

THE OATHS BILL, 1967

THE DEPUTY MINISTER IN THE MINISTRY OF LAW (SHRI MOHAMMAD YUNUS SALEEM) : Sir, I beg to move for leave to introduce a Bill to consolidate and amend the law relating to judicial oaths and for certain other purposes.

The question was put and the motion was adopted.

SHRI MOHAMMAD YUNUS SALEEM : Sir, I introduce the Bill.

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

II. MOTION RE DISMISSAL OF THE UNITED FRONT MINISTRY IN WEST BENGAL—*contd.*

MR. CHAIRMAN : My request to the Members is that they should take ten minutes each so that there may be an opportunity for many Members to speak. The reply will be at 4.45 P.M. Mr. Ramaswamy.

[THE DEPUTY CHAIRMAN in the Chair.]

SHRI V. V. RAMASWAMY (Madras) : Madam Deputy Chairman, I am thankful for being given the opportunity to make a few observations on the motions before this House. Considering the various remarks made in the course of the discussion, I find that the Constitution has been the victim of circumstances. The cause for the victimisation of the Constitution is the actions taken by the Governors of Haryana and West Bengal. We were told that the Ministries of the respective States continued in their power during the pleasure of the Governor, but from the actions taken by the Governors we only find that the pleasure of the Governor has resulted in the pleasure of the opposition.

To begin with I would like to submit before this House that the position in my State of Madras is quite comfortable. The Governor of the Madras State is all praise for the administration carried on by the Chief Minister. Shri Annadurai, and the Chief Minister in his turn is very happy over the excellent co-operation he receives at the hands of the present Governor. Such is the close amity that exists between the Governor and the Ministry that even the Governor is allowed to make extempore speeches in opening or inaugurating official functions. It is the practice that a Governor or any other functionary will be allowed only to make written speeches prepared or approved by the Ministry, but in Madras the Governor's relationship with the Ministry is such that even in inaugurating the most important function of the annual meeting of the Collectors the Governor addressed the conference for 45 minutes without any written speech. From that, my impression is that provided the Ministry and the Governor cooperate with each other and help each other, the administration will be carried on smoothly. I also remember that on many occasions Governors of other States have been requested by the respective Ministries to use their good offices with the Government at the Centre to get more allocation of funds or get sanction of various projects or even in the matter of allocation of food. Yesterday's papers said that the Food Minister of Kerala saw the Prime Minister of India and requested for more allocation of food to Kerala. According to the report of the newspapers, Shrimati Indira Gandhi had a telephonic talk with the Chief Minister of Madras who, in turn, agreed to allot three thousand tonnes of food to Kerala. Such is the relationship between the Centre and Madras. And I hope one wishes that if the intentions are good and if the respective people are really interested in the smooth administration of the country, the Centre-State relations will improve.

Coming to the details of the Motion, various speakers have remarked about the powers of the Governors. I am not a constitutional pundit ; I do not want

to go into that aspect. But the remark of the hon. Shri Chengalvarayan was that even if the President takes it as his pleasure to remove somebody at the Centre, he can do so. If such a thing is conceded, as a democracy we will not survive at all in this country.

In the case of Haryana the position of the Governor has been pitiable. As soon as the elections were over, the Congress Party obtained an absolute majority and formed a Government. But later on, within a short time, that is during the election of the speaker, some Congressmen themselves defected and an alternative non-Congress Ministry was formed. The Congress Party could not forget or forgive.

Sir, in commending his Motion for acceptance, the Minister of State, Mr. V. C. Shukla, said that the State of Haryana has been saved from the enemies of democracy. Madam, for the successful working of democracy, an effective opposition is necessary. Here in the State of Haryana we see that the Congress Party was not at all prepared to give time for the Government to work for the good of the country. So, the Governor of Haryana had no other option because for the past two months he had been witnessing a see-saw of defections and retracing of steps. Therefore, he had no other course but to recommend to the President mid-term poll, to dissolve the Assembly and to appeal to the masters of the country to elect a fresh Ministry.

In the case of West Bengal, I think the Governor acted a little hastily. He could have waited for some time more. What was the real thing that prompted him to take such a hasty action? We must trace the history of the Congress in that State a little. The Congress Executive there, under the head of Mr. Atulya Ghosh, was suspended and an *ad hoc* Committee was appointed by the Congress Working Committee. By that time they thought that Mr. Ajoy Mukherjee would reconstitute his Cabinet and that they would join Mr. Ajoy Mukherjee soon after. The Executive was restored but Mr. Ajoy Mukherjee declined to oblige these

people. These people could not forget that. They had been waiting and wanting to win over Dr. P. C. Ghosh. Nothing would have been lost if they had waited for some time more. If some more time till 18th December was given, Dr. P. C. Ghosh would have retraced his steps and joined the BKD. Therefore they did not like that idea and they thought of toppling it. It is an unfortunate thing that the Governor of West Bengal should have dismissed the Ministry. He could have waited. It is only indecent haste, as once the Father of the Nation said.

In the matter of Punjab, the Chief Minister himself resigned but he was allowed to continue for some time more. He also wanted one day more. But before he returned to his capital from Delhi, another Ministry had already been sworn in. I do not know why there is so much of hurry. These are due to the manipulations and wire-pulling of the Congress Party because they cannot reconcile themselves to the position of an Opposition or allow a coalition to have any established Ministry to run the administration.

DR. ANUP SINGH (Punjab) : Madam Deputy Chairman, I think we have been treated to some of the most illuminating and persuasive speeches so far as the constitutional aspect of the problem is concerned. I was particularly impressed by two speeches, by one Mr. Triloki Singh and another by Mr. Mookerjee. After listening to them very carefully, I felt that it would be rather hazardous on my part—not an expert on constitutional affairs—to probe into this problem. I think, if you accept the premise of each one of them, you inevitably reach the conclusion that they reached. I am therefore very much inclined to look at this problem from the larger perspective, constitutional, political and moral.

When we look at this problem from this angle, we find that it is not the change of the Ministry here or the change of the Chief Minister there which should be a matter of deep concern to us, it is the general political climate in the country which, I think,

[Dr Anup Singh]

is far more disturbing and alarming I can only make very broad generalisations due to the time limitation without being able to substantiate anyone of the things

We find that the relationship between the State and the Centre has become very much strained. We also find that since the emergence of the non-Congress Governments here and there, the number of parties has grown and coalitions have come into existence, unfortunately, many of them have nothing in common except their allergy to the Congress. And unless you have a stable, workable programme of minimum consent democracy or parliamentary form of Government, as we know, cannot function. We are also witnessing the very unsavoury spectacle of crossing the floor. Mr Triloki Singh said the other day that there is nothing wrong in it that many eminent statesmen and politicians both in India and elsewhere have done the same thing. I think he was doing them an injustice because I can readily concede the right of anyone to change his political views to change his religion if he wants to or change his opinion. But that is a matter of some inner compulsion, some change of heart, due to many circumstances. But what we are finding today is different, as somebody pointed out it is easier to become a Minister in Haryana than become a *naib tahsildar*. So to compare the defections of yesterday with some of the people now is not good. I do not have any person particularly in mind. But changing parties, changing affiliations between Rohtak and Chandigarh, the two seats during the day, that is something which is not very healthy so far as our parliamentary system is concerned.

Madam Deputy Chairman, I have a suggestion which I want to submit for the consideration of this House and that is that we seriously reconsider, re-examine whether or not it is desirable—it might have been desirable then—or appropriate or not now to reconsider the very basis of the parliamentary form of Government that we have adopted particularly so far as

the States are concerned. What I have in mind is that with a slight change of the relevant articles in the Constitution it can be done. If you have a duly elected Governor in the States he will not be considered a tool or a stooge of the Centre, a duly elected Governor as it happens in many places—I have America in mind. He chooses his own Cabinet. They become Ministers each one in charge of a different portfolio not responsible to the legislature, but pre-occupied with the work of the administration. The result will be that it will not in any way impair the sovereignty of the legislature.

SHRI BHUPESH GUPTA (West Bengal) Of course, it will

DR ANUP SINGH It is a debatable point. I am just throwing up a suggestion. The Legislature has to sanction the grants. They have to pass every Bill. I have seen the system working in America. With all its faults, it does warrant some re-thinking and re-examination of the proposition. I would suggest that eminent Parliamentarians like Mr Bhupesh Gupta, some Members from the Congress from this House and the other House, should get together and at least consider the proposition. I am not dogmatic about it. I am just throwing up a suggestion for the House to consider. The Centre can remain as it is. I personally feel that this pattern was accepted very largely because the Constituent Assembly was dominated by those lawyers whose predilections, whose training and whose intellectual approach and atmosphere were those of an Englishman. The English system is eminent. But unfortunately in a country like ours where the electorate is illiterate, where the politicians have devalued some of their moral principles, I think the Presidential form of Government—I am using the word in a broad sense—will be a good thing today.

As far as the specific Resolution is concerned Madam Deputy Chairman, I would only say that to my knowledge at least this is the first time that all the four daily newspapers of Delhi—and it is really a phenomenon because

they are not noted for supporting the Central Government or the Congress Government—have spoken about Haryana though the phraseology differed that there was no other course except this I think it is a very damaging indictment of the Haryana Government (*Interruption by Shri Jagat Narain*) I have my own opinion Lalaji

SHRI JAGAT NARAIN (Haryana)
What about Punjab ?

DR ANUP SINGH When Punjab comes I will make my submission But today we are concerned with Haryana and Bengal

So far as Bengal is concerned Madam Deputy Chairman, I think that there can be an honest difference of opinion as to whether the course that was adopted by the Governor was a Constitutional and proper one I think the situation there could have been handled differently (*Time bell rings*) Just one or two minutes more But with due respect to the critics of the Government policy, with respect to Bengal I feel that to provoke people—perhaps I will irritate Mr Bhupesh Gupta though he is not the author of it—to incite the people, to exhort the people to open violence is far more serious than whether Mr Ghosh or Mr Mukherjee continues

Madam Deputy Chairman, I just want to draw the attention of this House—I am not in the habit of relying on papers to indict any party or group—to a report in today's *Hindustan Times* that Mr Konar, the former Bengal Revenue Minister is openly saying "Burn the buses", "Damage property" "Do anything" I am just translating him rather literally (*Interruption by Shri Bhupesh Gupta*) I never get up to interrupt anyone

SHRI BHUPESH GUPTA You know *Hindustan Times*

DR ANUP SINGH I read all the papers

THE DEPUTY CHAIRMAN Please wind up

DR ANUP SINGH Just one minute Madam Deputy Chairman, he went on to say that all the M.L.A.'s should be forced to come back and some of those who defected should be skinned alive These are the words

Then Mr Roy Chowdhury said that this is a call for civil war Madam Deputy Chairman all that I am saying is that I am personally not in the slightest worried who becomes the Chief Minister in any State I do not think that the Congress has all the monopoly all the wisdom all the right to continue ruling I would like to see the Opposition parties, with a solid progressive programme to compete with the Congress and even replace it if necessary I will be very happy But what we are seeing today is not what is aimed at I think when we talk about democracy we should be clearly on record, "Do we want changes through constitutional, peaceful means, through persuasion, or do we want them through bloodshed and in the streets?"

And finally, Madam Deputy Chairman, I would say that anyone of us, who does not allow the peaceful exchange of views in this House is also directly or indirectly, by implication, murdering democracy We can set an example here which will permeate throughout the country

श्री जगत नारायण : मैडम डिप्टी चैयरमैन, मैंने दो दिन दोनो प्रस्तावो पर बहस सुनी है। मैं कास्टिट्यूशन में बिल्कुल लेमेन हू। मगर मुझे एक बात की बड़ा हैरानो हुई कि अपोजीशन को बेचेज से भी कास्टिट्यूशन मुताल्लिक श्री रत्नास्वामी ने कहा कि डेमोक्रेसी का मर्डर नहीं हुआ और श्री भूपेश गुप्त ने कहा कि डेमोक्रेसी का मर्डर कर दिया गया है। उसी कास्टिट्यूशन के वही पैरे हैं और दोनो की अपनी अपनी नुक्तेनिगाह है। इसी तरह से ट्रेजरी बेचेज से भी श्री मुकर्जी ने कहा कि डेमोक्रेसी का मर्डर नहीं कि गया और श्री सप्रू ने कहा कि डेमोक्रेसी का कत्ल किया गया है। मेरे जैसा लेनेन इस मामले में पड़ना नहीं चाहता। मगर आम लोग क्या समझ रहे हैं इस मामले

[श्री जगत नारायण]

में, वह मैं आपके सामने रखना चाहता हूँ। जो आम लोग हैं जो लेमैन हैं वे यह समझते हैं कि हरियाणा में गवर्नर ने अपने अख्तियारात को अपने मुताबिक इटरप्रेट किया है और उसके मुताबिक एक्शन लिया है, बंगाल के गवर्नर ने अपने अख्तियारात को अपने मुताबिक इटरप्रेट किया है और पंजाब के गवर्नर ने अपने अख्तियारात को अपने मुताबिक इटरप्रेट किया है और उसके मुताबिक एक्शन लिया है। जो लेमैन हैं वह यह समझता है कि हरियाणा में यह ठीक है कि वहाँ कुछ डिफेक्शन्स हुये, मगर हरियाणा में हरियाणा को मिनिस्ट्री को मेजरिटी हासिल थी और इस लिए वहाँ के गवर्नर को कोई हक नहीं था कि वह उसको डिसमिस करता। उसको चाहिये था कि वह चीफ मिनिस्टर से कहता कि वह लेजिस्लेचर को बुलाये और अपनी ताकत आजमाई कर ले। मगर ऐसा उसने वहाँ पर एक्शन नहीं लिया। बंगाल में उसका उलट हुआ। वहाँ पर चीफ मिनिस्टर की मेजरिटी नहीं थी। इसलिये वहाँ पर जो 13, 14 मेम्बरो का एक ग्रुप था उसको गवर्नर ने वहाँ पर वज्जहत बनाने की इजाजत दे दी। तो यह एक आम सवाल होता है कि गवर्नर अपने मुताबिक इसको किस तरह से इटरप्रेट कर रहे हैं। जो आम लोग हैं वे यह समझते हैं कि बंगाल में 29 तारीख को लेजिस्लेचर की मीटिंग बुलाई गई है, अगर 18 को बुला लेते तो 18 दिन में कौन सी मुमीबत आ जाती। बंगाल में जो पहले मिनिस्ट्री थी और जो मेजरिटी में नहीं थी, उसके लिये गवर्नर 18 दिन नहीं रुक सकते हैं और हरियाणा में जहाँ उनकी मेजरिटी थी गवर्नर एक दिन नहीं रुक सकते हैं और मिनिस्ट्री को खत्म कर देते हैं। तो जो लेमैन हैं वे यह समझते हैं कि गवर्नर को इस तरह से इटरप्रेट करने का हक नहीं मिलना चाहिये। ये जो दोनों मिनिस्ट्रीज खत्म कर दी गई हैं, इनके मुताबिक आम लोग यह समझते हैं कि गलत कदम उठाया गया है। यह कहा जाता है कि कांग्रेस

सरकार ने कहीं इटरफीयर नहीं किया, इनको कोई अल्टी नहीं है कि जो नान-कांग्रेस मिनिस्ट्रीज हैं उनको ये टापिल डालन करे। लेकिन हरियाणा के गवर्नर ने जो चिट्ठी लिखी है और जिसकी कापी हाउस के मेम्बरो को सप्लाय की गई है उसको अगर आप पढ़ें तो उसके पहले पेज पर यह दिया है : "Efforts were made almost continuously to topple the Ministry in co-operation with Shri Devi Lal who wanted to form a Ministry under his leadership."

चौधरी देवीलाल को बुला कर गहाँ के होम मिनिस्टर ने या स्टेट होम मिनिस्टर ने यकीन दिलाया कि आपको चाफ मिनिस्टर बनाएंगे आप इस मिनिस्ट्री को टापिल करे। शुरू में ही टापिल करने की कोशिश की गई जून में। मैंडम, मैं उस वकत वहाँ पर मौजूद था। मैंने, मौलवी अब्दुल गनी और चौधरी मुख्तियार सिंह से उनकी सुलह करा दी। मुझे बड़ा हैरानी हुई कि एक ठेकेदार को स्टेट होम मिनिस्टर के टेलीफोन जाते रहें और उसके टेलीफोन आते रहे और वे भी टेलीफोन मिनिस्टर के टेलीफोन से होते रहे। चौधरी देवीलाल ने मुझको बताया कि उनको यकीन दिलाया गया कि आपको चीफ मिनिस्टर बनाएंगे आप इस मिनिस्ट्री को टापिल करो। मैं चौधरी देवीलाल के कमरे में बैठा हुआ था, टेलीफोन लगा हुआ था, उस पर स्टेट होम मिनिस्टर ने टेलीफोन किया या यहाँ से गया, वहाँ जो टेलीफोन आपरेटर था उसन बात की और कहा कि स्टेट होम मिनिस्टर से बात करिए। यह गवर्नमेंट कहती है कि हम टापिल नहीं करते यह शुरू से हर नान-कांग्रेस गवर्नमेंट को टापिल करने की कोशिश करते रहे हैं। गहाँ हाउस में कई बार कहा गया और मैंने भी अपनी तकरीर में कहा था कि जहाँ आपकी माइनारिटी हो वहाँ अपोजीशन में बैठिए, एक साल बैठिए, छः महीने बैठिए, अपोजीशन को पनपने का मौका दीजिए, काम करने दीजिए।

हर वक्त तकरीरे की जाती है, प्राइम मिनिस्टर कहती है हमारी टापिल करने की मशा नहीं है, मगर मैं हरियाणा का हाल कह सकता हूँ, मुझे मालूम है कि उसको टापिल करने के लिए शुरू से ही कोशिश की जाती रही है और चौधरी देवीलाल ने खुद मुझे बताया कि मुझे कहा गया कि तुम्हें चीफ मिनिस्टर बना दोगे, तुम टापिल कर सकते हो, तो करो।

मैं यह अर्ज कर रहा था कि आपको टापिल नहीं करना चाहिए। आप अपोजीशन में बैठिए और देखिए। अगर वे काम नहीं कर सकेंगे तो खुद-ब-खुद गिर जाएंगे। अब बगाल में क्या हुआ है। बगाल में नन्दा साहब गए और वहाँ पर अखबारात में छपा कि अजय मुखर्जी को मिले और अजय मुखर्जी ने सारी फौज बुला ली, फौसला हो गया कि अजय मुखर्जी कांग्रेस को सपोर्ट देंगे, मगर एक दिन में वहाँ हालात बदल गए और उनकी मशा पूरी नहीं हो सकी। हुमायूँ कबिर का ग्रुप था, उसने कोशिश की कि अच्छा हम कांग्रेस के साथ मिल कर टापिल कर सकते हैं। तो मैं समझता हूँ कि यह कहना कि हम टापिल नहीं करते हैं गलत बात है। मुझे अच्छे तरह पता है मैं भारतीय क्रान्ति दल की बैठक में गया था। वहाँ कहा गया था कि अजय मुखर्जी की वज्रात ठीक वज्रात नहीं है, वह जनता की सेवा नहीं कर रही है, जनता को खराब कर रही है, इसलिए हुमायूँ कबिर ने कहा कि इसको टापिल करना चाहिए। इसलिए यह जो कहा जाता है हाउस टाप्स से कि कांग्रेस वाले नान-कांग्रेस मिनिस्ट्रीज को टापिल नहीं करते हैं बिल्कुल गलत बात है।

पंजाब में क्या हुआ? पंजाब में गवर्नर ने बिल्कुल डिफरेंट यार्ड-स्टिक ले ली। वहाँ गुरनाम सिंह ने आनरेबल रिजाइन किया अब उन्हें देखा कि वह मेजरिटी में नहीं है। गवर्नर ने गुरनाम सिंह को बुलाया कि तुम वज्रात बनाओ। अगर गुरनाम सिंह चाहता कि मैं गद्दी पर बैठ रहा तो

उसको गवर्नर डिसमिस नहीं कर सकता था। उसने आनरेबल तरीके से रिजाइन किया। जब गुरनाम सिंह ने कहा कि एक दिन का मौका दीजिए, मैं समझता हूँ कि मंडे को मैं अपनी मेजरिटी दिखाने को तैयार हूँगा तो उनकी मेजरिटी नहीं होती तो डिमिस कर देते मगर गवर्नर दिल्ली आए, प्राइम मिनिस्टर और होम मिनिस्टर से मिले और जाते ही उन्होंने गिल को बुलाया और मिनिस्ट्री बना दी। यह कहना कि हम मिनिस्ट्री को टापिल नहीं करते, हम चाहते हैं कि नान-कांग्रेस गवर्नमेंट काम करे, यह गलत बात है। मैं समझता हूँ कि जिस दिन से नान-कांग्रेस गवर्नमेंट्स आई उस दिन से मेन्टर की इस गवर्नमेंट का यही एफर्ट रहा है कि ये नान-कांग्रेस मिनिस्ट्री काम न कर सके।

दूसरी बात यह कही जाती है कि डिफेक्शन्स बहुत हुए हैं हरियाणा की पार्टीज में। मैं बता दूँ कि जो डिफेक्शन्स हुए वे सबसे पहले कांग्रेसमैन के हुए, उन सभ के उसके बाद हुए। आर्गुमेंट यह दिया जाता है कि इसलिए यह हुआ क्योंकि 22-23 मिनिस्टर्स बना लिए थे। सरदार प्रताप सिंह कैरोक मेजरिटी थे 30 आदमियों की, उन्होंने 33 मिनिस्टर्स बनाए। क्यों बनाए? काँसु हरत नहीं थी। वही काम उस पंजाब में 71 मिनिस्टर्स करते रहे हैं, कोई स्टेट मिनिस्टर्स नहीं रहे, डिपुटी मिनिस्टर्स नहीं रहे। सेन्टर में अग्रेज के जमाने में 15-16 मिनिस्टर्स सारा काम चलाया करते थे। अब यहाँ पर मिनिस्टर्स की एक फौज है 65-70, 4 आज पालिया-मेटरी सेन्ट्ररी हो गए, 4 डिपुटी मिनिस्टर्स हो गए, पता नहीं कुल कितने बनेंगे। अग्रेज 16 मिनिस्टर्स से सारे हिन्दुस्तान की हुक्मत करता था। आज हालात यह है कि 70 के करीब मिनिस्टर्स बन गए हैं। यह कहना कि मिनिस्टर्स ज्यादा बना लिए, इसलिए टापिल किया, यह कोई वजह नहीं है। फिर कहते हैं कि मिनिस्ट्री स्टेबिल नहीं

[श्री जगत नारायण]

रहती, इधर जाती है, उधर जाती है। अब पता नहीं यह जो माइनारिटी गवर्नमेंट बनी है यह कैसे स्टेबिल होगी। क्या कांग्रेस ने अपने आपको काम्प्रोमाइज नहीं किया? अपने उसूलों को काम्प्रोमाइज नहीं किया पंजाब में। पंजाब में कांग्रेस ने जो दह फूसला दिया है कि हमें गिल की मदद करनी है उसमें इन्होंने अपने उसूलों को तिलांजलि दी है। मैं गिल के खिलाफ नहीं हूँ। मैं इस उसूल के खिलाफ हूँ। मैं समझता हूँ कि गुरनाम सिंह को मोका देना चाहिए था कि वे मिनिस्ट्री बनाते, अपनी मेजारिटी शो करते और अगर मेजारिटी न होती तो वे चले जाते। उन्होंने नहीं कहा कि मैं गद्दी पर बैठकर रहूँगा, मेरी मेजारिटी है। उन्होंने कहा कि मैं माइनारिटी में आ गया हूँ, इसलिए मैं रिजाइन करता हूँ।

मैडम, मैं यह अर्ज कर रहा था कि जिस ढंग पर ये सारी चीजें की जा रही हैं वह गलत है। इसलिए मैं समझता हूँ कि जिस ढंग पर गवर्नर को ये अख्तियारात मिले हुए हैं—मैं तो लेमन हूँ, कांस्टीट्यूशन नहीं जानता हूँ—उसके लिए एक यार्ड-स्टिक होनी चाहिए जो सारे मुंबाजात में एक जैसी बरती जाय। राज्यस्थान में और तरह पर इन्टरप्रेट किया। वहाँ मेजारिटी थी, राजमाता खुद सारे आदमियों को प्रेसिडेंट के सामने लाई, मगर गवर्नर ने एक नहीं सुनी। यहाँ पर मेजारिटी राध क्रीन्द मिह को थी। मैं उस बात में नहीं जाता। यहाँ कहानियाँ सुनाई गई, ये कहानियाँ तो मैं कांग्रेस वज्जरात के मुताल्लिक बहुत कुछ सुना सकता हूँ, अपने वक्ता की भी बता सकता हूँ। मैं यह कहता हूँ कि जब मेजारिटी हो किंसा की तो उसकी एक दम डिसमिस कर देना और लेजिस्लेचर को खत्म कर देना कहां तक ठीक है। बाकी मेम्बर्स का क्या कुसूर है। अगर 81 मेम्बर्स हैं और उनमें से 20 ऐसा करते हैं तो बाकी 60 मेम्बर जो हैं उनका क्या कुसूर है। उन पर क्यों

जुर्माना लगाया गया कि वे मेम्बर नहीं रहेंगे, फिर इलेक्शन लड़ें, फिर उतन। पैसा खर्च करें जितना खर्च कर के वे आए थे। अगर करना था तो सस्पेंड करते हरियाणा की लेजिस्लेचर को। अबल तो हरियाणा का असेम्बली को बुलाते, नहीं बुलाते तो सस्पेंड करना चाहिए था। मैं बड़े अदब से कांग्रेस के नेताओं को कहना चाहता हूँ कि अगर आपने तजुर्बा करना है तो कोलीशन में आओ। इस तरह का तजुर्बा न करिए कि जो माइनारिटी गवर्नमेंट है उसके पीछे बैठे रहिए ताकि उनको गिरा कर गद्दी सम्भालने की कोशिश करें। मैं समझता हूँ कि यह सबसे ज्यादा वर्स्ट करप्शन होगा, माइनारिटी गवर्नमेंट्स को सपोर्ट करके। आप मैं खुद जुरंत होनी चाहिए। आप पीछे बैठे हैं, माइनारिटी गवर्नमेंट को चला रहे हैं। यह कोलीशन से कम नहीं है। आप में जुरंत होनी चाहिए कोलीशन बनाइए, जहाँ-जहाँ बन सकता है बनाइए और बना कर राज करिए। यह बात समझ में आ सकती है। 19 आदमी हैं, उन 19 में से अगर 17 मिनिस्टर बन जाय और वे सारे पंजाब पर रूल करें तो यह कहां तक प्रापर है। मैं समझता हूँ कांग्रेस के अन्दर जुरंत होनी चाहिए। सबसे पहले मैं कहना चाहता हूँ कि आप डिस्टर्ब न करिए, अपोजीशन में बैठना सीखिए साल छः महीने वे अच्छा काम नहीं करेंगे तो ज़रूर उनको फेंक देगी, कई मिनिस्ट्रीज़ के बारे में व्यूज बदल रहे हैं। तो इसलिए आपको कोशिश यह करनी चाहिये कि आप ये माइनारिटीज़ गवर्नमेंट न बनायें, जहाँ बनाना है वहाँ आप कोलीशन में आये और अगर कोलीशन में नहीं आना चाहते तो वहाँ कांस्टीट्यूशन को, लेजिस्लेचर को, सस्पेंड होने दें और गवर्नर राज्य छः महीने होने के बाद देखें कि अगर आप मिनिस्ट्री बना सकते हैं तो बनायें।

(Time bell rings.)

कहते हैं कि एम० एल० एज० बिके थे, तीन दफे बिके, चार दफा बिके लेकिन

जो बाकी आदर्श है, जोकि एलेक्शन लड़ कर आये, तो फिर जब वहां कांस्टीट्यूशन खत्म हो गया, विधान सभा डिसमिस हो गई, तो वह एलेक्शन लड़ेगे और जो पहले आये हुये हैं उनमें से आधे भी शायद नहीं आ सकेंगे तो यह जो तरीका टूजरो बेंचेंज का, कांग्रेस का है यह बहुत गलत है। आप मजबूती से आइये और अगर वाकई रुल करना है तो कोलोशन बनाइये।

THE DEPUTY CHAIRMAN : Please wind up.

SHRI JAGAT NARAIN : All right, thank you.

श्री श्रीकृष्ण दत्त पालीवाल (उत्तरप्रदेश) : माननीय उपसभापति महोदया, हरियाणा के सम्बन्ध में सरकारी प्रस्ताव और पश्चिमी बंगाल के सम्बन्ध में गैर सरकारी प्रस्ताव पर अब तक जो बहस हुई है उसमें कई माननीय सदस्यों ने यह राय दी है कि वहां जो कुछ हुआ है वह संविधान के विरुद्ध और कानून के खिलाफ है। मेरा कहना यह है कि संविधानिक मामले, कानूनी मामले इतने जटिल और पेचीदा होते हैं कि उनके सम्बन्ध में ईमानदारी के साथ मतभेद हो सकता है और ये मामले इतने पेचीदा होते हैं कि सदनों के सदस्यों में भी। माननीय जजों और न्यायालयों में भी बहुत भारी मतभेद होता है, हाई कोर्ट के जजेज की राय को सुप्रीम कोर्ट गलत मानता है और सुप्रीम कोर्ट के जज भी आपस में मतभेद रखते हैं, इसलिये यह मामला सदन में यहां कहने और तय करने का नहीं है कि जो कुछ हुआ है वह संविधान के विरुद्ध हुआ है या नहीं, कानून के खिलाफ हुआ है या नहीं, विधान के खिलाफ हुआ है या नहीं। यह मामला तो तय हो सकता है केवल सुप्रीम कोर्ट में, अपने देश के सर्वोच्च न्यायालय में। इसलिये जो सज्जन यह समझते हैं कि गवर्नरों ने कानून के खिलाफ और संविधान के विरुद्ध किया है उनके लिये सुप्रीम कोर्ट का रास्ता खुल चुका है। मुझे खुशी है कि

हरियाणा के भूतपूर्व मुख्य मंत्री ने यह कहा है कि मैं मामले को सुप्रीम कोर्ट में ले जाऊंगा मैं उनको इस बात के लिये बधाई देता हूं लेकिन मेरी समझ में नहीं आया कि पश्चिमी बंगाल के लोग इस रास्ते को क्यों नहीं अपनाते। उन्होंने दूसरा रास्ता जो हर तरह से गैर-कानूनी है, कानून के खिलाफ है, संविधान के खिलाफ है उसको अपनाया है। कौन नहीं जानता इस बात को कि आम हड़ताल का रास्ता, उग्र विशाल प्रदर्शनों का रास्ता, धिराव का रास्ता, बम्ब फेंकने का रास्ता, बैरिकेड्स बनाने का रास्ता, आगजनी का रास्ता, कोई संवैधानिक रास्ता नहीं है और उसके बारे में कोई मतभेद नहीं है। तो हमारे उन साथियों ने जिन्होंने पश्चिमी बंगाल का समर्थन किया है और जिन्होंने इस रास्ते को अपनाया पहले वह स्वयं भी इस मामले को सुप्रीम कोर्ट को ले जाने की बात कहते थे लेकिन अब जब ऐसा मामला आया कि मामला वहां बहुत जोरदारों के साथ जा सकता है तब उन्होंने गलत रास्ता, गैर-कानूनी रास्ता क्यों अपनाया यह मेरी समझ में नहीं आता। हैरत की बात है कि कम्युनिस्ट लीडर मि० घोष ने अपने भाषण में यह दावा किया कि जो हड़ताल हुई, और जो प्रदर्शन हुये वह शान्तिमय हुये। फैंट्स तो इसके खिलाफ हैं, बिल्कुल खिलाफ हैं। आगजनी शान्तिमय होती है क्या? आम हड़ताल शान्तिमय होती है? बम्ब फेंकना, बैरिकेड लगाना, क्या कामरेड नीरेन घोष की परिभाषा में शान्तिमय और अहिंसा के माने कुछ अलग है और बदले हुये हैं? यह बात कि पश्चिमी बंगाल सरकार को यदि बरखास्त किया गया तो हिंसात्मक कार्यवाही कराई जायगी, नार्मल लाइफ, सामान्य जीवन को नहीं चलने दिया जायगा, बहुत पहले इसके भंग होने के बहुत पहले कही जा चुकी है। अभी अभी डा० अनूप सिंह ने आज के हिन्दुस्तान टाइम्स में से कुछ घटनाये पढ़ कर सुनाई। उसमें बहुत सी घटनायें दी हुई हैं और उन घटनाओं में यह भी है कि खाल

[श्री श्रीकृष्ण दत्त पालीवाल]

खींचने की, जो सदस्य पी० डी० पार्टी में शामिल हुये हैं उनके घरों में घेराव की बात कहते हैं, घरों में आग लगा देने की बात कही गई है, मगर सुन्दरैया साहब ने बहुत पहले कह दिया था कि अगर पश्चिमी बंगाल सरकार भंग की गई तो हम वायलेंस से काम लेंगे, उन्होंने यह चेतावनी बहुत पहले दी थी और यह भी कहा गया था कि रेलों का, यातायात का सब काम बन्द कर देंगे, बिजली के कारखाने, पावर हाउस को, हम तोड़ देंगे, यह तोड़-फोड़ का सब प्रोग्राम बहुत पहले बन चुका था। इन सब बातों के होते हुये यह कहना कि हमारा प्रदर्शन शान्तिमय था, हमारी हड़ताल शान्तिमय थी, मेरी समझ में नहीं आता।

SHRI NIREN GHOSH (West Bengal):
He never said it.

श्री श्रीकृष्ण दत्त पालीवाल : अभी बताता हूं। मैं जो कुछ कह रहा हूं वह 23 तारीख को कामरेड नीरेन घोष ने जो भाषण दिया था और उसकी जो टाइप्ड कापी सरकारी तौर पर हम लोगों को सप्लाई की गई है उसके अधिकारिक प्रमाण पर कह रहा था, अगर कामरेड नीरेन घोष यह कहे कि उसमें छपी हुई रिपोर्ट गलत है तो यह उनके तय करने की बात है लेकिन मेरे सामने सदन की तरफ से, सचिवालय की तरफ से, जो रिपोर्ट दी गई है वह है और उसमें वह शब्द उनके हैं, वह कहें तो उसभाषित महोदय, मैं पढ़ कर सुना सकता हूं उनके शब्दों को। उन्होंने इस बात का दावा किया है कि आठ महीने हमारी जो सरकार थी उसमें सिविल लिबर्टीज का बोलबाला था, नागरिक स्वतंत्रता का बोलबाला था। मैं फिर पूछता हूं कामरेड नीरेन घोष से कि एम० एल० एज० का पीटा जाना, असेम्बली के मेम्बर्स का पीटा जाना, यह नागरिक अधिकारों का बोलबाला है? पी० एस० पी० और एस० एस० पी० की जो पाटियां मंत्रिमंडल में शामिल हुईं उनके मजदूर कार्यकर्ताओं का मार डाला जाना, उनकी हत्या किया जाना,

यह क्या सिविल लिबर्टीज की बात है? फिर कामरेड नीरेन घोष इसको स्वीकार नहीं करते, क्योंकि पार्लियामेंट में ही पी० एस० पी० और एस० एस० पी० के नेताओं द्वारा यह बात कही गई है कि हमारे मजदूर कार्यकर्ताओं को जान से मारा गया। तो जो लोग हत्या करते हैं, गवर्नमेंट में शामिल अपने ही लोगों की, उन्हें जनतंत्र की दुहाई देने, उन्हें संविधान के अधिकार देने की, उन्हें कानून की रक्षा की दुहाई देने का क्या अधिकार है? क्या संविधान के माने, क्या कानून के राज के माने, नागरिक स्वतंत्रता के माने यही हैं, जनतंत्र के माने यही हैं कि जनतंत्र के जो दुश्मन हैं, उन दुश्मनों को, कानून के राज के जो दुश्मन हैं उन दुश्मनों को, संविधान का दुस्प्रयोग कर के उनकी हत्या करने के पूरे अधिकार, पूरी छूट दे दी जाय? यह जो कहीं भी नहीं माना जा सकता है। यह कोई नई बात नहीं है कामरेड नीरेन घोष की पार्टी के लिये। अभी तक तो जो वहां हुआ, जो पोस्टर चिपके उनकी पार्टी की तरफ से कलकत्ता में, बंगाल में, उनमें यह कहा गया है कि माओ ने हम लोगों से कहा है, भारत की जनता से कहा है कि हिंसात्मक विद्रोह करो, वायलेंस बगावत करो।

SHRI NIREN GHOSH : You know that our Party has never given that poster. You are welcome to do that.

SHRI S. K. D. PALIWAL : I am saying what I have today read in the *Hindustan Times*. I never speak without my book.

यह हिन्दुस्तान टाइम्स में छपा है। बिना प्रमाण के मैं कभी भी बात नहीं कहता, मैं जो कुछ कह रहा हूं प्रमाण के आधार पर कहता हूं, अखबार के आधार पर कहता हूं।

SHRI NIREN GHOSH : Birla's paper is a guide for you.

श्री श्रीकृष्ण दत्त पालीवाल . मेरे लिये एक भा। गाइड नहीं है, न तो जूट प्रेस और न आपका झूठ प्रेस, मैं दोनों में से एक को भी नहीं मानता। जिसे आप कोट करते हैं वही मैं कोट कर रहा हूँ।

THE DEPUTY CHAIRMAN Your time is up

श्री श्रीकृष्ण दत्त पालीवाल : एक हा बात, उपसभापति महोदया, मुझे और कहनी है कि कामरेड नोरेन घोष की पार्टी चाहें जो कुछ भी कहें लेकिन दुनिया में माओवाद का जो नारा है उसे कौन नहीं जानता, वहाँ तो जनतंत्र के लिये, सविधान के लिये, कानून के राज्य के लिये नागरिक अधिकारों के लिये जरा भी कोई गुंजाइश नहीं है। चान में, कम्युनिस्ट चीन में, माओ के नेतृत्व में एक लाख आदमी सांस्कृतिक कार्यक्रम के सम्बन्ध में जान से मारे जा चुके हैं और एक लाख से ऊपर आदमी माओ के कासन्ट्रेशन कैम्प में सड़ रहे हैं। यह अगर जनतंत्र है तो मुबारक है कामरेड भ्रंश गुप्त को, मैं उस जनतंत्र का नहीं मानता।

SHRI K DAMODARAN (Kerala) I do not want to say much about the illegal and unconstitutional activities of the poor Governor of West Bengal for his utter disregard of the provisions of the Constitution and the expert legal opinion in the country. After all he is a puppet of a small group of people sitting in New Delhi and pulling the wires. One does not know whether to condemn them or to pity them. Anybody can see that the *gaddi* they sit on is shaking from the bottom. In fact the Central Government to-day is weaker and more unstable than the Governments they have overthrown in Bengal and Haryana. In fact it is so. A meagre majority is there but they are shaking in the bottom. The weaker they become the more amenable they are to the pressures of the foreign and Indian monopolists and the Princes and the jotedars in the country. We saw

how meekly they surrendered to the murder of Indians in Hanoi by the Americans. They were not in a position even to protest or to demand an apology from the American Government. We see every day how they surrender, how meekly they submit to the various demands of the monopolists and the more they succumb to the pressures of the monopolists, the weaker they become. It is not a secret that the foreign and Indian monopolists and the Princes and jotedars in India have been openly expressing their displeasure of the leftist Governments formed in the country from the very beginning. They are naturally afraid that even the limited powers under the Constitution could be used against their vested interests. It is they who have decided the matter behind the scenes. Mrs Indira Gandhi and Mr Chavan have only fulfilled their wishes. What is painful if not surprising, is the somersaults of Dharias, Aroras and Chandra Shekhars within the fold of the Congress. They were most vociferous in attacking the monopolists, in demanding the nationalisation of banks, etc., etc. Am I to believe that they are very naive that they are unable to see the dirty hands of the same monopolists and the same enemies of nationalisation of banks, behind the dastardly attacks on democracy? I do not want to analyse their motives. If they are sincere, they will have to see that the upholding of anti-monopolist policies does not fit in with their support of the butchery of democracy. Do not have any doubt about it, that the attack on democracy in one State of the country is only the beginning. It is the beginning of the end of the whole parliamentary system of Government in India and with it will go the illusions nurtured by Dharias, Chandra Shekhars and Aroras. I admit that the Governor had reasons to doubt whether the Mukerjee Government had majority in the Assembly. I too had my own doubts but how to judge whether the Mukerjee still enjoyed a majority in the Assembly or not. It is not decided by counting of heads of the deserters in the dining room of the Governor. It is to be decided by the Assembly and

[Shri K Damodaran]

no opportunity was given for that I do not blame the Governor for advising the Chief Minister to convene the Assembly for a trial of strength. It was good that he did it and the Chief Minister readily agreed to the proposal because the Chief Minister himself wanted a trial of strength in the Assembly. He convened the Assembly for December 18th and still the Ministry was dismissed. Why was the Ministry dismissed? If the Chief Minister had refused to convene the Assembly on 18th December, we could have understood it but after his convening the Assembly on 18th December, the Ministry was dismissed. Will the Constitution cease to function if the Assembly is convened on 18th December instead of on 29th November? The reason is clear. It was expressed by Mr Dharia himself in his speech. You are afraid that some of the defectors would return to the United Front by that time. That is what Mr Dharia said openly. These reports had come in the press also. After all they are defectors and deserters and one cannot understand their minds. A defector who goes to the other side to-day can come to this side the next day. So you wanted to prevent the United Front from getting a majority in the Assembly. That was the real reason and you wanted to convene the Assembly under the shadow of the army after unleashing a reign of terror or letting loose violence on the streets and making brutal assaults on Assembly Members and ex-Ministers. You wanted thus to forcibly prevent the United Front from getting a majority and function as a Government in Bengal. That was the real reason behind it. You wanted to achieve this nefarious aim by violence and dirty tricks, but how long do you expect the deserters' raj to continue? Mr Dharia said that the U F has lost the support of the people there. The people of Bengal have already given the first reply to this charge and you can see how powerful this so-called new Ministry is from the very first day the oath took place. There was no leader there and there was not the Speaker there. The President of the

All-India Grain Dealers' Association who was arrested for black-marketing by the U F Government was there. Another person who was charged for defalcation of money by the Congress Government itself was present. Thus the new Government was formed with the support of swindlers and black-marketeers. How long do you think that this Government can continue? If you think that you can do anything as long as you have a majority, a slender majority, in Parliament, I am afraid you are mistaken. If you cannot tolerate democracy, democracy will not tolerate you. I do not want to say anything more.

THE DEPUTY CHAIRMAN I have ten names from the Congress Benches and seven from the Opposition. I would like to know from the House whether we can cut down the recess by half-an-hour.

HON MEMBERS Yes

श्री प्रतुल चन्द्र मित्र (बिहार) यह बात में मानना है कि हरियाणा और पश्चिमी बंगाल में जिस तरह से सरकार हटने को मजबूर हुई अगर यह न होता तो अच्छा होता लेकिन कोई चारा नहीं था। जो यह सविधान के बारे में बहुत जिक्र हुआ है, मेरा कहना है सविधान किस लिये है? सविधान इसलिए है कि जनता शांति से रह सके और अपनी इच्छा के मुताबिक काम कर सके, लेकिन सविधान का मखौल हो रहा था हरियाणा में और उसी तरफ से बंगाल में जो हालत हुई थी उसमें किसी के लिये भी शांति में काम करना या प्रशासन चलाना संभव नहीं था। यह बात मैं नहीं कह रहा हूँ। यूनाइटेड फ्रंट सरकार के एक भूतपूर्व मिनिस्टर ने 21 अक्टूबर को हावड़ा को एक मीटिंग में कहा था। उनका नाम नीमिथ नाथ कुन्ड था। यह बात उन्होंने आजाद हिन्द दिवस के अवसर पर कही। उन्होंने कहा कि बंगाल में टेरा रिज्म का राज्य हो रहा है और हम लोग जो

मिनिस्ट्री में हैं, हमारे लिये बड़ी बेइज्जती और शर्म की बात है कि जिस मिनिस्ट्री में हम हैं उसको हम इसलिये नहीं छोड़ते...

THE DEPUTY CHAIRMAN : You can continue after the recess. I take it that the House has agreed to curtail the lunch time by half an hour.

The House stands adjourned till 2 P.M.

The House then adjourned for lunch at one of the clock.

The House reassembled after lunch at two of the clock, THE VICE-CHAIRMAN, (SHRI M. P. BHARGAVA) in the Chair.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Yes, Mr. Mitra.

श्री प्रतुल चन्द्र मित्र : उपसभाध्यक्ष महोदय, मैं लंच से पहले कह रहा था कि बंगाल में एक पी० एस० पी० के मिनिस्टर श्री निसिथ नाथ कुन्डू ने 21 अक्टूबर को हावड़ा की एक मीटिंग में कहा था कि यह तो वामपंथी कम्युनिस्ट दल है वह सारे देश में टेरोरिज्म फैलाना चाहता है और संविधान को उलटना चाहता है। जब उनसे पूछा गया कि आप जब यह सब चीज जानते हैं तो आप फिर इस तरह की मिनिस्ट्री में क्यों हैं ? तो उन्होंने कहा कि अगर हम मिनिस्ट्री को छोड़ देते हैं तो हमारे प्रान्त में कई नक्सलवाड़ी हो जायेंगे जिनको हम रोकना चाहते हैं और मिनिस्ट्री में रह कर ही हम इस चीज को रोक सकते हैं। उन्होंने कहा कि वामपंथी कम्युनिस्टों ने हमारे प्रान्त में घेराव और हड़ताल से ऐसी स्थिति पैदा कर दी है और ऐसा वातावरण पैदा कर दिया है जिससे एक सभ्य समाज नहीं चल सकता है। उन्होंने यहाँ तक कहा कि जिस तरह से इन्डोनेशिया में कम्युनिस्टों का हाल किया गया, उसी तरह से यहाँ के युवकों को उनकी हालत कर देनी चाहिये। तो मैं यह कहना

चाहता हूँ कि जो मिनिस्ट्री चली गई, उसी के एक मिनिस्टर ने इस तरह का भाषण हावड़ा की पब्लिक मीटिंग में दिया था। अब आप खुद ही समझ सकते हैं कि उनको इस तरह का भाषण देने में कितना दुःख हुआ होगा और इस तरह की बात कहने के लिये वे मजबूर हुए होंगे तब ही उन्होंने कही। 16 अक्टूबर को एकम चीफ मिनिस्टर, श्री अजय मुकर्जी ने जो कहा था इसके बाद पश्चिम बंगाल में संविधान के आधार पर किस तरह राज्य चल रहा था कोई कह सकता है ? मैं समझ सकता हूँ क्यों कम्युनिस्ट या वामपंथी कम्युनिस्ट रंज हैं। वामपंथी कम्युनिस्ट जो पार्टी है, वह जानती है कि इस समय हमारे पास बहुत अच्छा मौका आया है और हमारी जो मंशा है उसको हम पूरा कर लेगे और देश की जनता को घरेलू युद्ध के लिए तैयार कर लेंगे। लेकिन मेरी समझ में यह नहीं आता है कि जो मंत्री पी० एस० पी० के मंत्री थे, गोरखा लीग के थे और लोक सेवक दल के थे, वे अब मिनिस्ट्री के चले जाने पर क्यों आंसू बहाते हैं क्योंकि उनको मालम था कि वहाँ की जो सरकार है वह संविधान को मानने वाली नहीं थी और उनके दल के लोग साफ साफ कह रहे थे कि हम संविधान को खत्म कर देंगे। केरला में एक कांफ्रेंस हुई जिसमें साफ कहा गया था कि सबसे बड़ा चीज जो हमको करनी है वह कांस्टीट्यूशन को खत्म करना है। तो मैं यह कहना चाहता हूँ कि जो पार्टी संविधान को खत्म करना चाहती थी उसके साथ किस तरह से कोई पार्टी चल सकती है। जिस समय नक्सलवाड़ी में गड़बड़ हुई उस समय प्रजा सोशलिस्ट, सोशलिस्ट और गोरखा लीग वालों ने अपने अपने बयान में यह कहा था कि केन्द्र की सरकार वहाँ की हालत के बारे में हस्तक्षेप क्यों नहीं करती है और वहाँ पर जो घटनाएँ हो रही हैं उनको क्यों नहीं रोकती हैं। लेकिन उनको भीतर

[श्री प्रतुल चन्द्र मित्र]

तो एक ही Common स्वार्थ था। क्योंकि वे मिनिस्टर बने हुए थे। आप खुद देख सकते हैं कि पी० एस० पी० के 7 मेम्बर पश्चिमी बंगाल में थे और उनमें से एक कैबिनेट मिनिस्टर था। इसी तरह से गोरखा लोग के दो मेम्बर थे और एक कैबिनेट मिनिस्टर बना दिया गया था और इसी तरह से लोक सेवक दल के चार मेम्बर थे और एक को कैबिनेट का मिनिस्टर बना दिया गया था। ये लोग इसलिए नाराज हैं कि फिर इस तरह मौका नहीं आयेगा और यही वजह है कि वहाँ की डिसमिस्ड मिनिस्ट्री का समर्थन करते हैं।

श्री सुन्दर सिंह भंडारी (राजस्थान) : बंगाल में अब जो सरकार बनी है उसके बाद आपको इस तरह की बात कहनी नहीं चाहिये।

श्री प्रतुल चन्द्र मित्र : मेरा यह भी कहना है कि हरियाणा के चीफ मिनिस्टर ने 30 अक्टूबर को यह कहा था कि मैं राज्यपाल को यह परामर्श देने की सोच रहा हूँ कि हरियाणा में मिड टर्न इन्वेस्टेशन किये जाने चाहिये। अब वहाँ पर मिड टर्न इन्वेस्टेशन हो जाने हैं और फिर उनका विरोध क्यों किया जा रहा है। 3 तारीख को बंगाल में डा० पी० सी० घोष ने इस्तीफा दिया था और 4 तारीख को अजय मुकर्जी से प्रेस वालों ने पूछा कि आप क्या करने जा रहे हैं। उन्होंने कहा कि अगर मेरा बहुमत असेम्बली के सदस्यों में नहीं होगा तो मैं इस्तीफा दे दूंगा। फिर उनसे पूछा गया कि कैसे मालूम होगा कि बहुमत नहीं है। तब उन्होंने कहा कि इसके दो ही तरीके हैं। यह बात 5 नवम्बर की आनन्द बाजार पत्रिका में निकली थी। एक तो यह कि विधान सभा की मीटिंग बुलाकर उस का विश्वास प्राप्त किया जाय और दूसरा . . .

SHRI BANKA BEHARY DAS (Orissa) : Mr. Vice-Chairman, Sir, there is no Minister here.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : You cannot see him. A Cabinet Minister is sitting. Here he is.

SHRI BANKA BEHARY DAS : But the Home Minister or the Minister of State in the Home Ministry is not there.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : That is not necessary. Mr. Mitra, it is time to finish.

श्री नेकी राम (हरियाणा) : मैं आपके द्वारा अपोजीशन से दरखास्त करूंगा कि कम से कम जब वे इत्थाम लगाने हैं तो उन्हें यह देखना चाहिये कि उसके पीछे कोई वजन है या नहीं? हमारे विरोधी भाईयों को हमारे आदरणीय हाथी साहब नज़र नहीं आते हैं। क्या वे दूर तक आँखों से नहीं देख सकते हैं?

SHRI BANKA BEHARY DAS : But is he going to reply? He won't reply.

श्री प्रतुल चन्द्र मित्र : जो लोग दल छोड़कर चले गये हैं अगर वे लिखकर अखबार में यह निकाल दें कि अब हमें विरोधी कांग्रेसियों का साथ मिल गया तब भी मैं इस्तीफा दे दूंगा। पीछे दोनों भूतपूर्व मुख्य मंत्रियों ने दूसरे साथियों के दबाव से उल्टा रख अखतियार किया।

उपसभाध्यक्ष (श्री महावीर प्रसाद भार्गव) : आपने 12 मिनट ले लिये हैं और अब आप समाप्त कीजिये।

श्री प्रतुल चन्द्र मित्र : मैं आखिरी बात कह कर खत्म कर दूंगा। आखिर मैं मैं केवल यह कह कर बन्द करना चाहता हूँ कि 18 दिसम्बर को अगर विधान सभा बुलाई जाती तब भी यही होता क्योंकि उन्होंने कहा था कि राइटर्स बिल्डिंग वे नहीं छोड़ेंगे और जनता से अपील की थी कि वे राइटर्स बिल्डिंग को घेर करके रखें जिस से कोई दूसरा घुसने नहीं

पाये। यानी 18 दिसम्बर को भी वही हालत होती जो आज हुई है।

श्री सुन्दर सिंह भंडारी : उपसभाध्यक्ष महोदय, सरकार के द्वारा हरियाणा में राष्ट्रपति शासन लागू करने के प्रस्ताव का मैं विरोध करता हूँ और बंगाल में जिस तरीके से सरकार ने वहाँ की सरकार को बरखास्त किया है, उसका विरोध करते हुये हम लोगों की तरफ से जो प्रस्ताव है उसका मैं समर्थन करता हूँ।

मैं इस बात से खुश हूँ कि सरकार को अब यह इल्हाम हो गया कि बंगाल की स्थिति बड़ी खराब थी और बहुत बार श्री माथुर ने, श्री मुकर्जी ने और बाकी कांग्रेस के सदस्यों ने बंगाल के अन्दर चलने वाली परिस्थितियों का बड़ा विवेचन किया है। मैं समझता हूँ कि इतनी देर से सही, उन्होंने एक सत्य को पहचाना और इसके लिये मैं उनका बहुत आभारी हूँ और यह चाहता हूँ कि इस प्रकार की चीजें वे किसी ऐसे मौके के लिये बाकी न छोड़ें जबकि उनका उपयोग या इस तरह का तर्क स्वयं उनके फूहड़पन की निशानी साबित करे। मैं जानबूझ कर सरकार के इस स्वयं के कदम को जो उन घटनाओं के आधार पर इसको सही करार देने की कोशिश कर रही है, इसको फूहड़पन की संज्ञा देता हूँ। मुझे केवल इसके लिये सरकार पर दया आती है। अगर यह केवल यहीं तक बात होती तो मैं दया करके इस सवाल को छोड़ देता। लेकिन इस फूहड़पन के साथ कुटिलता घुमी है और यही राजनैतिक कुटिलता है जिस का विरोध करना आज आवश्यक है। सरकार ने जिस कुटिलता से अपने फूहड़पन का प्रदर्शन किया है अगर उसको जनसाधारण अपने ध्यान में नहीं लेगा तो देश के अन्दर किसी भी प्रकार को स्वस्थ परम्पराओं का निर्माण नहीं हो सकता।

आज वे दलबदल की भावना का विरोध करते हैं। मैं भी इसमें उनके साथ हूँ कि दलबदल किये हुये लोगों का समर्थन लेकर या उनको प्रोत्साहन दे कर कोई भी सरकारें बनें तो यह निन्दनीय है। लेकिन आज जब कांग्रेस अपने ऊपर जिम्मेदारी लेकर दलबदल करने वालों का समर्थन प्राप्त करना नहीं चाहती है बल्कि दलबदल करने वालों को ही सरकार बनाने का अधिकार और उनका पिछलगू बनने का जो निर्णय लेती हुई दिखाई देती है, तो इस दलबदल की मनोवृत्ति को किसी तरह से कडेम करना, दलबदल की मनोवृत्ति के सम्बन्ध में अपनी जवान उठाने का उनका मारल अधिकार समाप्त हो गया।

इतिहास में, हम अगर याद करे तो इतिहास में हमने पढ़ा था कि एक बख्तियार खिलजी था जो ऊपर से चला था और 17 सवारों की मदद से बंगाल तक पहुँचा था। वह वहाँ 17 सवारों की बहादुरी के कारण पहुँचा था। उन 17 सवारों को मदद दी, उन सवारों को मौका दिया, उन 17 सवारों को हिन्दुस्तान को रौंदने का अवसर दिया अनेक इस प्रकार की शक्तियों ने जो आज भी पंजाब और बंगाल के इन 17 सवारों के नेताओं को वहाँ पर सरकार बनाने में मदद दे रही हैं। फिर इतिहास दोहराया जा रहा है। कांग्रेस को अपना चेहरा शीशे में देखना चाहिये।

आज गवर्नर्स का डिस्क्रीशनरी पावर का जितना इन्डिस्क्रीशनरी उपयोग हो रहा है, आज वही चिन्ता का विषय है। गवर्नर्स केन्द्र के लिंक के रूप में राज्यों में रखे गये हैं। उनकी अप्वाइंटिंग अथॉरिटी सेंटर है और इसीलिये आज एक ऐसी मजबूरी की हालत पैदा हो गई है कि गवर्नर को आज सेंटर के इशारों पर चलने के अतिरिक्त उसको स्वतंत्र बुद्धि से अपने डिस्क्रीशन का उपयोग

[श्री सुन्दर सिंह भंडारी]

करने का कहीं अवसर पैदा नहीं होता। यह विवाद जब शुरू हुआ था तो यहीं के सदस्यों ने कहा था कि बार बार गवर्नर दिल्ली भागे, यहां से सूचनाएं प्राप्त करे और फिर राजधानी में जा करके यह सिद्ध करे कि मैं गवर्नर के डिसक्रिशनरी पावर्स का उपयोग कर रहा हूं, यह चीज अच्छी नहीं दिखाई देती। परन्तु यहां इस चीज की चर्चा हो रही है और परसों ही पंजाब के गवर्नर भागे भागे यहां आये और यहां से जाते ही जिस पहले के मुख्य मंत्री को उन्होंने फिर से मौका देने की बात कही थी, उसके जबाब का इंतजार किये बिना, उन्होंने वहां के एक अल्पमत नेता को वहां का मुख्य मंत्री बनाने की कोशिश कर दी। अब इसमें जो यह तर्क दिया हमारे मुकर्जी साहब ने कि किस की सलाह पर काम करते हैं, मैं उनसे यह निवेदन करूंगा कि यह डिसक्रिशन एक ऐसी चीज है जिसको कानून की शब्दावली के घेरे में नहीं लिया जा सकता, इसीलिये आपने डिसक्रिशन शब्द रखा। तो डिसक्रिशन को कानून के दायरों में जस्टीफाई करने की कोशिश में वह किस को मुख्य मंत्री बनाये। अभी तक तो हम यही मानते थे कि जो मेजरिटी कमांड करता है अपनी पार्टी का या किसी संयुक्त दल की लीडरशिप कमांड करता है, जिसका बहुमत है उसको मंत्रिमंडल बनाने के लिये वह बुलायेगा। लेकिन अब तो उसका डिसक्रिशन इस हद तक आ गया कि जो बहुमत का लीडर नहीं है, किसी संयुक्त विधायक दल के बहुमत का भी लीडर नहीं है, 17 सवारों को लेकर जो चल रहा है 104 के हाउस में, 300 के हाउस में, उसको भी वह आज मुख्य मंत्री बनने की शपथ देने के स्तर तक गिरता हुआ दिखाई दे रहा है। वह केवल वहीं तक सीमित नहीं है कि वह डिसक्रिशन में काम करता है, केन्द्रीय सरकार जब उसको कंडोन करवाने यहां आती है। केन्द्रीय

सरकार, अगर उसने कोई गलत डिसक्रिशन इस्तेमाल किया है, उसके बारे में कोई शंका उपस्थित नहीं करती, उसने गलत तरीके से हिन्दुस्तान के विधान के साथ मजाक किया है इसके कारण उसको डिसमिस नहीं किया जाता, तो केन्द्रीय सरकार उसके साथ कांस्पिरेटर की परिभाषा में शामिल होकी है। राजस्थान के गवर्नर ने इंडिपेंडेंट्स की संख्या को गिनने से इन्कार किया। मैं यह जानना चाहता हूं कि राजस्थान के गवर्नर ने उस डिसक्रिशन का उपयोग जिस आधार पर किया, केन्द्रीय सरकार ने उसके बारे में क्या राय दी। केन्द्रीय सरकार मौन रहा अर्थात् गवर्नर ने जो इंडिपेंडेंट्स को गिनने से इन्कार किया, केन्द्रीय सरकार ने उसको सही माना। वहां पर ६४ लोगों ने गवर्नर के सामने डेपुटेशन दिया, मेजरिटी सिद्ध करने की कोशिश की, लेकिन गवर्नर ने मेजरिटी को मानने से इन्कार किया और केन्द्रीय सरकार ने गवर्नर की मर्जी से वहां राष्ट्रपति का शासन लागू किया, अर्थात् उस डिसक्रिशन को सरकार ने मंजूर किया। आज 17 सदस्यों के नेता को गवर्नर सरकार बनाने के लिये कहता है। सरकार उसकी भी तारीफ करती है। तो फिर केवल यह कहना कि गवर्नर ने अपनी मर्जी से सब काम किया है, हम यहां बगुला भगत बन कर बैठे हैं, हमको कोई लेना देना नहीं, हमारा गुनाह में कोई हाथ नहीं, यह कांस्टिट्यूशनल क्वीबलिंग्स के लिये बहुत अच्छा है।

इसीलिये आज प्रजातंत्र के युग में पीपुल्स रिप्रेजेंटेटिव सरकारों के जमाने में इस प्रकार के कदमों से स्थापित की गई सरकारें आज जनता का सामना करने का साहस नहीं करतीं। आज केन्द्र में कांग्रेस की सरकार है। ये सारे खेल-नमाशे, गवर्नर की डिसक्रिशनरी पावर्स का इस प्रकार का उपयोग, यह सब केन्द्र में बैठी हुई कांग्रेस की सरकार के आधार पर हो रहा है। मैं केवल उनसे यही निवेदन करना चाहता हूं कि प्रान्तों

में बड़ी कुर्सियों से चिपक कर आप बैठे थे, लेकिन वे कुर्सियां खिसक गईं, केन्द्र में अभी तक नहीं खिसकी हैं। इसी के जोर पर आप प्रान्तों में खिसकी हुई कुर्सियों को गवर्नरों की साजिश से चिपका कर अपने नीचे लाने की कोशिश कर रहे हो। पीपुल्स मेन्डेट, डेमोक्रेसी के सिद्धान्त, ये सारी आदर्शवाद की बातें आप स्लिपरी ग्राउन्ड पर खड़े होकर कर रहे हैं। आज किसी प्रकार से केन्द्र में आपकी सरकार बनी हुई है, उसी के सहारे पर आप ये सारे खेल खेलना चाहते हैं। अच्छा होगा अगर अभी से कुछ प्रान्तों में विरोधा कुर्सियों पर हमारे समान बैठ कर आप अपने आपको एक्सेमिटाइज करने की कोशिश करें, नहीं तो जिस दिन केन्द्र में यह सरकार खिसक जायगी और गवर्नर आपकी अपनी कठपुतली नहीं रहेंगे—प्रान्तों में आप धक्के देकर निकाले जा चुके हैं—केन्द्र में उस प्रकार की मशीनरी आपकी मदद पर न रहने के कारण आपका पोलिटिकल एक्जिस्टेंस खतरे में पड़ जायगा उस दिन की कल्पना करिए और इस प्रकार की टेंडेंसीज़ को, डिस्क्रिशन के इस प्रकार के इन्डिस्क्रिशनरी उपयोग को किसी प्रकार से भी तरजीह देने की कोशिश न करिए।

अगर कोई पार्टी खराब काम करती है तो उसके गरकानूनी या कानूनी तरीके से माइनारिटी में आने तक क्या आपका संविधान, आपका प्रेसिडेंट और गवर्नरों के अधिकार इस बात का इन्तजार करेंगे कि वह गलत काम तो करती है परन्तु बहुमत है इसलिए हम कुछ नहीं कर सकते, हम मजबूर हैं, कदम नहीं उठा सकते? हम उसी दिन उनके पुरखों को याद करेंगे, उन्होंने उस कॉन्फ्रेंस में कौनसा प्रस्ताव पाम किया था, उन्होंने कौनसा हिंसात्मक आन्दोलन चलाया, उन्होंने कहाँ ला एंड आर्डर चलने से रोका, हम तभी कदम उठा सकते हैं, चाहे नाटकीय ढंग से ही

क्यों न हो, जब हम उनके अल्पमत में आने की गुंजाइश पैदा करें? अगर वे अल्पमत में नहीं आते तो हमारी केन्द्रीय सरकार मजबूर है? इसलिए मेरा निवेदन है कि उठाए गए कदम और यह सारा तरीका बासी कढ़ी के उबाले जाने के समान है। उससे लाभ नहीं होगा। आपने गलत समय पर फौड़े को फोड़ा है। इससे जो बदबू आपने पैदा की है वह आपके कदम को किसी भी प्रकार से उचित नहीं ठहरा सकती और न ही आप उसके लिए समर्थन पाने के मुस्तहक हो सकते हैं।

उसके साथ साथ आप इन डिस्क्रिशनरी पावर्स के उपयोग को कुछ ऐसी परिपाटियां और परम्पराएं कायम करना चाहते हैं जिस प्रकार से कि आपने उनका दुरुपयोग पंजाब में किया। उस दिन हरियाणा में जब गवर्नर के शासन लागू करने की बात कही गई तो यह समझाने की कोशिश की गई कि एकदम से बंगाल पर हाथ कसे डालते, एक बलिदान के बकरे की जरूरत पड़ी। यह जस्टीफिकेशन है? यह आपकी हिम्मत का नमूना है कि जिसको गलत समझते हैं उसको गलत मान कर उस पर कदम उठाने के लिए तैयार नहीं हैं और गलत जगहों पर आप हाथ डाल रहे हैं रेकलेस डिस्क्रिमिनेशन का उपयोग करके? इस प्रकार के शासन की वृद्धि में यह है या नहीं कि आज सेन्ट्रल गवर्नमेंट की स्कीमों के साथ कौन सरकार को अपरेट करना चाहती है या नहीं करना चाहती है, हमारे परस्पेक्टिव को बनाने में, डेमोक्रेटिक ट्रेडीशन्स को बनाने में कौन सी सरकार मदद दे रही है या नहीं दे रही है? आप सबको एक घाट पर पानी पिलाने को तैयार हो गए। जो भी गैर-कांग्रेसी सरकारें हैं उनको हटाने के लिए कोई न कोई बहाना ढूँढ़ने के लिए आप तैयार हो गए। आपको इन हिटलरशाही मनोवृत्तियों का समर्थन नहीं किया जा सकता। प्रजातंत्र की आड़

[श्री सुन्दर सिंह भंडारी]

में आप अधिनायकवादी डिस्क्रिशनरी उपयोग की परम्पराएं लागू करना चाहते हैं। इसलिए यह आवश्यक है कि आपके इस कदम का विरोध किया जाय। इसको किसी प्रकार का मोरल जस्टीफिकेशन नहीं है। आप केवल गवर्नर की डिस्क्रिशनरी पावर्स की आड़ में इन नाजायज मनोवृत्तियों को पनपाने का काम करेंगे तो मुझे अफसोस है, किसी भी कीमत पर उनका समर्थन नहीं किया जा सकता और इस कारण से मैं सरकारी प्रस्ताव का विरोध और हमारे विरोधी दलों ने जो बंगाल के अन्दर सरकारी कदम के विरोध में प्रस्ताव रखा है उसका फिर से समर्थन करता हूँ।

SHRI R. T. PARTHASARATHY (Madras) : Mr. Vice-Chairman, I consider it my sacred duty to support the stand taken by the Home Minister in formulating the Resolution before this House with reference to Haryana and an equally sacred duty to oppose the Resolution of the hon. Mr. Bhupesh Gupta. I say sacred duty, and I use the term advisedly because if we are to protect democracy in India we shall have to give a death blow to the left Communist Party and all their ideals. Hence I consider it as much sacred as it was for us to follow the footsteps of Mahatma Gandhi in attaining swaraj for India; it is equally important and sacred that we should try our best to root out, what I would call, Maoism and Marxism from every nook and corner of India if we are to succeed in building up democracy on progressive lines.

SHRI SUNDAR SINGH BHANDARI: Including the Congress.

SHRI R. T. PARTHASARATHY : Hence I would support the action of the Governor of West Bengal in dismissing the Ministry. He had no other course open but to dismiss the Ministry dominated by the Communists in order to pave the way for a democratic set-up to function in Bengal. His stand was a correct one and I use the word 'correct' with all its many-sided meanings because I find no better expres-

sion to appreciate his stand than to use the term 'correct'. Constitutionally his stand has been correct, as was so very ably put forward by the hon. Member of the Swatantra Party, Prof. Ruthnaswamy and Mr. Debabrata Mookerjee. I would like to add one more word. It is only by the manner in which the non-Congress Governments or the Congress Governments are made to respect the Constitution in its letter and spirit that we can safeguard the Constitution. What the United Front Government of West Bengal has done in these seven or eight months, or maybe nine months, is a matter which should receive the close attention of every Member of this House. I say with great vigour and with great calmness that if we have to build a State where law and order should prevail, it is very vital that we shall have to root out lawlessness and disorder which had been rampant in Bengal and which were not only created but even engineered by the Ministers of West Bengal. We have read the speeches in the various papers of the Deputy Chief Minister of West Bengal. He had displayed and exhibited not only utter contempt for the Constitution of India but he has done something more than that by inciting the people to violate the fundamentals of our Constitution. Now, I would like to make a reference to the speech of my hon. friend, Mr. Bhupesh Gupta. He attacked the Government and described this as a murder of democracy. He threw a challenge to the Government and asked them to come to Bengal and he said that the people of Calcutta will decide the issue in the streets of Calcutta. Is that the way of showing respect to law and order? Is that the way to function in a democracy? If the Communist Party of India—may be the Right or the Left—were to be the guardians of the Constitution of India, what would be the state in which the people of India would be placed, the people who have given unto themselves this democratic Constitution and all this freedom? If these people themselves, through their propaganda, through the mischief of the Left Communist Party of India, are going to violate the essentials of

the Constitution, they have no right to exist anywhere, not only in India, but also anywhere else. I would throw a challenge to the Left Communist Party. What is it that they have been doing all these years. They have been tools and agents of the Chinese Communist Party and they want freedom in this country to enjoy and to control the people of India. I would name them and I wonder whether they, the Left Communists, are Indian Chinese or Chinese Indians. I say the Left Communist people are India's enemies No. 1 and we have no place for them either in India or anywhere else in the world. I should warn the Prime Minister and the Home Minister that they should have banned the Left Communist Party of India long ago. It is not too late. They can ban them now and that is the only way by which democracy can be saved, freedom can be saved, social order can be saved and the progress of our country can be saved.

SHRI BALACHANDRA MENON (Kerala): Have you read the resolution? Please tell me that.

SHRI R. T. PARTHASARATHY: I am not going to answer every point of yours and I am not bound to do it. I will have my own view...

SHRI NIREN GHOSH: You are briefed by the USIS.

(Interruptions.)

SHRI R. T. PARTHASARATHY: I do not want to yield. You have been taking a pride in interrupting every speech of every Congress Member. So, I propose to ignore you.

(Interruption)

Mr. Vice-Chairman, dealing with Haryana, I would like to add that the sorry spectacle of Haryana has resulted in a mockery of our democracy. Whether it be the Congress or whether it be the members of the United Front, they were all infected with what can be described as Ministership malaria. It was a fact that the Governor not only found members crossing the floor, he found practically thirty-seven times

members crossing from one side to the other, from one Party to the other, and this resulted in the gross instability of administration, a natural deterioration in the administration of the State. So, he had no other way but to have acted in the manner in which he had acted and which is before this House. I am surprised how some of the Members on the other side say that the action of the Governor of Haryana has not been democratic. He has acted perfectly within his constitutional rights, rights which have been given to him by the Constitution. I am not convinced by any arguments from the other side and I do not see how the Governor of Haryana has trespassed his constitutional limits. I would only add that if this sorry spectacle is repeated in the various other States our democracy not only would be at a standstill, but I do not know whether it is going to help all of us, including the Opposition. It is high time we cried a halt, whether it be from the Congress side or whether it be from the Opposition side, to put an end to it once and for all. The action of the legislators in Haryana and also in Punjab to an extent has resulted in what I would call cheating of the electorate. If I get a mandate as a Congressman, I am bound to serve the Legislature as a Congressman. If I disagree with the Congress ideology and programme and I approve of the ideology and programme of Opposition Parties, it is my primary duty to resign my membership of the Legislature and go back to the electorate from whom I got the mandate, and then stand as a United Front candidate and get directly elected. (Interruption.) Because this idea was not kept, there was no other way and it was done in an imperfect manner by which the entire law and order situation deteriorated. The entire administration has suffered. So, the request of the Governor for issuing a Presidential Proclamation in Haryana is very just and timely. I would like to emphasise that if we are to uphold democracy in this country, it is not by this method of crossing the floor. It is not by the method of violence either directly or by incitement, as the outgoing Ministry of West Bengal has done. Let me sound a note of warning to all

[Shri R. T. Parthasarathy.]

those who believe in arson, to all those who believe in violence, to all those who believe in arson, to all those homes that their end is near, their political end is near. People are not with them. You may with your own communist money, you may with your own hidden resources, you may in your own planned way create chaos and confusion out of which you are going to build your own State. But we, the people of India, who believe in democracy, shall never allow you to do it. I throw a challenge to the Left Communist Party of India. We will rest content only when the Left Communist Party of India is legally and constitutionally outlawed and our enemy No. 1 is driven out of India with their ideals and ideologies once and for ever.

Thank you.

SHRI A. P. CHATTERJEE (West Bengal) : Quotation from CIA.

श्री नेकीराम : उपसभाध्यक्ष महोदय, आज हाउस में जो हरियाणा के राजभवन से दिल्ली के राष्ट्रपति तक और दिल्ली के राष्ट्रपति से हमारे आदरणीय मंत्री तक और गृह मंत्रालय की तरफ से जो प्रस्ताव आया है उसका समर्थन करने के लिये खड़ा हुआ हूँ और इसके साथ ही आपोजीशन की तरफ से जो प्रस्ताव आया है उसका विरोध करता हूँ। कई मसले हाउस में चल रहे हैं, कोई कुछ और कोई कुछ कह रहा है, मैं तो सिर्फ हरियाणा के बारे में ही कहूँगा और वह भी जनतंत्र के बारे में।

श्री सुन्दर सिंह भंडारी : मजबूरी में कहेंगे।

श्री नेकीराम : मजबूरी कुछ नहीं है। आप सुन लीजिये, हंसने वाली बात नहीं है।

श्री सुन्दर सिंह भंडारी : मजबूरी तो यही है कि आप हरियाणा के हैं।

श्री नेकीराम : आप सुनिये। हरियाणा में गर कांग्रेसी हुकुमत बनी और वहाँ १२ एक का चुनाव कराया गया इस्तीफा दिला

कर के बहादुरगढ़ में और उसमें जो रंग खला वह बताता हूँ। खास कर के कम्युनिस्टों से तो मेरी कोई दलील नहीं है। वह दलील को तो मानते नहीं इसलिए मैं उनको होम मिनिस्ट्री के हवाले करता हूँ कि उनको समझे, उनके बारे में तो यही दलील है, लेकिन यह जो बाकी पार्टियाँ विरोधी दल में, अपोजीशन में हैं उनसे यही बात कहूँगा कि हमको किसी से विरोध नहीं है, देश को चलाना है, इस बात को सामने रख कर अपोजीशन बेंच वाले यह जवाब द कि इस बहादुर गढ़ के इलेक्शन में क्या हुआ ? इस एलेक्शन में लोगों के वॉलट पेपर छीन कर के, मतपत्रों को छीन कर के जबरदस्ती उस पर सील लगाना कहां तक ठीक है ?

श्री सुन्दर सिंह भंडारी : किसने यह किया ?

श्री नेकीराम : आप सुन लीजिये, तुमने किया तो तुम कसूरवार, नहीं तो आप सुन लीजिये। आपको दुःख क्यों होता है। क्या मतलब है बीच में बोलने का। आप नोट कर लीजिये, फिर से बात कर सकते हैं।

श्री सुन्दर सिंह भंडारी : परी बात तो आपको कहनी चाहिये।

श्री नेकीराम : मैं होम मिनिस्टर साहब से दरखास्त करूँगा कि बहादुरगढ़ में जो एलेक्शन हुआ उसको देखें। वह लिस्ट भी वहाँ पर मौजूद है कि किन लोगों ने हाथ में से मतपत्र छीना। सिखाते हैं हक्मत करना। देखें कि कैसे किया करते हैं। तो यह मेरी प्रार्थना है, यह मेरी एक अपील है आपसे कि इसको देखें जिससे कि दूसरों को पता लग जाय और अब जो एलेक्शन होगा उसमें लोगों को पता लग जाय कि यह जो डेमोक्रेसी है उसकी हत्या ये लोग कैसे किया करते हैं। दोष हमारे ऊपर लगाते हैं, गलती खुद करते हैं। दूसरी बात यह है कि शर्म तो आना चाहिये

उनको जिन्होंने ये कारनामों करवाए । शर्म आती है बात करते कि वहाँ पर एक महिला वर्कर थी, चौधरी रणवीर सिंह ने मुझे बताया, महिला वर्कर के खिलाफ क्या उन्होंने चारजज लगाये उसको मैं बयान नहीं कर सकता यहाँ पर ।

तो इन शब्दों के साथ अपने दिमाग में यह बात लेकर अपोजिशन को यह चेतावनी देता हूँ कि वे अगर आएँ हरियाणा में तो अपना दिमाग ठीक कराके आयेंगे और करप्शन लेकर आयेंगे तो महंगा पड़ेगा इन शब्दों के साथ मैं प्रस्ताव का समर्थन करता हूँ ।

श्री सुन्दर सिंह भंडारी : मैंने पहले कहा था कि आप मजबूरी में खड़े हुए हैं । सभ्य में आ गया ।

SHRI BANKA BEHARY DAS : Mr. Vice-Chairman, I stand here to oppose the resolution of the Minister and to support the resolution of Mr. Bhupesh Gupta. Before I go into the political aspect of the entire affair, I am to again reiterate my old stand that I had taken on the 20th of this month when I decried this action of the West Bengal Governor. It is highly unconstitutional and not only that, I can remind my friends of the opposite side what Mr. Chagla, who was the Leader of the House and was an eminent Chief Justice of this country, has said in the Supreme Court Bar that the action of the West Bengal Governor in dismissing the Cabinet there was unconstitutional.

SHRI AKBAR ALI KHAN (Andhra Pradesh) : Can those be disclosed here?

SHRI BANKA BEHARY DAS : It was published in papers and was served by news agencies. So, it is not a question of disclosure. It may be uncomfortable and inconvenient but the stand is there. Not only he belongs to the Congress Party but I am quoting him because he was an eminent jurist of this country. So I will not go into that affair much because the political aspects have been discussed and I will not discuss that.

In history we read that there are palace revolutions. That was replaced by palace intrigue. I am astonished to say that in this affair of West Bengal and Haryana it was Raj Bhavan intrigue. It was nothing beyond that, and I want to prove that here also. If you see the notification of the Governor of West Bengal, you will find that he has dismissed the Ministry under article 164 (1). He has utilised the power of appoint and just like a Government officer he has dismissed that Government because he thought that as a Government official whomsoever he appoints he can dismiss also.

Sir, the way the new Ministry was brought into existence in West Bengal is absolutely nauseating. The secretive manner in which Mr. P. C. Ghosh was made to come and swear in, in the name of the Constitution is also nauseating because we know and have learnt from the press also that even before the letter of dismissal was delivered to Mr. Ajoy Mukherjee, who was the Chief Minister of the State, Mr. P. C. Ghosh was called to the Raj Bhavan and was given the oath. No less a person than the Chief Minister of Bihar, Mr. Mahamaya Prasad Sinha, has told in a public meeting in Patna that when he was with the Chief Minister of West Bengal the letter of dismissal came and by that time the swearing in ceremony was being held in the Raj Bhavan. Is it not an intrigue? If you are so clear in your mind that the Governor was competent enough to dismiss the Ministry, could you not do it in a clean way? And who were present there? How could Mr. Humayun Kabir and Mr. P. C. Sen be present there at the swearing in ceremony? Is it not a fact that the Governor of that State conspired with the Congress Chief, Mr. P. C. Sen and Mr. Humayun Kabir, who is the leader of the defectionists, to have this oath-taking ceremony before the formal letter of dismissal was handed over to the Chief Minister? And how correct was Mr. Ajoy Mukherjee? The moment he got the letter, he came out of his room, went to his chauffeur and said : "Mr. P. C. Ghosh might be wanting the car; you go and report to Mr. P. C. Ghosh". This is the way the Chief

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Minister behaved and the way the swearing in ceremony, this drama, was being enacted at Raj Bhavan. More astonishing is that the Speaker of the Assembly was not invited. Is it very proper on your part to behave in this way?

How differently you have behaved in Punjab? In Punjab when the Chief Minister tendered his resignation, you did not call immediately anybody else to take the oath and become the Chief Minister of the State. You waited there. The Governor even talked to the Chief Minister who tendered his resignation and waited for two days. What was the difference between Punjab and West Bengal? Could you not wait for one or two days and ask Mr. P. C. Ghosh, if he commanded the majority, to come and become the Chief Minister of the State? What is the reason and what was the conspiracy and what was the intrigue in the Raj Bhavan? I concede this right of intrigue to Mr. Kamaraj, the President of the Congress. I concede that right to even the President of the Bengal Congress Committee. He had the right to intrigue and see that the Ministry of Mr. Ajoy Mukherjee went. But the Governor of that State has not got that right. The moment the Home Minister or the Cabinet of this country utilised the Governor to make him a tool in their hands, the entire institution of Governorship was defamed and was degraded before the people of this country.

In this connection I want to refer to the case of Haryana and Punjab. In that report of the Governor of Haryana he has said because there was floor-crossing, despite the majority that the Chief Minister enjoyed at that moment, he did not like that it should continue; that is why he dismissed him. What was happening in the State of Punjab also? Even in Punjab about 34 to 35 persons defected during this period and some of them defected thrice, and one even four times. The Governor of Haryana has said that one of them in his state defected four times. So what is the standard here about Haryana and Punjab? In the case of Haryana when the Chief Minister was enjoying a

majority at that time, whatever might be the defections, you wanted to see a stable Government; that is why the entire floor-crossing was decried and you dismissed the Government. In the case of Punjab where the same number of persons defected and defected thrice or four times also, you saw that because there was a chance that Congress could rule that State, you did not dismiss that Government. You allowed the Assembly to live and bargained with different persons to see who could become the Chief Minister of Punjab. Are you going to justify that action of the Punjab Governor? That is why we are saying here that even if you are doing a wrong and unconstitutional thing, you are not doing it in a proper manner. Haryana and Punjab have clearly shown that in Haryana you are dealing with the question of defection in a different way because the Chief Minister at that moment was enjoying a majority in the House, and you are behaving in a different way in Punjab because in spite of the defections there was a chance of your coming back to power. Secondly, take the case of defections. Here I am going to compare Bengal, Haryana and Punjab. You are decrying these defections. But what are you doing indirectly, and is it not Mr. P. C.

Ghosh the leader of defections? Is he not the king of defections there? And you come and say you are supporting Mr. P. C. Ghosh who is the king of defectors in that State. That is also the case in Punjab. There also all those persons who have defected from political parties, you are making them Ministers, you are supporting them to become the Chief Minister of the State. I want to say here: can you justify this action of the Governor? Of course I am not going to say that the Governor has said it, but I am going to say: can you justify here as Congressmen with your hands on your heart and say that you are adopting the same standard in West Bengal or in Punjab or in Haryana? You may have all political reasons as you are advancing, but can you make the Governor of a State to be instrumental in your hand to deal with political situations in an unconstitutional manner? I can

understand your dealing with a political situation in a political manner. I will be very happy if the President of the West Bengal Congress goes out in the streets, mobilise public opinion against the United Front Ministry. That is a situation in which political matters are dealt with in a political way. But you have no right to defame the Constitution of this country, murder the Constitution of this country and justify your actions on political grounds. The majority of the people who have spoken about West Bengal, Punjab and Haryana have said that it is more political than constitutional. So, here I want to say that not only have you been constitutionally wrong, but politically also you have been wrong because wherever politics suits you, you want to utilise the office of the Governor to subserve the interests of the Congress Party. The matter does not end here because we know what is going to happen in Bihar. If the Ministry there falls because they have no majority, I do not think they should stick to power. But you are ruling here. I may remind you, if some other party comes to power at the Centre, will you allow political considerations for the purposes of utilising the institution of the Governor to dethrone any government which is in power there? Can you justify it?

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): May I remind you about time also?

SHRI BANKA BEHARY DAS: Yes. Can you constitutionally justify it? That is why I want to say this. I also decry floor-crossing. Even if there were defections you cannot take advantage of that only to see that the Congress comes to power by the back door. Even the Congress people have no courage to come to power through the front door. The West Bengal Congress could have offered, we are having an absolute majority and we are going to wield power. I would have been happy.

What happened in Punjab? What is the manner, what is the way in which you are dealing with the political problems there? That is why I say that there were palace intrigues in

those days, with the court full of pulls, of intrigues and of psychopants. In India, in these days of flux, you are also resorting to these methods of intrigue in the Raj Bhavans and you are making the Governors the kings of these intrigues. It is most dangerous to this country if you deal with these things in this manner and not deal with political matters in a political manner.

He quoted Mr. Kundoor our West Bengal Minister. It is known. I have also said so many times that we are not happy at all that has been happening in the United Front Government. But it is an internal matter. You go to the people and appeal to them, here is something wrong that is being perpetrated. We should correct it and we have tried our best, even if we are a small party in West Bengal. But what are you doing here? You cannot corrupt the Constitution by these unconstitutional methods. I have no time, I am not going to say much here. But here I want to warn the Home Minister that the conventions that you are going to establish are absolutely morally wrong and constitutionally wrong. I would have been happy if you had allowed the Assembly to meet on December 18 in West Bengal. And if the West Bengal Cabinet had fallen there, then Mr. Ajoy Mukerjee would not have stuck to power to continue for a single day more. If he had no right, we would have been there to say that a Government which does not enjoy the support of the Assembly has no right to continue even for one day. But here by your unconstitutional actions, by your politically foolish actions also, you have allowed to same forces to grow whom you are criticising. I will say here you are playing to the politics of the left Communists. You are vociferously against them. If you can deal with them politically, go to the people out in the street and show that you are superior and mobilise their strength, then these actions would have any meaning to you. Lastly, I want to say here that Mr. Chavan who happens to be the Home Minister of the country tried to take cover under the fact that the Governor has done

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this in his discretion. But everybody here and throughout the world knows that it is not the Governor of West Bengal or Haryana or Punjab who is the party. They may be parties to the intrigue but they are not the leaders of the intrigue. If the leaders of the intrigue are anywhere, they are in the Cabinet. He is the Home Minister, it is the Cabinet of the Congress Government itself. And they have tried to defame the Governors of different States and by that, they have decried the institution of Governors. As a result, Governors who are supposed to be the custodians of the Constitution, will fail, in future, to become the custodians of the Constitution. That is why I blame this Cabinet which is responsible for all these unconstitutional actions taking place in this country. I will take this opportunity to say also from the way the Governors are being appointed and utilised, it is high time that the posts of Governors be abolished or Governors should be made from elected persons in this country. Otherwise, this Congress, as long as it is in power—it will not be in power for a long time . . . (Interruptions). I am not prepared to give them any time. But because of their own actions, they are digging their own grave; they are not helping themselves in this matter because from the way they have dealt with the entire Constitution and the democratic institutions of this country, they are going to kill the Constitution and murder democracy, and the ultimate result will be that those very people whom they are decrying, will be helped by them and they will be having an unholy alliance with such forces in this country, wittingly or unwittingly.

श्री गोड़े मुरहरी (उत्तर प्रदेश) :

उपसभाध्यक्ष महोदय, जो दो प्रस्ताव हमारे सामने हैं और तीन दिन से उस पर जो बहस चल रही है और इस बीच जो जो घटनाएं पश्चिम बंगाल में हुई हैं वे भी हमारे सामने हैं। सरकार ने पश्चिम बंगाल में एक ऐसा कदम उठाया है जो कांस्टीट्यूशन के खिलाफ है, जो संविधान के खिलाफ है, जो सारी

जनतंत्रीय प्रथा के खिलाफ है और साधारण तौर पर जिस तरह का व्यवहार जनतंत्रीय देशों में होना चाहिये था उस तरह के व्यवहारों के खिलाफ हमारी सरकार ने बात की और उसने बंगाल में इस तरह की परिस्थिति पैदा कर दी जिसके कारण बंगाल की सड़कों में इस सरकार के खिलाफ सैकड़ों और हजारों लोग आज प्रदर्शन कर रहे हैं। आज वही पर पुलिस की गोलियां चल रहीं। जिस की वजह से सैकड़ों लोग मर गये हैं। वहां पर लाठी चार्ज हुआ है, टियर गैस भी चलाई गई जिसकी वजह से काफी लोग घायल हुए हैं। वहां पर अब भी खतरा बना हुआ है और 20 तारीख को वहां पर और भी उपद्रव होने वाले हैं।

हमारी सरकार की ओर से हमें एक ओर तो यह सबक सिखलाया जाता है कि चूंकि वहां पर ला एण्ड आर्डर खत्म हो रहा था, इसलिए वहां की सरकार को खत्म किया गया। लेकिन मैं यह कहना चाहता हूं कि यह बिल्कुल साफ बात है कि आप कांस्टीट्यूशन का चाहे जो इन्टर-प्रिटेशन करें, वह हमेशा कांग्रेस के हक में ही होता है, यह बात मेरी समझ में नहीं आती है। चाहे राजस्थान हो, चाहे मध्य प्रदेश हो, चाहे हरियाणा हो या पंजाब हो और या फिर बंगाल हो, जहां पर भी गैर कांग्रेस की सरकारें हैं, वहां की सरकार को बैठाने के लिए सरकार कांस्टीट्यूशन का मतलब इस तरह से निकालती है ताकि वहां पर कांग्रेस सरकार बैठला दी जाय और कांग्रेस के हाथ में वहां के राज्य का शासन चला जाय। असल में आजकल हिन्दुस्तान में कांस्टीट्यूशन के उपयोग के नाम पर उसकी मौकरी की जा रही है। कभी यह कहा जाता है कि पी० सी० घोष को बंगाल में समर्थन प्राप्त है और इसीलिए गवर्नर ने अजय मुकर्जी की सरकार को बरखास्त कर दिया। कभी

यह कह जाता है कि राव विरेन्द्र सिंह जी को बहुमत प्राप्त नहीं था, इसलिए उन्हें निकाला गया। मैं कहना चाहता हूँ कि कांग्रेस इतनी बड़ी पार्टी होकर भी वह बेशर्मी के साथ 15 और 17 आदमियों की बहुमत वाली पार्टी को सरकार बनाने के लिए कहती है? मैं पूछना चाहता हूँ कि अगर कांग्रेस सरकार चलाना ही चाहती है तो खुद क्यों नहीं चलाती है और पी० सी० घोष को सरकार चलाने के लिये क्यों कहती है? उसने ला एन्ड आर्डर के नाम पर युनाइटेड फ्रण्ट पार्टी की सरकार को वहाँ से खत्म किया और उसकी जगह पर पी० सी० घोष की सरकार को बिठलाया जो कि जनतंत्र के इतने बड़ी प्रेमी हो गई है। आज कांग्रेस को खुद वहाँ पर शासन चलाने को हिम्मत नहीं है। वह वहाँ पर मीर जाफरों को पैदा करके राज्य चलाना चाहती है और इस तरह से वह इतनी बेशर्मी में उतर आई है। आज हमारे देश में 20 साल से कांग्रेस राज्य कर रही है मगर मुझे कभी ऐसा ऐहसास नहीं हुआ था कि वह इतनी गिरावट में आ जायेगी।

यहाँ आज परिस्थिति यह है कि जब सत्ता हाथ से निकल जाती है तो यह कांग्रेस अपनी सत्ता को किसी न किसी रूप में वहाँ रखने के लिये कोई भी कमीनापन करने के लिये तैयार है और आज वह कमीनापन में देश में देख रहा हूँ। लेकिन इसका नतीजा क्या होगा? आज कमीनापन जैसा चल रहा है अगर वह चलता गया तो यह कांग्रेस वाले भी यहाँ नहीं रहेंगे, यहाँ मिलिट्री शासन होगा और यह चव्हाण साहब कहीं जेल में दिखाई पड़ेंगे। तो मैं आप को चेतावनी देना चाहता हूँ कि जिस ढंग से आप संविधान का हनन कर रहे हैं, जिस ढंग से हिन्दुस्तान में जनतंत्र का हनन हो रहा है, उसका साफ नतीजा

यह होगा कि कल कोई जनतंत्र इस देश में नहीं रह जायेगा। [THE DEPUTY CHAIRMAN in the Chair] आज बड़े बड़े पंडित लोग यहाँ पर आ कर के और संविधान का उल्लेख कर के हमको यह बताना चाहते हैं कि संविधान के अनुसार वहाँ गवर्नर का डिसयिजन यूज हुआ है। क्या गवर्नर हिन्दुस्तान के संविधान से बड़ा है, क्या गवर्नर हिन्दुस्तान के जनतंत्र से भी बड़ा है? आज हम देख रहे हैं कि गवर्नर का जो अधिकार है वह प्रेसिडेंट के अधिकार से भी बढ़ कर हैं। उसकी मर्जी हुई तो कोई मिनिस्ट्री रह सकती है, उसकी मर्जी हुई तो कोई मिनिस्ट्री निकाली जा सकती है और उसकी मर्जी हुई तो 17 आदमियों की मिनिस्ट्री बन सकती है। इस ढंग से अगर हम संविधान का इस्तेमाल करने लग गए तो संविधान पर किसी का भी विश्वास नहीं रह जायेगा।

आज लोग लेफ्ट कम्युनिस्टों को गाली देते हैं। मैं तीन दिन से लोगों के भाषण सुन रहा हूँ। किसी ने कहा कि लेफ्ट कम्युनिस्टों ने ऐसी ऐसी साजिश कर रखी है कि कोई डेमोक्रेसी चल नहीं सकती, किसी ने कहा कि वे चीन से मिल गये हैं। लेकिन मैं जानना चाहता हूँ कि आपने कहां डेमोक्रेसी यहाँ कायम रखी? कांग्रेस के शासन में जो यहाँ पर केन्द्र में सरकार चला रहे हैं उन्होंने कौन सा जनतंत्र इस देश में चलाया, उन्होंने कौन सा सबक देश को दिया। मैं जानना चाहूंगा कि हरियाणा में कौन सा लेफ्ट कम्युनिस्ट आ गया है। वहाँ पर मिनिस्ट्री को क्यों खत्म किया गया। असली बात यह है कि कांग्रेस के लोगों को ज्यादा दिन अधिकार से वंचित रहने की आदत नहीं है, किसी ना किसी रूप में वे अधिकार में आना चाहते हैं। पांच महीने हो गये, छः महीने हो गये तो कोई न कोई दौड़ कर के दिल्ली आता है और कहता है कि हमने शोषित दल बना दिया, उसका भी

[श्री गोडे मुराहरि]

नेता हो गया, संयुक्त सोशलिस्ट पार्टी के कुछ लोगों को तोड़ लिया, उनकी सरकार बना दो और फिर हमारी सरकार हो जायगी। कोई दौड़ कर के आता है और कहता है कि श्री पी० सी० घोष को बना दो और फिर हमारी सरकार बन जायगी। अगर आप इस तरह से जनतंत्र के साथ खिलवाड़ करेंगे तो इस देश में जनतंत्र रहने वाला नहीं है। यह कहना कि जनतंत्र का सबक सिखाने के लिये हमने यह कदम उठाया है यह तो बिल्कुल वच्चों की कहानी है। (Interruption) एक कहानी तो चट्टाण साहब अभी बतायेंगे और उनकी कहानी हम सुनेंगे। लेकिन मैं कहना चाहूंगा कि इस ढंग से अगर आप जनतंत्र इस देश में चलाना चाहते हैं तो इस देश में अनर्थ हो कर के रहेगा। बीस साल के बाद पहली बार हिन्दुस्तान के कई राज्यों में गैरकांग्रेसी सरकारें बनी हैं और लोगों के मन में विश्वास आ रहा था कि ठीक है, कांग्रेस गई तो कोई दूसरी सरकार भी बन सकती है और जनतंत्रीय ढंग से बन सकती है और यहां पर कोई क्रांति की जरूरत नहीं है। लोग यह सोचने लगे थे कि अगर कोई बदलाव करना हो तो हम जनतंत्रीय ढंग से कर सकते हैं। पहली बार लोगों में यह विश्वास आया था। लेकिन जिम ढंग से कांग्रेस ने यह बरताव किया है या करने वाली है उसमें लोगों का जनतंत्र में विश्वास नहीं रहेगा। ऐसा मालूम होता है कि सिर्फ बंगाल, हरियाणा और पंजाब तक यह सीमित नहीं रहेगा, कल बिहार में ऐसा होगा, परमों उत्तर प्रदेश में ऐसा होगा और उड़ीसा में भी होगा। मैं जानता हूं कि यह षडयंत्र उड़ीसा और मध्य प्रदेश में भी चल रहा है और अगर वहां भी ऐसा हुआ तो लोगों का विश्वास जनतंत्र में नहीं रहेगा और फिर लोगों को जो रास्ता दिखाई देगा, उसी रास्ते पर

वे जायेंगे और यह कहना कि लेफ्ट कम्युनिस्टों को खत्म करने के लिये हमने यह सब किया, यह इतना झूठ साबित होगा कि आप लोग कल रोयेंगे।

इस लिये जो लोग जनतंत्र में विश्वास करते हैं उनसे और खास कर के चट्टाण साहब से मैं कहना चाहूंगा कि अगर हिन्दुस्तान में जनतंत्र को चलाना हो तो इस ढंग से चलाओ कि अगर कहीं गैर कांग्रेसी सरकार बनी हैं तो उनको चलने दो। अगर उनको आप कुछ दिन चलने देते और अगर वे खराब साबित होती तो वहां की जनता अपने आप उनको खत्म कर देती और कोई दूसरे इलेक्शन में खत्म हो जाती। लेकिन इस तरह से उनको निकाल कर के और वहां पर गवर्नर का शासन लाकर के अगर आप यह कहें कि हमने जनतंत्र की रक्षा की, तो जो कांग्रेस में आज थोड़े बहुत अच्छे लोग बच गये होंगे वे कल कहेंगे कि हमने बहुत बड़ा काम किया है और देश के साथ गद्दारी की है। देश के साथ यह सिर्फ गद्दारी नहीं है बल्कि थोड़ा बहुत जो देश में जनतंत्र बचा है उसके साथ भी जो आप का बरताव है उसमें आप गद्दारी कर रहे हैं।

इसलिये मैं अपील करूंगा कि बंगाल, हरियाणा और पंजाब में जो कुछ हुआ वह और जगह नहीं होना चाहिये। साथ साथ जो कुछ बंगाल में हुआ उसकी कड़ी निंदा करते हुये मैं श्री भूपेश गुप्त जी का जो प्रस्ताव है उसका समर्थन करता हूं और जो सरकारी प्रस्ताव है उसका विरोध करता हूं।

SHRI M. GOVINDA REDDY (Mysore): Madam Deputy Chairman, while considering the two Resolutions that are before the House the questions that arise are: (1) whether the Governor has the authority to consider that under certain circumstances the Government of a State cannot be carried on and whether such a state of

conditions did exist in Haryana; (2) whether the Governor can dismiss a Government; (3) whether the Governor is the proper authority to decide whether in a State Legislature the Ministry does command a majority or not; and (4) whether a Governor can compel the Chief Minister to convene the Legislature at his wish. These are the points. These questions have been dealt with by some eminent Members. I would like to give my views also on this question.

Madam, when the State of Haryana came into existence we all hoped that the aspirations of the people of Haryana would be fulfilled and that the Government that had come into existence there would certainly work to the good of the people. But unfortunately the electorate of Haryana was betrayed in a very sad manner, I should say, to use the simplest word, I need not go into details of what has happened there, but any reasonable person can see that a Member who crosses the floor today from one party to the other becomes a Minister. A Parliamentary Secretary leaves a party, crosses the floor and comes back again; he is made a Minister. A Member from another party crossing the floor is made a Minister the same day. Under such a situation no reasonable person can say that the Chief Minister is acting with a sense of responsibility.

Triloki Singhji and others for whom I have great esteem have said that crossing of the floor is not a new phenomenon when my party is also guilty of such an offence. There have been crossings of the floor...

SHRI LOKANATH MISRA (Orissa): But your party has set an example. There are Shri Asoka Mehta, Shri Pattom Thanu Pillai.

SHRI BHUPESH GUPTA: A party of kidnappers.

SHRI M. GOVINDA REDDY: ... in my party. But in the examples pointed out by Shri Triloki Singhji the crossings of the floor did not occur in order to gain a job, in order to gain

a post. Members did not cross floor to become Ministers.

SHRI BHUPESH GUPTA: Yes they crossed the floor to be in the Planning Commission.

SHRI M. GOVINDA REDDY: No, they did not cross the floor for personal ends. There is nothing wrong in defections provided the Member is honestly convinced that the party to which he belongs does not conform to his views.

(Interruptions.)

SHRI G. MURAHARI: I challenge you. You form a Congress Ministry in Bengal and Punjab and see what happens to Dr. P. C. Ghosh and Mr. Gill. See whether they support you or not.

SHRI M. GOVINDA REDDY: I do not yield, Madam. I do not have much time. There have been crossings and these crossings have resulted in their immediately becoming Ministers or in their gaining their personal ends. If that were the case, then, of course, the Governor would not have taken that thing very seriously. But here offices were being bartered and horse-trading was going on from day to day. And out of 30 Members of his party, 23 become Ministers. Nobody would say that such a state of affairs is conducive to the carrying on of the Government in a legitimate manner and to the good of the country. Therefore, the Governor was right in recommending President's rule there. After all the electorate which has been awfully betrayed, will show in the mid-term elections who exactly has the strength.

The second question is whether the Governor has the right of dismissal. Certainly he has. The Constitution has charged him with certain responsibilities of administration and he is the authority who is responsible for the carrying on of the administration according to the Constitution. When that cannot be carried on according to the Constitution, the Governor has the right to dismiss...

SHRI BHUPESH GUPTA: No.

SHRI M. GOVINDA REDDY: Supposing, for a moment, we concede that

[Shri M. Govinda Reddy]
the Governor has no right to dismiss the Government. Then what is the purpose of his serving there? The Chief Minister is sufficient. Why should there be the Governor? The Governor is enjoyed with certain responsibilities and in the discharge of which, the dismissal of a Ministry is one of the functions he can do. . .

SHRI BHUPESH GUPTA : You are admirably qualifying for appointment as a Governor.

SHRI M. GOVINDA REDDY : Supposing there is a Chief Minister who does not carry on according to the Constitutional provisions and supposing he does not have a majority and the legislature is not in session, then what would become of the country? What would be the fate of those people where the Chief Minister is not carrying on the administration according to the provisions of the Constitution and where he does not convene the legislature? In those circumstances, the Governor, being the man on the spot studies the circumstances and conditions and, therefore, it is within his discretionary powers to dismiss a Ministry... (*Interruption*). I have no time. Otherwise, I can argue with you, Mr. Bhupesh Gupta, for any length of time... (*interruptions*).

With regard to West Bengal, our hon. friends say that the Governor was wrong in dismissing the Ministry and in asking the Chief Minister to convene the legislature at an earlier date. Now, what was the position there? As many friends have pointed out, the Chief Minister was not happy with his colleagues and his colleagues were going out of their way to do things which are not even mentionable here—to invite a foreign power. Now, imagine an hon. Member of this House who is sworn to the Constitution, appeals to the Soviet Union to condemn Mrs. Indira Gandhi's Government. Is it not disgraceful? If such a situation should prevail, then what is the Governor there to do? The only thing that the Governor there can do is to take the matter into his own hands. If, as the hon. Members con-

tend, Mr. Ajoy Mukherjee had a majority well, he could have convened the legislature. What prevented him to test the strength by convening the legislature? That obviously shows, and also the statements of the senior colleagues who were working with him show, that he had no majority. People had left him and senior party members had deserted him. Now some action has been taken to convene the Assembly on the 29th of this month. Well, it will prove whether the Governor was right in doing what he did. We should concede to the Governor, being the man on the spot, the right to use his judgment and come to conclusions. In this case, he has properly judged the situation and, therefore, although two views are possible on the powers of the Governor as to whether he can compel the Chief Minister to convene the Assembly or not, the conditions prevailing there certainly warranted the action that he took.

SHRI BHUPESH GUPTA : To quote the Prime Minister, you are in a labyrinth of bunkum.

SHRI A. P. CHATTERJEE : Madam Deputy Chairman, I have listened to the speeches from the Congress benches on this very vital and important matter of the promulgation of the Governor's rule in Bengal. I will call it only 'Governor's rule' because a minority Ministry has been placed in power in the State of West Bengal under the fiat of the Governor. It is not yet known whether that Ministry will carry the majority or not on the 29th. It may or may not. But that is not the question here. The question that is clear before us is this, that on the 21st of November, 1967, a 17-member coterie and their leader were called by the Governor in violation of all Constitutional proprieties and asked to form the Ministry. At that very moment, it was not known also whether they would command a majority in the State Legislature or not. That cannot be decided unless the State legislature is convened and sits. But then that outrage on the Constitution has been done and, as I was submitting before you, Madam Deputy Chairman, all these pretensions

to democracy which are so avidly preached to us from the Congress benches, seem to us to be very hollow. The hollowness of those pretensions will be more apparent if we remember also the shedding of blood in the streets of Calcutta. While Rome was burning, Nero was fiddling. While they were singing tunes and songs to the praise of the so-called Congress democracy, we were finding that young boys were being shot down, and were being killed in the streets of Calcutta. And do you know what it is for? For the pleasure of the Governor, because that is the only pleasure which seems to be immanent in the entire country, in the Union of India, from Haryana to Punjab and from Punjab to West Bengal. And for the pleasure of the Governor so many young persons have to shed their blood and these young boys are to be killed in the streets of Calcutta. I cannot see a greater travesty of democracy than what is now going on in the State of West Bengal and in other parts of the Union of India. And it is being said that this is being done Constitutionally according to Constitutional conventions and propriety. Madam Deputy Chairman, when the framers of the Constitution said that India would have a Cabinet system of Government, they certainly meant that all the conventions of the Cabinet system of Government would also be followed in India, because the Cabinet system of Government is not found in the Shastras of India. The Cabinet system of Government has been borrowed by us, imported by us from England, the mother of the Cabinet system of Government, the mother of this kind of parliamentary system. Now when you borrow a system from a particular country, you borrow it in toto. You borrow it in all its nuances, with all its shades and with all its conventions. It does not lie in the mouth of the undemocratic democrats of the Congress Party to say that we borrowed the autocracy of England and that we did not borrow democracy from England. Madam Deputy Chairman the Constitution is a tender and delicate instrument and it was meant to be used delicately by the framers of the constitution when the constitu-

tion was framed. But now we find that the persons who are trying to commit an outrage on the Constitution do not understand the principles of the Constitution and the purposes behind the Constitution, and they are now tearing the Constitution to shreds. It has been said by various Members from the Congress benches that lawlessness is prevailing in the streets of Calcutta. Madam Deputy Chairman, I do not agree that lawlessness is being committed by the people in Calcutta. Lawlessness is being perpetrated against the people by the police and the military standing by and by the Governor, that man who wants to wreak destruction on the homes of every Bengali youth for his pleasure. That is the position in the streets of West Bengal. If you have brought democracy to the streets of Calcutta, then democracy would be fought for in the streets of Calcutta. I can assure you of that. But then do not blame us if we are fighting for democracy in the streets of Calcutta because it is you who have brought it down to the streets of Calcutta to be fought for and to be striven for by the people of Bengal. And that fighting for democracy and striving for democracy in the streets of Calcutta will bear fruit because blood is not shed in vain. Whatever may be said by the Congress Members, the blood is the blood of the citizens of India and that blood is being shed because the persons who are shedding that blood hold dear to their hearts the concept of democracy, a concept which states that there will be no dictator—to dictate to an elected representative Ministry of a State as to what they shall do and what they shall not do. Madam Deputy Chairman, you have seen the order of the Governor of West Bengal. It is to be seen how ludicrous that order is. The order purports to be under article 164(1) of the Constitution and that article says that the Ministers individually shall hold office during the pleasure of the Governor. Does it refer to the Council of Ministers? In the same article it is stated that the Council of Ministers shall be collectively responsible to the Legislature. These blockheads who demand and insist that the responsibility of an elected

[Shri A. P. Chatterjee.]

Ministry a representative Ministry must be to the Legislature as well as to the Governor, I call then constitutional blockheads because these constitutional blockheads do not understand that there cannot be any dual responsibility on the part of the elected representatives, elected by the people. The elected representative of the people and the popular Ministry formed by the elected representatives must be responsible only to the Legislature and not to anybody else. The word 'pleasure' has been expatiated on. Some metaphysical meaning has been added to the word 'pleasure'. But actually that word 'pleasure' is merely a technical expression for signifying the wishes of the head of the executive in regard to purely procedural matters. Madam Deputy Chairman, I must say that this is also a term which has been borrowed from the English Constitution. What the word 'pleasure' in the English Constitution means has been defined in May's Parliamentary Practice. It means that signification of the King's pleasure is the form employed for communicating to Parliament the King's wishes with regard to certain matters which are mostly of a formal and regularly occurring nature and connected with the procedure of Parliament. That is what is meant by the word 'pleasure'. The Constitution wanted to give some dignified names to the executive head and because of the solicitude for the dignity of the head of the executive it was said that if he does something, it would be said that he would be pleased to do that thing. Madam, if you, for example, ask a particular person who commits indiscretion "Will you be pleased to go out of this Chamber"? Then does it depend upon the pleasure of that particular person to go out or not to go out? Therefore, there is no difference. That is merely a form of expression when it is said that the Governor will be pleased to do something. Actually the Governor will have to do it and he has to do it, if the Ministry advises him as such. Madam, 'pleasure' is a technical term by which the wishes of the Governor are signified in relation

to purely procedural matters of Parliament. Madam Deputy Chairman, that is what has also been stated by the jurists in India. Yesterday night I heard the broadcast of Mr. Setalvad. Of course, Mr. Setalvad was in his broadcast going back upon what he said in his famous Telang lectures.

SHRI G. MURAHARI : That is why he was allowed to broadcast. Will you ask Mr. Sapru to broadcast?

SHRI A. P. CHATTERJEE : He said that as far as 'pleasure' is concerned, as far as these things are concerned, they are nothing but a constitutional convention for clothing the Governor with certain executive power and that executive power is merely the power to do what the Government or the Ministry asks him to do. Mr. Setalvad has quoted the Supreme Court view. The Supreme Court in a famous case has stated that the Governor or the Rajpramukh occupies the position of the head of the executive in the State but it is virtually the Council of Ministers in each State that carries on the executive Government. That is the Supreme Court judgment too and Mr. Setalvad also agreed with that view. But then yesterday night Mr. Setalvad said quite another thing. Madam Deputy Chairman might I say that we on the Opposition benches have every right to appeal from Philip Drunk to Philip Sober? Therefore we appeal from Mr. Setalvad's broadcast to Mr. Setalvad's Telang lectures where he said that the Governor has no discretion except what is specifically laid down in the Constitution. That is the position in the law and that is the position in the Constitution.

Madam Deputy Chairman, as I was submitting to you, the constitutional niceties are not meant to be respected by autocrats and by bureaucrats. That bureaucrat is there in the State of West Bengal and he is carrying out the wishes and desires of the autocrats at Delhi. But one thing I must tell the autocrats of Delhi which they will do well to bear in mind, and that is this : The way in which they are committing outrages on the Constitution, if they proceed further in that way, that will

ruin democracy in the entire Union of India. They are invoking military rule, the rule of the Fascists here in this country by committing these outrages on the Constitution, by giving these powers to the Governor which powers the Governor does not possess, by arguing with all vehemence that the Governor can dismiss a Ministry which has been elected by the elected representatives of the Legislature.

Madam Deputy Chairman, it has been stated that this Ministry has been responsible for lawlessness in the State of West Bengal. I will say that the boot is rather on the other leg. What happened at the Congress meeting on the Maidan on 20th November, the other day only two or three days before the Ministry was dismissed unconstitutionally by the Governor? At that meeting held by the Congress on 20th November Mr. P. C. Sen declared solemnly that unless the Assembly is convened by the 23rd November, unless the Governor's dictate is obeyed by Mr. Ajoy Mukerjee's Ministry, they will start a mass movement in the State. Who threatened lawlessness? It is they who threatened lawlessness and they are thriving because they threatened lawlessness. That is the position in the State of West Bengal. Madam Deputy Chairman, what was the reason that on the 22nd night the merciless shootings and the cruel beatings of the police happened? On that day in the afternoon a meeting had been called by the United Front on the Maidan. Throughout the day there was no trouble at all. There was complete peace in the State. But then the Governor, the autocrat Governor would not allow democracy to function. Therefore when the people converged on the Maidan in order to give expression to their feelings, instead of allowing them to do that, they began to beat up the persons who went and converged on the Maidan. They wanted to have their say in that meeting. That is how the trouble began. The trouble began not because of hartal which was called by the United Front; the trouble began because the voice of democracy was suppressed brutally by

the police in the State of West Bengal. Actually in that State only the Governor rules and the police rules with military as a standby. This octogenarian, this dotard Prafulla Ghosh who is carrying on the Ministry there is a pawn in the hands of the Governor. Of course, the Governor as well as Shri P. C. Ghosh are puppets only, but the strings are being held by the autocrats here. (*Time Bell rings.*) Thank you.

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN): Madam...

SHRI NIREN GHOSH: Madam Deputy Chairman, the blood of West Bengal is in his hands, in the hands of the Cabinet Minister.

SHRI Y. B. CHAVAN: Madam, I am intervening in this debate...

SHRI BHUPESH GUPTA: You are intervening?

SHRI Y. B. CHAVAN: Yes.

SHRI BHUPESH GUPTA: It is another Central invention.

SHRI Y. B. CHAVAN: But I am not dismissing anybody.

SHRI BHUPESH GUPTA: Only the Governor dismisses.

SHRI Y. B. CHAVAN: I want to examine some of the points that were raised during the course of the debate. I have heard some important speeches but I am sorry that I have not had the privilege of listening to all the speeches but I have points of the speeches made on the floor of the House in the course of the debate. I think there are two aspects of the problem both in Haryana and in Bengal. One is the constitutional aspect and the other is the political aspect. It is very useful to go into the constitutional aspect first because many differing views have been expressed here. Naturally, where the interpretation of the law and particularly where the interpretation of fundamental law like the Constitution comes, there are bound

[SHRI Y B CHAVAN]
to be different views in this matter but they are views ultimately I will try to present the view as we see it, as a Government

SHRI BHUPESH GUPTA The whole lot of you ?

SHRI Y B CHAVAN Yes, the whole lot of us I am not speaking as an individual but I am speaking as one representative of the Government This question of the role of the Governor has been discussed many times and I have had on occasions to give my view point about it or our view about it, on many occasions The most important articles in this connection are articles 163 and 164 What is the role of the Governor? The role of the Governor is essentially the role of the Head of the State No one has any doubts about that but at the same time he also represents the President in one important matter because when he is sworn in, he is sworn in under the Constitution to see that the Constitution is properly worked His oath is to the Constitution and there, in that capacity as the representative of the President, he has to see constantly that the State is governed according to the Constitution The other matter is, he is the Head of the State wherein he has to act on the advice of the Chief Minister Even in that matter, under the Constitution, by the Constitution, under certain articles he has been given certain discretion That is again a very special case in the case of the Governor In the other capacity, he has been given certain discretionary powers This is my understanding of the Constitution as I see it I heard some speeches and they say and some of them also quoted

SHRI A D MANI (Madhya Pradesh) May I ask the Home Minister whether he accepts the interpretation of the Constitution by Mr Basu which is considered to be the last word on the Constitution? He says that the Governor has no discretionary power excepting what is contained in the Sixth and the Seventh Schedule

SHRI Y B CHAVAN I am exactly coming to that point because when he functions as the Head of a State,

excepting those articles which are mentioned there under which he has the discretion, certainly he has to go by the advice of the Chief Minister I had myself quoted that last time when we were discussing the Madhya Pradesh problem in this House I have conceded that point but that is when he is functioning as the Head of the State but as I said, under article 163—particularly under article 164—when really speaking, he functions there as the representative of the President (*Interruptions*) when I used the word representative of the President, it means that he has to see that the Constitution is properly worked I will take an instance (*Interruptions*) Let it be some sort of an understanding between us I would like to meet the points you make I do not undertake to convince Mr Gupta

SHRI BHUPESH GUPTA Neither do I

SHRI Y B CHAVAN That is beyond me

SHRI BHUPESH GUPTA That is beyond me also

SHRI Y B CHAVAN May I ask one question If we accept the position that the Governor has discretionary powers only those which are mentioned by Mr Basu or Mr Seervai under those three articles only, then a very peculiar situation arises Suppose when a Governor has to appoint a Chief Minister in his pleasure, is he supposed to take the advice of the previous Chief Minister?

SHRI BHUPESH GUPTA Shall I say something?

SHRI Y B CHAVAN No, I am asking a very patent question The afore the Constitution contemplates it because there are certain inherent situations in which the Governor has the discretion and naturally this discretion is not any individual whim This discretion is also subject to certain constitutional provisions This is not an individual whim When I say discretion, it is not just an individual desire or wish of the Governor There he has to see article 164 which 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 Minister shall hold office during the pleasure of the Governor.'

Provided etc "

Article 164(2) says

"The Council of Ministers shall be collectively responsible to the Legislative Assembly of the State"

The word 'pleasure' which was tried to be interpreted by reference to May's book by Shri Chatterjee is quite all right regarding procedure. That point I would take a little later. When he uses the word 'pleasure' the other parties in England do not wait to be dismissed, when they suspect that they have lost the majority, they themselves offer to resign.

SHRI BHUPESH GUPTA Not at all

SHRI Y B CHAVAN They do not wait. They say 'no'. It is such a delicate matter. This collective responsibility to the Legislature is the soul of parliamentary democracy.

SHRI BHUPESH GUPTA Under no circumstances the Crown is to tell

AN HON MEMBER What about Punjab?

SHRI Y B CHAVAN I am coming to Punjab. This article is a very important one that the Council of Ministers shall be collectively responsible to the Legislative Assembly of the State. This provision is the soul of parliamentary Government.

SHRI BHUPESH GUPTA The soul has been killed.

SHRI Y B CHAVAN No. Immediately it is the responsibility of both the Governor and the Chief Minister to see.

SHRI BHUPESH GUPTA No. Where?

SHRI Y B CHAVAN Of course yes. It is their responsibility. The moment the Chief Minister suspects that he has lost the majority, it is the duty of the Chief Minister to submit his resignation, and if the Chief Minister does not do that, it is then the duty of the Governor to see that first the Chief Minister calls the Legislative Assembly and tries his strength and proves that he is the majority leader and if he does not do that he naturally advises the Chief Minister to call the Legislative Assembly and try his strength and prove that he is the majority leader and if he does not prove that he is the majority leader, naturally he has nothing else to do but to get himself dismissed.

SHRI BHUPESH GUPTA That is not permitted under the British Constitution.

SHRI Y B CHAVAN We are discussing the Indian Constitution which is a written Constitution. So the basic question that really arises is that the power and pleasure is, really speaking, not an individual pleasure. The question of pleasure of the Governor is connected with the collective responsibility to the State Assembly. (Interruptions) I have not interrupted him. You have the right to reply. You can reply.

SHRI BHUPESH GUPTA Occasionally after every five minutes you yield for one minute. It is a compromise I suggest.

SHRI Y B CHAVAN I cannot do that. It is a very pleasant thing, a conversation with Shri Bhupesh Gupta. But I do not propose to do it now. It is a different matter.

The whole case is based on this one thing, if we do not understand this fundamental principle of the working of the Constitution it is no good if one has read tons of books and speeches.

SHRI BHUPESH GUPTA I have read books on constitutional law by Ivor Jennings and others and have understood the constitutional law as propounded by them. Now I am in too

[Shri Bhupesh Gupta.]

advanced a stage to be taught constitutional law by our Home Minister, Mr. Chavan. What pleasure can I have to learn it from him ?

SHRI Y. B. CHAVAN : Now I do not want to get myself involved in this lest I should lose the link of the point I am making. In this whole controversy of Bengal, it is absolutely difficult to get at the major question because some people made very hackneyed arguments that the Central Government is interested in toppling the non-Congress Governments. Far from it. (*Interruptions.*)

SHRI BHUPESH GUPTA : For this public utterance you should get some award from our Sangeet Natak Akademi.

SHRI NIREN GHOSH : Mahatma Gandhi will shiver in his place.

SHRI Y. B. CHAVAN : If we can see, even in regard to the former West Bengal Government itself, Madam, there were occasions when we had opportunities here to discuss and criticise what was happening in Bengal. I had myself an occasion, while in Calcutta, to express my views about certain unconstitutional things that were happening in Calcutta. Worse still, this House was very much concerned when things were happening in Naxalbari.

SHRI NIREN GHOSH : What is not to your liking is always unconstitutional.

SHRI Y. B. CHAVAN : For what was happening in the industrial field and in other fields, if at all, really speaking, the Government had any wrong intentions about any non-Congress Government, action could have been taken at that very time by the Government.

SHRI NIREN GHOSH : You simply dared not take action then.

SHRI Y. B. CHAVAN : Now you know ; it is not a question of our taking action ; the Governor is there to take action. What have you done to it ? What is the idea of blaming the

Central Government ? (*Interruptions.*) Even today there are many non-Congress Governments. We always wish them well, and whatever was possible was done for them. (*Interruptions.*) Extensive co-operation was given to those Governments. But, Madam, it is not the Governor who is responsible for this position ; it is not the Central Government that is responsible ; it is they who are responsible for this position. Now it is very wonderful logic. When they got a majority by joining many parties together including Dr. P. C. Ghosh when he was a Minister there, they thought that they were very powerful and could be in a majority for all time to come. Now, Sir, they had not that majority, and it was because of their internal contradictions, and that is the main point I would like to place before the House. You can criticise the Congress. You have every right to criticise the Congress. So I have every right to criticise you also now. You think that the Congress is bad. Then why are you trying to imitate the Congress now ? You say that the Congress had deteriorated. Granting that, the Congress took at least twenty years to deteriorate, but then you took only six months to get deteriorated. (*Interruptions.*)

SHRI G. MURAHARI : I am giving you the challenge. Let you have re-elections in Bengal and the people will show you whom they want to be in power.

SHRI BHUPESH GUPTA : Take away your army and keep the army in the barracks and see, Mr. Chavan, what happens to the country.

SHRI Y. B. CHAVAN : Even when I touch on a very correct point, there also they are angry about it. (*Interruptions.*) I am not holding any brief for either the Bengal Congress or the Punjab Congress or any particular Congress. We are discussing here a certain constitutional and political situation and the Governors role in it. I am not holding any brief for any particular group or party in Punjab or Haryana or Bengal. That is not my present task. I will perform that task

when it comes to me That is a different matter Now you are angry because you have lost the majority (*Interruptions*) Therefore, instead of trying to find fault with others it is very necessary for you to find out why it has happened so

Some other hon Members tried to compare the situations in Bengal, in Haryana and in Punjab It is absolutely wrong to compare the things Punjab is Punjab and Bengal is Bengal (*Interruptions*) and Haryana stands on its own, it is a class by itself So what happened in the three places are three different situations, completely different political situations, and it is no use trying to apply some sort of a uniform political standard in all the three States What happened in Bengal was that the United Front Government lost the majority . . .

SHRI BHUPESH GUPTA No

SHRI Y B CHAVAN Then why did they not call a meeting of the Legislature?

SHRI BHUPESH GUPTA The majority, if lost, is to be lost on the floor of the House

SHRI Y. B CHAVAN. In Punjab Madam, I must, really speaking appreciate the behaviour of the Punjab Chief Minister, Mr Gurnam Singh Immediately he suspected that he had lost the majority, he resigned (*Interruptions*.) In Haryana the situation was completely different, there was the question of constant defections Even the first Government of Haryana was also toppled by defections, but we did not take a very strong view at that time That Congress Government was toppled by defections and the Congress Chief Minister of the time did not hesitate to resign (*Interruptions*.)

In Haryana what was happening was that for anyone who, really speaking, claimed to have a majority, that majority was so thin and uncertain and invisible that the Chief Ministers themselves never felt certain whether to depend on them or not Even on the 18th of November the Chief Minister

of Haryana made a statement to the Press—it appeared in the 'Patriot'—in which he said that things had become so uncertain that he could not depend on anybody That was a statement by the Chief Minister of Haryana himself So, Madam, the Punjab situation the Haryana situation and the Bengal situation stand on their own, and the Governors, naturally, had to take action as things developed there

Then somebody, perhaps Mr Murahari, said that the Congress is so fond of power..

SHRI G MURAHARI Exactly

SHRI Y B CHAVAN that they just want to be in power everywhere Well, Madam, in Punjab and Bengal they refused to be in power There also he was blaming them, asking why they supported others to come to power and why they were afraid to come to power And here they have said "All right, we are prepared to (*interruptions*.) The main point was that really speaking, the Congress certainly has allowed itself, in these areas, to see that the other people succeed in their work, and they are prepared to support the right people We wanted to support Mr Ajoy Mukerjee also if he wanted to have our support But he changes his mind, and the Congress Party today is supporting one of your own colleagues, Dr P C Ghosh Why are you afraid of it? Why are you angry?

SHRI BHUPESH GUPTA You have stolen him You have abducted him.

SHRI Y B CHAVAN No, we have not abducted him I was rather

(*Interruptions*.)

THE DEPUTY CHAIRMAN Please do not interrupt

SHRI Y B CHAVAN I was told that the hon Member, Shri Banka Behary Das said certain things I was rather shocked that he should speak in that way I can understand that sort of a speech from others

SHRI BHUPESH GUPTA Now you don't try to cultivate others I know whom you want to cultivate

SHRI Y. B. CHAVAN : No, I am not cultivating anybody because I know there is no use cultivating anyone. But what is the idea of saying, if you have strength, why not come to the street? This shows that really speaking those people have not yet understood the spirit of parliamentary democracy. Democracy and the politics of the street are different things. The politics of democracy means the politics of the ballot box and the politics of the legislature. It is not the politics of the street. Those who talk of the politics of the street believe in neither the ballot box nor in parliamentary democracy. The politics of the street is the very antithesis of parliamentary democracy.

SHRI BHUPESH GUPTA : But what the people who. . . . (Interruptions.)

THE DEPUTY CHAIRMAN : Order, order. Mr. Gupta, Mr. Ghosh, please sit down. I must appeal to you. You should not interrupt in this way. You ask for clarifications later on. Please do not interrupt him.

SHRI CHANDRA SHEKHAR (Uttar Pradesh) : There can be interruptions in Parliament, but then there should be some control.

THE DEPUTY CHAIRMAN : You please sit down now. I have asked them not to interrupt. If clarifications are required they can be had later on.

SHRI NIREN GHOSH : This is a veritable Pandora's box.

SHRI BHUPESH GUPTA : Interruptions form the salt of parliamentary politics.

THE DEPUTY CHAIRMAN : But you don't jump up like Jack in a box.

SHRI Y. B. CHAVAN : Interruptions are good if they are intelligent. If they are not, what—can I do? My main thesis in this matter is that constitutionally the Governor has certain duties and these duties are those which Dr. Ambedkar while discussing these particular provisions of the Constitution in the Constituent Assembly explained. They were quoted by Shri Mathur also

in this honourable House and even Shri Chandra Shekhar referred to them while replying to Shri Bhupesh Gupta. The Governor has very few functions, but he certainly has two duties. One of these two duties is to appoint the Chief Minister and the other duty is that when he is not responsible collectively to the Legislature, to dismiss him also.

(Interruptions.)

SHRI BHUPESH GUPTA : He has no such power.

SHRI Y. B. CHAVAN : Absolutely he has that power. If we accept this basic principle and this interpretation of the Constitution, then we will have to examine and judge the action of the Governor of West Bengal on the basis of this principle.

SHRI BHUPESH GUPTA : Can you dismiss the Prime Minister in the same way?

SHRI A. P. CHATTERJEE : What is the position when the...

THE DEPUTY CHAIRMAN : Mr. Chatterjee, please sit down.

SHRI Y. B. CHAVAN : I am not trying to answer these interruptions.

(Interruptions.)

THE DEPUTY CHAIRMAN : Order, order. Let him finish.

SHRI Y. B. CHAVAN : We should see how things developed in Bengal. At a certain stage the Governor of West Bengal realised that the Party that was thought to be the majority party was no longer the majority party. Therefore, he discussed the matter with the Chief Minister.

SHRI BHUPESH GUPTA : Why?

SHRI Y. B. CHAVAN : He discussed the matter with him and later he wrote to him requesting him to call a session of the Legislature as soon as possible... (Interruptions.)

THE DEPUTY CHAIRMAN : Order, order Please sit down.

SHRI Y. B. CHAVAN : And the Chief Minister decided on a date more than six weeks later. And the reason that was given by him was that they wanted to intensify the programme of procurement which was important. After that the Governor wrote to him again and wanted the session to be called within a reasonable time and a certain reasonable time was also suggested, namely, the 23rd of November. Now, Madam, was it not the duty of the Chief Minister, even supposing he was angry about what the Governor had done, to have called a session of the Legislature? These people here instead of giving lectures here, why could they not advise the Chief Minister to call the session to decide the matter?

SHRI BHUPESH GUPTA : Why should he do it?

SHRI Y. B. CHAVAN : Because that was the obvious thing. Whatever may happen on the 29th, the Legislature will prove. The Legislature will prove...

SHRI BHUPESH GUPTA : What was wrong in what he did?

SHRI Y. B. CHAVAN : The Legislature will prove what is wrong and what is right. Suppose it is proved that the present Chief Minister has no majority, he will be thrown out. We are not worried about that.

AN HON. MEMBER : Twentyninth is the day after tomorrow.

SHRI Y. B. CHAVAN : So you should help the Bengal Assembly to meet peacefully and decide the matter. If you do that it will show that you are interested in democracy. That is what you should do to show that we can believe in your *bona fides*. Let us know exactly whether the Chief Minister has the majority or not. If he is thrown out and if he refuses to be thrown out, then the same Governor will have the same powers to dismiss him also. I have no doubt about that. Really speaking, what is happening in

West Bengal is what—they have lost in politics they want to gain by interpreting the Constitution wrongly.

SHRI A. P. CHATTERJEE : On a point of order, Madam.

THE DEPUTY CHAIRMAN : Please sit down, Mr. Chatterjee.

SHRI A. P. CHATTERJEE : Madam I am rising on a point of order. Here we are discussing the motion of Mr. Bhupesh Gupta that the dismissal of the Ministry in West Bengal and the action of the Governor, are unconstitutional and invalid. And now the Home Minister in his reply while dealing with the constitutional point, will he be in order when he says that if such and such a thing happens we shall again dismiss the Ministry? Is it right on his part to say that?

SHRI Y. B. CHAVAN : I have not said that I will do this or that. I said that the Governor can dismiss the Chief Minister if the Legislature proves that he has not got the majority. I have not said that I will do any thing. Why should I? Who are we? Let us be quite clear about this matter. In all these matters the Governors have acted on their own and I would like to repeat with all the emphasis at my command that in these matters at no time did the Government give any instructions to the Governors. The Governors have acted on their own.

SHRI BHUPESH GUPTA : You gave the orders, of course.

THE DEPUTY CHAIRMAN : Please sit down, Mr. Gupta.

SHRI Y. B. CHAVAN : I have no doubt in my mind that the Governors' actions were completely constitutional and completely consistent with the conventions and the spirit of the Constitution.

What is happening afterwards? As for the loss of life, we are all sorry for it. If any young man or old man gets injuries or is killed in this connections, we are sorry for it. But the moral responsibility for all these things will be on those people who are preaching and participating in...

SHRI BHUPESH GUPTA : The responsibility lies on you.

SHRI Y. B. CHAVAN : It will be on those who advocate the politics of the street, those who are talking of the politics of the street. Even before any action was taken these people were stating that there will be very serious violence and that thousands will be killed. In this very House one hon. Member said that some twenty thousand people will be killed. Those who are talking in terms of violence, those who are talking in terms of the politics of the street, they are the people who are responsible for the killing of innocent people. They will have to carry that responsibility.

SHRI BHUPESH GUPTA : We never said it.

SHRI Y. B. CHAVAN : You may not have said it.

SHRI BHUPESH GUPTA : Nobody said it.

SHRI Y. B. CHAVAN : It was said that if the Union Home Ministry did this or that—to topple the—Government there then some 15,000 or 20,000 people would be killed.

(Interruptions.)

SHRI C. D. PANDE (Uttar Pradesh) : It was printed in some papers.

SHRI Y. B. CHAVAN : There were certain public leaders of West Bengal, who said it I do not think Mr. Bhupesh Gupta said it. They said that if this thing happened we will do this or that. This creating of this atmosphere of violence is bad and the sin of shedding blood, I must say, is not on our hands but on those who think in terms of the politics of the street, who talk in terms of violence and ultimately they will have to carry the moral responsibility for shedding the blood of the 4 P.M. innocent. As far as Bengal is concerned I do not want to go into the other aspects of the politics there because certainly it is not a very good thing in Indian politics—what is happening today, these defections. This crossing of floor being

claimed as a parliamentary privilege of Members, etc. is quite all right, theoretically it is quite all right but on the whole it is not a good thing. But when defections from Congress took place they were jubilant. Today I cannot say I am very glad about any person who leaves his party. (Interruptions.) I have nothing to say one way or the other; it is for them to say why they are defecting. But what I say is these defections is certainly a serious matter and all parties should sit together and find a solution for it. I cannot say that one single party should find a way out but all parties...

SHRI BHUPESH GUPTA : Are you ready for a provision in the Constitution for recall? Let the people decide.

SHRI Y. B. CHAVAN : Let us sit together and discuss. I am ready for a discussion about it. Our Party would certainly be willing to sit with all other political parties and discuss about this matter.

SHRI BHUPESH GUPTA : Not defection; I am talking of recall. Whenever the electorate like to recall a particular Member, they should be given the inherent right to recall him. Are you ready for it?

SHRI Y. B. CHAVAN : What I am saying is that we are ready to discuss this general political question of defections, what should be the legal, political, moral remedy for it. I am prepared to discuss it. Neither mere moral, nor mere political nor mere constitutional solutions are—going to help; all of them will have to operate to get at some solution for this.

About Haryana, it is a very sad case because I really do not know with whom to be angry about matters relating to Haryana. It is a sad thing that in a party of 40 there were nearly 26 people who defected...

SHRI AKBAR ALI KHAN : Thirty : because Jan Sangh was not co-operating it was really thirty.

SHRI Y. B. CHAVAN : ... Out of 22 some—defected four times, some three times and some one time.

SHRI M. GOVINDA REDDY : And one defected five times. (*Interruptions.*)

SHRI BHUPESH GUPTA : You send defeated people as Ambassadors all over the world and you are preaching morality.

SHRI Y. B. CHAVAN : I am talking about the defections. I am not talking about the defeated people. I am talking about the elected people who have defected. The point therefore is that in Haryana there was a complete gap between the Government and the will of the people.

SHRI KESAVAN (THAZHAVA) (Kerala) : Do you mean to say that the Members who crossed the floor in Haryana are persons having no character ?

SHRI Y. B. CHAVAN : I do not know what he is asking.

THE DEPUTY CHAIRMAN : Is it true that those people who crossed the floor in Haryana have no character : that is what—he is asking.

AN HON. MEMBER : They have a character of their own. (*Interruptions.*)

SHRI Y. B. CHAVAN : How can I say they have no character ? As an hon. Member says here they have a character of their own. I do not want to discuss any individuals. Sometimes the political situation is created in such a way that the people are influenced that way. Therefore I think the Governor very rightly considered—this and I think the Report of the Governor is an objective essay on the political situation.

SHRI BHUPESH GUPTA : Not objective ; it is a subjective essay.

SHRI A. P. CHATTERJEE : It is a school boy's essay.

SHRI Y. B. CHAVAN : That is your subjective reaction.

SHRI BHUPESH GUPTA : You read it word by word. (*Interruptions.*)

SHRI Y. B. CHAVAN : It was certainly objective because he has not spared any political party. He has

criticised the United Front people ; he has criticised the Congress also. Therefore this is a warning not only to the people of Haryana but this is a warning to all believers in democracy in India.

SHRI BHUPESH GUPTA : I know Mr. B. N. Chakravarthi. (*Interruptions.*)

SHRI Y. B. CHAVAN : Therefore we will have to learn something from what happened in the last week. In a week's time three Governments toppled, it is not a very happy thing for anybody. To those who are interested in the stability of democracy in this country, it is certainly a matter of worry and anxiety and therefore we will have to learn something from the pages of history. Even though this may be very recent history, all of us have to learn something from the pages of history. Those who take the oath under the Constitution and become the highest executive officers of the Constitution, the Chief Ministers, they must keep always in their mind that they are there because they have got a majority in the legislature. Once a suspicion arises that they are losing that majority in the House it is their holy duty—not only constitutional duty but it is their moral duty—to come forward and say, 'Well, resign'. This is the objective lesson which we should learn from the pages or history that it is absolutely wrong to play with the loyalty of the people who are elected on the support of the platform or tickets of any particular political party.

SHRI BHUPESH GUPTA : Give us back Pattom Thanu Pillai. You return Mr. Chandra Shekhar ; you return Mr. Rajendra Pratap Sinha. We want to get them back here.

THE DEPUTY CHAIRMAN : Mr. Bhupesh Gupta, let him proceed.

SHRI BHUPESH GUPTA : Madam, he is in possession of stolen property. They are sitting there ; I want them back here.

SHRI Y. B. CHAVAN : You cannot say the same thing about Mr. Chandra Shekhar or Mr. Asoka Mehta and other people, because change of group is something different. Defection is something else. These are two different propositions; and defections, particularly for holding power. Immediately one defects from a party he becomes a Minister. I must say it is not a very good thing. Basically we have to take up this position.

SHRI BHUPESH GUPTA : What did Mr. Gurupada Swamy become ?

SHRI M. S. GURUPADA SWAMY (Mysore) : I was never a defector; let me tell you. It was merger; not defection.

(Interruptions.)

SHRI Y. B. CHAVAN : And Mr. Prafulla Ghosh has not become a member of the Congress, nor Mr. Gill has become a member of the Congress. They have their own parties and those parties are supported by the Congress. That is the difference between the two. These are therefore two different propositions. Personally we are all really speaking, sad about what is happening but at the same time we have to take into account the situation that is there. What is required really speaking is self-criticism. If they want to criticise us, I would make an appeal to them that they should criticise themselves thoroughly in these matters and see what is wrong with our politics. With great hopes the non-Congress Governments were welcomed but what is happening to them? It is not merely enough to criticise a political party which was in power for twenty years. Really speaking what was the way in which the United Fronts were formed? Heterogeneous elements were brought together without any ideological commitment to the programmes. I would like to ask them : can they, really speaking, with their hands on their hearts say that they have done any progressive work? *(Interruptions.)* These are important questions I am asking. They are not partisan questions. These are questions which both

the non-Congress Governments and the Congress Governments will have to answer at the bar of History.

SHRI SUNDAR SINGH BHANDARI : They did agree to a programme.

SHRI Y. B. CHAVAN : It is no use merely saying there was a programme. We have also a programme and that is what we say. But you...

SHRI SUNDAR SINGH BHANDARI : You have a programme of toppling the Governments. *(Interruptions.)*

SHRI Y. B. CHAVAN : The main criticism, at least the criticism of Mr. Bhupesh Gupta was this : "Your programme is all right; your approach is all right but what we criticise is..."

SHRI BHUPESH GUPTA : I never say your programme is all right. Some of the things you do may be right, but your programme is building capitalism and monopoly capital. How can it be all right?

SHRI Y. B. CHAVAN : You have changed your thesis now?

SHRI BHUPESH GUPTA : I am very loyal to my thesis at least.

SHRI Y. B. CHAVAN : So what I say is this. If at all we have to discuss any fundamental questions, let us not make the Governors scapegoats. Let us not make some Ministers here or Ministers there scapegoats. Really speaking a basic challenge is before us as democrats. The challenge is before you as democrats. Why don't you accept the challenge and seek what the reasons are for these happenings? Don't hold the Governors responsible for it.

SHRI BHUPESH GUPTA : Take them out. Let them be removed.

SHRI Y. B. CHAVAN : How can it be? The Governors will be there. The Governors will have to be there. May I ask this question? Why did in October Ajoy Babu come out and say that he wanted to resign?

SHRI BHUPESH GUPTA : You bluffed him ; you misled him , you deceived him.

SHRI Y. B. CHAVAN : The person who made such a serious statement...

SHRI BHUPESH GUPTA : You must know that Ajoy Babu is heading the United Front struggle today.

SHRI Y. B. CHAVAN : It is a wonderful argument the hon. Member is advancing here that Ajoy Babu was deceived.

SHRI BHUPESH GUPTA . We know it (*Interruptions*)

SHRI Y. B. CHAVAN : Can he be easily deceived by anybody...

SHRI HARISH CHANDRA MATHUR Let Mr. Ajoy Mukherjee say it. Even today he made the statement

SHRI BHUPESH GUPTA : We know it for a fact.

SHRI HARISH CHANDRA MATHUR (Rajasthan) : Mr. Bhupesh Gupta do not lose your honour, even if you have lost votes. You can at least keep your honour.

SHRI Y. B. CHAVAN : What I say is the criticism or game of finding scapegoats for their own deficiencies and political weaknesses is not going to help anybody and, therefore, I must say that I oppose the motion moved by Mr. Bhupesh Gupta with all the emphasis at my command.

The other Resolution about Haryana, which is before you, is a statutory one moved by my colleague and I would command it for the acceptance of the House

SHRI BHUPESH GUPTA : May I ask a question ?

THE DEPUTY CHAIRMAN : Very brief, one minute

SHRI BHUPESH GUPTA : It is only a constitutional question, not a political question Mr. Chavan, will you kindly listen ? I would invite your attention to article 60, at page 34 of the edition of the Constitution with me. I would also invite your attention to article 159

The first article deals with the Oath by the President and the second article with the Oath by the Governor. They are identical. Now, is it your contention that the President can dissolve the Union Council of Ministers ? If it is not so, how under an identical article, having taken an identical oath, word for word, except for the words of Governor and President the Governor can do so ? Now, you cannot play on both sides of the net These two articles are exactly the same, in pursuance of the same scheme of the Constitution, placing Parliament supreme in its sphere and the State Legislatures supreme in their own sphere, making them the executive heads in either case. He is not above Parliament, that is to say, he has to go by Parliament or the Legislature or by the advice of the Council of Ministers in either case This is the position.

SHRI Y. B. CHAVAN : I do not want to give opinion on constitutional and hypothetical questions.

SHRI CHANDRA SHEKHAR : Madam, Mr. Bhupesh Gupta has mentioned my name and I want to set the record straight. I did not defect from the PSP. This I want to make clear because this has been repeated many times In April, 1964 I had serious differences with the PSP on the policy of anti-Congressism I said that this anti-Congress phobia in the country would result in what it is resulting today and for that in June, 1964 the PSP suspended me from the Party. I remained an Independent Member of this House up to December, 1964 and I joined the Congress Party in January, 1965 (*Interruption.*) I want to make the position clear I knew all these things. Of course, I knew that this philosophy of anti-Congressism will land you in the lap of Jan Sangh and Swatantra Party, in the camp of reactionaries and vested interests where you are finding yourself today. I realised that position much earlier and so I give this explanation in order to make the record clear

(*Shri A. P. Chatterjee stood up*)

THE DEPUTY CHAIRMAN : No more. Mr. Shukla Be brief.

श्री० महाबीर प्रसाद शुक्ल (उत्तर प्रदेश) : महोदया, गृह मंत्री के भाषण के बाद मेरे लिये बहुत कुछ कहने को रह नहीं जाता, मैं इतना ही निवेदन करना चाहूंगा कि पश्चिमी बंगाल के राज्यपाल ने जो एक्शन लिया है वह संविधान के मातहत लिया है और वह संविधान के अनुकूल है। यदि आप सोचें कि राज्यपाल को किन स्थितियों में किसी मंत्री-परिषद् को या मुख्य मंत्री को डिसमिस करने का संविधान में अधिकार है तो आपको स्पष्ट उत्तर मिलगा कि वह परिस्थिति जिसमें राज्यपाल यह कार्य कर सकता था वह पश्चिमी बंगाल के युनाइटेड फ्रंट की सरकार ने उपस्थिति कर दी थी। मैं तो यह कहूंगा कि पश्चिमी बंगाल की युनाइटेड फ्रंट की सरकार किस प्रकार से शासन में आई थी इस पर आप गौर कीजिये। आम चुनाव के बाद संयुक्त मोर्चे की सरकार बंगाल में विधान सभा में अपनी शक्ति परीक्षा करने के बार शासन में नहीं आई थी। किसी भी आम चुनाव के बाद राज्यपाल यह निर्णय कि किस दल का बहुमत है विधान सभा के किसी मत से नहीं करता, अपितु आम चुनाव के बाद विभिन्न दलों की जो स्थिति सार्वजनिक रूप से प्रतीत होती है उसी को देख कर जिस दल का बहुमत होता है उसके लीडर को वह मुख्य मंत्री बनाता है और उसकी सलाह से मंत्री-परिषद् को नियुक्त करता है। तो यही स्थिति जब कभी भी उत्पन्न हो, जब भी राज्यपाल को विधान सभा के निर्णय के अतिरिक्त अन्य किसी भी तरीके से इस बात का संशय उत्पन्न हो कि अमुक व्यक्ति जिसको वह अपना मुख्य मंत्री बनाये है और उसको जो मंत्री-परिषद् बनाने का अधिकार दिया है, अपने परामर्श के लिये, उसका बहुमत नहीं रहा है तो उससे वह कह सकता है कि वह सिद्ध करे कि उसका बहुमत है या नहीं और इसे सिद्ध करने के लिये राज्यपाल यह निर्णय करेगा कि वह मुख्य मंत्री को कितना अवसर दे। मैं समझता हूँ कि पश्चिमी बंगाल के राज्यपाल ने जितना उचित अवसर हो सकता था संविधान के अन्तर्गत अपने बनाये हुये मुख्य मंत्री को और मंत्री-परिषद् को वह

अवसर इस बात के लिये दिया कि वह सिद्ध करे कि उसका बहुमत है या नहीं बंगाल की जनता को, देश की जनता को और सारे जगत में इस बात को सिद्ध करने का वह अवसर दिया कि मुख्य मंत्री सिद्ध करे कि उसका बहुमत है या नहीं। अगर किसी ने इसमें अनुचित कार्य किया तो संयुक्त मोर्चे के मुख्य मंत्री ने और मंत्री-परिषद् ने किया जिसने कि बंगाल के गवर्नर की उचित और नेक सलाह को तिरस्कृत कर के छः हफ्ते तक मौका लेना चाहा ताकि किसी प्रकार डिफेक्शंस के द्वारा सरकार में कायम रहें, कायम रह सके तो रहें।

महोदया, उन्होंने क्या बहाना लिया? दो बहाने लिये एक बहाना तो यह लिया कि वह बजट तैयार करने में लगे हैं और उसमें समय लगेगा दूसरा यह कि वह अन्न संग्रह का आन्दोलन करेंगे। ये दोनों कार्य ऐसे थे जिनके लिये विधान सभा की सम्पुष्टि की आवश्यकता थी, वह उस अवस्था में और भी आवश्यक हो गई थी जब कि उनका बहुमत संशयात्मक हो गया था। आखिर उनका बहुमत बना था श्री० पी० सी० घोष और उनके साथियों को ले कर और व्यक्त रूप से, जाहिर तौर पर, जब वह दल 16/17 आदमियों का उसमें से निकल गया तो सारे देश में स्पष्ट हो गया कि उनका बहुमत नहीं है यही बहुमत इनके शासन में आने के पहले बना था और अगर यह नहीं रह गये तो कैसे दावे से कह सकते हैं कि उनका बहुमत रह गया वह बहुमत न होने पर उन्हें बजट बनाने का अधिकार नहीं था। अगर 18 दिसम्बर को ही वह सरकार बदल जाती तो एक महीने तक जो सार्वजनिक अधिकारों का उपयोग किया और कर्मचारियों आदि के तनखाहे दी और जो बजट में समय लगा वह सब व्यर्थ होता और फिर जो दूसरी सरकार आती वह उसको बनाती। अब, अन्न संग्रह के लिये विभिन्न दलों के विभिन्न कार्यक्रम हैं, जिस लक्ष्य से आप अन्न संग्रह करते हैं उसको दूसरे दल का मंत्री-परिषद् स्वीकार नहीं करता। तो दोनों ही कार्य ऐसे हैं जिनके लिये आवश्यक था कि

मंत्री-परिषद् के साथ बहुमत हो । हमारे कतिपय मित्रों का, विशेष कर के कानून जानने वालों का यह मत है कि यह सम्पुष्टि, यह परिक्षा केवल विधान सभा के अन्तर्गत हो सकती है, किन्तु मैं समझता हूँ कि संविधान के अनुच्छेद 164 का जो प्रयोजन है वह स्पष्ट यह है कि गवर्नर को जिन तरीकों से मंत्री-परिषद् के नियुक्त करने के पूर्व यह विश्वास जमता है कि मंत्री-परिषद् में किसी व्यक्ति में, विधान सभा को बहुमत है, किस दल का बहुमत है यह जानने के लिये वही तरीका उसके लिये हमेशा होगा । यदि आम चुनाव के बाद विधान सभा को बिना बुलाये हुये केवल (पब्लिक) ऐलानों के द्वारा यह विश्वास वह कर सकता है कि अमुक व्यक्ति का, अमुक दल का बहुमत है तो उसके बाद कभी भी विधान सभा के न होते हुये वह स्थिति पैदा हो, और उस दल में से एक खासा बड़ा हिस्सा उससे अलग हो जाय, तो कौन कह सकता है कि उसका बहुमत है । यदि वह दल या वह व्यक्ति जो यह दावा करता है कि उसका बहुमत है उसमें इतना साहस नहीं है । हिम्मत नहीं है कि वह विधान सभा को बुलाये तो क्या गवर्नर चुपचाप इस तमाशे को, इस नाटक को देखता रहे कि जिस मंत्री-परिषद् को उसने नियुक्त किया, जो उसके नाम पर शासन कर रहा है वह अल्पमत में होते हुये भी शासन करता चला जाय, कानून बनाता चला जाय, आज्ञायें देता चला जाय ।

यह तो संविधान का उल्लंघन है । मैं समझता हूँ, संविधान के अंतर्गत बंगाल के राज्यपाल ने जो कदम उठाया वह सही कदम था, कानून के अंतर्गत कदम था और संविधान के अंतर्गत उनको पूरा अधिकार था ।

हरियाणा के संबंध में मैं इतना निवेदन करना चाहता हूँ कि वहाँ तो राजनैतिक नैतिकता का सर्वथा विनाश हो गया है । इस देश का कोई भी जिम्मेदार राजनैतिक दल का नेता या विचारवान व्यक्ति उन

पार्टीयों की नैतिकता को देखे जो कांग्रेस के विरोध में झंडा उठाए हैं तो जिस तरह से वे बेनकाब हुए हैं उसमें स्पष्ट दिखायी देगा कि जो कार्य उन्होंने किया है उसमें किसी प्रकार की नैतिकता का विचार नहीं रहा है, हर प्रकार से संविधान की अवहेलना कर, संविधान का दुरुपयोग कर, खुले बाजार कानून का उल्लंघन किया है । तो ऐसे व्यक्ति जो सरकार चला रहे हैं, वह इस देश को कहां ले जायेंगे यह विचार करने की बात है । मैं माननीय भूपेश गुप्त से पूछूंगा : वह बताएँ कि उनके साथियों ने डेढ़ महीने की अवधि क्यों रखी विधान सभा को बुलाने के लिये ? जब उनका विश्वास था कि उनका बहुमत है तो फिर उस परीक्षा को करने की जल्दी से जल्दी चेष्टा क्यों नहीं की ? क्या यह स्पष्ट जाहिर नहीं करता कि उनकी दल और संयुक्त मोरचा जो पिछले छः महीने से सत्तारूढ़ हुआ था, वह उस पद पर आरूढ़ हो कर उस पद पर चिपके रहकर, इसलिये बना रहना चाहता था कि उस पद का उपयोग वह देश के हित के विरुद्ध करने पर तत्पर हों ?

मैं नम्रता से कहना चाहता हूँ कि एक मसल है, सांच को आंच नहीं यदि उनको इस बात में, कानूनी दांवपेंच के अलावा सही मानी में विश्वास होता कि उनका बहुमत है तो संविधान के अनुसार वहाँ की विधान सभा को बुलाने में एक मिनट भी देर नहीं करनी चाहियी । (Time bell rings) उत्तर प्रदेश के मुख्य मंत्री ने विधान सभा में कुछ लोगों के फ्लोर क्रास करने के बाद तत्काल त्याग पत्र दे दिया था । हरियाणा के भी हमारे कांग्रेस के मुख्य मंत्री ने वही किया, मध्य प्रदेश के मुख्य मंत्री ने वही किया ।

श्री निरंजन वर्मा (मध्य प्रदेश) : नहीं किया, मध्य प्रदेश के मुख्य मंत्री को बहुत मुश्किल से, घटाघटा कर भेजा ।

श्री महावीर प्रसाद शुक्ल : जी नहीं, जैसे ही बहुमत उनके खिलाफ गया तैसे ही किया ।

[श्री महावीर प्रसाद शुक्ल]

मैं जानता हूँ। जैसे ही उनको कहा गया कि विधान सभा बुलाओ ...

श्री निरंजन वर्मा : उनको मोह हो गया था, वे नहीं चाहते थे। (Interruptions)

श्री महावीर प्रसाद शुक्ल : वे चाहते थे कि असेम्बली न मिले, लेकिन वह नहीं चाहते थे कि अमैधानिक ढंग से काम हो। वे चाहते थे कि मध्यविधि चुनाव कर लिया जाय, परंतु उनको विवश किया गया इसलिये कि वे उस दल के थे जिस दल की सरकार यहां है। यहां के काँग्रेस दल के नेताओं ने मजबूर किया था विधान सभा बुलाने के लिये लेकिन जब वह डिफेक्शनस हुए उमी वक्त, बल्कि पहले ही डिफेक्शन होने के पूर्व ही असेम्बली को उन्होंने स्थगित करा दिया था। इसका रिकार्ड जाकर देखना चाहिये।

THE DEPUTY CHAIRMAN : Please wind up now

श्री महावीर प्रसाद शुक्ल : मैं इतना ही निवेदन करना चाहता हूँ कि सदन में पिछले एक मप्ताह से जो इस बात की चर्चा हो रही है कि बंगाल के राज्यपाल ने या हरियाणा के राज्यपाल ने संविधान के विरुद्ध कोई कार्यवाही की, मैं नम्रतापूर्वक यह कहना चाहता हूँ कि दोनों राज्यपालों ने अपने कर्तव्य का पालन किया, संविधान की रक्षा की, और इसके साथ ही उन्होंने देश के प्रति और देश की जनता के प्रति अपने दायित्व का निर्वाह किया।

इन शब्दों के साथ मैं हरियाणा के संबंध में जो प्रस्ताव उपस्थित है उसका समर्थन करता हूँ और पश्चिमी बंगाल के सिलसिले में जो माननीय भूपेश गुप्त ने प्रस्ताव रखा है उसका कड़ा विरोध करता हूँ।

श्री तारकेश्वर पांडे (उत्तर प्रदेश) : उपसभापति महोदया, मैं तो थोड़े से अपने विचार व्यक्त करना चाहता हूँ। मैं पहले गृह मंत्री के उस प्रस्ताव का समर्थन करता हूँ जिसके

अनुसार हरियाणा में राज्यपाल के अधिकार का समर्थन किया गया है। मुझे ऐसा लगता है, हरियाणा में दल बदल इतना अधिक हुआ, वातावरण इतना दूषित हुआ, विसावत वर्ग स्थिती हो गई, कि जिस स्थिती में शासन का चलन चलाना और किसी का नेता होना और विधान सभा को विधान सभा स्विकार करना बड़ा कठिन हो रहा था मैं समझता हूँ इसमें निरर्थक समय व्यय करने की आवश्यकता नहीं है, इस हाउस को इसको तुरन्त ही स्वीकार कर लेना आवश्यक है।

अब, श्री भूपेश गुप्त का जो मुझाव है उसके संबंध में दो एक शब्द मैं कहना चाहता हूँ मुझे बड़ा आश्चर्य मालूम होता है, अजय मुकर्जी को मैं निजी तौर पर जानता हूँ और मैं उनका बड़ा आदर भी करता हूँ और देश भी आदर करता है, करीब करीब यही स्थिति श्री पी० सी० सेन की है, श्री घोष की हैं। उनका भी बंगाल में बड़ा आदर है सम्मान है, इज्जत की दृष्टि से देखे जाते हैं। हम जो कांग्रेस के लोग हैं हमारे लिये दोनों आदर और प्रतिष्ठा के सम्मानित पुरुष हैं। लेकिन देखते हैं श्री पी० सी० घोष की यहा लोग आलोचना करते हैं, आक्षेप करते हैं, निंदा करते हैं। मैं इसका समर्थन नहीं कर सकता मैं उसको अनुचित समझता हूँ। मैं चाहता हूँ बंगाल हम लोगो में जिनका बड़ा गहरा संबंध है, उस पर भी एक शब्द आपके सामने रखे। जो राज्य सरकारें कायम हुई और खास तौर से जो गैर कांग्रेसी सरकारें कायम हुई उसमें हमें बहुत चिंता नहीं हुई। पहली बात यह अच्छी लगी कि इस प्रकार के शासन को अपने जीवन में ही देखकर अनुभव कर पाए हैं। लेकिन मैं आपसे स्पष्ट कर दूँ कि जो लोग विश्वासघात करके शासन कायम करत हैं उनको नैतिक समर्थन नहीं मिल पाता है। हरियाणा में, उत्तर प्रदेश में, मध्य प्रदेश में कोई शासन नहीं है। जिन दलों से चुन कर आप जाय जिन सिद्धान्तों को स्वीकार

करके आप चले जायें और दूसरा पक्ष बनाकर शासन चलाएं, इसका किसी प्रकार से नैतिक समर्थन नहीं किया जा सकता है। दूसरी बात जो शासन केवल कांग्रेस के विरोध के सिद्धांत को स्वीकार करके अपने कार्यक्रम को चलाये यह निगेटिव्ह पालिसी जो है, यह भी मेरी राय में बहुत ज्यादा कारगर नहीं हो सकती और देश को बढ़ा नहीं सकती है। यही स्थिति बंगाल में थी, विभिन्न दलों के लोगों का एक युनाइटेड फ्रंट बना और उसने शासन किया। मुझे इसमें कोई संदेह नहीं कि जिनको चीफ मिनिस्टर उन लोगों ने स्वीकार किया और श्री० अजय मुकुर्जी और श्री० पी० सी० घोष, दोनों सम्मानित पुरुष थे, आदरणीय थे, न केवल बंगाल में बल्कि देश में, लेकिन मैं आपसे यह कहना चाहता हूं कि आप गवर्नर की आलोचना कर सकते हैं, राज्यपाल की व्यवस्था को चुनौती दे सकते हैं, लेकिन यह दो चार छः महीनों में देश को जो स्थिति हुई उस पर आप विचार करें। कानून और व्यवस्था विघटित हो रही है। इसके प्रति समाज में किसी की आदर नहीं रह गया है। दूसरी बात में नहीं जानता हूं कि हमारे बंगाल के भाई इसको किस रूप में लेंगे लेकिन हम इस बात को देखते हैं कि प्रवासी बंगवामी जो मजदूर हैं, खेतिहर हैं, अध्यापक हैं, छोटा मोटा कारोबार करते हैं और लाखों की तादाद में बंगाल में बसे हुए हैं, शहरों और देहातों में उनका जीवन अरक्षित है। उनकी प्रतिष्ठा उनकी शक्ति और मर्यादा, इनको आप कैसे भुला देते हैं जो बड़े बड़े या छोटे छोटे प्रवासी बंगवाली कारखानेदार हैं, या भारत सरकार के कारखाने हैं, यह सोचने की बात है। यह कैसा आन्दोलन है प्रगतिशील लोगों का युनाइटेड फ्रंट के लोगों की सारे का सारा आन्दोलन घराव का है, जो उन्हीं के विरुद्ध होता है और कुछ हद तक जो वंगीय कारखानेदार हैं उन पर होता है। लेकिन कोई कारखाना नहीं है प्रवासी बंगवामियों का या भारत सरकार का जिनके खिलाफ प्रदर्शन नहीं होता है। घेराव नहीं होता है, उपद्रव नहीं होता है। यह सोचने की बात है।

अंत में मैं कहना चाहता हूं कि अगर कांग्रेस के विरुद्ध में शासन हो लेकिन उसमें कानून और व्यवस्था और नैतिकता का स्थान हो तो उसमें कोई हर्ज नहीं है। यह उचित स्थान है और सम्मानित है। श्री अजय मुकुर्जी के बारे में आदर का भाव रखते हुए मैं एक शब्द जरूर कह सकता हूं, लेकिन हमारे सामने बड़े बड़े कांग्रेस के नेता लोग बैठे हुए हैं। स्वामी सहजानन्द सरस्वती जो एक आदरणीय पुरुष थे, लेकिन मुझे मालूम है कि इतना बड़ा प्रगतिशील आदमी भी कम्युनिस्टों के चंगुल में फंस गये और सन् 1942 के लड़ाई को वे भी जनता की लड़ाई मानने लगे थे। उनको इतना दुर्माह हो गया था। श्री अजय मुकुर्जी जिनका जीवन कितना निर्मल और उज्जवल है वे भी कम्युनिस्टों के इस विघटन में फंस गये और इस चंगुल से नहीं हटाये जा सके यह जानते हुए भी कि संयुक्त विधायक दल बहुमत में नहीं है। नारों के आधार पर, हल्ले के आधार पर, हिंसा के आधार पर, उपद्रव और आक्रमण के आधार पर कोई भी शासन अच्छी तरह से नहीं चलाया जा सकता है।

मैं एक भारत सरकार से बतौर चुनौती के कह देना चाहता हूं। मैं यह कहना चाहता हूं कि पश्चिमी बंगाल में लाखों की तादाद में जो प्रवासी बंगवासी वहां पर बसे हुए हैं, जिन्होंने बंगाल का सृजन किया, उसको उठाया, उसको बसाया, और बंगाल को उन्नति के रास्ते में चलाया, लेकिन आज उनकी प्रतिष्ठा, उनकी मर्यादा, उनका अस्तित्व ही खतरे में है। इसलिए मैं कहना चाहता हूं और मैंने कभी कभी इस बारे में सोचा भी है। मेरी यह योजना भी है कि इस भारतवर्ष में विघटन की प्रवृत्ति बढ़ती ही चली जा रही है और अगर इसको नहीं रोका गया तो हमारा देश विघटित हो जायेगा। मैं महाराष्ट्र में शिव सेना देख रहा हूं और बंगाल में इसी प्रकार का प्रवासी बंगवासियों के विरुद्ध प्रदर्शन देख रहा हूं। तो कभी कभी मेरे मन में आता है कि भारत सरकार ने वह

[श्री तारकेश्वर पांडे]

पर जिस शासन को बरखास्त किया और उसकी जगह पर जो नया शासन स्थापित किया, वह नीति और सविधान, दोनों दृष्टिकोणों में उचित ही किया। इसलिए श्री० भूपेश गुप्त ने जो प्रस्ताव रखा है, मैं उसका विरोध करता हूँ। लेकिन मैं भारत सरकार को आखिरी बात यह कहना चाहता हूँ कि अगर समाज को उसने ठीक रास्ते पर नहीं चलाया तो इस देश को नुकसान होने वाला है। बायलेस और हिंसा से कोई डरता नहीं है और आक्रमणों में भी हम नहीं डरते हैं। जब हम इतनी बड़ी हुकुमत जो अंग्रेजों को थी, उसके विरुद्ध हथियार उठा सकते हैं, अपने को संगठित कर सकते हैं, तो क्या एक प्रदेश, दो प्रदेशों के लोगों के विरुद्ध हथियार नहीं उठा सकते हैं जो विघटन के लिए तैयार है और देश को बरबाद करने पर तुल हुए हैं?

इन शब्दों के साथ मैं भारत सरकार को चेतावनी देना चाहता हूँ कि उसने जो स्टेप लिया है, वह उसको बहुत पहले ही ले लेना चाहिये था। उसने बंगाल में जो स्टेप लिया है और हरियाणा में जो स्टेप लिया है, उसका मैं समर्थन करता हूँ और आशा करता हूँ कि वह इस प्रकार से काम करती रहेगी।

THE DEPUTY CHAIRMAN. Mr Chitta Basu Please be very brief.

SHRI CHITTA BASU (West Bengal) Madam Deputy Chairman, when I rise, I rise with a heavy heart because for the last few days our people are being fired upon, a barbarous attack is being launched against youth, workers and people of the State of West Bengal which I have got the proud privilege to represent here. There is no denying the fact that democracy has been raped; there is no denying the fact that there has been deliberate outrage of our democracy and Constitution, the heritage which we have got. At this momentous period, let me warn this august House of the Indian people that by these actions of the Governors by these actions of the party in power at the Centre, they are simply inviting dark days. In those dark days I think many of us will not be here to enjoy

the fruits of democracy, enjoy the fruits for which we have been labouring for so many days

In this great debate, many questions have been raised particularly with regard to the constitutional and the political aspects of the problem in West Bengal. When I refer to the constitutional aspect of the problem, I do reiterate again, as I did in the past, that the Constitution has been taken advantage of to suit the purpose, to suit the whims, of the party in power at the Centre and the office of Governor has been most deliberately used as an instrument to achieve and fulfil their political ambitions. That has been proved and can be proved from many instances which I may cite but I refrain from doing so. I simply want to reply to certain charges against the United Front Government of West Bengal. Some of the hon. Members sitting opposite—particularly Mr Chandra Shekhar, who is a redoubtable socialist, I think, on the Congress Benches—were referring to the law and order question in West Bengal. If you permit me, Madam, to quote an extract.

THE DEPUTY CHAIRMAN Mr Basu, you have very little time, another five minutes only. I must accommodate others too. Others have taken only ten minutes.

SHRI CHITTA BASU: Let me speak. The Amrita Bazar Patrika is not the organ of any of the United Front parties, it is the organ, the newspaper, run by one of the ex-Ministers of the Congress. In that paper, it was said—

"Looking at the socio-political scene in this State (West Bengal), the danger is that the whole of this State has become a powder keg, any smallest spark may cause a violent outburst"

I have to disappoint you; this does not refer to the situation as is prevailing today in West Bengal. This refers to September 10, 1966. That was the position in West Bengal one year ago. And what did the Congress regime do then? They called for trained battalions

of the reserve police. They killed so many people of our country and put thousands of men behind prison bars because the people wanted food. And then that question of law and order was not there. Then Mr. Chandra Shekhar and others were not as vocal as we find them today. So, all these things are bunkum.

Again, how was this Government brought down? I simply give the opinion of Mr. Sussex, a Britisher, Deputy President of the Indian Engineering Association. He said in a public statement—

“I would like the State Government to know...”

The State Government means the Government of West Bengal.

“... that our association is interested in strengthening the hands of these groups inside the Government who are interested in preserving law and order”.

This is one of the Britishers who said that he knows that he has got certain men in the Cabinet who are interested in strengthening their hands. Whose hands? The hands of the British capitalists? Whose hands? Those hands from whom our Government had taken over the management of the tramways.

SHRI AKBAR ALI KHAN : Are you sure it is without pressure?

SHRI CHITTA BASU : Pressure from which side?

SHRI AKBAR ALI KHAN : You can understand.

SHRI CHITTA BASU : Therefore, it is quite clear that it is because of the vested interests, it is because of the interests of the monopolists, it is because of the interests of the foreign capitalists who have been perpetuating exploitation for ages together that this Government... (*Interruptions*) Stop please. What have you got to say? It is because of these vested interests that these things have been done. Therefore, it is no good repeating things. The

Home Minister said that the responsibility lies there. The people of West Bengal demand a certain amount of justice from the Government of India.

Controversies have been raised as to the discretionary power of the Governor. We wanted that the matter should not be settled in the streets but that it should be settled in the Supreme Court. You have not accepted that thing. Why did you not accept that proposal of the Government of West Bengal, of the people of West Bengal, that the controversy regarding your innovation of the discretionary power of the Governor should be tested not in the streets but in the Chamber of the Supreme Court?

Therefore, what lies with us? If we are to see that the Government which we have elected should survive, it is the inalienable right of the people to defend that Government and to see that this Governor, Shri Dharma Vira, is recalled and the illegal order of dismissal of the Ministry is revoked forthwith and the *status quo* is restored.

With these words, Madam, I assert that it will be doing wrong to the people of West Bengal if this type of wanton attack is launched upon the people. The people shall not tolerate it. That is all I can say. Thank you.

THE DEPUTY CHAIRMAN : Mr Kaul. Very, very brief, please.

SHRI M. N. KAUL (Nominated) : Madam Deputy Chairman, the Governor of Haryana in his report has pointed out that the ruling party had a strength of 40 out of which 10 Jan Sargh Members had decided not to accept office as Ministers. Therefore, out of 30 Members, who were available for being appointed as Ministers, 22 were appointed Ministers. He says :—

“The Government has also sought to maintain itself precariously in power by creating too many Ministers which is an abuse of its constitutional powers”.

SHR BANKA BEHARY DAS : Mr. Kaul, you are right. But would you kindly tell us that in Haryana and Punjab, just after the formation of these as separate States, in a House of 60 how many of them were Ministers?

SHRI M. N. KAUL : Madam, here I recall my speech which I made in this House on the 7th May, 1966 wherein I said :—

“... The general impression that one gathers is that there has never been a scientific and rational examination of the whole matter. ... That is to say, there should be a scientific examination of the whole matter as to how the work of the Government should be divided up between the various departments and Ministries. And the report should be discussed in Parliament. I feel that there should be no changes in the short run. When once we have reorganised the Ministries in a certain way, that reorganisation should suffice at least for a period of five years, which can be contemporaneous with the life of the Lok Sabha”.

The real trouble is that our Constitution prescribes no limit in regard to the number of Ministers that a Chief Minister can appoint. I think the time has now come to have statutory control over the appointment of the number of Ministers that a Chief Minister can appoint.

I have looked up the practice in other Parliaments in the U. K. while the older departments owe their creation and present internal organisation largely to the direct exercise of the discretionary authority of the Crown, the Constitution of the more modern departments, the powers and duties of their heads, etc. are usually regulated by direct parliamentary enactments. Under the Ministers of the Crown (Transfer of Functions) Act, 1946, a redistribution of functions as between the Ministers can be effected by an Order in Council, but a new Ministry, *inter alia*, cannot be created under such an Order nor a dissolved Ministry

recreated. Such Orders, are, however, subject to affirmative resolution from each House of Parliament under Section 3 of the Act referred to above.

A change of Government in the U.K. does not necessarily affect the number or general functions of Government departments, although a radical change in policy may be accompanied by organisational change.

What has really happened is that the British Government in their own time put in an elastic provision and placed no limit on the number of Executive Councillors or, later, Ministers that could be appointed. We took over this provision from the Government of India Act 1935 without looking into Constitutional practices in other countries. I think this is a highly important matter and I suggest that it should be examined by the Administrative Reforms Commission as to the practice and conventions obtaining in other countries, namely, whether a statutory limit on the number of Ministers in the Cabinet, both at the Centre and in the States, should be placed. That would be one of the important solutions to the problem of floor crossing.

I have no time to go into the position in other countries but I find that even in the United States there is substantial control over the creation of new departments.

The second point that I wish to refer to is that the Governor of Haryana, while winding up his report, says :—

“Fresh elections may be arranged, as soon as possible, after the administration has been toned up by a brief spell of the Presidential Rule”.

This is good so far as it goes, but that in itself will provide no solution unless the matter is dealt with at the political level. The Governor hopes that mid-term elections may provide a solution to the problem. Now, if there are no political conventions, if the parties do not get together and if this problem of floor crossings is not dealt with effectively by agreement amongst parties, I fear that the same position will again revive after the general elec-

tions Therefore, the matter has to be dealt with effectively on the political level.

The third point that I wish to deal with is the practice which has recently developed namely, the laying of the Governor's report on the Table of the House. I will state the position since 1954. In the early cases it was not the practice to lay the Governor's report on the Table on the ground that there was no such provision in the Constitution. The Governor's report was a confidential document for the benefit of the President who had to give a judgment of his own. Later, under parliamentary pressure it was decided that a summary of the Governor's report may be laid on the Table of the House. I find that since 1966 there were two short reports which were laid on the Table of the House. But this time an exhaustive report has been laid on the Table. I personally feel that this departure from the well-established practice of laying a summary of the report is not a satisfactory one. My reason for saying so is this.

I have listened to the debate and I found that from the Governor's report passages and sentences were taken out, sometimes out of context. Sometimes the references were quite fair and legitimate and the Governor's report was criticised. When Pandit Pant as Home Minister dealt with this matter he told me that when he said that he will lay a summary of the report he did not mean that he will summarise the report. What he meant was that he would go through the report and omit such sentences as could be taken out of context and used by a Member. I think the practice hitherto prevailing was a sound one because the Governor who makes a confidential report should not be subjected to criticism in this House. He is making the report to the President in confidence. Now the result will be that the Governor would be making two kinds of report, one to be laid on the Table and another a confidential one that may not be divulged. That is bound to happen in course of time.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA) : Madam Deputy Chairman, the circumstances under which the Governor of Haryana had to take action under article 356 are well known to merit any repetition in the House. Hon. Members have focussed their attention mainly on the question whether the extreme action of the Governor was really necessary in the circumstances or not. There can be different political views, different political theories and political interests. But one thing is certain that before the Governor took this step, various leaders of the various political parties of Haryana had demanded this kind of action of the Governor. I have got here the press cuttings. Of course, the hon. Members themselves know that such statements were made by the Chairman of the S.S.P., Haryana, the Chairman of the Jana Sangh Haryana, and other political parties including some of the Ministers who were members in the former Government of Haryana.

Madam, the main thing to determine is how should anybody arrive at the conclusion whether there has been a breakdown of constitutional arrangements in a particular State or not. The Governor, because of the reasons he gave in his report, came to this conclusion that in those circumstances proper functioning of the constitutional machinery was not possible. Now in what manner this break down in the constitutional machinery or otherwise could be judged is not properly defined anywhere.

But there could be three points after examining which we could probably come to a safe judgment whether the Constitutional arrangement is functioning properly or not. One is that if any directions are issued under Article 365 of the Constitution and the State Government does not comply with those directions of the Union Government, then that should be regarded as a Constitutional failure on the part of the State Government. Then there is another circumstance in which such a conclusion can be arrived at and that is, when

[Shri Vidya Charan Shukla]

there is a break-down of law and order in the State. There can be a third circumstance in which such a judgment could be made and that is, when no political party has the strength or the majority in the legislature to form a Government. There can be several ways in which this can be brought about. Sometimes the party which enjoys the majority may refuse to form a Government and the other parties may not be able to form a Government; and the Governor may be forced to ask for Presidential rule and the dissolution of the Assembly. But in the State of Haryana, we all know that there were so many defections by so many MLAs at so many times that it almost became impossible to determine...

श्री सुंदर सिंह भंडारी : वहाँ कितनी बार सरकार बदली इन डिफेक्शन के कारण ।

SHRI VIDYA CHARAN SHUKLA : Well, when the defections take place in the inter-session period, then the question of changing the Government does not arise normally. Here most of defections have taken place lately during the inter-session period, when the legislature was not in session. These defections were not the same as have taken place in West Bengal or in Punjab where a whole party has gone from one coalition to another coalition. But here these were defections by individual people; people were being taken from party and made Ministers and then the Ministers again defecting and joining another party and one man crossing the floor five to six times in some instances. The main thing that the Governor has brought out is that he was not sure that any party could command such a safe and stable majority as to run a regular Constitutional Government in Haryana. This is the main point that the Governor has made in his report to the President. Madam I do not think that only any hon. Member can seriously dispute that where the conduct of legislators is seriously distorting the verdict of the electorate by their frequent defections, the functioning of any Government becomes a matter of speculation. No serious-minded political leader can

claim that such a situation is conducive to good governance and that when MLAs, for whatever consideration, go from one party to another overnight and several times in a week, any stable Government in Haryana was possible or that Constitutional arrangements could be carried out in a satisfactory manner by any Government. And when the verdict of the electorate is so completely distorted by such unprincipled defections, the only answer to my mind as a democrat and to any democrat, would be that such legislators must be sent back to the people to get a fresh verdict from them and this is exactly what has been done in Haryana.

SHRI BHUPESH GUPTA : Why didn't you do it in Punjab?

SHRI VIDYA CHARAN SHUKLA : I have already explained, Madam, that this is not the same kind of defections. Here it is a whole party defecting and changing coalitions. It is not a question of individual people going over and becoming Ministers and then the Ministers defecting again. There was no such instance here. I personally feel—I may be wrong—that there is no comparison between the defections that were taking place in Haryana and the other defections that we have seen in Madhya Pradesh or in Punjab or in West Bengal....

SHRI BANKA BEHARY DAS : There were 34 or 35 defections in Haryana. In Punjab also there were 34 or 35 defections. In Punjab also one person crossed the floor four times and many crossed the floor three times. So the position is exactly the same.

SHRI VIDYA CHARAN SHUKLA : I am talking of the defection which has changed the Ministry in Punjab. This has nothing to do with the earlier defections which were very much minor in nature as compared to what we have seen in Haryana. It is also a question of degree. If it happens in a lesser degree, then probably it could be overlooked as it would not seriously hamper the Constitutional working. Madam, I was saying that in order that the verdict of the people as was represented by the legislature of the State is pro-

perly maintained and is properly reflected in the governance of the State, it was necessary that the people had another chance to judge which of those legislators who were throwing all canons of political conduct to the winds could be safely trusted to represent their will, and precisely because of this we have also agreed with the Governor's view that in the circumstances obtaining in Haryana, it would be impossible to run a proper Government according to the provisions of the Constitution unless the people had another chance to elect proper representatives who would, according to our hope, behave in a much more responsible manner than the Members of the preceding Assembly.

Madam, I do not have to go into the other questions which hon. Members have raised regarding the defections in general, as to what are the principles under which the Governor decides which defection is of such a nature as to be legitimate and which is not. But I will say one thing in conclusion and that is about the question of legislation regarding defections. We are seriously thinking about this matter as to how this problem can be tackled in the country. The Election Commission is also seized of the matter and I hope by mutual consultations and the process of thinking, we shall be able to arrive at a conclusion so that we could devise some sort of a method by which such political defections can be checked and our democracy can be run properly. I would appeal to the House that looking to the various points and the various factors that have been brought out in the debate, they should approve of the President's Proclamation that has been issued in relation to Haryana. Thank you.

THE DEPUTY CHAIRMAN : Mr. Bhupesh Gupta.

SHRI BHUPESH GUPTA : Madam Deputy Chairman, now the difficulty in replying to this debate on my motion

is that those who have supported the action of the Governor or of the Central Government through the Governor, really, in West Bengal, have not made out the case that the Governor has powers to dismiss the Council of Ministers. Now let me deal with the arguments that have been given. Some hon. Members opposite frankly said that there could be two opinions on this question. And that is why perhaps, in order to disabuse such hon. Members of that doubt, the Chief Minister of West Bengal—former Chief Minister you may call him now—Mr. Ajoy Mukherjee wanted the matter to be settled by the Supreme Court. He did not seek to arrogate to himself the right of interpreting the Constitution. He wanted it to be done by the highest court in the land under the provisions of the Constitution which empower the President to make such a reference. There were others like Miss Shanta Vasishth and Mr. Sapru, who should know law better, I believe, than Mr. C. D. Pande or my friend, Mr. Shukla.—who said that the Governors have no such power at all. And I am grateful to them because they have displayed courage in getting up here and telling the truth for the sake of truth and for the sake of future. There are others in the Congress Party who have expressed similar views elsewhere, but because of the fear of the whip, they are not in a position, or for any other reason, to state frankly what they would have normally liked to say. But Mr. Chavan tried to make out a case on Constitutional grounds. But before he had ended his Constitutional argument, you will have noted. Madam Deputy Chairman, he landed himself in political inanities. Now I could collect from the speeches made in favour of Shri Dharam Vira's action two major arguments. Somebody said that the Governor : in accordance with his oath of office, is under obligation to do certain things and one of these things is the dismissal of the Ministry in the circumstances in which he did it. That was said. Now you see the oath of office taken by the President under article 60 of the Constitution. It is *mutatis mutandis* the same as the oath of office taken by the Governor under article 159. Both refer to the defence of the Constitution. Shri

[Shri Bhupesh Gupta]

Jawaharlal Nehru, when the matter was debated, had made one thing very clear with regard to the statement of the late Dr. Rajendra Prasad before the Law Seminar. He made it clear as to what power the President has got. It was very clearly stated by the late Prime Minister Jawaharlal Nehru in this very House. He said that the President had the same power that the Crown in England had, that is to say, the President has to act on the advice of the Council of Ministers in all circumstances; he has no other power. And we welcomed that statement. I wanted to make it explicit by an amending Bill but Jawaharlal Nehru and others made it absolutely clear that there could be no question of the President having got any more power than the British Crown enjoyed. At that time you will remember that all of us fully acclaimed that position and we stand by it. Over the last 15 or 16 years we have been here it has never occurred to anybody that the Governor could exercise the power which he does not possess and which has been exercised in the case of West Bengal, namely, the dismissal of the Ministry there. Now this is the first time that the dismissal of that Ministry by the Governor has taken place. What is the oath of office there? It is exactly the same as for the President. The only difference is that one says "I, the President of India.." and another says "I, the Governor of such and such State.." That is all. Now you cannot evidently have two standards by empowering one to dissolve the Ministry & not empowering another to do the same thing. I could have understood if the Central Government had taken the position that the President can dissolve the Ministry and having taken that position, they could have come and told us that the Governor also could do so. There would have at least been some logic and consistency in that approach. But here nothing of the kind we find except double standard. I very carefully read the note prepared by the Home Ministry. There also the Home Minister says the President does not have any such power.

Then another article has been referred to about the pleasure of the Governor. I think it is article 164. It has been contended that since the Council of Ministers holds office during the pleasure of the Governor, the Governor has got the right or the Governor is entitled to dismiss the Council of Ministers. Well, let us now come to the Centre. Under article 75(2) of the Constitution exactly the same words occur. It says :

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

In article 164 it has been said that the Ministers shall hold office during the pleasure of the Governor. It is an identical provision. Now do I understand that the President has one type of pleasures and the Governors have another type of pleasures? Or is it that our Constitution-makers could not define what 'pleasure' means? Therefore the conception is the same in either case. If you say that in the case of the Union Government the Ministers hold office during the pleasure of the President, that does not mean that the Council of Ministers can be dismissed and if it cannot be dismissed or if the President cannot dismiss the Council of Ministers here, it stands to reason that the Council of Ministers cannot be dismissed also in the States. Therefore the argument about the so-called pleasure of the Governor does not hold water at all for the simple reason that it does not permit the Governor to dissolve the Ministry. Now let us see how this concept of 'pleasure' came about. It came not from any other constitutional system; it really came from the British constitutional system, from the British parliamentary system. If you refer to the French and other systems, you will not come across any such expression. Therefore even on that score you will find that as in England this is never to be interpreted as having given certain power which enables the Crown to dismiss a Cabinet. Why should we suddenly write into the Constitution something which is not written? If for example Dr. Ambedkar and others who were framing the Constitution had meant 'pleasure' as something else or for that matter the Gov-

ernor should be given certain power or the President should be given certain power, they would have used the requisite language in order to provide for it in the Constitution. Therefore they took it as an established convention and left it at that. Therefore, Madam Deputy Chairman, this argument does not stand at all. Here again article 164 under which the Governor is supposed to have acted does nowhere say that he has the power to dismiss a Council of Ministers. It has been stretched to include this power. Do I understand that those gentlemen, eminent gentlemen who formulated the Constitution did not have this much wisdom and foresight as to provide for this kind of thing? They did not provide for it. Are we then—the executive or the Governor for that matter or the Council of Ministers—to write into the Constitution something which had not been spelt out by the Constitution-makers? It is not contained in the express provision of the Constitution. That is quite clear. It is not. Therefore, if there is any doubt or if there is any interpretation required, who should do it? Assuming there is some doubt, well, Parliament can amend the Constitution to remove that doubt or the Supreme Court can interpret what exactly it means. But nothing of the kind is done. Parliament was ignored and of course the Supreme Court was also bypassed. Therefore I say that with regard to these two things the argument of the Government does not stand at all.

Madam Deputy Chairman, then another argument was advanced. These are the two major arguments given. Here we are not concerned with Naxalbari and gheraos. We are concerned with the Governor's order. The Governor has dissolved the Council of Ministers not because of Naxalbaris, not because of any other thing. Here we are concerned with the words of the order which has been issued from Raj Bhavan in Calcutta. Therefore, Sir, other discussions are irrelevant. We are not concerned here as if we are discussing the President's Rule.

We are concerned with the act of the Governor in the dissolution of the Ministry under article 164. Let us con-

fine ourselves to this and you will find that it is not permitted. Much has been said about defection. Here I would ask the Minister to consider this. The argument advanced by Mr. Chavan is that some people had left and therefore, he has assumed that Mr. Ajoy Mukherjee had lost the majority and therefore the Governor thought that since he was not calling the Assembly on the date on which the Governor wanted, the Ministry should be dissolved. There is no such parallel anywhere in the parliamentary system, certainly not in England. Now take this question legally and constitutionally of the so-called defection and some people writing to the Governor. First of all I say that it is double standard. When we brought 93 people to Rashtrapati Bhavan from Rajasthan, Dr. Radhakrishnan said: 'Here Mr. Chavan, the majority are standing'. But nothing was done. The majority leader was not invited by the Governor. The proof was given not in the correspondence with the Governor. The proof was given of the existence of the majority by a physical presentation of the majority of the Members of the Rajasthan Assembly before the President of India and the President of India told the Home Minister present—and I was also present there—'Here are 93 gentlemen'. We asked: 'Do you doubt anybody here? Are you suspecting impersonation and so on?' Nothing of the kind. Therefore that was not done. Then immediately Mr. Chavan should have advised the Governor or the Governor having noted the fact that a proof had been given in no other place than in Rashtrapati Bhavan and before the President, he should have immediately invited the Leader of the Opposition to form a Ministry. That was not done, it was double-standard. There I say that you cannot blow hot and cold, in one case you do one thing and in another case you do another thing and repeat the kind of arguments that you have done here. Where is it to be settled? Suppose you have a majority in the Lok Sabha. Suppose on a no-confidence motion you are defeated because some Members are absent from the Congress side, would it be open to the President to say: 'No the Government should not resign because

[Shri Bhupesh Gupta]

there are others who could not come' Would it be permissible for the President to count those Members who were absent from the Congress side when the Congress got defeated in order to make out a case that the Government should not resign? Therefore it stands to reason that the test should be on the floor of the Assembly. It should not be a test outside in an extraneous manner. When I say the Council of Ministers enjoys the confidence of the House, the confidence is a collective concept. Here the Constitution provides for the confidence of the House not of a number of Members—that is stated—and the confidence of the House can be ascertained and tested only in the House when in operation.

SHRI AKBAR ALI KHAN But if nobody summons the legislature?

SHRI BHUPESH GUPTA I am coming to that. Let us be clear. It is not of some people writing. The only valid proposition here is that the Council of Ministers must be, under the Constitution, responsible to the legislature not the Members in the football ground or the cinema houses or in the night clubs or in the kitchen cabinet or in Mr Chavan's room or in Raj Bhavan. No. They are responsible to the body of men called the legislators constituting themselves as the Legislature and functioning in that capacity, not as something else on the floor of the House. It was not done. What is the guarantee that they had changed their mind? Therefore the British Parliament never thought of it. Whenever it was done—unless a Minister resigned and he can resign at any time and that is not the point—they used to test it on the floor of the House. Suppose somebody writes a letter, some fifty Congressmen threatening, 'We have defected' would it be open, on the basis of the receipt of such a letter from some Members of the ruling party here for the President to summarily tell the Prime Minister to call immediately a session of Parliament? The President of India has no such right. The President of India cannot give such

direction. He is to act on the advice of the Council of Ministers. It is neither the duty of the Council of Ministers to listen or to receive such instructions nor is it the duty of the Governor to give such advice. Privately they can talk about anything, we are concerned with the Constitution. Therefore the legislature has been bypassed. It is an extraneous method, extra-parliamentary method and yet, in the name of parliamentary democracy, it has been perpetrated. Mr Akbar Ali Khan says, 'Why was it not done?' First of all, Mr Dharma Vira had no reason to give such direction to the Chief Minister. It is for the Chief Minister to say when the Assembly should be called. Time and again in this House when we felt that an early session of the Parliament should be called we had approached the President. I have myself done it and President Radhakrishnan used to tell me 'Go to the Council of Ministers, to the Prime Minister and the Home Minister. It is for them to tell me when I should summon the Parliament'. Identical provision is there in the Constitution. It is none of the functions of the Governor to give this kind of direction to a Council of Ministers, much less try to browbeat the Council of Ministers. That again is contrary to parliamentary principles and practice and the express provisions of our Constitution. This is a very material point that I wish to make that the Governor acted in this manner. Here also we have our views on it but I will come to that later but here the constitutional position should be settled. Here we had quarrelled over many things in this House—this side and that side. Never we had quarrelled before over the question of Governor's power in regard to such matters. How is it today that such a quarrel has developed? We had a code over these issues all these fifteen years despite all our bitterness and quarrels over many issues. Why suddenly it has erupted into a major controversy? I can only say that you have placed certain other extraneous, party or class interests above the interests of democracy, parliamentary principles and so on. Therefore I say that it is wrong. The opinion of the jurists should be accepted. One

thing Mr Chavan did not reply to and we raised it Who alerted the army? Do not say that the army has not been called out The newspaper report has come and the statement has been made that Gen Manekshaw is going to Lal Bazar the headquarters of the police, and seeing things for himself Before Mr Ghosh was sworn in, the army was in the street or had been alerted Who called it? It is not the Central Government The Central Government has no function or authority to do so in a matter like this nor the Council of Ministers, which was headed at that time by Mr Ajoy Mukerjee Who did it? If the Governor had done it on the advice of the Centre he acted unconstitutionally even in this matter He cannot act in this manner Under no circumstances the Constitution provides for this, to be done by the Governor The Governor was therefore acting in pursuance of a conspiracy The Governor was ignoring the Constitution He was pre-arranging things How is it—that is another constitutional point—that the Ministry has been dissolved We are not going into the point whether it is legal or illegal We know that it is not legal After the dissolution which procedure should we follow? Now you have dissolved the Ministry Whom should you invite? The next party You invited the Congress Party, but it did not like to form the Ministry Then why did you not invite the other parties also, or again Mr Ajoy Mukerjee? In Punjab after the resignation of the Gurnam Singh Ministry Mr Gurnam Singh was invited again to explore the possibility after having invited Mr Lachhman Singh Gill or whoever he is All the same Mr Gurnam Singh was invited Therefore, it was not done here Well, the Congress Party was invited as a matter of make-believe, and then immediately thereafter, an independent was invited and upto that time, that independent, Dr P C Ghosh had no party at all His party had not yet been formed We had known that some people had left some party, or left some block That does not mean, either to the knowledge of the Governor, and certainly not to the knowledge of the Legislature, that a party had come into

existence In fact, on the night of the 21st there did not exist any party of which Dr P C Ghosh was the leader, either in point of fact or in law The Assembly had not yet met for a trial of strength If it happens all of a sudden some independents do not constitute a party The Speaker in the other House has said that he would not recognise an independent party simply because the independents clubbed together for a purpose And how Dr P C Ghosh could suddenly become the leader of a non-existent party, we cannot understand It was pre-arranged, again a conspiracy It was pre-arranged that an individual, who had been got over or, for that matter, had been abducted, should be invited Perhaps somebody whispered this into the Governor's ears Who did it? The Governor is supposed to invite people not as he likes, but on the basis of certain set norms and conventions But how the Governor took a liking for Dr Prafulla Ghosh, that has to be explained Well, he quietly took a liking for him Is it because he was a defector that he took a liking for Dr Prafulla Ghosh? Well, if that is so, this individual, he was not the leader of a party Therefore, nobody on behalf of the party could have made the representation to him He certainly had not explored the other parties in the Legislature or, for that matter, the United Bloc, in the Legislature, again to try the formation of a Government Therefore, again this was also a part of the conspiracy Now it is a strange thing in parliamentary democracy Now here, at 8-20—note this—at 8 20 at night in a room in Grand Hotel, Mr Ajoy Mukherjee, received a sealed letter stating that he had been dismissed First of all it is so bad that the letter is sent suddenly in this manner to him stating, "You are dismissed" I think you treat even your domestic servants in a better way. Now he was not even given the treatment which a domestic servant gets in a private house Anyhow it had been settled that way Now almost simultaneously the swearing-in ceremony was taking place—the timing is very very important Did the Governor apply his mind, in terms of the Constitution or according to the convention, as to whom

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he should invite for the swearing-in ceremony? The Speaker was not invited to be present because the Governor apparently thought, "Well, something might go wrong". The Congress leaders were invited. Mr. Humayun Kabir was invited. Why not me? I am an old Member of Parliament

AN HON. MEMBER: Were you there?

SHRI BHUPESH GUPTA: Mr. Humayun Kabir was around. The Congress leaders were around and all these people were around, not the others who are normally present on such an occasion. Therefore, parties to the conspiracy were present at the swearing-in ceremony, again another case of conspiracy. Also two blackmarketeers were there, and others were there. Now see what a degradation of political life you have made in this entire deal. Therefore, Madam Deputy Chairman, from beginning to end it has been unconstitutional, it has been politically preposterous, and has been monstrosity of a type which can be thought of only in an authoritarian regime but not in a parliamentary set-up.

Now I would ask hon. Members to consider another point. Are you not now creating a Crown Party just as George III used to have a Crown Party in Britain in the old days? There the monarchs used to have a Crown Party to manipulate. And today you have created a precedent that the Governor can manipulate small groups and other things and then interfere in an arena where they should not come in. Now we are going back to the days of George III, who had his Crown Party, just to manipulate in this manner. But unfortunately Charles I lost his head, and we do not have a Cromwell now. Still you can understand why Cromwell appeared in history. When you have set in motion this thing, when you have the mentality of Charles I and others, you have also Cromwells. But here we are trying to settle it in a democratic way.

Therefore, in this whole thing, I think you are creating a dangerous situation. Today you may feel that you are very happy about it. Mr. Chavan says he is sorry, but he always smiles, and I cannot understand a man who goes on smiling in the *Smasan* Ghat, or Rajghat, when they go there, or they go there to cremate somebody. He is literally happy and he expressed himself that he is happy. You may be happy today, but tomorrow you will see that you have opened the highways to authoritarianism, and, with the advent of authoritarianism, made room to a military regime. One point. Why the Governor was in such a haste? I ask hon. Members. I know that you will not support me even if your conscience dictates that you should support me. You asked why the Assembly was not called for the 29th of this month. Is it your contention that the heavens would have come down if the Assembly had met a little later, on the 18th of December? Was the law and order situation such that it had to be done here and now? Not at all; this was not the case because, even according to the statement of businessmen and others, even according to Mr. Chavan's public statement, the law and order situation in West Bengal, according to them, had improved. So the question did not arise at all. It was done because of this reason. I give you this information and I have it on authority. But you may question my authority. When Mr. Humayun Kabir and others, when they thought that some defectors were rethinking—and people do rethinking; even our Congressmen may rethink—that they were rethinking of going back to the fold of the United Front at that time when Mr. Mahamaya Prasad Sinha was in Calcutta and was persuading them not to defect and commit an act of treachery, when things were moving on those lines, just at that moment, Madam Deputy Chairman, Mr. Humayun Kabir rushed to Mr. Dharma Vira and told him, "Now or never. You get in touch with Delhi at once today because, otherwise, we may not get what we want". It was done in this manner.

THE DEPUTY CHARMAN : Please now wind up. It is more than half an hour. You must have some sense of proportion.

SHRI BHUPESH GUPTA : I am winding up. We cannot even talk on this subject. What is this sense of proportion you refer to? Is this not sense of proportion and are these not valid arguments?

THE DEPUTY CHAIRMAN : I am appealing to you. You have said what you wanted to say, when you moved the Motion. Now there has been a full debate. You may now only reply to the points made by the Minister in his reply to the Motion. You cannot cover the whole ground again. Please have five minutes more and finish.

SHRI BHUPESH GUPTA : As I said, I was not giving other arguments. Many political arguments could be given but I did not give them deliberately because I thought that more the constitutional points should be met. Madam, we know why we have been punished and we know why we have been shabbily treated in this manner. We know why we have been punished in Bengal. We know why we were treated in this manner. The only crime that we did was that we defeated the Congress. We set up a left-oriented Government, a Government oriented to the service of the working people. We started taking action against the profiteers and black-marketeers and started putting them in detention—not Atulya Ghosh, not that type of people, but the others—in order to ensure food to the people. We did not allow the police to be used against the workers on orders given through telephone calls of the employers. We were increasing the dearness allowance and other things and restoring and giving permanent rights to government employees and doing similar other things.

Madam Deputy Chairman, I know for a fact that the British and the Americans conspired to put pressure on the Government. The monopolists' aides came and advised them. I may tell you that the monopolists came here. The monopolists went to the Governor

and they said, "Finish this Government". They said it because West Bengal is the seat of their financial capital where their exploitation takes place. Madam Deputy Chairman, therefore they said this kind of a government cannot be allowed to continue there. That is the reason why the Governor was in such a hurry. Nothing would have been lost. You would not have lost more than what you have lost already in the last few days if you had put off the meeting of the Assembly till the 18th December.

THE DEPUTY CHAIRMAN : Order. order. That will do.

SHRI BHUPESH GUPTA : But since . . .

THE DEPUTY CHAIRMAN : Order, order. Hon. Members can see that in his own words, Mr. Bhupesh Gupta wanted only two or three minutes to finish.

SHRI BHUPESH GUPTA : I am just finishing.

THE DEPUTY CHAIRMAN : Please finish now.

SHRI BHUPESH GUPTA : Therefore I say I call them "mini butchers". You know mini skirts in England. Now here these are our "mini butchers". Mr. Chavan and others I call them mini butchers. Now they have started this thing. But Madam Deputy Chairman, before I sit down I want to strike a note of warning. You are playing with fire now. You have started unconstitutional, illegal methods, for keeping yourself and your friends in power, for keeping traitors in power and in other places. You denounced defections in Haryana and in West Bengal, but you enthrone defection and an illegitimate Chief Minister. Well, these illegitimate offsprings of your behaviour, we know where they will lead to. I say that a note of warning has been sounded and I hope the people will take note of it. I do not know what is going to follow. But I do hope that the people will give the final reply. In this House we cannot abundantly give a fitting reply to the crime that has been committed. The reply has to be given in the fields and factories, in the streets, in the Assembly and outside. Everywhere,

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where the traitors and these butchers live, they should be surrounded on all sides by the fighting men and women of Bengal, and of all India in order that the traitors, the butchers of parliamentary democracy, these traitors, these oppressors of the people, these violators of our Constitution, those people who are bent on ruining the country, are not allowed to be in power.

THE DEPUTY CHAIRMAN : Order, order. That will do.

SHRI BHUPESH GUPTA : And joining my voice with that of... in Spain, I say... They shall not pass.

THE DEPUTY CHAIRMAN : That will do. I shall first put the Resolution on the Proclamation...

SHRI NIREN GHOSH : The Leader of the House should accept the motion of Mr. Bhupesh Gupta.

THE DEPUTY CHAIRMAN : I am putting the Resolution to vote now.

SHRI NIREN GHOSH : Is he accepting the motion of Mr. Gupta? That is what I want to know.

THE DEPUTY CHAIRMAN : You will know it. First I put the Proclamation on Haryana to vote.

SHRI NIREN GHOSH : Madam, before you put that to vote, we want to know whether he will accept the motion of Mr. Bhupesh Gupta. That is what we want to know.

THE DEPUTY CHAIRMAN : Please take your seat.

SHRI NIREN GHOSH : I want to know that.

THE DEPUTY CHAIRMAN : Please take your seat.

SHRI NIREN GHOSH : Before you put this to vote, Madam, we want to know whether he is accepting the motion of Mr. Gupta.

THE DEPUTY CHAIRMAN : I think the parliamentary practice is well known. The Resolution will be put to vote and then the motion will be put to the vote in the same order in which they were moved.

SHRI NIREN GHOSH : Whether they accept the motion or not, that is what we want to know.

THE DEPUTY CHAIRMAN : No, I shall first put the Resolution to vote.

SHRI NIREN GHOSH : Then we cannot be a party to this butchering of the Constitution. We can never be a party to this. We walk out protesting against this Government's action and to show our protest against their unconstitutional and illegal action and against this butchery of our Constitution we walk out.

(At this stage, some hon. Members left the House.)

श्री० सुन्दर सिंह भंडारी : उपसभापति महोदय, मुझे खेद है कि सरकार ने जिस तरीके से हरियाणा में गलत कदम उठाया है और जिस तरीके से वह बंगाल में गलत काम का समर्थन कर रही है, उसके विरोध में हम सदन में बहिर्गमन करते हैं।

(At this stage, some hon. Members left the House.)

THE DEPUTY CHAIRMAN : Now I shall put the Resolution regarding Haryana to vote.

The question is :

"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."

The motion was adopted.

THE DEPUTY CHAIRMAN : Now I shall put the motion of Shri Bhupesh Gupta to vote. The question is :

"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 thus brutally trampling under foot the system of parliamentary democracy."

The motion was negatived.

THE DEPUTY CHAIRMAN : The House stands adjourned till 11 A.M. tomorrow.

The House then adjourned at thirty-six minutes past five of the clock till eleven of the clock on Tuesday, the 28th November, 1967.