्थन करता हूं जिसमें उन्होंने हरियाणा में राष्ट्रपति शासन लागू करने का निवेदन किया है और मैं अत्यंत दुःख के साथ अपने मित्र भूपेश गुप्ता के प्रस्ताव का विरोध करता हूं ।
This was not unexpected from him because he belongs to the lobby behind the Home Minister. The trappings now reveal the reactionary hiding behind. Now he is seen in his true colour. We can now . . .

THE DEPUTY CHAIRMAN : That will do. Now, Mr. Ruthnaswamy.

SHRI BHUPESH GUPTA : We gave you our support when you talked of nationalisation and all that and now you are dealing with us in this fashion.

SHRI LOKANATH MISRA (Orissa) : That is because in the meantime Mr. Chavan must have realised how slippery is the shoulder with which you gave him support. He cannot expect to be carried long on such slippery shoulders.

SHRI M. RUTHNASWAMY (Madras) : Madam, you will allow me to confine myself to the strictly constitutional aspect of this question. So much political electricity has been dis-

charged on this question already that I do not want to add to the strength of that electrical atmosphere. Let us first of all remember that we are operating under a written Constitution and under a written Constitution we are bound by the letter of the law. No doubt even a written Constitution has to be operated subject to conventions which spring up from the Constitution itself or during the working of the Constitution. Hon. Members will remember also the difference between a flexible Constitution like that of England and a written Constitution like ours and that of the United States of America. A large number of conventions have sprung up round the flexible Constitution of England whereas very few such conventions bind the letter of the law of the United States Constitution. When discussing the powers of the Governor let us remind ourselves of the chief articles of the Constitution which govern the use of those powers.

First of all, article 154 of the Constitution lays down that he is the head of the executive. He is not only the head of the State but he is also the head of the executive and every executive operation is in his name and under his authority. Of course, that article is subject to another article, namely, article 163 which says that he shall call into being a Council of Ministers to aid and advise him. Under our Constitution he can call anyone to aid and advise him. But at the same time there are other articles of the Constitution which lay down that the executive cannot get financial provision for his administration except by the vote of the legislature. So it follows that the Governor can call for aiding and advising him in the execution of his powers as head of the executive only such people or group of people as command the confidence of the legislature. He has also the power to summon and dissolve the Assembly. He has the power of dismissal also. Of course, the word "dismissal" has connotations of disgrace because we connect it largely with the dismissal of executive officials who when they are dismissed go out in disgrace. But when a ministry is dismissed it does not go out in disgrace.

It goes out because in the opinion of the Governor it has lost the confidence of the legislature. Now, how is the Governor to find out whether a Ministry still retains the confidence of the legislature or not? If the legislature is not sitting and if no votes are taken, the Governor himself can by certain notorious facts, as they are called in courts of law, facts which are known to everyone, ascertain the position. The facts of this case are these. An important Minister of the United Front Ministry, Dr. P. C. Ghosh, and his followers left the Ministry. As a result of that the Governor came to the opinion—may be mistakenly—he came to the provisional opinion that the U. F. Ministry did not retain the confidence of the legislature. And in order to confirm his suspicion he called upon the Chief Minister to agree to the summoning of the Assembly as soon as possible so that it can be known and he can ascertain for himself whether the U. F. Ministry retained the confidence of the legislature. Now, if the Chief Minister or the Ministry felt that they still retained the confidence of the legislature, he should have taken up that challenge of the Governor and replied to the challenge by allowing the legislature to be summoned to find out for himself as well as for the Governor whether the Ministry retained the confidence of the legislature. This long postponement of the summoning of the legislature to the 18th of December...

SHRI BHUPESH GUPTA : What long postponement? It was to be called on 18th December after the paddy procurement. The Governor knew it.

SHRI DAHYABHAI V. PATEL (Gujarat) : Why the 18th of December? Why that date?

SHRI BHUPESH GUPTA : The procurement of the aman crop will be over by then. The procurement of the aman paddy is vital to the people of Bengal and the Ministers are going to the villages and the M.L.A.s are there also. He wrote to the Governor, let us finish this thing. Madam, this is a very relevant question. I am not blaming anyone. But if you do not pro-

[Shri Bhupesh Gupta.]

cure the *aman* paddy in the month of December then much of the marketable surplus is gone. You know we are deficit by 2 million tonnes in foodgrains internally and they decided to procure one million tonnes of foodgrains.

SHRI M. M. DHARIA (Maharashtra): May I know from Mr. Bhupesh Gupta whether...

SHRI BHUPESH GUPTA : Do you accept that argument ?

SHRI M. M. DHARIA : Was it procurement of paddy or of Members ?

SHRI BHUPESH GUPTA : That is exactly what you have done in West Bengal. " You have procured some because you are always procurers. Yours is the role of procurers, whether in private life or in public. Everywhere you are procurers.

SHRI M. RUTHNASWAMY : When the Governor had, what everyone will agree was, a reasonable suspicion that the UF Ministry did not have the confidence of the legislature, in order to ascertain for himself, for the country and for the people, he urged the Chief Minister to summon the Assembly as soon as possible but when the Chief Minister fixed the date as late as 18th December the Governor had no other option but to dismiss the Ministry and call an alternative Ministry to power so that...

SHRI BHUPESH GUPTA : Wonderful ; Swatantra—Congress alliance. Whatever happens, we shall not brook your party in Bengal. (*Interruptions.*)

SHRI C. D. PANDE : What about your alliance with Mr. Niren Ghosh ?

SHRI BHUPESH GUPTA : It is good that you are in open alliance but between you two you bring in the military. I am very glad that the Swatantra Party and Mrs. Indira Gandhi are coming closer together. That is as it should be because that is the real position. Why this hypocrisy? They say they are counter-revolutionaries but they claim to be revolution-

aries. The revolutionaries there put a veil and put lipstick... (*Interruptions.*)

SHRI M. RUTHNASWAMY : Madam Deputy Chairman, I will not look so far into the future as the leader of the Communist Group is tempted to look. I am concerned only with the problem which...

SHRI BHUPESH GUPTA : Now you will be kidnapped by them. They are full of love for you. Madam, we need protection.

THE DEPUTY CHAIRMAN : Let him finish. Please don't interrupt.

SHRI M. RUTHNASWAMY : Mention has been made of the resort to the Army. The Army is there not to support P. C. Ghosh's Ministry but to protect the people.

SHRI BHUPESH GUPTA : Rubbish; utterest rubbish. The Army is there for the protection of P. C. Ghosh's Ministry. It came immediately after that and Mrs. Indira Gandhi did goad the Ministry : "We shall give you Army protection". P. C. Ghosh is not a Napoleon that he will sit in the Writers Building without the help of the Army to protect him.

SHRI M. RUTHNASWAMY : Madam Deputy Chairman, when the leaders of the UF Ministry openly declared that they will make the streets of Calcutta ring with agitation and excitement against P. C. Ghosh's Ministry, we know what the coming of the people into the streets of a city means. There are constitutional provisions ; there...

SHRI BHUPESH GUPTA : Certainly the people are entitled to protest.

SHRI M. RUTHNASWAMY : is Parliament, but if you call the people into the streets....

SHRI BHUPESH GUPTA : What about Parliament ?

THE DEPUTY CHAIRMAN : Let him finish; don't disturb, Mr. Bhupesh Gupta.

SHRI M. RUTHNASWAMY : ... and incite them to direct action, preventive steps have to be taken by any responsible Government. Preventive steps are taken by the police even in ordinary circumstances to bring about the arrest or keeping in custody of goondas and other anti-social elements when they tear trouble in ordinary circumstances and here in a political crisis when the parties in opposition openly ____

SHRI BHUPESH GUPTA : What is The crisis ?

SHRI M. RUTHNASWAMY : ... threaten direct action, it is necessary that a responsible Governor, like the Governor of West Bengal, should take all necessary steps, all precautionary steps in order to prevent riot and bloodshed that may follow.

SHRI BHUPESH GUPTA : Now I understand; the Americans have got you to do this. After his speech it is clear. (*Interruptions.*) Everybody knows that. John Smith has written that your Ministers can be bribed and he paid bribes to them.

SHRI M. RUTHNASWAMY : While I support the Governor of West Bengal, in the action that he has taken—in fact he has been forced to take that action and it is not unconstitutional at all if you read the articles of the Constitution. ..

SHRI BHUPESH GUPTA : What is the article ?

THE DEPUTY CHAIRMAN : Mr". Bhupesh Gupta, you should not go on like this. He did not interrupt you.

SHRI M. RUTHNASWAMY : I have quoted those articles.

SHRI C. D. PANDE : Madam, is it given to Mr. Bhupesh Gupta to interrupt anybody who speaks ? Has he any special right ?

SHRI BHUPESH GUPTA : That *is* the alliance. (*Interruptions.*)

SHRI CD. PANDE : How do yo* explain your conduct in siding with the Chinese Communists ? You ask your friend, Mr. Niren Ghosh, what he thinks about you.

SHRI NIREN GHOSH : You are Washington blue boy. I am Indian.

SHRI C. D. PANDE : For the benefit of the House let Mr. Niren Ghosh tell ... (*Interruptions.*)

SHRI BHUPESH GUPTA : He is not going to war.

THE DEPUTY CHAIRMAN : I do not want that any member from this side or that side should interrupt.

SHRI C. D. PANDE : Mr. Bhupesh Gupta is a nuisance to the House.

SHRI BHUPESH GUPTA : Can Mr. Pande say how many provisions there are in the Constitution ? How many ?

THE DEPUTY CHAIRMAN : Order, order.

SHRI M. RUTHNASWAMY : In spite of my best efforts to confine the debate so far as I am concerned to the constitutional aspects of this question, Mr. Bhupesh Gupta and others are trying to revive that electrical atmosphere which I tried to dissolve, as much as possible.

I support the Governor of West Bengal in the painful action that he has been forced to take. He had no other course open to him because the Assembly would not meet, the Chief Minister would not agree to the early summoning of the Assembly and so he had to dismiss that Ministry and find an alternative Ministry so that the Assembly could decide once again whether that Ministry has the confidence of the elected representatives of the people or not. But while I support the Governor...

SHRI BHUPESH GUPTA : Maharani Gayatri Devi, your leader, what did she do?

SHRI M. RUTHNASWAMY : This enfant terrible of this House cannot be suppressed by anybody but I would appeal that if he is an enfant he must continue to act enfant as much as possible.

While I support the Governor in the action that he has taken, I would advise the Governors not to go on, as well as the Central Government not to encourage the Governors to go on running to and fro, to Delhi and back, to receive instructions from the Central Government. Even if they do not receive instructions, the suspicion spreads all over the country that they are going to Delhi in order to seek the advice of the Central Government. The Constitution provides for the autonomy of the action of Governors and therefore we expect the Governors to take action on their own judgment and on their own discretion.

In regard to the Governorship of Bihar, although the President has the right to appoint whomsoever he pleases for the sake of harmonious working of the Government in any State, the Chief Minister of that State should be consulted in regard to the appointment of the Governor. If the Governor is not appointed according to the wishes of the Ministry there cannot be that harmonious co-operation between the Governor and the Ministry, which is so necessary for the smooth con-4 P.M. duct of parliamentary government. Therefore, I would appeal to the Central Government to keep the Governors, as far as possible, away from them, whenever these crises occur, because the Constitution provides for powers being given to the Governor in order to take action on his own judgment and discretion.

With these observations, I oppose the motion of Mr. Bhupesh Gupta.

THE DEPUTY CHAIRMAN : Mr. Akbar Ali Khan.

SHRI NIREN GHOSH : He is a good man, but always he stands up on the floor of the House to support the Government.

THE DEPUTY CHAIRMAN : Mr. Niren Ghosh, order, order. He does not need any introduction at all.

SHRI AKBAR ALI KHAN : Madam Deputy Chairman, let me assure the Opposition, as well as the public a* large, that as a matter of principle.

SHRI BHUPESH GUPTA : How can you assure us ? All these years they have not made you even a Deputy Minister.

SHRI AKBAR ALI KHAN : Any action either the President takes or the Governor takes should not be against the general feeling and the general trend of the public. As a matter of principle, I assure you everyone on this side is prepared to uphold democracy, is prepared to uphold the Constitution, is prepared to sacrifice anything in order to keep up the high traditions for which the Congress has stood all these years. (*Interruptions.*) Please, try to listen to me. You may agree with me or you may not agree with me, but I would humbly request you to listen to me. Now, there are two cases which entirely differ from each other, but at the request of the Opposition we are taking them up together.

HON. MEMBERS : No, no.

SHRI AKBAR ALI KHAN : Whatever it is, it has been so decided. I will first take up the case of Haryana. On the basis of the report which has been circulated to all of us, if you apply your mind seriously to it—I am sure Mr. Bhupesh Gupta and Mr. Rajnarain will apply their mind seriously—do you think it is keeping up the dignity of democracy or is it a mockery of democracy ? (*Interruptions.*) Please listen. Out of 30 Members in the Legislature, you have 23 Ministers and Parliamentary Secretaries. I am not defending anybody, Mr. Bhandari...

SHRI G. MURAHARI (Uttar Pradesh) : The Congress started the mockery.

SHRI BHUPESH GUPTA : Under which provision of the Constitution you are doing it ?

SHRI NIREN GHOSH : Does the Constitution prevent you from having so many Ministers, State Ministers, Deputy Ministers and Parliamentary Secretaries ?

SHRI AKBAR ALI KHAN : Madam, I want your protection. This continuous nuisance of Mr. Niren Ghosh cannot be tolerated. Please listen to me. I am talking something by which you would be benefited. What I am saying is this. In countries around us dictatorship has come into being because democracy was made a mockery of. It was ridiculed and everybody was laughing at democracy. Take the case of Burma, take the case of Pakistan and other countries.

SHRI NIREN GHOSH : In Burma there was nothing. Everybody knows that.

SHRI M. GOVINDA REDDY : In Burma there was only China.

SHRI AKBAR ALI KHAN : If you are really interested in democracy, you should see that...

SHRI G. MURAHARI : Democracy means double talk, double dealing and ' double crossing.

SHRI AKBAR ALI KHAN : I know you do not agree with me. You have every right to criticise us, but sometimes try to listen to reason.

SHRI NIREN GHOSH : Reason from you.

SHRI AKBAR ALI KHAN : What I was saying is that in view of the fact that democracy, from all accounts, was being murdered and slaughtered, action was required. (*Interruptions.*) I will not go into the details. There are several passages here—Mr. Niren Ghosh will not do it—which show that there was crossing of the floor four times, sometimes five times. You would appreciate it. Do you like it ? Would you like to cross the floor ? I am sure you will not, although you are a friend of China.

SHRI NIREN GHOSH : That is your contribution.

SHRI G. MURAHARI : Just dissolve your Council of Ministers here. (*Interruption.*) How is Mr. Asoka Mehta your Minister ?

SHRI AKBAR ALI KHAN : Mr. Murahari, I am not supporting anything, whether it be in favour of Congress or otherwise. (*Interruption.*) How can I go on ?

SHRI NIREN GHOSH : You first formed a Council of Ministers for carrying on this campaign.

SHRI SHEEL BHADRA YAJEE (Bihar) : They can interrupt, but they cannot cross-examine him.

SHRI AKBAR ALI KHAN : I respectfully submit that in the interests of democracy this frequent crossing of the floor, the spending of public money to appoint Ministers, one after another, in order to keep them, is not right.

SHRI G. MURAHARI : If they cross to the Congress side, that is right.

SHRI AKBAR ALI KHAN : I think you are more sensible than Mr. Niren Ghosh, but I do not know what has happened to you.

THE DEPUTY CHAIRMAN : Crossing the floor is a common sin.

SHRI AKBAR ALI KHAN : Let us not deal only with the theoretical aspect. As I said, we are most reluctant and we should avoid any Governor taking the step of dismissing a Government. At the same time, I am glad that the Governor did not call any other Party, because he knew that nobody enjoy a majority. It was a right recommendation that he made to the President that a mid-term election should be held whereby the people could choose their persons. (*Interruption.*) My submission is that in such a situation the only correct, just, fair and democratic step was to recommend mid-term elections.

Now, I am coming to you and I am sure you will become more uncomfortable-

[Shri Akbar Ali Khan.]

anle. Madam, so far as the constitutional provisions are concerned, here again I say, although it is true that the Governor is the head of the State...

SHRI NIREN GHOSH : Mr. Akbar Ali Khan, please come here.

SHRI AKBAR ALI KHAN : Is it a dignified way ? I leave it to my friend. What would the public and press think of it?

SHRI NIREN GHOSH : Why do you threaten that you would come to us ?

SHRI G. MURAHARI : Dignity has gone to the winds during the last twenty years of Congress rule. Do not talk of it.

SHRI AKBAR ALI KHAN : I am coming to your problem. What I want to say is although I do think, as many others think, that it is a debatable point, yet we have the provision about the discretion of the Governor. The question is whether it is open to the Governor to exercise it under article 163(2) to dismiss the Government. As I told you, even if he has discretion. I hate it, I would not like him to exercise that discretion. But there are occasions. As very correctly pointed out by Shri Chandra Shekhar, the very statement of Mr. Mukherjee, the then Chief Minister, saying that 'there is a party in my Government which is in conspiracy with the Chinese Government'. ...

SHRI NIREN GHOSH : That is the thing that Mr. Chavan and Mrs. Indira Gandhi put to him.

SHRI AKBAR ALI KHAN : He said that. He was the Chief Minister. We agreed with it.

SHRI BHUPESH GUPTA : The Government was led by him...

SHRI NIREN GHOSH : That is your conspiracy. That is the Central Government conspiracy. Be honest with yourself.

THE DEPUTY CHAIRMAN : Please take your seat.

SHRI AKBAR ALI KHAN : Please listen to me.

SHRI M. M. DHARIA : Here Shri Akbar Ali Khan has made a right statement. If we refer to the 'Amrita Bazar Patrika'...

SHRI AKBAR ALI KHAN : It is not denied by them.

(Interruption.)

SHRI NIREN GHOSH : Never. I know that you are speaking a lie.

THE DEPUTY CHAIRMAN : Mr. Niren Ghosh, you cannot go on with a running commentary.

SHRI NIREN GHOSH : If Mr. Dharia will sit, I will sit.

SHRI M. M. DHARIA : When Mr. Niren Ghosh has a right to misguide this House and make a particular statement, I should read out the evidence that is in my hand just now.

SHRI NIREN GHOSH : You read out when your turn comes.

SHRI M. M. DHARIA : Why should he say that ? (Interruption.) I will adduce the proof.

SHRI G. MURAHARI : What proof?

THE DEPUTY CHAIRMAN : I do not think we can have a normal debate in this fashion.

SHRI M. M. DHARIA : Please ask them to sit.

SHRI AKBAR ALI KHAN : I was just saying there is a statement of the Chief Minister of West Bengal. That statement is not denied, that statement is not challenged. I say it was the duty of the Government of India to have dismissed that Government then and there. It was because they were tolerant. I charge the Government of India for not dismissing them then and there.

श्री गोडे मुराहरी : इनके अलावा कोई नहीं मिला इस सरकार का डिफेंड करने के लिये ।

SHRI AKBAR ALI KHAN : Now the second stage has come. I say, Mr. Murahari, you are forgetting when Mr. Rajnarain and you spoke about the murder of a P.S.P. worker in Asansol who did it.

SHRI G. MURAHARI : Do not try to defend us. We can take care of ourselves.

SHRI AKBAR ALI KHAN : When you say the thing...

SHRI G. MURAHARI : You cannot finish democracy like this. We are prepared to die.

SHRI AKBAR ALI KHAN : What I am submitting. Madam, is that these persons who are now supporting them were the loudest to say that the Left Communists were doing this and that. (Interruption.) If there is any move in the present direction, it is not against the people of Bengal. I am second to none and there is nobody who does not bow, who does not salute the people of Bengal for all they have done. It is not against democratic principle... (Interruption.) If there is any move in mobocracy. We want democracy. You want people to go to the streets and create a scene. We do not want that. We want democracy. You want burning of buses and public property. It is your object. There is nothing -against the people of Bengal. There is nothing against the democratically-minded people. There is nothing against those who respect law and order. But I tell you that the spirit of the great people like Rabindranath...

SHRI BHUPESH GUPTA : Shri Prafulla Ghosh will not, does not come out of Raj Bhavan where he has been staying. Now he is Chief Minister...

SHRI AKBAR ALI KHAN : Because he was afraid of your mobocracy of all sorts. He was afraid you wanted to collect people...

SHRI BHUPESH GUPTA : I shall resign from this House if Shri Prafulla Ghosh can come to the street and display even a semblance of popular support behind him.

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SHRI AKBAR ALI KHAN : That is to be seen.

SHRI BHUPESH GUPTA : He has shut himself in a room. Coward of a Chief Minister.

(Interruptions.)

SHRI NIREN GHOSH : That is the old practice of the Congress.

SHRI BHUPESH GUPTA : You have to put Shri Prafulla Ghosh in a refrigerator.

THE DEPUTY CHAIRMAN : I am afraid if such interruptions go on, the Opposition will not be getting enough time to speak.

SHRI G. RAMACHANDRAN : I am not taking part in this debate or controversy. But this morning my friend Shri Bhupesh Gupta called Shri P. C. Ghosh a You were very pleased with this till yesterday. Why are you suddenly displeased with him ? Now he says that Shri P. C. Ghosh is a coward. I can tell him he is no coward and there will be a trial of strength very soon.

SHRI BHUPESH GUPTA : He is hiding behind...

SHRI G. RAMACHANDRAN : We can have debates. We can differ like hell on political, issues; but this kind of personal attack calling him a * * * etc. is a most undignified behaviour on his part.

SHRI BHUPESH GUPTA : I said.

THE DEPUTY CHAIRMAN : We cannot have a debate in this fashion. Members of the Opposition must be patient and listen to them.

SHRI RAJNARAIN (Uttar Pradesh): Not only Opposition but also Treasury Benches.

उनको * * * एक नहीं हजार बार कहा जायेगा...

* * *Expunged as ordered by the Chair.

SHRI BHUPESH GUPTA : He was an organiser of "Vanara Sena".

SHRI AKBAR ALI KHAN : I was just telling something, Madam, that though the Governor has got the power it should be exercised very sparingly, and here we have to see whether that exercise is justified in view of the facts or not. That is the only question before us. I submit that not only on the basis of Mr. Mukherjee's statement, not only on the basis of the speeches of my esteemed colleagues, Mr. Rajnarain and others, regarding murder and other things, I feel that it was an occasion when the strength of the Assembly had to be tested. What has he done ? If Mr. Dharam Vira had dissolved the Assembly, I would have charged him with doing something unconstitutional. He has not dissolved the Assembly; he has not done anything of that kind. He had asked that the Assembly should be called in order that the confidence might be restored. When you want to save democracy, what is the alternative left?

SHRI P. K. KUMAR AN : Dissolve the Assembly and face fresh elections.

SHRI AKBAR ALI KHAN : If it comes to that, do you think we are afraid ? No. Now you are afraid that you have lost the majority in the Assembly. That is why you are afraid to call the Assembly. I think it was perfectly right and constitutional, according to law and...

SHRI BHUPESH GUPTA : In-law.

SHRI AKBAR ALI KHAN : ... in the furtherance of justice and democracy, that the step that the Governor has taken is perfectly legitimate and he has our full support.

SHRI BHUPESH GUPTA : New ideas we have. He has given us a new idea.

THE DEPUTY CHAIRMAN : Mr. Triloki Singh. Now, I would request hon. Members from both sides not to interrupt but give a patient hearing to the other points of view.

SHRI TRILOKI SINGH (Uttar Pradesh) : Madam Deputy Chairman before

I speak upon the subject-matter under discussion, I would, with your permission, like to request hon. Members on either side of this House to bear with me for a few minutes. I hope I will not say anything which will provoke them to the extent of annoyance.

I find myself in great difficulty in taking part in this debate. Two motions are before the House ; one seeks to approve the action of the President taken in relation to Haryana State and the other seeks to condemn the action of the Governor taken in dismissing the West Bengal Ministry last night. Madam, as you know, the two are poles apart. But the Chair ruled that there should be a simultaneous discussion. So, with all the difficulty that has been created by putting these two conflicting motions together, I would like to confine myself first to the constitutional aspects of the matter and secondly to matters of ^constitutional propriety. I would like to avoid reference to political aspects as much as possible.

I take the motion moved by my friend, Mr. Bhupesh Gupta, first, which I seek to support. The Governor of West Bengal is supposed to have taken action in dismissing the Ministry under the provisions of the Constitution. My friend, Diwan Chaman Lall, who is absent at the moment, seems to rely upon that article of the Constitution which lays down that the Council of Ministers shall hold office during the pleasure of the Governor. In other words, the Governor may dismiss his Council of Ministers any time he likes. I do not know whether he is aware of such a provision in the Constitution in relation to the Council of Ministers at the Centre wherein also the Council of Ministers in the Union Government holds office during the pleasure of the President. I wonder if Diwan Chaman Lall would concede that the President of India has the power to dismiss his Council of Ministers including the Prime Minister—I purposely and specifically say Prime Minister also. Ministers I know, can be dismissed upon the advice of the Prime Minister.

[THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) in the Chair]

SHRI B. K. P. SINHA (Bihar) : May I just inform the hon. Member that this was precisely the view that Dr. Ambedkar took in the Constituent Assembly. When the Constitution was being finally passed, he said that the President has the power to dismiss the Prime Minister and the Council of Ministers.

SHRI NIREN GHOSH : And Pandit Nehru...

SHRI TRILOKI SINGH : Why do they interrupt me ? Sir, we are to go by the word of law, not by what Dr. Ambedkar or any other Member of the Constituent Assembly said when that article was under discussion. I would be glad if my friend, Mr. B. K. P. Sinha, were to concede that the President of India has the power to dismiss the Prime Minister and his Council of Ministers. I am really surprised...

SHRI P. N. SAPRU (Uttar Pradesh) : May I just interrupt ? Dr. Ambedkar was of two minds. He was dominated both by the American and the British influences and therefore he had a split personality.

SHRI TRILOKI SINGH : I am obliged to my esteemed friend, Pandit Prakash Narain Sapru, for saying something about Dr. Ambedkar. There are exceptions to what I am going to say. Mostly, Sir, Professors are like that and Dr. Ambedkar was an eminent Professor of Law of the Bombay University.

Sir, our difficulty and our misfortune is that we are the inheritors of a past which belongs to the period of slavery of our country. Article 356 has been borrowed from the Government of India Act, 1935. We know that India was not ruled by a Constitution given by her own people but by an Act of the British House of Commons and the Britishers, as they were always, thought that situations might arise wherein they might have to go against the wishes of the people and, therefore, in spite of the facade of responsible Government they have to suspend the Constitution and the Governor or the Governor-General, as the case might be, assumes all power to himself to carry on the affairs of the Government.

Sir, the question is this that the Ministers are appointed by the Governor under the provisions of this Constitution. They also hold office during his pleasure. There is only one condition and that condition is this that anyone who is appointed as a Minister must have the confidence of the House. Sir, along with this provision of the Constitution, there are certain duties cast upon the Governor. Much has been made out of the discretionary powers of the Governor. But I would like to draw the attention of the hon. Members of this House that the discretionary powers are those which are laid down in the Constitution. They are not in the air. Wherever the Governor is required to act in his discretion, mention of it is to be found in some part of the Constitution or the other. And nowhere is it said that the Governor can dismiss his Ministry. On the contrary, we find specific provision in the Constitution, article 356, which lays down that if the Governor is satisfied that the Government of a State is not being carried on in accordance with the provisions of the Constitution, a duty is cast upon the Governor. What is he to do ? He has to make a report to the President and not proceed to dismiss the Ministry. The two articles co-exist. If we read article 356 carefully, it casts, a duty upon the Governor, in case of failure of the Constitution, that he is not to do anything himself but to make a report to the President that such and such is the state of affairs in the State. As I submitted at the very beginning, these articles are a reproduction of certain provisions of the old Government of India Act. The old Government of India Act laid down that the Governor could take action with the concurrence of the Governor-General. Here the President is to take action on the report of the Governor. More or less, substantially the provisions are the same. But what did the Governor do in this case ? He did not make a report to the President.

I am really surprised, aghast at the Government of India disowning any responsibility for the action taken by the Governor of Bengal and dismissing his Ministry. Now Member after

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Member comes forward and says that it was right and correct, that it should have been done much earlier. Not only that, they are going to the extent of charging the Home Minister for not doing it much earlier. What does this mean ? And, mind you, Sir, they are not really backbenchers. They are responsible Members of the Congress Party, who are supposed to be in touch with the functioning of the Government and who know the mind of the Government. That shows that the suspicions held out by my friends, Mr. Bhupesh Gupta, Mr. Niren Ghosh and so many others, have a basis to some extent.

Sir, as I said in the beginning, I am not going into the political aspect of the question. But what does the communique, as it has appeared in the press, say ? It says that Ajoy Mukherjee's Ministry is supposed to have lost the majority in the House. Admitted. But Dr. Ghosh has only 17 Members in a House of about 300—I would have understood if the Congress had come forward to support the Prafulla Ghosh's Ministry and would have joined it 17 as against 140 or something like that. And these people, tili a few days back were with Mr. Ajoy Mukherjee. What is discretion of the Governor ?

PANDIT S. S. N. TANKHA (Uttar Pradesh) : The Leader of the Congress Party in the Legislature wrote to the Governor that they are prepared to support Mr. P. C. Ghosh.

SHRI C. D. PANDE : Mr. Vice-Chairman, may I just point out that in Kerala Mr. Thanu Pillai was governing with only 19 persons ?

SHRI TRILOKI SINGH : I am obliged to the hon. Members on the other side for supplying me the relevant information. But I regret to say that they have neither added to my information nor to my knowledge.

The Governor referred to the crossing and recrossing of floors. Crossing of floors has been sanctified by ancient usage and practised in Parliamentary history the world over.

AN HON. MEMBER : Double-crossing.

SHRI TRILOKI SINGH : It may be treble-crossing. It may be crossing five times, twenty times or even hundred times. And who have crossed the floor ? Acharya Kripalani. Did anybody condemn him ? Who crossed the floor ? This very man, Dr. Prafulla Ghosh. He left the Congress in 1951 and sat on the Opposition side. He did not resign his Assembly seat. And nobody condemned him. I hold Dr. P. C. Ghosh in the highest esteem and I have had the occasion and privilege of being friendly with him for a very long time. Who others crossed the floor ? Hafiz Mohammad Ibrahim crossed the floor in U. P. and was appointed a Minister—Mr. C. D. Pande knows that very well. In February 1937 he contested for the Assembly on the Muslim League ticket. He was declared elected and appointed a Minister. (Interrupts by Shri C. D. Pande) Listen, my dear friend. I am not so weak on historical facts and events. Let me tell him that he resigned four months later and sought re-election as a Congress candidate. Prior to that he was appointed a Minister. He had crossed the floor. Not only that, Mr. Saiduddin of Pratapgarh crossed the floor. What about Mr. Suleman Ansari of Gorakhpur ? Did he not cross the floor from the Muslim League and come over to the Congress ? He was appointed Parliamentary Secretary by no other person than Pt. Govind Ballabh Pant himself.

Sir, what is this crossing and recrossing ? The Governor is not the judge of the wishes of the people. The judge of the wishes of the people are the people themselves inside the Assembly, the representatives of the people. The late Pt. Motilal Nehru once said about crossing and recrossing of floors when Mr. Raghavendra Rao and Tambe in Madhya Pradesh defected from the Congress Party—one of them became Home Member in 1923—that "consistency was the virtue of an ass". You see, Sir, the Congress President is every day issuing appeals to the people from other parties to come and join the Congress. Supposing I go and join the

Congress, I will be welcomed as a hero...

SHRI G. MURAHARI : You will become a Minister.

SHRI TRILOKI SINGH : ... at least I will be given a seat on the other side, and my Division Number will change.

श्री राजनारायण : आपको कैबिनेट में भी जगह मिल जायगी ।

SHRI TRILOKI SINGH : I am not prepared to go to that extent. So this is happening every day. Sir, the point is this. The Governor of West Bengal, in my opinion, did not have the power to dismiss the Ministry. All that he could do under the provisions of this Constitution was to make a report to the President of India that the Council of Ministers, in spite of his advice, was not convening the Assembly and that the Governor was satisfied that they had lost the majority support in the Assembly and, therefore, it was not possible for the Government of the State to be carried on in accordance with the provisions of the Constitution. Then the President of India, if he had been satisfied, would have imposed his rule.

Now coming to Haryana, the question that the Government of the State is not being carried on in accordance with the provision of the Constitution is not a question of law, but one of fact. My friends, Justice Chagla and Justice Sapru, will bear me out that it is a question of fact. If one goes through the letter of the Governor of Haryana, what does he say ? He says that if he had not taken this action, this man might be doing this and the other man might be doing that. He has also mentioned of the mid-term poll, called Members opportunists and that if a mid-term poll is held some of the opportunists might not get elected. This is not the function of the Governor.

About Bengal, the Governor sitting in Bengal says that Mr. Ajoy Mookherjee lacked the support of the majority in the Assembly. In Haryana, the story

is just the reverse. The Ministry has the support of the majority. It is the majority of today. The Members were changing sides and going away this way and that way. The Governor is not the Judge of the future behaviour of Members. The Governor has said that the Assembly ceased to represent the will of the people. I doubt very much if the Assembly had ceased to do so. Sir, the Governor has certain privileges undoubtedly under the provisions of the Constitution. If I had said that much, I would have been held guilty of breach of privilege and punished by this august House for committing a breach of privilege of the Legislative Assembly of Haryana. But the Governor, sitting on the high pedestal at Chandigarh, not so high as the pedestal of Simla, has the temerity to say that the representatives of the people had lost their support. Does the writ of the Congress or, for that matter, of any political party count in getting a person elected to any Assembly or the Lok Sabha or any other place in this country ?

If that had been so, then the Congressmen would have been returned too per cent. If that were so, then the Communists would have been in power long, long ago, in 1952. It is not the ticket of a political party alone that counts. Along with the ticket of a political party, and the policies and programmes and its support, it is the will of the people,—the wishes of the people—that ultimately counts. A member of the Assembly or a member of the Lok Sabha simultaneously with his capacity as a representative of the Congress Party or the Communist Party or the Samyukta Socialist Party or any other party, also retains a responsibility as a servant of the House and of the electorate whose confidence he has sought. Therefore, a member who has been elected on one ticket. I would humbly submit, has the right to cross over. Now I am here in the P. S. P. But If I find that P. S. P. has overnight changed, I would not remain in the P. S. P. for one single minute, even as I left the Congress after 28 years of continuous association, in 1949 December, when the Congress was at the

[Shri Triloki Singh.]

height of its glory and at its highest, because I thought that the Congress Party had changed, not because I had changed. I got defeated at the polls. But I did not bow before the election reverse. I stuck to my guns. I stuck to my views and I held them correct, true and in national interest. Therefore, for the Governor to say this, who is again a civil servant, who 'had no experience of elections, who had no experience of wishes of the people, who had no experience of the popular sentiments and feelings, who, whenever any contingency arises relies more upon the military and police support. ... (*Time-bell rings*). Is my time up ? I shall finish in a few minutes.

Hidebound as they are, they have no right to hold such an opinion about the representatives of the people. What a good augury for the new Bengal Ministry, that even before it was sworn in, we find that the Army had been alerted and Section 144 was enforced in the city of Calcutta and throughout Bengal right in the dead of the night, and several units, several wagon-loads of soldiers, were seen moving about in the city of Calcutta. Is that the way democracy functions, Sir ? Who called in this Army? Who alerted the Army before P. C. Ghosh had been sworn in? The Governor had no authority, no power under the Constitution, by which hon. Members on the other side swear, to alert the Military. And if 'The *Statesman*' report is correct, the Military had been called in earlier than the swearing-in ceremony of P. C. Ghosh. Ajoy Mukherjee would not have done it. If he had done it, I would most regretfully say that nobody would be more foolish than he.

SHRI BHUPESH GUPTA : He did not do it.

SHRI TRILOKI SINGH : He has not done it. I have it from Mr. Bhupesh Gupta. Therefore, what authority or power did the Governor have to call in the Military ? The Governor was acting on his own. In that way also, Sir, democracy flourishes and lives. I charge the Governor of Bengal with deliberately disregarding the provisions of the

Constitution in calling the Military to his side; it was called not only to his side, not only in the streets of Calcutta, but the portion occupied by Dr. P. C. Ghosh in the Government House had a special guard posted near it to save his person from molestation. Is that the way a popular Ministry functions ? A Chief Minister, before he starts functioning, has to call in the support of the police for the safety of his life. That alone shows that democracy in Bengal has temporarily come to an end. Whatever happens tomorrow, whatever happens on the 29th, I may tell you, Sir, that the action of the Governor has not added to the stature of our country or to the democratic traditions which we are trying to build up. What did the Governor of Rajasthan do only a few months ago ? He said the Independent Members had no voice and thereby his action was helpful in installing the Congress Party in power which obviously and apparently was not in a majority on the day when the final results of the elections to the Assembly were announced in the last General Elections. It is the duty of the Centre to ensure proper functioning of the Governors, because they are agents of the President. If the Governors were to behave in such a manner as to give a go-by to all parliamentary traditions, to all the traditions of democracy by which we swear, then howsoever tall we may think we would be doing a distinct disservice to our country and to future generations that are to come.' Thank you.

SHRI DEBABRATA MOOKERJEE (West Bengal) : I am not sure whether I would fit the temper of the House tonight, but I shall try to lift, in my own humble way, the debate from the level of angry passions and examine the proposition raised by Mr. Bhupesh Gupta's motion from the constitutional point of view. I shall, therefore, not refer to Naxalbari. I shall not refer to the hundreds of gharaos that took place in the unfortunate State of West Bengal...

SHRI BHUPESH GUPTA : Nor, I hope, will you refer to the fact that after defeat in 1952, you were made a judge by the Congress.

SHRI DEBABRATA MOOKERJEE : Nor shall I advert to the reported flight of capital from that State. It would not be necessary to refer either to the loss of millions of man-hours and the losses in production value to the extent of Rs. 34 crores.

SHRI A. D. MANI (Madhya Pradesh) : Where did you get these figures from ?

SHRI DEBABRATA MOOKERJEE : These will be borne out by public records, and I believe they are correct. It is not necessary for me to refer to cases of intimidation and even of political murders committed during the rule of the United Front Government in the last nine months. I shall not refer in detail to the statement of the former Chief Minister, Mr. Ajoy Mukherjee, who lamented that he should have found himself in the company of certain persons who constituted elements in Ids Ministry which, to say the least, were desparate. He even went to the length of saying that some sections were owning extra-territorial loyalty. Those are matters of recent history. But leaving all that aside, we have to examine, if possible, in a dispassionate manner the constitutional question raised by Mr. Gupta. I must say at once that always upon a question like this, two views are possible. I only hope that Mr. Gupta and his friends will have the patience to listen to what "the other fellow" has got to say. This House will then come to a decision. The Government has already reached a decision and it is for the House to debate and to decide whether the decision that has been reached is a correct one.

In the first place, I wish to tell the House very humbly that it would be entirely wrong to think of British precedents in this country. They have developed there conventions over the centuries which guide them. Here we have a rigid Constitution which must be interpreted in a way so as to see that harmony prevails.

SHRI BHUPESH GUPTA : Who interprets it ?

SHRI DEBABRATA MOOKERJEE : This House will interpret it.

SHRI BHUPESH GUPTA: No, we want the Supreme Court to interpret it.

SHRI DEBABRATA MOOKERJEE; When the time comes, the court will certainly not hesitate to put its own interpretation upon it. According to my reading of the Constitution, a Governor has functions as well as duties. In the discharge of his functions, normally he is guided by the advice of his Ministers but the Constitution provides that he has to discharge his duties also. There discretion comes in. It is his judgment which entitles him to say that a particular course is to be adopted or a particular course is to be avoided.

SHRI BHUPESH GUPTA : Not at all under our Constitution.

SHRI DEBABRATA MOOKERJEE : I am not anxious to hear once again the view expressed by my friend, Mr. Gupta. The House heard him and the House will before long come to a decision. I repeat that if the matter is at any time taken to the courts, the courts of the country will never hesitate to give their verdict. (*Interruption*) I am asked why the Government of India did not think it right to refer the doubt entertained by the Cabinet of West Bengal under the provisions of article 247 to the Supreme Court for the solution of those doubts. I submit, Sir, the article itself forbids such a reference. I believe some at least here are well-posted in these matters and they will, I hope, bear me out that the Supreme Court alone possesses the jurisdiction to decide whether it is going to give its opinion or not. In the second place, it is only the doubt of the President, that is to say, of the Central Government which is material, not the doubt of a State Cabinet. The Central Government has had no doubts rightly or wrongly and, therefore, this reference would have been incompetent.

SHRI BHUPESH GUPTA : Sir, May I refer him to article 147 ?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : No, no. Mr. Mookerjee is not yielding.

- SHRI BHUPESH GUPTA: He has not quoted the correct article. It is 147 and not 247. It says:

"In this Chapter and in Chapter V of Part VI, references to any substantial question of law as to the interpretation of this Constitution shall be construed as including references to any substantial question of law as to the interpretation ... or of any order made thereunder".

Any question can be referred.

(Interruptions.)

SHRI DEBABRATA MOOKERJEE : I will only say that it is most ungracious on the part of Mr. Bhupesh Gupta to interrupt like this.

SHRI BHUPESH GUPTA : It is most ungracious on the part of my friend over there to wrongly quote articles of the Constitution.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Mr. Bhupesh Gupta, please sit down. (Interruptions.)

SHRI DEBABRATA MOOKERJEE : I said that the very opening words of article 143 set all doubts at rest. The article says :

"If at any time it appears to the President that a question of law or fact has arisen, or is likely to arise, which is of such a nature and of such public importance that it is expedient to obtain the opinion of the Supreme Court upon it, he may refer the question to that Court for consideration and the Court may after such hearing as it thinks fit, report to the President its opinion thereon".

SHRI BHUPESH GUPTA : That is what the Chief Minister asked. (Interruptions.)

SHRI DEBABRATA MOOKERJEE : I say as an aside to Mr. Gupta that it will do good to his soul to listen to me patiently.

SHRI BHUPESH GUPTA : What will it do to my heart if I hear such incorrect version being given of the Constitution ?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : If you want any tonic for your heart, you can go to somebody else, not to Mr. Mookerjee.

SHRI DEBABRATA MOOKERJEE : I am anxious to please, Mr. Bhupesh Gupta. I shall not disoblige him. I shall read it once again. The opening words are :

"If at any time it appears to the President that a question of law or fact has arisen..."

Therefore the President is mentioned and he cannot be equated with the Cabinet of West Bengal.

SHRI BHUPESH GUPTA : The Cabinet requested the President to refer it. The President acts on the advice of his Council of Ministers. And the Council of Ministers here should have advised him...

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Please sit down.

SHRI VIDYA CHARAN SHUKLA : Sir, evidently Mr. Bhupesh Gupta does not want to hear any views which do not conform to his views. He has no patience to hear us. (Interruptions.)

SHRI BHUPESH GUPTA : He does not remember what he has read in the Constitution.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : That is not right, Mr. Bhupesh Gupta. I won't allow it. You should not make any personal reference to anybody, saying that he does remember or he has forgotten it.

SHRI T. CHENGALVAROYAN (Madras) : Let not my friend, Mr. Gupta, consider this as cross-examination. We listened to his speech, right or wrong, wise or otherwise. So let him also have the patience and grace to listen to us.

SHRI A. P. CHATTERJEE (West Bengal) : Mr. Vice-Chairman, on a point of order. Would it be in order for a particular hon. Member to say things which were never said from this

side ? It was never said from this side that the Cabinet of West Bengal could make a reference to the Supreme Court. It was said that the Cabinet of West Bengal requested the President to make a reference and the President was advised by the Council of Ministers in Delhi not to make a reference and that was criticised. But Mr. Mookerjee was saying as if we had said that the Cabinet of West Bengal should be empowered to make a reference to the Supreme Court. That is not what was stated.

SHRI DEBABRATA MOOKERJEE : If you will permit me, I will deal with Mr. Chatterjee. I know him only too well. What was meant was that it was the Cabinet's wish that the matter be referred to the Supreme Court for its decision in terms of article 143(1). It was just intended to be routed through the Government of India. The Government did not think it right to make that reference.

Then, Sir, I was going to point out that it is always open to the Supreme Court to decline to exercise its jurisdiction in terms of article 143 (1) and the word used is 'may' whereas in sub-article (2) the word used is 'shall' and therefore mandatory. The point that I am trying to make is, if my friends opposite will have patience to hear me, the reference to be made

should "be a competent one. 5 P.M. That reference has to be made

by the Government of India alone, that is to say, the President of India. The President did not think it right to refer. The point now is, political capital is sought to be made by saying that no reference was made although the questions involved were questions of law and fact and were of such public importance that they deserved to be considered—by the Supreme Court. I opened my speech by saying that on a question like this where constitutional propriety is involved, there is always scope for difference of opinion and if I claim to-day that I am infallible. I should consider myself to be the wisest fool in the world. If similarly Mr. Bhupesh Gupta—who seems to be displaying tonight a

certain kind of finicky coxcombry which is associated with youth, I dare say he is past middle age—claims he alone can be infallible, he will ruin his argument by taking up that position. You have to state your case and you do it with all the force and emphasis at your command. If I have a different case, I put it forward and if eventually the matter comes to the court, the court will fearlessly of consequences give its decision and the Government of India, I am sure, will accept that decision with a bowed head. The question is not that. The question has become a political one. I will not refer to the political aspect of it. It has been expatiated at length by several Members belonging to different sections of the House 'out I will ask you to consider whether in terms of the Constitution itself, of the different articles of the Constitution, the Governor could be said to possess the power of dismissing the Ministry. That is the real question. If he has not the power, the Governor I am sure, will be put right one day at somebody's instance. If he does have the power, all this hullabaloo will be forgotten and no one will bother about it.

Democracy, it is said, has been trampled under foot. That is the complaint. Democracy in this country cannot be crushed out of existence by mere expression of opinion that since a particular course of action was not followed, therefore, democracy was crushed out of existence. Does the Constitution allow it ? I say it does—I may be wrong and Mr. Bhupesh Gupta may be right, I have the fairness to admit it—there is always scope for difference of opinion, but I say it does ; I say that the provisions of the Constitution give the Governor the right to dismiss a Ministry.

SHRI BHUPESH GUPTA : Which provision ?

SHRI DEBABRATA MOOKERJEE : I have already said that the Governor has not only functions, he also has duties to discharge. Take for instance, when a Governor appoints a Chief Minister, whose advice does he seek ? Who advises him ? No one. He advises

[Shri Debabrata Mookerjee.]

himself. There he does not depend upon anybody's advice. So it is his discretion and judgment which tell him : 'Look, this is the man who is likely to provide a stable Government'.

Come to the next one. He has the right under the Constitution to be informed of all proceedings of the Government; he can ask for information ; he can ask for supplementary information and he can compel information to be given to him. That means and implies that he is not a dummy, he is not a constitutional figurehead. He has his duties to discharge. Come to article 200. The Constitution gives him the right to give his assent to a Bill or to withhold his assent. Who advises him ? Does the Ministry advise ? No. And not only that, There are circumstances in which a Bill passed by the Legislature may seek to trench upon the powers of the High Court—I say that by way of illustration. He at once makes a reference to the President and reserves the Bill for the President's consideration. Now examine this case. A Bill—that is clearly the effect of the provisions of the Constitution itself—when passed, would mean and imply that it has the support of the Ministry which enjoys the confidence of the House. Therefore, it has majority support. Still the Constitution gives the Governor the right to say : 'No. I do not agree with this Bill'. Who advises him ? It is he who advises himself. That is our Constitution. That is not how Mr. Gupta reads it but that is how I read it.

SHRI BHUPESH GUPTA : Tell the provision.

SHRI DEBABRATA MOOKERJEE : Turn to article 200. That article gives the Governor the right to reserve a Bill for consideration of the President. Does the Ministry there advise ?

SHRI BHUPESH GUPTA : You are not reading the articles, you are putting your own words.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : That is not fair.

SHRI DAHYABHAI V. PATEL : He has got into the habit of getting his own way with the opposite side that he cannot tolerate a difference now. He has dictated to the Congress all this time and now when they differ from him, he is upset.

SHRI DEBABRATA MOOKERJEE : I am anxious to go to the ends of the earth to please Mr. Gupta. I will, to satisfy him, read a part, not the whole of it because I do not have the time to do that:

"When a Bill has been passed by the Legislative Assembly of a State it shall be presented to the Governor. ..."

I am leaving out the unimportant part of the article—>

"it shall be presented to the Governor and the Governor shall declare either that he assents to the Bill or that he withholds assent therefrom or that he reserves the Bill for the consideration of the President".

Who advises him ? He advises himself. I take it, when a Bill is passed, it is passed upon the advice of the Ministry by the majority of the Members of the House. Yet, the Constitution gives him this right either to give assent or to withhold assent. Therefore it is not right to say that the Governor must willy-nilly. In all cases, in all conceivable circumstances, act upon the advice rendered him by the Council of Ministers.

SHRI BHUPESH GUPTA : But how? It applies to all provisions.

SHRI A. P. CHATTERJEE : Yet my friend says that the Constitution itself embodies that status of the Ministry.

SHRI DEBABRATA MOOKERJEE : I did not say that. I say the Governor is acting on his own in the matter of giving or withholding his assent to a Bill. So the Governor has the right to give his assent or not to give his assent. (Interruptions.)

Sir, in the case of breakdown of the constitutional machinery, under article

356 what happens? There is the provision that the Governor will apply his independent mind to the things happening in the State under the tutelage of the Council of Ministers... (*Interruptions.*)

SHRI BHUPESH GUPTA : Article 356 does not come in without a Proclamation by the President.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : It is very unfair to go on interrupting him. You should listen to what he says.

SHRI BHUPESH GUPTA : But he says wrong things.

SHRI SRIMAN PRAFTJLLA GOSWAMI (Assam) : We patiently listened to Mr. Bhupesh Gupta's one-hour speech and he should have the same patience to hear others. If he intends to disturb like this, we could also disturb him during his speech.

SHRI R. S. KHANDEKAR (Madhya Pradesh) : May I request the hon. Member to read article 163 which provides for the discretion of the Governor only in certain matters ? And he should show the article where discretion is given to the Governor to dismiss the Council of Ministers.

SHRI DEBABRATA MOOKERJEE : Sir, it is difficult to answer so many questions all at one time. But there is a silver lining in the cloud.

SHRI BHUPESH GUPTA : I do not know what happened to you when you were a Judge.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : It is not right to make such remarks.

SHRI DEBABRATA MOOKERJEE : I will just ignore them, because he is saying things which sound like prattle. He is getting incorrigible and no one can control him.

SHRI BHUPESH GUPTA : Also you should not go wrong.

SHRI DEBABRATA MOOKERJEE : I say that when the reference is made

to the President about the conditions obtaining in the State, about the way in which the Ministry has functioned, and the Governor reports to him that there has been a breakdown of the constitutional machinery, he acts on his own. This is what I claim to be the real constitutional position.

Now much is said about the 'pleasure' theory, and it is said, "Look, the 'pleasure' theory does not mean much". Normally I am inclined to agree with that view. But I would ask you to bear in mind one circumstance which clearly emerges from a dispassionate study of the different constitutional provisions. In the case of Ministers, it is provided that they hold office during the pleasure of the Governor. You get the word 'pleasure' in some other context also, in the case of tenure of office of public servants. There also you get the 'pleasure' theory adumbrated in the Constitution. But there is a great gulf of difference between the two, and I propose to show the difference, [it is for Mr. Bhupesh Gupta to accept it or reject it, but I claim that this interpretation is the result of a dispassionate study of the different constitutional provisions. Sir, in the case of 'public servants', you get the express words in the Constitution, 'Subject to the provisions of the Constitution'. Those words occur in the article dealing with public servants, who hold office during the pleasure of the President or the pleasure of the Governor. The 'pleasure' is circumscribed; there is restricted 'pleasure', where one holds a civil post during the pleasure of the Governor or of the President, as the case may be. That is subject to a primordial consideration, I mean, the exercise of that pleasure is controlled, first, by the provisions of the Constitution and, second, by the laws that have been passed by the appropriate Legislature. In the case of civil servants serving under the Government of India, it will be Parliament, and in the case of civil servants holding office in the affairs of a State, it will be the State Legislature. But the exercise of pleasure in relation to Ministers is unqualified. So there is no denying the fact that here is scope, considerable scope, for exercise of

[Shri Debabrata Mookerjee.] discretion and judgment on the part of the Governor.

Now take this case, Sir, the unfortunate case of West Bengal, for which the heart of Mr. Bhupesh Gupta bleeds. Here the Governor wanted, or rather, requested the Ministry to hold an early session of the Assembly so that the question of their being in a majority or minority could be finally decided. But for one reason or another, to which it is not necessary for me to refer, the Ministry did not agree to the request for an earlier session of the House, and they thought it right that they should stick to the original date which they had conveyed to the Governor. I ask you, Sir, to consider this position. If it is the duty of the Governor initially to satisfy himself about a particular gentleman, whom he is choosing as the Chief Minister to head the Council of Ministers, is it not his duty also to see that the Chief Minister continues to enjoy the confidence of the majority of Members of the Legislature? During the inter-session period, between six months and six months, there may be floor crossings, and it is true—no one can deny this fact—that in this particular case quite a number of legislators expressed their intention that they were no longer willing to support the United Front Government. The Governor, in his own way, rightly or wrongly—the future alone will tell—satisfies himself and he reasonably believes that this Ministry is not enjoying the support of the majority of Members of the Legislature. (*Interruptions.*) Listen, Mr. Chatterjee, please. (*Interruptions.*) I refuse to be heckled "by you.

SHRI A. P. CHATTERJEE : But you are saying things which are not in the Constitution.

SHRI DEBABRATA MOOKERJEE : I will say this, Sir, that during this period of inter-session there may be Ordinances passed because the Legislature is not in session, and you must recall that these Ordinances, just as all other executive acts, are made and done in the name of the Governor. Now how can he, willy nilly, be a party to iaws,

which may conceivably levy taxes on the citizens of the State, when he is satisfied that the Ordinances made are being made at the instance of a Ministry which does not enjoy the confidence of majority of Members?

SHRI BHUPESH GUPTA : That is not at all the Governor's function. The Governor's function is to pass the ordinances that his Council of Ministers advise him to pass. It is not for the Governor to enter the political arena and decide whether a particular Chief Minister has a majority before he signs an ordinance. Where is it stated?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : You sit down, Mr. Gupta.

SHRI BHUPESH GUPTA : Sir, you are asking me to sit down, but he is putting forward such an absurd argument.

SHRI DEBABRATA MOOKERJEE : You may put up with arrogance, but when arrogance is united with ignorance it becomes intolerable.

SHRI NIREN GHOSH : That is the British arrogance of 1935. (*Interruptions.*)

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Please sit down.

SHRI DEBABRATA MOOKERJEE : If such things are done when the Ministry does not enjoy the confidence of the majority of the Members that will lead to legal, political and moral mess in the country and that is why the Constitution provides against it.

SHRI BHUPESH GUPTA : What is he talking?

SHRI DEBABRATA MOOKERJEE : It is wrong to look to British precedents and to allow ourselves to be guided by them. We have given ourselves this Constitution and we have to go by it. We should try to read it and try to harmonise the different provisions to be found in it and then

arrive at a solution. It matters very little whether Dr. P. C. Ghosh is Chief Minister today and it would matter not much, I say, to the people of West Bengal if the United Front Government were to walk back to power for a short spell after the 18th of December. There is that possibility also and the Governor has not stood in the way of that happening. They can stage a come back if they like, provided they prove that they enjoy a majority and the Governor acted wrongly in having dismissed the Ministry.

SHRI BHUPESH GUPTA : Yes, put the army in the streets and take possession of the Members.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Please sit down, Mr. Gupta.

THE LEADER OF THE HOUSE (SHRI JAISUKHLAL HATHI) : Sir, may I request Mr. Bhupesh Gupta to see that it is not necessary for the Chair every time to ask him to sit down ? Let him allow the hon. Members to finish their speeches and I will give him the reply.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Yes, these interruptions take time. He has already taken 20 minutes.

श्री राजनारायण : वाइसचेयरमैन साहब, अभी इनको और बोलने दीजिये। इनको अपनी बात कह लेने दीजिये। बोलने दीजिये।

SHRI A. P. CHATTERJEE : How much more time will be giving him, Sir?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Please listen to him.

श्री राजनारायण : श्रीमन्, मुनिये। आप मुखर्जी साहब को बोलने दीजिये। अभी तक जितना समय उन्होंने बर्बाद किया है उसमें उन्होंने अपना प्वाइंट नहीं बनाया, उनका प्वाइंट कोई बना नहीं, आप उनको अपना प्वाइन्ट बनाने का मौका दीजिये।

SHRI A. P. CHATTERJEE : Sir, the..

THE VICE-CHAIRMAN i (SHRI AKBAR ALI KHAN) : That will do. If more time is taken, you are responsible.

SHRI A. P. CHATTERJEE : How long will he take, Sir, to misinterpret the Constitution ?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : That may be your view.

SHRI DEBABRATA MOOKERJEE : I will not waste more time on the friends of the Opposition. I will certainly devote my full energy and attention to the House and bow down to the wishes of the House. I wish to conclude by saying...

SHRI BHUPESH GUPTA : To which group do you belong ?

SHRI DEBABRATA MOOKERJEE : The Constitution lays upon the Governor the sacred duty which he has to discharge and the oath which he has taken obliges him to defend the Constitution.

श्री राजनारायण : डिस्क्रीशन को जरा डिफाइन कर दीजिये।

SHRI BHUPESH GUPTA : And this is how he is defending it.

SHRI DEBABRATA MOOKERJEE : Maybe, the way in which he is defending it does not please Mr. Gupta. May be, some day, sooner or later it may please his other compatriots of the United Front. But that is wholly immaterial. It does not matter who is pleased or who remains displeased. The only relevant question for consideration in the motion raised by Mr. Gupta is this. It is very simple and very straightforward ; perhaps he was overpowered by sleep when he drafted it so clean; he has sullied it since by reference to the political situation which does not, strictly speaking, bear upon the motion at all. Therefore, I say it is the duty of the Governor to serve according to his lights. The oath

[Shri Debabrata Mookerjee.]

obliges him to do what he thinks he should do in the discharge of his obligation to protect the Constitution and to defend the laws.

I shall conclude by reminding the House that there is an article in the same chapter which gives reserve power to the Central Government, to the President, to deal with a situation which has not been expressly dealt with. That is article 160 which says that the President may make such provisions as he thinks fit for the discharge of the functions of the Governor of the State in any contingency not provided for in this chapter.

SHRI BHUPESH GUPTA : How does that come in here ?

SHRI DEBABRATA MOOKERJEE : It comes in a hundred ways.

SHRI BHUPESH GUPTA : How does it come in here ?

SHRI DEBABRATA MOOKERJEE : If you say that it does not come in I can only pity you, Mr. Gupta. I have nothing but unqualified pity for you.

SHRI BHUPESH GUPTA : Not qualified ?

SHRI DEBABRATA MOOKERJEE : That article says that the Government of India has the power to give directions, the power to get over a difficult situation which has not been contemplated by the different provisions of this Chapter and I say, Sir, that this is one of the occasions where the President may very well indicate in which way the affairs of a State will be conducted, because there is no express provision for such a situation. Any situation or circumstance which has not been envisaged and has not been provided for can be dealt with by the President. Small wonder then that Mr. Gupta should be found scratching his head and crying in despair depending only on political shibboleths to answer the question which he himself so pertinently raised, the question of constitutional propriety of the manner in which the Governor of West Bengal has acted.

SHRI BHUPESH GUPTA : You see the Constitution. How does this provision come in here ?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : That is all right. He will reply to all the points. Why do you worry ? Now. Mr. Rajnarain.

श्री राजनारायण : माननीय वाइस चैयरमैन साहब, मैं आपके द्वारा विनम्रता से सम्मानित सदस्यों से निवेदन करूंगा कि यह जो अवसर है यह टैम्पर हो करने का नहीं है।

श्री नेकीराम (हरियाणा) : उधर से यह हुआ।

श्री राजनारायण : गुस्सा न दिखाया जाय। संविधान के अन्दर जो बातें हैं उनका शान्ति से अध्ययन करें, मनन करें। मैं बहुत ही धीरज के साथ अपने बुजुर्ग पुराने जज साहब, मुखर्जी साहब, को सुन रहा था। हमारे यहाँ एक तहसीलदार थे। हैदर हुसैन साहब और उनकी अदालत में एक बलराम सिंह मुस्तार बहस कर रहे थे तो अगर हंसुवा रहे तो उसकी शादी खुरपी से कर दी। मैं चाहूंगा कि जज सभू और जज मुखर्जी, चूँकि यह अपने को समझते हैं कि हम जज हैं, हम संविधान को ठीक से पढ़ते हैं, इसलिये हमारी बात को सुनें। ये डा० अनूपसिंह जी उधर बीच में बैठकर गड़बड़ करने लगे उनसे निवेदन करूंगा कि वे सुनने दें क्योंकि यह जो वकीलों को ज्ञान हासिल होता है और वह जज बनते हैं तो सदियों सदियों का संचित ज्ञान उनको हासिल होता है, तो उसका फायदा सबको मिलना चाहिये।

मैं अब एक क्रम से चलूंगा। जज मुखर्जी साहब ने अनुच्छेद 160 को रेफर किया, उसको पढ़ा जाय क्या है। इसमें यह है कि : "इस अध्याय में उपबन्ध न की हुई किसी आकस्मिकता में ...

श्री नेकी राम : 107 बोलिये।

श्री राजनारायण : वह तो अनजान आदमी हैं...

THE VICE-CHAIRMAN (SHRI ! AKBAR ALI KHAN) : If you read in j English, he will appreciate it better.

श्री राजनारायण : वह अनुवाद होता जा रहा है। तो वह इस प्रकार है : "इस अध्याय में उपबन्ध न की हुई किसी आकस्मिकता में राज्य के राज्यपाल के कृत्यों के निर्वहन के लिये राष्ट्रपति, जैसा उचित समझे, वैसा उपबन्ध बना सकेंगे।" राष्ट्रपति को, डा० जाकिर हुसैन को, यह अधिकार हासिल है कि जब जैसा उचित समझे वैसा निर्देशन उपबन्धित करे श्री धर्मवीर जी के लिये। धर्मवीर जी को हक हासिल नहीं होगा कि जिस समय जो कुछ भी उनके दिमाग में पैदा हो उसके मुताबिक काम कर दें।

उपसभाध्यक्ष (श्री अकबर अली खान) : उन्होंने दूसरे आर्टिकल्स रेफर किये हैं।

श्री राजनारायण : मैं एक एक करके आ रहा हूँ, आप घबड़ाइयें नहीं। मैं अपने दिमाग को धोका नहीं दे सकता हूँ और न मैं चाहता हूँ मुखर्जी साहब के दिमाग को धोका हो। तो मैं समझ नहीं पा रहा हूँ श्रीमन्, कि मुखर्जी साहब ने अनुच्छेद 160 को क्यों रेफर कर दिया। 160 को रेफर करके अगर वे अपनी प्रतिभा या पुराना जज होने के ज्ञान की गरिमा से हम लोगों को दबाना चाहते हैं तो मैं निवेदन करूंगा कि उस गरिमा से दबाने की कृपा न की जाय।

SHRI DEBABRATA MOOKERJEE : I will take it. You may call me a fool; I will be happy.

श्री राजनारायण : देखिये अनुच्छेद 200 क्या कहता है "विधेयकों पर अनुमति : जब राज्य की विधान सभा द्वारा, अथवा विधान परिषद् वाले राज्य में विधान

मंडल के दोनों सदनों द्वारा कोई विधेयक पारित कर दिया गया हो तब वह राज्यपाल के समक्ष उपस्थित किया जायेगा तथा राज्यपाल यह घोषित करेगा कि वह विधेयक पर या तो अनुमति देता है या अनुमति रोक लेता है अथवा विधेयक को राष्ट्रपति के विचारार्थ रक्षित कर लेता है" या अनुमति दे या रोक रखे या राष्ट्रपति के पास भेजे, मगर मान लीजिए उसने अनुमति न तो दी, न तो रोकी, न राष्ट्रपति के पास भेजी—फिर भेज दिया अपने सुझाव देकर विधान मंडल के पास। जब विधान मंडल फिर उसको भेज देगा तो आखिर में लिखा हुआ है कि :

"तथा राज्यपाल के समक्ष अनुमति के लिये रखा जाता है तो राज्यपाल उस पर अनुमति न रोकेगा"

श्री महेश्वर नाथ कौल (नामनिर्देशित) : वाउन्ड है।

श्री राजनारायण : वाउन्ड है। इसके बाद विधान मंडल के द्वारा पेश किये गये विधेयक को अनुमति देते हुए विधेयक को रोकने की क्षमता राज्यपाल में नहीं है। तो मैं आपके जरिये जानना चाहता हूँ—सदन के समक्ष सदन के सम्माननीय सदस्य विराजमान हैं, हमारे सदन के नेता हाथी लाल सिंह हैं...

श्री गोडे मुराहरि : उन्हें भी सिंह बना दिया।

उपसभाध्यक्ष (श्री अकबर अली खान) : उन को आपने सिंह कैसे बना दिया ?

श्री राजनारायण : हम चाहते हैं सब सिंह बनें, कोई सियार, डंकी, मंकी नहीं होना चाहिए।

अब इसको ज़रा देखा जाय कि आखिर जज साहब ने इसको रेफर क्यों किया। यानी, जो मूल अधिकार है वह विधान मंडल का है, जो मूल अधिकार

[श्री राजनारायण]

है वह राज्यपाल का है। मैं फिर कहना चाहता हूँ जज मुखर्जी साहब से कि मूल अधिकार विधान मंडल का है, विधान मंडल की इच्छा के सामने नतमस्तक होना ही पड़ेगा राज्यपाल को। फिर जज मुखर्जी साहब ने अपनी प्रतिभा का दुरुपयोग किया और अपने माइण्ड को एक्स्लाइट होने दिया ट्रेजरी बेंच से, ऐसा क्यों हुआ मैं समझ नहीं पा रहा हूँ। फिर आगे देखा जाय 143. श्रीमन्, मैं उत्तर प्रदेश से आता हूँ।

श्री चन्द्र शेखर : राम और कृष्ण की भूमि को कलंकित मत कीजिए राजनारायणजी।

श्री राजनारायण : उत्तर प्रदेश में जब संविधानिक संकट आया और वहाँ के स्पीकर ने एक केशव सिंह को जेल जाने के संबंध में कोई सजा मुना दी और सदन में कुछ ने कुछ कहा तो सर्वप्रथम एकतार हमने दिया राष्ट्रपति राधाकृष्णन जी को कि 143 की तहत मैं इस मामले को सुप्रीम कोर्ट की राय जानने के लिये भेज दिया जाय। मैं सदन को बताना चाहता हूँ उस समय श्री सर्वपल्ली राधाकृष्णन जी ने उदारता और सद्बुद्धि का प्रयोग किया और उन्होंने इस मामले को सुप्रीम कोर्ट की राय जानने के लिये भेज दिया, उसमें किसी का कोई नुकसान नहीं हुआ। मैं समझ नहीं पा रहा हूँ कि आखिर नरक कुंड में किस गंदे कीड़े ने इस सरकार के दिमाग को चाट कर चलनी कर दिया है कि इसके दिमाग में कोई अच्छी बात ठहर नहीं पा रही है। अगर उस मुखर्जी साहब की सरकार ने निवेदन किया राष्ट्रपति जी से कि आप इस मामले को भेज दो सुप्रीम कोर्ट की राय जान कर जो भी सुप्रीम कोर्ट की राय होगी उसको हम मानेंगे तो उन्होंने बुरा क्या किया था। कारण क्या है, इसकी तह में जाना चाहिये कि जब बंगाल के भूतपूर्व 'मंत्रिमंडल' तथा राज्यपाल

के अधिकार के संबंध में, उनके कर्तव्य के संबंध में एक संवैधानिक सूक्ष्म सत्ता है तो वह जैसा भाष्य कर दे उसके मुताबिक काम हो। उसको क्यों नहीं किया गया, यह हमारा सवाल है। उस काम को किया क्यों नहीं गया, उस काम को न करने की जड़ में क्या चीज है, बुनियाद में क्या चीज है, इसको खोजना चाहिये। अहम्भाव—मैं सब कुछ हूँ। तो मैं जज मुखर्जी साहब से फिर रिक्वेस्ट करूँगा आपके जरिये कि मुखर्जी साहब जरा जज सप्र साहब के दिमाग को टेक्स न करें, वे हमको सुनें। यह डिमोक्रेसी, डिमोक्रेसी कहते हैं, डिमोक्रेसी के मानी क्या हैं, जनतंत्र के मानी क्या हैं? जनतंत्र एक प्रणाली भी है, एक पद्धति भी है, जनतंत्र एक मांडल भी है, सिस्टम भी है और एक प्रैक्टिस भी है। जनतंत्र है जीवन के सर्वांगीण विकास से संबंधित। जब तक मैं जनतंत्र में नहीं बंधूँगा तब तक जनतंत्र चलेगा नहीं। जनतंत्र एक स्वभाव भी होता है, जनतंत्र एक कर्म भी होता है, एक गुण भी होता है। मैं जनतंत्रीय गुण, जनतंत्रीय स्वभाव और जनतंत्रीय कर्म, सभी का विरोध इसमें पाता हूँ कि बंगाल की सरकार के द्वारा किसी मामले पर सुप्रीम कोर्ट की राय लिये जाने के बारे में बार बार आग्रह करने पर भी केन्द्र की सरकार ने राष्ट्रपति को सुप्रीम कोर्ट के पास इस मामले को भेजने नहीं दिया; स्वभाव गुण कर्म के यह विपरीत है। देखिये, जनतंत्र—जनतंत्र हमारे मित्र चन्द्र शेखर जी भी कहते हैं। जनतंत्र का मूल है अल्पमत का उन तमाम साधु अवसरों से सुशोभित करना जिससे वह अपने को बहुमत में परिणत कर सके। अगर जनतंत्र में बहुमत अपनी ताकत से, अपने दिमाग की खराबी से, अल्पमत को बराबर दबाते चला जाय तो समझ लो कि वहाँ जनतंत्र का निषेध है। अब जनतंत्र का निषेध हो गया है, इसलिये मैं चाहूँगा कि मुखर्जी साहब हमारी तरफ कुछ कृपा करें और हमारी इस बात को हृदयंगम करें। मैं उनको इसलिये

बार बार इंगित करता हूँ, संबोधित करता हूँ क्योंकि मैं उनके प्रति आदर रखता हूँ। मैं नहीं चाहता उनके विभाग में कुछ ऐसी भावना बन जाय कि वे कांग्रेस की तिकड़मबाजी के बीच में रहें, वे बेचारे किसी तरह उसमें फँस गये हैं...

श्री चन्द्र शेखर : अच्छा, मेरे एक प्रश्न का जवाब दें। यह जो आपने कहा कि अल्पमत को बहुमत में परिवर्तित करने का अधिकार देना जनतंत्र है, इस परम्पर के अनुरूप, जो बंगाल का अल्पमत आपके बहुमत से कह रहा था कि विधान सभा को बुलाओ और मुझे अवसर दो कि मैं अपने को बहुमत में परिणत कर सकूँ, उसको जब श्रीमन्, अजय मुखर्जी साहब की हुकूमत ने स्वीकार नहीं किया तो उन्होंने जनतंत्र की हत्या की या नहीं आपकी परिभाषा के अनुसार ?

श्री राजनारायण : श्री चन्द्र शेखर जी ने एक अच्छी जिज्ञासा पैदा की, जिज्ञासा मानी, जानने की इच्छा। एक जिज्ञासु भाव से वह पूछते हैं तो हमारी तबीयत गदगद हो उठती है। तो मैं उनको समझाना चाहूँगा : जनतंत्र की वाणी और जनतंत्र का काम, इन दोनों को एक में मिलाना है। अल्पमत को बहुमत में परिणत करने का मौका कब देना ? अल्पमत को बहुमत में परिणत होने का मौका क्या इस तरह से देना जैसा कि यह धर्मवीर ने दिया...

श्री चन्द्र शेखर : नहीं, जी मैं कह रहा हूँ...

श्री राजनारायण : मैं एक एक करके आ रहा हूँ। जैसे यहाँ पर जो विरोधी पक्ष है, वह अल्पमत में है।

श्री चन्द्र शेखर : श्री अजय मुखर्जी ने जैसा किया, वैसा किया जाना चाहिये ?

श्री राजनारायण : अजय मुखर्जी ने पूरा मौका दिया। श्री अजय मुखर्जी ने जो मौका अपनी बुद्धिहीनता से दिया उसका

नतीजा यह हुआ कि श्री पी० सी० घोष बहुमत में चले गये और वे स्वयं अल्पमत में हो गये। इस तरह से अजय मुखर्जी ने श्री पी० सी० घोष को बहुमत बनाने का मौका दिया।

श्री चन्द्र शेखर : आप इस सदन में कह चुके हैं कि बंगाल की सरकार को असेम्बली बुलानी चाहिये थी। मैं अब आप से जानना चाहता हूँ कि क्या आपका इस संबंध में मन परिवर्तित हो गया है या वहीं पर है ?

श्री राजनारायण : न हमारा मन परिवर्तित हुआ है और न मत परिवर्तित हुआ है। हमारा मन और हमारा मत, दोनों ही अपनी जगह पर हैं और अटल तथा अडिग हैं। मैं इस निश्चित मत का हूँ कि श्री अजय मुखर्जी को विधान सभा की बैठक को बुला लेना चाहिये था। मगर मैं इससे भी ज्यादा निश्चित मत का हूँ कि जब राज्यपाल ने अड़ंगा लगाया, तो उस समय श्री अजय मुखर्जी ने जिस शान तथा मर्यादा से जनतंत्र प्रणाली की रक्षा करने में राज्यपाल से मोर्चा लिया वह शोभायोग्य था और मैं उसका समर्थन करता हूँ। मैं यह भी कहने के लिए तैयार हूँ और मैं सोचता था कि जब श्री भूपेश गुप्त मास्को से वापस लौट आये, तो हम लोग कलकत्ता जायें और श्री अजय मुखर्जी से कहें कि तुम असेम्बली फेंस करो। परन्तु राज्यपाल धर्मवीर अपने अधर्म के रथ पर चढ़ गये और अन्याय का डण्डा पीटने लगे। फिर जहाँ पर एक ओटोक्रेट के साथ मुकाबला हो, जहाँ पर एक डिक्टेटर के साथ मुकाबला हो, तो जो जनतंत्र के रास्ते पर चलने वाला है, जो जनतंत्री पद्धति के मार्ग का अनुगामी है, हम उसका साथ देंगे। इसलिए मैं अपने मुखर्जी साहब से यह जानना चाहता हूँ कि वे आज राज्यपाल को राष्ट्रपति से भी ज्यादा अधिकार दे देना चाहते हैं ? क्या राज्यपाल राष्ट्रपति

[श्री राजनारायण]

से भी बड़ा हो गया ? क्या राज्यपाल को यह डिस्क्रिशन मिलने वाला है कि वह अपनी स्वेच्छा से, जब चाहे जिस किसी मंत्रिमंडल को भंग कर सकता है। तो इस तरह से राज्यपाल आज प्रेसीडेंट से भी ज्यादा अधिकार वाला हो गया और क्या यह कोई मामूली बात है ? (Interruptions) मैं यहाँ पर किसी टाम डिक हेरी की चर्चा नहीं करना चाहता हूँ, इस समय मैं मुखर्जी साहब से ही कहना चाहता हूँ क्योंकि मैं समझता हूँ कि वे एक पढ़े लिखे आदमी हैं।

मुखर्जी साहब जो डिस्क्रिशनरी पावर्स राज्यपाल को देना चाहते हैं, उन डिस्क्रिशनरी पावर्स का यह अर्थ हुआ कि राज्यपाल जब चाहे, जो उसकी इच्छा हो तथा अपनी स्वेच्छा से किसी भी मंत्रिपरिषद को भंग कर सकता है। इस तरह की बात मुखर्जी साहब ने कही, जो कि हमने सुनी। क्या हमने आपको ठीक समझा या नहीं ? ठीक समझा, बहुत अच्छी बात है। तो वाइसचेयरमैन साहब, आप भी कांस्टीट्यूशन को जानते हैं और आपको पता है कि राज्यपाल प्रेसीडेंट से भी बड़ा है ?

उपसभाध्यक्ष (श्री अकबर अली खान) : मैं यह चाहता हूँ कि आप अपनी तकरीर जल्द खत्म करें।

श्री राजनारायण : मेरी तकरीर आज खत्म नहीं होगी और हमारी तकरीर बिल्कुल चलेगी।

(Interruption)

अब मैं आर्टिकल 160 और 164 में आना चाहता हूँ और सदन के सामने इस संबंध में निवेदन करना चाहता हूँ। सदन के सभी माननीय सदस्य, विशेष तौर से भूतपूर्व जज साहब से मैं यह निवेदन करना चाहता हूँ कि आर्टिकल 164 के पहले भाग में यह लिखा हुआ है : "मुख्य मंत्री की नियुक्ति राज्यपाल करेगा"। ठीक है। "तथा अन्य मंत्रियों की नियुक्ति राज्यपाल

मुख्य मंत्री की मंत्रणा से करेगा तथा राज्यपाल के प्रसाद-पर्यन्त मंत्री अपने पद धारण करेंगे"। ठीक है। किन्तु जब श्री नीरेन घोष और श्री भूपेश गुप्त ने मुखर्जी साहब से सवाल पूछे तो उनके दिमाग में उन्होंने पेचीदगी पैदा कर दी और उन्हें बुद्धि से विरत कर दिया और वे अपना प्वाइन्ट नहीं निकाल सके और कन्फ्यूज हो गये।

अब देखा जाय सैंक्शन कहाँ है। गांधी जी कहा करते थे कि हम जो कुछ भी काम करते हैं उसके पीछे ताकत होनी चाहिये। राज्यपाल मुख्य मंत्री किस को नियुक्त करता है, इसके बारे में एक परम्परा है, मुखर्जी साहब। जो बहुमत पार्टी का नेता होता है, राज्यपाल सामान्यतः उसीको सरकार बनाने के लिए तथा शपथ ग्रहण करने के लिए बुलाता है। क्या यह सत्य है ? चूंकि सैंक्शन है, इसलिए वह बहुमत के नेता को मुख्य मंत्री पद ग्रहण करने के लिए बुलाता है। यह बात लिखित नहीं है, अलिखित है, अन्डरस्टूड है। जो जनतंत्रीय प्रथा के जानकार हैं, वे इस बात को जानते होंगे कि राज्यपाल उसी दल के नेता को बुलायेगा जिसका की बहुमत होगा। अगर वह अल्पमत के नेता को बुला लेगा, अल्पमत के नेता को मुख्य मंत्री पद का भार ग्रहण करने के लिये बुलायेगा तो कांस्टीट्यूशनल डेडलाक हो जायेगा। मगर पश्चिमी बंगाल के राज्यपाल का दिमाग कैसा हो गया है। वह कहता है कि जो अल्पमत का नेता है, उसी को मुख्य मंत्री पद की शपथ लेने के लिए बुलाओ। हमारे एक मित्र शीलभद्र जी थे, वे कहते थे कि चांदी की चवन्नी भी है और चांदी का रुपया भी है। अगर चवन्नी को रुपया कहते हैं तो तुम हमारा क्या कर लोगे ? तो ऐसे भी लोगों से काम पड़ता है और ऐसे शीलभद्र जी हमें मिल गये। तो मैं माननीय सदस्यों से नम्र निवेदन करना चाहता

हूँ कि क्या राज्यपाल के लिए यह उचित होगा कि वह किसी 100 मेम्बर के सदन में से एक ऐसे आदमी को मुख्य मंत्री पद की शपथ लेने के लिए बुलायें जिनके पीछे केवल 25 आदमी हैं ; तो यह वैसी ही बात हो गई कि अगर हम यह करते हैं तो तुम हमारा क्या कर लोगे ।

श्री शीलमन्न याजी (बिहार) : 29 नवम्बर को असेम्बली बुलाई है, तब अच्छी तरह से मालूम हो जायेगा ।

श्री राजनारायण : अब मैं उड़ीसा, मध्य प्रदेश राज्यों के आदिमजातियों के कल्याण के लिए जो कि दूसरे भाग में है उसको छोड़ देता हूँ । अब मैं आर्टिकल 164 के दूसरे खंड पर आता हूँ जिसमें यह लिखा हुआ है : "मंत्रि परिषद् राज्य की विधान सभा के प्रति सामूहिक रूप से उत्तरदायी होगी ।" यह कहता है कि मंत्रि परिषद् सामूहिक रूप से विधान सभा के प्रति उत्तरदायी होगी । यानी जो कलैक्टिव रैसपानसिबिल्टी है, वह मंत्रि परिषद् की होगी विधान सभा के प्रति । राज्यपाल की नहीं होगी । कांस्टीट्यूशन के बनाने वाले संविधान के निर्माता यों ने बहुत ही आसानी से "मंत्रिपरिषद्" की जगह "राज्यपाल" रख सकते थे । मगर उन्होंने मंत्रिपरिषद् को राज्यपाल से ज्यादा ताकत देना आवश्यक समझा और यही वजह है उन्होंने "मंत्रिपरिषद्" शब्द रखा । मंत्रिपरिषद् ही मुख्य रूप से विधान सभा के प्रति जिम्मेदार है और वह जिम्मेदारी मंत्रिपरिषद् की ही है, न कि गवर्नर की ।

अब देखा जाय और मैं बुजुर्ग मुखर्जी साहब से कहना चाहता हूँ कि वे 164 के प्रथम भाग को अच्छी तरह से देखें, जिसमें यह साफ लिखा हुआ है : "मुख्य मंत्री की नियुक्ति राज्यपाल करेगा तथा अन्य मंत्रियों की नियुक्ति, राज्यपाल मुख्य मंत्री की मंत्रणा से करेगा तथा राज्यपाल के

प्रसाद-पर्यंत मंत्री अपने पद धारण करेंगे" तो मंत्री और मंत्रिपरिषद् में मुखर्जी साहब कोई फर्क करते हैं या नहीं करते हैं ? मैं निहायत अदब के साथ जानना चाहता हूँ कि मंत्री और मंत्रिपरिषद् में क्या फर्क है ।

SHRI DEBABRATA MOOKERJEE : I feel I have been pilloried.

श्री राजनारायण : जिस "प्लेजर" शब्द को कहते थे हमारे बुजुर्ग मुखर्जी साहब उस "प्लेजर" के लिये यहां पर शब्द "प्रसाद" कर दिया है । तो जब तक राज्यपाल का प्रसाद हो तब तक मंत्री अपनी जगह पर रहेगा ।

अब हम आपके सामने एक नज़ीर रखना चाहते हैं । हमारे मित्र चन्द्रशेखर जी चले गये । मगर हमारे मित्र डा० सिद्धू यहां पर विराजमान हैं और उनको पता है कि हमारे यहां श्री अलगूराय शास्त्री और श्री चन्द्रभानु गुप्त में झगड़ा हो गया और चन्द्रभानु गुप्त जी ने राज्यपाल को सलाह दी कि अलगूराय शास्त्री जी को हटाओ । लेकिन अलगूराय शास्त्री जी अड़ गये कि नहीं हटेंगे, देखें कैसे राज्यपाल हमको हटा देंगे । अन्ततोगत्वा यह बहुत ऊंचे स्तर तक बहस गई और अन्त में यह बात मानी गई कि मुख्य मंत्री की सलाह ही पर राज्यपाल किसी को मंत्री बनाता है, तो राज्यपाल मुख्य मंत्री की सलाह के अनुसार किसी को कह भी सकता है, किसी को मजबूर भी कर सकता है कि अब तुम मंत्री मत रहो । इस लिये श्री चन्द्र भानु गुप्त के कहने पर राज्यपाल महोदय ने श्री अलगूराय शास्त्री से इस्तीफा दिलवा दिया । तो मुखर्जी साहब, यह सारा मामला क्या था । जो काम में रहते हैं वे थोड़ी वालों से ज्यादा समझ लेते हैं ।

श्री शीलमन्न याजी : चेयरमैन साहब, यह सदन का समय बरबाद कर रहे हैं और बेवक्त की शहनाई बजा रहे हैं ।

श्री राजनारायण : इस तरह मुख्य मंत्री और मंत्री में भी एक अंतर हो गया। आप देखिये, मुख्य मंत्री को एक मर्तवा राज्यपाल ने नियुक्त कर दिया, राज्यपाल उसको मुख्य मंत्री बना देता है, जो कि इसमें लिखा नहीं है, छिपा है। जो बहुमत पार्टी होती है उस बहुमत पार्टी के नेता को राज्यपाल मुख्य मंत्री बना देता है। लेकिन मुख्य मंत्री बनने के बाद यह राज्यपाल की क्षमता और कपेसिटी के ब्रिडांड होगा कि वह उसको हटा सके क्योंकि वह जब हटेगा तो मंत्रीपरिषद् हट जायगी। इसलिये यहां पर “मंत्री” शब्द लिखा गया और यहां पर “मंत्रीपरिषद्” शब्द नहीं लिखा गया। अगर मुख्य मंत्री को हटाने की बात होती तो मुख्य मंत्री की जगह “मंत्रीपरिषद्” शब्द बहुत ही आसानी से रखा जा सकता था क्योंकि मुख्य मंत्री जब हट गया तो उसकी मंत्रीपरिषद् अपने आप हट गई और मुख्य मंत्री का इस्तीफा मंत्रीपरिषद् का इस्तीफा होता है, और मंत्री का इस्तीफे से मंत्रीपरिषद् का इस्तीफा नहीं होता है। तो मैं चाहता था कि संविधान की जो बारीकियां हैं इन बारीकियों को अच्छी तरह से हृदयंगम किया जाय और समझा जाय। यह नहीं है कि हूं, हों, इधर उधर से हो गया और काम बना कुछ नहीं। तो यह जो मंत्री, मुख्य मंत्री और मंत्रीपरिषद् का फर्क मैंने यहां पर निवेदन किया है, केवल भृकुटि-विलासिता से मैं यह समझ लूंगा आप के जरिये वृजुगं साथी मुर्कजी साहब से की जो मेरा भाष्य है उससे वे सहमत हैं या नहीं।

SHRI DEBABRATA MOOKERJEE : He wants to convict me out of my own mouth. I would not agree to that.

श्री राजनारायण : देखिये, हम धारिया साहब से निवेदन नहीं कर रहे हैं। वे जानते हैं कि इस समय हम तीर कहाँ मार रहे हैं। अभी हम पत्थर पर तीर मारने के लिये तैयार नहीं हैं . . .

श्री एस० एस० धारिया : हम आप का तीर बचाने के लिये पत्थर की तरह मजबूत रहेंगे।

श्री राजनारायण : तो यह आर्टिकल 160 हो गया, 164 हो गया, 143 हो गया, अब 356 देखा जाना चाहिए।

उपसभाध्यक्ष (श्री अकबर अली खान): वह तो इमर्जेंसी प्राविजन है और सब को मालूम है।

श्री राजनारायण : अच्छा, ठीक है, हमारे बाइस चेअरमन साहब कह रहे हैं कि 356 को काहे पढ़ रहे हों, वह इमर्जेंसी का है। मगर उसी इमर्जेंसी को हमारे मुर्कजी साहब ने रिफर किया। इमर्जेंसी जब हो तो केन्द्र को यह हक है कि वह डाइरेक्टिव दे सकता है राज्य सरकार को किसी एक्जिक्यूटिव काम को करने के लिये। जब इमर्जेंसी थी और बम्बई में हड़ताल चल रही थी और वहाँ की सरकार नहीं मानती थी तो हमने यहां पर चव्हाण साहब और नन्दा साहबसे निवेदन किया था कि आप डाइरेक्टिव दीजिये कि वहाँ के मजदूरों की मांगों को वहाँ की सरकार मान ले। 356 एक विशेष स्थिति का जिक्र करता है। उसमें यह साफ लिखा हुआ है :

“यदि किसी राज्य के राज्यपाल या राजप्रमुख से प्रतिवेदन मिलने पर या अन्यथा . . .”

यानी राज्यपाल अगर प्रतिवेदन न भी दे और राष्ट्रपति को किसी दूसरे जरिये से यह भान हो जाय कि वहाँ पर इस समय संविधान काम नहीं कर रहा है और स्थिति असामान्य अवस्था में परिवर्तित हो गई है तो राष्ट्रपति वहाँ पर इमर्जेंसी लागू कर सकता है। अब वहाँ पर क्या असामान्य अवस्था थी? वहाँ सदन में जितने सम्मानित सदस्य हैं वे बतायें या और कोई हम को बताये-ईमानदारी के साथ कि वहाँ ऐसी

कौन सी अवस्था उत्पन्न हो गई थी। इधर उधर की बहुत सी बातें केवल धक्का देने के लिये लोग कह सकते हैं। लेकिन मैं जानना चाहता हूँ कि वहाँ कौन सी ऐसी चीज़ पैदा हो गई थी जिस से संविधान के काम करने में सकावट पड़ गई थी। ऐसी कोई चीज़ नहीं थी।

श्री शीलभद्र याजी : अपने दिल से पूछिये।

श्री राजनारायण : अपने दिल को हम खूब खोल देंगे आखिर में जिस को चुन कर के हमारे याजी जी प्रसन्न होंगे।

हां, तो हमारा निवेदन यह है, श्रीमन् आप के जरिये कि यह गलत कदम उठा है। मैं आप के जरिये यह भी कहना चाहता हूँ कि जैसा हमारे मित्र नीरेन घोष जी को हमारे कांग्रेस के लोग मारने की बात कह रहे हैं . . .

श्री शीलभद्र याजी : सफेद झूठ है, किसी कांग्रेस के आदमी ने उनको यह नहीं कहा है।

श्री राजनारायण : अच्छा, नहीं कहा तो हम वापस ले लेंगे। (Interruption) अगर साहित्यिक भाषा समझने की क्षमता किसी में नहीं है तो यह हमारा दोष नहीं है। लेफ्ट कम्युनिस्टों के सम्बन्ध में कांग्रेस के लोग हमारी ओर इशारा कर के यहां पर कह रहे हैं कि तुम उनको बढ़ा रहे हो। एक अखबार ले आये हमारे मित्र धारिया साहब और वे बेचारे पूरा पढ़े नहीं। मगर हम सब लोग जानते हैं कि मुकर्जी साहब ने यह कहा था कि हमारे साथ जो सम्मिलित दल हैं उनमें से कुछ चीन से सांठगांठ करते हैं। इसमें सत्य और असत्य क्या है यह भविष्य बतायेगा। मगर मैं इतना आप से कहना चाहता हूँ कि इतिहास इस बात का साक्षी रहेगा कि कांग्रेस की केन्द्रीय सरकार ने आज बंगाल में जो कलंकपूर्ण कदम उठाया है वह पश्चिम बंगाल में लेफ्ट कम्युनिस्टों को बढ़ावा देगा। यह मामूली गलत

काम नहीं हुआ है। जनतंत्र की पीठ में छुरा भोंका है तुम ने। इस कांग्रेस सरकार ने जनतंत्र की हत्या की है। जो ताकत वहां स्वतः बढ़ रही थी और जो ताकत हमारे मित्र नीरेन घोष को सही रास्ते पर ले आती, उस ताकत के रास्ते में केन्द्र की सरकार ने वहां के राज्यपाल से गलत काम करा के एक बाधा पैदा की है। यह कोई मामूली बात नहीं है। यकायक रातोंरात वहां के राज्यपाल से कह दिया गया कि मुर्जी साहब को हटा कर के घोष साहब को बिठा दो। आज पश्चिम बंगाल की जनता जो पश्चिम बंगाल की सरकार से रूठ रही थी, उसकी रूठन और कुड़न, केन्द्र की निबन्धी कांग्रेस सरकार ने दूसरों के प्रति पैदा कर दी।

श्री शीलभद्र याजी : गलत बात है। एक डेढ़ लाख आदमी . . .

श्री राजनारायण : एक डेढ़ लाख आदमी उंगली पर गिन जायेंगे। आज पश्चिम बंगाल में कलकत्ता की जो हालत होगी उस में पता नहीं लगेगा कि हमारे शीलभद्र याजी कहाँ हैं . . .

श्री शीलभद्र याजी : मैं चुनौती देता हूँ।

6 P.M.

श्री राजनारायण : हम को चुनौती आप क्या देंगे; हम को चुनौती देने वाले बात समुद्र पार चले गये मैं आपसे बहुत अरब के साथ निवेदन करना चाहता हूँ, आपके द्वारा सदन से निवेदन करना चाहता हूँ कि सदन को देखना चाहिए कि गांधी कहां सरदार वल्लभभाई पटेल कहां, सुभाष कहां, नेहरू कहां। रोज चर्चा करते हैं महात्मा गांधी, महात्मा गांधी की, रोज कहते हैं साधन-साधन, साध्य साधन, तुम्हारा साध्य क्या है, तुम्हारा साधन क्या है। मैं अपने मित्र चन्द्र शेखर जी की बात सुन रहा था। बेचारे चन्द्र शेखर अपने हृदय को दबा कर कह रहे थे कि हम एक अच्छे लक्ष्य की प्राप्ति के लिए एक कुकर्म कर रहे हैं, मगर कुकर्म

[श्री राजनारायण]

के मार्ग का अवलम्बन करके अच्छा साध्य प्राप्त नहीं किया जा सकता। इसीलिए गांधी ने कहा था—“Ends do not justify the means”。 दो प्रिंसिपल चले—एक कहता था कि साध्य के औचित्य को साधन सिद्ध करते हैं, दूसरा कहता था कि साध्य और साधन एक रूप रहेंगे तब काम चलेगा। तो मैं कह रहा था कि आज जो तरीका, जो रास्ता केन्द्र की सरकार ने अख्तियार किया है उससे उसने जनतंत्र की पीठ में छुरा भोंका है, वहाँ की जनता का अपमान किया है, वहाँ के गौरव और गरिमा का अपमान किया है। और बंगाल की उस पवित्र भूमिसे, जिसने बड़े बड़े लोगों को पैदा किया, सटा हुआ बिहार है, उससे सटा हुआ उत्तर प्रदेश है। आज इस कांग्रेस की सरकार ने सारे देश के जनतंत्र के प्रेमियों को चुनौती दे दी है और मैं सिद्ध करके बताऊंगा कि सारे जनतंत्र के प्रेमी आज एक ढाँचे में, एक रस्सी में बंध कर इस काले कानून का विरोध करेंगे, इस काले कर्म का विरोध करेंगे। यह कोई मामूली बात नहीं है। रातों-रात बैठ कर—जैसे सब लोग बैठ गए, कह दिया कि चलो बंगाल का राज खत्म, कल कह देंगे बिहार खत्म, परसों कह देंगे उत्तर प्रदेश खत्म। ऐसे काम चलने वाला नहीं है।

मैं यह निवेदन करना चाहता हूँ कि माननीय चन्द्र शेखर जी कुछ भले भी हैं...

श्री चन्द्र शेखर : कुछ बुरे भी हैं। बस इसके आगे मत बोलना।

श्री राजनारायण : बस यही तक रखूंगा कि कुछ भले भी हैं; इसमें दूसरा सन्निहित है। ये धारिया साहब हैं, सिद्ध जी हैं, ये लोग अपनी इस प्रतिभापूर्ण जवानी को विनष्ट क्यों कर रहे हैं; कहाँ ले जा रहे हैं? आज मैं कहना चाहता हूँ कि अगर कहीं प्रफुल्ल मल्लिका हो, कोकिल की काकली हो,

कुसुम का सौरभ हो, निर्मल चन्द्रिका हो तो ये सब के सब रोते होंगे इस कांग्रेस सरकार के कुर्म से कि इसने बंगाल में धर्मवीर को ऐसी सलाह दी जिस के अनुकूल धर्मवीर ने वहाँ पर गलत काम किया। यह सर्वथा निन्दनीय है, इसकी कहीं कोई प्रशंसा नहीं कर सकता, तारीफ नहीं कर सकता।

श्री महेश्वर नाथ कोल : हम कब तक बैठेंगे ?

उपसभाध्यक्ष (श्री अकबर अली खान) : आप कितनी देर और बोलेंगे ?

श्री राजनारायण : देखिए यह सवाल दो दिन का है, हम दो मोशन पर बोल रहे हैं। अभी सारा हरियाणा बाकी है। अभी हमारे मित्र श्री शीलभद्र याजी ने कहा कि केन्द्र ने सलाह नहीं दी। अगर केन्द्र ने सलाह नहीं दी तो मैं यह साफ करना चाहूंगा कि अगर बर्बरता का जबाब बर्बरता देना ही होता तो मैं बता दूँ—

मैं तब दशन तोरबे लायक,

आयसु पं न दीन्ह रघनायक,

अस रिस होत दसहुं मुख तोरहुं,

लंका गहि समुद्र मा बोरहुं।

जब हमने यह धर्मवीर का रेडियो ब्राड-कास्ट सुना तो एक मर्तबा मन में गुस्सा आया कि चलो और उसकी गर्दन पकड़ कर, दबोच कर, खींच कर बाहर लाऊँ कि रेनराधम, तुमने जनतंत्र की हत्या की, गांधी के मुक्त में तुमने जनतंत्र को दफनाया, ऐसा कुर्म करने की हिम्मत तुममें कैसे आई ?

श्री सुन्दर सिंह मंडारी : 6 बज चुके हैं, आपने हाउस एक्सटेंड करने के लिए घोषणा नहीं की।

SHRI NIREN GHOSH : It will go on for three days. It is bound to.

श्री चन्द्र शेखर : राजनारायण जी, एक दूसरा दोहा भी सुन लीजिए—
शूर समर करनी करहिं, कहिं न जनावहिं आप,
विद्यमान रन पाइके 'ये' कायर करहिं विलाप ।

श्री राजनारायण : बहुत सही कहा, समय बताएगा कौन कायर है, कौन शायर है ।

उपसभाध्यक्ष (श्री अकबर अली खान) : शायरी भी बाज वक्त ठीक होती है । हमें कल शाम तक इस डिबेट को खत्म करना है ।

SHRI NIREN GHOSH : The time must be extended.

श्री राजनारायण : यह डिबेट तब खत्म होगी जब पार्लियामेंट खत्म हो जायगी ।

उपसभाध्यक्ष (श्री अकबर अली खान) : टाइम एक्स्टेंड करना मेरे अधिकार में नहीं है ।

श्री राजनारायण : वाइस चेयरमैन साहब, जैसे बंगाल में खत्म कर दिया, वैसे ही दिल्ली में खत्म करो । यह भजाक नहीं है कि एक सूबे को जैसे चाहा रौंद दिया औ यहां दिल्ली में बैठ कर बंसी बजाएं ।

उपसभाध्यक्ष (श्री अकबर अली खान) : आप कितनी देर और बोलेंगे ?

श्री राजनारायण : अभी तो इब्तदा है । अभी तो—'इब्तदाये इस्क है रोता है क्या, आगे-आगे देखिए होता है क्या' । कल देखिए क्या होता है ।

उपसभाध्यक्ष (श्री अकबर अली खान) : आप कितनी देर बोलना चाहते हैं ?

श्री राजनारायण : कोई देर का सवाल नहीं है ।

उपसभाध्यक्ष (श्री अकबर अली खान) : कोई टाइम होना चाहिए ।

श्री राजनारायण : मुखर्जी साहब कितना बोले हैं ?

उपसभाध्यक्ष (श्री अकबर अली खान) : वावजूद इन्टरप्शन के उन्होंने 30 मिनट लिए, मैं आपको आधा घंटा पांच मिनट दे सकता हूं ।

श्री राजनारायण : मैं आपको बताना चाहता हूं कि मैं टाइम-लिमिट नहीं मानूंगा चाहे आप मुझे निकलवा दीजिए, फिकवा दीजिए जैसे आपने मुखर्जी साहब को फेंक दिया । मैं यह सहने के लिए तैयार हूं । कोई तरीका है ? अगर हम रिपीट करते हैं तो आप हमको रोक सकते हैं । जितने अनुच्छेद का वर्णन उन्होंने किया, उस हर अनुच्छेद के बारे में हमने साफ भाष्य किया है । अगर हम रिपीट करते हैं, कोई अनर्गल बात करते हैं, कहीं परिधि के बाहर जाते हैं तो आप हमको रोक सकते हैं ।

श्री एम० एम० धारिया : किसी एक मेम्बर की मोनोपोली नहीं है, हमें भी बोलना है ।

श्री राजनारायण : जैसे एक मेम्बर की मोनोपोली नहीं है, वैसे ही दस मेम्बरों की मोनोपोली नहीं है ।

श्री चन्द्र शेखर : वाइस चेयरमैन साहब, हम लोगों के मन में उनकी भावनाओं के लिए आदर है, लेकिन राजनारायण जी को समझना चाहिए कि वे क्या कह रहे हैं । किसी सदस्य की भावनाओं चाहे कितनी ही दुखी क्यों न हों वह यह नहीं कह सकता कि वह टाइम-लिमिट नहीं मानेगा क्योंकि दूसरे सदस्य मान चुके हैं...

श्री राजनारायण : क्योंकि मैं खुद भयादित हूं, अपनी लिमिट जानता हूं ।

श्री चन्द्र शेखर : और मैं राजनारायण जी से यह भी निवेदन करूंगा कि अगर अजय मुखर्जी की हुकूमत हट सकती है तो इस सदन की भयादा रखने के लिए जरूरत हुई तो उनको भी फेंका जा सकता है ।

श्री राजनारायण : उसके लिए मैं तैयार हूं, श्रीमन् ।

श्री त्रिलोकी सिंह : चेयरमैन साहब ने यह फरमाया था कि 6 बजे तक आज बैठेंगे। मैं यह जानना चाहता हूँ कि आप इस मजलिस को कब तक कायम रखेंगे 8 बजे तक, 10 बजे तक, 11 बजे तक ?

उपसभाध्यक्ष (श्री अकबर अली खान) : जैसा मुअज्जिज मेम्बर ने फरमाया, मैं एडजर्न करना चाहता हूँ इसी एतबार से कि 6 बजे का एलान किया गया था। मेरे सामने एक लम्बी फेहरिस्त है। इस फेहरिस्त के एतबार से मैं चाहता था कि जो रुक। इस वक्त तकरीर फरमा रहे हैं अगर वे अपनी तकरीर खत्म करेंगे तो दूसरे लोगों को मौका मिलेगा। इसी एतबार से मैं समझता हूँ कि हौस 10 मिनट और बैठ जाय अगर वे खत्म कर दें।

श्री राजनारायण : मैंने आपसे नम्रता से निवेदन कर दिया। मैंने बहुत ही आरजू, मिन्नत के साथ आपसे अर्ज पर दिया कि अगर हम रिपोर्ट करते हैं तो हमको रोक दें। हम अपनी मर्चा को बनाए दें।

उपसभाध्यक्ष (श्री अकबर अली खान) : फिर क्या कोई 4 घंटे तक बोल सकता है ?

श्री राजनारायण : यह सारे देश की जिन्दगी और मौत का सवाल है, इसका सवाल है कि इस मुल्क में जनतंत्र प्रथा चलेगी कि तानाशाही चलेगी, कि अधिनायकशाही चलेगी, इसका सवाल आज पैदा है, यह कोई मामूली सवाल नहीं है। इसलिए, वाइस चेयरमैन साहब बहादुर, मैं आपसे अर्ज करूँगा कि आप दरिवाज़िल होकर समय लोगों को दें। इसीलिए मैंने आपसे अर्ज किया कि मुखर्जी साहब को घण्टों बोलने दीजिए, इन्टर-प्रेट करने दीजिए कांस्टिट्यूशन को कि वे कितना समझते हैं।

उपसभाध्यक्ष (श्री अकबर अली खान) : मैंने उनको भी आधे घंटे से ज्यादा नहीं दिया।

DR. ANUP SINGH (Punjab) : May I, with your permission, say that the hon. Member has every right to feel that he must be given the opportunity to express his views. The implication of what he has said is that you have the unlimited power to hold this House to ransom if you feel about a subject so strongly, that you can continue to speak as long as you like. I personally have very deep respect for what he said. Sir, I have tried to follow what he said. Unfortunately my command over the Hindi language is not adequate. But I have listened to him with the utmost respect. But the question is that we may feel so strongly about so many things like the Preventive Detention Act, China, Pakistan and so on. But if you allow this kind of thing to go on, this House shall not be able to function if you go on speaking, when you feel so strongly on a subject, and you say that you will continue to speak. I think the hon. Member knows more about the propriety of the parliamentary procedure than perhaps many of us. I had hoped that he would himself say that he would like to speak "for 5, 10 or 15 minutes. But to say that you cannot stop him because he is deeply concerned about some subject, or about this country or about this universe will be melodramatic rhetoric.

श्री मुख्तियार सिंह (हरियाणा) : मैं यह अर्ज करना चाहता था कि जो इन वक्त दूसरे तरफ से सम्मेलन आ रहे हैं वह पहले नहीं आये जब कि मुखर्जी साहब बोल रहे थे।

He has taken 50 minutes at least. Record will show that.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Half an hour.

श्री मुख्तियार सिंह : हम तो घड़ी की तरफ देख रहे थे। वाइस चेयरमैन साहब, हमने भी घड़ी की तरफ देखा है, वह 50 मिनट तक बोले हैं। मिस्टर मुखर्जी ने 50 मिनट लिया। हम भी तो घड़ी की तरफ देख रहे थे। अब इन्होंने 40 मिनट लिया है तो यह जो पाबन्दी लगा रहे हैं वह पहले लगानी चाहिये थी।

DR. ANUP SINGH : I think the remarks have been misunderstood.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Let him finish.

श्री मुख्तियार सिंह : मैं यही अर्ज कर रहा था कि इतना ही टाइम दूसरे मेम्बर को भी मिले। अभी वेस्ट बंगाल का केस ही आ रहा है, हरियाणा के बाबत किसी ने एक लफ्ज भी नहीं कहा है। तो यह जो टाइम लिमिट होगी उसकी हमारे ऊपर पाबन्दी नहीं होगी।

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : I am in the hands of the House.

SHRI TRILOKI SINGH : Mr. Rajnarain has repeatedly said that it will be difficult for him to conclude his speech today. If that is so, where is the use of prolonging the sitting ? I would, therefore, request you to adjourn the House and meet tomorrow and let the debate continue.

SHRI M. M. DHARIA : Mr. Vice-Chairman, I feel that some time limit will have to be fixed. I do agree that a more time has been taken by Mr. Mookerjee. But Mr. Mookerjee never gave a threat to this House that even if he is not allowed to speak he will go on speaking, or he will go on speaking till he pleases at his discretion. What Mr. Rajnarain has done is that he has given a threat that he will continue speaking and if the Chair wanted he could be thrown out of the House. This is not the way of maintaining the decorum and dignity of this House. We should be very clear about it. I would like to appeal to Mr. Rajnarain about it.

श्री राजनारायण : मैं डिगनिटी और डिफरेंस को जानता हूँ। अनावश्यक रूप से सदन का समय नष्ट नहीं किया जाय।

SHRI M. M. DHARIA : I am on my legs.

SHRI RAJNARAIN : I know my responsibility more than Mr. Dharia knows.

श्री एम० एम० धारिया : हम घमकी नहीं देते।

श्री राजनारायण : मैं सदन की शोभा, सदन की सुरीति को किसी से भी ज्यादा जानता हूँ, अपनी डिगनिटी जानता हूँ, टाइम की डिगनिटी जानता हूँ। मेरी लिमिटेड पर्सनैलिटी है। मैं जानता हूँ कि कदा समय हमको लेना चाहिये।

SHRI BHUPESH GUPTA : Let them say what they like.

उपसभाध्यक्ष (श्री अकबर अली खान) : मैं यही जानना चाहता हूँ कि कितना वक्त और लेंगे।

श्री राजनारायण : कितना समय लेना चाहता हूँ यह मैं जानता हूँ और वह लूगा।

DR. M. M. S. SIDDHU (Uttar Pradesh) : I would like to say that the Chairman should control the hours or minutes that an hon. Member will be allowed, or it should be left for the House to decide. It is neither the monopoly of any Member to decide or arrogate to himself the liberty to have any amount of time. A ruling will be worthwhile for our information. We may say that if the 'X' party wants to give all their time to a particular Member, we have nothing to say. As far as our time is concerned, we would like to know what will be our time because we have given our names. In that respect I would appeal to Mr. Rajnarain to let us know the number of hours and minutes he would like to speak, and it will be for the House to allow him that number of hours and minutes or not.

श्रीमती सरला भदौरिया (उत्तर प्रदेश) : माननीय मेम्बर ने उस समय क्यों नहीं यह प्रश्न उठाया जब कि श्री मुखर्जी बोल रहे थे। उस समय क्यों नहीं कहा ? जब हम बोलते हैं तो क्यों उठते हैं ?

श्री सुन्दर सिंह भंडारी : मैं कुछ कहना चाहता हूँ।

श्री राजनारायण : देखिये, मैं डॉ० सिद्ध की भावना का आदर करता हूँ, मैं उनकी

[श्री राजनारायण]

भावना की कद्र करता हूँ। डा० सिद्ध ने जो कुछ कहा, अगर थोड़ी सी बुद्धि लगा कर हमारी बात को सुने होते तो वही हमने कहा, शब्द का प्रयोग दूसरा था, मैंने कहा है और मैं कहता हूँ कि मैं अपनी लिमिट खुद जानता हूँ कि मुझको कितना बोलना है, कितना बोलना चाहिये, उतना बोल कर मैं खतम कर दूँ। यह हम पहले ही कह चुके हैं।

SHRI NIREN GHOSH : They are uttering threats. They feel it is their monopoly. Let them go on.

श्री राजनारायण : अगर हमको कोई धमकी दे तो ठीक नहीं। चहद्दि उड़ावन फूक पहाड़ा। तो हमने बहुत धमकी देखी है। हम किसी का अनादर नहीं करते।

उपसभाध्यक्ष (श्री अकबर अली खान) : ठीक है, कितना टाइम और लेंगे ?

श्री राजनारायण : हमारे मन में आये कि हम अभी ही बैठ जायें तो बैठ जायेंगे।

उपसभाध्यक्ष (श्री अकबर अली खान) : हाउस को कुछ आइडिया दीजिये।

श्री राजनारायण : वह आपका काम है। आप हाउस को समय दीजिये कि कौन कितना बोले, यह आपका एलाटमेंट है, मेरा नहीं।

श्री सुन्दर सिंह भंडारी : वाइस चेयरमैन साहब, मेरा आपसे एक ही निवेदन है। यह सवाल बार बार इसीलिए उठता है कि हमारे दुर्भाग्य से अपने इस सदन में जब कभी किसी विषय पर चर्चा होती है तो अनायास ही किसी भी कारण से कुछ सदस्यों को आवश्यकता से अधिक समय मिल जाता है और जब मिल जाता है तो फिर दूसरे लोगों के मन में इसकी एक शिकायत पैदा होती है और फिर जब दूसरे सदस्य भी उसी प्रकार से अधिक समय लेने की इच्छा रखते हैं तो उन्हें उस प्रकार की इजाजत नहीं दी जाती। अगर प्रारम्भ

से ही सब लोगों के लिये समान नियम लागू कर दिया जाय—मैं आपके डिसक्रीशन के ऊपर किसी तरह की बात नहीं करना चाहता, अगर चेयर स्वयं अपनी मर्यादा रख कर डिसक्रीशन का उपयोग करेगी, अगर हम यह तय करते हैं कि एक सदस्य 15 मिनट बोल सकता है तो 17 मिनट होना तो समझ में आ सकता है लेकिन 15 मिनट के बजाय अगर एक सदस्य 45 मिनट और 55 मिनट बोल सकता है, तो फिर दूसरे के ऊपर इस प्रकार की पाबन्दी लगाना कि तुम सवा पंद्रहवें मिनट में समाप्त करो, यह हमेशा शिकायत का कारण बना रहेगा और किसी भी विषय पर हम न्याय नहीं कर सकेंगे, यहां सदन में हमेशा इस बात की शिकायत बनी रहेगी कि उसके प्रति अन्याय किया गया है; आज जब यह प्रसंग उठ गया है तो मैं आपके द्वारा यह निवेदन कर देना चाहता हूँ कि भविष्य के लिये कुछ ऐसी परिपाटियों का कठोरता से पालन करने का नियम बनाया जाय और अगर समय की पाबन्दी नहीं रखना है तो फिर शुरू से लेकर आखिरी बोलने वाले तक इस नियम को लागू करने का प्रयत्न नहीं किया जाना चाहिए। धन्यवाद।

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : I fully appreciate what Mr. Bhandari has said. Now I would only request the hon. Members themselves to appreciate this. I would suggest to the Secretariat that according to the party strength they should allot time and accordingly the matter will be decided.

The House stands adjourned till tomorrow.

The House then adjourned at twenty minutes past six of the clock till eleven of the clock on Thursday, the 23rd November 1967.