

The House reassembled after lunch at half-past two of the clock. The Deputy Chairman in the Chair.

MESSAGE FROM THE LOK SABHA

THE APPROPRIATION (NO. 2) BILL, 1966

SECRETARY: Madam, I have to report to the House the following message received from the Lok Sabha, signed by the Secretary of the Lok Sabha :—

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith a copy of the Appropriation (No. 2) Bill, 1966, as passed by Lok Sabha at its sitting held on the 29th April, 1966.

2. The Speaker has certified that this Bill is a Money Bill within the meaning of article 110 of the Constitution of India."

Madam, I lay the Bill on the Table.

RESOLUTION RE. PROCLAMATION RELATING TO THE STATE OF KERALA

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JAI SUKHLAL HATHI): Madam Deputy Chairman, I beg to move the following Resolution :

"That this House approves the continuance in force of the Proclamation (G.S.R. No. 490) issued by the Vice-President of India, discharging the functions of the President, on the 24th March, 1965, under article 356 of the Constitution, in relation to the State of Kerala, for a further period of six months with effect from May 11, 1966."

Madam, I do not want to go into the details and recapitulate the circumstances under which the Proclamation was issued on 24th March, 1965 by the Vice-President, discharging the functions of the President. The House had approved this Resolution on 11th May, 1965. The term of this Proclamation expires on 10th May, 1966. The Second Proclamation was issued in November 1965. The grounds for which the Proclamation had to be continued in force are well known to the hon. Members of

this House and I do not think I should dwell at length on those grounds also. I know that the Members of this House would naturally be anxious to see that a popular and democratic Government is set up in Kerala as early as possible. I share the views of the Members. The Government would also like that such a responsible Government with elected representatives is installed in Kerala as early as possible.

SHRI LOKANATH MISRA (Orissa) : We have lost three Members in this House.

SHRI JAISUKHLAL HATHI: I know in howsoever benevolent and democratic manner the officers and the Governor may function, they do feel that there is not that responsible Government. I know that and I appreciate that. Whatever might be the best method under which the officials and the Governor under the direction of the Home Ministry function, that feeling is bound to be there and I share that feeling.

SHRI AKBAR ALI KHAN (Andhra Pradesh) : Shri Lokanath Misra was referring to three Members of the Rajya Sabha.

SHRI JAISUKHLAL HATHI : I am coming to that. In fact we have considered this matter in the Consultative Committee. We also sponsored the question with the Law Ministry and the Cabinet at a whole considered it. Unfortunately the Law Ministry and the Government felt that it would not be proper to make a change for a few months. After all when the next elections come, we will have that right. Therefore I do appreciate that the President's Rule cannot in any circumstances replace or substitute the form of a democratic responsible Government. It is therefore that the Government is also keen and the Government has examined all the circumstances whether the present Proclamation should be extended for a further period of six months or not. After considering all the relevant factors the Government have come to the conclusion that the present Proclamation has to be extended for a further period of six months

SHRI AKBAR ALI KHAN : This will end in November.

SHRI JAISUKHLAL HATHI: The circumstances which have led to this are that if elections are held immediately after the expiry of the present Proclamation, in May, in Government's View no political party has any clear chance of winning a majority. This may be a judgment which other parties may contend that it is not a right judgment, it is a wrong judgment.

SHRI BANKA BEHARY DAS (Orissa): Whose opinion is it ?

SHRI JAISUKHLAL HATHI: It is Government's opinion. We have consulted various other Members and parties and we know the position. From May to October it will be monsoon and elections cannot be held in monsoon. That is a practicable proposition. Then the next general elections will be in 1967. So within a span of few months to have two elections—general and parliamentary—will mean strain not only on the Government administration but also on the people and the representatives who want to contest the elections. That is also one of the considerations which have prevailed upon the Government. In November the position will have to be reviewed again. At that time the other considerations can also be borne in mind. But so far as May to October is concerned, it is also not even otherwise possible to hold the elections, and that is what the Members also have given expression to.

I am sure the Members would raise questions. I have already conceded that whatever may be the best efforts done by the Government, that would not replace a popular Government. That is true. But even then I think it will be my duty to point out to the House that during the period of a year, May 1965 to May 1966, the Consultative Committee held its meetings five times, once every two months or two and a half months. And it is not that this Consultative Committee has considered only the legislative measures. No other Consultative Committee which was formed as a result of the President's Rule, either in PEPSU or in Kerala earlier, had the scope which this Consultative Committee has. It is not only a Committee which looks into legislative matters but it discusses questions of importance to Kerala. It has discussed questions in regard to food, irrigation, railways, economic development

and various other subjects. The Committee had also the opportunity of having in this meeting the Food Minister himself to discuss the food question, the Railway Minister to consider the new railway line*, the Deputy Chairman of the Planning Commission to consider the Fourth Plan and the Minister of State for Planning. I am saying all this because when the State has no Legislative Assembly, naturally the Members representing Kerala here and other Members should at least feel that they have an opportunity of expressing their views. No doubt in Parliament they have the right to speak and they can expect to speak on these subjects. All the same in Parliament perhaps all Members from Kerala may not have a chance to speak, while here in a very quiet, calm and cordial atmosphere they were able to discuss a number of questions.

I may point out that one of the most important questions which had been baffling Government for the last sixteen years, all these years, was the problem of the eviction of encroachments on Government forests. A sub-committee had been appointed to look into this question. It was a sub-committee of this Consultative Committee and its report has been received and is under the consideration of Government and whatever decision this committee will take in consultation with the Consultative Committee will be the State policy for the future and we shall be able to solve this question which is really a very difficult question to handle. There seems to be some apprehension in the minds of Members from Kerala especially that pending the decision on this sub-committee's report, people will be evicted. I may assure the House that the *status quo* will be maintained and no person will be ejected pending the decision of this committee. If evictions are necessary for purposes of construction of projects or other things, that will be a different matter. But on the ground that they had encroached they will not be evicted. That will not be done.

This is only one of the many important points or questions that have been considered. I only thought it proper to bring to the notice of the House the functions of the Consultative Committee and the way in which they are handling the matters pertaining to Kerala. I may once again say

that cannot replace a State Legislature. Let it not be understood when we are hard-ening on the Consultative Committee, that we minimise the importance of having a Legislature in that State. But we have tried to discuss almost all the questions as much as they could be and I may also assure the House that we shall continue to take the same interest that we have been taking. Therefore, Madam, I recommend this Resolution for the approval of the House.

The question was proposed.

THE DEPUTY CHAIRMAN : Mr. Govindan Nair.

SHRI BANKA BEHARY DAS: Madam, before we start this debate, I would like to make a submission. Will the hon. Minister kindly tell us whether, as during the last time, they had referred the matter to the Governor of Kerala and got his report on the present situation there? If they had got such a report, I want it to be placed on the Table so that it may be helpful for our discussing this matter.

SHRI M. N. GOVINDAN NAIR (Kerala): Madam Deputy Chairman, the framers of our Constitution . . .

THE DEPUTY CHAIRMAN : Just a minute. I may inform hon. Members that one day has been allowed by the Chairman for this debate. Therefore we shall have to sit a little longer if there are enough speakers and finish this today.

An HON. MEMBER : That will not be possible.

SHRI MULKA GOVINDA REDDY (Mysore) : That may not be possible, Madam. This is a very important motion and there are so many speakers desiring to speak.

THE DEPUTY CHAIRMAN: I know how many speakers there are.

SHRI B. K. P. SINHA (Bihar): Madam, one day means a certain number of hours. It means five hours and so this debate will have to spill over to the next day.

THE DEPUTY CHAIRMAN : Anyway let us go on now.

SHRI M. N. GOVINDAN NAIR: Madam Deputy Chairman, if the framers of our Constitution had ever dreamt that this section or article of the Constitution would be so abused by the Government, they would have taken some steps to prevent it. Continuance of President's Rule goes against the very spirit of our Constitution. Now it has become a sort of ritual and the hon. Minister has given us the warning that we should be prepared for another Resolution after six months, of the same type. Anyway, it has been unfortunate that our State after independence had the longest period of President's Rule. And now it has reached a stage where our State is faced with a new crisis. Hitherto the problem was that we did not have a democratic Government and the hon. Minister was telling us that President's Rule cannot be a substitute for democratic Government. But today Kerala is faced with a situation where even the very Administration might cease to exist. Recently a commission was appointed by the Government for the revision of the pay scales of the Government employees. The recommendation of that commission instead of pacifying any section of the NGOs has been a very good instrument for uniting the entire body of NGOs in our State, and they have given notice to go on strike and the strike is to take place on the 24th of May if their legitimate demands are not conceded. The Government's attitude seems to be to somehow suppress the struggle if it takes place. But as far as the people in the State are concerned, we are convinced that this attitude of the Government will definitely lead to a crisis. There are some fifty or more NGO organisations and all these organisations are vehemently opposed to the present pay revision. They are equally united in the matter of strike and unless the Government intervenes and solves the problem in a proper way there is going to be a strike.

SHRI AKBAR ALI KHAN : And your party will support it.

SHRI M. N. GOVINDAN NAIR: All parties will support it.

AN HON. MEMBER : The Kerala Congress ?

SHRI M. N. GOVINDAN NAIR: The Kerala Congress is another organisation. The K.P.C.C. and all parties recently agreed and passed a resolution.

AN HON. MEMBER: What is K.P.C.C.?

SHRI M. N. GOVINDAN NAIR: The Kerala Pradesh Congress Committee.

SHRI ATAL BIHARI VAJP.YYEE (Uttar Pradesh) : The official Congress party.

SHRI M. N. GOVINDAN NAIR : Even they have joined all the other political parties, because as far as the demands of the NGOs are concerned, they are mainly with regard to the question of weightage, with regard to their dearness allowance and with regard to their house rents. Everybody in the State feels that the demands that these government employees have raised are very legitimate and this pay revision did not help the vast majority of the people who get not more than Rs. 2 as increment, while the high-ups, like the Secretaries, Joint Secretaries, etc. some of them have got increments of Rs. 200 and Rs. 300. Therefore even though the State is spending money that money has gone to a very small section, increasing their pay in a very substantial manner. So this is what has led to the present position. I want to impress upon this House the gravity of the situation that will arise in our State. The entire administration in Kerala may stop because except for the police everybody else has given notice of the strike and the strike is going to take place and all threats on the part of the Government will not help to avoid the strike. If such a situation arises, then what would be the fate of the people ? No collectorate will function, except the Police Department. Even in the Police Department I do not know whether the ministerial section will also strike; I am not sure of that. So the Governor, the two Advisers and the Police will be in complete control of the State. This is the position to which the President's Rule has driven the State.

SHRI LOKANATH MISRA : Now that you have forewarned them they will take the army and have it as a stand-by.

SHRI M. N. GOVINDAN NAIR : Now the schools and colleges are closed. The school teachers are also dissatisfied with

the pay revision. They have already started a token picketing and they are just waiting for the schools to re-open—they will re-open by the 1st June—for them to start the strike. So the teachers will also be on strike.

Coming to the question of college teachers, you should remember that we have a large number of colleges in our State. The number is something like 112 or so and the private colleges come to 106. They have also been demanding a pay revision. Recently the hon. Education Minister had come out with a suggestion that 80 per cent of the expenses needed by the States to increase the pay scales of the college teachers will be provided by the Centre. And here I have to draw the attention of the House to the efficiency with which our State is functioning. As far as the college teachers are concerned, earlier there was an agitation; when they were getting Rs. 125 or so, there was an agitation for an increase in their pay. In April 1958 the Government finally conceded their demand and agreed to give them an increment but it took them four years to do that. I was only in 1962 that the Government was able to implement the decision already taken in 1958. Again in 1964 there was another agitation for an increase in pay. They wanted this pay to be on a par with the recommendation of the University Grants Commission. So this matter was taken up and in 1964 it was recommended that the U.G.C. pay scales should be given to the teachers. An assurance was given in 1964 but it took them two years to concretise that assurance and by February 1966 orders were passed. Before it got implemented, this new proposal made by the hon. Education Minister has come. This will not create any problem for the State because the major share that would be needed for increasing the salary will be met by the Central Government. But if the pace with which this problem was dealt with on the previous occasions is going to be followed now also, these Professors will have to wait for at least another two or three years to get the benefit of this decision. If the Home Ministry takes note of this fact and intervenes in such a way that this recommendation is implemented immediately, at least they can keep these college Professors away from strike. I think Mr. Hathi will take note of this matter.

Then there is another anomaly. As I told you, there are 106 private colleges of which 46 colleges are called junior colleges. The qualifications needed to be in the service of the junior colleges are the same as for those in other colleges. These junior colleges are also affiliated to the University but unfortunately when it comes to the question of pay revision of these junior college teachers, they are exempted.

SHRI JAISUKHLAL HATHI: They are exempted ?

SHRI M. N. GOVINDAN NAIR : Yes, they are not included in this. They are excluded. This large number of junior colleges may be a peculiar feature in our State for whatever reason it is but I think the Government should see that the teachers of these colleges are also brought within the purview of this pay revision.

There is also another anomaly. In most of the States the Degree colleges and the Post-graduate course colleges are separate but in Kerala the pre-Degree, the Degree and the Post-graduate courses are there in one and the same college. And here the Heads of the Departments who are running the post-graduate studies are denied the benefit of the pay revision that has been suggested by the University Grants Commission. I hope the Government will look into these anomalies and if that is done they can keep at least these college professors away from the strike. My main point is that the Government should immediately intervene in this. Instead of thinking that by the use of might, by the use of force, they can disrupt the strike and teach those people a lesson, they should intervene and remove these anomalies. But if the Government persists in their own attitude they would be treading into very dangerous grounds. They have to take an entirely different attitude. I had some discussion with the Adviser on this question and he told me : "Even if we agree that the demands are legitimate, we have one difficulty and that difficulty is that we have no money." For this a few crores may be necessary and it is the responsibility of the Centre to provide the necessary money, because why should the D.A. which a Madras employee gets or a Mysore employee gets or the employee of any other State gets, be denied to the Government

employee in Kerala ? Why should you raise the question of lack of finance when it comes to Kerala ? So I think it is their responsibility not because it is now under the administration of the Centre but even otherwise it is the responsibility of the Centre to see that adequate funds are provided for this purpose in Kerala and thus a very ugly situation there is avoided.

3 P.M.

Now the hon. Minister was very eloquent about the functioning of the Consultative Committee and the good work that the Committee was doing and all that. Unfortunately the impression in our State is quite different. He spoke about a report which was unanimously submitted by a subcommittee of the Consultative Committee on the question of eviction from forest land. I think there should be some coordination here at the Centre. Some Ministries should know what is happening. The Home Ministry at least should know what is happening in some other Ministries here at the Centre. Recently a question was posed by one Member in the other House and in the answer it had been stated that the Government was going to evict the people from certain areas.

SHRI JAISUKHLAL HATHI: No. I explained that if some land was required for the construction of any project, then eviction was a different matter, but not because there is an encroachment. That distinction is there.

SHRI M. N. GOVINDAN NAIR : Now, anyway, I take your assurance on the floor of this House as valid. At least let this assurance given on the floor of this House be noted and be respected by your officials there.

SHRI LOKANATH MISRA : There is a lacuna in the explanation given by the hon. Minister. What would happen in case you require some patch of land for a project and you allow, on the other hand, the *status quo* to continue ? Do you pay any compensation to the person from whom you take the land ?

SHRI JAISUKHLAL HATHI: Now, I shall explain. Compensation would be paid to the owner of the property. Now, if it is admitted to be an encroachment, he

[Shri Jaisukhlal Hathi.]

is not an owner. So, the question of compensation would not come in, but any other benefit that would be given to people who are evicted, as a result of the decision, would certainly be given to those people.

SHRI M.N. GOVINDAN NAIR : The report that has been submitted by the sub-committee has dealt with this question of compensation, etc. That is why I am not going into that. Now, the small loophole has come to our notice. I will explain how that is going to be utilised by the administration to have their own way in the State. Now, the hon. Minister will remember that in the Consultative Committee an assurance was given that in cases where no serious damage to property or life had occurred . . .

SHRI JAISUKHLAL HATHI: Violence.

SHRI M. N. GOVINDAN NAIR: Violence. I just tried to explain it further. That is all. Other than serious violence, the- cases will be withdrawn and especially cases launched against students. Now, in Quilon, I want the Home Minister to give us the reason why the cases launched against the students there were not withdrawn. That is No. 1. No. 2, I want to know from the Home Minister whether the cases were launched after the institution of the public enquiry or before that. No. 3, I want to know from the Home Minister whether the number of accused went up after the institution of the enquiry.

SHRI JAISUKHLAL HATHI : Number of what?

SHRI M. N. GOVINDAN NAIR: The number of accused. So, in spite of the assurance given in the Consultative Committee, the State Government had seen to it that the cases against the students were not withdrawn even if serious acts of violence were not involved. This goes against the assurance that was given in the Consultative Committee.

Now, as far as the police excesses on students are concerned, three places became very prominent. One was Quilon and nearby was Kottiyom. That is one area. Then another was at Neyyattinkara and Balarampuram. The third was in Tripuni-

thura. At Kottiyom and Quilon the entire public were convinced that there was no provocation from the students. There was no serious violence on the part of the Students. The attack on the students was quite unwarranted and the entire public, the bar association, which includes lawyers from the Congress Party, the merchants' association and every organisation in that part of the State joined together in their demand for a public enquiry. On the 11th of February, the Government issued a Notification and every organisation in that part of public enquiry. I have a copy of the Notification with me. It says :—

"Whereas the Government are of opinion that it is necessary to appoint a Commission of Inquiry for the purpose of making an enquiry in a definite matter of public importance, now, therefore, in exercise of the powers conferred by section 3 of the Commission of Inquiries Act, 1952, the Government of Kerala hereby appoint a Commission of Inquiry consisting of Mr. George Thomas . . ."

So, a Commission was thus appointed and it was stipulated that the enquiry should be over and the report should be submitted within three months. For full two months the Commission slept over it. No action was taken. Again, there was an uproar from the people as to why the Commission was not functioning. Then, on the 12th of March the Commission has come forward with a statement whereby it has said that no public enquiry would be conducted. The enquiry will be conducted in camera. He has stipulated a few conditions. One is the enquiry will be conducted in camera and will not be open to any person other than the parties to the enquiry. Two, the parties to the enquiry should give a written assurance that none of the details of the day to day proceedings will be made available to the members of the public or newspapers and will be treated as strictly confidential. Three, every effort will be made to avoid examining and individual who is an accused in a criminal case, as a witness in this enquiry. Now, you should remember that most of the students who were victims of police assault were accused in police cases and they have been so charged. So, none of these students can go and give evidence before this Commission. Four, since there are no special circumstances warranting a

deviation from the rules, the parties will not be represented by counsel. So, no lawyer can be appointed. Five copies of evidence given or documents produced will not be granted to the parties or to the witnesses. Congress lawyers may take note of these things. Six, no portion of the proceedings or evidence should be published in the press. Seven, evidence will be taken only regarding the incidents in general and no permission will be given to let in evidence fixing criminal liability of any person who was present at the time of the incidents. Then, of course, there are certain other conditions.

SHRI LOKANATH MISRA : They have taken a number of them from the other side.

SHRI M. N. GOVINDAN NAIR: So, according to the conditions laid down by the Commission, this public enquiry has become a mockery. You can never say by any stretch of imagination that the enquiry which this gentleman wants to conduct is a public enquiry, and he has taken shelter under the plea that already a case is pending in the courts. According to the decision of the Consul to the Committee the cases should have been withdrawn much earlier. Now you see how the decisions of the Consultative Committee, how the assurances given to the public, are being undermined through the manipulations of the administrative body there. They defeat the public enquiry by saying that it is *sub judice*. Now if a situation arises in any part of the country where a public enquiry is necessary, it is quite natural that the police will be charging certain cases. There was no instance where such cases had not been charged. In our own experience in our State the same objection of *sub judice* was raised before a Commission. He happened to be a High Court Judge at that time and he ruled it out and conducted the public enquiry. I want to ask the hon. Minister this. In Jagdalpur you have instituted an enquiry. I want to know whether it is going to be an enquiry like this or a public enquiry. Today or yesterday I read in the papers that you are making a mockery of the Bengal enquiry under the same plea. So in the name of *sub judice* if you are going to take shelter under it, then why should you have this Public Enquiry Act in the Statute Book ?

Remove it.' Why should you dupe the people ? When there is public pressure, you come forward and say : "Well, there will be a public enquiry", and through the backdoor in the name of *sub judice* you sabotage it. That is what you are doing. Do not try to play with the sentiments of the people in this way. You speak about democracy.

THE DEPUTY CHAIRMAN: You have taken nearly half an hour.

SHRI M. N. GOVINDAN NAIR: Another five minutes I require, Madam, since I have certain other things also to bring to your notice. If the entire people in the State, if all the political parties in the State, if all the non-political organisations in the State, come forward with a certain demand and if the administration sits like a rook without budging an inch and behaves like this, how can such an attitude be justified in democracy? You know about the instance of the emergency, what you have done. All the retired Supreme Court Judges, and even the present Supreme Court Judges came out with statements against the emergency, but still you are not prepared to withdraw it.

I want to draw your attention to another matter. Everybody knows how you have dealt with the tribals in Bastar. In our State there are tribals, but they are small minority. In a place called Erumebeli there are a few tribals, not much but a few thousand families are there. About a property there was a dispute between Government on the one side and an important landlord on the other. The case was decided in favour of the landlord. If it is Government forest land, then these tribals are entitled to certain protection. If the land is the property of the land lord, then according to the tenancy rules the same tribals are entitled to protection. Here what is happening is that the police and the landlord are joining hands together in evicting these people. They take them to the police station, beat them¹ force them to leave the place. This is what is happening. Just a few minutes ago you said that there would be no evictions. If that is your attitude, why should your officers in connivance with the landlord evict some 350 tribals from a particular area called Erumebeli ? You please take note and find out why they

[Shri M. N. Govindan Nair.]

have done it. If it is rule of law, the tenancy law must work here. Instead of that, the police are using their strength and beating up the tribals and throwing them out of the property. That is something which the Government should take serious note of.

Now we have come to a position in our State where everybody in the State is fed up with the present rule. It is not only the opposition parties, it is not only the political parties, but everybody in the State is completely fed up with the present system of administration. It would have been only proper on the part of the Home Minister if he had come out with another suggestion, of an immediate election. If you are really earnest about the democratic set-up, if there is any meaning in your advocating democracy, then the first thing you should have done is to see that this President's rule is not extended like this. Now if I may ask you to open your heart, let me ask you one simple question. You are coming out with all kinds of arguments. Was not this decision taken in March 1965 that Kerala will have an election only in 1967? You are disciples of Gandhiji. Be honest to yourselves. It appeared in the papers that Mr. Nanda was decided, the great Nanda was decided, that Kerala will have election only in 1967; and then every time you come forward with your own argument. Now he has found an excuse. Last time it was the Governor's letter. That letter created so much of confusion. They kept it secret. Our hon. friend here I think expected another Governor's letter to be brought here. He was not even asked to write a letter because the rainy season came to the rescue of the Home Minister to come forward with a resolution for prolonging this administration. So this attitude should change. If you believe in democracy, it is not only enough that you take to certain democratic norms, you should uphold those democratic values. That you are not doing. That is the melody under which the whole State suffers.

SHRI M. RUTHNASWAMY (Madras):
Madam Deputy Chairman, taking part in a
debate on the extension of Presidential

rule in Kerala is like taking part in t
unediying sport of flogging a dead hors All
the arguments that the Minister use in order
to justify the extension of Pri sidential rule
have been brought forwat before and this
side of the House has dea with them. Last
time we were worried ovi rhe question of the
Governor dissolving tt Legislature without
bringing it even inl being. I think it is the
first time in tli history of legislatures that a
legislature hi been dissolved without coming
into beit at all, without being summoned,
withoi being formed at all. Now the
Legislatui has been dissolved and the
Minisur argument is that the general
elections ai so near and it is costly and
unnecessai to have an interim election. But
intern elections are provided for in the
Constiti tion. That is the only way of restorir
popular Government. Why does not tt
Central Government entertain the idea (
having elections at the present moment Is it
because the Congress President hs reported
after his recent tour that thei is no prospect
of the Congress having majority and coming
to power ? Is because the difference between
the Keral Congress and the official Congress
has n< been resolved ? Are these arguments
to t used in order to prolong the Presidenti:
rule, in ord:r to deprive the Kerala Stat of the
benefits of popular Government And this
Resolution of the Minister (have
Presidential rule is only trying to kee the
corpse continuing as corpse. It is lit the
Egyptian process of mummifying tt corpse.
If you go into an Egyptis Museum, you will
feel the over-powerii smell not only of death
but of the rent! ries with all that has
happened betwe* he death of the Pharaoh
and the preset moment. Presidential rule
only serves t mummify the corpse of
parliament*! Government in Kerala. We on
this sic of the House always felt that the fear
(the consequences of the Governor not e
plorinj all the possibilities of having mini
terial Government in Kerala, has been Ju
tified. And the most recent justificatk is that
this House has been deprived <
representatives from the Kerala State <
account of the dissolution of the Lerisl ture.
Tf the Legislature had been kept i being for
the past two years, the Govern* could hope
that favourable times migl occur when a
ministry might be possibl It may be hoping
against hope but still oi

can never give up hope, as long as the Legislature is in being. The result is that this House has been deprived of the representatives of Kerala State. Now all those administrative failures and deficiencies that have been pointed out by Shri Govindan Nair are thrown upon the shoulders of the Central Government. If there had been a ministerial Government in Kerala, all these administrative failures and deficiencies would have been the funeral of that ministerial Government. Now it is the funeral of the Home Ministry or the Central Government. In addition to all the burdens, the overwhelming burdens that have been thrown upon the Central Government in recent years from abroad and from within, in addition to all those burdens, now this heavy burden of being responsible for the Government of Kerala has been thrown upon them just because of the fact that the Legislature was been dissolved and the Governor made no serious attempt to get ministerial Government. It is no use saying that the Governor sat in his office and sent for the representatives of parties and found out that no ministerial Government was possible, that no coalition Government was possible. It is only when the members come into the Legislature, when they become members of the Legislature and come into political and parliamentary contact with one another that the Governor could come to my conclusion and say that a ministerial Government is impossible in the State. The Governor made no such attempt. Sitting simply in his drawing room or in his office room and getting reports from all quarters, from the representatives of the parties themselves, he came to the conclusion that a ministerial Government was impossible.

And so we are faced with this uncomfortable position that if Government is to be carried on in Kerala, it must be Presidential Government. All this is due to the fact that the Congress Party, believing that it could not come into power, prevented every other party, every other combination of parties, from coming into power. Even now, it is the fear that the Congress Party will not command a majority in the Kerala legislature that has prevented elections from being held. In this matter we cannot do anything but either remain neutral or support the Government in its Resolution for the extension of the Presidential rule.

We must have some kind of Government. The Government of Kerala must be carried on and if the Presidential system is the only one possible, then we have to tolerate it. But at the same time we must remind the Government that they have not taken all the honest steps that were necessary in order to make ministerial Government, parliamentary democracy, possible in Kerala.

SHRI B. K. P. SINHA: Madam, it has been argued by Members of the Opposition that this continuance of the President's rule in Kerala is a negation of democracy and in a sense, a violation of the Constitution, an abuse of the Constitutional power. But our Constitution-framers in their wisdom, while they provided for a democratic set-up, also foresaw that in the situation obtaining in this country it may be necessary, on occasions, that the President, which means the Union Government, should take over the powers of a State Legislature. After the last elections in Kerala no party had a majority. The Opposition parties were united negatively in their hatred of the Congress; they were not positively united even for running their state together, because it was not possible for them to evolve a common programme and they could not evolve a common programme. In that situation, no Government could be possible, much less a stable Government, and therefore, it was necessary for the Centre, for the President, to take over the administration of that benighted State and the President took over.

This matter has been debated, the propriety of that takeover has been debated not once but several times in this House and each time the House, by a majority, has decided that the Presidential Proclamation was a necessity. In the circumstances it is futile to exhume that corpse. It is no use harping on past things. The issue with which we are faced here is whether President's rule should be continued for another six months or not. Some of my friends from Kerala who belong to some of the Opposition Parties may today, for public consumption, bring forth the plea that President's rule should not have been continued. But let me divulge a secret here. I have been a member of the Kerala Consultative Committee, a Committee which, I must say, has been functioning effectively almost as a legislature

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of the State of Kerala. While numerous issues have been raised during the course of a year and a half in that Consultative Committee, while numerous suggestions have been made to bring forth certain items for discussion, the issue of abrogation of President's rule in Kerala has not even once been raised before the Consultative Committee. No suggestion was ever made that such an issue should be discussed before the Consultative Committee, and rightly so, because the hon'ble Members from Kerala, whatever their views expressed in this House, they have all felt at heart and they have all expressed the opinion in private that in the situation obtaining in Kerala there was no alternative except to extend Presidential Rule for another six months.

Madam, the hon. Members of the Opposition have said that the rainy season has come to the rescue of the Government. It is not so, because as I have already said, all the parties realise and all the parties are united in their opinion that now that the general elections are only eight months or six months away, it would be in the fitness of things that the elections in Kerala should coincide with the general election, and it is in pursuance of that feeling that the Government have not thought it fit to waive aside the Presidential Proclamation.

And what is the situation that obtains today ? The situation is that for holding an election there must be a proclamation, a proclamation which should precede elections by 45 days. And in less than two weeks we would have the rainy season in Kerala. The rains in Kerala are not the rains in Rajasthan or Uttar Pradesh or Punjab. It is a torrential rain. It has been the practice not only in Kerala but all the other States not to hold elections during the rainy season. Even by-elections are not held during the rainy season in any State in this country. And when would the rainy season be over ? The rainy season would be over in October-November. Then what point would there be in holding general elections to the State Legislature in November or December and not extending it two months further and hold the elections in February along with the other States ? In any case the elections to Parliament have to be held

in February 1967. Therefore, there does not seem to be any point in the grievances put forth by the hon'ble Members.

The hon'ble Member from Kerala who spoke first came out with a long list of grievances, namely, the civil servants were unpaid, the teachers were unpaid, so on and so forth. But these grievances do not arise because the President's Rule is there. These grievances are common to all the States of India. Of late we have seen that in each State the teachers and the civil servants have come forth with these demands. Rather when Kerala is under the President's Rule, the hon'ble Members find themselves in a stronger position because while the hon'ble Member made a grievance of these things, he also urged that since Kerala was under the President's Rule the Centre should come to the aid of Kerala with adequate finance and see that the demands of these civil servants or teachers are met.

The Consultative Committee has been functioning, as I have already said, as a legislature, an effective legislature. In the past, many a State has passed through Presidential rule. In P.E.P.S.U.—if I mistake not—Orissa and in other States Committees of Parliament had been formed in the past to operate as the Legislative Consultative Committee for that particular State. But the Committees functioned in an extremely restricted manner. A new attitude has been adopted by the Government of India under the guidance of the Home Minister. The Kerala Consultative Committee has been almost functioning as a miniature State Legislature for Kerala. There are many positive things to the credit of this Consultative Committee. The hon'ble Minister has already mentioned the case of encroachment of forest lands. For more than 15 years this problem has been before the Kerala people. Legislatures after legislatures have come . . .

SHRI LOKANATH MISRA : How do you know that ?

SHRI B. K. P. SINHA : I am a member of that Committee.

SHRI LOKANATH MISRA : That explains everything.

SHRI B. K. P. SINHA : So, legislatures after legislatures have come and gone including a Legislature in which the Communist Party had an absolute majority. But all these Legislatures under these Governments found it impossible to solve the problem of encroachment. It must go to the credit of this Consultative Committee that in the short span at its disposal it has been able to produce a satisfactory report which is going to be implemented substantially by the Government.

Madam, the hon'ble Member referred to the attitude taken by the Consultative Committee on the cases that have arisen out of the last disturbances in Kerala, disturbances led, engineered and manipulated by certain Opposition parties. The Consultative Committee applied its mind to this problem and it goes to their credit that because of the attitude they adopted more than three-fourths of the cases that arose out of these disturbances had been withdrawn and only a few cases are pending before the courts, and those few cases arose out of the extremely violent type of incidents, burning of buses, burning of public properties, uprooting of railway tracks and so on and so forth. They are not minor disturbances. And let me inform this House that because of the attitude of the Consultative Committee, the Minister has been in communication with the Government of Kerala and impressed upon them that they should go into the cases minutely and see if some more cases could be withdrawn.

SHRI P. K. KUMARAN (Andhra Pradesh) : Why not all ?

SHRI B. K. P. SINHA : Yes, why not all ? This is a very pertinent question. The Consultative Committee went into this question very minutely and it was agreed even by Members of the Communist Party—let me inform my hon'ble friend—that the cases involving violence of a serious type should not be withdrawn. They agreed to this proposal. It is no use making a grievance of it in the House. The proceedings of the House appear in the newspapers while the proceedings of the Consultative Committee do not find a place in the newspapers. They agreed to certain things in the Consultative Committee expressly and sometimes by implication.

But when they come to Parliament they make a grievance of it before the people. It was argued that the enquiries instituted in Kerala would be *in camera* enquiries. But that was the only proper thing to do in the circumstances of the case. What was the situation ? When the disturbances broke out a number of cases were instituted in the courts. Some time thereafter, the Government in response to public demand, in response to the dictates of reason, decided that a judicial enquiry should be instituted, and a judicial enquiry was instituted to go into certain cases. Now, you cannot have two public enquiries going on at the same time, one set of enquiry in the court and another set of enquiry, a public enquiry by a quasi-judicial body, by an enquiry commission or something of that nature. If these two have to go together—in the nature of things one has to be conducted in private for if the proceedings of one body are available to the other or if the newspapers report simultaneously the proceedings in relation to some incidents—a lot of confusion is bound to be created. My hon'ble friend has made a grievance that the students who are accused just within a couple of months before the *in camera* enquiry.

I do not see what grievance could be on that score. The Constitution lays down that nobody shall be compelled or nobody shall be allowed to give evidence before a body which is of a self-incriminating nature. If these students appear before the Enquiry Commission, they would be subjected to serious cross-examination, if not by the counsel, at least by the officers or the judge who is conducting that enquiry and there is every possibility that in their immaturity they might make statements which may incriminate them in the cases which are pending before the courts. In this situation if it has been laid down that they shall not appear as witnesses, this has been done in the interest of the students, but then what has been done in the interest of the students, now it is said, is going really against their interests. I fail to see any reasoning in this sort of arguments.

Madam, President's rule was imposed because there was no possibility of a Government, much less of a stable Government, in Kerala, President's rule, during the short period it has operated, has done

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a lot of good to Kerala. Now because of the particular situation to which I have referred earlier and to which the Minister has made a reference in detail there is no point in holding elections at this stage, especially when in 1967 you must have parliamentary elections, whether the State Assembly elections take place earlier or not. Therefore I feel that there is every reason in favour of continuance of the Presidential Proclamation and I hope the House will endorse this as it has endorsed earlier.

SHRI LOKANATH MISRA . In view of your experience would you suggest that instead of all the Legislatures there should be only Consultative Committees functioning everywhere ?

SHRI B. K. P. SINHA : I have not said that but then I am sure if my hon. friend's Party comes to power in Orissa, they will mismanage the affairs and then there will be every justification for imposing President's rule.

SHRI D. THENGARI (Uttar Pradesh) : Madam, much has been spoken about the efficacy and utility of the Consultative Committee. This tempts me to suggest that if this be the better method, probably we should use it in the case of the Central Parliament and Central Ministries so that both should be dispensed with and replaced by the Central Consultative Committee. *(Interruption.)* Madam, I oppose this Resolution because the move contemplated under it is a negation of democracy and gross abuse of the powers granted by the Constitution. The period specified is six months but are we going to hold elections just within a couple of months before the general elections ? So, it is but natural that the period will be extended up to the general elections and this would lead anyone to suspect that probably this extension of the period was already decided upon. Rainy season has also been under discussion. I may remind our hon. friend that in Kerala also where rains are torrential even some of the battles in historical times were fought during the rainy season, in spite of rains. I am referring to the history of Pazhshi Raja. It has been accepted by the hon. Minister that even a good Government would not be a proper substitute for a democratic, popular and res-

possible Government. But unfortunately I must say that this President's rule has not done justice to the people of Kerala and they are dissatisfied on every score. I will try to mention just some of the problems of the people of Kerala in regard to which the Centre has not been able to satisfy them.

The first problem is in regard to language. Every State has been jealous in safeguarding the interests of its language. Only a couple of days back Maharashtra declared Marathi as its State language. But even now Malayalam has not been recognised or declared as the official language of Kerala. Madam, in 1958 a Committee was appointed under the chairmanship of Shri Komattil Achyuta Menon to recommend measures to be adopted for making Malayalam the official language. The Committee made various recommendations with a view to making Malayalam the official language by 1965. The Committee proposed a 7-year scheme but the scheme has been cold-stored. I think just five months back or so an officer had been appointed on State level for this purpose but dtala-tory tactics as usual are being resorted to. Even procurement notices given to illiterate agriculturists are in English. Even in the smallest courts the proceedings are still being conducted in English. The Centre has failed miserably in according Malayalam the status it deserves.

The Centre has further failed to improve the state of affairs in the private management of schools in Kerala. They receive money for admission of students, as well as for appointment of teachers. Private schools have become a regular business and the Centre is quite aware of it. A suggestion has been made that there should be established an independent or autonomous State-level Corporation for the management of schools but in this direction the Centre has not made any move.

In the areas of the former States of Travancore and Cochin there are no private forests, but in the former British Malabar there are vast areas under private control. Now some of these forests are being owned by Dewaswams. There has been unauthorised encroachment on the private forest areas in north Kerala, particularly Tellicherry-Cannanore area, through

the active connivance and conspiracy of the Dewaswam Managers. The Centre has not been able to put an end to this malpractice.

It is the duty of the Government to give proper attention to the poor fishermen. Today they are like labourers under the owners of the fishing boats. Lion's share of the profits goes to these owners and those who go to the sea get very little. They are only the wage-slaves. The Government ought to have brought forth a Bill enabling the fishermen to become owners of their boats. Further appropriate credit facilities should have been granted to them to tide over the off-season period. I must say that the fishermen of Kerala are not happy at the formation of the Fisheries' Corporation since they feel that the Corporation would be a poor substitute for their own cooperatives. They further suspect that at least one of the motives behind the formation of the Corporation is the continuance of employment to one of the retired officials, which is not a good practice. The ice-plants for freezing fish which are today only at two places should have been installed on the entire coastal area. For fast transport of fish from the coastal areas to the interior appropriate arrangements have not yet been made.

The people of Kerala have demanded introduction of some railway lines, for example, broad gauge from Cochin to the further South, extension of railway line from Trivandrum to Kanyakumari, Trichur to Guruvayur, Kollengode to Trichur and Mangalore-Calicut-Bangalore direct line. It has been stated by the hon. Minister that the various Ministries concerned take some coordinated action. Probably as usual this has escaped their attention.

The Government has not increased the amount earmarked for minor irrigation and wells which the people of Kerala demanded. They have also not given adequate loan-facilities for installing pumps and for consumption of electricity by the agriculturists.

The absence of a thermal station is Kerala's big problem. A thermal station should have been already installed, preferably in central Kerala. After the year 1962 there have been recurring power-cuts

in Kerala, and this year the power-cut had started as early as in January. The power-cut this year is affecting not only industrial concerns but also domestic consumption. In the first place there is a less number of industries in Kerala. On the top of that whatever industries are there, they are also suffering from frequent power-cuts. But the Centre has totally ignored this problem. The small-scale industries in Kerala suffer not only from power-cuts but also from the non-availability of raw materials, particularly iron. What has the Centre done all these months, I would like to know, to help the small-scale industrialists?

The Centre has not yet fully implemented the Kerala Land Reforms Act, *i.e.*, Act I of 1964. Particularly the provisions relating to ceilings have not been implemented. As a matter of fact, even these provisions are not fully satisfactory, because there are certain loopholes. For example, the lands in Kuttanad area are exempted from the operation of these provisions. More than 80 per cent of the tenants are tenants under 'small holders' *i.e.* holders having less than eight acres of double-crop lands. These tenants are denied the right to purchase the landowner's right or title.

Provisions regarding fixation of 'fair rent' are not equitable. For example, in some cases the fair rent exceeds the contract rate, especially in the case of tenants under small holders.

Again, Sir, today the Government procures paddy from a cultivator at a lower rate, while he has to pay to the landlord a higher price for the similar quantity. This disparity has been persisting under the Central rule. This procurement of paddy from the cultivators is at a low price and it does not leave sufficient margin for cultivation expenses and for domestic consumption.

The problem of the NGOs. has already been referred to. Their demands for weightage, dearness allowance and house-rent allowances are perfectly justified and they would be supported in any of their struggles by all the Central labour organisations of the land.

[Shri D. Thengari.]

The Centre has also failed to provide adequate funds so that the pay-scales of college teachers could be brought on a par with the recommendation of the University Grants Commission.

In view of all these facts—and I have mentioned only a few as illustrations and not given an exhaustive list—I must say that the Centre has failed to do justice to Kerala. Even the hon. Minister accepted that even good Government was no substitute for a democratic, responsible, popular Government. This Central Rule cannot be even described as good government. Therefore, on both these scores, firstly because this is a negation of democracy and secondly since the Central Rule has failed to do justice to Kerala, on both these scores, I oppose this Resolution.

SHRI JAISUKHLAL HATHI: I have not admitted that.

SHRI BANKA BEHARY DAS : Madam Deputy Chairman, in the beginning of this debate I wanted to know from the hon. Minister what was the basis of the conclusion that the Government in the State of Kerala could not be run in accordance with the Constitution of the land. It seems from his speech that it was a subjective conclusion. It was not based on objective facts. Madam Deputy Chairman, during the President's rule, the Governor acts as the agent of the President and whatever information about the State, whether political or social, has to be received, has got to be obtained through the Governor. The Governor happens to be the eyes and ears of the President. You know, Madam, that last time when the Government came here for the extension of the Proclamation they brought with them the Report of the Governor of Kerala. The Governor did not give his report *suo motu*. The Government of India wrote to the Governor asking whether a democratic government as such could be established there, whether new elections could be held or whether they could invoke the old assembly. And the Governor, not subjectively but after discussing the matter with the different party leaders in Kerala gave his report. Whether it was right or wrong he gave that report, after discussions with the different party leaders. After his discussions with

then he came to the conclusion that a stable ministry could not be formed. I expect and I still feel that the Union Government must have written to the Governor of Kerala to know the exact situation that obtains there now. If they have got that report, then it would have been in the fitness of things that they should have produced that report before coming to us with arguments in favour of extension of the Proclamation.

You know, Madam, that according to our Constitution, under article 356.

"If the President, on receipt of a report from the Governor of the State or otherwise, *h* satisfied that a situation has arisen in which the government of the State cannot be carried on in accordance with the provisions of this Constitution, the President may by Proclamation—

(a) assume to himself all or any of the functions of the Government of the State and all or any of the powers vested in or exercisable by the Governor or any body or authority in the State other than the Legislature of the State;".

So it is natural for the hon. Minister to take advantage of this article and say that when they first introduced President's rule they had completely taken into consideration the report of the Governor and that when the question of extension of the Proclamation comes, there is no necessity for any report and their own satisfaction is enough. But, Madam Deputy Chairman, I want to tell you and through you the hon. Minister concerned that every time the Government of India has written to the Governor about the situation there and after getting his report and after satisfying themselves on the basis of that report they have taken some definite course of action. Perhaps last time the Government landed themselves in difficulties because of that report and so this time they have not come out with that report and they are trying to suppress it from us. Madam, I may inform you also that in this matter of President's rule, the Government has been following double standards. Here they have come out with their arguments because one party could not obtain a majority in Kerala. After the elections the Congress Party

could not get a majority and so they have resorted to this President's rule. I may remind the hon. Minister of the elections that we had in Orissa in 1957. Then I was in the Orissa Assembly and you know, Madam that in that election the Congress party emerged as a minority party in Orissa. Out of 140 seats they secured hardly 57 seats. Still the Governor allowed the Congress Party to form a Government in Orissa. The Chief Minister then was allowed two or three months' time to face the Assembly so that within these two or three months the Chief Minister could manoeuvre and resort to horse-trading and all types of nefarious activities which are not allowed in any democratic rule, and then formed a Government. I remember very well that when we met in the Assembly in Orissa, every time there was a division there was so much of behind-the-scene activities, so that the Ministry could stay on, so that the Ministry could have some breathing time, though they had no majority. So this is not a new thing, I say. They have advanced some arguments, but I can rebut them by telling them that in my own State a minority party ruled, it was allowed to form a Government and to function and face the Orissa Assembly.

Madam, I am presenting these facts to you to show that those who are now ruling this country, do things to suit their own selfish interests. My friend from Kerala has said that just because the Congress Party could not have a majority in that State they were resorting to President's rule there. In this connection I want to tell the House one or two other things. You know that under the Emergency the Governor has got several powers and the President has got several powers too. Perhaps this is the third time that they wanted extension of the President's Rule in Kerala. But I know they are going to come up again for the fourth time. Though they are not divulging it, everybody knows about this because Mr. Nanda said—and it has been reported in the press—that Kerala would have general elections along with the general elections throughout the country. So in the month of November they will be again coming to us for an extension of President's rule. I would rather suggest to them that instead of inflicting such a torture upon this House and the other House the Government can take advantage L4SRS/66 -5

of the emergency power. Madam, as you know, they have powers under article 172 to which I want to refer here. It reads :

"Every Legislative Assembly of every State, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer and the expiration of the said period of five years shall operate as a dissolution of the Assembly :

"Provided that the said period may, while a Proclamation of Emergency is in operation, be extended by Parliament by law for a period not exceeding one year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate."

So I would rather suggest instead of coming every time to us and asking for this extension they can take advantage of this article. Why don't they do it when they have imposed this emergency on the country and are not prepared to lift it ? In Kerala a peculiar situation is developing. I do not want to go into the facts of which I am not so much aware as Mr. Govindan Nair who has now spoken. Everybody knows that whatever might be the arguments of Mr. Sinha, the Consultative Committee can never be a substitute for a good Government. The people of Kerala want a Government. Whether it is good or bad, it is they who have to decide; it is for them to say which type of Government they would have. After the last time, about two or three months back, the hon. Minister said that this Consultative Committee was functioning nicely; last time when he came forward with a proposal for extension there was a great movement in Kerala and that movement was for food. The people of Kerala are not happy with the present situation and everybody is aware of it.

Lastly, I want to suggest one or two things to my friends. India is peculiarly situated. Kerala has been a laboratory for democracy in India and also for the Congress party. Within the framework of a federal constitution, governmental power is distributed between the Centre and the various States. Everywhere there are legislatures and more than two parties are functioning. As in

[Shri Banka Behary Das]

Kerala a lime is coming when no party will have an absolute majority in some of the States. This may be a permanent feature unless there is a revolutionary change in the political mind of India. So every sincere student of politics who is interested in furthering the cause of democratic institutions here will have to solve the problem of Keraki in the best way possible so that the people of Kerala are not denied democratic rule. But in that process the Congress party and the Government of India have been a great hindrance. The Congress party in its own interest has always tried to see that the laboratory experiment produced a child to its own liking. In the process it has tried to make Kerala a graveyard of democracy. Either the State should be run by them or it should go the way of President's rule. It is against this background we have to discuss this motion.

As we all know, after the elections in Kerala the newly elected legislature was not allowed to meet nor were the political parties given full freedom to work for a coalition, it will have been in the fitness of things if one or the other party which had agreed to form a Government had been allowed to form a Ministry and face the Assembly. Only in that case the country could have been satisfied whether a Government can function or not. After exhausting all these avenues if it had been found that the Government of the State could not have been carried on in accordance with the Constitution of the land, then only the question of President's rule would have been inevitable. Instead of following this democratic path, the Governor of Kerala went in for a different path which is far from democratic. By remaining for a longer period in power and authority, especially after being saddled with wide-ranging powers under the Defence of India Rules the Government has converted itself into a 'constitutional autocracy' in the language of Mr. Setalvad, the former Attorney-General of India. Against this background if you judge the political happenings in Kerala the only course that was open for the Government of India was to revoke the Proclamation and permit the legislature to function and allow a coalition Government to function if possible. If any party is prepared to face the Assembly by

forming a Government, it should be allowed to do so. Only if all these opportunities are exhausted, the Government of India or the Governor could have been satisfied that no party had been able to get a majority in the Assembly and then only the President's rule could come into being. In the case of extension also I would similarly suggest that whenever the extension question comes up the Governor should discuss the matter with the party leaders and try to see if any party is prepared to face the Assembly. In this connection I may remind you, Madam, about the Constitution of France. In France the President does not want to satisfy himself whether a particular party is prepared to form a Government or not. Everybody is called in and every party is allowed to see whether with a coalition or without a coalition it can face the Parliament of that country. There only the Parliament decides whether a party is able to form a Government or not. If no party feels that it could face the Parliament, then only other alternatives are discussed. In India we have so many legislatures. In the Centre there might be one party continuing in a majority for a longer period but the political picture of India is such that in most of the States there is not going to be single-party rule and the only course open to the Governor or the Government of India is to accept the principle that they should allow different political parties either with coalition or without coalition to face the respective legislatures so that ultimately it can be proved whether any party can have a majority of some sort and run the Government. That is the only method by which the Governor can be proved whether he is impartial or not. In India, Madam, you know, the Governors are not impartial persons whatever the Constitution may say. The Governors have behaved in a way which has not enhanced the dignity of Governors anywhere. In this connection I do not want to say more about the Governor of Kerala. You know, Madam, when the Kerala Governorship was vacant and when Mr. Jain was appointed Governor of Kerala, what undertaking was given. Last time in the debate it has been clearly made out that he had said that only, if there was President's rule and only if he was given full right to rule that State, he would accept the Governorship leaving politics for a temporary period. And subsequently you know how, during the Prime Minister's

election, in spite of the fact that He was continuing as Governor he meddled in the whole affair and how the entire nation was ashamed of the actions of the constitutional head of that State. I want to say that in India the condition is such that the Governors have not been above suspicion. In such a situation if you want to see that a really democratic rule is established, that a good Government is established, that political parties are allowed to function in a democratic manner under the Constitution, then the only course open for us is not to give that much of discretion to the Governor. The Governor must not have any discretion. After the election the Governor only calls the majority party leader to become the Chief Minister and the Chief Minister forms the Cabinet. So the Governor in India should not be endowed with any other discretionary powers. The Constitution has not given any such powers to them. Under such circumstances only the legislature should be the sole judge whether any party can form a Government or not.

In the end, while opposing this motion for the extension of the Proclamation, I would urge upon you that if you want that the people of Kerala should have the feeling that they are getting full democratic rights, then the Government of India should not give the Governor any discretion. If one party is not able to form a Government, then the other party should be allowed the freedom to face the Assembly and in this way all the parties should be allowed their right to see if they can form a Government. After that only the President's rule would become inevitable. In this connection, the other argument has been advanced that the rainy season has come. It is a fantastic argument. As you know, last time, when the motion for the continuance of the Proclamation was there, the question of emergency was raised. Now, the emergency is there *on paper*. They have not raised the question of emergency. Whenever any proposal for extension comes some plea can be easily advanced. Now, they are not speaking about the Report of the Governor. They are no more saying whether the Governor has discussed the matter with the different political parties or not. They are now only blaming the climate, as they are blaming the climate or the tain god for

the famine in different States in this land. So, I want to urge upon you that, if you want to run a democratic Government in this country, if you want to avoid the suppression of constitutional rights that have been given to us, the only option is that the Legislature should be given full freedom as to whether they should have a Ministry or not. On that basis the Governor's Report should come and the Union Government should act.

In the end, I oppose this Proclamation and I again suggest that, if this motion is defeated, then there are two courses open to the Government. One, the Assembly can be revived. The political parties in the Assembly may be allowed to choose their own Government. If they fail, then the President's rule can be imposed. The next course is to go in for general elections. In this connection, I may tell you that in Orissa in 1961, in February or March, when the coalition Government failed—because of the betrayal of the Congress Party—when the Congress and the Gantantra coalition failed, and in spite of the fact that political parties in Orissa were opposed to holding elections during the rains, the Government of India forced an election just six or eight months before the general elections in the latter part of June. So, this argument does not hold good. In the case of Orissa, where there is no communication, where there are difficulties of communication, there also the Election Commission and the Government of India had the elections in the month of June. So, all this is an eye-wash. All these are please, because they want to run a Government of their own, if possible, after the general elections.

With these words, I oppose this motion.

श्री राजनारायण (उत्तर प्रदेश) : उप-समापति महोदय, मैं इस संकल्प का ख़ोर विरोध करता हूँ । हमारे विरोध करने के अनेक कारण हैं । पहला कारण तो यह है कि यह संकल्प स्वतः जनतंत्र और संविधान की हत्या करता है । दूसरा कारण यह है कि यह संकल्प केरल में कांग्रेस सरकार को नंगा नाथ करने का मौका देता है । तीसरा कारण यह है कि दुनिया में जहाँ-जहाँ भी जनतंत्र है हर

[श्री राजनारायण]

मुल्क के इतिहास को देखा जाय तो प्रत्येक मन्थ्य मान्यताओं की तिलांजलि देता है ।

इस सम्बन्ध में बहुत कहा गया है, हमारे मित्र माननीय सिन्हा जी चले गये वर्ना में आपके द्वारा उनसे पूछना चाहता था कि जनतंत्र के माने क्या हैं । क्या कांग्रेस सरकार ने जनतंत्र की परिभाषा कुछ बदल दी है जिसमें कि जनता के द्वारा, जनता के लिये, जनता की, सरकार नहीं चुनी जायेगी । अगर जनता के लिये, जनता के द्वारा, जनता की सरकार होगी तो क्या इस संकल्प के द्वारा केरल में ऐसी स्थिति पैदा हो रही है ।

संविधान देखा जाय । सिन्हा जी ने संविधान की बड़ी दुहाई दी मगर मैं उनसे जानना चाहता हूँ कि वह संविधान के किसी अनुच्छेद को लेकर के हमें यह बता दें कि क्या केरल में संविधान की हत्या की गई है या नहीं की गई है ? अनुच्छेद 168 पढ़ा जाये । "प्रत्येक राज्य के लिये एक विधान-मंडल होगा, जो राज्य पाल तथा जहां दो हैं दो से तथा अन्य राज्यों में एक सदन से मिल कर बनेगा" यानी राज्यों के विधान-मंडल का गठन कब होगा, तब जब कि वहां एक राज्यपाल होगा और यदि दो सदन हैं तो दो वर्ना एक सदन है तो एक से वहां लेजिस्लेटिव असेम्बली का गठन होगा, दोनों को मिलाकर विधान-मंडल का गठन होगा । यह कांस्टीट्यूशन में प्रोविजन है । मुझे इस समय हैरत है और आश्चर्य है कि सर्वपल्लि राधाकृष्णन् जी के प्रेसिडेंट पद पर, राष्ट्रपति पद पर, रहते हुए भी इस तरह का अनर्थ क्यों हो रहा है, कांस्टीट्यूशन के साथ बलात्कार क्यों किया जा रहा है ? यह प्रश्न अनुत्तर है अब तक । हमारे मित्र सिन्हा जी चले गये । मैं जानना चाहूंगा, जो भी कांग्रेस बेंच से, ट्रेजरी बेंच से बोलें जरा इसका जवाब दें कि यह संविधान की हत्या की जा रही है या नहीं की जा रही है ? निश्चित रूप से यह संविधान की हत्या हो रही है ।

अब जरा देखा जाये । कुछ प्राचीन यानी जब कि इस ढंग की संसदीय प्रथा नहीं थी तब से जब मैं रोशनी लेता हूँ तो कुछ पुराने ग्रन्थों का अवलोकन करता हूँ, पुराने ग्रन्थों का अवलोकन यानी जो हमारे ऋषियों और मुनियों ने कहा है उसको देखता हूँ तो थोड़ा सा हमारा समाधान हो जाता है । एक सुन्दर भाषण दे देना, शब्दावली का जाल रच देना, यदि वह वस्तुस्थिति का दिग्दर्शन नहीं करता तो वह उचित नहीं है । हमारे यहां एक मुनि ने कहा है, मैं चाहूंगा कि हमारे जयसुखलाल जी इस ग्लोक को हृदयंगम करें और जब उत्तर देने लगें तो इसका भी उत्तर दें ।

"काव्यम् करोतु परि जल्पतु संस्कृतं वा,
सर्वाः कलाः समधिगच्छतु वाच्यमानां,
लोक स्थिति यदि न वेत्ति यथानुरूपां,
सर्वस्य मूर्खनिकरस्य स चक्रवर्ती ॥"

कहा गया है कि चाहे कोई संस्कृत में ही बोले, काव्य की रचना ही करे, सुन्दर शब्दावलियों को रच कर रखे मगर यदि लोक की स्थिति का सच्चा चित्रण नहीं करता है तो वह मूर्खों का राजा है । मैं नहीं चाहता हूँ कि हमारे जयसुखलाल जी या कांग्रेस की सरकार के लोग आज मूर्खों के राजा बनें । मैं चाहता हूँ कि मूर्खों का राजा न बनें । आज केरल में क्या है । केरल में हड़ताल होती है, चावल नहीं मिलता है, गल्ला नहीं है, विद्यार्थियों के लिये समुचित व्यवस्था नहीं है, उद्योगधंधों का विकास नहीं है, यह सारी स्थिति केरल में है और कहते हैं कि प्रेसिडेंट का रूल है, तो प्रेसिडेंट रूल के क्या माने हैं । प्रेसिडेंट का रूल अगर कोई खराब चीज है तो उसको तोड़ कर फेंक दें, अगर अच्छी चीज है तो उसके बारे में सोच विचार करें । तो किस माने में क्या स्थिति है कि आज भी छः महीने के लिये प्रेसिडेंट का रूल केरल में बढ़ाया जाये ।

आज जिस नियम के मातहत, जिस अनुच्छेद के मातहत, यह सरकार इसे बढ़ा रही है उस अनुच्छेद को भी पढ़ा जाये ।

“यदि किसी राज्य के राज्यपाल या राजप्रमुख से प्रतिवेदन मिलने पर या अन्यथा राष्ट्रपति का समाधान हो जाय कि ऐसी स्थिति पैदा हो गई है जिसमें कि उस राज्य का शासन इस संविधान के उपबन्धों के अनुसार नहीं चलाया जा सकता तो राष्ट्रपति उद्घोषणा द्वारा वहां पर अपना शासन लागू करेगा।” मैं जानना चाहता हूँ कि केरल की वर्तमान स्थिति के सम्बन्ध में वहां के राज्यपाल ने क्या लिखा। इसके बारे में सरकार की ओर से कोई सफाई नहीं आई। यह सही है कि संविधान की जो आत्मा है उसके अनुसार जब तक वहां के राज्यपाल के द्वारा राष्ट्रपति के पास इस अवधि को बढ़ाने की मांग न की जाये तब तक अवधि को सरकार की स्वेच्छा से बढ़ा दिया जाना संविधान के साथ बलात्कार है, संविधान की हत्या है।

अब मैं चाहूंगा कि हमारे मित्र हाथी जी जरा प्राचीन जो राजनीतिक शास्त्र के वेत्ता हैं उनकी वाणी को भी देखें...

आज केरल में जो दरिद्रता है या हमारे देश में जो दरिद्रता है, वह सब सिद्ध करती है कि आज हमारे देश में सरकार बुद्धि के साथ नहीं चल रही है। कंप्युसस ने कहा है :

"If a State is governed by the principles of reason, poverty and misery are subjects of shame. If a State is not governed by principles of reason, riches and honour are the subjects of shame."

कंप्युसस कहता है कि जब राज्य सद्बुद्धि द्वारा शासित नहीं होती है तो वहां पर विपत्ति आयेगी, वहां पर बीमारी आयेगी, अकाल आयेगा, तवाही आयेगी, वहां पर चोरी बढ़ेगी, वहां पर डाका पड़ेगा, वहां पर कत्ल बढ़ेगा, वहां पर ब्रेकारी बढ़ेगी, वहां पर वेश्या बढ़ेगी, वहां पर भिखमंगी बढ़ेगी, वहां पर महामारी बढ़ेगी। जब देश ऐसी भ्रष्टाचार सरकार द्वारा संचालित होगा तो वहां पर ये सब चीजें होंगी। जब स्टेट is not governed by the principles of reason तब ऐसी चीजें होती हैं। जब कोई सरकार

रीजन से चलेगी तो वहां पर बीमारी नहीं रहेगी, वहां पर अकाल नहीं रहेगा, वहां पर महामारी नहीं रहेगी, वहां पर धन वैभव होगा। तो मैं यह जानना चाहता हूँ कि कंप्युसस का यह वाक्य आज इस सरकार के लिए सत्य है या नहीं? अगर सत्य है तो इस वाक्य का सहारा लेकर अपने को सिद्ध करे और सरकार इस बात को निश्चित रूप से मान ले कि यह सरकार इस राज्य को रीजन के साथ गवर्न नहीं कर रही है जिसकी वजह से तमाम तवाही और बरबादी आ रही है।

उपसभापति महोदया, हमारे गंगा बाबू बैठे हैं। ये पंडित हैं और उनके रहते में कुछ कहने में हिचकता हूँ, मगर एक श्लोक सुना देना चाहता हूँ।

“अस्य दग्धो दरस्यार्थं, किन्न कुर्वन्ति पंडिताः।

वानरीमिव वाग्देवीं नर्तयन्ति गृहे गृहे।”

यानी स्वार्थ की ज्वाला से बाधित होकर बड़े-बड़े पंडित भी क्या-क्या अनर्थ नहीं कर देते। वे अपनी वाग्देवी को वानर की तरह घर-घर नचाते रहते हैं। तो जयसुखलाल जी से मैं कहना चाहता हूँ कि इस श्लोक को अपने में चरितार्थ न होने दें और वस्तुस्थिति को लेकर सामने आये। कहा जाता है कि अगर हम चुनाव करा देंगे तो वहां पर बरसात आ जायेगी और फिर सड़सठ (67) के चुनाव होने वाले हैं। हमारे मित्र सही बात कहते हैं कि जब प्रेसीडेंट रूल कायम हुआ था तब सरकार के दिमाग में यह भावना थी, यह धारणा थी कि वहां पर बीच में मध्यवर्ती चुनाव नहीं होंगे बल्कि 1967 में ही वहां पर चुनाव होंगे। सरकार की इसी धारणा को मामने रखकर प्रेसीडेंट के प्रोक्लेशन को बार-बार 6 महीने की अवधि के लिए बढ़ाती रहती है और इस तरह से वह तीन सालों तक वहां पर इस तरह की व्यवस्था करके चल सकती है। इसलिए मैं कहना चाहता हूँ कि सरकार को इस बारे में ईमानदारी और सच्चाई के साथ कहना चाहिये कि वह वहां पर प्रेसीडेंट के रूल को 1967 तक कायम रखना चाहती है।

[श्री राजनारायण]

हमारे एक मुनि ने कहा है कि पहले तो लोगों को विधान निर्मात्री परिषद में जाने के लिये लालायित नहीं होना चाहिये। और यदि कोई चला जाये तो सत्य को असत्य के द्वारा वेधना देखना नहीं चाहिये। जो सभासद सत्य को असत्य के जरिये वेधा जाना मुनते और देखते हैं वे सभासद किल्बिषी होने हैं। किल्बिषी का अर्थ पापी होता है और मैं अपने को पापी की श्रेणी में नहीं रखना चाहता हूँ। मैं चाहता हूँ कि सरकार जो जनतंत्र की हत्या करने वाली है, जो यह संकल्प प्रस्तुत कर रही है, उसका ज्यादा से ज्यादा ताकत के साथ विरोध किया जाना चाहिये।

मैं माननीय मंत्री जी से एक सवाल करना चाहता हूँ और वे उसका जवाब दें। अगर केरल में कोई ऐसी भयावह स्थिति है और मैं आपको बता दूँ कि केरल में कठिन स्थिति अक्षय्य है और हम उसके लिए कम भुक्तभोगी नहीं हैं। हम भी उसके लिए बहुत बड़े भुक्तभोगी हैं और अगर हम इनके भुक्तभोगी न हुए होते तो आज हमारे देश का नक्सा बदला हुआ होता। वहाँ पर 19 सदस्यों को लेकर प्रजा सोशलिस्ट पार्टी को सरकार बननी थी और निहत्थी जनता पर गोर्ला चली थी। इसी मूल प्रश्न को लेकर प्रजा सोशलिस्ट पार्टी दो दलों में विभक्त हो गई और आज वहाँ पर इस तरह की स्थिति आई है जिसकी वजह से केरल में हालत अभी वही चली आ रही है। मैं यह जानना चाहता हूँ कि उस समय जो प्रजा सोशलिस्ट सरकार थी उसने किसानों के लाभ के लिए जो विधेयक प्रस्तुत करने की बात कही थी वह आज तक सरकार ने कार्यान्वित क्यों नहीं किया? वहाँ पर बीच में कम्युनिस्ट सरकार आई और उसने जिस लोक कल्याणकारी विधेयक का मसविदा पेश करना चाहा या उसको भी सरकार ने नहीं होने दिया। यह सरकार केरल में इस तरह की व्यवस्था देखना नहीं चाहती है जिसकी वजह से सारे देश के लिए वह व्यवस्था

इस सरकार के लिए एक नजीर हो जाए। यह सरकार तो खुद कुछ नहीं कर पाती है और अगर वहाँ पर कोई ऐसी चीज हो जायेगी तो देश की जनता उठ खड़ी हो जायेगी और कहेंगी कि जब केरल में इस तरह की चीज हो सकती है तो उत्तर प्रदेश में क्यों नहीं हो सकती है? बिहार में इस तरह की चीज क्यों नहीं हो सकती है, मध्य प्रदेश में क्यों नहीं हो सकती है, उड़ीसा में क्यों नहीं हो सकती है, तो स्थिति साफ है। मैं अपने विरोधी पक्ष के सदस्यों से यह साफ कहना चाहता हूँ कि वे मत सोचें कि सरकार का चुनाव कराने का इरादा होगा। अगर सरकार का इस तरह का इरादा है कि वह केरल में चुनाव करा दे तो यह बात निश्चित है कि कांग्रेस पार्टी धराशायी होगी। यह बात निश्चित है और इसमें दो राय नहीं हैं। तो उत्तर प्रदेश में क्या होगा? बिहार में क्या होगा, मध्य प्रदेश में क्या होगा? मैं निश्चित रूप से दावे के साथ कहना चाहता हूँ कि आज अगर केरल में चुनाव करा देंगे तो कांग्रेस पार्टी धराशायी होगी और सन् 67 में बिहार में कांग्रेस पार्टी को सरकार नहीं बन सकती है, उत्तर प्रदेश में कांग्रेस पार्टी को सरकार नहीं बन सकती है। इसलिए सरकार आज वहाँ पर चुनाव नहीं कराना चाहती है और आज वहाँ पर विधानसभा को कार्य करने नहीं दे रही है। यह सरकार जनता के दिमाग में उनके मनो-विज्ञान का नाजायज फायदा लेना चाहती और चाहती है कि उत्तर प्रदेश, बिहार, राजस्थान, मध्य प्रदेश और उड़ीसा की जनता यह समझ ले कि अगर वे कांग्रेस पार्टी को नहीं भेजेंगे और वे दूसरी पार्टियों के सदस्यों को भेज देंगे तो क्या होगा। हम केन्द्र द्वारा इस तरह के शासन को चलने नहीं देंगे। इसलिए हम यह नहीं चाहेंगे कि सरकार उत्तर प्रदेश, बिहार, राजस्थान, उड़ीसा और मध्य प्रदेश की जनता के दिमाग को इस तरह मनो-विज्ञानिक ढंग से प्रभावित करे कि यह सरकार 1966 में चुनाव लड़ना चाहती है। इसलिए मैं इस निश्चित मत का हूँ कि यह सदन इस

संकल्प को ठुकरा देगा और तेजी के साथ ठुकरा देगा । अगर यह सरकार ठुकराव को न माने तो जनता इस सरकार के भविष्य को भी ठुकरा देगी ।

मैं एक निवेदन आपके द्वारा सदन से करना चाहता हूँ और वह यह है कि अगर केरल में राष्ट्रपति के शासन को उपयुक्त माना जाता है तो क्यों नहीं उत्तर प्रदेश की सरकार को भंग कर दिया जाता ? उत्तर प्रदेश की सरकार में बहुत ज्यादा भ्रष्टाचार है । उत्तर प्रदेश में ज्यादा भुखमरी और तबाही है । अभी अभी परसों हमारे पास एक विधायक का तार आया और जिसकी कापी हमने प्रधान मंत्री और श्री नन्दा जी को भेज दी है । मुजफ्फर हुसैन साहब ने अपनी सास के लिए सारी मान्यताओं को तिलांजली देकर बनारस से जबलपुर के लिए एक प्राइवेट बस चलाने का परमिट दिया है ।

श्री शीलभद्र याजी (बिहार) : केरल पर बोलिये ।

श्री राजनारायण : आप खबराइये नहीं, मैं उसी पर बोल रहा हूँ । यह तो केरल के लिए एक नमूना है जिसे मैं बतला रहा हूँ । मैं हैरत में हूँ कि अंग्रेजी साम्राज्य को नष्ट करने के लिए जब बड़े-बड़े नेता जेलों में चले गये थे, जब हमारे देश के नौजवानों ने अपनी भरी जवानी को हुथेली में लेकर संग्राम में पदार्पण किया था तो उनका क्या यही उद्देश्य था कि जनता द्वारा चुनी हुई प्रतिनिधि सरकार को नहीं बनने देंगे, जब कांग्रेस के हाथ में ताकत आयेगी । क्या इसीलिए न मालूम कितनी ललनाओं के सन्दूर धुल गए, न मालूम कितनी माताओं की गोद सूनी हो गई और न मालूम कितने मासूम बच्चों को संगीनों की नोक में झोंक दिया गया । इसी तरह से न मालूम कितने नौजवानों ने जेलों के सीक्चों में कराहते कराहते अपनी जवानी बिता दी । क्या इसी मकसद के लिए इन लोगों ने इस तरह का तांडवनृत्य किया ? चाहे राधाकृष्णन् प्रेसीडेंट हों या कोई और हो, मैं

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अदब के साथ कहना चाहता हूँ कि वे अपनी वृद्धि को संकुचित तरह से प्रभावित होने दे रहे हैं । अगर इस सरकार की इस इच्छा की पूर्ति करके वह अपने शासन को 6 महीने के लिए और चलाना चाहते हैं, तो मैं उसे उचित नहीं समझता हूँ । कहा गया है और मैं पूछना चाहता हूँ कि यह जो मध्य प्रदेश की सरकार है उसको क्यों नहीं भंग कर दिया जाता है और क्यों नहीं मिश्र सरकार को भंग कर दिया जाता ? क्या भंजदेव का मामला हमारे सामने नहीं है और क्या यह मानवता का संहार नहीं है ? वहाँ की घटना को देख कर के आये हैं कि किस तरह से इस सरकार की बर्बर और निरंकुश पुलिस ने, इस सरकार की पापी पुलिस ने भंजदेव पर गोली चलाई है, किस तरह से उनके मस्तक पर पिस्टल चलाया गया है और किस तरह से वहाँ के चार पांच सौ आदिवासियों को भूना गया है ।

मैं जानना चाहता हूँ कि बिहार की सरकार क्यों न भंग की जाये ? 9 अगस्त को वहाँ क्या हुआ ? निहत्थी जनता पर जितनी गोली डेढ़ सौ साल में अंग्रेजों ने नहीं चलाई, जितनी गोली 18 साल में नेहरू जी ने नहीं चलाई, उतनी गोली अगस्त के महीने में लाल बहादुर शास्त्री की सरकार ने चला दी । 60 चक्कर गोली पटना में च ी केवल 9 अगस्त को । मैं आपके जरिये सरकार से जानना चाहता हूँ कि वहाँ की प्रांतीय सरकार क्यों नहीं भंग की गई । केरल में जब जनता जनार्दन ने सरकार की तमाम नापाक कोशिशों को बेकार करके दूसरे विरोधी दल के लोगों को चुना और बहुमत में चुना तब इनकी छाती पर सांप लोटने लगा और तब यह लगे सोचने कि कोई ऐसा हथकंडा निकालो जिस से वहाँ प्रेसीडेंट रूल के नाम पर कांग्रेस पार्टी का रूल कायम हो जाये । चाहे उसे प्रेसिडेंट रूल कहा जाये, चाहे श्री नन्दा का रूल कहा जाये, चाहे कांग्रेस पार्टी का रूल कहा जाये, है वह कांग्रेस पार्टी का ही रूल । आज यहाँ पर हमारे मित्र नन्दा जी नहीं हैं, वरना मैं उनसे कहता और अगर मेरी वाणी

[श्री राजनारायण]

में कोई ताकत है तो मैं चाहता हूँ कि नंदा जी के कानों को फाड़ कर मेरी वाणी उन तक पहुंचे कि वे साधु समाज चलाते हैं, भारत सेवक समाज चलाते हैं, वे चरणामृत लेते हैं करपात्री जी तथा शंकराचार्यों का और दूसरे लोगों की और मीटिंगों में जाते हैं, तो साधु समाज के नाम पर, भारत सेवक समाज के नाम पर और शंकराचार्य के नाम पर मैं उनसे निवेदन करना चाहता हूँ कि अगर तनिक भी उनमें स्वधर्म का विचार है तो वे राष्ट्रपति को सलाह दें और वहां केरल में तत्काल चुनाव करायें ।

संविधान का जहां तक मेरा ज्ञान है मैं कहना चाहता हूँ कि वहां चुनाव कराने की कोई आवश्यकता नहीं है और न होनी चाहिये । वहां आलरेडी (पहले का) चुनाव हुआ है । वहां सदन बना नहीं । जो इलेक्ट्रेड मेम्बर्स थे उनको समन नहीं किया गया । चुने हुए सदस्यों को बुलाया नहीं गया । और जब तक इलेक्ट्रेड मेम्बर्स को समन न किया जाये तब तक इस संविधान में कोई ऐसी व्यवस्था नहीं है कि उसको भंग कर दिया जाये । जब वहां पर प्रोक्लेशन नहीं बढ़ेगा, अबधि नहीं बढ़ेगी तो अपने आप इलेक्ट्रेड मेम्बर्स आ जायेंगे । ऐसी कोई व्यवस्था हमारे माननीय मित्र नहीं पायेंगे संविधान में । हां, पीपुल्स रेप्रिजेंटेशन ऐक्ट में उसकी कहीं व्यवस्था पायेंगे । वह एक दूसरी बात है । पीपुल्स रेप्रिजेंटेशन ऐक्ट हमारे संविधान के प्राविजन पर हावी नहीं हो सकता । संविधान का प्राविजन पीपुल्स रेप्रिजेंटेशन ऐक्ट पर हावी होगा । हम तो यहां तक कहना चाहते हैं कि राज्य सभा के सदस्यों का चुनाव वहां के इलेक्ट्रेड मेम्बर्स के जरिये क्यों नहीं कराया गया । इसमें केवल इतना ही लिखा हुआ है कि असेम्बली के लिये जो चुने हुए प्रतिनिधि होंगे वही अपनी संख्या के अनुपात में राज्य सभा के लिये सदस्य चुनेंगे । तो असेम्बली के लिये चुने हुए प्रतिनिधि केरल में हैं और उनके

जरिये उनका राज्य सभा में प्रतिनिधित्व क्यों नहीं कराया गया ? वैसे आप जानते ही हैं कि जहां तक हमारा मत है हम तो राज्य सभा को अनुपयुक्त समझते हैं, अनावश्यक समझते हैं, मगर यह एक दूसरी चीज है ।

श्री शीलभद्र याजी : आप इस्तीफा दे कर क्यों नहीं चले जाते हैं ?

श्री राजनारायण : घबड़ाइये मत । इसी लिये हम आये हैं कि आप को हम हटा दें । बिना आप के हटाये हम नहीं हटेंगे ।

(Interruption)

आप घबड़ाइये मत । तो मेरा विनम्र निवेदन है कि इस सरकार का यह जो पाप है, इस पाप का भी औचित्य अगर कुछ सिद्ध हो सकता है तो इस तरह हो सकता है कि इस संकल्प को पास करने के पूर्व उत्तर प्रदेश, बिहार, मध्य प्रदेश, राजस्थान, इन सब जगहों की सरकारों को हटा दिया जाये और सब जगह एक साथ चुनाव करा दिया जाये ।

شری اکبر علی خان : میجاریٹی
میں وہاں پر بھی کیا پریزیڈنٹ رول
کر دیا جائے -

[श्री अकबर अली खान : मैजारिटी जहां है वहां पर भी क्या प्रेसीडेंट रूल कर दिया जाये ।]

श्री राजनारायण : कहां मैजारिटी रूल है ? जब माननीय सदस्य ने खयाल दिला दिया है तो आप देखिये कि मैजारिटी रूल के माने क्या हैं ।

उपसभापति : आपने 22 मिनट ले लिये हैं ।

श्री राजनारायण : 22 मिनट तो बहुत कम हैं । वैसे ठीक है, आप जब चाहेंगी, मैं बैठ जाऊंगा, लेकिन दो, चार, दस मिनट और दे दीजिये ।

tt] Hindi translation.

उपसभापति : और पांच मिनट ले लीजिये ।

श्री राजनारायण : मैं यह कहना चाहता हूँ कि डेमोक्रेसी क्या है ? एक प्रश्न उठाया गया है, इस लिये यह समय मेरे समय में नहीं लिया जाना चाहिये । व्यक्ति की गरिमा, राष्ट्र की एकता सुरक्षित करने वाले और बन्धुत्व बढ़ाने वाले इस संविधान को हमने रचा है और इसकी प्रतिज्ञा ली है । लेकिन व्यक्ति की गरिमा कहाँ रह गई है ? यह मेजरिटी रूल नहीं है । जनतंत्र केवल मेजरिटी रूल ही नहीं है । जनतंत्र में व्यक्ति की गरिमा और महिमा प्रतिष्ठित होती है, लेकिन अगर व्यक्ति की गरिमा प्रतिष्ठित नहीं है, सुरक्षित नहीं है तो वह जनतंत्र नहीं है, वह राक्षसी राज्य है । मैं कुछ बतलाना चाहता हूँ लेकिन मुझे याद आ जाता है कि गंगा बाबू बैठे हुये हैं । आज की कांग्रेस सरकार रावण के दरबार से भी बदतर है । अंगद ने यह कहा है :

अस रिस होये दसों मुख तोड़ों,
लंका गहि समुद्र मां बोरों ।
मैं तब दशन तोरिबे लायक,
आयसु पै न दीन्हरघुनायक ॥

अंगद ने कहा है कि मैं, रावण, तुम्हारे दांतों को और मुंह को तोड़ दूँ मगर राम ने आज्ञा नहीं दी है । माननीय उपसभापति महोदया, मैं भुक्तभोगी हूँ, इस लिये मुझे जरा सुन लीजिये दिल खोल कर । कांग्रेस राज्य में केवल दो साल सन् 1962 और 1963 में मुझे जेल नहीं काटनी पड़ी वरना सन् 1946 से कांग्रेस राज्य में हर साल मुझे जेल काटनी पड़ी है, किसी-किसी साल दो-दो तीन-तीन बार जेल काटनी पड़ी है । मेरा कुर्ता फाड़ा गया है, मेरी दाढ़ी नोची गई है और हमें घसीटा गया है एक मकसद हासिल करने के लिये । मैं आज डा० राम मनोहर लोहिया का शुक्रिया अदा करना चाहता हूँ । सन् 1947 में जब अंग्रेजी राज्य टूटा तो उन्होंने मुझ से एक प्रतिज्ञा ली कि

अब जब देशी राज्य बन गया है तो तुम हथियार मत उठाना । मैं आप के जरिये कहना चाहता हूँ कि अगर डा० राम मनोहर लोहिया ने मुझ से वह प्रतिज्ञा न ली होती तो न मालूम कितने इस मंत्रिमंडल के लोग आज गायब हो गये होते और बाद में मैं खुद भी गायब हो गया होता । मैं ईमानदारी से कहना चाहता हूँ और बिलकुल शुद्ध कहना चाहता हूँ कि हमने जब अंग्रेजी राज्य को तोड़ा था और हमने समरांगण में पदार्पण किया था गांधीजी का अनुयायी हो कर तो इस लिये पदार्पण किया था कि गरीबों का राज्य बनेगा । इस लिये पदार्पण किया था कि स्वच्छ राज्य बनेगा, इस लिये पदार्पण किया था कि गांधी जी के सर्वोदय में एक नाई और एक वकील की मजदूरी समान होगी । इस लिये नहीं पदार्पण किया था कि एक तरफ गगनचुम्बी अट्टालिका हो और एक तरफ झोंपड़ी भी न हो । इस लिये नहीं किया था कि एक तरफ करोड़पतियों का कैलाश उठता चला जाये और एक तरफ कंगाल की खाई और चौड़ी होती चली जाये । इस लिये हमने अंग्रेजी राज्य नहीं तोड़ा था । आज यहाँ कोई ऐसा नहीं है जो यह कह सके कि उससे हमने कम काम किया है । आज भी हम कर रहे हैं आर्थिक समानता के लिये, सामाजिक समानता के लिये, राजनैतिक समानता के लिये । इस लिये मैं कहता हूँ कि जब उत्तर प्रदेश में ऐसा भ्रष्ट शासन चल रहा है तो केरल में क्यों नहीं चलने दिया गया ? जब बिहार में ऐसा भ्रष्ट शासन चल रहा है तो केरल में क्यों नहीं चलने दिया गया ? जब मध्य प्रदेश में ऐसा निकृष्ट शासन चल रहा है जहाँ मानवता का नाम नहीं है, जहाँ मानवता का खोत सूख रहा है, जहाँ ईंसानियत का चिराग बुझ रहा है, तो फिर केरल में ऐसा क्यों किया जा रहा है । केरल अपने देश में सब से पढ़ा लिखा राज्य है । केरल के लोग शिक्षित हैं । इस लिये केरल में कांग्रेस की सरकार नहीं बन पा रही है, संख्या उठा कर देख लीजिये । केरल में 98 प्रतिशत विद्यार्थी स्कूल जाते हैं, अब ज्यादा जाते होंगे । उत्तर

[श्री राजनारायण]

प्रदेश, बिहार, राजस्थान में 33, 34, 49 प्रतिगत जाते हैं। इतनी बड़ी मेजरिटी है अपढ़ बच्चों की। कांग्रेस राज्य का मतलब आप यह न समझ लें कि कांग्रेस राज सुख का राज है। कांग्रेस राज का मतलब है अकाल, भुखमरी, बाढ़। कांग्रेस राज करल का राज है, चोरी का राज है, डाकें का राज है। इसलिये मैं कहना चाहता हूँ कि केरल में हम कांग्रेस के राज्य को नहीं चलने देंगे। इस संकल्प का हम विरोध करते हैं और आपके द्वारा तमाम विरोधी सदस्यों से निवेदन करते हैं कि पूरी ताकत लगाकर इस संकल्प का विरोध करें। केरल में जो पुराने चुने हुए लोग हैं उनको सरकार बनाने की इजाजत दी जाये और कानून की दिक्कत हो तो नया चुनाव कराया जाये, यह हमारी मांग है। मैं गांधी युग का कांग्रेसी हूँ।

उपसभापति : आपका वक्त समाप्त हो गया।

श्री राजनारायण : एक मिनट। गांधी जी की अन्तिम वाणी, आखिरी वसीयतनामा अपने उन दोस्तों को सुना दूँ जोकि सन् 48 के बाद के कांग्रेसी हैं, पुराने लोगों को तो शायद याद होगा। 30 जनवरी सन् 48 को महात्मा गांधी की हत्या हुई। महात्मा गांधी ने अपने जीवन का अन्तिम सन्देश दिया है, आखिरी वसीयतनामा किया है—कांग्रेस को तोड़ो। सरदार वल्लभभाई पटेल बैठे थे। उन्होंने कहा कि बापू यह लेख नहीं जाना चाहिये। गांधीजी ने कहा यह लेख जाकर रहेगा। मैं आज देश की जनता से कहना चाहता हूँ कि क्यों तुम बर्दाश्त करते हो इस सरकार को। अंग्रेजी साम्राज्यवादी हुकूमत ने तीन बार लकड़ी और कफन जुटा करके रखा मगर राष्ट्रपिता का बाल बांका नहीं हुआ। वही राष्ट्रपिता इस घरेली से उठा दिए गए जब कांग्रेसी सरकार बनी। दस दिन का अन्तर पड़ा। 30 जनवरी को राष्ट्रपिता की हत्या हुई, 20 को पहला बम फेंका गया था।

वाराणसी में दशाश्वमेध पर डा० लोहिया भाषण कर रहे थे। वहाँ एक अखबार निकलता है 'आज'। उसमें निकला कि गांधी जी की जिन्दगी पर खतरा, गांधी जी पर बम फेंका गया। डा० लोहिया ने कहा कि बापू की जिन्दगी को खतरा है। तीसरे दिन बयान दिया जाता है सरकार की ओर से कि डा० लोहिया गलत-बयानी कर रहे हैं, अपनी पार्टी के प्रचार के लिए इन बातों को फैलाते हैं, बापू की जिन्दगी को कोई खतरा नहीं है, 30 सियाही सादे वेश में पहरा देने के लिए तैनात कर दिए गए हैं। बापू जब अपने जीवन का अन्तिम सन्देश लेखबद्ध करके प्रार्थना सभा में शामिल होने आ रहे थे तो उस समय प्रार्थना सभा के बीच से एक हथियार उठता है, पिस्तौल के तीन बार करता है, बापू गिरते हैं खून से लथपथ, प्राण-पखेरू उड़ जाते हैं। सादे वेश में 30 सियाहियों की टोली कहां थी। बरसों पहले यह सरकार किस मुश्किल से बनी थी केरल में और कसे चली थी। बापू की वह अन्तिम वाणी कि कांग्रेस की जरूरत नहीं है, कांग्रेस को तोड़ दो आज भी इस सदन के सामने, देश की जनता के सामने है कि इस कांग्रेस की सरकार को तोड़ो, भंग करो, अभी, फौरन खत्म करो।

SYED NAUSHER ALI (West Bengal)
Madam, I feel that the fate . . .

THE DEPUTY CHAIRMAN : I do not think you are very audible. Please come in the middle.

SYED NAUSHER ALI: . . . *t>i* this Resolution is well-known. But still if I want to say a few words, I do so from a sense of duty. I do not think I can add anything more than what has already been stated. But still I would repeat a little of it in order to give expression to my views.

Article 356 is an obnoxious article. It has been borrowed from the Government of India during the British regime which was known as the "break-down" provision. We, while fighting the British regime, had spoken most emphatically against this article. Unfortunately, for us, our Constituent Assembly incorporated that obnoxious provision in our Constitution.

[THE VICE-CHAIRMAN (SHRI M. P. BHAIKAVA) *in the Chair*]

Now it may be a little irrelevant here to say what the Constituent Assembly was. The Constituent Assembly—I may say without any disrespect to the Assembly or to any individual member of it—was constituted of Members who were elected on communal electorate, not only communal electorate but communal electorate of limited franchise. Whatever that may be, my own personal view is that our Constitution should be amended in a way that will reflect the opinion of the people at large. That is a little irrelevant to the point at issue, but what is relevant is that this obnoxious article has been made all the more obnoxious by the illegal way it is being applied, by its abuse of power by the Government.

Now, we know that Kerala has seen various Governments of a peculiar nature. About the Government, on one occasion, it was said that there had been a great upsurge against it. And there was an election which was absolutely unconstitutional. Now this time I wonder who put into the brain of the Central Government that without summoning the Members the Governor could declare that no stable Government was possible. This point has been made amply clear by Mr. Das and also by the Member who spoke just before me, Mr. Rajnarain. Now in my opinion the whole thing was a gross abuse of the Constitution. Now the Government has again come before Parliament for extension of the so-called President's Rule. We know what this President's Rule is. It means nothing more nor less than the Congress rule. The jealous Congress cannot bear the existence of a Legislature in any part of India which is not Congress. But this jealousy is quite unbecoming on the part of the greatest organisation in the country. Of course, I may repeat what Mr. Rajnarain has said about Gandhiji's last words. Gandhiji said that the Congress should be dissolved and some other organisation should be established in its place on achievement of independence. In fact, he could foresee that this would lead to abuse. In my humble opinion the Congress Government is no Government. It has usurped the name of the Congress so long. If you just take

stock, you will find that there are more Congressmen in the Opposition than in the Congress. In fact the prestige of the Congress has been the only asset of the so-called Congress Government. Now that is again not quite relevant to the point. My own idea is that if the Government wants to atone for the mistake it has committed, for the sin that the Congress Government has done, let it revoke the President's rule. In fact that was the greatest blunder, that was the Himalayan blunder that it committed. If the Government really intends to atone for that, the only way to get out of it for the present is to revoke the present President's rule, and also summon the Legislature, if necessary, by a constitutional amendment and allow it to function.

SHRI BANKA BEHARY DAS: No constitutional amendment is necessary.

SYED NAUSHER ALI : I am told that no amendment is necessary; I do not know, but I am not quite sure what the position is and that is why I have said 'if necessary'. Now that is, in my opinion, the only remedy that I can conceive of for the present. You can have your own election in 1967 or you can have your own election even now but that will not atone for the sin that has been committed. I therefore request the hon. Minister to consider whether they can somehow or other bring into existence the Legislature and allow a Ministry to be formed. Of course, Ministries might change but even the Congress Government have changed their Ministers in many places. An example was given by Rajnarain Babu that Shri Pattom Thanu Pillai continued with 19 members with the support of the Congress; that Ministry continued. Now what is the effect of what you have done? The effect is that you do not allow democracy to grow. It is a positive hindrance to the growth of democracy. That is why in France there is no provision like this, as has already been stated. The Assembly will have their own Government and after some time if they cannot face the Legislature, they will automatically go and another Ministry will be formed. That is how democracy can be furthered. But your object is not to further democracy, your object is to stifle democracy. If there is no Congress Government in any State, stifle it. I have heard it said in Bengal "What is the object of giving votes to the

[Syed Nausher Ali.]

Communists, because if they come to power, the next day the Congress Government will come upon it and turn it out?" Now is this the way you want to further democracy? If you really are sincere, if you sincerely feel that you have done something which is not permitted by the Constitution, I would urge upon you just to revoke this President's rule and allow the elected members of the Assembly to come into being and form their Ministry. That is all I have got to say because my predecessor has practically said what I have to say. Thank you.

SHRI K. V. RAGHUNATHA REDDY (Andhra Pradesh) : Mr. Vice-Chairman, it would be anomalous to think in terms of President's rule in any State as it would corrode the very basic concept of democracy provided by the Constitution. Presidential Order or continuation of emergency would lead to a state of acquiescence and the psychology of acquiescence ultimately would lead to Fascism. These, Mr. Vice-Chairman, are undoubtedly the great principles that are to be kept in mind by every serious politician who has got the interests of the nation and the interests of *democracy* at heart, and these are the guiding principles which should always remain as the test of human conduct and of every politician who deals with public matters. Nobody can demur about these principles, Mr. Vice-Chairman. I have seriously pondered over the question whenever I have thought of speaking on this continuation of the President's rule in Kerala. And it gives me no pleasure to support the move to continue the President's rule. But the compelling reasons that arise out of the prevailing situation in Kerala and the past history of the Governments in Kerala would convince even a person who feels highly hesitant in relation to these measures to support the proposition propounded by the hon. Home Minister.

5 P.M.

Mr. Vice-Chairman, there have been a series of Governments in Kerala and I do not think for a moment that the Governor had come to this conclusion of advising the Government of India to dissolve the Legislature without consulting all the political parties, without discussing with the

leaders of the various parties that came into existence. The various parties and their leaders have in fact been consulted by the Governor. Probably a different Governor might have come to a different conclusion but the Governor on that particular day had come to this conclusion that on a reasonable evaluation of the situation and the existing objective facts probably a stable Government could not be formed. The argument no doubt is : Who are you to judge ? Why did you not give a chance to a particular political party to form a Government ? It is a very valid argument.

This is a very valid argument in theory. But I would only like, Mr. Vice-Chairman, the Members of the Opposition to consider well this position. Democracy should not be upset too often. In thus upsetting a democracy a psychology would be created which would lead to fascism. Similar and with equal force I might state that if we allow a government to fall very often, if the State Government or any Government is changed too often and is allowed to fail too often, then too you have that same psychology. The history of France, Mr. Vice-Chairman, has been the history of falling and rising of Governments, and for a long period of time in France no Government could exist for more than six months. There have been Governments which were short-lived even for three days. If we take the social and political history of France into consideration and apply the principles that we derive from that political history and the history of the falling governments, then we find that it leads a country to the setting up of dictatorship. It led to dictatorship in France. The dictatorship may be benevolent, the dictatorship may be a good one or the dictatorship may be bad. But to the extent that it negatives the parliamentary system, to that extent it is again a corrosion of the democratic system and to that extent it is regrettable. If that is the inference that is to be drawn, then I am not one of those who would be enthusiastic in allowing a Government which is going to fall. If we allow any political party to form a Government then that party must be sure of reasonable stability and that Government should be in existence for a limited period at least. Otherwise the people would get demoralised and this demoralisation would lead to loss of faith in democracy.

SHRI MULKA GOVINDA REDDY : Mr. Vice-Chairman, we may continue this debate on Thursday. It is already 5 o'clock and so let us continue this debate on Thursday.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : We have got a very tight schedule for this session. If hon. Members want that this debate should continue now they have to sit a little longer, if they want it to be concluded now.

SHRI J. VENKATAPPA (Mysore) : In that case we should have been informed about it earlier.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The Deputy Chairman had already stated that the debate must conclude today.

An HON. MEMBER : One day means so many hours.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Yes, one day means three and a half hours. We have already taken about two and a half hours and the Minister will reply on Thursday and he may take another half an hour. So three and a half hours will be completed. If the House wants to hear more Members then it has to sit a little longer.

SHRI A. D. MANI (Madhya Pradesh) : Mr. Vice-Chairman, I would suggest that this is a very important debate and we have a tight schedule on Thursday. The House can allow the Members who want to speak, to do so by sitting for a few more minutes.

SHRI K. V. RAGHUNATHA REDDY : Mr. Vice-Chairman, in any event the general elections are coming in 1967 and I presume and I hope that all the political parties in Kerala would be able to participate in those elections and I also hope that even though the Congress Party may perhaps not be in a position to form a Government, the Opposition at least would be able to form a Government and not put the burden and the responsibility on the Centre and make the Central Government accept this responsibility and then make a grievance out of their own inability to form a Government, if they had been in a posi-

tion to form a Government certainly nobody would have prevented them from doing so. They could very well form a Government. The mere fact that they failed to form a Government and were unable to do so, that should not be the basis for raising a grievance and placing it on the head of the Central Government. I wish the Opposition Parties well and I do hope that they will form a Government. I do not mind their forming a Government. After having the elections next time let them not fail either through their disunity or inability to form a Government and then again raise it as a grievance and say that they were not allowed to form a Government.

SHRI AKBAR ALI KHAN : They do not want elections and they want to put the blame on the Congress Party.

SHRI K. V. RAGHUNATHA REDDY : Mr. B. K. P. Sinha was referring to the question of enquiry commission and I was struck by one point. I would like the hon. Minister to consider it. It is not for us to say whether the students should examine themselves before the commission of enquiry. He raised a pure question of law and for the purpose of clarification and not for the purpose of this debate I may say this. I do not want a wrong proposition of law to go unanswered. What the Constitution prohibits is the compelling of a person to give incriminating evidence against himself. On the contrary if a person volunteers to give evidence then there is no question of article 20 coming in. Therefore, if the students on their own want to come and give evidence then there is no law of the land which will be able to prohibit them from giving such evidence. It was argued that the case would be *sub judice* that some cases would be going on in some courts and so they should not come and give evidence. That is really not a correct proposition of law, because in a case and counter-case where in one case a person may be the accused, in the other case he may be the witness. Therefore, in this connection there cannot be any legal prohibition

SHRI BANKA BEHARY DAS : But according to the direction of the Home Ministry of the Government of India the enquiry commission was set up to go into the

[Shri Banka Behary Das.]

question of student unrest in Orissa, though thousands of criminal cases were going on in the court. It was not a commission set up *suo motu* by the State Government, but because of the directive of Mr. Nanda it was set up.

SHRI K. V. RAGHUNATHA REDDY : That is altogether a different matter. It does not arise from the proposition that I am trying to explain. Therefore, if the students propose to come forward and give evidence to the commission of enquiry, they are at perfect liberty to do so and there is no constitutional or other prohibition against their doing so.

Mr. Vice-Chairman, since the question of parties failing to form Government in various States is likely to become chronic in the future, a constitutional procedure will certainly have to be evolved which will be in consonance with the principle of democracy and where the representatives of the public can participate in an effective manner. I had been doing some loud thinking. We have these Consultative Committees but it will be agreed that they are not very effective in evaluating and understanding the problems of the State and there would also be the grievance that the members of the State, members elected to the Legislature, were not allowed to participate in the activities in relation to the conduct of the affairs of the State. This could be a very valid argument that could be advanced. Therefore, Mr. Vice-Chairman, since the constitutional provision is there for the dissolution of the Legislature and for the introduction of President's Rule and since the Governor rules with a number of advisers, either official or non-official, I would only suggest whether it would be possible for the Central Government to think in terms of a constitutional procedure where from the political parties who constitute the members of the Legislature, in proportion to the members of those political parties, some of them or others suggested by them, could be made advisers and the Governor would take his decisions on the basis of the majority opinion of that advisory committee, which would be binding on the Governor, and the power of the Governor would only be to give his casting vote. In case there is a difference of opinion, the Governor can

give his opinion and he can exercise his casting vote. Now this would solve the anomaly of . . .

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Mr. Reddy, I may tell you, you have one minute more.

SHRI K. V. RAGHUNATHA REDDY . . . having a legislature which may not function because the parties cannot legally form a Government and at the same time it will remove the grievance that can be raised by the political parties in a State. Mr. Vice-Chairman, I would like the Government to consider this matter and see how far this can work.

I support the Resolution brought forward by the Ministry in the circumstances of the case, in the circumstances that are available, in the particular context of the objective conditions prevailing in Kerala; though in principle I am opposed to the extension of President's Rule unless compelled by circumstances, I feel the circumstances in this case fully justify the proposition. Thank you.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): I have got three more names of hon. Members with me and I would request them to limit their remarks to ten minutes. Mr. Jagat Narain.

श्री जगत नारायण (पंजाब) : वाइस-च्यरमैन महोदय, पिछले साल जब यह प्रस्ताव पेश हुआ था राष्ट्रपति राज्य लागू करने का इस हाउस में तब भी इसके खिलाफ प्रभावशाली तकरीरें हुई थीं और आज जब फिर यह प्रस्ताव पेश किया गया है तो काफी प्रभावशाली तकरीरें की गई हैं। उस वक्त भी यह कहा गया था और आज भी वजीर साहब ने यह कहा है कि हालात वहां इस तरह के हैं कि वहां स्टेबिल गवर्नमेंट कायम नहीं हो सकती। मैं, वाइसचेयरमैन महोदय, बड़े अदब से उनसे यह पूछना चाहता हूँ कि स्टेबिल गवर्नमेंट की तारीफ क्या है। क्या स्टेबिल गवर्नमेंट की तारीफ यह है कि अगर अकसरियत हो एक पार्टी की तो वह

हुकूमत कर सबे या कोई और तारीफ है स्टेबिल गवर्नमेंट की, वह मालूम होनी चाहिये? अगर अक्सरियत की बात है तो इसी केरल में दो दफा ऐसी वजारतें बन चुकी हैं और जिस पार्टी ने वहां वजारतें बनाईं उनकी वहां अक्सरियत नहीं थी बल्कि बहुत कम मेम्बर उनके साथ थे। मगर उसने दरअसल हमारे यहां पंजाब में जब 1951 में राष्ट्रपति राज्य लागू किया गया था तो वहां पर कांग्रेस की अक्सरियत थी और अपोजीशन के उस वक्त वहां मुश्किल से 20—25 मेम्बर थे। मगर चूंकि कांग्रेसी आपस में लड़ते थे, इसलिये वहां पर राष्ट्रपति राज्य लागू करने के लिये यह कहा गया था कि कांग्रेस के दूसरे साइड के जो नेता हैं वे हुकूमत बनाना नहीं चाहते हैं। वहां पर भार्गव साहब की हुकूमत थी, यह वजीर साहब को मालूम होगा। उनके खिलाफ उस वक्त सरदार प्रताप सिंह कैरों और श्री भीमसेन सच्चर जी थे। कांग्रेस हाई कमांड ने उनको बुला कर के उस वक्त यह कहा था कि गवर्नर आप को बुलायेगा कि आप वजारत बनाओ मगर आप को गवर्नर से यह कह देना है कि हम वजारत नहीं बनायेंगे। फिर वाइसचेयरमैन महोदय, ऐसा ही हुआ कि गवर्नर ने उनको बुलाया और उन्होंने कह दिया कि हम वजारत बनाने के लिये तैयार नहीं हैं। इस तरह वहां पर अक्सरियत होते हुये भी राष्ट्रपति राज्य लागू किया गया। मैं बड़े अदब से वजीर साहब से पूछना चाहता हूं कि स्टेबिल गवर्नमेंट की तारीफ क्या है, स्टेबिल गवर्नमेंट किस किस की गवर्नमेंट है? दरअसल बात यह है कि स्टेबिल गवर्नमेंट की जो तारीफ वजीर साहब अक्सरियत से करते हैं तो उसका एक नक्शा मैंने आप के सामने पेश किया। हालत यह है कि हमारी कैबिनेट की जो सरकार है वह अपने ढंग से काम करती है। कहा यह जाता है कि डिमोक्रेसी का राज्य चलाना चाहते हैं मगर दरअसल वह आटोक्रेसी होती है। जहां वे यह समझते हैं कि कोई कांग्रेसी

बागी हो गया है, कोई चीफ मिनिस्टर बागी हो गया है और वे यह समझते हैं कि उसको वहां नहीं रहने देना है तो वहां पर राष्ट्रपति राज्य लागू हो जाता है। इसी केरल के इलेक्शन में क्या हुआ? केरल में यह हुआ कि वहां कांग्रेस के दो विंग हो गये थे। अगर उस वक्त कांग्रेस हाई कमांड बुद्धिमत्ता से काम लेता और दोनों विंग्स को मिला देता तो आज केरल में कांग्रेस का राज्य होता। मगर कहा यह गया कि उनको हम नहीं मिलायेंगे और फिर वहां राष्ट्रपति राज्य लागू कर दिया गया तो मैं उनसे यह पूछना चाहता हूं कि यह जो आप राष्ट्रपति राज्य लागू करते हैं इसकी डेफिनीशन क्या है?

आज पंजाब में क्या हो रहा है? वाइसचेयरमैन महोदय, आप को पता है कि आज पंजाब में यह हालत है कि एक वजीर एक बयान देता है और दूसरा वजीर दूसरा बयान देता है। आज हालत यह है कि मंडल गवर्नमेंट वहां के लिये एक हदबन्दी कमिशन मुकर्रर करती है और उसको अख्तियार यह देती है कि 1961 की मर्दुमशुमारी के मुताबिक और दूसरे ज्योग्रैफिकल हालात के मुताबिक वह वहां की हदबन्दी कर दे। मगर पंजाब के वजीर आज बाकायदा तौर पर उसके बरखिलाफ एलान कर रहे हैं कि 1961 की मर्दुमशुमारी की बात हमें मंजूर नहीं है। एक वजीर साहब ने यहां तक कहा है कि अगर 1961 की मर्दुमशुमारी के मुताबिक हदबन्दी की गई और पंजाबी सूबे में चंडीगढ़ न आया, उसमें ऊना न आया, उसमें अम्बाला कैंटोमेंट न आया, उसमें पठानकोट न आया, उसमें फाखिलका न आया तो मैं रिजाइन कर दूंगा। आज मेरी समझ में नहीं आ रहा है कि राष्ट्रपति राज्य लागू करने के लिये आपका यार्डस्टिक क्या है। जहां पर आप को राष्ट्रपति राज्य लागू करना चाहिये वहां आप उसे लागू नहीं करते हैं और जहां राष्ट्रपति राज्य नहीं लागू करना चाहिये वहां आप उसे लागू करते हैं।

[श्री जगत नारायण]

वहाँ हुआ यह कि जो लोग इलेक्शन से चुने कर आये उनको आपने हलफ ही नहीं लेने दी, उनको असेम्बली में आपने बैठने ही नहीं दिया, आपने यह भी नहीं मुना कि उनके खयालात क्या हैं और उसके पहले ही वहाँ आपने राष्ट्रपति राज्य लागू कर दिया। लेकिन आज पंजाब में हालत यह है कि वहाँ के वज़ीर 30 दिन में 20 दिन दिल्ली में रहते हैं। वहाँ आज एक मिनिस्टर दूसरे के खिलाफ है, चीफ मिनिस्टर होम मिनिस्टर के खिलाफ है, होम मिनिस्टर चीफ मिनिस्टर के खिलाफ है, चीफ मिनिस्टर एजुकेशन मिनिस्टर के खिलाफ है, रिट्रिबलिटेशन मिनिस्टर के खिलाफ है, रेवेन्यु मिनिस्टर के खिलाफ है और इस तरह से आज वहाँ कोई हुकूमत नहीं चल रही है, सारा काम चौपट हुआ पड़ा है, फिर भी आप वहाँ राष्ट्रपति राज्य लागू नहीं करते हैं। यहाँ तक कि श्री कामराज जो कि सदर हैं आल इंडिया कांग्रेस कमेटी के उन्होंने भी यह कहा है कि वहाँ पर राष्ट्रपति राज्य लागू होना चाहिये, फिर भी आप उसको वहाँ लागू नहीं कर रहे हैं। इस लिये मैं यह जानना चाहता हूँ कि आप का याइ-स्टिक क्या है? मैं चाहूँगा कि वज़ीर साहब इस सवाल का जवाब जरूर दें कि किन हालात में वे कहीं राष्ट्रपति राज्य लागू करना ठीक समझते हैं? अगर स्टैबिल गवर्नमेंट का उनका मतलब सिर्फ यह है कि एक पार्टी की मेजारिटी हो, तो इस सिलसिले में मैंने उनके सामने यह नक्शा पेश किया कि इसी केरल में दो वज़ारतें ऐसी बन चुकी हैं जिन की वहाँ अक्सरियत नहीं थी। इसी तरह उड़ीसा में भी एक बार कांग्रेस की मेजारिटी नहीं थी फिर भी उसकी हुकूमत वहाँ बनाई गई थी। इस तरह अगर सिर्फ अक्सरियत का ही सवाल है तो उसको कई दफा आपने तोड़ा है, कई दफा उसको आपने भंग किया है।

इसके अलावा यह सवाल उठाया गया कि

बारिश आ जायगी, इस लिये वहाँ इलेक्शन नहीं हो सकते। वाइसचेयरमैन महोदय, आप को तो यह पता ही है कि आज मौसम ही बहुत बदल गये हैं। जिस वक्त बारिश होनी चाहिये उस वक्त बारिश नहीं होती है। फिर जब आप जनरल इलेक्शन करायेंगे उस वक्त क्या आप को पता है कि बारिश नहीं आयेगी और मूसलाधार वर्षा नहीं होगी। आज एटम बम की वजह से या किसी दूसरी वजह से मौसम बदल गये हैं और यह कौन कह सकता है कि आगे जब कभी आप इलेक्शन करवायेंगे तब बारिश नहीं होगी। सन् 1952 में जब इलेक्शन एक महीना चले थे तो उस वक्त दस दिन बारिश होती रही थी और हमने बारिश में वोट डलवाये थे। इस लिये यह कहना कि हम बारिश की वजह से इलेक्शन नहीं कर रहे हैं यह बिलकुल गलत चीज़ है।

इसके अलावा ऐसा लगता है कि आप ज्योतिषी बन गये हैं। आप यह कहते हैं कि अगर हम वहाँ इलेक्शन करा दें तो वहाँ स्टैबिल गवर्नमेंट नहीं बन सकेगी। कैसे आप को पता लग गया कि वहाँ स्टैबिल गवर्नमेंट नहीं बन सकती? जब आपने वहाँ जिमनी इन्तबाब कराये थे तो उस वक्त भी कांग्रेस को पूरा यकीन था कि हम वहाँ पावर में आयेंगे, लेकिन ऐसा नहीं हो सका। उसके बाद आप इतने सख्त हो गये कि मैं संसार की नहीं कहता, मगर हिन्दुस्तान की तारीख में यह पहला मौका है कि मेम्बर चुने जायँ और वे हाउस में आ कर के हलफ भी न लें और वे हाउस में बैठ भी न सकें। यह हिन्दुस्तान की हिस्ट्री में पहली दफा कांग्रेस के राज्य में हुआ है। मैं समझता हूँ कि आप यह जो इलेक्शन नहीं कर रहे हैं, वह इसलिए नहीं कर रहे हैं क्योंकि डरते हैं। डरते किस बात से हैं? इलेक्शन कराइए, लोग तैयार हैं इलेक्शन के लिये। अगर आपका कांस्टीट्यूशन इजाजत देता हो कि वे मेम्बर हटें नहीं, तो उन मेम्बरों

को ही आप मौका दीजिए और मुझे यकीन है कि अगर आप उनको हलफ लेने दें और बैठने दें असेम्बली में तो यकीनन वे कोई न कोई हल निकाल लेंगे, किसी न किसी ढंग से वे अपनी वजारत चला सकेंगे, चाहे कोलीशन बनाएं। आपने भी कोलीशन वजारत बनाई थी, इसलिए आपको इस बात से नहीं डरना चाहिए। आप इलेक्शन कराइए। कांग्रेस मेजारिटी में नहीं आती तो कोलीशन वजारत बननी चाहिए। आप इसका तजुर्वा कर चुके हैं।

इसके साथ ही साथ एक बात और कहना चाहता हूँ, बड़े अदब के साथ कहना चाहता हूँ कि कांग्रेस को अपनी प्रेस्टिज बनानी चाहिए। इस जमाने में जबकि जनरल इलेक्शन नजदीक आ रहे हैं, आप अपनी प्रेस्टिज क्यों नहीं बनाते। आपोजीशन पार्टियों को तो सूट करता है कि आपकी प्रेस्टिज न बने। मैं समझता हूँ कि ऐसा न करके आप आज संसार में अपने को उस कटघरे में खड़ा कर रहे हैं जिस कटघरे में वे लोग खड़े होते हैं जो डरते हैं कि हम पावर में नहीं आ सकते इसलिए इलेक्शन नहीं कराते। कांग्रेस को कभी अपोजीशन बेंचेज पर भी बैठना चाहिए।

श्री ए० डी० मणि : कैसे प्रेस्टिज बन सकती है, प्रेस्टिज पैदा होनी चाहिए।

श्री जगत नारायण : मैं तो कांग्रेस की प्रेस्टिज की बात इसलिए कह रहा था क्योंकि दो-तीन सूबाजात में भले ही कांग्रेस लुड़क जाय, लेकिन जहां तक पार्लियामेंट का ताल्लुक है, कांग्रेस ने अभी पांच साल के अरसे के लिये और पावर में आना है और इस वक्त जो देश की हालत है उसको सामने रखते हुए, मैंने यह कहा कि अपनी प्रेस्टिज बनाइए। इसलिए मैं कहना चाहता हूँ कि गलत चीज क्यों लेते हैं। अपनी यार्डस्टिक बताइए, किसी जगह पर कुछ इस्तेमाल करते हैं, किसी जगह पर कुछ अगर आपने उस

वक्त 1951 में, जब पंजाब में कांग्रेस की अक्सरियत थी, कांग्रेस को हटा कर राष्ट्रपति राज लागू किया, तो आज जब पंजाब का बंटवारा हो रहा है, तीन रियासतें बन रही हैं और हदबन्दी कमीशन बैठा हुआ है, वजीर आपस में लड़ रहे हैं, मुख्तलिफ स्टेटमेंट दे रहे हैं, सेंट्रल गवर्नमेंट को कोस रहे हैं, हदबन्दी कमीशन को कोस रहे हैं, राष्ट्रपति राज क्यों नहीं लागू करते जब उसकी जरूरत है। जब पंजाब में नहीं लागू करते, तो फिर केरल में राष्ट्रपति राज्य के लिए नए प्रस्ताव को कैसे जस्टीफाई कर सकते हैं। इन वजूहात को सामने रख कर मैं इस प्रस्ताव की मुख्तलिफत करता हूँ।

SHRI A. D. MANI : Mr. Vice-Chair-man, if this House approves the Resolution moved by the Minister of State, it can do so only in a spirit of sorrow. Nobody is happy that the Proclamation Rule should be continued in Kerala for a period of six months, but I would like to ask whether on this occasion the Government itself is not responsible for the creation of a situation which has necessitated the continuance of Proclamation Rule. It has been said in the past, and I wish to repeat here again, that the Legislature in Kerala should not have been dissolved at all and I do hope that a procedure will be evolved by the Union Government by which the Legislatures of States, where Proclamation Rule is made necessary, in future, will be allowed to function, and will be allowed to remain at least on paper, so that at the end of the period of Proclamation, a fresh attempt may be made by the Government to find out whether a stable Ministry could be formed. Now, what has happened in Kerala is that in the most highly literate State in the country, autocratic rule has been enforced in the name of the Constitution since the 24th March, 1965 and the Governor has been carrying on the administration. We have revived the memories of the so-called section 93 rule, which was in force in India during the days of the world war. I would like to suggest to my hon. friend, Mr. Reghunatha Reddy, that some kind of an amendment to the Constitution should be thought of so as to associate the people with the administration

[Shri A. D. Mani.] of those States where Proclamation Rule is made necessary. We have witnessed the fact that Kerala was faced with one of the most serious food crises in history without a popular Government or without the association of popular opinion with the Government of the day, only with the Governor of Kerala, who has been more or less the people of Kerala and the Proclamation Ruler. This is not at all a satisfactory state of affairs. There has also been some widespread suppression of civil liberties, though I know that *in some* cases the detention of persons was called for on account of their pronounced attitude to India's border dispute with China. Whatever may be the cause, we have seen during the Proclamation Rule the suppression of civil liberties. There had also been widespread students' agitations, which had not been properly handled. Now, I would like the Minister of State for Home Affairs to consider whether the time has not come for Government to think of a procedure by which the men of the State, persons who represent public opinion, will be associated, in some form or other, with the Governor's Rule, in case Proclamation Rule is considered necessary. I would like to suggest for the consideration of the Minister of State whether the Government should not think of setting up standing committees of Legislatures, in all those States where Proclamation Rule has become necessary, consisting of Members of the Legislature and Members of Parliament, who will be closely associated with the Governor in the administration of the various departments. I know that the Kerala Consultative Committee has been in existence and Kerala affairs are also being discussed on the floor of both Houses of Parliament, but you will agree that discussion for an hour and a half or for three hours is not adequate and cannot do justice to the affairs of the State which has been placed under Proclamation Rule. I would, therefore, suggest that Government should think of a constitutional amendment which will permit the setting up of standing committees to advise the Governor in the event of Proclamation Rule being made necessary under the Constitution. In the case of Kerala, for example, those persons who have been Members of the Legislature which has been dissolved, might have been made members of the Standing Committee and with them might have been associated

some Members of Parliament. The Standing Committee could have met once a month or twice or once in two months to advise the Governor about the manner in which the Government should be carried on.

The second point I would like to submit for the consideration of the House is that when a State has been placed under Proclamation Rule, it is not fair to the people of the State that the Governor should belong or should be considered to belong to any particular Party. The question has been raised elsewhere and probably in this House also that the Governor of Kerala, Mr. Ajit Prasad Jain, during the time of the election of the Prime Minister declared his preferences in an unmistakable manner. There can be no objection to the Governor of Kerala having any opinion on the subject, but we would not like any Governor to take a line which may be considered as partisan and which may reflect on his own non-partisan character. It may become necessary for the Government to insist that persons, who are appointed as Governors, must give an undertaking that during their period of office they would *not* associate themselves with any particular political Party. They should be non-party persons. If necessary, if a State is placed under Proclamation Rule, the Government should see that a person, who has held a high judicial office, is available for the job.

SHRI D. L. SEN GUPTA (West Bengal) : Independent Members like you and me.

SHRI A. D. MANI: For example, I know that in the case of Kerala it might have been possible for a person, with some kind of a judicial status or a person who has had judicial status in the past, to be sent to Kerala to see that the administration is carried on during the period the Proclamation is in force.

The final point I would like to suggest is that in regard to the extension of Proclamation in any State, it must be necessary that Government should come forward with a full statement of the reasons why it has not been possible for the Legislature to function. At present it is being stated freely that if the Governor had permitted them in Kerala to form a Ministry, it might have been possible to set up an alternative

Government in Kerala and that this was not done and (the Proclamation Rule is being continued without any semblance of justification.

These are the points that I would like to urge in this debate. I think the time has come for us to seriously think of constitutional provisions to provide for some kind of an association of public opinion with Proclamation Rule in those States where there has been a breakdown of the Constitution.

Thank you.

SHRI CHITTA BASU (West Bengal) : Mr. Vice-Chairman, I rise to record my voice of protest as also my disapproval to this motion, because our sacred Constitution provides for opportunity of ruling ourselves. This thing can be done if the Legislatures elected in the different States are given ample scope of functioning, but here I say that the Legislature of Kerala was not allowed to function in a constitutional way.

Mr. Vice-Chairman, here the motion is for the continuance in force of the President's Rule. This motion negates the fundamental democratic rights of the people. Sir, I would like to draw your attention to the fact that this motion asks for the extension of the President's Rule for six months. The six months will expire on 11-11-66, that is in the month of November next. If the Government continues to pursue the present undemocratic policy, then the question of holding the election comes. Why cannot they hold the election now? Because I apprehend that in the month of November next there will be another motion of this nature for further extension of this Proclamation. Even if the general election takes place as per schedule, that will take place in February, 1967. Therefore, in the month of November this Government will come forward with a similar motion for further extension of the President's Rule. Therefore, it is undemocratic and it is the method of depriving the people of Kerala of having their own Government.

Sir, this continued process of extending the undemocratic rule sets a very bad example throughout the country, because I feel that whenever a Governor is appointed in a State where President's Rule has been proclaimed, practically it becomes the

Congress rule. Sir, you know that all the Governors who are appointed, by all implication, by their activities, by their conduct, prove that they are part and parcel of the ruling party, that is the Congress. It has been discussed here that Shri Ajit Prasad Jain, who was the Governor of Kerala, took active part in ill politics, partisan politics, and he came over to Delhi to take part in the electioneering campaign for the Prime Minister. You see that that amply proves that even under President's Rule virtually Congress rule prevails in the State. Sir, I say that no Governor is independent of the Congress machinery, of the Congress apparatus. By continuing this President's Rule you are continuing the Congress rule, although Congress has been thoroughly defeated by the people of Kerala.

Sir, another point I would like to raise is this because it is a very vital one and it will be a lesson for the democratic people of our country. Our Constitution provides for President's Rule, but there should be a certain yardstick to measure which are the conditions which warrant President's Rule. If you say that the Constitution provides that whenever it is not possible to continue a Government as per the Constitution, President's Rule may be proclaimed, then what are the conditions, what are the yardsticks, what are the specific events which warrant soon President's Rule? If you say that, what happened in Kerala during that period is happening in many parts of the country today. If you look at West Bengal today, you will find that during the past few months the Government is not practically functioning in the interests of the people there. The Government of West Bengal could not maintain law and order. They had to call for the military and the military had practically to take over the civil administration in a very wide part of our State. Not only that, the Chief Minister of the State does not behave in a democratic manner.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): We are discussing Kerala.

SHRI CHITTA BASU : Mr. Vice-Chairman, although you may feel that it is irrelevant, I want to develop this point as to what are the conditions which warrant President's Rule. The conditions you are to

[Shri Chitta Basu.]

lay down. I want to learn from our hon. Minister which are the events which warrant such President's Rule, and if those events happen in other parts of the country why the President's Rule should not be proclaimed there. That question I wanted to develop because I feel that the events in Kerala which warranted President's Rule there may prevail or are still prevailing in some other parts of the country. Then you are to find out a yardstick as to which are the conditions which warrant President's Rule in a particular State. That I want to know. Therefore, my contention is this that the Government, that is the Congress Government, is determined to maintain and perpetuate its rule even if it is thrown out by the people of a particular State. The Congress Government was thrown out by the people. In spite of that, they did not allow the other opposition parties to form the Government. Assuming for the present that in the coming general election in certain parts of the country Congress is dislodged from power, Congress is reduced to a minority, we apprehend, we fear that the same thing will be repeated there in the interests of the party because they do not like to run the Government on democratic principles. They are partisan in running the administration. They have used the Defence of India Rules for their partisan interests. They have continued the state of emergency for their partisan interests, and therefore they are bent upon maintaining their rule thoroughly undemocratically. Therefore, I want to say that unless such yardsticks are determined which will show when the President's Rule is warranted, this continuance of the President's Rule in Kerala is undemocratic and is motivated with the object of maintaining the Congress rule over there. Therefore, I record my voice of protest and say that this motion should not be passed. This motion I oppose.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Mr. Palat Kunhi Koya.

SHRI AKBAR ALI KHAN : Will the Minister reply today?

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The Minister will reply on Thursday.

SHRI PALAT KUNHI KOYA (Kerala):

Sir, I rise to support the resolution to extend the President's Rule in Kerala for another six months. It is not because I am very happy about it and many others also are very happy about it, but the circumstances which arose during those days have made us swallow this bitter pill.

Sir, I was hearing some new speeches here today from some Members who were not here when this came up here for the first time. It has been already thrashed out here since the very inception of the President's Rule which came in Kerala. Of course, there will be two sides on all points and all sides were clearly thrashed out here. So, I do not think that I should go deeper into these matters in this short time. However, as I said, the people of Kerala are more concerned about this matter. As a Member from Kerala I am much more concerned. We have a Government there and we are having a Consultative Committee also to look after the affairs of Kerala. I am glad to find that at the Centre the Home Ministry is taking particular care about the affairs of Kerala and it is trying to do whatever is necessary for the welfare of that suffering State. But unfortunately I am sorry to state that whatever is being done here at the Centre it is not reaching the State somehow. I do not know why. That is why we are worried about this rule by a Governor. Instead of our elected members, the people's representatives, a paid servant of the Government is ruling there. From experience we have come to understand that things are not getting on very well there. That is the public opinion. Sir, many things have been exposed here by some hon. Members, things which have taken place in our Consultative Committee itself and about its ultimate results. I do not agree with the Opposition in all what they say. But there are certain matters we are forced to agree to. So, as the Opposition demands we are also thinking of having an elected Government there; a duly elected Assembly and a Ministry in Kerala are quite essential for the welfare of that State. But when we hear the reason for such a happening there, I cannot understand who is really responsible for all that had happened there. We hear all parties criticising and condemning the Congress Party and Government. The Opposition takes no responsibility at all for

what has happened in that State. In Kerala everybody knows the position of parties there and this is not the first time that Ministries have been thrown out and President's Rule has come. We have become notorious for making and unmaking Ministries there. Why? Who is responsible for that? We will say that the Opposition and its splinter groups are responsible. They will say that we are responsible. It will go on for ever like that. In a democracy, the Opposition will be there, the ruling party also will be there. So the longer and stronger the tongue, the more the noises that will be heard there. There will be comments always on what has happened there. Some of the Members who were not here when this proclamation came here for the first time are saying about the way in which the elected members were thrown out and that they were not allowed to form the Ministry. It is not correct to say that the Governor had not consulted the various parties. The various parties and group leaders were called and they were asked whether they could form a Ministry. But none could do it, because many of them were splinter groups. Unless all the parties joined together, nobody could form a Government, for which they were not prepared. Those people, who are having these tall talks now, could not join together and declare that they will form a Government. The groups and the parties there, could not agree on principles. It is correct. That is the worst condition prevailing there in Kerala. There are many parties. *(Interruptions)* I am not going to say about any other State because I have enough to slate about my State itself. Of course, they are not strong . . .

SHRI BANKA BEHARY DAS : Because the Congressmen could not agree among themselves.

SHRI PALAT KUNHI KOYA: The Corflks people can agree when they want to •fee. But the opposition parties could nOMPjree; that was why they could not foST a Government there. The Commu-njPI were hated by other parties and some communal organisations, some people, did not like. When they wanted to come together, this hitch was there. Even today when we are thinking of having another election and all that, I am doubtful whether the situation will improve. Let me ask the

Opposition whether they can say that they can have a majority and a one-party, two-party or three-party Government can be there? *(Interruptions)* That is why I am telling you : by simply speaking in Parliament or from platforms, you cannot gauge the minds of the people. I believe that the people of Kerala have opened their eyes now, they are alert now. They know what to do. So, we are not at all afraid which party wins. To our people, we are saying, you vote for some party which can have a clear majority and can form a stable Government. But these splinter groups fighting with each other, now trying for some sort of alliance cannot succeed. The Congress is still a force there. Nobody can deny that. In the light of all these happen ings, our poor State is suffering. We have not been having a stable Government in Kerala for the last so many years and the Government machinery there has become very autocratic and does not care for anybody because unless there are some Ministers, people's representatives, there, these officials will not care for anyone. They will be caring only for themselves. I can tell you that in Kerala, before this election, I myself have heard from the people that they are fed up with these Ministers and Ministries and with all these parties. So, before the election, many of the voters were saying, "Why do you not put another name also, the name of the President, in the ballot paper, so that the President's Rule can come there without difficulty?" This was the mind of the people of Kerala at that time. Yes, I am telling you, ibis was the mentality of the people. So, they wanted . . .

SHRI BANKA BEHARY DAS: President's Rule is being decided here.

SHRI PALAT KUNHI KOYA : I tell you that they would have voted for it then, now they have changed their mind. Now the people of Kerala were saying that whoever it might be, people's representatives must be there. Otherwise, there wo jld be no end to this officialdom. It had come to such a stage.

SHRI SHEEL BHADRA YAJEE : Now the Congress is coming to power.

SHRI PALAT KUNHI And I can assure the Opposition Members that

[Shri Palat Kunhi Koya]

the Congress was going to come to power again there.

SHRI BANKA BEHARY DAS : Let the people decide, not you and I.

SHRI PALAT KUNHI KOYA : Neither you nor I can decide it; it is the people's voice because the people of Kerala are not fools. They can understand what things are going on there.

SHRI BANKA BEHARY DAS: That is why the Kerala Congress is being wooed now.

SHRI PALAT KUNHI KOYA: Wooing is another matter, wooing need not always end in marriages.

The only request to the Home Ministry is that since they have not succeeded in solving the real problems of Kerala due to negligence of the State Government, the Home Ministry will take matters seriously and see that the real needs of Kerala are attended to. Though the Central Government is taking care of it yet we know they are not reaching there. I want to ask the hon. Minister to have an eye on these points.

Now, Sir, some of the Members were asking, "why not we have elections immediately before the General Elections ?" It is said that Government have to spend more than Rs. 17 lakhs for an election in that State and if we have to spend . . .

SHRI J. VENKATAPPA: When the Government have enough to write off Rs. 34 lakhs due from an individual, why should they not spare at least Rs. 17 lakhs?

SHRI PALAT KUNHI KOYA : K we are to spend Rs. 17 lakhs from the Government side every six months and continue to come to the same results, what will be the condition of that poor State ? Already it is a poor State. So, unless and until we have some definite view that some party will come to power and can manage the Government, by-elections are merely waste of time, money and energy.

SHRI BANKA BEHARY DAS : I agree with you. But who will judge it ? You or I cannot judge it.

SHRI PALAT KUNHI KOYA : The people will decide.

Another particular matter is this. While the hon. Members of the Opposition are speaking about relinquishing President's Rule in Kerala, they are asking in the same breath why we are not having President's Rule in Punjab, Bihar and Orissa and some other States. I cannot understand why they are asking for this. They are supporting President's Rule there but they are against it in Kerala. It is a most wonderful argument. However, let it continue and let us hope that everything will be all right when the voters begin to think clearly.

With these few observations, I conclude.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The Minister will reply on Thursday morning.

The House stands adjourned till 11.00 A.M. on Thursday.

The House then adjourned at fifty minutes past five of the clock till eleven of the clock on Thursday, the 5th May, 1966.