

[Shri Bhupesh Gupta.]

But in some other cases the Government has moved very promptly. We know that sometimes the members of the minority communities, who are absolutely innocent, are arrested on false charges, harassed and even detained for some time when actually there is no case but simply because they are *persona-non-grata* with some local officials, or simply because some people want to wreak vengeance on them. So they are taken into custody and even sent up for trial, even when there is no evidence. Such things have happened in some parts of the country. And it is well known in West Bengal, for example, that in certain matters the Government has behaved in this manner. Therefore, I think the matter should be gone into by the Home Ministry.

The question arises, how to deal with espionage? As far as this Government is concerned, Madam Deputy Chairman, has it got any secrets at all, official or otherwise? I would like to know.

THE MINISTER OF STATE IN THE DEPARTMENTS OF PARLIAMENTARY AFFAIRS AND COMMUNICATIONS (SHRI I. K. GUJRAL): Thank you.

SHRI BHUPESH GUPTA: Important policy questions are discussed in the Cabinet and within the Cabinet they have their own coteries and they have their particular groups around them and they come and tell them what happened and then it leaks out to the press. In the Parliamentary Executive Party also certain policy matters are discussed, things which even come within the scope of a measure like this one, and they are also leaked out. We are told that the Prime Minister went to the extent of saying that she would not like to say something at a meeting of the Congress Executive Committee because, as a rule, things got leaked out.

THE DEPUTY CHAIRMAN: Mr. Gupta, that will do for the present. We have to take up the other subject.

SHRI BHUPESH GUPTA: Yes, that is a more exciting subject.

SHORT DURATION DISCUSSION UNDER RULE 176 RE CONSTITUTIONAL CRISIS IN MADHYA PRADESH

THE DEPUTY CHAIRMAN: There was a call attention—and the names are here—which I hear has now been turned into a discussion of short duration. Shri Banka Behary Das was told that he would speak first but I do not think he would mind if I call Mr. Chordia to speak.

SHRI BANKA BEHARY DAS (Orissa): Well, I have the claim but it is for you to decide.

THE DEPUTY CHAIRMAN: I have just requested you to give way to Mr. Chordia.

SHRI KRISHAN KANT (Haryana): Madam, with your permission I rise on a point of order with regard to the procedure. On 6th April I had given notice of a calling attention motion regarding the constitutional deadlock created in Punjab due to the adjournment of the Punjab Vidhan Sabha after the defeat of the Ministry on the Motion of Thanks to the Governor's address, but that call attention notice was not allowed while this call attention notice has been allowed. If that matter did not concern the Centre, this matter also does not concern the Centre. I am not against this call attention being admitted but what I say is justice should have been done. There should have been the same criteria for dealing with both the call attention notices. As a matter of fact, in that case the Government was defeated on a material point, but while that was not admitted this has been admitted. I want your ruling on this.

THE DEPUTY CHAIRMAN. That is all right. This is a short duration discussion.

Now, there are 30 names with me. I do not know how thirty Members can participate in a two-hour discussion.

SHRI BHUPESH GUPTA (West Bengal). All the parties should be given a chance including the Congress Party. Then there should be a second round again for all the parties because after all the Assembly is prorogued and they are not in a position to discuss this. Therefore we should be given an opportunity on behalf of the people of Madhya Pradesh also to have a proper discussion.

SHRI R. S. KHANDEKAR (Madhya Pradesh): Those who have given the call attention notice should be called.

THE DEPUTY CHAIRMAN: I have got the names here.

SHRI G. MURAHARI (Uttar Pradesh): I have a submission to make. In the first place, if you follow the procedure of calling only those who have given the call attention notice then it will become, I think, completely unbalanced because some people like me would like to speak on this whether we have given our names or not. So you cannot restrict the discussion to those who have given their names.

SHRI A. D. MANI (Madhya Pradesh): Madam, I have a submission to make. Members from Madhya Pradesh are vitally interested in this matter and they should be allowed to put forward not only their views but actually what they saw in Madhya Pradesh.

SHRI LOKANATH MISRA (Orissa): Madam, I have just one sentence to add to what Mr. Mani has said. Members from Madhya Pradesh must be given the chance; whichever Member from Madhya Pradesh wants to participate in this discussion must

be accommodated because it is his responsibility to project his point of view.

SHRI BHUPESH GUPTA. That is a very wrong principle.

SHRI MULKA GOVINDA REDDY (Mysore) Madam, I would suggest that if necessary we should extend the time by one hour more. We are prepared to sit till 6 o'clock.

THE DEPUTY CHAIRMAN. We have already spent five minutes. Mr. Chordia, ten minutes.

श्री विमलकुमार मन्नालाल जी -
डिया (मध्य प्रदेश) उपसभापति महोदया, मुझे बड़ा दुःख है कि इस विषय पर चर्चा प्रारम्भ करनी पड़ रही है जिसको मैं प्रारम्भ करना नहीं चाहता था यदि हमारी कांग्रेस सरकार दिल्ली में बैठे नेता लोग, इसके बारे में अभी तक कोई प्रजातांत्रिक निर्णय ले लेते।

उपसभापति महोदया, मध्यप्रदेश की घटना केवल एक व्यक्ति की मनोवृत्ति की ही परिचायक नहीं है बल्कि एक व्यक्ति अपने साथ कितने लोगों को लेकर हमारे प्रजातन्त्र के लिए घातक मिन्न हो सकता है इसको बतलाने वाला है।

उपसभापति महोदया, 3 जुलाई को मध्य प्रदेश विधान सभा की बैठक बुलाई गई थी और 19 जुलाई को सदन में शिक्षा की मांग पर बहस चल रही थी। उस समय कांग्रेस के नेता श्री बृजलाल वर्मा जी ने यह घोषित किया कि 36 सदस्य मयुक्त विधायक दल में शामिल हो रहे हैं। इससे मिश्र जी को स्पष्ट हो गया कि सदन में अब उनका बहुमत नहीं रहा। परन्तु इस स्थिति को टालने के लिए उन्होंने एक पंडित किया और जो मांग उस रोज पारित होनी चाहिये थी उसको नहीं होने दिया। इस तरह से उन्होंने हो हल्ला और प्वाइंट आफ आर्डर उठाये और वहां पर इस तरह

[श्री बिमल कुमार मन्नालालजी चौरड़िया]
का प्रत्ति करवाया कि संयुक्त विधायक दल उत्तेजित होकर कोई सीन क्रिएट कर दे। मैं संयुक्त विधायक दल को धन्यवाद देता हूँ कि इस तरह के एक्कोेशन के बाद भी वे लोग चुपचाप बैठे रहे और इस बात का प्रयत्न करते रहे कि किसी तरह से मांग पर मतदान हो जाय और मिश्र जी की कांग्रेस सरकार को हटा दिया जाय। उपसभापति महोदय, मिश्र जी भी कच्ची गोली खेलने वाले नहीं थे और वे चूँकि अपने को लोह पुरुष मानते हैं, उन्होंने उस दिन को किसी तरह से टाल दिया और पांच बजे तक वहाँ पर तरह तरह की सीन क्रिएट करवा दिया। उसी दिन सब सदस्य राज्यपाल महोदय के पास गये और उन से कहा कि अब मिश्र जी का सदन मैं बहुमत नहीं रहा, हम सब लोगों ने एक संयुक्त विधायक दल बना लिया है और इस तरह से हमको मंत्रिमंडल बनाने की इजाजत दी जाय। महोदय, राज्यपाल भी बड़े होशियार थे; आखिर पुराने कांग्रेसी हैं और उनका संबंध कांग्रेस वालों के साथ बहुत पुराना है और इस तरह से वे संबंध को बिगड़ना नहीं चाहते थे। उन्होंने कहा चिन्ता क्यों करते हो, कल जब शिक्षा की मांग पर मतदान होगा, तो उस शक्ति का परीक्षण आसानी के साथ हो जायेगा। इस तरह से उन्होंने संयुक्त विधायक दल की बात को बड़ी आसानी के साथ टाल दिया। 29 तारीख के 11 बजे सदन भी बैठक बुलाई गई और जब 11 बजे काम शुरू होने वाला था तो उसी समय राज्यपाल का सन्देश आ जाता है कि सत्ता-वसान किया गया है।

उपसभापति महोदय, इसको क्या बंडयंत्र नहीं कहा जा सकता है? एक तरफ तो राज्यपाल कहते हैं कि कल शक्ति का परीक्षण करनेना और जब शक्ति का परीक्षण का समय आता है तब राज्यपाल सत्तावसान की आज्ञा दे देते हैं और इस तरह से वे संविधान की भावना की हत्या करते हैं।

उपसभापति महोदय, राज्यपाल एक ऐसा आदमी होता है जिसको अपने आप को निर्दलीय समझना चाहिये और उसका किसी दल से संबंध नहीं होता है। उसको कार्य की मैरिट पर जाना चाहिये था कि किस दल के साथ कितने लोग हैं और उसी के आधार पर वहाँ मंत्रिमंडल बनाने की व्यवस्था करनी चाहिये थी। लेकिन उन्होंने इस तरह की बात नहीं की और जो दल अल्पमत में हो गया, जिसको मध्य प्रदेश की जनता ने रिजेक्ट कर दिया, उस मिश्र की सरकार पर गवर्नर ने मध्य प्रदेश का राज्य चलाने की जिम्मेदारी आगे भी डालने का जो षडयंत्र किया वह संविधान की भावना के विपरित था। इस तरीके से हमारे गवर्नर महोदय ने वहाँ पर ऐसा अनुचित कार्य किया जो कि उन्हें नहीं करना चाहिये था। वह जो गवर्नर शब्द है वह गोबर नर हमारे यहाँ कहा जाता है। गवर्नर को इस मामले में "गोबर नर" की तरह काम नहीं करना चाहिये था मैं बल्कि उसको इस मामले में अपना डिसक्रिशन काम में लाना चाहिये था और जिसका सीधा बहुमत था उसके हिसाब से उसको काम करना चाहिये था। लेकिन गवर्नर ने इस तरह का कोई कार्य नहीं किया और इस तरह से संविधान की भावना की हत्या की। मिश्र जी ने जो काम मध्य प्रदेश की स्थिति देखी उस से वह बाँखला गये हैं और बाँखला कर वह किसी को अपनी कुर्सी पर नहीं बैठना देना चाहते हैं। वे उस कुर्सी पर ही चिपके रहना चाहते हैं। अगर उनको वह कुर्सी इतनी ही प्यारी है तो मैं श्री चव्हाण जी से प्रार्थना करूँगा कि वे उस कुर्सी को उनके घर पहुँचा दें वहाँ पर दूसरी लगवा दें। यह जो हमारे मिश्र जी में अहम की भावना भरी हुई है, जो डिक्टेटरशिप की मनोवृत्ति है, अगर उसको चलने दिया गया तो यह डेमोक्रेसी के लिए ठीक नहीं होगा।

उपसभापति महोदय, उनमें इतना अहम हो गया है कि उन्होंने यहाँ तक कहा कि मैंने इस मामले में दिल्ली से सम्पर्क

नहीं किया बल्कि दिल्ली वालों ने मुझ से सम्पर्क किया। वे अपने आपको है न जाने क्या समझने लगे हैं।

उपसभापति महोदय, हमारे गवर्नर एक कांस्टीट्यूशनल हैड है, इसके बारे में दो मत नहीं हैं, लेकिन उसको इस तरह के मामलों में डिस्क्रीशन यूज करने का अधिकार है।

गृह-मंत्री (श्री वाई. बी. चव्हाण)
कहाँ है ?

श्री विश्वकमार मन्नालालजी चोखिड़ा : कहाँ है ? मैं बतला सकता हूँ। मेरे पास टाइम नहीं है, नहीं तो मैं उम आर्टिकल की एक धारा को आपके मामले ढ़कर बतला देता। हमारे चव्हाण साहब ने जो कांस्टीट्यूशन की बात कही है, उस को बहस में, मैं इस समय नहीं जाना चाहता हूँ क्योंकि मैं कोई कांस्टीट्यूशन का पंडित नहीं हूँ। इस चीज के बारे में मैं तो जो हमारे कांस्टीट्यूशन के ज्ञाता है, उन पर छोड़ देता हूँ। अगर श्री चव्हाण साहब यह कहें कि वह जो कांस्टीट्यूशन का इंटरप्रीटेशन कर रहे हैं वह सही है, मैं इसको नहीं मानता हूँ क्योंकि वे भी कांस्टीट्यूशन के पंडित नहीं हैं। मैं इस की विशेष चर्चा नहीं करना चाहता हूँ क्योंकि मैं इसका पंडित नहीं हूँ। अगर आप कांस्टीट्यूशन के शब्दों पर चलना चाहते हैं तब आप किसी हद तक सही भी हो सकते हैं, गलत भी हो सकते हैं, यह निर्णय सुप्रीम कोर्ट करेगा, न्यायालय करेगा, मगर जहाँ तक उसकी भावना का सवाल है, चव्हाण साहब भी इस बात को स्वीकार नहीं करेंगे कि अल्पमत वाले की वर्नमेंट को चलने दिया जाय और जिस के साथ बहुमत हो गया है उसको गवर्नमेंट बनाना का अवसर न दिया जाय। वे यह दलील देते हैं कि लोगों को भड़का कर के उनके मिशनरी कर लिये गये, इस लिये वहाँ अव्यवस्था हो

गई है। जब राज्यपाल से 36 सदस्य मिलने गये तब कोई अव्यवस्था नहीं हुई। जब राज्यपाल ने उनसे कहा कि कल आप परीक्षण कर सकते हैं तब कोई अव्यवस्था नहीं हुई। मगर जब उन्होंने देख लिया कि मिश्रा जी की कुर्सी जा रही है, मिश्रा जी किसी तरह से काम नहीं कर सकते हैं, तब अव्यवस्था की संभावना हो गई, तब अराजकता की संभावना हो गई। आखिर राज्यपाल वहाँ बैठे किस लिये हैं ? अगर किसी राज्य में अराजकता होती है, विधान सभा का काम ठीक तरह से नहीं चल सकता है, तो राज्यपाल को इंटरफीयर करना चाहिये, सत्तावसान करना चाहिये, इससे हम भी सहमत हैं। मगर जब विधान सभा का काम ठीक तरह से चल रहा है, तब सत्ताधारी दल ही हो हल्ला और गड़बड़ कर रहा है, तो ऐसे अवसर पर भी सत्तावसान करना षड्यंत्र कहा जाएगा, यह न्यायसंगत नहीं कहा जायगा यह संविधान के अधिकारों का सदुपयोग नहीं कहा जायगा।

उपसभापति महोदय, यह हमारे राज्यपाल महोदय कांग्रेस से कितना प्रेम रखते हैं, यह जब अभी ए० आई० सी० सी० का अधिवेशन हुआ था और उसमें वे एक दिन जब आ कर के बैठे थे तो उससे हो प्रगट हो गया था। जिस प्रकार संपूर्णानंद जी मुखाडिया जी का संपूर्ण आनन्द कायम रखना चाहते थे, उसी प्रकार हमारे राज्यपाल, रेड्डी साहब, भी हमेशा इन बात के लिए रेडी रहे कि किसी तरह से हमारे मिश्रा जी का शासन चला न जाय।

उपसभापति महोदय, हमारे मिश्रा जी की पुगनी मनोवृत्ति से सब कांग्रेस के लोग परिचित हैं। सन् 1951-52 की बात है जब यहाँ पर रामतीला के मैदान में वे यह समझे थे कि वे नेहरू जी से भी बड़े हैं और उन्होंने नेहरू जी को मरे ग्राम मालिया दी थी। वे यह समझे थे कि हम नेहरू जी का तख्ता पलट कर के खुद शहशाह बन जायेंगे। उसका

[श्री विमलकुमार मन्न लालजी चौरडि ।]
पारशाम भी उनको भुगतना पडा। कई दलों में वे शामिल हुये और कई नदियों का उन्होंने पानी पिया और सब दलों से खाना किये गये। आखिर में 12-13 वर्ष के बनवास के बाद वे फिर कांग्रेस की शरण में आये नश्वरता के साथ ।

अभी जब इन्दिरा जी का चुनाव हुआ था प्रधान मंत्री के पद के लिये और उसमें उन्होंने जो मेहनत की थी, उससे वे समझने लगे थे कि अब मैं सैकड़ आदमी हो गया हूँ और मारे हिन्दुस्तान में जैसा चाहूँगा, वसा करूँगा। अभी तक तो मौन यहाँ पर चल रहा है, हमारे शासन का जो निर्णय नहीं हो रहा है, उसमें मुझे यह लगता है कि यह उस समय की उनकी मेहनत और प्रयत्न का फल है जो उनको दिया जाने वाला है या दिया जा रहा है।

उपमभाषति महोदया, जहाँ तक प्रजातंत्र का सवाल है, व्यक्ति से पार्टी बड़ी होती है और पार्टी से देश बड़ा होता है। अगर जबरदस्ती हम व्यक्ति को महत्व देने लग जायेंगे तो हमारा देश चल नहीं सकेगा। मैं कांग्रेस के सब लोगों पर आरोप नहीं लगाता। कांग्रेस में कई ऐसे लोग हैं जो यह कहते हैं कि संविधान की भावना का खून नहीं होना चाहिये, तथा कहते हैं कि मिश्र जी का व्यवहार गलत है और मत्वावमान किया जाना गलत है, मिडटर्म इलेक्शन भी गलत है। मगर कांग्रेस में ऐसे लोग भी हैं जो ऐसे पड़्यत्न के आधार पर, ऐसी माजिश के आधार पर यह चाहते हैं कि किसी तरह से सत्ता जो प्राप्त हुई है उससे चिपके रहे यह गलत है और इसलिए मैं चाहता हूँ कि व्यक्ति के मत्त्व को छोड़ कर, व्यक्तिगत संबंधों के महत्व को छोड़ कर मिश्र जी को हटाया जाय। हाँ, यह मैं मानता हूँ कि संयुक्त विधायक दल के किसी सदस्य के बारे में यदि शका हो, तो उसको बुला कर के उससे सब बातें साफ कर ली जाय और फिर बाद में संयुक्त

विधायक दल का बहुमत हो तो मंत्रिमण्डल बनाने के लिये बुलाया जाय।

उपमभाषति महोदया, यह स्पष्ट हो चुका है कि हमारे मिश्र जी का बहा पर बहुमत नहीं रहा है। मिश्र जी ने अपना बहुमत बनाये रखने के लिये बहुत प्रयत्न किया। उन्होंने जनसभ के एक विधायक को बुलाया और उससे कहा कि तुम्हारे खिलाफ टूटने इतने मुकदमे हैं, तुम इधर शामिल हो जाओ नहीं तो तुम को फसा दिया जायगा। एक आदिवासी सदस्य के साथ जो उन्होंने ज्यादानी की उसको चह्वाण साहब ने भी अखबारों में पढ़ा होगा। उसको वे अपने घर पर ले गये, उसको सफेद टोपी पहनाई और फिर उसके फोटो लिये गये, जबरदस्ती की। आप यहाँ पर नैतिकता की बातें करते हैं, लेकिन जब उन्होंने यह सब किया तो उस वक्त आप की नैतिकता कहा चली गई थी? राजस्थान में जब मुखाडिया जी ने सदस्यों को फाड़ा तब आप की नैतिकता कहा चली गई थी? जब इनका मंत्रिमंडल टूटने लगता है तो जैसा कि इनका इतिहास बताता है, यह नैतिकता की बातें करने लगते हैं। यदि नैतिकता के सम्बन्ध में कोई निर्णय करना हो तो एक जगह सब को बैठ कर कोई निर्णय करना चाहिये। मगर जब आप को बुरा लगे तब आप नैतिकता की बातें करे, यह न्यायसंगत प्रतीत नहीं होता है।

अंत में मैं फिर यह निवेदन करूँगा कि मिश्र जी को हटाया जाय, संयुक्त विधायक दल को बुलाया जाय और उनसे मंत्रिमण्डल बनाने के लिये कहा जाय, राज्यपाल महोदय ने जो ऐक्शन लिया है उसके सम्बन्ध में संयुक्त विधायक दल ने एक मेमोरैंडम पेश किया है, उस पर विचार किया जाय और बहा के गवर्नर ने जो गोबर नर का काम किया है, उसके लिये उन पर कार्यवाही की जाय और उनको बहा गवर्नर नहीं रखा जाय। यही निवेदन है।

SHRI AKBAR ALI KHAN (Andhra Pradesh): Madam. I think it is a matter in which constitutional provisions are involved and one has to consider what constitutional provisions are there. I am glad that in the speech of my hon. friend, Mr. Chordia, he did not challenge the position on the ground of anything being done against the provisions of the Constitution.

श्री विमलकुमार मन्नालालजी चौरडिया: कांस्टीट्यूशन की भावना देखिये। ग्रगेस्ट कांस्टीट्यूशन क्या किया गया, वह कानून के पंडित तय करेंगे। I cannot comment on that.

SHRI AKBAR ALI KHAN: I am just referring to what you said. So far as the provisions of the Constitution are concerned, I am not able to point out anything which would warrant justification that something has been done against the Constitution.

(Interruptions)

SHRI BHUPESH GUPTA: What he said is that the Constitution has been molested by the Governor.

SHRI AKBAR ALI KHAN: Mr. Bhupesh Gupta, I will answer you also. The whole question now before the House is this. Has the Government of Madhya Pradesh or the Governor of Madhya Pradesh done anything which is against the provisions of the Constitution?

SHRI G. MURAHARI: What he has done is that he has raped democracy in this country.

SHRI AKBAR ALI KHAN: I can understand your restlessness, but now let us consider the matter dispassionately. There may be many things which politically may be right or wrong. That is entirely a different question. Let us understand the position. So far as the legal and constitutional position is concerned, it is entirely on a different plane. So, my submission is that according to the

provisions of the Constitution in which the Governor has been given certain rights, he has to act on the advice of the Chief Minister, if you want to keep up democracy and democratic principles that have been followed in all the other countries.

(Interruption)

AN HON. MEMBER: It is the death knell of democracy.

SHRI G. MURAHARI: If the Chief Minister says, dissolve the Legislature, will the Governor accept that advice?

SHRI AKBAR ALI KHAN: I would say . . .

SHRI G. MURAHARI: He cannot be a dictator.

SHRI AKBAR ALI KHAN: My point is, let my learned friends, who are so agitated, consider the position as to what had happened in England when the Prime Minister . . .

SHRI G. MURAHARI: They never prorogue their House like that. It is a shame.

SHRI AKBAR ALI KHAN: Madam, I want your protection . . .

SHRI G. MURAHARI: Do not talk of England.

(Interruptions)

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA): The Member should be allowed to speak. There should not be interruptions of this kind. They will have their chance to speak.

SHRI G. MURAHARI: Why do you go to England?

SHRI AKBAR ALI KHAN: Madam, my humble experience is those who have got a weak case shout at the top of their voice.

SHRI G. MURAHARI: Those who have a weak case prorogue the House. Why do you not face the Assembly?

SHRI AKBAR ALI KHAN: We have faced it and we will face it. We are not afraid. My respectful submission is that according to the best of traditions that have been followed in democratic countries, it is the privilege of the Chief Minister or the Prime Minister to advise the Governor as the constitutional head or the President as the constitutional head and he is bound to accept the advice of the Chief Minister or the Prime Minister, as the case may be. If the people want to change the leadership, they will change it. Of course, I can understand the people demanding let there be an election and let the people give their verdict. I may agree or I may not agree, but that would be a very reasonable democratic demand in such a situation. What I feel, Madam, is I am not committing myself for any opinion. But I was really shocked, absolutely shocked and surprised to see that the people who speak in the name of democracy are saying why should they go to the people. They are the final arbiters, you must understand it.

SHRI NIREN GHOSH (West Bengal): Nobody has said that. You go minus the people, minus the democracy . . .

(Interruptions)

THE DEPUTY CHAIRMAN: Order, order.

SHRI AKBAR ALI KHAN: As I submitted to you, I am not giving any definite opinion, but in such matters where the people are aggrieved by the decision of either the Chief Minister or the Prime Minister, they will have to go to the people and obtain their final verdict. That is democracy.

SHRI G. MURAHARI: Let them go to the people . . .

THE DEPUTY CHAIRMAN: Mr. Murahari, you will have your chance to speak.

SHRI BHUPESH GUPTA: Madam, on a point of order. The point of order is this. We are discussing the prorogation. We are not discussing what will happen ten years after or ten months after or ten days after. The Home Minister has said he has not made up his mind. Let him make up his mind.

SHRI ABID ALI (Maharashtra): He is always raising irrelevant points of order.

SHRI AKBAR ALI KHAN: My hon. and learned friend, Mr. Bhupesh Gupta, raises points of order and creates disorder.

SHRI G. MURAHARI: Or you?

SHRI AKBAR ALI KHAN: I am not saying that so far as the prorogation is concerned, it will be justified by going to the public or not. But I only mention that as it is a political matter also, by taking it technically, under the provisions of the Constitution, I think, it was absolutely right on the part of the Governor to accept the advice of the Chief Minister and order prorogation.

श्री राजनारायण (उत्तर प्रदेश)
माननीया, मैं आपके जरिये सदन के सम्मानित सदस्यों से निवेदन करूंगा कि जब वे इस अहम प्रश्न पर विचार करें तो किसी मूढ़ में आकर विचार न करें, शांति से हर आदमी के तर्कों को अपोजीशन भी सुने। (Interruption)
हल्ला मत करिये। अपोजीशन के लिए भी कह रहा हूं। ग्रौर ट्रेजरी बेंचें के लिए भी कह रहा हूं जिसका पाइन्ट कमजोर हो, वह हल्ला कर दे तो हम मान लेते हैं। हम एक-एक करके चल रहे हैं।

मध्य प्रदेश में जो प्रश्न पड़ा है उसके तीन मुद्दे हैं—एक है संवैधानिक, एक है राजनीतिक और एक है नैतिक, मोरल; और राज्य-

पाल के तीन रूप हैं, एक रूप है राज्यपाल सेन्टर का एजेंट, दूसरा रूप है राज्यपाल का उसकी डिस्ट्रीक्शनरी पावर और तीसरा रूप है राज्यपाल का कौंसिल आफ मिनिस्टर्स की सलाह से काम करना। अब इन तीनों से सम्बन्धित जो संविधान की धाराएं हैं उनको मैं आपकी इजाजत से पढ़े दे रहा हूँ।

(Interruptions)

उत्सम्भाषित : पढ़ने का वक्त नहीं है।

श्री राजनारायण : 155 आर्टिकल कहता है—

“The Governor of a State shall be appointed by the President by warrant under his hand and seal.”

155 के अनुच्छेद के मुताबिक वे सेन्टर के एजेंट हो गये।

श्री भूपेश गुप्त : नहीं, नहीं।

श्री राजनारायण : भूपेश जी, जब आपको बोलना हो तो कहिएगा।

(Interruptions) हल्ला करने से कोई समझ नहीं पाएगा। 4 दिन से हम इसको पढ़ रहे हैं 163 में है—

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

डिस्ट्रीक्शन आ गया 163 में; अब इसका सबक्लाज (2) पढ़ा जाय—

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

इसलिए कोई कहे कि गवर्नर को डिस्ट्रीक्शनरी राइट नहीं है तो मैं उसको मानने के लिए तैयार नहीं हूँ। अब यह साफ है कि गवर्नर को कौंसिल आफ मिनिस्टर्स की एडवाइस से भी काम करना है। इसके तानों मुझे अलग-अलग है। इन तानों मुझों की क्या परिधि हो इसके बारे में भी साफ हो जाना चाहिए। वहाँ जाने के पहले मैं अपने मित्र, अकबर अली खान, सरोखे लागो के लिए—यों जरूरत नहीं है, मैं अब भी कास्टोट्यूशन का स्टूडेंट हूँ, पहले भी था—बोस की कमन्टरी को पढ़ देना चाहता हूँ।

ए 5 बसु।

श्री राजनारायण : बस कहाँ, बस कहाँ, एक हा बात है। इन्होंने लिखा है :—

“The King has a right to dissolve Parliament. He generally dissolves it on the advice of the Prime Minister. But at one time when Macaulay wrote English history where he has propounded this doctrine of the right of dissolution of Parliament the position was this: it was agreed by all politicians that according to the convention then understood, the King was not necessarily bound to accept the advice of the Prime Minister who wanted a dissolution of Parliament. The King could, if he wanted, ask the Leader of the Opposition if he was prepared to come and form a Government so that the Prime Minister who wanted to dissolve the House may be dismissed and the Leader of the Opposition could take charge of the affairs, etc.”

एक माननीय सदस्य : हिन्दी अनुवाद।

श्री राजनारायण हिन्दी अनुवाद हो ही रहा है। “इंडियन यूनियन” के बारे में लिखा है—

“In the same way the President of the Indian Union will test the feeling of the House whether the House agrees that there should be

[Shri Raj Narain.]

dissolution or whether the House agrees that the affairs should be carried on with some other leader without dissolution. If he finds that the feeling was that there was no other alternative except dissolution, he would as a constitutional President undoubtedly accept the advice of the Prime Minister to dissolve the House."

बिल्कुल माफ़ यहाँ पर आ गया कि अगर प्रेसिडेंट या गवर्नर को—गवर्नर के बारे में लिखा है कि गवर्नर को डिस्क्रिशनरी राइट भी है जो प्रेसिडेंट के लिए नहीं लिखा है, मगर गवर्नर के लिए 'डिस्क्रिशनरी' शब्द कास्टीट्यूशन में लिख दिया गया है—कोई प्राइम मिनिस्टर या चीफ मिनिस्टर एडवाइस करता है कि हाउस को डिजाल्व कर दिया जाये तो गवर्नर को क्या करना चाहिए। गवर्नर को यह करना चाहिए कि वह सदन को देखे कि क्या सदन में इसकी पामिबिलिटी है कि कोई दूसरा दल किसी दूसरे लीडर को लेकर सरकार की कार्यवाही को चला सकता है।

सब से पहले यही कर्तव्य गवर्नर का देखने का होता है। इसलिये मैं इस ध्यान को कतई मानने के लिये तैयार नहीं हूँ कि गवर्नर को इस मामले में कौमिल आफ मिनिस्टर की सलाह को मानना चाहिये। मैं बिल्कुल माफ़ अपने दिमाग में हूँ। इसीलिये, माननीया, 21 तारीख को हमने राष्ट्रपति जी को एक खत लिखा, एक खत प्राइम मिनिस्टर को लिखा, उसकी काफी धर मंत्री को भेजी और उसमें कुछ कल्पनायें की कि क्या यह करे। चीफ मिनिस्टर की एडवाइज पर प्रोगेस करना है या नहीं। अभी मैं प्रोगेस पर ही अपने को सीमित करना चाहता हूँ, डिजोल्यूशन की बात बाद में। प्रोगेस के ऊपर मैं कहता हूँ।

जरा देखा जाये, इस सदन में नो-कॉन्फिडेंस मोशन आया हुआ है श्रीमती इन्दिरा नेहरू गांधी जी की सरकार पर, तीन दिन डिमिशन हो गया, चौथे दिन ओपीनियन होने वाली है, वोटिंग होने वाली है, और अगर हम यह मान

ले कि प्राइम मिनिस्टर की सलाह पर ही प्रेसिडेंट को काम करना है या मुख्य मंत्री की सलाह पर ही राज्यपाल को काम करना है तो, माननीया, आप बताओ, क्या कभी नो-कॉन्फिडेंस पास हो सकता है। श्रीमती इन्दिरा नेहरू गांधी बहुत आसानी से जा सकती हैं प्रेसिडेंट के पास, और जब प्रेसिडेंट उस सलाह को मानने के लिये बाध्य है, तो कह सकती हैं कि वोट के पहले ही सदन को आप प्रोरोग कर दो और सदन प्रोरोग हो जायेगा। फिर आज सदन के सम्मानित सदस्य सोचें कि क्या नो-कॉन्फिडेंस एक संभव नहीं हो जायेगा। अगर हमारा यह सदन या जो अपने को कास्टीट्यूशन का एक-पार्ट कहते हैं अगर वह इस राइट को कंसीड कर जाते हैं कि यह अधिकार कास्टीट्यूशनली गवर्नर को है कि जब चाहें तब सदन को प्रोगेस कर दें तो इसके भयंकर और अनर्थकारी परिणाम होंगे, जिसकी चेतावनी मैं सदन को देना चाहता हूँ।

माननीया, कास्टीट्यूशन के और जो आर्टिकल हैं उनको देखा जाये। आर्टिकल 163 हमने पढ़ लिया और जरा देखा जाये आर्टिकल 174 की, प्रोरोगेशन के बारे में है। क्या हो रहा था मध्य प्रदेश में? जरा वहाँ के इन्वायरेन्समेंट को देखा जाये। बजट जब चलता है तो नित्य प्रति सरकार पर नो-कॉन्फिडेंस मोशन चालू रहता है। बजट है। और बजट कब आता है? सरकार की ओर से राज्यपाल के आदेश में, राज्यपाल की पहले कंसेंट ले कर के, हर डिमांड पर वोटिंग होती है, तो हमारा कहना है, Once the right has been exhausted, एक बार, एक सर्वेक्षा, राज्यपाल उस बजट के लिये सरकार को कह दें, सदन को सूचित कर दें कि बजट के लिये सदन फला तारीख से बैठेगा तो जब तक वह संसद हासिल न हो जाय, जब तक वह काम पूरा न हो जाय, उस काम के बीच में राज्यपाल सदन को प्रोरोग नहीं कर सकता। यह एक मेरा दूसरा कटेशन है। क्योंकि राज्यपाल की अनुमति से, राज्यपाल की कंसेंट से

बजट आया और डिमांड्स राज्यपाल का कंसैट से चल रही है, तो मैं विनम्रता के साथ कहना चाहता हूँ...

दिवान चमन लाल : आर्टिकल 174 को तो पढ़िये ।

श्री राजनारायण : मैं आर्टिकल 174 को पढ़ रहा हूँ । हल्ला मत कोजिये । Just hear me. दिवान चमनलाल कास्टीट्यूशनल एक्सपर्ट हैं, पुराने पार्लियामेंटेरियन हैं, इस-लिये वह जो कहे वह धैर्य से सुने ।

DIWAN CHAMAN LALL (Punjab): " . . . from time to time—(a) prorogue the House . . . "

SHRI RAJNARAIN: "From time to time" does not mean in the mean time.

हमारे यहाँ कहावत है कि जिसके यहाँ पहले दिन जन्म होता है तो सोहर बहुत आई जाती है । आर्टिकल 174 पढ़ने की जरूरत नहीं है । आर्टिकल 174 में लिखा हुआ है कि फ्राम टाइम टु टाइम राज्यपाल सदन को प्रोरोग कर सकता है, डिजाल्व कर सकता है । यह प्रोरोगेशन क्या है ? मैं यह कहना चाहता हूँ कि अगर जरा भी सविज्ञान के प्रति स्नेह किसी में बाकी हो तो उस राज्यपाल को फौरन बहा से हटा देना चाहिये, उन्हें राज्यपाल रहने नहीं देना चाहिये, क्योंकि राज्यपाल ने, माननीया, सदन का अपमान किया है । कैसे किया है ? ऐसा नहीं है कि सदन कहीं स्थगित हो गया हो या सदन उठ गया हो । दि सदन इज सैटिंग । मैं आपके जरिये कहना चाहता हूँ, जो पार्लियामेंटरी प्रासेस के जानकार हैं उनसे कहना चाहता हूँ कि the House is sitting and is in session. These are the two things. सदन सेशन में है और सदन बैठा हुआ इन दोनों में कहीं है । सदन जान है । 20 तारीख को Sitting of the House है । सदन चालू था, सदन बैठा था, स्पीकर बैठा था, डिमांड पर चर्चा

होने वाली थी और स्पीकर साहब का कहना है कि "There is some communication on the way from the Governor." जरा देखा जाये । इससे बढ़कर के स्पीकर का अपमान क्या है ? इससे बढ़कर स्पाकर का अपमान, सदन का अपमान, दुनिया का पार्लियामेंटरी हिस्ट्री में न कभी किया गया होगा और न कभी होगा । मैं सदन से निवेदन करूंगा कि जब कभी भविष्य में . . .

DR. ANUP SINGH (Punjab): May I ask a question?

SHRI RAJNARAIN: You may ask.

DR. ANUP SINGH: The point that he is trying to make out is that the Governor has no right to prorogue the Legislature while it is sitting and is in session. The question that I want to ask is, can you conceive of any other time when he can prorogue it ?

SHRI RAJNARAIN: Yes, let me answer. I know.

DR. ANUP SINGH: When can he prorogue? That is the question I am asking.

SHRI MULKA GOVINDA REDDY: Not in the way in which he did in Madhya Pradesh.

श्री राजनारायण : मैं समझता हूँ कि हमारे माननीय डा० अनूप सिंह जी हमसे ज्यादा जानकारी रखते हैं । कितनी बार सदन प्रोरोग हुआ है इसके पूर्व । जो-जो सदन के प्रोरोग होने की स्थितियाँ रही हैं उन्हीं स्थितियों में प्रोरोग किया जा सकता है । जैसा मध्य प्रदेश में 20 तारीख को प्रोरोगेशन हुआ उस स्थिति में न कभी दुनिया की पार्लियामेंटरी डेमोक्रेसी की हिस्ट्री में हुआ है, न इस मुल्क में कभी हुआ है और न भविष्य में कभी होने दिया जायगा माननीया, आप देखती हैं हम लोगों का हाउस का बिजनेस खत्म होता है, स्पीकर या डिप्टी चैयरमैन सदन को एडजर्न करता है । एक

[श्री राजनारायण]

इसी में दूसरी बात निकल रही है। जब सदन बैठ जाता है तो स्पीकर को, हमारे चेयरमैन साहब को और आपको हक हासिल है कि सदन को एडजर्न कर सकते हैं, इनको सदन को एडजर्न करने का पूरा हक है। जब हाउस सिटिंग है, हाउस चालू है, तब आपका अधिकार आ गया कि चेयर चाहे तो एडजर्न करे और चेयर चाहे तो न एडजर्न करे। मुझे जानकारी कराई गई, उस दिन ऐसी चर्चा भी वहाँ की गई कि सदन को एडजर्न कर दिया जाये, स्पीकर ने इंकार किया, स्पीकर ने कहा कि हम सदन को एडजर्न नहीं करेंगे। मैं समझता हूँ कि स्पीकर का वह काम सही था। अगर कोई उस समय की स्थिति से फायदा लेना चाहता तो अपोजीशन बिल्कुल कह सकता था कि एडजर्न करने पर वोट ले लिया जाये, वहाँ पर द्वारिका प्रसाद मिश्र धड़ाम से गिर पड़ते, अपोजीशन का बहुमत हो जाता, सदन में नो कान्फिडेंस पास हो जाता। मगर इस अपारचुनिटी को अवेल नहीं किया अपोजीशन ने अपनी मर्यादा और सम्मान को रखते हुये, मैं चव्हाण साहब से कहना चाहता हूँ कि अपोजीशन मर्यादित था, जब स्पीकर ने कहा कि हम एडजर्न नहीं करेंगे तो अपोजीशन बैठा रहा, उसी बीच में कम्युनिकेशन आ गया प्रोरोगेशन का।

THE DEPUTY CHAIRMAN: Now, you must wind up, please.

श्री राजनारायण : मैं रिपीट नहीं कर रहा हूँ। मेडम, हमें थोड़ा सा समय दें। अगर सदन सुनना चाहे तब तो मैं कहूँगा, नहीं तो नहीं।

श्री आदित्र अज्ञी : नहीं, कोई नहीं सुनना चाहता।

श्री देवी सिंह (राजस्थान) : सुनना चाहते हैं।

श्री राजनारायण : हमको पांच मिनट दे दिया जाय।

THE DEPUTY CHAIRMAN: Two minutes only.

श्री राजनारायण : मैं सदन के सदस्यों से कहूँगा कि आर्टिकल 200, आर्टिकल 202 और आर्टिकल 203 को भी पढ़ें और इनको पढ़ने के बाद वह देखेंगे कि यह एनुअल फाइनैशल स्टेटमेंट के बारे में है, जिसके बारे में हमने पहले कह दिया कि एनुअल फाइनैशल स्टेटमेंट गवर्नर की कंसेंट से ही आता है, इसलिये जब एक बार गवर्नर की कंसेंट हो गई तो प्रोरोग कर के वह उस कंसेंट को वापस नहीं कर सकता, यह हमारा कंटेंशन है।

इसी के साथ साथ माननीया, इसमें राजनैतिक और नैतिक महत्व के बारे में भी कहना चाहता हूँ। हमारे मित्र, बुजुर्ग साथी, चव्हाण जी और आज कांग्रेस पार्टी में बहुत से लोग नैतिक सवाल उठा रहे हैं, राजनैतिक सवाल उठा रहे हैं। मैं बहुत प्रसन्न होऊँगा यह दिन देखना चाहूँगा जब दिन कांग्रेस पार्टी कोई नीति सम्बन्धी कांड आफ कांड अपना ले और वह सभी दलों के लिये बन्धा दे।

श्री देवी सिंह : दूसरों के लिये है।

श्री राजनारायण : बीच में न बोलिये। मैं आपके जरिये ही बोलूँगा, पांच मिनट समय दे दीजिये।

उपसभापति : आपका समय खत्म है।

श्री गोडे मुराहरि : मेरा समय भी इन्हीं को दे दिया जाये।

THE DEPUTY CHAIRMAN: You are not going to speak?

SHRI G. MURAHARI: No.

THE DEPUTY CHAIRMAN. Then, take four minutes.

श्री राजनारायण : तब तो काफी हो गया, 15 मिनट हो गया।

मैं सदन के सामने एक उदाहरण रखना चाहता हूँ। मुझको जानकारी है। 1942 ई०

में सोशलिस्ट पार्टी कांग्रेस से अलग हुई थी तो उत्तर प्रदेश विधान सभा में आचार्य नरेन्द्र देव जो सदस्य थे और आचार्य नरेन्द्र देव जी के साथ कांग्रेस के टिकट पर चुने हुये 12 विधान सभा के सदस्यों ने, माननीया, अपने चरित्र को माफ किया, उन्होंने . . .

SHRI ABID ALI: I may make him remember—several members of the Socialist Party did not resign but remained in legislatures although they had left the Congress.

श्री राजनारायण : यह बिलकुल गलत कह रहे हैं। श्री आबिद अली खां साहब गलत कह रहे हैं, इनको जानकारी नहीं है। मैं निवेदन करना चाहता हूँ कि हर्ष प्रोवोक न किया जाय, जानकारी की बुनियाद पर कुछ कहा जाय तो कहा जाय। आचार्य नरेन्द्रदेव जी और 12 व्यक्तियों ने उत्तर प्रदेश की विधान सभा में बयान किया कि हम लोग कांग्रेस छोड़ रहे हैं, उन्हीं 12 आदमियों ने फिर जा कर सोशलिस्ट पार्टी के टिकट पर चुनाव लड़ने का ऐलान किया और लड़े।

SHRI AKBAR ALI HAN: Why should the same honourable precedent not be followed today?

श्री राजनारायण : अकबर अली खान साहब बैठ जाइये।

श्री आबिद अली : राजनारायण जी, आचार्य जी हार गये उसके बाद बहुत से लोगों ने रिज़ाइन नहीं किया।

श्री राजनारायण : आचार्य नरेन्द्र देव ने रिज़ाइन पहले ही कर दिया था।

SHRI BHUPESH GUPTA: Why do you not ask your West Bengal Congressmen?

श्री राजनारायण : आचार्य नरेन्द्र देव ने पहले इस्तीफा दे दिया था। इस्तीफा दे कर वे सोशलिस्ट पार्टी के टिकट पर लड़े

हैं। गंगा बाबू यहां बैठे हैं, बता देंगे कि क्या यह सही है कि उस समय श्री गोविन्द वल्लभ पंत और श्री जवाहरलाल नेहरू ने पूरी ताकत लगाकर आचार्य जी को हराया। मगर हमने एक हैल्दी प्रैक्टिस को इस्टेब्लिश करने की कोशिश की।

माननीया, फिर देखा जाय 1953 में क्या हुआ। 1953 में चुनाव होता है। जनरल जानता है, हमारे पालीवाल जी यहां बैठे हैं, जो एक बुजुर्ग हैं, उनको मालूम होगा कि मालखान सिंह सोशलिस्ट पार्टी के टिकट पर चुने गये। कांग्रेस पार्टी में मालखान सिंह को कैबिनेट में एक सीट देने का वायदा करके सोशलिस्ट पार्टी से लिया। हम पूछना चाहते हैं अशोक मेहता के बारे में क्या हुआ, गेंदा सिंह के बारे में क्या हुआ। श्री कामराज गये उत्तर प्रदेश में, वहां पर प्रजा सोशलिस्ट पार्टी का सम्मेलन करवाया और उनका बयान हुआ जो लोग कांग्रेस में आना चाहें हम वेलकम करेंगे, अशोक मेहता और गेंदा सिंह आओ और आकर कांग्रेस में मिल जाओ मीठा मीठा गप, कड़वा कड़वा थू। हमारे त्रिलोकी सिंह जी यहां बैठे हुए हैं। 1962 में एक कोड आफ कन्डक्ट बनाने के लिये उत्तर प्रदेश में सचिवालय के रीडिंग रूम में एक मीटिंग हुई जिसमें महाराष्ट्र से लोग आए, एक कोड आफ कन्डक्ट बना कि एक पार्टी के लोग अगर दूसरी पार्टी का टिकट मांगे तो अगर उस पार्टी ने टिकट रिजेक्ट कर दिया है तो दूसरी पार्टी उनको टिकट न दे। हिम्मत और मजबूती के साथ हमने उस का पालन किया मगर कांग्रेस पार्टी ने चुन चुन कर, जिन जिन लोगों को हमने टिकट नहीं दिया उन्हीं लोगों को टिकट दिया। क्या हुआ? सारा का सारा इतिहास बताता है—आज माननीया, देखेंगी तो मालूम होगा नैतिक महत्व क्या है। नैतिक महत्व में आज भी कहना चाहता हूँ, वह बिलकुल सफ है। हम नहीं चाहते कि इस तरह का कोई मामला हो, मगर मैं डंके की चोट से कहना

[श्री राजनारायण]

चाहता हूँ—आज कांग्रेस जो बीस साल तक शासन में रह चुकी है, जिसने इस मुल्क को रसातल में पहुंचा दिया है, कांग्रेस की गंदगी से उठ कर जो लोग कांग्रेसी हमारे साथ आना चाहते हैं हम उनका स्वागत करते हैं, हम उनको बेलकम करते हैं। (Time bell rings) इस सदन में आपके जरिये विनम्रता के साथ निवेदन करता हूँ कि हमारे कांग्रेसी साथियों ने 20 साल तक कांग्रेस सरकार को देखा, उनके तज ए-अमल को देखा। उस राक्षसी गुट को ढहाने के लिये अब तुम निकला और एक पापुलर गवर्नमेंट बनाकर के लोक कल्याण के लिये राज्य बनाने में अपने को लगाओ। इसलिये मैं आपके जरिये सदन से मांग करता हूँ कि मध्य प्रदेश के राज्यपाल को हटाए, वहाँ पर किमी भी हालत में डिजोन्वूशन आक राहाउस न हो, वहाँ फौरन सदन की बैठाने का आज्ञा प्रदान की जाय और सदन में जिसका बहुमत हो उस दल को सरकार बनाने के लिये बुलाया जाय। राज्यपाल का निर्णय असंवैधानिक रहा है, अनैतिक रहा है और कांग्रेस पार्टी को बल देने के लिये हुआ।

(Time bell rings)

माननीया, जरा आप सुन लें, क्या हुआ उत्तर प्रदेश में। पचास पचास हजार रुपये की थैली पूजापतिथी के एजेंट दिखला कर कह रहे हैं ले लो रुक्या . . .

श्री आबिद अली : मैं सिर्फ एक मिनट के लिये यह अर्ज कर दूँ कि आचार्य जी ने रिजाइन किया था, वे डिजोन्वूशन के लिये खड़े हुए, हार गए, कुछ सोशलिस्ट पार्टी के भाइयों ने रेजिगनेशन दिया लेकिन जो कांग्रेस को छोड़ कर गये उनमें सब ने रिजाइन नहीं दिया।

श्री राजनारायण : हमारा पार्टी . . .

श्री आबिद अली : आप चोर दरवाजे से लेते हैं, हम रसोद देते हैं।

श्री राजनारायण : तो मेरा सीधा कहना है कि राज्यपाल का काम असंवैधानिक रहा है, गलत रहा है, अनुचित रहा है, कास्टीड्यूशन की निगाह में इम्प्रापर भी रहा है।

इन शब्दों के साथ, हम तो चाहेंगे कि सदन के सम्मानित सदस्य पीइन्ट का जवाब पीइन्ट से दें, श्री आबिद अली की तरह हड़ब्रैंग न मचाएं और अगर हड़ब्रैंग मचाएंगे तो हम उससे डबल मचाएंगे।

श्री गंगाशरण सिंह (बिहार) : महोदया, जिस विषय पर बहस चल रही है मुझे उसकी मेरिट पर बोलना नहीं है लेकिन आबिद अली साहब ने जो बात कही है उससे गलतफहमी को गुंजाइश है और इसलिये इस मामले को माफ कर देना चाहता हूँ कि आबिद अली साहब ने जो कहा वह बिल्कुल गलत है। सोशलिस्ट पार्टी के लोग जब कांग्रेस में अलग हुए तो उन्होंने विधान मण्डलों से इस्तीफा दे दिया था। राजाराम शास्त्री जी ने इसलिये इस्तीफा नहीं दिया था क्योंकि उनकी एक विशेष परिस्थिति थी। कुछ लेबर के तथा अन्य लोगों ने सोशलिस्ट पार्टी के सामने प्रतिनिधित्व किया था और इसके बाद विशेष परिस्थिति में वह रह गये थे। लेकिन बाकी जितने लोग थे उन्होंने इस्तीफा दे दिया था। आबिद अली साहब को इसका पता नहीं है और उन्होंने जो कहा वह वास्तविकता और तथ्य नहीं है। इसलिये मैं सफाई के लिये इतना ही कह देना चाहता हूँ।

श्री आबिद अली : मैं सिर्फ एक मिनट के लिये यह अर्ज कर दूँ कि आचार्य जी ने रिजाइन किया था, वे डिजोन्वूशन के लिये खड़े हुए, हार गए, कुछ सोशलिस्ट पार्टी के भाइयों ने रेजिगनेशन दिया लेकिन जो कांग्रेस को छोड़ कर गये उनमें सब ने रिजाइन नहीं दिया।

(Interruptions) ठहर जाइये। मैं नाम भी बता दूँगा आपको। हमने जो हाफिज साहब को लिया कांग्रेस में, वह मुसलिम लोग के टिकट पर आये थे और रिजाइन किया और कांग्रेस के टिकट पर जीते।

श्री गंगा शरण सिंह : मैं इन नव बातों में नहीं जाना चाहता था। जो वास्तविक बात है वह कह दी है जिससे मेरा थोड़ा विशेष संबंध रहा है। राजाराम शास्त्री जो एक विशेष परिस्थिति में आते थे उनके अलावा बाकी जितने सदस्य थे उन्होंने इस्तीफा दिया था। इसका मुझे व्यक्तिगत रूप से पता है। अबिद अली साहब को इसका ठीक पता नहीं है। मैं सोशलिस्ट पार्टी की कार्यसमिति और पार्लियामेंटरी बोर्ड का मेम्बर था इसलिये उनकी जानकारी और सदन की जानकारी के लिये इतना कह देना चाहता था।

THE DEPUTY CHAIRMAN: Just five minutes, Miss Vasisht. There are many speakers.

KUMARI SHANTA VASISHT (Delhi): Madam Deputy Chairman, I am grateful that today I am getting some time. Generally it is very difficult to get time to speak because the speeches are so arranged that many Members do not get the opportunity to be able to express their views.

Madam, I think this is a very serious and a very grave development that has taken place in our country in one of the States. I think the democracy, if I may say so, is something very sacred. Its practices, its traditions and the constitutional practices and propriety should be maintained at any cost, come what may. If we are going to use democracy as a matter of convenience, if we can subvert democracy because it suits our party, your party or their party, in that case we will be cutting at the roots of democracy, democratic practices and propriety and we will pay very heavily for it throughout the country, not only the Congress Party but I think, other political parties also. This can lead to a good deal of disorder. It can create law and order situation. It can damage our country in very many ways. Such a risk we cannot afford to take.

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Well, the Governor is there. There may be a lot of criticism about the post, namely, the post is superfluous etc. I think we have had these Governors in the various States so that if the governmental machinery fails or one party fails to carry the majority, then the Governor takes care of the administration or can call upon a party which enjoys the majority to form the Government. In case that also fails, he can recommend the President's Rule. The Governor is the agency or the vehicle through which the President's Rule can be enforced. This is the provision in the Constitution as formulated by our leaders in our country. I think the least we can do is to follow the spirit and the letter of the Constitution and not to use it as a convenience for ourselves.

It is very inconvenient for the public if people cross from one party to another. And unfortunately when the Ministry is toppled down within six months or two months or ten days, more than any party, it is the people who suffer because they are not going to have a stable government or a proper, positive, purposive administration which is going to work for the welfare of the people. Whether it is Haryana or Punjab or U.P. or Rajasthan or Madhya Pradesh or any other State, the most unfortunate part of this whole thing is that by and large the people in that State are not going to have a proper, purposeful administration with some aims to achieve, objects to fulfil, obligations to fulfil, and the people gradually begin to lose their faith in parties, whether it is our Party or the Jana Sangh or the Communist Party or the Socialist Party or the Swatantra Party. They begin to feel that all of them are useless, that these parties cannot do anything for them, and that the members can walk out from one party to the other and they cannot run the show. They can just make hollow promises which they will never fulfil. Therefore, they begin to feel that this party-system is not worth while,

[Kumari Shanta Vasisht.]

and let us therefore destroy it. They start roaming about aimlessly, manifesting, acting in certain positions. I think this is a very unhappy state of affairs for our country. If the Ministries are not going to last some time, in that case people will have very, very bad irritable reaction which is a very great danger to our democracy and our law and order position.

I feel that the Governor should use his discretion impartially, objectively, without any fear or favour that he has to serve this party or that party, this person or that person, this group or that group. So long as the Governors are not able to function in that fashion, they will be to that extent failing in their responsibilities and duties because this is their job to be able to take care of certain situations in their States, and the least they can do is to fulfil their obligations. I think we should have a two-party system. We say there should be two parties in the country and if one fails, the other party can take over. If the Conservative Party does not work or loses its majority, the Labour Party takes over. If the Labour Party fails, the Conservative Party comes into office. If only my Party has to work or if only the Communist Party in Kerala has to work and if that party loses the majority, is it for us to say, "If I am not in office, nobody should be in office;" or is it for the Communist Party to say "let us have by-election" and so on? This does not help fundamentally. I think we will have to do certain things even if we are losers, even at the risk of taking losses; we should follow certain practices and see that ultimately people at least have faith in our good sense and our honesty and basic integrity and they should feel—there may be mistakes, maybe there are shortcomings—that they mean business, they want welfare and they want to stand by their promises and they want to stand by the principles that the Congress Party

stands for. That I think is very true. But I must also say that I am not very sure that if the Opposition Members, who really speak so much for these democratic practices and so on, are in power, how far they will follow those practices, how far they will believe in this discretion and propriety and how far they will want to honour the sacredness of the Constitution . . .

SHRI S. S. MARISWAMY (Madras): The Congress should set up a better precedent.

KUMARI SHANTA VASISHT: We shall certainly set up a precedent. But I doubt very much if your Party will be able to carry out their promises. There are, if I may say so, innumerable instances. For example, the Haryana Ministry did not even pass or discuss the various demands. Where was constitutional propriety at that time? They said "Demands 1, 2, 3 passed." "Demands 4, 5, 6 passed." This is not the way to have parliamentary democracy. This has happened. Please look up the records of the Haryana Assembly and then let me know what you have to say about it. So also you have appointed in certain States Ministers who have as their properties forests and mines and they are having litigation with the State Governments regarding those particular subjects. And they have been appointed Ministers in charge of forests or mines. If the Opposition Parties also believe in such propriety that those people who are mine-owners, say in Bihar, or who have forests, ought not to be made Ministers in charge of forests or mines then I think the Opposition Parties will be setting an example themselves. Therefore, I feel, Madam that it is very important that we should believe in the sacredness of the Constitution which we have framed and by which we swear . . .

SHRI BHUPESH GUPTA: You please set an example and join us . . .

KUMARI SHANTA VASISHT: Why should I leave the Congress? If you want to join us because you have great sympathy for our Government, please do. You are very welcome. I have no desire to leave Congress. So I feel that the Governor should not have prorogued the Assembly at that time when the demands were being discussed. Secondly, if there is anybody who can form a Government, Congress or otherwise, they should be given a fair chance. We should follow constitutional practices and proprieties. If that does not work, only then President's Rule should come.

THE DEPUTY CHAIRMAN: Mr. B. B. Das. Five minutes.

SHRI BANKA BEHARY DAS: Madam Deputy Chairman, you know an injustice has been done. Mine was the Calling Attention motion and something has been done about which I am not very happy.

THE DEPUTY CHAIRMAN: All right, you may take some time more.

SHRI BANKA BEHARY DAS: Madam Deputy Chairman, what we find in Madhya Pradesh to-day is the murder of the Constitution of this country. There the Chief Minister and the Governor of the State, whose appointment everybody knows is political appointment, conspired together to do the worst type of butchery of the Constitution of the country when he prorogued the Assembly on the advice of the Chief Minister of the State. I may remind you, Madam, that the reason advanced in the statement is that certain Members were under duress. I may remind this House that three or four days back when some of the Members of the Bangla Congress were put under duress by the Congress Party, the Chief Minister of that State did not advise the Governor of West Bengal to prorogue that Assembly. Moreover, if we concede that the Council of Ministers have the power to advise

the Governor and the Governor is bound to accept that advice about summoning, proroguing or about dissolution according to the Constitution of the country, I do not know where the Constitution of this country will go.

Madam, in this connection, I want to refer to the allegation that is made against the Opposition in Madhya Pradesh. Are we not aware that within these five years, the Chief Minister of Madhya Pradesh has been accused of abductions, seductions and also of horse-trading with Opposition Members in the Madhya Pradesh Assembly? Not a single voice was raised by the Congress Members then to criticise the actions of the Chief Minister of the State.

Madam Deputy Chairman, in this connection, I want to go into the constitutional aspect also. You know that now advantage is being taken of article 174 of the Constitution where the Governor has the power to summon, prorogue and also to dissolve the Assembly. Here it is being said that the Council of Ministers have the statutory right to aid and advise the Governor and the Governor is bound to accept that advice. Madam, in this connection I want to say that any particular article of the Constitution of this country should not be read in isolation. I would like to ask what the consequences will be if the right of prorogation is given to the Council of Ministers. If tomorrow something happens and the Prime Minister of this country . . .

SHRI AKBAR ALI KHAN: You modify the Constitution.

SHRI BANKA BEHARY DAS: No, I want to go according to the Constitution. If something happens here in Delhi and the Prime Minister of this country, over your head, over the head of the Chairman of the Rajya Sabha, goes to the President

[Shri Banka Behary Das.]

of this country and advises that the Rajya Sabha be prorogued, is it a constitutional right that the Prime Minister of this country is going to have? Is this the proper way of behaving with the Rajya Sabha and the Lok Sabha in this country? It is absolute discourtesy. I know that on the 19th July when Mr. Mishra came to know that 36 Members of his Party were going to defect, he went on the 20th morning to the Speaker of the Madhya Pradesh Assembly and requested him to adjourn the House. The Speaker said that it was not enough of a reason to adjourn the House. Then over the head of the Speaker, he went to the Governor and said that now the time had come when prorogation should take place, and the Governor accepted the advice of the Chief Minister. This is the way our Assemblies and Parliament of this country are being treated. And, Madam, I want to say here that on the 19th when the Chief Minister, Mr. Mishra, came to know in the House itself that 36 Members of his Party were going to defect, in the House itself he said—I have the remark reported from my friends in Madhya Pradesh, it is in the record of the House—‘If I am going to lose the chair, I am not going to allow anybody to sit in that chair as long as I am here.’ This is how the Constitution is being treated. It is a question of revenge. He wants to be the Chief Minister till his death. He does not want to see—whatever may be the wishes of the people, whatever may be the democratic wishes of the Legislature of Madhya Pradesh—that anybody comes there and sits in his chair.

Madam Deputy Chairman, in this connection, I want to refer to two articles of the Constitution. They go together. By virtue of article 174, the Governor has the power of prorogation and dissolution. When we concede this power to the Council of Ministers—that they can advise the Governor to prorogue the House—

then you will have to concede that it has the power to advise for the dissolution of the House and if you concede that here, that there is no discretion left to the Governor in the matter of prorogation and dissolution, then what will be the natural consequence? The consequence will be that the Governor will be militating against article 356. Madam, you know that under article 356, only when the Governor recommends to the President of this country or the President by certain other means is satisfied that a situation has arisen in which the Government of the State cannot be carried on in accordance with the provisions of the Constitution, then he clamps President's rule there.

Suppose for some self-aggrandisement, for some self-interest, for some partisan interest the Chief Minister of a State advises the Governor to dissolve the Assembly and he accepts that, what will be the consequence? President's rule will come. But again, will that be any constitutional justification for the President's rule? Can we say that the State cannot be run according to the Constitution of the country? That is not enough of reason. Here also I want to refer to Basu's Constitution and refer here that when these very articles were considered in the Constituent Assembly, Mr. Ambedkar categorically stated that the Governors might have functions but they have also duties. According to functions he might be guided by the Council of Ministers but he should not forget that as the agent of the President of this country he has some duties to perform. He is to see that the Constitution of this country is protected and safeguarded. He is the protector of the Constitution of the country. So if . . .

SHRI AKBAR ALI KHAN: If he does not accept the advice of the Chief Minister, would it not be a danger to democracy?

SHRI BANKA BEHARY DAS: No. There are certain circumstances. He is to exercise his discretion according

to the Constitution of this land. You know, according to the 1935 Constitution there were three powers. In one sphere the Council of Ministers whatever advice they gave him, the Governor was to accept, at that time. The second was 'individual judgment'. The Ministers had the right to advice but the Governor was not bound to accept that, and another was discretion in which he was not bound to accept or take the advice of the Council. But according to the present Constitution, that individual right has been removed. So there are two rights only. One is, in certain spheres the Council of Ministers advises the Governor and the Governor is bound to accept it and in certain other spheres, the Governor may not accept the advice, may not seek the advice and in this particular case, if you read the very two articles on the power of the Governor along with article 356, what will happen? If on 27th, as we are told and we do not know what will happen, the Governor summons the Assembly and the Chief Minister is defeated and the Chief Minister, taking advantage of article 174, goes to the Governor and says: 'You dissolve the Assembly', what will happen to the position of the Governor? Can the Governor say under article 356 that the stage has arrived when the Government of the State cannot be carried on according to the Constitution of the country? That is why I want to refer to Basu's Constitution where it says:

"Government cannot be carried on in accordance with the Provisions of the Constitution: This expression is used in the same sense in Articles 355-6. It has a very wide scope. It means the failure of a State Government to work according to the Constitution, in circumstances which have no necessary connection with external aggression, internal disturbance or violence, though these may be the cause of the failure in particular cases. The article may be invoked

where there is a political breakdown, such as want of a stable majority to form a ministry even after a dissolution of the Legislature. A failure within the meaning of the present Article may probably arise also in case of abuse of the constitutional powers by a State Government, gross misgovernment"

Then they say:

"The first instance of the application of the present Article took place on 20th June 1951 in Punjab when an alternative Ministry could not be formed after the resignation of Dr. Gopichand Bhargava's ministry."

That means when the first instance of this application of article 356 came, the Governor had to satisfy whether an alternative Ministry can come. When he was not satisfied, then only he recommended to the President of this country, to clamp President's rule here.

Again they say:

"As to the political propriety of the use of this power, however, it may be said that the very words 'in which the Government of the State cannot be carried on in accordance with the provisions of this Constitution' indicate that Art. 356 is not intended to supersede the other provisions of the Constitution relating to the State, that is, the principles of responsible government laid down in articles 163-4, but is intended to prevent a deadlock when the normal provisions of the Constitution relating to the government of the State cannot practically be applied in that State. As has already been said, it is a provision which is to be applied in the last resort, in order to prevent chaos and disorder."

This is the purpose of the Constitution. That is the purpose of Dr. Ambedkar when he said there are two

[Shri Banka Behary Das.]

things, though it has not been mentioned in the Constitution, that there are functions of the Governor and also duties of the Governors and we know the British Crown also has certain functions and duties also and that has been referred to here by Shri Rajnarain and I can also cite instances from the British precedents to show that the Crown also exercises its duties. Here I want to say that under the Constitution of this country, though the President has no discretionary power, the Governor has the discretionary power and that discretionary power is to be utilised to see that the Constitution is safeguarded. If the Constitution is to be protected, it will be protected if the Governor tries to see that an alternative Ministry comes into being. What is happening in Madhya Pradesh is murder and butchery of the Constitution and here the Government of India is an abettor in the entire process. I give a warning to this Government. They should not think that they have the monopoly of power. Now in 8 States there are non-Congress Governments. God forbid, but if Mr. Charan Singh Ministry tomorrow falls if Mr. Ajoy Mukerjee Government falls or Rao Birendra Singh's Ministry falls . . .

SHRI BHUPESH GUPTA: There is no chance.

SHRI BANKA BEHARY DAS: There is no chance but if there is a chance of falling, they may go to the Governor and say: "We want a mid-term election and the House should be dissolved". Then what will happen? I know that the Congress people might be presiding over their own destiny to liquidate themselves but they have no right to preside over the liquidation of the Constitution of this country. That is why I give the warning about what you should do to-day. If you advise Mr. Mishra to advise the Governor to dissolve the Assembly there and the Governor follows it and obliges the Chief Minister, the consequences in this country

will be disastrous. We do not bother whose Ministry falls or whose Ministry lives in this country but we very much bother that the Constitution of this country, the very spirit of this Constitution, should live in this country, whether somebody is there as the Prime Minister of this country or whether we are in the Opposition or not. That is why I say this about Madhya Pradesh. 'Let there be an instrument of instruction' and Mr. Chavan agreed at one time—vaguely though about President's rule, about such circumstances where the Constitution has not been categorical, because nowhere in the Constitution all those things can be well-defined, but till now no instrument of instruction has come only because they want as long as the situation suits them, to manipulate and to murder the Constitution of the country. Therefore, I am very much against this prorogation. The Governor should have used his discretion and the Governor in his discretion is completely under the President of the country. He should have behaved properly and because these are political appointments, they are not behaving properly in this country.

With these words, I very much oppose this prorogation and I will again say this. A 2½ pages of advice has been typed and approved by some of the Congress leaders here in Delhi and Mr. Mishra will present that for dissolution to the Governor of the State the moment he is defeated in the Assembly. Therefore I give another warning that if they make such a mistake then the consequences will be devastating and they will be the very persons, who had some hand in framing the Constitution, to be annihilators and killers of the Constitution.

SHRI M. N. KAUL (Nominated): Madam, I am grateful to you for giving me this opportunity to state my position in this case. As the House is aware, I have been concerned with

these matters for a long time in another capacity and I propose to address myself strictly to the constitutional and procedural aspects of this matter.

So far as the Constitution is concerned, the words are quite clear. Article 174(2)(a) states:

"The Governor may from time to time—

(a) prorogue the House or either House;"

The Constitution-makers could not envisage words of wider amplitude. Therefore, so far as the words of the Constitution go, there is no limit or restraint on the power of the Governor, nor have the Constitution-makers indicated any guide-lines or criteria on which he will exercise his power to prorogue. Argument has been addressed to this House on the basis of article 163 that the Governor has the power to act in his discretion. Now this is clearly not one of those cases where the Governor has discretionary power because, if that were so, words to that effect would have been used in article 174, so that, so far as the Constitution is concerned, there is no limit on the exercise of this power. Now the question arises as to what is the position between the Chief Minister and the Governor.

SHRI BHUPESH GUPTA: Now on the words that are there you say. Can you cite an instance in British Parliament or in Lok Sabha or here where the prorogation order of the Governor has come by way of a message to the House when the House was in session?

SHRI M. N. KAUL: I will deal with it as I proceed.

SHRI BHUPESH GUPTA: And then the Madhya Pradesh Assembly Rules do not provide for it at all

SHRI M. N. KAUL: I was merely referring to the constitutional provisions and the implication of those

words of the Constitution is quite clear. All that I am saying is just literally true; that is to say the words of the Constitution do not indicate any limit on that power.

SHRI BHUPESH GUPTA: No.

SHRI M. N. KAUL: You may disagree with that but you will agree with some parts of my speech when I come to your point later.

Now, so far as the relationship between the Chief Minister and the Governor is concerned, the position is quite clear. It would be a dangerous doctrine to lay down that the Governor can reject the advice of the Chief Minister. I do not deliberately use the words "bound by the advice". What I say is: It would be a dangerous doctrine to say, under our Constitution, that the Governor can reject the advice of the Chief Minister. That is not the position. The Governor has many powers. He has the power to take time, which is called the power of delay. He has the power to ask the Chief Minister to apply a fresh mind and to reconsider a matter. He can exercise his power of influence. But then one power which the Governor has not got under our Constitution is that when an order is proposed for his signature he could say that for this reason "I negative this order, or I substitute another order." He has not the power to substitute his own order for the order proposed to him. But he has a very great power, constitutional power, which he derives from the Constitution, and that power of his is to dismiss the Ministry. Of course, when he dismisses the Ministry, he must be conscious of the fact, that, if he appoints another Chief Minister, that Chief Minister must have a vote of confidence of the House. The exercise of this strictly legal power of the Governor to appoint a Chief Minister is limited by another provision of the Constitution that the Chief Minister and other Ministers that he appoints on the ad-

[Shri M. N. Kaul.]

vice of the Chief Minister must enjoy the confidence of the House. Therefore, apart from specific provisions of the Constitution which empower the Governor to act in his discretion expressly or by necessary implication, if a Governor wants to reject the advice of his Chief Minister, he cannot so easily reject it. He must get a Government which will fall in line with his view but that would be a very intricate process involving a constitutional crisis. Without creating a constitutional crisis, he cannot reject the advice. He must fall in line with that advice. But he has the persuasive power of influence and direction.

SHRI SUNDAR SINGH BHANDARI (Rajasthan): But how did he influence in the Madhya Pradesh case? He had an alternative before him.

SHRI M. N. KAUL: What alternative?

SHRI SUNDAR SINGH BHANDARI: He could have tried to determine the actual strength of the Opposition and give them a chance.

SHRI M. N. KAUL: So far as this House is concerned, neither the Government nor the House are in possession of any facts apart from those indicated to the House this morning. I go so far as to say that whatever may be the nature of the informal conversations between the Chief Minister and the Governor, the Home Minister is not constitutionally entitled to disclose them to this House. So far as this House is concerned, he must get an authoritative and constitutional statement from the Governor himself. And this is what the Governor has told him, and we cannot, for purposes of this debate, go beyond this:

"After full consideration of the letter of Chief Minister and attendant circumstances, assessing the requirements of correct parliament-

ary practice, the Assembly session, for the present, was prorogued in the interest of proper working of Parliamentary Democracy."

Now that sentence showed that the Governor applied his mind, that he considered the matter. We do not know the confidential conversations between the Governor and the Chief Minister, but I presume that he applied his mind to it and considered it and that he exercised whatever constitutional powers he possessed and that, ultimately, he fell in line with the recommendation of the Chief Minister. That is all we know.

Now I will address myself to the question of correct parliamentary practice.

SHRI M. RUTHNASWAMY (Madras): May I ask the hon. Member which provision in the Constitution provides that the Governor shall not reject the advice of the Ministers?

SHRI M. N. KAUL: Madam, I have developed my argument. Hon. Members are entitled to disagree with me. The question has been argued in learned societies and other places. I have given my view of the matter. Hon. Members are entitled to their view of the matter, and there the matter should rest. We cannot argue it on the floor of this House. I can have a private discussion with my hon. friend because, for the present, so far as I am concerned, I am convinced of the position that I have stated, to which I have come during my association with these matters for a long period.

Now I will come to the question of correct parliamentary practice. I must respectfully state that I disagree with the Governor there. But some hon. Members would not allow me to come to the point. Of course, I would not present a one-sided picture of the matter. I am not interested in the politics of this matter. I am merely stating what I have gathered

from my experience of and association with Parliament. Now in this connection I will refer to the correspondence that took place long ago between Mr. Speaker Mavalankar and Prime Minister Nehru. Mr. Speaker Mavalankar was averse to the whole idea of having many prorogations during a year. He said that we should follow the English practice where there is a single prorogation in a year. And he argued at considerable length that there should be only one prorogation in a year in the Indian Legislatures, which is the normal practice and incidentally that would place a check on the issue of Ordinances. Prime Minister Nehru carefully considered that view. Under our Constitution, unless you prorogue you cannot issue an Ordinance. If you have only one prorogation in a year, then you substantially limit the power of the President to issue Ordinances. And it was thought and considered by the Cabinet of the day that, under our Constitution and our circumstances, the Government could not give up this right. So this practice of having more than one prorogation was continued.

Now, what is prorogation and what is dissolution? I will not go into the matter of dissolution, but there is a distinction between the two. Prorogation under current practice is a procedural device; dissolution in certain circumstances is a political weapon. Now when I say that prorogation is a procedural device, what I mean is this.

SHRI BHUPESH GUPTA: Prorogation is a political contrivance.

SHRI M. N. KAUL: In my view, prorogation under current practice is a procedural device. How is prorogation a procedural device? The argument in modern times in Britain has been this. I do not cite their precedents as authority for us because we are bound by our own Constitution. As Mr. Speaker Mavalankar put it, when I cite British

precedents, I cite them as examples of human experience in similar conditions, not more than that. I do not suggest that we are bound by them and that we cannot vary them. All I suggest is that we should take into account what has happened, in order to construe what is correct parliamentary practice at the present moment in Britain and in India. Now in Britain prorogation is considered necessary because, as their session proceeds throughout the year, the parliamentary table gets cluttered up, as it were, with bills, resolutions, motions, amendments, notices and miscellaneous matters, and so this device of prorogation was used in modern times, and this prorogation has the effect of having a sort of sponge run across the parliamentary table, so that everything is swept away and we begin with a clean slate. That is why I say that historically speaking prorogation is a procedural device. I do not recall at the moment all the circumstances of prorogation in India in different States. There may be a stray incident here or there, but that will not establish a practice. I hold the view that though the Governor in this case states that he followed the correct parliamentary practice, I will respectfully disagree with that view. I say this because it is clear that in the circumstances in the Madhya Pradesh Assembly this was the situation. The House was in the midst of voting on demands. At that time because of the defection of some Congress Members which rendered the present Government unstable, it was decided to prorogue the Assembly. Such a use of prorogation was clearly using prorogation as a political weapon.

SHRI BHUPESH GUPTA: That is what I say. It is a political weapon in this case.

SHRI M. N. KAUL: Now, I do not say that under our Constitution the act of prorogation cannot be used as a political weapon. That is to say,

[Shri M. N. Kaul.]

I will not go so far as to say that it is unconstitutional. All that I say is that the present use of it, it would not be correct to say is in accordance with correct parliamentary practice. But the Governor can set up a new use or new practice in India and according to our constitution, use it as a political weapon. But for that there should be consensus of opinion amongst all the parties. That use should not be linked with a particular crisis in a particular State. It should be thought of independently. That is why I stated on a former occasion that there should be Instrument of Instructions for Governors on the question of formation of Ministries, on when the House should be prorogued and so on. And when these powers are actually exercised, their exercise should be based on certain principles. It should not be in the midst of a particular crisis. To put it in a nut shell, the Governor's action cannot be said to be unconstitutional; but it is quite clear that this is a new and a political use of prorogation, and if that is so, then there should be consensus of opinion on it. It should not have been linked with a political crisis in the State.

SHRI BHUPESH GUPTA: Good, that is what I want.

SHRI A. D. MANI: Madam Deputy Chairman, a constitutional crisis has arisen in Madhya Pradesh and I listened with great interest to the speech of my hon. friend Mr. Kaul, on the constitutional aspect of this matter. But I would like to tell him and the Members of this House that whatever might be the constitutional niceties of the Governor's action, the people of Madhya Pradesh feel completely outraged by the action taken by the Governor in proroguing the House, the Vidhan Sabha. I was present in Bhopal on the 20th when this fateful development, the prorogation of the House took place. I was also present when the Governor ad-

ressed a press conference in Bhopal. Madam, it seemed it was very clear at that time that the Governor had acted within the ambit of the Constitution and in consultation with the Centre. But when I came here, I learnt that no telephone call was booked either to the Home Ministry or to the President, seeking advice on this subject.

SHRI BHUPESH GUPTA: Why should he seek their advice?

SHRI A. D. MANI: I also learn that the Prime Minister was not consulted, that the Home Minister was not consulted. The President under whom the Governor is, should have been consulted as a matter of courtesy. But this action was taken without such consultation.

SHRI LOKANATH MISRA: Let the Prime Minister or the Home Minister tell us. Why should you say it?

THE DEPUTY CHAIRMAN: Order, order.

SHRI BHUPESH GUPTA: The prorogation would not have been any the less wrong even if he had consulted them.

श्री राजनारायण : यह बात तो प्राइम मिनिस्टर साफ कर देगा, वर मनी इसकी सफाई कर देगे, हू आर यू ।

SHRI AKBAR ALI KHAN: He comes from there and so he can say.

श्री राजनारायण : आप कैसे जानें कि टेलिफोन कन्वैशन नहो हुआ ?

AN HON. MEMBER: The Governor said the same thing at the press conference.

SHRI A. D. MANI: At the press conference he made it appear that he had consulted the Centre within the ambit of the Constitution. As far as the President is concerned, I

have no right to use the name of the President. But I can say definitely that no telephone call was booked by the Governor to Rashtrapati Bhavan, I say it almost with authoritative knowledge.

SHRI BHUPESH GUPTA: How do you know?

SHRI NIREN GHOSH: He goes to the President every day.

SHRI A. D. MANI: The point at issue here is . . .

SHRI NIREN GHOSH: Is Mr. Mani Private Secretary to the President?

श्री राजनारायण : माननीया, इनका यह कहना कि मतलब है कि गवर्नर झूठ है, अगर यह बात सही है तो गवर्नर का हटा देना चाहिए ।

If this is right then the Governor should be removed at once.

SHRI AKBAR ALI KHAN: Madam, Mr. Mani comes from Madhya Pradesh and he should be allowed to speak.

SHRI LOKANATH MISRA: I would only correct Mr. Mani by saying that the Governor did not probably tell a lie when he said that he had consulted persons who were required to be consulted. So Mr. K. C. Reddy, the Governor, must have consulted Mr. K. C. Reddy the congressman.

SHRI A. D. MANI: The Speaker of the Vidhan Sabha was not consulted by the Governor when he took the final decision and announced the prorogation of the House. I have not learnt it from him. But there are reports that Mr. Mishra, the Chief Minister, approached the Speaker and suggested that the Speaker should adjourn the House. But the Speaker declined to do so. In any case, there is no precedent in the constitutional history of any part of the Commonwealth where the House or Parlia-

ment, when the debate on demands was in progress, was prorogued. The people in Bhopal felt that it was a sort of sleight of hand trick. It was like an umpire in a cricket match walking away with the stumps when the home side was faced with a defeat. This was the impression produced on the people of Bhopal. This is clear and specific. When the Rajamata gave the call to strike, the call was responded to even in Chattisgarh where the Congress is in strength. It is regarded as a stronghold of the Congress Party. I feel that as far as the prorogation is concerned, the Governor has taken a very grave responsibility in proroguing the House because before doing so he should have consulted the Speaker since the Speaker was in charge of the Vidhan Sabha and the Vidhan Sabha was in session. It was only fair that the Speaker should have been consulted. Since he did not do so, the Governor has taken a very grave responsibility on his shoulders.

My hon. friend, Shri Rajnarain would like action to be taken against the Governor. But in such cases we do not dismiss the Governor. We only suggest to him to resign. Mr. K. C. Reddy is a very good friend of mine, but I should like to say that he has been guilty of a serious constitutional impropriety.

AN HON. MEMBER: Would you like an impeachment of the Governor?

SHRI A. D. MANI: He should resign from his office. Now the question arises as to what should be done in regard to the future. Mr. Mishra is very strongly in favour of dissolution of the Assembly. My hon. friend Shri Rajnarain who is a constitutional pandit, quoted Basu's comments on the Constitution and tried to show that the Head of the State need not necessarily accept the advice to dissolve the House. There have been many cases, many precedents in the Dominions, in the Commonwealth.

[Shri A. D. Mani]

For example, in 1926 Mackenzie King wanted to dissolve the House, but the Governor-General refused dissolution. This is part of the constitutional history of Canada. Madam Deputy Chairman, in this matter concerning the Constitution we have to go by what the makers of the Constitution had in mind. One of them, one of the fathers of the Constitution, Dr. Ambedkar, said this in the Constituent Assembly when the matter was discussed there:

"In the same way, the President of the Indian Union will test the feelings of the House whether the House agrees that there should be dissolution or whether the House agrees that the affairs should be carried on with some other leader without dissolution. If he find that the feeling was that there was no other alternative except dissolution he would as a constitutional President undoubtedly accept the advice of the Prime Minister to dissolve the House."

In other words, the true feelings of the House should be ascertained before the President reaches a decision on this subject. It is only natural that the Governor of Madhya Pradesh must have found out whether the Opposition had the power to form a Ministry.

SHRI M. RUTHNASWAMY: He had no time.

SHRI A. D. MANI: So far as the situation in Madhya Pradesh is concerned, I think the Governor should have called the Leader of the Opposition, and asked her or asked him, whoever the person may be, to form the Government. And it may be that that Government may not have a very long lease of life, because in the present condition of things in Madhya Pradesh, it may so happen that that Government also may be faced with defections. But the constitutional process must be allowed to continue in the Legislature. I would,

therefore, urge upon the Government that Mr. Mishra's suggestion that the House should be dissolved should not be accepted, because it may set up a very bad precedent if the Government accepts that suggestion.

I would also like to say here that we do not now have the resources to go through the agony of a mid-term election.

AN HON. MEMBER: You should not be afraid of it also.

SHRI A. D. MANI: Madhya Pradesh is a very poor State and if the people of Madhya Pradesh are asked to go through a mid-term election then there will be a further breakdown of the Constitution. The present Assembly should be allowed to continue and the Opposition should be asked to form the Government whether headed by the Rajmata or by the leader of the Jan Sangh or by one of the defectors of the Congress Party which, incidentally I may say, largely consist of the former colleagues of Mr. Rajnarain, the so-called Asoka Mehta group. These are the people who have crossed over to the Opposition; I hope the Minister of State for Home Affairs will confirm that many persons belonging to the old Asoka Mehta Group are now in the Opposition.

SHRI LOKANATH MISRA: Do you expect Mr. Asoka Mehta to cross over or what?

SHRI DAHYABHAI V. PATEL (Gujarat): Madam Deputy Chairman, I will not take much time of the House. I do not wish to argue the constitutional points as they have been urged separately but I do wish to urge the moral aspect of the case. Since the last election, the Government in Madhya Pradesh is being carried on by violence, murder, threats, intimidation. Is that what we call democracy?

SHRI S. K. D. PALIWAL (Uttar Pradesh): If this is so, then you are

building up a case for the dissolution of the Assembly which is also the case of the Chief Minister.

SHRI DAHYABHAI V. PATEL: That is exactly how the perverted mind of my hon. friends opposite works. Are we true to our oath to our Constitution when we permit this atrocity on the Constitution to go on every day? The Constitution lays down—and the practice in this country has been—that when a leader or supposed-to-be leader has lost the confidence of his followers and has not got the majority, the Governor must try first to ask the next person who claims he has a majority to form the Government before there is any talk of dissolving the Assembly or of any fresh election.

SHRI AKBAR ALI KHAN: By committing all moral breaches?

SHRI DAHYABHAI V. PATEL: All moral breaches unfortunately were committed by the Congress in all these twenty years. We have got corruption; we have got violence; we have got murders and now Mr. Akbar Ali Khan has got the temerity to get up and talk of Constitution. Where was the Constitution when the Raja of Bastar was murdered in his house? Where was the Constitution when he was murdered in cold blood and every evidence of all that was done was sought to be obliterated? Where was the Constitution when there was violence in Bhopal and in Jabalpur when people demonstrating peacefully were beaten up by the goondas employed as policemen by the present Chief Minister?

AN HON. MEMBER: And shot down.

SHRI DAHYABHAI V. PATEL: Yes; shot down in many places. I

would like the people who talk of Constitution and constitutional propriety to ask themselves, to put their hand on their conscience and say whether this is the Constitution that they stand up for. Is it constitutional that when a man after once acquiring the power uses all the power and the whole police force to cow down, beat up and shoot down people who dare to oppose him, and to terrorise the whole people? In spite of all his terrorisation 36 Members of the Madhya Pradesh Assembly have come forward openly to say that they are not with the Congress Party and all the efforts to win them over—efforts, with shame we have to admit, that were tried in Rajasthan—did not succeed here. The Members of the Madhya Pradesh Assembly stood up and said that they will not succumb to temptation and threats. They have come all the way here, have seen the President and explained to the President their case. Under these circumstances, it is but necessary for the Governor to call the leader of the party, that has the majority, to come and form the Government. That is the moral stand that the Constitution allows us to take and that is the moral issue on which the Governor should have acted instead of coming here and trying to create confusion. Whether he has been influenced by his talk with the Home Minister or the President or not. Madam, I do not have the means of finding out like Mr. Mani whether he did have a talk with the President or the President's Secretary or whether he did have a talk with the Home Minister or not but his statements that have appeared in the Press are obviously contradictory, particularly as regards the Home Minister as to whether he got advice from there or not. The Home Minister is here and I hope he will clarify the position. But the position is clear that the Governor did not allow the Constitution to function. Normally the Constitution requires that the leader who has got the majority following in the Assembly must be called upon to

[Shri Dahyabhai V. Patel]

form the Government, but as has been pointed out by a friend, Mr. Mishra seems to have made up his mind that if there was going to be a Chief Minister, he was going to be it and if he was not going to be it, there was going to be an end of the Constitution and he would not allow anybody else to function.

Madam, are we going to allow this sort of thing? I am sorry the Speaker of the Assembly there did not have the courage that the Speaker of the Parliament of England had and that he did not shut the door against the messenger even when he had a warning that the messenger was coming with an order of prorogation. Perhaps he did not know of the precedent. He should have shut the door against the messenger and should have carried on with the proceedings. After all, the Assembly had been called for a specific purpose and that was to consider the Budget Demands. How could that Assembly be prorogued or adjourned when the main function before it, namely, consideration of the Budget, was not over? It was an illegal act besides being immoral. If during the course of discussion of a certain Grant the Government was defeated according to parliamentary practice, the Chief Minister would have been required to resign and then the Governor should have acted in his discretion and called upon the leader of the majority party, whichever it is, to form the Government. It is unfortunate that the Governor, Mr. K. C. Reddy, whom perhaps many of us know, has failed to take the correct step that he was required to take. This is because, Madam, it has become a practice of the Congress Party to reward loyal people with Governorships. Governorships are not given because of merits. If a certain Minister cannot be accommodated—and there are too many—they give him a Governorship. A certain Minister did something for which there was trouble in the party and so he is not given a seat in the election—as has happened

in the case of another person who bears the same name—and therefore he is made a Governor. Is this the way the Constitution should function?

Madam, we have had several examples of this type? Particularly some friends on the other side are talking about crossing the floor. What has the Congress been doing in the Rajya Sabha itself? Just look at the opposite side; how many people have crossed the floor after having sat for years and years here and after having come from here? Why do they talk of the moral aspect now? Where is morality? Have they not been doing it always, here in the Lok Sabha, everywhere? As long as they have the majority and as long as it suits them, they tempt people by giving them all sorts of temptations, by offering them Ministerships, Deputy Ministerships, Chairmanships and what not, to cross over. That is how they are keeping the majority. Is not what is sauce for the goose, sauce for the gander also? Is this a fair way of playing the game? I would therefore still like to appeal to the moral conscience of the few people at least who have it to put their hand on their hearts and realise what is the moral issue involved in this. Is it moral that under these circumstances you allow Mr. K. C. Reddy to get away with this atrocity on the Constitution? You may do it; as Mr. Mani says, quietly advise him to make his exit quietly. If that is the way you want to do it, do it similarly in the case of Mr. Mishra also, if you want, but allow the Constitution to function. The Assembly must be called and the majority Party should be allowed to function.

SHRI M. GOVINDA REDDY (Mysore): Madam Deputy Chairman, it is very unfortunate that the political waters of Madhya Pradesh also should turn muddy. I have listened with great attention to the speeches made by hon. Members and I think that the criticism advanced against both the Chief Minister and the Governor

has been advanced without carefully going through the statement of the Governor. I think the criticism is uncharitable. By this I do not mean to give a clean chit to the Chief Minister. What I have heard of him is not very complimentary. I do not know what is taking place there, but we have to judge both these persons from the statement which has been issued by the Governor and as the hon. Member, Mr. Kaul, has said, that should be the only basis for taking it into consideration on the floor of this House. Arguments have been advanced that the Governor had the discretion not to accept the Chief Minister's advice. Argument have also been advanced to show that it was, on the part of the Governor, a wrong exercise of his power to have prorogued the House when it was in session. The hon. Member, Mr. Mani, has quoted instances from Australia to show that the Governor had discretion to reject the advice of the Chief Minister, but Mr. Kaul has pointed out the constitutional position which is correct. The Governor has no discretion at all in the matter of refusing the advice given by the Chief Minister. The Dominion practice, an instance of which has been quoted by Mr. Mani, is a practice which is slightly different from the British practice. Our Constitution is based on the British conventions and the British Constitution—and not on the Dominion Constitution, where slightly there is a difference in the powers of the Governor *vis-a-vis* the Prime Minister. It is true that in some of the Dominions the Prime Minister's advice has been rejected by the Governor-General, by the Queen by the Crown. In Britain there has been only one instance of not accepting the advice of the Prime Minister and even that instance goes to show that the Crown is bound by the Prime Minister's advice. In that one instance where Ramsay MacDonald tendered advice to the Crown, which was not immediately accepted, even there, the Crown did not reject outright the advice of the Prime Minister, but proceeded to consult the Opposition

Parties as to whether there was any group in the Opposition Parties which could accept office and form the Government. It was only on the refusal of the Opposition Parties to take the responsibility of forming the Government that the House of Commons was dissolved.

SHRI P. N. SAPRU (Uttar Pradesh): It was in 1923.

SHRI M. GOVINDA REDDY: So, this is the constitutional position. Therefore speaking from a constitutional point of view, the Governor here was bound to accept the Chief Minister's advice. That is the position. We are not very charitable to the Governor when we say that he went out of the Constitution. If one reads the statement carefully, one will find that it was the intention neither of the Chief Minister nor the Governor to prorogue the Assembly once and for all or to dissolve the Assembly. In fact, if the Chief Minister wanted to dissolve the Assembly, he would not have requested the Governor to prorogue the House for the present. You please read the statement. It *inter alia*, says:—

"In view of state of general tension and abnormality, the Chief Minister requested Governor to consider proroguing the House for the present. After full consideration of the letter of Chief Minister and attendant circumstances, assessing the requirement of correct, parliamentary practice, the Assembly session, for the present was prorogued in the interest of proper working of Parliamentary democracy."

The words "for the present" are very important, in my opinion. Something must have happened, which we do not know, whereby the Chief Minister came to the conclusion that ordinarily the proceedings of the House would not be allowed to go on and the Governor also . . .

SHRI BHUPESH GUPTA: How did he come to that conclusion?

SHRI M. GOVINDA REDDY: We are only guessing. We do not know.

SHRI BHUPESH GUPTA: There is nothing in the statement which says that the Governor ever consulted the Speaker. How does the Governor come to the conclusion without consulting the Speaker that the Assembly is not in a position to carry on its normal business?

SHRI A. D. MANI: For his information, I may say that . . .

SHRI M. GOVINDA REDDY: You can put that question to me later on.

SHRI A. D. MANI: . . . the Speaker was not consulted and was not even informed about the prorogation of the House.

SHRI M. GOVINDA REDDY: If the intention of the Chief Minister was to dissolve the Assembly, why did he ask the Governor to prorogue it for the present? He could have asked the Governor to dissolve the Assembly . . .

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

SHRI BHUPESH GUPTA: I tell you why.

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

SHRI BHUPESH GUPTA: He did it because he could not prevail upon the Speaker to adjourn the House *sine die* or to some later date. Therefore, he fraudulently used his power in order to circumvent the authority of the Speaker. Indeed, he encroached upon him to get the Assembly prorogued as a political expedient.

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

SHRI M. GOVINDA REDDY: I do not concede that position, but I do presume that because the Chief Minister has advised the Governor to prorogue for the present, he must have asked the Speaker to adjourn the House. It was only when the Speaker did not agree to adjourn the House and the Chief Minister felt that the proceedings of the House would not be allowed to go on . . .

(Interruptions)

SHRI M. GOVINDA REDDY: I am not yielding. It is not only a guess from the statement, but I believe if the Chief Minister wanted to dissolve the Assembly, nothing would have prevented him from asking the Governor to dissolve the House. He did not do so. Obviously his intention was not to see that the Assembly was prorogued for ever, but to see that it was adjourned for a time and the following sentence supports my argument. It says:—

“It is felt that this brief recess will help in lessening tensions and help Assembly to arrive at vital decisions in an atmosphere of normality.”

So, there must have been some circumstances of abnormality, in which the Legislature could not function.

(Interruptions)

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

SHRI M. GOVINDA REDDY: The Chief Minister had asked for adjournment. (Interruption.) Obviously his efforts had failed. This is my surmise. Obviously his efforts had failed to persuade the Speaker to adjourn the House.

SHRI BHUPESH GUPTA: He did not go to the Inspector-General of Police.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): He is not yielding.

SHRI BHUPESH GUPTA: Are we here to say such things in the House? We have been here for fifteen years. The Chief Minister should have, as well, called the Inspector-General of Police.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): He is not yielding. ..

SHRI M. GOVINDA REDDY: It is unfair on the part of the Member to take my time. What is the Chief Minister's position? One could argue and one could doubt the intention of the Chief Minister whether it was proper for him to have got it prorogued.

SHRI BHUPESH GUPTA: It was criminal and void.

SHRI M. GOVINDA REDDY: One can also see whether the Governor could have resisted the Chief Minister's advice . . .

SHRI BHUPESH GUPTA: The Governor is a coward.

SHRI M. GOVINDA REDDY: There the Governor, I think, was in a delicate position. Now, the Government was not actually defeated. If the Government had been defeated, then the Governor would have proceeded to invite the leaders of the Opposition Parties and asked them whether any of them was in a position to form the Government. The Legislature was in session and the Government was not defeated. In those circumstances, the Chief Minister approaches the Governor to prorogue the House for the present, for a time. So I do not think that the Governor exercised his discretion wrongly or was wrong in acceding to the wishes of the Chief Minister. I agree that there was a possibility of the Governor asking the Chief Minister to face it and, if he was defeated, then inviting the

Opposition leader to come and form the Government. There was that possibility. But that possibility was limited because the Governor was in a delicate position as he was given to understand—that is my surmise—that the proceedings of the Legislature would not be allowed to go on. There must have been some such trouble there and therefore the Governor has agreed to prorogue. That is only for the present. So it is important to note these words in the statement of the Governor that prorogation was for the present, and the Governor expressed the hope that during the interval he would expect normalcy to return to the Legislature and the Legislature would begin to function in a normal manner. This should clear both the Governor and the Chief Minister from the charges that have been levelled against them.

SHRI BHUPESH GUPTA: Mr. Vice-Chairman, we are concerned with the prorogation of the Madhya Pradesh State Assembly and the conduct of the Governor and the Chief Minister of the State. Mr. Vice-Chairman, first of all, I should like to point out to you one very serious thing. I am very glad that Mr. Kaul has said and established that point that the Governor used the procedure of prorogation as a political contrivance to suit the convenience of the Chief Minister, Mr. Mishra. I have got with me the Rules of Procedure and Conduct of Business of the Madhya Pradesh Vidhan Sabha. According to what we have been told, a message was sent by the Governor to the Speaker which was read out in the House. The entire procedure was wrong from the beginning to the end. In the first instance, the Governor should not have sent the particular message of prorogation to the Speaker to be read out to the Assembly. Under our Constitution, as you know, the Governor can send a message to the Legislature under article 175 of the Constitution, and rule 20 of the Rules of Procedure and Conduct of Business of the Madhya Pradesh

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Vidhan Sabha, provides for the deception of such a message. That relates, as you know, to the State legislative business, and so on. Therefore, it was not a message under rule 20 of the Madhya Pradesh Assembly rules which was received and read out. The Constitution does not provide for the Governor to send his message to the Assembly when it is in session, under article 174. Prorogation is provided for under article 174, but in no place in the Constitution do you come across a provision whereby the Governor's message of prorogation has to be sent to the Speaker to be read out to the House in the manner in which it had been read out in the Madhya Pradesh Assembly. Then, Mr. Vice-Chairman I would refer to another rule of the Rules of Procedure and Conduct of Business in the Madhya Pradesh Vidhan Sabha, rule 91. That again provides for Bills etc. Therefore these are the two rules under which a message from the Governor could be received and read out to the Vidhan Sabha in Madhya Pradesh. Under none of these rules this particular message which came from the Governor and was in fact read out is conceivable even. Therefore the Governor in his hurry acted in violation not only of the Constitution because he sent a message relating to article 174 which he is not entitled to do he was disregarding the rules of procedure of the Madhya Pradesh Vidhan Sabha in the sense that he asked the Speaker to read out a certain message which the Assembly of Madhya Pradesh was not under the rules of that House entitled to receive, or should not have received in fact. That is the position. I say this in order to point out to you that the entire prorogation and the manner in which the power has been exercised are both colourable and constitutionally irregular and naturally a fraud on the Constitution.

Mr. Vice-Chairman, the Governor made a statement on the 20th. He

said? "All that I said was that it was open to them", that is members of the Assembly, "to test their strength under the Constitution". That is what he said. Then in another statement he said: "I have been naturally closely watching the developments in the State particularly during the last few days. The developments of yesterday have been brought to my notice and I have been careful to take note of them. I have also given my most earnest consideration to the various matters that have been placed before me. Guided by the requirements of sound principles and practice in our system of parliamentary democracy and after giving due weight to the whole aspect of the situation, I felt the session of the Vidhan Sabha has to be prorogued for the present". Kindly note the words "session of the Vidhan Sabha has to be prorogued." He does not say that the Vidhan Sabha is prorogued, not that way. The session was on and the sole authority to determine whether the session would continue or not was the Speaker. He ignored him. Was there a constitutional breakdown? Mr. Chavan should have given us some evidence of such a thing. Nothing of the kind is given. All that we are told is, "in view of the state of general tension and abnormality, the Chief Minister requested the Governor to consider proroguing the House for the present", and then the Governor obliges the Chief Minister. Now, the presumption is this that something was going wrong in the Assembly itself. What was going wrong we do not know, but we know for a fact that the Speaker of the Assembly was not only not consulted when he wanted to carry on the business of the House, having thought that there was nothing wrong coming in the way of the normal processes of the Constitution on the legislative side, but the Governor on the advice of the Chief Minister decided to overrule the Legislative Assembly and impose his will in violation of constitutional

and parliamentary principles by completely ignoring the Speaker and then having the Assembly adjourned and prorogued, then and there.

Mr. Vice-Chairman, we have been here for many years in this House. When do we get the message of prorogation read out to the House. What happens here? You read out on the last day of the session that the House is adjourned *sine die*. This is followed by the Presidential declaration that the House is prorogued. Never in the history of parliamentary democracy in our country or elsewhere has the prorogation message been delivered to the House in the manner in which it has been delivered to the Madhya Pradesh Assembly.

5 P.M.

Mr. Vice-Chairman, I have before me May's *Parliamentary Practice* which deals with the question of prorogation at pages 278, 279 and 280. You will find there that the British practice is never to effect prorogation in this manner, most certainly not in the manner in which it has been announced in the House itself by the Speaker or the Speaker has been made to announce. It is inconceivable in the British parliamentary system that a prorogation message of the type comes in the manner in which it happened in Madhya Pradesh, to be read out by the Speaker when the Speaker himself wanted to carry on the business of the House. It is not merely, Mr. Vice-Chairman, an outrage on the Constitution, it is an outrage on the normal day-to-day functioning of the Legislature. What will happen to our parliamentary democracy. What will happen to the dignity of the Speaker, what will happen to the dignity of the House if a Tom, Dick and Harry of a Chief Minister, the moment he feels uncomfortable, goes to the Governor and gets a supplicant Governor to issue an edict violating everything ever and above the head of the Speaker, to tell as to whether the House should continue till five of

the clock or before five of the clock it should go into prorogation? Well, I should like to know.

Therefore, you see, Mr. Chavan should have been ashamed to have made this statement. We have a Home Minister here who does not know what the Constitution is like, who does not know how to defend the Constitution and who reads out whatever an illiterate, misinformed, misguided, partisan Governor tells him to read out. We are concerned, Mr. Vice-Chairman, not with a leader of the Congress Party, Mr. Chavan; we are concerned here with the Home Minister of the country whose specific responsibility is to see that the constitutional processes are defended. Here what has he done? He has acted as the salesman, as the broker, of Mr. Mishra on the one hand and of Mr. K. C. Reddy on the other. Shame on such people. Therefore, I say that this is doubly criminal, criminal on the part of Mr. Mishra to have behaved in this manner and given such a preposterous advice which he gave to the Governor, criminal on the part of the Governor to have placed partisan interest and his association with the Congress Party above his duties and obligations enjoined under the Constitution, criminal on part of the Central Government which tells us to accept his statement without the strongest condemnation of the entire procedure.

Mr. Vice-Chairman, I should like to make one or two points. I should only like to point out that I personally went to the Rajmata this morning to ask her whether she was consulted by the Governor before prorogation. She said that not only was she not consulted but that they were all taken aback when this prorogation was announced. Then how does the Governor say that he has been naturally closely watching the political developments in the State, particularly during the last few days and that he has looked into all aspects of

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the matter? Certainly, two material aspects have been completely ignored, firstly, the Opposition there and secondly, the Speaker of the House. The Governor has acted solely on the guidance and advice of a partisan, coward of a Chief Minister who has been behaving with the Baster murder mentality, and having murdered some people in Bastar, he wants today to slaughter the Constitution and that too, on the floor of the House itself. What else could have been more shocking? Therefore, I say that this Governor should be dismissed, he should be recalled and he should be asked to resign. Nothing short of that will meet the needs of the situation.

And what about testing the strength under the Constitution? The Constitution has been violated as far as the Legislature is concerned by proroguing it. Where are we? We will not have a . . .

(Interruptions)

SHRI A. D. MANI: On a point of order, Sir. The House is being interrupted when Mr. Bhupesh Gupta is making a fine speech.

SHRI BHUPESH GUPTA: Mr. Vice-Chairman, he said that the strength should be tested under the Constitution. Where is the Constitution? The Assembly has been prorogued where the strength has to be tested. We are now being faced with a pantomime, a kind of spectacle of getting by trucks and lorries the MLAs. to be presented to the President. That is a sad commentary on our state of affairs. Well, I do not know who is going to pay their fare. Mr. Mishra should pay it anyhow. Now, why should it be so? There was the Assembly. Why did the Governor do it? Why could not the Assembly be called? The door is always open for the system of voting. Mr. Mishra could have asked for a confidence vote or he could have faced a no-confidence motion. The Speaker could have asked, "Stand up

all those who are on the side of the Government, who are opposed to the motion." Many things could have happened. Therefore, deliberately no objective test was applied. It was all a subjective affairs, subjective in the sense that they wanted to keep the Opposition out.

Finally, I should like to say this. As you know, we have got only one Member there. And certainly, I do not belong to the Samyukta Dal or whatever it is called; as an election and others are concerned, we shall determine our attitude on the basis of what the Samyukta Dal does. But then the question today is of the Constitution. I would not like the privy purse to come in; I would like the Samyukta Dal not to be supported in the election unless it has a minimum programme which corresponds to the interests of the people. But certainly I like the Congress to be ousted from power when it does not command the majority. All these questions we can defer for the present. What today we should discuss is this. I would like this Council of State to be the sentinel of our Constitution. You should not be guided by partisan considerations.

Here is the British parliamentary practice. Show me a corresponding instance of a house being prorogued in this manner. Mention has been made of the Dominions. I should like to know whether, in a Dominion, when a certain people, the Opposition, say that they have the majority, without giving the Opposition a chance to prove it by testing it on the floor of the House, that Dominion Parliament has been adjourned. I should like to have a single instance of that kind.

Mr. Vice-Chairman, these are very improper things. All can say is that the Constitution is not safe in the hands of the Congress Party at all. That is quite clear. They are playing with the Constitution, they

are molesting the Constitution whenever their party interests demand it. You have seen it—in 1965, the Kerala Assembly which was newly elected was not summoned. When the majority was clearly against the Congress, the Governor did not summon the Assembly because New Delhi asked him not to summon it. In the present case, the matter could have been easily tested on the floor of the Assembly as to whether there was a majority for the people of a particular party or a group or not. That was not done. Why is the Governor here? Why are those people discussing it with the Congress leader. And surprisingly enough, the Prime Minister is also meeting the defectors. Do I understand that she is exercising her charms to win them back to the Congress again? Or, why she should find time to meet them at all, I do not know. They are defectors, they are supposed to be renegades. Why are you meeting them?

Therefore, Mr. Vice-Chairman, the relevant point is that the prorogation contrivance has been used for horse-trading for Mr. Mishra, the Chief Minister. I do not believe in the Rajmata's horse-trading or Mr. Mishra's horse-trading. A lot of corruption is going on. The unfortunate part of it is that in Madhya Pradesh the left united movement is not strong enough to avoid the Devil as well as the deep sea. We have to deal with the point of Constitution here. I say it is entirely wrong.

Finally, before I sit down, I would say one word. As far as Governors are concerned, these posts have become the laughing-stock of the country a long time ago. Now, they have become an outrage on our democracy. These should be abolished. If you do not abolish them, pending that decision, well, the Home Minister and the Prime Minister should call an all-party meeting to lay down proper rules and conventions as to how the

Governors should be appointed and who should be the Governors and in what manner they should function. At present the Governor's post has become the outfit of 7, Jantar Mantar Road to be commanded secretly by Mr. Kamraj and openly by others in the Congress Party whereas, within the sphere of his constitutional activities, he is supposed to be the custodian of the constitutional provisions. Therefore, I say the Madhya Pradesh Assembly should be reconvened here and now. And there should be another provision in our Constitution, for the impeachment of the Governor in the State Assembly concerned. Let there be this provision and you will see how the Governor behaves in the States. If, for example, this provision had been there, the Governor would have been liable to impeachment. We can impeach the President in Parliament but we cannot impeach the little Governors in the States. Therefore, this provision should be there.

As far as Mr. Chavan is concerned, he is showing himself up to be a partisan Home Minister utterly callous about constitutional principles and practices interested in serving his own party even at the cost of the Constitution throwing overboard all decency, common good, constitutional principles and all democratic elements in our country.

श्री राम सहाय (मध्य प्रदेश) : उप-सभाध्यक्ष महोदय, मुझे ताज्जुब है कि ये लोग जो रात दिन इस सभा में बैठ कर अनुशासन भंग करते हैं वे हमको उपदेश देने चले हैं। अभी आपने देखा कि कई बार आपने घंटी दी लेकिन हमारे कम्प्यूनिस्ट लीडर महोदय जहाँ के तहाँ खड़े रहे, उन्होंने बैठने की कोशिश नहीं की। जो इस प्रकार से काम करते हैं उनको खद अपने दिल में सोचना चाहिये कि वे कहां तक अनुशासन में रहते हैं और किस तरह से काम करते हैं।

[श्री राम सहाय]

यह मामला जो हमारे सामने है इसके बारे में शायद मैं समझता हूँ कि हाउस को पूरी जानकारी नहीं है। मैं 19 तारीख का भोपाल में मौजूद था। 19 तारीख को कोई 30-35 सदस्य हाउस में उपस्थित नहीं हुये। कुछ लोगों ने, कांग्रेस के लोगो ने दिन-दिन भर कोशिश की कि उनका पता लगाये कि वे कहा है लेकिन पता नहीं लगा पाये; वे न हाउस में थे और न अपने निवासस्थान में थे। वे कहा थे इसका कोई पता किसी को नहीं चल सका। ऐसी स्थिति उस रोज़ की थी और उस रोज़ हाउस में दो सदस्यों ने आ कर के यह बयान किया कि हमको रात को ले जाया गया और रात भर हमको उन्होंने बन्द रखा। बन्द रखा गया और सुबह बर्मुशकल तमाम ही आ पाये, जो कि वहाँ की प्रोसीडिंग्स में भी है। यह स्थिति थी।

अभी हमारे डाह्याभाई पटेल जी ने बहुत सी उपाधियाँ हमारे चीफ मिनिस्टर को दी, दुनिया भर के जितने वाक्यात हो सकते थे उन सब के बारे में आपने व्याख्या की लेकिन मैं उनसे पूछना चाहता हूँ कि उनको क्या मालम नहीं है कि दूसरे प्रदेशों में उनकी पार्टी के सहयोग से जो सरकारें चल रही हैं वहाँ की स्थिति क्या है। क्या इस प्रकार के वाक्यात वहाँ नहीं हुये हैं? . . .

श्री राजनारायण : श्रीमन्, एक प्वाइंट आफ ऑर्डर हमारा है।

श्री राम सहाय : . . . मैं समझता हूँ कि इस प्रकार के वाक्यात जो सारे देश में हो रहे हैं, जो हमारे सामने आ रहे हैं, वह इन सब की बदौलत ही आ रहे हैं। . . .

श्री राजनारायण : श्रीमन्, इस सदन के मेम्बर्स ने अपनी सम्मति इतनी दी कि . . .

उपसभाध्यक्ष (श्री अकबर अली खान) : वह प्वाइंट आफ ऑर्डर नहीं है, आप मेहरवानी कर के बैठिये।

श्री शीलभद्र याजी (बिहार) : आप इस तरह बीच में बोलने वाले कौन होते हैं ?

श्री राम सहाय : प्वाइंट आफ ऑर्डर के नाम पर बात कुछ और ही कही जाती है।

श्री शीलभद्र याजी : 'सत्य बात कह रहे हैं जो कि कटु होती है इसलिए ज़रा लग रही है तो प्वाइंट आफ ऑर्डर कर रहे हैं।

श्री राजनारायण : हमको लग रहा है, आपको बिल्कुल भी न लगती हो।

श्री राम सहाय : मेरा अर्ज करना यह है कि जिस प्रकार से . . .

श्री राजनारायण : माननीय सदस्य से सदन में कुछ जानना ही गुनाह है।

श्री राम सहाय : मैं आपको बताना चाहता हूँ कि वहाँ . . .

श्री राजनारायण : श्रीमन्, ज़रा प्वाइंट आफ ऑर्डर सुन ले। या तो आप कह दें कि किसी तरह का प्वाइंट आफ ऑर्डर न करें।

उपसभाध्यक्ष (श्री अकबर अली खान) : राम सहाय जी, ज़रा ठहरिये, वह प्वाइंट आफ ऑर्डर रोज़ कर रहे हैं। कष्टिये राजनारायण जी।

श्री राजनारायण : मुझको सचमुच में बहुत परेशानी हो गई है। मैं बहुत अदब से कहना चाहता हूँ कि हम और आप यहाँ क्यों आये हैं। एक प्वाइंट है, इस पर मैं आपकी व्यवस्था चाहता हूँ। सारी बहस हो रही है कि स्पीकर ने पढ़ दिया, तो यह प्रोरोगेशन का ऑर्डर कम्पलीट कब माना जायगा।

उपसभाध्यक्ष (श्री अकबर अली खान) : यह प्वाइंट आफ ऑर्डर नहीं है।

श्री राजनारायण : सुनिये । अच्छा प्वाइंट आफ इफॉर्मेशन समझिये । सुनिये । जब उस पर सिगनेचर हो गया तब कम्पलीट माना जायगा या स्पीकर ने जब पढ़ा तब कम्पलीट माना जायगा । हमारा कहना है कि स्पीकर को पढ़ने की जरूरत क्या है ।

उपसभाध्यक्ष (श्री अकबर अली खान) :
आप यह उनकी स्पीच के बारे में कह रहे हैं ।

श्री शीलभद्र याजी : यों ही बीच में बोल उठे ।

श्री राजनारायण : देखिये, शीलभद्र याजी, यहां ऐसी बात न करें ।

उपसभाध्यक्ष (श्री अकबर अली खान) :
आर्डर, आर्डर । राम सहाय जी, आप बोलें । इनको खत्म कर लेने दीजिये ।

श्री राम सहाय : 20 तारीख की जो यह बात कही गई कि वहां डिमांड चल रही थी और उस पर वोटिंग नहीं हो सकी; इस लिये कि हाउस में गड़बड़ी मच गई। मेरी अर्ज यह है कि उस रोज़ ये 35 या 36 आदमी जिनके लिये कहा जाता है कि उन्होंने पार्टी बदल दी है वह हाउस में नहीं गये, वहां मौजूद ही नहीं थे, केवल 8-10 उनमें से थे यह फैक्ट है । इसको डिनाई नहीं किया जा सकता ।

श्री राजनारायण : डिनाई किया ।

श्री शीलभद्र याजी : सब बावें कही जा रही हैं ।

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Mr. Yajee, you should not speak. Let Mr. Ram Sahai speak.

श्री राम सहाय : हमारा कहना है कि इसमें दो बातों का झगड़ा है कि आया चीफ मिनिस्टर को एडवाइज करने का अधिकार था या नहीं और दूसरे यह कि जो डिसक्रिशन गवर्नर ने

इस्तेमाल किया वह उसे इस्तेमाल करना चाहिये था या नहीं । मेरा अर्ज करना है कि जो भारत का कांस्टीट्यूशन है, जो हम सबने बनाया है, वह एक खास प्रकार का है । दूसरी जगह की मिसाल दे कर के उसको तोड़-मरोड़ कर के कहे कि डिसक्रिशन है या नहीं, एडवाइज मानें या नहीं, तो इसको इस तरह से अपने मनमाने तरीके पर हम इंटरप्रेट नहीं कर सकते । चीफ मिनिस्टर को पूरा अधिकार है कि वह गवर्नर को एडवाइज करे और गवर्नर को उसकी एडवाइज मानने और अपने डिसक्रिशन का इस्तेमाल करने दोनों का अधिकार है और गवर्नर का जो डिसक्रिशन है उसको कोई भी चैलेंज नहीं कर सकता । मुझे अफसोस है कि हमारे सदस्य उसे अपने मनमाने तरीके पर इंटरप्रेट कर रहे हैं और चीफ मिनिस्टर को भी भला बुरा कह रहे हैं । और यहां तक कि गवर्नर को भी कह रहे हैं । मैं कहना चाहता हूं कि इन साहबान को मालूम होना चाहिये कि मिस्टर रेड्डी इस कांस्टीट्यूट असेम्बली के वक्त से काम कर रहे हैं और उनको इस बात का पूरा-पूरा ज्ञान है कि कांस्टीट्यूशन क्या है । कांस्टीट्यूट असेम्बली के वक्त से वह क्या काम कर रहे हैं, उनके फरायज क्या हैं और क्या जिम्मेदारियां हैं वह सब जानते हैं, महज जिस तरह से पार्टी के लालच में आप सब बह जाते हैं उसी तरह से सब को, दूसरों को भी, बह जाने वगैरा समझना बहुत बड़ी गलती है । दूसरे के बारे में ऐसा न सोचें, मेरा आप से नम्र निवेदन है । जो मि० रेड्डी ने किया वह अपने अधिकार के अन्दर किया और चीफ मिनिस्टर ने जो कुछ किया वह अपने अधिकार के अन्दर किया है । अभी तक कोई भी ऐसी बात नहीं आई है जिससे यह कहा जा सके कि चीफ मिनिस्टर को इस प्रकार की एडवाइज करने का अधिकार नहीं था । यह बात होते हुये भी इस तरीके से बात बयान की गई जिससे यह मालूम हो सके कि मि० रेड्डी को, गवर्नर को, इस प्रकार से अपने डिसक्रिशन का इस्तेमाल करने का अधिकार

[श्री राम नाराय]

नहीं था। तो मेरा कहना है कि जैसे चीफ मिनिस्टर को एडवाइज करने का अधिकार है वैसे ही उस एडवाइज को मानने या अपने डिसक्रिशन के इस्तेमाल करने इन दोनों के बारे में मि० रेड्डी को पूरा अधिकार था उनकी एडवाइज को मानें यह भी अधिकार था और जो कोई और डिसक्रिशन का इस्तेमाल करते उसका भी उन्हें अधिकार था। उस डिसक्रिशन को कोर्ट आफ ला में भी क्वेश्चन नहीं किया जा सकता तो फिर हमारे मेम्बर इस प्रकार से कहें और फिर इस प्रकार से इलजाम लगायें यह कोई मुनासिब बात नहीं है।

मेरा अर्ज करना है कि वहाँ जो कुछ किया गया वह बहुत ईमानदारी से किया गया, वह बहुत मुनासिब था और जो हालात मौजूद थे उस में वही किया जा सकता था जो कि किया गया। वहाँ जिस प्रकार से लोगों को बन्द रखा गया — 19 तारीख को लगभग 30 आदमी के गायब होने के बाद किसी का पता नहीं था। मुझे यहाँ तक दिल्ली में मालूम हुआ है कि आर० एस० एस० के लोग और जनसंघ के लोग यहाँ बराबर पहरे पर लगे हुये थे। जहाँ कि वे दिल्ली में ठहरे हुये थे। वहाँ कोई भला आदमी जा नहीं सकता था। यह यहाँ दिल्ली की हालत थी और फिर भी कहा कि वहाँ इस तरह से जुलूम है, वह इस तरह से कहते हैं, यह कहते हैं, वह कहते हैं। अगर जालिमाना बर्ताव करना होता तो किसी विरोधी पार्टी की हिम्मत हो सकती थी कि वह इस तरह से काम करे। लेकिन यह सब कहने की बातें हैं। इस तरह से गलत बातें कही जाती हैं। यह हमारा अर्ज करना है।

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Mr. Triloki Singh.

SHRI NIREN GHOSH: First of all, those Members who have given notice of the Calling Attention motion should be called.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): I think if everybody limits himself to five minutes . . .

SHRI TRILOKI SINGH (Uttar Pradesh): Sir, I will not take more than five minutes. I would limit myself to four minutes. I am sorry, Sir, that on this very important constitutional matter, certain extraneous considerations have been brought in. The question is very simple. The question is whether the Governor had the power to prorogue the Assembly. If that is so, if it is conceded, then there is another question, Sir, whether he in the exercise of his powers committed any constitutional impropriety, in other words, whether his action can be called a misuse of power. My submission, Sir, is that the Governor can prorogue the Assembly only on the advice of the Chief Minister. The telegram from the Governor of Madhya Pradesh to the Home Minister which has been laid on the Table . . . May I have your attention, Sir? My submission, Sir, is that the Chief Minister did not advise the Governor to prorogue the House, if I am to go by the text of the telegram which has been sent by the Governor to the Home Minister. For the information and consideration of the Members, I will read it out. "The Chief Minister requested the Governor to consider proroguing the House for the present." The Chief Minister did not advise the Governor to prorogue the House. One may consider it this way or that way. I am not a master of English. But I am sure, Sir, that if legal opinion were taken on this sentence, or if the learned judges of the High Court and Supreme Court were consulted, they would come to the same conclusion that the Chief Minister categorically did not advise the Governor to prorogue the House. He simply made a suggestion. That is number one.

Number two is, he says "proroguing the House for the present". What does

"for the present" mean? I am very sorry to say that the Governor seems to be confused. Proroguing is not for eternity. It is only for the present, only for a short time. The practice of prorogation, as was rightly pointed out by my friend, Mr. Kaul, it to get rid of accumulated and unwanted business. That is what prorogation has been used for in parliamentary history so far. So my submission is, Sir, that the Chief Minister did not advise the Governor to prorogue the House. The Governor did it on his own. The Chief Minister simply made a suggestion. The Governor under the provisions of the Constitution could not, like that, prorogue the House. That is one thing.

The second constitutional impropriety is this. I am not aware of any instance in parliamentary history when any order of prorogation was passed by any Governor or by any Governor-General when the House was sitting . . . (*Interruption*). When the House is in session, it is all right. Session may mean that the House, though in session, is not sitting. But in this case the House was sitting. I am not aware of any such instance and I would be much obliged to the hon. Home Minister if he can let me have one single instance in the entire parliamentary history not only of India but . . .

SHRI P. N. SAPRU: Of the world.

SHRI TRILOKI SINGH: . . . of the world wherein an order of prorogation was passed by the Governor when the House was sitting.

Number three. I was really shocked, Sir, when I was told and I came to know that the order of prorogation was read out in the Assembly. Once the House has been prorogued, no meeting of the Assembly could be held unless it was convened a new. So even the reading of the order was not regular and in accordance with the provisions of the Constitution and

Rules of Procedure of the Assembly. There is one more thing; we should not forget it. The House was seized of the demands. The demands were laid before the House on the recommendation of the Governor. They have to be passed before the 31st of July. Now if the House is to be reconvened, under the Rules of Procedure, prorogation means lapsing of all business except the Bills. I doubt very much if the demands can be renewed if you were to go by the rules and parliamentary practice . . .

AN HON. MEMBER: They can be renewed.

SHRI TRILOKI SINGH: Even if they can be renewed, it will take so much time that they cannot be passed before the 31st of July, 1967. So the Governor torpedoed his own programme. I am not in a position, nor is this House in a position, to pass any resolution against the conduct of the Governor. I would most respectfully submit that it is up to the Government of India and particularly the hon. Home Minister to see that Governors in India are not party to such constitutional improprieties as have been committed by Mr. Reddy, the Governor of Madhya Pradesh.

There is another point. Admittedly, Mr. Mishra, the Chief Minister, is in a minority in the House . . .

SHRI A. D. MANI: Not admittedly.

SHRI TRILOKI SINGH: Whatever Mr. Mani may say, Mr. Mishra himself admits that 36 Members have defected from the Congress Party. Sir, it is a tragedy that a one-time defector is now making a grouse of other defectors. I know when Mr. Mishra defected from the Congress Party, he did not resign from the Assembly.

SHRI P. N. SAPRU: That was a communal thing.

SHRI TRILOKI SINGH: That was in July 1951. If Mr. Mishra could re-

[Shri Triloki Singh.]

tain his seat in the Assembly even after defecting from the Congress Party, why should he make a grouse of it if others also do the same? Now it is said that two Members alleged that there had been intimidation and wrongful detention. If you permit, Sir, I would like to remind the House that this is nothing unknown. The late Mr. Deshbandhu Das, one of the foremost parliamentary leaders of India, said in 1923 "I will kill diarchy." Four times Ministers were appointed by the Governor of Bengal and each time a no-confidence motion was passed. And who does not know that allegations of wrongful detention and intimidation were made? Not only that, members were taken and left at midnight to the tender mercies of the crocodiles and the Bengal tigers; the Bengal tigers are well known; I hope Mr. Bhupesh Gupta will not object to it. So this is nothing new. Why should Mr. Mishra, who was a Member of the Swaraj Party and who once swore by the late Pandit Motilal Nehru and C. R. Das, now object to the practice adopted by the Opposition in Assembly or Parliament of weaning away Members or inducing them to leave this party or that party? The man who crossed the floor once, now vilifies others for it.

So my submission is that the Governor acted on his own. This action of the Governor was not in consonance with the provisions of the Constitution. And it is an irony that we cannot question it but I am sure that if it had been justifiable, the Supreme Court or the High Court would have set aside the order of prorogation. I would submit that the hon. Home Minister while giving his reply may keep the points raised by me in his mind and throw some light on them.

श्रीमती विद्यावती चतुर्वेदी (मध्य प्रदेश):
माननीय उपसभाध्यक्ष महोदय, मैं बड़ी देर से सदन में जो मध्य प्रदेश में घटना घटी उस के ऊपर जो चर्चा चल रही थी, उस पर

ध्यान लगाकर सभी माननीय सदस्यों का वक्तव्य सुनती रही। मैं अपने माननीय सदस्यों से इतना ही निवेदन करूंगी कि शायद उन्होंने बहुत सी बात सुनी हुई, दूसरों की बताई हुई यहां बयान की। लेकिन मैं उनके सामने जो भी चीज रखूंगी, वह प्रत्यक्ष देखी हुई घटना होगी जो मेरे सामने हुई है। मैं उस वक्त वहां पर मौजूद थी और मुझे मालूम है वहां क्या क्या बात हुई, किस तरह की परिस्थिति पैदा हुई कि जिस से मुख्य मंत्री को गवर्नर के पास जाकर इस तरह का निवेदन करना पड़ा कि असेम्बली को स्थगित किया जाये।

उपसभाध्यक्ष महोदय, जहां तक कि राज्यपाल के अधिकार का प्रश्न है मैं निश्चयपूर्वक कह सकती हूं कि उन्हें सविधान के अन्तर्गत अधिकार हैं जिनका उपयोग किया गया है। मैं आपका ध्यान इसकी पूर्व भूमिका की ओर दिलाना चाहती हूं।

माननीय उपसभाध्यक्ष महोदय, यह घटना 19 तारीख के क्वेश्चन आवर के बाद हुई, माननीय सदस्य लखमन दास जब अपना प्रिविलेज पेश करते हैं। सौभाग्य से कहिये या दुर्भाग्य से कहिये, वह माननीय सदस्य मेरे जिले के हैं और मैं उन से बहुत अच्छी तरह परिचित हूं। जब उन्होंने प्रिविलेज पेश किया कि श्री गोविन्द सिंह जी देव को हमारे छतरपुर में ही बीजावर स्टेट के राजा है उन्हें यह कह कर बहका ले गये कि महाराजा छतरपुर से फोन आया है कि या करना है और उन को ले जा कर घरे में रखा, कई तरह का प्रलोभन दिया और जब वे नहीं माने तो मारने तक की उनको धमकी और धोस दी गई, जिस के लिये उन्होंने सदन के अंदर स्पीकर से अपनी सुरक्षा की मांग की। जब यह चर्चा दिन भर चलती रही तो उन्होंने यह भी बतलाया कि कुछ माननीय सदस्य और भी इस तरह से वहां पर हैं। इस लिए हम अपनी जान की सुरक्षा चाहते हैं।

क्योंकि हमको धमकी दी गई है कि अगर तुम हमारी बात नहीं मानोगे तो तुम जिन्दा नहीं रह सकते हो। मैं उस समय स्पीकर की गैलरी में मौजूद थी और बार-बार माननीय सदस्य जो कांग्रेस के पक्ष में थे, मिनिस्टर थे, बार-बार स्पीकर से यह अनुरोध कर रहे थे, कि पांच मिनट के लिए सदन को स्थगित कर दिया जाये। मुख्य मंत्री जी ने भी अनुरोध किया कि पांच मिनट के लिए सदन को स्थगित कर दिया जाये ताकि जो माननीय सदस्य आये हैं, अपनी कुछ बात कह रहे हैं, तथा जो विरोधी पक्ष के भी हैं और हमारे पक्ष के भी हैं, उनकी बात सुन ली जाये। इस तरह से वहाँ पर कुछ माननीय सदस्यों के लिए एक सकट की स्थिति पैदा कर दी गई है। बहुत से माननीय सदस्यों ने सदन में उनको ढंका तो वे नहीं मिले हैं। हमने असेम्बली के रेस्ट हाउस में भी पता किया लेकिन वहाँ भी मौजूद नहीं थे। जब इस तरह की स्थिति पैदा हो गई थी तो एक दो माननीय सदस्यों ने प्रिविलेज का मोशन भी पेश किया था कि हमें मारने की धमकी दी गई है और ऐसी हालत में सदन को पांच मिनट के लिए स्थगित कर दिया जाये ताकि हम सब की बात सुन कर उन्हें सुरक्षा दे अथवा फिर आप सरकार को आदेश दे क्योंकि इस समय सदन चल रहा है, असेम्बली चल रही है। यह सदन का कर्तव्य हो जाता है कि वह अपने सदस्यों की रक्षा करे और हम यह नहीं चाहते हैं कि हम पुलिस के द्वारा या शासन के द्वारा उनका अपमान करे या कोई कार्यवाही आपकी आज्ञा के बिना करे। हम चाहते हैं कि स्पीकर इस मामले में एक्शन ले। अगर स्पीकर नहीं लेना चाहते हैं तो फिर गवर्नमेन्ट को इजाजत दे ताकि वह इस मामले में कार्यवाही कर सके। इस बात पर दिन भर बहस होती रही और बार-बार रिकवेस्ट की गई। जब माननीय सदस्यों की जान व अधिकार की सुरक्षा के बारे में कोई बात नहीं सुनी गई और जब ऐसी परिस्थिति

आ गई कि माननीय मुख्य मंत्री जी को गवर्नर साहब से निवेदन करना पड़ा कि हमारे कुछ माननीय सदस्य हमारे बीच में नहीं हैं। एक दो माननीय सदस्य भागकर किसी तरह से आये हैं और उन्होंने हमको इस तरह से अवगत कराया है कि हमें और दूसरे सदस्यों को डराया व धमकाया जा रहा है। मैं यह नहीं कहती हूँ कि आप मत न ले। मत अवश्य ले लेकिन स्थिति जब सामान्य आ जावे। सदस्य हमसे अमनतुष्ट हो कर चले गये हैं क्योंकि प्रजातंत्र में जा सकते हैं और उन्हें जाने का अधिकार है। लेकिन मैं पूछना चाहती हूँ कि जो लोग बार-बार प्रजातंत्र की दुहाई देते हैं, इस तरह से हमारे माननीय सदस्यों को घेरे में रखे हैं, वे हमसे कहते हैं कि प्रधान मंत्री जी उन्हें समझाती हैं।

उपसभाध्यक्ष महोदय, मैं नम्र निवेदन करना चाहती हूँ और माननीय सदस्यों से कहना चाहती हूँ कि जो भाई हम से रूठ कर चले गये हैं, हमारे बीच वे, हमारी पार्टी के हैं, क्या हमें इतना भी अधिकार नहीं है कि उनसे दो बातें कर सकें? आप उन्हें घेरे में रखे हुए हैं, आप उनके चारों तरफ हथियार बन्द व्यक्तियों का पहरा लगा सकते हैं और हम उन माननीय सदस्यों से दो बातें भी नहीं कर सकते हैं? हम कहते हैं कि सब को खुली छूट रहे, अगर वह नहीं रहना चाहते, न रहे परन्तु सब के बीच में रहने-मिलने का अधिकार होना चाहिये ताकि हम उनसे बात कर सकें, कि अगर वह हम से नागज है तो किस बाद पर है। वे हमें अपनी बात बतलाये कि वे हमसे किस बात पर नाराज हैं और हम उनकी बात सुनें। आपको भी आज्ञादी मिलने-जुलने की है, उनको भी आप आज्ञादी दे कि जहाँ वे जाना चाहें जा सकें, सब से मिल सकें। अगर इस तरह से उनको इजाजत नहीं होगी तो यह प्रजातंत्र की हत्या होगी। आप लोगों

[श्रीमती विद्यावती चतुर्वेदी]

ने कुछ सदस्यों को घेरे में रखकर और जबर्दस्ती बन्दूक तथा पिस्तौल और रुपये के बल पर उनसे दस्तखत करवाये जिसके दो तीन उदाहरण मौजूद हैं। जिन सदस्यों ने आपकी धोस में आकर दस्तखत किये हैं वे लोग भाग कर आये हैं और उन्होंने सदन में प्रिविलेज मोशन पेश किया कि हमारी जान व अधिकारों की सुरक्षा के लिए गारन्टी दी जानी चाहिए। तो मैं यह कहना चाहती हूँ कि इससे बड़ा सबूत और आप क्या चाहते हैं? उनके नाम हैं लक्ष्मण दास, अजमेर सिंह और बाद में विजय सिंह भी आये। महन्त विसाहू दास हैं जो लोक सभा सदस्य हमारे सेठ गोविन्द दास जी के पुत्र श्री मनमोहन दास जी ने भी पार्टी मीटिंग में मुख्य मंत्री जी को बतलाया जिसमें मैं स्वयं मौजूद थी। (Interruptions) अगर उन्होंने आप से कह दिया तो वे मेरे सामने आकर कहें कि यह बात हमने गलत कही। उन्होंने उस समय मीटिंग में कहा कि 10 बजे रात में मुझे ले जाया गया। जब वह मुझे घनघोर जंगल में ले गये तो मैं घबरा गया और मैंने कहा कि तुम मुझे कहा ले जा रहे हो। उस समय मुझसे कहा गया कि कांग्रेस सदस्यों की एक जगह मीटिंग हो रही है और उसी जगह पर ले जा रहे हैं। इस तरह से वे मुझे एक स्थान पर ले गये जहाँ तरह तरह की बात करते रहे और करीब तीन बजे मुझे जाने दिया। जब मैं जाने लगा तो मुझसे कहा कि यही सो जाइये। मैं उस समय बड़ा नर्वस हो गया था, घबरा गया था। मैं उस समय घबरा गया और मैंने उनसे रिवेस्ट की कि अगर तुम मुझे यहाँ से जाने के लिए कोई माधन नहीं दोगे तो मैं भाग जाऊंगा, चिल्लाऊंगा और जोर जोर से चिल्लाऊंगा। जब मैंने यह बात कही तब उन्होंने ने मुझे एम० एल० ए० रैस्ट हाउस लाकर छोड़ दिया।

उपसभाध्यक्ष महोदय, जिस जनतंत्र के लिये कांग्रेस संस्था ने इतना बड़ा बलिदान किया उसके लिये आज भी वह बड़े बड़े बलिदान करने के लिये तैयार है, फिर हमारे विरोधी भाई जनतंत्र की क्यों दुहाई देते हैं? मैं कहती हूँ कि आप इस चीज से क्यों डरते हैं। अगर जनता हमसे नाराज है, जनता नहीं चाहती है कि हम शासन करें, वह चाहती है कि हम विरोधी पक्ष में बैठें, तो हम इसके लिये तैयार हैं। लेकिन हम जनता ही द्वारा विरोधी पक्ष में बैठने के लिये तैयार हैं। इस लिये नहीं कि कुछ लोगों ने हमें धोका दिया और हमारी पार्टी से अलग हो गये। जनता ने ही हमको बहुमत में पहुँचाया है और बहुमत का अधिकार दिया है। अगर जनता यह चाहती है कि आज हमें अल्पमत में जाना है तो हम उसको शिरोधार्य करेंगे जनता के हित में।

उपसभाध्यक्ष महोदय, अगर आप में जनता का बल है तो आप चुनाव से क्यों डरते हैं? आप के साथ तो बड़ी-बड़ी शक्तियाँ हैं, आपके साथ बड़े-बड़े हथियार हैं और आप को तो किसी बात का डर नहीं है। हम तो यह कहते हैं कि अगर हम हार जायेंगे तो नैतिकम करेंगे क्योंकि हमने जनतंत्र को बनाया है तथा उसको माना है। इस तरह से हम कभी विरोध में जायेंगे, कभी आपकी सरकार बनेगी और कभी हमारी सरकार बनेगी। हम चुनाव से डरते नहीं हैं आप चुनाव से क्यों डरते हैं? आप कहते हैं कि हमने इस तरह से सदस्यों को घेरे में नहीं रखा है। तो मैं यह कहना चाहती हूँ कि उस दिन की मध्य प्रदेश असेम्बली की प्रोसीडिंग्स को देख लिया जाये। श्री चन्द्र प्रताप तिवारी ने स्वयं अपने मुँह से कहा था कि हम जब जबरन समझेंगे 36 सदस्यों को पेश कर सकते हैं। इसके माने साफ हुये कि जब वे सदस्य आपके घेरे में हैं तब ही तो आप पेश कर सकते हैं।

उप सभाध्यक्ष महोदय, मैं किसी सदस्य के बारे में आपसे नहीं कह सकती हूँ कि मैं फलों को आपके सामने पेश कर दूंगी। (Interruptions) यह भूपेश गुप्त जी आपकी बड़ी बुरी आदत है कि बारबार चिल्लाते हैं। मैं कभी आपको बीच में डिस्टर्ब नहीं करती हूँ। तो मैं कह रही थी कि हमने कभी नहीं कहा कि हम फलों आदमी को आपके सामने पेश कर देंगे। इससे साबित होता है कि हमारे कुछ माननीय सदस्यों को किसी भी कारण से आपने अपने घेरे में रखा हुआ था, अपने बीच में रखा हुआ था। इस तरह से उन लोगों को बरगलाया गया और बरगलाने के बाद उनसे दस्तखत कराये गये कि हम 36 इस तरफ हैं। जिन दो सदस्यों ने अपना बयान दिया था उससे यह बात अच्छी तरह से साबित हो जाती है।

उपसभाध्यक्ष महोदय, इसलिये मैं चाहती हूँ कि अगर हमारे माननीय सदस्य चाहते हैं कि वे जनता के बीच में आयें और कसौटी में खरे उतरें तो फिर मिड टर्म इलेक्शन से उनको इतनी चिन्ता क्यों होती है। हमको इसके बारे में चिन्ता नहीं है। यह जो सारी चीजें हैं उनसे साफ साबित हो जाता है कि माननीय सदस्यों को किस तरह से बरगलाया गया है और किन तरह से उनको हमसे नहीं मिलने दिया जा रहा है ताकि हम उनसे बात न कर सके। हम इन्सान है और अगर हमारी कुछ खामियों की वजह से वे नाराज हो गये हैं तो हमें इतना तो हक होना चाहिये कि हम उनसे मालूम कर सकें कि वे किस वजह से नाराज हैं। अगर हम उनसे नहीं मिल सकते हैं तो इससे ज्यादा जनतंत्र की क्या हत्या हो सकती है और इससे ज्यादा जनतंत्र के नाम पर धब्बा नहीं लग सकता है।

इन शब्दों के साथ मैं माननीय सदस्यों से कहूंगी कि जो जनतंत्र की दुहाई देते हैं

तो उनको आप अपने कटघरे से छोड़ दीजिये तब आपको मालूम हो जायेगा कि असली स्थिति क्या है। जब आज भी आपको मालूम हो गया कि कुछ लोग हम से सहमत हो रहे हैं तो आपने उनको बस में बिठाकर भेज दिया। (Interruptions) इस तरह से उनको बस में भर कर मथुरा वृन्दावन की सैर करने के लिये भेज दिया। हाँ, इसके बाद मैं पुनः इस बात को दुहरा रही हूँ कि राज्यपाल महोदय को सदन स्थागत करने का अधिकार था और उपरोक्त परिस्थितवश मुख्यमंत्री जी का सुझाव मानना उचित समझा।

SHRI NIREN GHOSH: Mr. Vice-Chairman, this constitutional crisis in Madhya Pradesh underlines in a lurid light the political crisis that has taken place or overwhelmed the ruling party. From the statement of the Home Minister, it appears that he does not uphold the Constitution but he does certainly try to uphold his party in a partisan manner. It underlines the fact that the Constitution has been designed and framed by them to safeguard the interests of the ruling classes in India. Whenever the Constitution becomes a hinderance, the provisions of the Constitution are like so many scraps of paper to the ruling party to be thrown overboard at their sweet will.

That is how the Constitution has been undermined and that is the lesson that the people of India must learn from this. I do not agree that the Constitution has given illimitable power to the Governor to prorogue the Assembly as and when he likes. Now the Assembly is summoned by the Governor to transact certain business; for example, the Budget Session of the Assembly is summoned to consider the Demands for Grants and to pass the Budget. Now, when the Assembly is in a position to transact that business, the provi-

[Shri Niren Ghosh]

sion for prorogation cannot be invoked. So it was never intended that the Governor can, today, summon the Assembly and, the next day, prorogue it, and then, after four hours, again summon it, and then, after another twenty-four hours, again prorogue it. But it is that height of absurdity that our colleagues, the Congress Members on the opposite benches, have reduced themselves to. So this provision is clearly intended in order to summon the Assembly to transact certain business without any let or hindrance during the transaction of such business caused by prorogation of that legislative body. Now who will summon or who will prorogue the Assembly? A person must be there, and it is the Governor. So this has been made the Governor's function, but not at his sweet will. He cannot have illimitable power to prorogue the Assembly at his sweet will. The functions of the Assemblies have been clearly delineated, and for that purpose when the Assembly is in session, it is the supreme body. Now in this case it would have been quite right on the part of the Speaker of the Assembly to refuse to read that message of the Governor and to continue the Assembly to conduct its proceedings and thus defy the Governor in this respect. I remember once that Pandit Nehru said—when the Constituent Assembly had been convened—that if the Government sought to dissolve it without the Constituent Assembly fulfilling its purpose, it would mean that, wherever it was possible even under the shade of trees, it would fulfil its task. So the Assemblies cannot be treated in this fashion. The Chief Minister cannot override the Assembly. The Chief Minister cannot sit in judgment over the Assembly. Likewise the Governor cannot sit in judgment over the Assembly; that will be autocracy pure and simple. When the Assembly is in session for the transaction of a particular business and is going on with the deliberations on that

business, without the permission of the Assembly nobody has the power to dissolve the Assembly, neither the Governor nor the Chief Minister. So it is an outrage on the constitutional provisions. That is what I would like to say on this point.

The Governor has said that he has consulted the Central authorities so far as the reports in the newspapers go. But from the statement of the Home Minister nothing appears before us, whether the Governor consulted the Central authorities, if so, what advice they gave and what advice they did not give. That is not there. Now this institution of Governorship has been utilised by the ruling party on different occasions to suit their interests. On one previous occasion, it was done so in the case of composite Madras when it included Andhra, etc., where, suddenly, Shri C. Rajagopalachari was brought in and made Chief Minister by the then Governor who, it was said, acted in his discretion. Then, again suddenly, in Rajasthan it suited the Governor not to summon the Assembly so that horse-trading could go on, and some M.L.As. could be purchased and the same old ruling party could be installed in power. And again here this Assembly has been prorogued exceeding the limits placed on the powers of the Governor, and beyond the bounds of the Constitution in order to suit the interests of the ruling party.

I am told that Shri D. P. Mishra decided not to have the vote taken on that date. That is what he decided, because he knew that if a vote was taken, he would be defeated. When those 36 Members came to know that Shri D. P. Mishra was determined not to submit to a vote and tried to get the Assembly adjourned through the Speaker—he was trying to advise the Speaker to adjourn the Assembly—then those 36 Members stood up and read out that declaration that they had left the Congress, so that their declaration

might not come to light only after the doubted adjournment of the Assembly by the Speaker. But the Speaker had not acceded to his request, and there was no reason why he should do so when the Assembly was conducting its own business. Then only he hurriedly went to the Governor and got a chit from him, and that was read out and the Assembly was prorogued; prorogued illegally and unconstitutionally. That is how it was done.

Now, we sometimes hear of a code of conduct in the matter of this horse-trading, in this crossing of the floor. But now, after this Fourth General Election, whether you like it or not, Members will cross the floor, because it is a reflection of the political crisis and the economic crisis that have crept into India with the Congress being in power for too long. It is clear, therefore, that this ruling party, whatever the measures they are undertaking, cannot solve the problems, cannot even touch the fringe of any of the problems. So, unstable conditions and uncertain conditions have been created and they are bound to prevail over a long time unless the policies pursued by the Government are completely overhauled, and this uncertainty is reflected in the crossing of the floor by Members of the ruling party dissatisfied with the performance of the Government. And who can say that this may not happen in this Parliament itself, of Members of the Congress crossing the floor? Nobody can say. It may happen very soon; things have come to such a pass; since this crisis is there, since this condition of instability is there and it cannot be removed. Unless you pursue thoroughly different policies, these conditions would go on and they will get reflected in the crossing of the floor, and for such unconstitutional behaviour of the Governors, it is high time that the institution of Governorship was given the go-by. It is an anachronism. It is a British

relic that has been written into the provisions of the Constitution of India so that, under the powers of discretion, they can easily dissolve the Assembly and at the same time they can say that the Governor is bound by the advice of the Chief Minister, and when it suits them, they will say that he is not bound by the advice of the Assembly itself, which is supposed to rule a State, which is the supreme governing body in the State. Such are the conditions that have been created.

I am not concerned who are in the opposition, whether they are progressive or democratic. I would be glad if we can formulate some programme that would relieve the distress of the people. I do not know why the Opposition Members in the State have not been put to test. But whatever it is, even this mediocre, moth-eaten Constitution, that has been designed to safeguard the interests of the vested interests. Whenever the vested interests and their servants, the ruling party, whenever they find that it is not convenient, they throw the provisions of the Constitution overboard. Let the people of India take this lesson properly and determine their future course of action accordingly.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Mr. Bhatt,

SHRI NIREN GHOSH: Mr. Vice-Chairman, Sir, our other Members should be also called. They are co-sponsors of the Short Duration Discussion.

SHRI MULKA GOVINDA REDDY: If necessary, we can extend the time.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Yes, if time permits.

SHRI NAND KISHORE BHATT (Madhya Pradesh): Mr. Vice-Chairman, Sir, I am grateful to you for having given me the opportunity to

[Shri Nand Kishore Bhatt]

participate in this debate. I have carefully heard the speeches from both sides here. Sir, in Madhya Pradesh a very unprecedented situation has arisen, and it was in those circumstances that the Governor, under the powers vested in him under the Constitution, has rightly prorogued the Assembly. Sir, the way in which, in the Madhya Pradesh Assembly, defections took place, is something very unusual. We have been hearing of crossing of floors from one side to the other side, and it has been more or less on an individual basis. But this time, Sir, the defection of about 36 Members from one party, all of a sudden, is something which requires very serious consideration in this august House.

Sir, the hon. the Home Minister, in the statement which he has laid down before the House, has said that there is a state of tension and abnormality in Madhya Pradesh.

As for these 36 MLA's who are said to have joined the other side, nobody knows as a matter of fact whether they have actually joined the other side, because I have been in the capital several times. As one coming from Madhya Pradesh, I can say that during these days I have visited the capital several times and I tried to contact my friends, but they were not available. In some cases, money was freely distributed and wine was flowing freely on behalf of some of the former ruling houses.

SHRI DAHYABHAI V. PATEL: Everybody knows. Even the President knows because they were bodily presented to him.

SHRI NAND KISHORE BHATT: No, they were not bodily present. They could not and even they could not go and meet their own relations. In some cases the Members of certain constituencies wanted to meet their representatives, but they were denied. They had been taken away

and they were fully drunk and not in their senses. In these circumstances if the Chief Minister advised.

श्री के० सी० बघेल (मध्य प्रदेश) : आप जो जो इन्केन हालत में थे उनके नाम बता सकते हैं तो बताइये ।

श्री नन्द किशोर भट्ट : मैं नाम भी बता सकता हूँ ।

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): I will give you time after he has finished. But if you interrupt like this, I will not give you time.

SHRI K. C. BAGHEL: All right, Sir.

SHRI NAND KISHORE BHATT: The Chief Minister who advised the Governor to prorogue the Assembly did the right thing because it was such a state of utter confusion. I was present that day on the 20th July when the Assembly was sitting. These 36 members were not there and it was said that they would be bodily brought in if needed because some of them were in virtual custody. They were not even allowed to meet their own kith and kin. They were not allowed to go alone. Some four or five persons were always with them. This was a very dangerous situation when the money of the former princes was used to break up the democratic traditions that we had built up in this country after many years of trial.

Our Chief Minister in Madhya Pradesh, it has been said, is a dictator. Much has been said about him. It was said that he is an autocrat and so on. But let us not forget that he is the one man who has given integrity and unity to this State of Madhya Pradesh which was formerly split up by various regional loyalties. For the first time during the last few years, real unification and a sense of integrity has emerg-

ed and probably this has been treated as a danger by the forces of reaction there. It is amazing how parties like the Jana Sangh and extreme rightists and members of the Communist Party should have all combined together in this manner to disrupt democracy.

SHRI BHUPESH GUPTA: No, we do not belong to them.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): I am listening. You go on, Mr. Bhatt.

SHRI BHUPESH GUPTA: We wish to make the position clear.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): He is not yielding.

SHRI NAND KISHORE BHATT: Sir, I never interrupted anyone and I should be given some more time if I am interrupted.

SHRI BHUPESH GUPTA: We only want to point out and that the Governor acted illegally and unconstitutionally. We have not joined the other parties.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Now, have you finished, Mr. Bhatt?

SHRI NAND KISHORE BHATT: No, Sir, But I will not take much of your time.

Sir, one or two basic questions arise in this connection. During the elections, leaving aside independents, most of us who belong to one or the other political party, approach the electorate with our election manifestos. We go to the electorates with our programme of working for the next five years and we are elected on the basis of our parties. In this case these 36 members were elected on the Congress tickets and they were voted into the House by the electorates on the Congress programme that they had put before them. If these Members decide that they should cross the floor then they should resign and

seek the fresh votes of the electorate to be elected into the Assembly from another party. If they do that, we have no objection. But in this case there is a large-scale change of sides and it is something which is a threat to democracy. It is going to pose a very serious problem to us. I would only request the House to recollect what happened in West Bengal.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): You have to finish now Mr. Bhatt.

SHRI NAND KISHORE BHATT: So I would humbly submit that whatever action was taken by the Governor was perfectly constitutional and he had to take it because of this state of confusion in the Assembly. Proroguing the Assembly session has given time and during this period the erring Congressmen who had been won over and some bodily taken away to the other side, can come back. Even if they do not, they have the right to vote as they like and the Assembly will be called to meet. It has to meet to pass the grants and all these things and there will be no difficulty. This is a perfectly right step that the Governor has taken to give time to those people who had been bodily taken away. They will have time to think and to re-think as to where their interests lie. Even after that if something happens, then there is the Constitution to take care of that.

श्री के० सी० बघेल : उपसभाध्यक्ष
महोदय :

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): . . . Please be brief and take only five minutes.

श्री के० सी० बघेल : मैं जल्दी खत्म
कर दूंगा ।

SHRI DAHYABHAI V. PATEL: Please extend the time, Mr. Vice-Chairman, There are so many Mem-

bers from Madhya Pradesh who want to speak, the people who are directly concerned. Please be a little more liberal.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Even with 5 minutes each we will have to sit for half an hour more.

श्री के० सी० बघेल : उपाध्यक्ष महोदय...

SHRI MULKA GOVINDA REDDY: Let the Home Minister reply at 6.30 p.m.

श्री के० सी० बघेल : मैं मध्य प्रदेश के उम भाग से आ रहा हूँ, जिसको छत्तीसगढ़ कहते हैं, वह भाग आदिवासियों का, हरिजनों, गरीब और मूक किसानों ने भरा हुआ है। मैं वहाँ की हालत को अच्छी तरह से जानता हूँ। आज यहाँ पर बहुत सी बातें कही जा रही हैं, वे अन्दाज से कही जा रही हैं। मैं आपको कहना चाहूँगा कि जो कुछ हुआ है, उसको हम लोग एक खाम नुस्ते नजर से देखें। कांस्टीट्यूशनल पंडित दानों किस्म की रायें बता रहे हैं, कोई कहते हैं कि राज्यपाल महोदय ने ठीक किया, कोई कहते हैं कि ठीक नहीं किया, लेकिन यह जो हाउस आफ एलर्जस बैठा हुआ है, उसको मैं, मुल्क जिस नाजुक दौर से गुजर रहा है, उसको ध्यान में रख कर गम्भीरता से विचार करने के लिये अर्ज कर रहा हूँ। अभी जो इस किस्म की बातें हो रही हैं, उनके अन्दर रहस्य क्या है, कौन सा अन्डर-कॉरेक्ट उनमें काम कर रहा है, उसको देखिये। अन्डर-कॉरेक्ट जो वर्क कर रहा है, वह है एक व्यक्ति को तानाशाही और उम तानाशाही से प्रभावित होकर लोगों के दिलों में एक आतंक, एक भय छाया हुआ है और उनको जब मौका मिल रहा है इस किस्म का कि अपनी फोर्लिग्म को, अपनी भावनाओं को ठीक ढंग से स्पष्ट रख सकें, तो उन्होंने उम मौके पर, उम अवसर का लाभ उठाया है जैसा कि अवसर राजनीति में हर एक दल के लोग उठाया करते हैं।

(THE DEPUTY CHAIRMAN IN THE CHAIR)

इसलिये इसके ऊपर बड़ी-बड़ी नैतिकता की बातें और कांस्टीट्यूशनल उपदेश न इनको सपोर्ट देता है, न उनको सपोर्ट देता है। मैं एक ही बात कहना चाहता हूँ कि मुल्क की नाजुक हालत को देखते हुए हमको एक बात स्वाकार कर लेनी चाहिये और वह यह है कि अगर मिश्र जी को वहाँ पर माइनारिटी हो जाती है चाहे किसी भी कारण से तो ग्रेस इसी में है, गौख, ब्युटी इसी में है कि वे अपना पद त्याग दें और स्पोर्ट्समैन स्प्रिट का परिचय दें। वे लौह-पुरुष कहे जाते हैं। लौह-पुरुष के माने यह होते हैं वह आदमी संकट के समय भी घबराहट न दिखावे, इधर उधर बगलें न झाँके, संकट के समय सीना तान कर खड़ा हो जाये कि तुम मेजारिटी में हो तो तुम वहाँ बैठ जाओ, हम तुम्हें फिर गिराने की ताकत रखते हैं, जैसे कि यू० पी० में हुआ और दूसरे प्रान्तों में हुआ। आप इस बात को सोचिये कि अगर इस किस्म की ट्रेडिशन कायम कर दी गई कि मेजारिटी में एक पक्ष यानी यूनाइटेड फ्रंट के होते हुए भी उसे वहाँ पर शासन चलाने का मौका नहीं दिया गया तो सारे देश में तहलका मच जायेगा, गड़बड़ी होगी और ऐसी परिस्थिति पैदा होगी, जिसको मैं दावे से कह सकता हूँ, हमारा आज का यह शासन संभाल नहीं सकेगा। इसलिये मुल्क की बेहतरी के लिये सबसे अच्छी बात यही होगी कि अगर 30 अदमी पेश किये जाते हैं, गवर्नर के मामले पेश किये जाते हैं या जो जांच के लिये जाते हैं, उनके मामले पेश किये जाते हैं—तो उनका हक माना जाय और उनको मिनिस्ट्री काम करने दिया जाये। उदाहरण के लिये मद्रास का उदाहरण है कि कहीं मद्रासों को छिपा लिया गया या उड़ा दिया गया आदि। परन्तु आप दूसरा गाइड क्यों नहीं देखते?

(Time bell rings)

पांच मिनट और। आपने कहा था।

6 P.M.

THE DEPUTY CHAIRMAN: I have said that the Minister will reply at six o'clock sharp.

SHRI DAHYABHAI V. PATEL: He is a Member from Madhya Pradesh; kindly give him some more time.

श्री के० सी० बघेल : दूसरा साइड देखिये। मैं बहुत जल्दी खत्म करने की कोशिश करता हूँ। सुन तो लीजिये।

THE DEPUTY CHAIRMAN: The Minister also has to have some time to reply.

SHRI MULKA GOVINDA REDDY: If necessary we can continue the debate tomorrow.

श्री के० सी० बघेल : दूसरा साइड भी देखिये। जिसके हाथ में शासन होता है, वह सत्ता की मस्ती में किस की परवाह नहीं करता, यहाँ तक कि मर्डर भी करवा सकता है, वह किसी के पीछे सी० आई० डी० भी लगा सकता है, वह तमाम किस्म की बेजा हरकतें कर सकता है, वह पैसे से खरीद सकता है, वह कई तरह में अत्याचार कर सकता है और मिश्र जी की इस बात से भयभीत हो कर के हमारे सदस्य लोग पहले से ही डरने लग हैं और यही कारण है कि वह उनके बंगले में अकेले जाने के लिये तैयार नहीं हैं। वह गवर्नर के यहाँ जाने को तैयार हैं, वह प्रेसीडेंट के यहाँ आने को तैयार हैं और इस तरह से आ कर के मिश्र जी खुद बातचीत करें। आसने सामने ईमानदारी से आये तो पता लग जायेगा कि कौन कितन गहरे पानी में है। तो जो शेखी भरी दावे की बात करते हैं, वह क्यों इस न्यायोचित्त बात को स्वीकार करने को तैयार नहीं होते ?

दूसरे यह कि ये बातें करते हैं कि मिड टर्म एलेक्शन में शक्ति आजमायें, आप भली भाँति जानते हैं कि इग्नोरेंस और पावर्टी इस देश में इतनी ज्यादा है कि दो-दो रुपये में लोग अपने बच्चों तक को बेच देते हैं। उम्मी शोषण बल पर, उसी तूट पर आप इतना दम भर कर यह दावा कर रहे हैं कि एलेक्शन होने पर जीत जावेंगे, लेकिन याद रखिये कि वह दिन आयेगा जब कि ये मतदाना जो अनकांशस और मूक हैं, जो आज परिस्थिति को समझ नहीं पा रहे हैं, उनमें भी देर दबेर अक्ल आयेगी, उनमें भी समझ आयेगी और तब उस वक्त आप कहीं के नहीं रहेंगे। तो इन हालात में जो दावा करते हैं कि हम एलेक्टोरेट के सामने जा कर ऐसे करेंगे, वैसे करेंगे वह ठीक नहीं। मैं दूसरी बात यह कहना चाहता हूँ कि श्री मिश्र लौह पुरुष हैं, लौह पुरुष है, कह कर बड़ी डींग हांकी गई है, लेकिन वह लौह पुरुष अपदस्थ होने के बाद कुछ वर्ष पूर्व मंडला के चुनाव क्षेत्र में चारों खान चित्त हो गये, और छप्पर ऊपर नजर आने लगा। लौह पुरुष होने का एक रहस्य है। वह यह कि जब कि सिर पर किसी शिव जी का वरदहस्त रहता है, तो भस्मासुर की महिमा उन्हें प्राप्त हो जाया करती है। किसी समय में स्वर्गीय प० रविशंकर शर्मा का हाथ उन पर था और इस समय हमारी प्राइम मिनिस्टर इन्दिरा जी का हाथ उनके ऊपर है और यही उनके लौह पुरुष होने का रहस्य है। तो इस प्रश्न को जल्दी से जल्दी आप निबटायें और जिनका बहुमान है, उनको आप मौका दीजिये कि वह शासन चलायें और अगर न चला सकें तो वे भी निकाल बाहर किये जायें। धन्यवाद।

THE DEPUTY CHAIRMAN: Now I want to appeal to the House. Instead of two hours, we have had a discussion for three hours. The Rules of Procedure also says that the discus-

[The Deputy Chairman.]

sion cannot exceed 2½ hours. We have tried to cover one Member from almost every party. Every Member cannot speak in this House on this issue. Therefore three hours' time is enough. Besides, we must also consider the convenience of the Minister in charge. He has got some other work; he cannot go on sitting here if we extend the time. I shall now call upon the Home Minister, Mr. Chavan.

SHRI MULKA GOVINDA REDDY: Madam Deputy Chairman, there are some Members who have tabled this call attention motion and they have not been called.

THE DEPUTY CHAIRMAN: I know; but every one cannot be called

SHRI NIREN GHOSH: Those who have given the notice, they have got to be called.

श्री निरंजन वर्मा (मध्य प्रदेश) श्रीमती जी, मैं यह निवेदन करना चाहता हूँ कि सब से पहले मध्य प्रदेश के होने के नाते हमने कालिंग अट्रेंशन में अपना नाम दिया और उसमें हमारा नाम आ गया और दुबारा फिर जब नाम गये तो उसमें भी नाम आ गया, तो हमारे नाम को छाड़ कर और नाम तो जाड़ दिये गये और अब हम बोलने का मौका नहीं दिया जा रहा है।

THE DEPUTY CHAIRMAN: There was a Calling Attention Notice all right. But even in the case of a Calling Attention Notice I think we should strictly go by the rules. Everyone whose name appears in the Calling Attention Notice need not speak and may not be called by the Chair. Therefore I am taking cover under that procedure and am asking the Home Minister now to reply.

SHRI MULKA GOVINDA REDDY: If the Minister says that he has no time now to sit for another half an hour, we are prepared to have it tomorrow. You are depriving the Members on this side of their right

of expressing their views. This is a very vital matter and when this question was discussed in the Lok Sabha they went on till 8.30 p.m. Madam, this is a very important matter and if you do not extend the time, we are not prepared to listen to him.

SHRI NIREN GHOSH: Those whose names appear in the list have not been called also.

(Interruptions)

THE DEPUTY CHAIRMAN: Order, order.

SHRI R. S. KHANDEKAR: When I suggested in the beginning, an assurance has been given.

THE DEPUTY CHAIRMAN: Everyone cannot participate in a debate like this.

SHRI R. S. KHANDEKAR: Some hon. Members take more time; some do not get a chance at all. What is all this?

THE DEPUTY CHAIRMAN: That is all right. Mr Chavan.

SHRI MULKA GOVINDA REDDY: I do not want to hear. Madam, if you are not going to extend the time, then we are not going to participate further in this debate. We are going to walk out.

SHRI NIREN GHOSH: Names have been called at random and we are not being given an opportunity to express our views. We are leaving the House.

श्री धिमलकुमार मन्नालाल जी कीर-
दिया : आपने सबको बोलने का मौका नहीं दिया। हमारी पार्टी के मेम्बर का इसमें नाम था, उनको बोलने का मौका नहीं दिया। हम उनके साथ हैं और इसलिये हम उनके साथ जा रहे हैं।

श्री राजनारायण माननीय एक निवेदन है . . .

THE DEPUTY CHAIRMAN: Mr. Rajnarain, if you had taken less time, more Members could have participated. आप तो बैठिये ।

श्री राजनारायण : माननीया, एक रिक्वेस्ट आपसे करनी है । देखिये, यदि नित्य प्रति चैयर अपनी ही व्यवस्था को बदलता रहेगा, तो हम लोगों को बड़ी दिक्कत हो जायगी । बराबर चैयर की ओर से यह कहा गया कि जिनका नाम कालिग अट्रेशन नोटिस में है, हम उनको बुलावेंगे और दूसरों को नहीं बुलावेंगे । अब चूंकि यह कनवीनियस हो रही है, दूसरी बात में कनवीनियस है, तो आज कहा जा रहा है कि हमने दूसरों को बुलवा दिया और जिनका नाम है, उन सब को नहीं बुलावेंगे ।

इसलिये वही तोतारटन स्पीच, रोजाना की माननीय घर मंत्री की स्पीच सुनने के लिये हम नहीं रहेंगे, आपकी व्यवस्था के विरोध में इस सदन का इस समय हम त्याग करते हैं ।

[At this stage Opposition Members left the House.]

SHRI Y. B. CHAVAN: Madam Deputy Chairman, it is a rather very interesting situation that after having advanced all their arguments for three hours the hon. Members of the Opposition have no patience to listen to the replies to the points that they have raised.

Madam, this debate became quite an interesting debate in the sense that very controversial constitutional arguments were advanced criticising the prorogation which was advised by the Chief Minister of Madhya Pradesh and which was accepted by the Governor. I must make it clear at the very beginning that this is a situation which is not the creation of the Central Government. At no stage were we consulted about it nor

we had the authority or the desire to give any advice on this matter. In certain circumstances the Chief Minister gave an advice to the Governor and the Governor accepted it. Now the point that we have debated here was whether the action of the Governor was constitutional or not, and criticising this action some Members brought in certain political factors into it. If we are discussing a constitutional matter, it is much better that we discussed it objectively, not subjectively, as a sort of an impersonal problem and as an impersonal issue. As Mr. Rajnarain said, it has to be considered coolly but while advancing the argument he was very much excited about it. Once we raise the point as to whether the Governor has acted constitutionally or not, we have to find out what the role of the Governor is under our Constitution.

Mr. Rajnarain made a very interesting point. He quoted article 155 and said that as the Governor was appointed by the President therefore he becomes an agent of the President. I do not think there can be more ignorance about the Constitution. It is certainly a rule in the Government Services that the Government servant who is appointed by a person to that extent becomes responsible to him. In the protection of the Constitution, certainly the Governor is responsible to the President; there is no doubt about it but he is functioning as Head of the State, except in certain matters where the Constitution has specifically provided for it, the Governor functions not as an agent of the President but he functions as the Head of the State. That is the basic position of the Governor. If we take into consideration the political exigencies which differ from State to State and take a judgment on the action of the Governor then not only we are going to ruin or destroy the high office of the Governor but we are also going to destroy the very spirit of the Constitution. Therefore,

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we will have to be very objective in this matter.

In this connection, I agree partly with the argument of the hon. Member, Shri Kaul, when he said that it is a very dangerous doctrine to accept that a Governor can reject the advice of the Chief Minister. Once you accept the position that he can reject the advice of the Chief Minister, we are, really speaking, undermining the very basic concept of parliamentary democracy in the States and in the Centre. The whole structure of the Constitution as we understand it, at least as I understand it, is based on the position that the Chief Minister submits or gives his advice. Sometimes it may be called a request. Whether it is called a request or not, it does not cease to be an advice. It is rather too technical a view of the matter. It is a basic principle of parliamentary democracy that the leader of the House or the leader of the Party, which is voted to power by the people, becomes the Chief Minister and when the Chief Minister gives advice it is the bounden duty of the Governor to accept it, except in cases where the Constitution specifically provides that he need not do so. A study of the Constitution would show that except under three articles, *viz.*, articles 200, 239 and 356, the Governor as the constitutional head has to act on the advice of the Chief Minister. That is the constitutional position.

Now, I am not entering into an argument whether the Chief Minister should give a particular advice or not. I do not want to hold brief for anybody, whether he is a Congress Chief Minister or a non-Congress Chief Minister. I am not taking that position. We can say under what circumstances what advice should be given which is good or bad politically. That certainly everyone has a right to say. About that the final

view can be taken by the people. That is why ultimately every five years we go back to the people who can decide whether the Chief Minister acted wisely and democratically or not. It is ultimately for the people to decide. I am not taking any view on behalf of the Central Government in this matter. Whether a particular advice was good or bad is not our concern. When advice was given to the Governor and when the Governor accepted that advice, whether he acted constitutionally or not, that is the basic issue, and I have no doubt in my mind, as I have understood the Constitution, that the Governor's act was very constitutional. Whether it is good politically or not . . .

SHRI A. D. MANI: May I interrupt? I am not trying to prolong the discussion. Madam, the Vidhan Sabha of Madhya Pradesh was in session.

SHRI Y. B. CHAVAN: I am coming to that. Whether it should have been done or not is a different matter. If you were there in that position or if I were in that position whether I would have done it or not is a hypothetical matter. Possibly I may not have done it. Possibly you may have done it. I do not know what would have happened in those circumstances, but what we are discussing is something very important. By taking only a particular case in a particular State, if you are trying to subvert the functions of a Governor, if you are going to subvert the Constitution, let us not forget that it would be harmful.

Now, let us come to the question of prorogation. There I have got a slight difference of opinion with the hon. Member, Shri Kaul. It is an academic argument, though he has made a very effective argument and *prima facie* it appears to be a very valid argument. He made some distinction between this right of prorogation and the right of dissolution. He said that prorogation is a pro-

cedural device while dissolution is a political weapon. This type of classification is not always valid in legal matters. Dissolution also can be a procedural device. When the House is dissolved at the end of five years, it is not a political weapon. It is a procedural matter. (*Interruption*). It, therefore, does not become a political matter. Whether it becomes a procedural matter or a political matter depends on the objective for which it is used. It is in that sense we are trying to make a distinction. Now, in the case of prorogations also, prorogation as it is understood in Britain and in India is quite different. At least the effect of prorogation in England and the effect of prorogation in India is different. I have also got Basu's book. I can read something from that, but I do not want to take the time of the House. It is obvious that as a result of certain provisions in the Constitution itself, prorogation does not take away many matters. A Bill which is introduced or moved does not lapse. In England, after the prorogation everything lapses. Then, may I ask him one thing? He himself gave that information which was very useful information, that is, prorogation is not accepted that way in India as it takes away the right to issue Ordinances. When prorogation is resorted to with a view to having the right to issue an Ordinance, is it not a political weapon? The right to issue an Ordinance is a political right. Therefore, to say that prorogation is exclusively procedural and dissolution is exclusively political is not very valid. Sometimes prorogation is political and sometimes prorogation is procedural. Dissolution in some cases is procedural and in some cases political. Therefore to make a distinction in this way and, therefore, it is wrong, monstrous, brutal and all that is a very eloquent argument, but that is not necessarily a valid argument.

SHRI M. N. KAUL: I did not use any one of those words.

SHRI Y. B. CHAVAN: You did not say these, but others used that argument.

SHRI M. N. KAUL: I merely said that it was a new use and, therefore, it has been misunderstood.

SHRI Y. B. CHAVAN: You have been very parliamentary in your expressions and in your arguments. I do not deny it, because I heard your argument with great care and, I must say, with admiration and respect. With the experience you have in parliamentary affairs, certainly your argument has to be heard with great care. Therefore, not wanting to be caught napping, I immediately consulted some books. Ultimately it comes to this. It is no use merely trying to attribute political motives because certain thing was done or not done.

Other matters were raised like the matter of dissolution, etc. That matter is not before me at the present moment. Whether there should be dissolution or not is a matter ultimately between the Governor and the Chief Minister there. We want certain political situation to be resolved by constitutional methods. My personal view in the matter is that when we are interpreting the Constitution, it should be interpreted from a long range point of view. Are we out, in order just to meet some people's political expediency, here trying to degrade the office of Governor whereby we give him the right to reject the advice of the Chief Minister? This may increase the scope of his discretion. I think we are not helping anybody. We are not helping ourselves. At least we are not helping democracy, when we want it to grow healthily in this country.

Then, somebody mentioned about the contradiction between what I said in Lok Sabha and what I am saying here. I would like to repeat

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it again here that at no stage the Governor asked for our advice about it and at no stage we gave him any advice about it. It was not incumbent on him to ask us for advice. At no stage we were required to give advice in the matter. The Governor was functioning in his own constitutional authority. Somebody mentioned that the Governor had said something which was contradictory to what I had said. Certain questions were raised in Lok Sabha and I had already replied to them. I would like to read a part of the reply that we had received from the Secretary to the Governor and I think it would be interesting to see how things are misinterpreted sometimes:—

"I have placed the papers before the Governor and he desires me to say that the reports quoted in the main as having appeared in two Delhi papers are incorrect. Some representatives of the Press met the Governor on the 20th July and he handed over to them a prepared statement, a copy of which is enclosed. One of the representatives asked him whether in arriving at his decision to prorogue the Assembly he had consulted the Centre. The Governor replied, 'I

consult, the Centre to the extent the Constitution permits.' What he meant was that it was only where the Constitution requires it that he consults the Centre.

"In this particular case such a consultation was neither required nor permitted and no advice was given by the Centre. He took the decision on the advice of the Chief Minister."

I think I have given the necessary explanation for the so-called contradiction in what I said and what I am saying now. I am repeating that it was the decision of the Governor on the advice of the Chief Minister, which he was constitutionally required to take. I do not want to express an opinion on the political merits of the decision. It is for the Assembly to take; it is for the Chief Minister to decide; it is for the Governor to take a constitutional view. This is our position in this matter.

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

The House then adjourned at twenty minutes past six of the clock till eleven of the clock on Tuesday, the 25th July, 1967.