

THE DEPUTY CHAIRMAN: The House stands adjourned till 2.30 P.M.

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

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

THE ORISSA LEGISLATIVE ASSEMBLY (EXTENSION OF DURATION) BILL, 1966

THE MINISTER OF LAW (SHRI G. S. PATHAK) : Sir, I beg to move :

"That the Bill to provide for the extension of the duration of the present Legislative Assembly of the State of Orissa, as passed by the Lok Sabha, be taken into consideration."

Hon. Members of this House must have noticed that the 20th August of this year is the last date for the duration of the Legislative Assembly of Orissa. Now, it is considered advisable in the circumstances that there should be simultaneous elections to the Assembly and to Parliament in February, 1967. If there is election now to the Orissa Assembly and election to Parliament later in February, 1967, there will be duplication of electoral work. Parties who stand as candidates in the elections will have to incur expenditure on two occasions and the Parties, as well as the Government, will have unnecessarily to bear the expenditure.

SHRI LOKANATH MISRA (Orissa) : I should like to have a piece of information at this stage. What was the election expense when it was held separately and what it was when it was held jointly? I would like to know it, in the course of your speech, so that we can take it up.

SHRI G. S. PATHAK: There will be duplication of work. Officers, who will be concerned with conducting the elec-

tions, are engaged in relief work. They will be taken away from the relief work and will be employed in the election work. The people themselves, who are living in conditions brought about by the draught, will also have to undergo the trouble of voting twice. Therefore, for all these reasons, there is very good justification for the exercise of the power conferred by Parliament under article 172, clause (1), proviso. The Constitution has given power to Parliament to extend the duration of a Legislative Assembly by one year. Now, this duration is sought to be extended up to the 1st day of March, 1967, so that elections to the State Assembly and the general elections may synchronise. I hope that this Bill will meet with unanimous support in this House and will be passed, as it was passed in the Lok Sabha.

The question was proposed.

SHRI AKBAR ALI KHAN (Andhra Pradesh) : May I, with your permission, ask the hon. Law Minister whether the Government here in Parliament and in the Assembly consulted the Opposition Parties in this matter?

SHRI ATAL BIHARI VAJPAYEE (Uttar Pradesh) : No.

SHRI LOKANATH MISRA: I have to put another question.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : You can start your speech now.

SHRI LOKANATH MISRA: Mr. Vice-Chairman, I had occasion today to listen to one of the briefest speeches, while sponsoring a Bill, by any of the Ministers during my six years in Rajya Sabha.

SHRI AKBAR ALI KHAN: The matter is very brief and the Law Minister is very precise.

SHRI LOKANATH MISRA: The explanation is evident. The only explanation is that there is absolutely nothing to justify it. The hon. Minister had absolutely no argument to put forward

while sponsoring the Bill. I do not understand why he felt shy even to reply to a question of mine when I put it. What was the expense incurred when the elections in Orissa were held separately and when they were held jointly? My information in this regard is that the total of the two separately held elections was less than the election expenses the Government incurred when both the elections were held simultaneously. That may be one of the reasons why the hon. Minister kept silent about it.

PANDIT S. S. N. TANKHA (Uttar Pradesh): What about the candidates' expenses to the two Houses, both to Parliament and to the State Legislature?

SHRI LOKANATH MISRA: This particular interruption of Pandit Tankha is a great surprise to me. It seems as if Pandit Tankha cares much more for expenses of other political parties. I know he does not care for his own Party, because his Party's expenses are met by somebody else. His main concern now appears to be that other political parties would be put to a lot of expenditure. When the very Party, for which he shows great concern, advocates that there should be separate elections, where does his argument stand? I know for certain that he is not concerned about his own Party's expenditure. I know for certain that it is met by others, not by the Congress Party, themselves.

SHRI M. N. GOVINDAN NAIR (Kerala): Who are the others?

SHRI LOKANATH MISRA: That everybody knows in the country. I will come to that some other time.

Now, Sir, while discussing this Bill, unless the House knows a little about the genesis, it will not be complete. After the attainment of independence, Orissa had never a stable Ministry.

SHRI M. N. GOVINDAN NAIR: So, it is like Kerala.

SHRI LOKANATH MISRA: It is like Kerala.

SHRI SHEEL BHADRA YAJEE (Bihar): But in 1937 there was Congress Ministry in Orissa.

SHRI LOKANATH MISRA: I am sorry to find that the hon. Member does not understand English. I said it is after independence, after 1952, that we had never a stable Ministry in Orissa. No Party in Orissa came with an absolute majority. Even so it was always the Congress that formed the Ministry there. That was because—I think the country is well aware of it—there was a lot of horse trading. Independent Members, who had been elected, were taken away by the Congress. All sorts of allurements were held out to them. The Congress, being the ruling Party at the Centre, gave them all protection. The umbrella of protection was always held over anybody who led the Congress Party in the Assembly there, even though it was in a minority. That way two Ministries functioned, but it was very difficult for the Congress Party to continue that way. Any amount of protection from the Centre cannot keep on a Ministry in this State unless the people of the State themselves are behind it. Therefore, corruption started creeping in for the up-keep of the artificial ministry. Immediately after independence corruption started creeping in even among the people's representatives. Those of them who were elected as independent members but subsequently joined the Congress through certain allurements naturally gave an impression to the country that even the elected representatives of the country cannot be relied upon.

SHRI P. N. SAPRU (Uttar Pradesh): What type of corruption?

SHRI SHEEL BHADRA YAJEE: Some members joined but not because of allurement.

SHRI LOKANATH MISRA: I will first reply to Dr. Sapru's question with some veneration because it is a genuine question he has asked. Subsequently a reply to the political question would be given to Mr. Yajee. To Dr. Sapru's question I would say that it was in the shape of even money, in certain cases in the shape of certain other facilities

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which are not normally given to members of the Assembly. Mr. Sheel Bhadra Yajee interrupted saying that even some Ganatantra Parishad M.L.As merged with the Congress . . .

SHRI SHEEL BHADRA YAJEE: I said some members joined the Congress, but not due to money.

SHRI LOKANATH MISRA: That was the result of horse-trading. (*Interruption*) Coalition is something different. My friend does not understand the difference between a purchase and a coalition. Purchase is buying and a coalition is joining together to form a Government under certain principles, certain ideologies.

SHRI SHEEL BHADRA YAJEE: You are decrying the M.L.As. as if they are easily purchasable commodities.

SHRI LOKANATH MISRA: I have decried your Chief Minister whom you held so high. I have decried corruption, I have decried sin, I have decried immorality, even if it is in the Ministry at the Centre. I have fought against T. T. K. because I thought he was immoral and corrupt. Wherever it is, I fight against corruption. I fight against immorality whether it is in the Centre, whether it is in the State, whether it is a Minister or whether it is a Member of Parliament. It is a matter of principle when I fight against corruption whether it is here or there or anywhere.

Sir, because of this instability ultimately the then Congress Chief Minister had to come down to a position when he thought that there was absolutely no alternative to a coalition Ministry, and the Ganatantra Parishad also thought that there should be a people's Government in Orissa rather than President's Rule. With a minimum agreed programme there was a coalition between the Congress and the Ganatantra Parishad. It worked for 21 months and it worked very well. It was able to eradicate corruption to a substantial extent so much so that one of the leading personalities of the Congress who had already got

into neck-deep corruption during the unstable Ministry previously was perturbed. He owed a lot of money to the Orissa Government. He had put up industries, all through the money obtained from the Government of Orissa, like Dr. Teja here who has built all his fortune on Government of India's money.

AN HON. MEMBER: Who?

SHRI LOKANATH MISRA: Dr. Teja.

SHRI ATAL BIHARI VAJPAYEE: Of Jayanti fame.

SHRI P. N. SAPRU: He was a very rich man. At least his wife was very rich. I met them in 1954 in New York and I think he got a big prize for scientific work in the United States.

SHRI LOKANATH MISRA: Even though it is a little departure from the main discussion, Dr. Teja's first wife, I am told, was a rich lady who died in Rome. I am told also, under suspicious circumstances. That is it.

AN HON. MEMBER: God help him.

SHRI LOKANATH MISRA: There was an interruption and I had to reply to the interruption.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): He has worldwide knowledge.

SHRI LOKANATH MISRA: Mr. Biju Patnaik was the gentleman in question and the coalition Ministry insisted that all the money due to the Government must be paid up. It may be a couple of lakhs of rupees, it may be a couple of millions by then, but he thought that this was an occasion when the coalition Ministry must be pulled down or else there was no escape for him. He had, I was told later on, good pulls here, and as a result of that...

SHRI SHEEL BHADRA YAJEE: Sir, are we discussing Patnaik's Orissa Assembly affairs?

SHRI LOKANATH MISRA: Biju Patnaik is an integral part of Orissa politics and of the corruption existing in Orissa. He is an integral part of both.

THE VICE-CHAIRMAN (Shri M. P. BHARGAVA): You please continue.

SHRI LOKANATH MISRA: Because of these interruptions certain things might come up which even I myself do not intend to bring in.

SHRI G. S. PATHAK: It must be an integral part of your speech.

SHRI LOKANATH MISRA: Therefore, he tried his level best to pull down this Ministry. He tried to become the President of the Provincial Congress Committee. The first time he was defeated, but the second time the allurements again worked in the Congress Party. He was elected as the Congress P.C.C. chief, and as the P.C.C. chief he had a little better say than as an ordinary member, and with his pull here at the Centre and the new position acquired by him he was able to pull down the coalition Ministry that was incessantly fighting against corruption, for eradication of corruption. When were the elections held, Sir? The elections were held in the scorching sun of May last week and June first week. The other day in this very House I did use the word "learned" here even if I do not use it anywhere else like Mr. Arora.

SHRI ARJUN ARORA (Uttar Pradesh): Does he mean that I use it wrongly? I use it only for the learned people sometime also when they betray their ignorance.

SHRI LOKANATH MISRA: The Ministers you mean.

AN HON. MEMBER: Thanks for the clarification.

SHRI LOKANATH MISRA: I had really to laugh when I heard the arguments of the otherwise very able advocate of the Supreme Court. He has failed here. I do not know if he is sharing his intelligence with the rest of the Ministers.

SHRI M. N. GOVINDAN NAIR: He can argue even a weak case. (*Interruptions*).

SHRI LOKANATH MISRA: No, no. He was a genius. I know him, he was a genius as an advocate of the Supreme Court. But he is sharing his intelligence here.

SHRI ARJUN ARORA: Still a genius

SHRI LOKANATH MISRA: Listen to my speech. He is sharing his intelligence with the rest of his Cabinet colleagues and therefore he has brought down his level of intelligence. (*Interruptions*) No, no. You are the right person to share, you must have enhanced it, gaining some.

Now, Sir, the argument put forward by him the other day was that it was the climate that was responsible for postponing the elections. He does not know his own mind. Sometimes when it suits him, he says that it is the climate for which reason they cannot hold the elections. Sometimes it is the emergency that creeps in. The real fact is always under cover. The real fact is that many things have happened after the 1961 mid-term elections. During 1961, something had worked brilliantly well because it was used on a large scale by the Congress for the first time; it had its own effect. It is called in Oriya as *amoghastra*. The Hindi translation would also be the same, even the Sanskrit translation is the same. The translation in English would be 'the invincible weapon'—the *Sudarsana Chakra*—the round silver thing that goes round, the silver bullet. That worked splendidly well for the first time. People were made corrupt by this great leader who talked of socialism all the time. (*Interruptions*) It is your people who talk of socialism and make Rs. 10 crore within 10 years. I do not make it. If you say that I have made Rs. 10 crores within 10 years, I shout from the house-top . . .

SHRI ARJUN ARORA: Only the Income-tax authorities can say whether you have made or not.

SHRI LOKANATH MISRA: You can check it with the Income-tax authorities. The hon. Minister in the Minis-

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try of Finance belongs to your party. Ask him to set up a special enquiry as it was done against Biju Patnaik and Biren Mitra.

As I said, that worked splendidly well for the first time. Thereafter, through this illegal method, this unsavoury method, somehow the Congress came in a majority for the first time. But people had high expectations after the Congress had a stable majority. Prior to that, all the time the Congress leaders were preaching in the State and in the country that it was because of an unstable Government that they had not been able to achieve any progress in Orissa. Naturally when through a fluke the Congress Party came in a majority, people had high expectations of it. All the time, it was the party which was saying that because of the instability of the Government, it was not able to do anything. Now was the time to expect progress in Orissa out of it. So, everybody looked forward for a rise in his economic standard, each man in the State, irrespective of the class as the Communists say, to which he belonged. But what happened? No benefit accrued to Orissa as a whole. All the benefits were taken away by people who were in authority. As I was just now saying, the great, glorious leader of the Congress, Shri Biju Patnaik, was boasting at public meetings—"I am the same person today with a *dhori* and a *kurtha*, ten years back. I was borrowing a cycle from a friend of mine to go from one place to another because I did not own it. And now you see, within ten years, in the socialist pattern of society, I own ten crores of rupees." (Interruptions) Yes, that is the socialistic pattern. What I am hinting at is that this is the socialist pattern of the Congress Party which you boast of. Now, Sir, he is one of the many. The stability that was attained by the Orissa Congress ruling party has seen two Chief Ministers being toppled one after the other. Of course, I have my own share of responsibility.

SHRI ARJUN ARORA: You allowed no stability to Orissa.

SHRI LOKANATH MISRA: It is your CBI Report, not mine. I was only instrumental in the disclosure of it. But your CBI Report; your Home Ministry set up the CBI enquiry to find out facts about Shri Biju Patnaik and Shri Biren Mitra.

SHRI ARJUN ARORA: All the same you allowed it.

SHRI LOKANATH MISRA: The stability is still there. The brute majority is still there, but the morality has gone.

AN HON. MEMBER: According to you.

SHRI LOKANATH MISRA: Because when a majority does not function conscientiously, it becomes a brute majority.

SHRI D. C. MALLIK (Bihar): Not at all, they have got a majority of their own and it is there.

SHRI LOKANATH MISRA: It only needs standard intelligence, I think, to understand this as to what is the difference between brute majority and only majority.

SHRI D. C. MALLIK: People who have been defeated call majority as brute majority . . .

SHRI LOKANATH MISRA: Coming back to the subject, two Chief Ministers were kicked out one after the other. That was because of serious charges of corruption, which were ultimately supported by the CBI Report of the Home Ministry. As a result of this, during the last tour of the Congress President, Shri Kamaraj, to Orissa, all these disreputable persons tried to rehabilitate themselves so that they could take charge of the Congress organisation there again. When Shri Kamaraj paid a visit to Orissa, the people naturally wanted to show respect to him because he is an all-India leader and he had come over to Orissa. But these people wanted to sit on the rostrum along with him. Wherever these people tried to creep in to sit on the rostrum, you would be surprised to know the political conscientiousness of

the people of Orissa, there was a universal demand to get them down. In the presence of Shri Kamaraj himself, in the constituency which is represented by the present Law Minister of Orissa, all the three disreputed leaders were made to come down from the rostrum before the meeting. They had thought that they could take shelter under Shri Kamaraj's visit and tried to show to the people that they still enjoyed the confidence of Shri Kamaraj. But the people did not allow it. That is an assessment which must have been conveyed to the Central Government and to the Congress High Command.

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SHRI B. K. MAHANTI (Orissa): It is absolutely wrong.

SHRI LOKANATH MISRA: If it is not Biju Patnaik in Sambalpur, it is two others. He may be in Balasore. If it is not this meeting, it must be another meeting. But this is what happened. I am sorry this did not have wide publicity all over the country because of their grip on certain newspaper representatives from Orissa. But after that a proper assessment by the Central High Command has already been obtained and they know where their party stands.

SHRI B. K. MAHANTI: He is one of them.

SHRI LOKANATH MISRA: I am going into the merits of the Bill to show what is the intention of the Government behind this move for extension. They have absolutely no hope of the Congress Party getting a majority now. As long as possible they want this corrupt party in Orissa to continue in power.

Now, Sir, since they have lost all hope, they want the approval of Parliament for this extension. All the Opposition parties in Orissa were against this extension. When the move for this extension came from the ruling Party, the Opposition parties passed resolutions condemning the move. They thought the sooner this corrupt Ministry went out of power, the sooner they went to the polls to get a fresh mandate from the

people, the better it was. But no attention was paid to it because it does not suit the ruling party. When it suits them, even in the scorching sun in the month of June, they can hold elections. But when it does not suit them, so many things are brought forward as arguments. They say there is emergency. Where does the emergency exist in Orissa? Is it a border State? Is it West Bengal? Is it Assam? Is it Himachal Pradesh? Sir, Orissa is far away from the impact of any emergency.

The second argument is about the weather when they had held elections during the hottest part of the season. The third argument put forward today by the Law Minister was that relief work might be affected. An announcement was made by the Home Minister regarding this extension in December 1965. But did the Home Minister consult his own astrologer? What is his name?

SHRI DAHYABHAI V. PATEL (Gujarat): Haveli Ram.

SHRI LOKANATH MISRA: Perhaps he told him then that there would be famine conditions in Orissa and, therefore, the elections should be postponed. Now, is it that the Law Minister has also his own royal astrologers to consult?

SHRI G. S. PATHAK: I have no astrologers. I do not believe in astrology.

SHRI LOKANATH MISRA: If the hon'ble Law Minister does not have an astrologer of his own, he should not have taken up an argument which is untenable and frivolous. Sir, Mr. Pathak was a genius as an advocate. I never expected his intelligence to go down so soon after accepting the Ministry.

SHRI G. S. PATHAK: I have forgotten all my law and have come down to your level. I am sorry.

SHRI LOKANATH MISRA: What happens in other countries must also be taken into consideration. In all other countries, immediately before the elections a caretaker Government functions.

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They have developed a tradition. But in our country, in spite of the suggestion for the last 15 years by all the leaders of the Opposition, all thinking men in the country, all intelligent persons in the country, the Congress does not want to concede on this point. And how can they concede when they want to cling on to power for six months more by extending the legislature's life? How do you expect this party to part with power two, three months before the election and to have a caretaker Government? They take advantage of the Government machinery. They geared the Government machinery so as to suit their own election purposes. Therefore, they would never concede that point. Here, in Orissa, Sir, there was an occasion for it, and a legitimate occasion. There was absolutely no necessity for having an extension of this Legislature. A caretaker Ministry could function and there would have been a concrete experiment of the democratic functioning in this country for the outside world to see for which the Central Cabinet has so much of respect. If they cared for the world opinion, they would have created an opinion here in Orissa. There was an occasion for the ruling party to concede this point. This would have paved the way for democratic functions to develop in this country. In spite of this, when the Law Minister is still determined to carry on with his Bill, the only presumption would be that if there is some hope for the Congress Party to win, immediate holding of elections is ordered. When the possibility is remote the elections are postponed. If they wanted, elections could have been held in the month of February 1966, much before the summer set in. In December, I hope, they took the decision in spite of the resolutions passed by all political parties of the country. Are they the only political party to determine these things? If it is so, then it is not a democracy. If you are the only person who would determine when to hold the elections or when not to hold them, there is no democracy functioning in this country. (Interruption) Shall I tell you what is democracy?

SHRI SHEEL BHADRA YAJEE:
Climate.

SHRI LOKANATH MISRA: Climate was no consideration. It was an after-thought.

SHRI SHEEL BHADRA YAJEE:
Last time they committed a mistake that they held the elections in summer.

SHRI LOKANATH MISRA: Shall I have to tell Mr. Yajee that the summer this year is less hot than the summer in 1961? Perhaps, Shri Yajee knew it from Mr. Haveli Ram whether the summer this year was going to be hot or cold. (Interruptions) Please do not say that. Things are known all over the country.

SHRI SHEEL BHADRA YAJEE:
The Swatantra Party will never understand what is scientific socialism.

SHRI LOKANATH MISRA: Scientific socialism is collecting Rs. 10 crores within ten years and evading all taxes . . .

SHRI DAHYABHAI V. PATEL: In a scientific manner.

SHRI LOKANATH MISRA: Yes, in a scientific manner. I am extremely thankful to Mr. Patel. I will only make one more point and then sit down. Orissa now is going through a crisis. The famine has put about 9 districts of Orissa and their people to a lot of distress. In the present condition a corrupt party can never be entrusted to look after the people properly. Even if the Government of India gives all the necessary assistance for the State, I do not think it is going to reach the people, because previously we have seen that the money that was meant for a certain project never percolated down to the project itself, much of it being siphoned off in the way. Therefore the presumption will be that even if assistance from the Centre is substantial, there will be some doubt whether it would reach the people or not and whether the people will directly benefit from it or not. Yesterday, Mr. Vajpayee had made the suggestion that there should be some vigilance from the Centre and some officer should be appointed by the Centre itself, not from the State cadre so that the Centre could have some direct control over the money

that is going to be spent in the famine areas.

Now, Sir, coming back to the Bill, I would oppose it. I do not find any justifiable reason for the Minister to have sponsored this Bill. Thank you.

SHRI B. K. MAHANTI : Mr. Vice-Chairman, Sir, I support the Bill moved by the Law Minister for the extension of the duration of the Orissa Legislative Assembly. While introducing the Bill, he has elucidated the reasons and he has also stated what is coming in the way of not extending the life of the Legislature. He has stated something about acute drought conditions in the State and also the relief operations which are going on there and also he has stated that the official machinery would be geared for election purpose and that will come in the way. While I see very justification for the extension of the life of the Orissa Legislature, I feel that in the meantime some steps should be taken by gearing up the administrative machinery so that elections can take place at the same time as the Lok Sabha elections, i.e. in 1967. Mr. Lokanath Misra has narrated the history of political instability in the Orissa State and he also stated that the Congress was not in majority and some horse-trading was going on and all that. He knows it for certain that horse-trading can only go on with those people who believe in that and those who subscribe to that. Unfortunately their Party which was Ganatantra Parishad, without taking the verdict of the people, converted itself into the Swatantra Party and there was a Coalition Ministry with the Congress in that State on the basis of certain principles and those principles were embodied in the Nagpur Resolution of the Congress. They believed in democratic socialism and co-operative farming and all that. On that basis there was an agreement on which the Ganatantra Parishad joined hands with the Congress to bring about political stability. In the mid-term election they got a crushing defeat from the electorate and then they changed their form and became the Swatantra Party which is totally opposed to cooperative farming and all that. The creation of Swatantra Party was the out-

come of the Nagpur Resolution, whereas the Coalition was based on fundamental principles of socialism and fundamental principles of co-operative farming. And they did that with the full knowledge that they were going to exploit the administrative machinery in their favour. They failed in that because Biju Patnaik came in the way. Biju Patnaik was in business long before he was entrusted with the leadership of the State as Chief Minister or as President of the P.C.C.

SHRI LOKANATH MISRA : Since when was he in business ?

SHRI B. K. MAHANTI : Since 1945. In that year he was not the President of the P.C.C. He was a member of the Legislature since 1946 and he was an ordinary Congressman. These people tried to propagate against him when he was trying to frustrate the attempts made by the Swatantra Party, the then Ganatantra Parishad, to exploit the administrative machinery in their favour by remaining in charge of the Administration. When he came in their way, they went and propagated against him. They made a representation to the late Prime Minister Nehru.

SHRI LOKANATH MISRA : Let us have an argument, Sir. When the Chief Minister was a Congressman, who was heading the administration during coalition ? How is it that he did not find out that the Ganatantra Parishad was gearing the administration to their advantage, but Shri Biju Patnaik, a private member, found it out ?

SHRI B. K. MAHANTI : The Ganatantra Parishad exploited the administration. They remained in charge of finance, industry, etc.

SHRI LOKANATH MISRA : And started realising money from Biju Patnaik, due from him to Government.

SHRI B. K. MAHANTI : They were just trying to divide the official machinery and officials were completely divided on this fundamental issue and there was a complete collapse in the administration. At that stage Biju Patnaik came and took the leadership of the

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State with an overwhelming majority and he gave a crushing defeat to this Ganatantra Parishad. They were propagating that they would be able to eliminate the Congress Party in the mid-term election in 1961. But they could not do that, in spite of their money and experience which they had gained. All that they could not use in their favour because it was an unholy alliance and because they themselves were corrupt and they corrupted the machinery. I will charge them with corruption, not the Congress. They corrupted the machinery and the people really and rightly voted the Congress to power.

Sir, the other point which has been raised relates to democratic way of life and parliamentary democracy. It has been said that parliamentary democracy will come to an end. I do not think so. After all we are passing this piece of legislation which we have already passed in the other House. And it is a democratic institution. Nobody can deny that it is a democratic institution. If it is not a democratic institution, then what is meant by democratic institution? We are passing it because we have considered the state of affairs prevailing in our country. The prevailing condition is due to the emergency, the emergency that has been forced on us by the Pakistani aggression and the Chinese aggression. We know that nowhere in the country do we have bye-elections. No elections are going on now. For your information I may submit here that in the State of Orissa, the Government of Orissa sincerely wants the elections to be held soon. They have decided that they do not want to continue even for a single day more, if not called to power. They want the elections to be held and they wanted them to be held in the middle of this year. But then this was not acceptable or possible on account of the reasons which are known to all of us.

SHRI K. SUNDARAM (Madras): Nothing prevented them from resigning.

SHRI B. K. MAHANTI: Yes, but when President's Rule was promulgated

in Kerala my friends over there said that democracy was at stake. But rightly President's Rule was promulgated. They had to do it because there was no majority party there to carry on the Government of that State and so there could not be any Government formed. They found that the constitutional machinery came to a deadlock there. Therefore President's Rule came there. But here in Orissa the Government is functioning with the confidence of the Legislature. The opposition parties and our party are all represented in that Legislature and with the confidence of all the parties they are running the Government there. So it cannot be said that it is undemocratic. In view of all this I would like to support this Bill and I do hope that this Bill will be accepted by the House.

SHRI BANKA BEHARY DAS (Orissa): Mr. Vice-Chairman, the circumstances under which this Bill has been introduced smack of dishonesty, if I may be permitted to use that word. Here we see the circumstances in which political murder of the democratic spirit has been perpetrated. This Bill is a fraud on the Constitution of India Sir, the arguments that have been advanced here were the very same arguments that we on the Opposition advanced in 1961. When in February 1961, the Coalition Ministry there resigned and the Legislature was dissolved, elections were not held immediately. The Election Commissioner visited the State and met the representatives of all the political parties and we started to discuss with him about the impending elections. But he kept mum or rather he gave the hint that we were not going to have elections just then because the election was going to synchronise with the general elections to be held in 1962. I do not know how circumstances changed and we had to face an election in the first week of June, 1962. But the very same arguments which were advanced by us then are the arguments that the Law Minister has brought forward here to justify this extension of the life of the Orissa Legislature. I do not want to go into the details of the circumstances, the stinking political atmosphere, the maladministration, the incompetence of the Gov-

ernment to face the food crisis, and so on. On the contrary, on this occasion I want to dwell upon some theoretical problems that the Law Minister and the Congress Party are facing today. When in Kerala President's Rule was introduced I charged the Government with following double standards. Here on this occasion I again charge the Government with following double standards.

You know that there are three positions or three circumstances when the Union Parliament discuss, about a State Legislature or a State Administration. When the five-year period ends as provided in the Constitution and the question of extension comes, then we discuss that matter. Another circumstance comes when the administration and the government of the particular State cannot be carried on in accordance with the Constitution and there is failure of the Constitution in the State, then also we discuss the matter in the shape of a motion for President's Rule. Then there is a third circumstance in which we discuss about a State Legislature and the State Government and that is when the election is held and no party emerges as a single majority party. These are the three constitutional positions that we have been facing in India within the last eighteen years. I hope the Law Minister will find out some solution to these three positions. Unless they evolve a constitutional machinery, a constitutional remedy to these three circumstances, they will be only stumbling from one position to another and they will be guided by party considerations in their attempt to meet the situation.

I have an answer to meet these three positions and I expect the hon. Law Minister to consider the solution that I suggest and a healthy convention should be established in this country with the help of the Congress Party and all the Opposition Parties, so that we can bring about a solution of these three deadlocks that we face in this country.

As regards this question of Orissa, you know that the life of the Orissa Legislature is going to expire in the month of August. The emergency provisions of

the Constitution have been taken advantage of to give a further lease of life to this Legislature and the corrupt Government is being given a longer period than six months. Here also it smacks of some dishonest motives. You know the Home Minister the other day announced here and outside also that he was going to lift the emergency and that the emergency provisions would be limited to certain parts, especially the border areas, of this country. If the emergency is to be lifted, then I think the Law Minister will have to come again to this House for an extension of the life of the Orissa Legislature because if the emergency is lifted within one or two months, then the Orissa Legislature could function only for six months after that period. If they still stick to this time-schedule and they extend the Legislature by more than six months, then they will have to extend the emergency also for some more period. Here there is conflict between what the Law Minister says and what the Home Minister said. I do not know whether they are working together. I do not know whether they have given serious thought to this aspect of the question. I am dealing with the question of the extension of the tenure of the Orissa Legislature. In such circumstances I should also like to appeal to the Law Minister to give serious thought to this matter that when for certain reasons or in certain circumstances we agree that we cannot face the election during the summer or during the rains, then it is always in the fitness of things that the Ministry should resign earlier and face the electorate. I know that in a democracy the majority party has the option as in England and if they want not to prolong their life by more than 5 years, it is always open to them to have the option and it is always in the fitness of things that they should go to the electorate much earlier, before the five-year period expires. In the case of Orissa if they do not want to be accused of having double standards they should have advised their own Ministry in Orissa to advise the Governor to dissolve the Orissa Legislature and to go to the polls before the summer came. Otherwise the next alternative is, the moment the five-year tenure is over, President's Rule should be imposed. These are the two alternatives that we have to

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consider If we do not consider these two alternatives and accept one of them, then the net result will be that whichever political party is in power they will **take advantage** of the emergency provisions and the constitutional provisions to lengthen the life of the Legislature to suit their own political motives. Here in the case of Orissa, I would have liked the Orissa Ministry to have resigned earlier and advised the Governor to dissolve the Legislature and to face the electorate before the summer or the rains came. Sir, the next alternative for them is for the Ministry to resign by August 20th and the President's Rule should be imposed. If there is any difficulty in the Constitution in doing this and if you think that this is the only healthy convention that should be adopted, then, if necessary, the Constitution should be amended. That is the only way in which we can face such a situation. It is not only this case of Orissa which has arisen now it may arise in future also and I humbly submit to the Congress Party that they should consider this aspect seriously. Some months back a Committee of the Congress was constituted under the leadership of Mr. S. K. Patil to consider this aspect. I do not know what happened to that Committee or to the report of that Committee

The second alternative comes when just like in Kerala an election is held and no single party emerges as the majority party. There also I have a solution to offer. Whichever party is prepared to form a Ministry should be allowed to form the Ministry and face the Assembly. The Assembly should be the sovereign body to decide whether the Ministry should continue or not

SHRI D. C. MALLIK : If there is the Assembly; not the Assembly

SHRI BANKA BEHARY DAS
Assembly always means the majority

SHRI D. C. MALLIK : If there is no majority, who will decide?

SHRI BANKA BEHARY DAS: It should not be decided outside the legis-

lature by the Governor or by anybody in Delhi; it should be decided by the Assembly itself. And here I can give you a precedent, the precedent of France. There, as you know, a party, even if it is not in a majority, if it is prepared to form a Ministry, is allowed to do so. Whichever party comes forward to form a Ministry is allowed to do so and face the Parliament. If the Parliament votes it down, then some other party will try. We should also try the same method in India. You know in Kerala some other parties were prepared to form a Ministry. If they could evolve a coalition, if they could have a Ministry with the implicit support of the Members of the Kerala legislature, they should have been allowed to form the Ministry and we could have found out if the legislature had confidence in them but the things were decided from outside. The Governor decided whether a Ministry could be formed there or not and you know how Governors are appointed here. I do not want to go into that aspect now but this is the only method by which we can decide, after the legislature is formed, whether a Ministry can function or not with the full support of the legislature of that State.

The third eventuality comes when a Ministry is there and when for certain reasons the Ministry falls and cannot get the majority support of the House. Then there is constitutional failure according to the Constitution of our country and there might be President's rule. But every six months the legislature should be invoked and the political parties should be allowed to see whether they could form a Government or not if we decide that the State should not go to the polls. If it goes to the polls after the completion of six months, then there is no difficulty but if the Government feel with their own subjective vision that there is a likelihood of instability, then they should not decide on this question unilaterally. The legislature should be invoked and the legislature should decide whether a Government could be formed or not.

These are the three constitutional eventualities that we have before us and

what is the answer of the Congress Party and the Government to this? The only answer is they do not want to evolve healthy conventions in India; they want to deal with situations as they arise and solve them from one and the only consideration and that is the consideration of political expediency. Taking advantage of this Orissa Extension Bill, I want to suggest to the Law Minister and to the Congress High Command that they should not think that the Congress Party will be in majority for all time to come, they should not think that in most of the States they can have majority for even some ten years; they should not think that in Delhi too they will have majority for all time to come. The Constitution of India has to live; the State of India has to live and the only solution for all these three constitutional eventualities is to sit together and decide what should be done in these circumstances. I agree that we cannot have cut and dried solutions always if we had cut and dried solutions for all these eventualities, then we can easily amend the Constitution of India. There might be some circumstances, some eventualities which we cannot anticipate. So the only way out is that all the political parties of India should sit together and evolve certain conventions which would meet such situations whether it is a question of extension of the legislature of a State or whether it is a question of imposing President's rule when the constitutional machinery fails. Under the circumstances I will appeal to the Law Minister and to the Congress Party that the situation is going to change in India. They should see the writing on the wall. As a majority party in this country they have to evolve healthy conventions to meet such constitutional eventualities and see that they do not recur in future. If it recurs, we should have some ready-made solutions in the form of constitutional amendments or conventions.

In this connection I want to refer to the situation in Orissa. There is so much of talk about stability. I do not want to refer to those facts which my hon. friend, Mr. Misra, mentioned. You know in 1952, after the Constitution was adopted, in the first general election the Congress did not emerge as the abso-

lute majority party there. It had a strength of 67 in the House of 140. With the help of some independent people, by nefarious means, by horse trading they could form a Government. In 1957 also the same situation arose. It was still worse and the Congress Party was reduced to 57 out of 140. And you know what methods were adopted. I do not want to refer to those things because when we remember all those happenings—I was myself a Member of the Legislature—we are ashamed of the role that was played by the Congress Party at that time. Here if anybody wants to dispute these facts, I will only refer him to the writings of .

SHRI D. C. MALLIK: Just now you yourself said that any party that comes forward should be allowed to do so and face the legislature and now you are criticising it.

SHRI BANKA BEHARY DAS: When I say they should be allowed, it means they should face the legislature and if the legislature votes them down, they should quit. That is the only solution because no single party can have absolute majority for a long time. I was about to refer to what Dr. Hare Krushna Mahatab, in his own paper, 'Prajā Tantra' wrote about the 1957 elections. You know he headed the Congress Ministry and it was not a coalition Ministry. He has clearly depicted the various means that were resorted to including purchase of Assembly members, how horse trading was adopted to see that a Congress Ministry was saddled in power in the State. I am not, as an Opposition member, accusing the Congress Party of horse trading; it is the leader of the Congress who formed the Ministry with the help of the present rulers, Mr. Biju Patnaik and Mr. Biren Mitra who said what nefarious means were adopted to see that the Congress was saddled in power. The Orissa Congress after 1961 elections boasted that they had the majority on their side, they had a majority of 85 in a House of 140. But what is the result? Numbers never give you political stability in this country; it is only quality that can give you stability in India. In spite of the fact that they had a brute majority of 85,

[Shri Baaka Behary Das]

we are having a third Ministry in that State after Mr Biju Patnaik stepped down and after Mr Biju Mitta stepped down and the same instability continues. Even within the ruling party, if you see the papers, you will find what is happening. In the last so many months so many dissidents have walked out and in the Congress Party itself they are divided to such an extent that there are three groups among the Ministerialists. We do not know but if you extend the life of this Assembly we may have a fourth Ministry in that State. I therefore say that by sheer numbers you can never have stability in India.

Sir I have given you certain circumstances and eventualities and certain solutions to meet such situations and I hope that the Minister, when he replies, will reply in regard to those three eventualities. If he does not, and if he gives only stop-gap solutions, in spite of the fact that he is a very great lawyer of eminence, he will be killing the very spirit of democracy and the Constitution, which we have accepted and to which we owe allegiance. With these words, I am not at one with this Bill. I know it is already late and we cannot go in for elections just now because the Congress Party created such a situation that we have to face certain circumstances in Orissa. Just now during the rains we cannot go in for the elections. But I want to submit that this is not the only occasion when we are facing this situation. We faced such a situation in 1961 in Orissa and other States also. In future also everybody is going to face such a situation. The only remedy is that we should evolve a healthy convention to meet any such eventuality. Because they have not resigned and because they have not gone to the polls, the only solution is this. After 20th August, when the life of this Legislature and the Ministry expires, they should have President's Rule. If the Constitution does not provide for this healthy tradition, the Constitution should be amended, so that we can have President's Rule in Orissa and we can go to the polls simultaneously along with the entire country.

Thank you

SHRI S. SUPAKAR (Orissa) Mr Vice-Chairman, it is very interesting that recently very serious and democratically-minded people are evolving a thesis that President's Rule is better than democratic rule by a Legislature. When there is a calamity of this nature haunting the State of Orissa when there is acute scarcity, will it be better if the Ministry is asked to go and the officers are allowed to do as they please, with the Centre at a distance of about a thousand miles? The Members of the Opposition in the Orissa State Legislature, who have a chance to bring to book the Government for their shortcomings, the ruling Party for their shortcomings, should be held responsible. This has been suggested not only in the case of Orissa, but also in other States like U.P. where merely by making the State Legislature not function for a single day by the method of "Ghera Dalo", it has been suggested that the Ministry there also is incompetent and it should be substituted by President's Rule. At least I am not amused by this theory. I would say that if really the Government of Orissa is incompetent, it would be wise on the part of the Opposition to give it a long rope to hang itself with. If they cannot hang the Orissa Government, then the rope will be long enough for them to hang themselves with it.

[THE DEPUTY CHAIRMAN in the Chair]

Now, certain facts were forgotten by the first speaker who opened the debate, Shri Lokanath Misra. I am afraid he has a very short memory. He was saying that all the Parties in the Opposition did not want the election to be postponed. They wanted the election to be held in the early part of 1966, but it was only the decision of the Government of India, as declared on 10th December, 1965, that led to this position that the election to the State Legislature be synchronised with the election to Parliament. The facts are quite otherwise. It is not a fact that Mr. Hareh Ram was responsible for the declaration that was made by Shri Ashok Sen on 10th December 1965.

SHRI LOKANATH MISRA: I did not say Mr. Ashok Sen. Do not make that statement. I said the Home Minister.

SHRI S. SUPAKAR: Yes, the Home Minister.

SHRI LOKANATH MISRA: How do you know it?

SHRI S. SUPAKAR: Anyway, it is the Government which made the statement. You will admit that. Before that, the responsibility for postponing elections to the Orissa Legislature before 1965 or in the early part of 1965 must go to the credit of the Leader of the Opposition in the Orissa Legislative Assembly, who sent a telegram to his counterpart in Rajya Sabha, who read out that telegram in November, 1965 . . .

SHRI LOKANATH MISRA: He has raised that point and he is misrepresenting the entire facts.

SHRI S. SUPAKAR: I am presenting the correct facts before the House.

SHRI LOKANATH MISRA: On a point of personal explanation now that he has brought me in and he has brought in the Leader of the Opposition, I must be allowed to explain it. The Leader of the Opposition sent a telegram to Shri Dahyabhai Patel to take up the matter with the Government of India, so that on the plea of ensuing elections the relief work should not be suspended or relaxed and on the plea of the officers' involvement in relief work the elections there should not be suspended.

SHRI S. SUPAKAR: That is exactly what I am stating

THE DEPUTY CHAIRMAN: He has said what you wanted to say.

SHRI S. SUPAKAR: It was urged that the relief work be not hampered. They say that on the plea of holding elections relief work should not be hindered. Now, the actual stage has appeared when . . .

SHRI LOKANATH MISRA: A drowning man catches at a straw.

SHRI S. SUPAKAR: It was stated that more and more officers would be necessary. It is now stated that it was

unwise on the part of the Government to have announced it at that stage and it is unwise on the part of the Government now to postpone the election. I also expect Shri Lokanath Misra to say, "Let the election take place in the near future." He did not make any assertion to that effect.

SHRI LOKANATH MISRA: If I assert it, will you hold the election?

SHRI S. SUPAKAR: You cannot assert.

SHRI LOKANATH MISRA: I am asserting I am demanding the election now.

SHRI S. SUPAKAR: You should have asserted then, before the declaration was made by the Government of India to the effect that the elections should not be synchronised. It is also a fact that neither now nor before the declaration of December 1965 the P.S.P. and the Communists, who are the other opposition parties, were prepared to face two elections within the course of one year, and rightly so because of the expensiveness, because of the amount of labour involved in the case of each particular candidate of the parties concerned. It is just possible that the Swatantra Party has the funds to run two elections, one in summer 1966 and another general election to the Parliament in 1967. But I am sure the other opposition Parties do not want an election to be held within the next two months, and that is why it has been suggested that there should be President's rule instead of an election being held. Therefore, I feel that the assertion that was made by Shri Lokanath Misra that the Swatantra Party and the opposition Parties wanted two elections, one election for the Orissa Legislature in 1966 and another election to Parliament in 1967, is not based on facts.

SHRI LOKANATH MISRA: But we sent a copy to the Home Minister.

SHRI S. SUPAKAR: I can quote your telegram.

SHRI LOKANATH MISRA: Madam, it is a confusion. The telegram meant that relief work on no account should be suspended because that was so necessary for the people. In spite of that you could hold the election. What stood in the way?

THE DEPUTY CHAIRMAN: Let him have his say.

SHRI S. SUPAKAR: The Government of Orissa was preparing for the election to the panchayats. But that had also to be suspended on account of the acute drought situation and the necessity of having an extensive amount of relief programme on their hands. Therefore, I think it is necessary at this stage to extend the life of the Orissa Legislative Assembly which expires on 20th August, 1966, and about six months after that period the general election for Parliament is going to be held between 19th and 26th February, and it would not be wise or proper or politic to hold two elections in the course of about six months. Therefore, this Bill deserves the support of the entire House including the Members opposite. Thank you.

SHRI M. N. GOVINDAN NAIR: Madam Deputy Chairman, here is another Bill which goes counter to the spirit of the Constitution. A very eminent constitutional lawyer like Mr. Pathak who, as a Member of this House and about whom . . .

SHRI AKBAR ALI KHAN: He is a Member.

SHRI LOKANATH MISRA: Apart from that he is a Minister.

SHRI M. N. GOVINDAN NAIR: He is a Member; otherwise how can he be a Minister? While he, as an ordinary Member, had earned our great respect for his views especially on matters of the Constitution, it is a pity that now, as the Law Minister, he quotes an emergency provision of the Constitution to postpone the elections there in Orissa. What are the grounds?

SHRI LOKANATH MISRA: He quotes the Secretary's notes.

SHRI M. N. GOVINDAN NAIR: The grounds are expenses. Now, by any stretch of imagination, did the farmers of the Constitution envisage that the expenses to an election would be considered as a ground of emergency for postponing the election? They say that the difficulty is, as my hon. friend pointed out, that, if we are going to have an election now for the Assembly, after six months there will be another election; so why this double expenditure? How is it that this wisdom did not dawn on them in 1962? Of course the 1961 elections could not be avoided, we could understand it, because there was a constitutional crisis; so an election was necessary. But then in 1962 when there was general election throughout the country if they had conducted an election for the Assembly also, that would have saved much of the money and trouble. After that, elections in Orissa also would have taken place at the same time when general elections were held. In Kerala also the same thing happened. There was a demand by the opposition Parties in 1962 to conduct the elections to Assembly also together with the election to Parliament. We had some discussion with the Election Commissioner also as to why not we have an election in 1962 both for the Assembly and Parliament so that thereafter elections might be conducted at the same time throughout India both for the Parliament and the Assemblies. At that time this wisdom did not dawn on the ruling Party because they thought that it suited their convenience.

Another reason that has been spoken of here is climate. I agree that the climate is very much against the ruling Party.

AN HON. MEMBER: Including the political climate.

SHRI M. N. GOVINDAN NAIR: The climate is not rain, nothing like that. The political climate is very much against them. There is complete drought for the Congress. It is very much against them and that is why they are trying to postpone the evil day. Everybody knows that in this House Orissa had been discussed several times, the

C.B.I. report, the change of Ministry, all these things, and now what is the latest position? Not only the people have gone against them but the Congress itself is split. There is an open split in the Congress.

SHRI LOKANATH MISRA: Jana Congress.

SHRI M. N. GOVINDAN NAIR: That is the name of the new Congress.

SHRI LOKANATH MISRA: Many people in Orissa call it Mahtab Congress.

SHRI M. N. GOVINDAN NAIR: He has another group but he is still in the Congress. There is somebody else too. The position is because of corruption the Central Government itself was forced to advise the Orissa Government that Chief Minister Biju Patnaik should step down. He did it; also another gentleman, Shri Biren Mitra. Of course he was a Mitra of Shri Biju Patnaik.

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After some time he also had to get down. All these things will definitely affect the prestige of the organisation. And then there is this split. More than that there is the callous indifference in dealing with the question of famine conditions there. So, under such circumstances, the political climate must be very much against the ruling party and so they found an easy excuse in the name of expenditure to postpone the elections. And that Shri Pathak, who happens to be the Law Minister, should be a party to it, is what pains me most.

Another question was raised by my hon. friend...

SHRI LOKANATH MISRA: Against his will.

SHRI M. N. GOVINDAN NAIR: I do not know. Since Shri Pathak is not the topic of discussion, I do not want to go further into that matter.

SHRI LOKANATH MISRA: He has become a dual personality. Now, as the Minister, he is sponsoring the Bill

but as a legal luminary he must be against it.

SHRI M. N. GOVINDAN NAIR: My hon. friend, Shri. Banka Behary Das raised certain pertinent constitutional points for the consideration of the ruling party as well as the Law Minister.

Now, we have a written Constitution and where our Constitution cannot give a solution to any new problem that arises, we always try to follow the British example. Now in Britain, whenever there is any difficulty, they immediately approach the people, get their mandate. That has been the convention. Why cannot the Indian Government also follow that example? Here the difficulty is that unfortunately the party which has absolutely no faith in democracy, on them has fallen the responsibility of protecting democracy.

SHRI SHEEL BHADRA YAJEE: Question

SHRI M. N. GOVINDAN NAIR: They do not respect democratic values. They are somehow trying to maintain some democratic form. You are questioning me. It was only two days ago that the Leader of the House, Shri Chagla, when we were discussing about adult education blamed democracy for the failure. He asserted that unless there is regimentation, nothing is possible. Whenever you discuss the economic evils of the country, again the answer is, in a democracy it is difficult to overcome them. So, you people who profess yourselves to be the advocates of democracy, whenever any serious situation comes up, you try to take shelter under the cover of democracy, saying that democracy is responsible for all these evils. That is why I say that you have got no respect for democratic values.

SHRI T. V. ANANDAN (Madras): Has your party done anything?

SHRI M. N. GOVINDAN NAIR: Unfortunately, our party is not the ruling party. We will come to that when we are the ruling party and then we can discuss our failures. Hitherto, you were

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trying to keep to forms even though you had no respect for any democratic value. Even though you had no basic faith in democracy, you were trying to maintain certain democratic forms. Now, you are trying to give a go-by even to that. And the attitude, the approach, you had on the Kerala issue, the approach you have taken in the matter of Orissa, all these are indications that within a short time you may be giving the go-by even to the democratic form.

SHRI SHEEL BHADRA YAJEE
Unless and until people like you . . .

SHRI M. N. GOVINDAN NAIR :
The other day, while we were discussing some other Bill, I think it was the hon. Minister, Shri Bhagat, who said that what suits India is not the present form of Government. He said, it is the presidential form of democracy that would suit a country like ours. That is what he has said. And I know that a good number of people within the ruling party are thinking in terms of somehow getting rid of the present Constitution and having some other form of government whereby they can cling on to power for a longer time.

Now, as another hon. Member pointed out, you should not be ignorant about the writing on the wall because you can be assured that after the General Elections in 1967 in many States you are going to be reduced to a minority.

SHRI T. V. ANANDAN : Who ?

SHRI M. N. GOVINDAN NAIR :
The Congress. I do not want to say that we are going to be the rulers. Let us face the realities. Why should you feel hurt when I say that you are not going to be the ruling party ? They believe in democracy; they say that they have faith in democracy. But they can never think of a situation when any other party comes to power, getting a majority and displacing them. This attitude goes against the very roots of democracy.

SHRI T. V. ANANDAN : That is the lot of the people.

SHRI ATAL BIHARI VAJPAYEE :
We will never allow it

SHRI LOKANATH MISRA :
That will be the verdict.

SHRI T. V. ANANDAN : It is due to the verdict of the people that you represent the Communist Party here

SHRI M. N. GOVINDAN NAIR :
The verdict of the people will go against you in a number of States such as Orissa. Do you mean to say that you can get a majority ?

SHRI SHEEL BHADRA YAJEE :
Yes, why not ?

SHRI M. N. GOVINDAN NAIR :
In Kerala, do you mean to say that the Congress will get a majority ?

SHRI T. V. ANANDAN : Even in Kerala.

(Interruptions)

SHRI ATAL BIHARI VAJPAYEE :
They rule by proxy.

SHRI M. N. GOVINDAN NAIR :
When you cannot get the verdict of the people in your favour, when you are going to be reduced to a minority, my point is this : Are you going to take to subterranean methods by which you want to catch power, to cling on to power ?

SHRI AKBAR ALI KHAN : No.

SHRI M. N. GOVINDAN NAIR :
That is exactly what you have done during all these years. Even for the continuance of a healthy democracy, a strong opposition is a necessity. Even that you cannot tolerate. How difficult is the approach in Britain. I am quoting a particular instance. Immediately after the last war, Churchill's party was defeated and another party came to power.

(Interruptions)

SHRI SHEEL BHADRA YAJEE :
But the Communist Party of U. K. got cipher in British Parliament.

SHRI ATAL BIHARI VAJPAYEE :
It is also democracy.

SHRI AKBAR ALI KHAN : Do you seriously think that any other party would come in a majority in any State ? Then there might be confusion

SHRI M. N. GOVINDAN NAIR :
If you are still under the impression that you will be in a majority ...

SHRI AKBAR ALI KHAN : I am asking about the Opposition ? Will there be any Opposition party in power ?

SHRI M. N. GOVINDAN NAIR :
I am discussing this question mainly from the point of view of constitutional implications

But Churchill did not lead a liberation struggle. Just as the Congress has some claim for winning the independence of India, Churchill definitely had a decisive role in saving Britain during the most critical period of England's history. Yet he did not lead a liberation struggle (*Interruption by Shri Sheel Bhadra Yajee*) Please hear me. My hon. friend, Mr. Yajee, has been absent from our House for some time, therefore, he is interrupting so much. My point is if Churchill were to be a Congress leader in India, he would have led a very big liberation struggle against the Labour Party. With all his military experiences. I do not know what he would have made of this country. So this attitude I want you to give up. It is not only a question of saving democracy, it is a question of saving our country. If India is to remain one, in some States it may be the Communists, in some States it may be the Swatantra Party while in some others it may be the Jana Sangh that may be getting a majority. All these eventualities you have to be prepared to face and you should not get upset over these developments. If you want to maintain the democratic form, as envisaged in the Constitution, you should have a little bit of tolerance. This is exactly what you do not like. You are so greedy of power that you cannot, for a moment, think of a situation where some other party is in power. When the Orissa question is being dis-

cussed, I do not want to quote the instances, from our experience in Kerala, of the last 18 years. If you look at the developments in Kerala dispassionately, you will find how at every stage the Congress Party behaved in the most undemocratic manner so that they may either directly or indirectly, cling on to power. You will see that this is the root of the troubles.

THE DEPUTY CHAIRMAN : Your time is up.

SHRI M. N. GOVINDAN NAIR :
You mean to say that you are going to discuss any other thing today ?

THE DEPUTY CHAIRMAN : But there are some other speakers also.

SHRI LOKANATH MISRA :
If I may interrupt you, Mr. Nair, for some Ministers, whether it is in the Centre or in the States, it has become almost a senior administrative service, without an age of retirement.

SHRI M. N. GOVINDAN NAIR :
That is another point. It is true that with this monopoly of power in a particular party for a pretty long time Ministry becomes just like another administrative service. The appointment of a Deputy Minister to the post of a Minister of State is looked upon like the promotion of an Under Secretary to the post of a Secretary. That shows their approach. So instead of service to the people, they have developed a service mentality.

SHRI LOKANATH MISRA :
Cadre mentality.

SHRI ATAL BIHARI VAJPAYEE :
Order of precedence.

SHRI M. N. GOVINDAN NAIR :
You should behave as a democratic organisation. The time has come when you should get defeated in some States. Since the Opposition is weak, you are spoiling yourself. The people are so much fed up with your administration that in many States in the next general elections you are going to be routed. It is unfortunate that a good man like

[Shri M. N. Govindan Nair.]

Mr. Pathak, unfortunately in the position of the Law Minister, has to come forward with this kind of a Bill to see that the Congress continues in power. That situation, unfortunate as it is, should be avoided at least in future. Therefore, if you have faith in democracy, you should make a departure from this type of approach. Thank you, Madam.

THE DEPUTY CHAIRMAN Mr. Yajee.

SHRI M. N. GOVINDAN NAIR :
Speak in English.

SHRI SHEEL BHADRA YAJEE :
Hindi is the *lingua franca*. English is the second language. It is an associate language.

अभी जो उड़ीसा के सम्बन्ध में विधेयक आया है ..

SHRI LOKANATH MISRA He belongs to the ruling Party. He must speak in the first language.

श्री शीलभद्र याजी .. में उसका समर्थन करता हूँ और इसलिये समर्थन करता हूँ क्योंकि हमारे विधि मंत्री ने जो दलीले दी हैं, वे सही हैं, लेकिन हमारे विरोधी दल के लोगों ने उसका मजाक उड़ाया है। विरोधियों का काम ही यह है कि मजाक उड़ाओ और मामूली सी बात पर, जिन्दा रहने के लिये, हमारी मजबूत और मरम्मत करो। उनका यह पेशा ही है और इससे घबड़ाने की आवश्यकता नहीं है। लेकिन यह बात सही है कि लोक सभा का इलेक्शन और असेम्बली का इलेक्शन एक साथ होने से खर्च कम होते हैं। इसलिये चाहे वह कांग्रेस पार्टी हो, स्वतन्त्र पार्टी हो, चाहे पी० एस० पी० के मेम्बर हों, जितने भी उड़ीसा के लोग हैं सब बड़े खुश हैं कि इलेक्शन आगे बढ़ गया और ज्यादा खर्चा नहीं होगा। लेकिन गाली तो देना ही चाहिये और यह दिखलाना चाहिये कि हम यह बोल रहे हैं। तो सिर्फ ऊपर से दिखलाने के लिये जितनी स्पीचें हुई हैं उनमें इसका विरोध

किया गया है, लेकिन मैं जब उनका दिल टटोल कर देखता हूँ तो यह पाता हूँ कि वे सब इसमें खुश हैं।

श्री अटल बिहारी वाजपेयी : यह दिल्ली में है।

श्री शीलभद्र याजी : वैसे कहने के लिये तो कांग्रेस पार्टी ने भी कहा था कि वहा इलेक्शन होना चाहिये। लेकिन हकीकत यह है कि इसमें परेशानी बढ़ती है और सब पार्टियों का खर्चा भी ज्यादा होता है। एक न एक दिन यह समानता तो करनी ही पड़ती, चाहे पांच वर्ष के बाद करे, चाहे तीन वर्ष के बाद करे कि लोक सभा और असेम्बली के इलेक्शन साथ-साथ हो। आज यह विधेयक न भी लाते तब भी किसी रोज़ ऐसा विधेयक लाना पड़ता कि मारे हिन्दुस्तान में एक बार इलेक्शन हो। इस तरह यह जो एनामली थी उसको हमारे विधि मंत्री ने दूर कर के एक बड़ा अच्छा काम किया है।

इस सम्बन्ध में बहुत सी दलीले विरोधी दल की ओर से दी गई हैं। स्वतन्त्र पार्टी के सदस्य, मिश्र जी ने फर्माया कि आजादी के बाद कांग्रेस की वहा कभी अकसरियत हुई नहीं, मेजारिटी हुई नहीं। यह बिलकुल कपोलकल्पित और झूठी बात है। मैं कहता हूँ कि वहां कांग्रेस की अकसरियत हुई। ब्रिटिश इंडिया में कांग्रेस का बल था, लेकिन बाद में राजा महाराजों की स्वतन्त्र पार्टी आई क्योंकि आधे उड़ीसा में जो 26 स्टेट्स थीं उनमें राजाओं महाराजों, सूर्यवंशियों और चन्द्रवंशियों का अभी तक असर है।

श्री लोकनाथ मिश्र : उड़ीसा कांग्रेस में कितने राजे महाराजे हैं ? हमारे साथ जितने राजे महाराजे हैं उससे ज्यादा आप के साथ है।

श्री शीलभद्र याजी : असल में हमारी जो इकोनामी चल रही है, मिक्सड इकोनामी, उसमें चलते वहा पर यह बात है। तो कांग्रेस वहा

पर चलवती रही है लेकिन जब राजे-महाराजे आने लगे तो उनके जो पुराने संस्कार थे उनका कुछ असर लोगों पर आने लगा। यदि प्रगतिशील पार्टियां वहां बढ़ती, यदि पी० एस० पी० बढ़ती यदि कम्युनिस्ट पार्टी बढ़ती, तो खुशी की बात होती। लेकिन शर्म की बात है कि जिन राजा महाराजाओं ने हमारे किसानों और मजदूरों का शोषण किया उन्हीं को किसान वोट देते हैं, मजदूर वोट देते हैं, और वे लोग आ जाते हैं। इन्होंने कहा कि खरीद लिया, राजा महाराजा तो अपने पैसे पर चलते हैं उनको भी खरीद लिया। खरीद नहीं लिए गए। उनमें से कुछ ने कांग्रेस जाइन की। लेकिन कांग्रेस ने एक महान गलती की, कहां समाजवाद और कहा राजा महाराजा से गठबंधन-एक नापाक, अनहोली एलायन्स हुआ। मेरी समझ में गद्दी पर बैठने के लिये बहुत दिनों तक हमारे मेहताब जी ने गलती की, वह गलती हमारी कांग्रेस से हुई। उसमें झगड़ा हुआ। झगड़ा यह हुआ कि जो स्वतंत्र पार्टी, गणतंत्र परिषद के लोग थे जो अपने राज्यों में, अपनी स्टेट में कांग्रेस का इम्प्लुएंस नहीं होने देते थे, कहते थे कि यह हमारा स्फियर है, इधर मत जाओ, उधर मत जाओ, बाट लेंगे। मैं तो तारीफ करूंगा बिजू पटनायक की जिम्मेकी ये लोग भर्त्सना करते हैं। पार्टी को फहर करना चाहिए ऐसे आदमी पर जो पाइलट था, जिसने सुकर्ण को भी बचाया, आजादी की लड़ाई में भी भाग लिया—एक छोटा सा आदमी था। पढ़ते हैं अमरीका में कारनेगी था, करोड़पति हो गया, कोई उसको गाली नहीं देता, वह भी छोटा आदमी था। बिजू पटनायक ने गवर्नमेंट आफ इंडिया से लोन लिया, यही गुरु जी मेहताब जी ने लोन दिया। देते-देते यदि बड़ा हो गया तो आपकी नानी क्यों मर रही है, दूसरी पार्टियों की नानी क्यों मर रही है। आपको तो खुश होना चाहिए कि एक छोटा आदमी पैदा हुआ और इतना बड़ा हो गया और उसने हार्ड कमान्ड को, नेहरू को चेलेंज किया कि राजा

महाराजा का गठबंधन तोड़ो और इस अनहोली एलायन्स को खत्म करो तो जो राजा महाराजा हैं और जितने छुटभई लोग हैं उन सबको हम ठीक कर देंगे, इलेक्शन लड़ने की फ्रीडम दो, और वहां कांग्रेस की इलेक्शन के बाद अक्माग्नित हुई। यह जो पी० एस० पी० के लोग हैं, कम्युनिस्ट पार्टी के लोग हैं इनको तो खुश होना चाहिए कि एक आदमी ऐसा पैदा हुआ जिसने राजा महाराजाओं को बढ़ने नहीं दिया, उस नापाक सम्बन्ध को खत्म किया। राजा महाराजा तो चाहते थे कि जमीन का बंटवारा न हो। बस्तर के सम्बन्ध में बहुत लोग पोलिटिकल रिलेशन्स पर आते हैं, लेकिन बहुत से छोटे महाराजे हैं जो स्वप्न देखते हैं कि कभी हम आएंगे, आएंगे तो कभी नहीं, लेकिन फिर भी बहा ख्वाब देख रहे हैं। मौजूदा स्वतंत्र पार्टी है जिसका पहले गणतंत्र परिषद नाम था वह कौशिश करेगी आने की लेकिन नहीं आएगी क्योंकि अब जो किसान हैं, मजदूर हैं, वे देखेंगे कि राजा महाराजाओं को वोट देने से कल्याण होने वाला नहीं है।

श्री लोक नाथ मिश्र : कांग्रेस को वोट देना चाहिए।

श्री शीलभद्र याजी : कांग्रेस का कसूर नहीं है। कांग्रेस ने तो मांग की थी कि इलेक्शन होना चाहिए।

बिजू पटनायक के बारे में आपने बहुत कहा। यह बदकिस्मती है कि असेम्बली का मेम्बर, पार्लियामेंट का मेम्बर किसी को गिराना चाहे तो दो-चार मेमोरेडम देकर गिरा सकता है। हमारी सरकार की नीति ऐसी है। इन लोगों का यह एक तरीका है कि इलेक्शन के पहले सारे हिन्दुस्तान में कांग्रेस को बदनाम करने के लिए मेमोरेडम डालो और उसमें बीरेन मित्र को भी लाओ। बीरेन मित्र जैसे रिवोल्यूशनरी आदमी का कौन मुकाबला कर सकता है, आजादी की लड़ाई में सिपाही

[श्री शीलभद्र याजी]

रहा। यदि वह मांग कर पैसा लेता है, कांग्रेस के वर्कर्स को देना है तो क्या यह उसकी जमींदारी है। कम्युनिस्ट पार्टी, स्वतंत्र पार्टी, पी० एम० पी० सब चन्दा लेती है। आपकी पार्टी क्या कोई आपके पिताजी की जमींदारी में चलती है। कहा में पैसा आता है? चन्दा में आता है। वही केपिटलिस्ट लोग—जैसा देवता वैसा अश्वत के अनुसार—कांग्रेस को दस पैसा, पी० एम० पी० को दो पैसा, कम्युनिस्ट पार्टी को एक पैसा देते हैं, सब बटवारा करते हैं, सब केपिटलिस्ट लोगो से चन्दा लेते हैं।

श्री भट्टल बिहारी वाजपेयी : ज्यादा हिस्सा कांग्रेस को मिलता है।

श्री शीलभद्र याजी : किसी की जमींदारी नहीं और किस की निजी सम्पत्ति में पैसा नहीं आता है, सब चन्दा लेते हैं। बीरेन मित्र में यह खूबी है कि बीरेन मित्र दस हजार चन्दा लेता है तो शाम तक सब बंट जाता है, उसके पास लिखा रहता है, कितना लिया, किसको दिया। उसे चैलेंज किया। अब फैशन हो गया है अपोजीशन पार्टीज के लिए। टी० टी० कृष्णमाचारी को निकालना हुआ तो दस लोगो ने मिलकर मेमोरेण्डम दे दिया, कोई पूजीपति तैयार हो गया, उसको परसादी दिया, एक मेमोरेण्डम दे डाला। अब कोई प्रोग्राम तो है नहीं। समाजवाद को तो कांग्रेस ने ले लिया, पी० एम० पी० वाले, कम्युनिस्ट पार्टी वाले लड़ तो नहीं सकते। उनकी द्कानों में बेचने को कोई चीज नहीं है, इसलिए दस आदमी दस्तखत कर देते हैं कि इस आदमी को निकालो, मेमोरेण्डम अखबार में निकालते हैं। इलेक्शन के पहले ये मेमोरेण्डम-मेमोरेण्डम चल रहे हैं और इनकी बदनाम करने की नीति हो रही है। फिर जब यहां आएंगे तो घड़ियाल के आंसू बहायेंगे।

अभी केरल पर बहम हुई। सब लोगो ने कहा प्रेसिडेंट का रुल हटाना चाहिए।

आज प्रेसिडेंट रुल मांग रहे हैं। अजीब बात है। मैंने उस वक्त चैलेंज किया था कि तुम तीन अपोजीशन पार्टी मिल कर दरखास्त दो, हम कोशिश करेंगे, प्रेसिडेंट से निवेदन करेंगे, कल तुम्हारी हुकूमत बनेगी और प्रेसिडेंट रुल हट जायगा। मैंने चैलेंज किया। किसी ने एक्सेप्ट नहीं किया। फिर जनता जनार्दन के नाम पर घड़ियाल के आंसू बहाते हैं और कहते कि प्रेसिडेंट का रुल कांग्रेस रखे हुए है। प्रेसिडेंट का रुल कौन रखे हुए है। कांग्रेस ने शासन नहीं लिया। उसने पी० एम० पी० को गवर्नमेंट बनाने दी, कम्युनिस्ट पार्टी को रुज करने दिया लेकिन चलता नहीं है। कांग्रेस क्या करे? कांग्रेस आपके लिए भीख मांगे, आपके लिए वोट लाए, कहे कि अपोजीशन पावर में आ जाओ। अपनी कमजोरी नहीं देखने, बराबर केरल में मांगते हैं कि असेम्बली बैठनी चाहिए, प्रेसिडेंट का शासन हटाना चाहिए। आज उड़ीसा में जहां पीपुल्स रिप्रेजेंटेशन है, बिजू पटनायक जैसे लोग जो आजादी की लड़ाई के सैनिक हैं जिनके हाथ में हुकूमत है उनके लिए कहते हैं कि उनको हटाओ, उनको हटाकर प्रेसिडेंट का शासन करो। अजीब दलील वे पेश करते हैं। पेश करते-करते हमारे ला मिनिस्टर का जो ला का ज्ञान है उस पर अटैक हो गया। क्योंकि वे कांग्रेस में हैं इसलिए बोल नहीं रहे हैं। उन्होंने क्या दलील दी। उस दलील में उन्होंने कहा कि खर्चा ज्यादा हो जाता है। क्या यह गलत है। खर्चा मिलाने की क्या आवश्यकता है? कामन सेंस एप्लाय करने की जरूरत है। लोक सभा का भी इलेक्शन होता है, असेम्बली का भी इलेक्शन होता है, दोनों के मिलाने की क्या जरूरत है? अपने दिल को टटोलिए बोलने के पहले कि हकीकत क्या है।

क्लाइमेट के बारे में कहा गया कि समर में इलेक्शन हुआ, उस साल परेशानी हुई, गलती हुई, इस सरकार ने भी गलती की। गांधी जी ने भी गलती की, कहा हिमालियन मिस्टेक

है। उस गलती का सुधार करके इलेक्शन फरवरी में हो तो कहते हैं कि पहले क्यों किया, अब क्यों करते हैं। पोलिटिकल क्लाइमेट हाट हो गई। अब वक्ता आ रहा है। बिजू पटनायक ने चैलेंज किया राजा महाराजाओं को और स्पूतनिक की तरह उड़ा दिया। अब आप फिर उड़ेंगे। कमाई के श्राप से गाय मरने वाली नहीं है। कांग्रेस की थर्मपिंग मेजरिटी होगी और आप दो-चार बैठेंगे। टूटकर आएंगे तो कहेंगे कि खरीद लिए गए। अभी मिश्र जी ने कहा कि कांग्रेस ने सबको खरीद लिया, आप उड़ीसा में सब लोग ऐसे ही खरीद कर लाते होंगे।

श्री लोकनाथ मिश्र : बिहार में आप खुद हार गये थे। मैडम, शीलभद्र याजी साहब को राज्य सभा के लिये जो लोग वोट देने वाले थे वे सब खरीद लिए गए थे। इन्होंने मुकदमा किया था और मुकदमे में जीते हैं। वोट सब खरीदे गए थे। सुचेता कृपलानी ने जो उत्तर प्रदेश की चीफ मिनिस्टर हैं खुद माना है कि हमारे यहां खरीद बिक्री चलती है, एम० एल० ए० लोग खरीदे जाते हैं और कांग्रेस के ही खरीदे जाते हैं।

श्री शीलभद्र याजी : डिप्टी चयरमैन महोदया, 19 हमारे बिके, 7 स्वतंत्र पार्टी के बिके, दो पी० एस० पी० के बिके, एक लोहिया सोशलिस्ट बिका, एक जनसंघ का बिका, सबका बिका। आर० पी० जैन, जिमने सबको खरीदा कांग्रेस को नहीं खरीदा। जब मैं हार गया तो ओर पार्टी वाले सब घड़ियाल के आसू बहने लगे कि कांग्रेस बड़ी खराब है, सब ने रुपया लेकर वोट दिए, लेकिन ब्रैलट पेपर का इन्फेक्शन हुआ तो सब चोर निकल आए, कोई नहीं बाकी रहा, सब खरीदे गए। बिजू पटनायक पर आपने चार्ज लगाया कि अपोजीशन के लोगों को खरीदा रुपया लेने समय इन्होंने देखा? हमने तो साबित कर दिया कोर्ट से। यह लोग जो खाली रुपए पैसे की बात करते हैं उनको कोई आइडियोलॉजी

नहीं है। हो सकता है कि उड़ीसा में यही हिसाब किताब चलता है।

श्री लोकनाथ मिश्र : बिहार में चलता है।

श्री शीलभद्र याजी : 1937 में कांग्रेस अक्सरियत में आई। इसके बाद आजादी की लड़ाई के बाद 26 देशी रियासते मिली। राजस्थान में आप देख रहे हैं, मध्य प्रदेश में देख रहे हैं, राजा महाराजा का इलाका था, कोई राजनीतिक चेतना नहीं, कोई बेदारी नहीं, लोग राजा-महाराजा का पद चुम्बन करते थे, रानी की स्तुति करते थे। इसलिये यह स्वतंत्र पार्टी में चले जाते हैं। यदि वहां किसानों, मजदूरों में जागृति आयेगी, चेतना आयेगी तो राजा-महाराजाओं की कोई परवाह नहीं है, स्वतंत्र पार्टी की कोई परवाह नहीं है, कांग्रेस अक्सरियत में आयेगी।

तो यह विधेयक ला करके हमारे विधि मंत्री ने सब पार्टियों की सेवा की है, आपकी भी सेवा की है कि आपका खर्चा बच गया। अब यह कि क्लाइमेट पोलिटिकल हो गई या यह हो गया वह हो गया और आपने अभी मजाक उड़ाया कि रिलीफ का क्या काम होगा। इलेक्शन के होते, तो यह तो पुरानी बात है, कुछ हवेली राम का नाम लिया गया, मजाक उड़ाया गया। हवेली राम से इससे क्या मतलब, किसी ज्योतिषी का इससे क्या मतलब। अभी जो मौजूदा परिस्थिति वहां की है उसमें इलेक्शन हाता तो जो रिलीफ के काम में फसे हैं, हर एक पोलिटिकल पार्टी के वर्कर को वहां रिलीफ के काम में जाना पड़ता है, उस रिलीफ के काम में नहीं जा सकते, इलेक्शन लड़ेंगे या वह करेंगे। अभी आपने देखा कि थोड़ी सी इलेक्शन की परेशानी थी और कास्टीट्यूशन अमेडमेंट बिल नहीं आया। तो फिर यह जनता के रिलीफ के काम को कान करेगा . .

श्री अटल बिहारी वाजपेयी : जब पार्टी का इलेक्शन में यह हानि है।

श्री शीलभद्र याजी : . . . उस वक्त सब लोग तो जा कर छाती पीटेंगे कि हमको बोट दो। इसलिये एक वकील को जो दलील देनी चाहिए वह दी और जो सिचुएशन थी उसको बताते हुये सही दलील दी लेकिन इसका मजाक उड़ाया गया। इसमें हवेली राम की क्या बात थी। हम कांग्रेस वाले ज्योतिषी की बातों का विचार नहीं करते, हम लोगों के जो राजनैतिक आदर्श हैं, समाजवाद हैं, उस आधार पर किसान-मजदूर के पास जायेंगे और अगर हम सही मानों में किसान मजदूर का काम कर रहे हैं, प्लानिंग के आधार पर कर रहे हैं तो हमें किसान-मजदूर का बोट मिलेगा। एक बार चैलेंज दे कर, मेहताब के विरोध करने पर भी, हमने इनको नेस्तनाबूद कर दिया। ये राजा-महाराजा किसने ही चिल्लाते रहे, 1967 ई० का एलेक्शन आने दीजिए, इनकी तादाद घटने वाली है। यदि अपोजीशन पार्टी के कुछ प्रगतिशील लोग हैं तो उनके लिये चिन्ता नहीं है लेकिन राजा-महाराजाओं को गिरने दीजिए।

तो सब लोगों को तह्दिल से इस विधेयक का समर्थन करना चाहिये। जय हिन्द।

श्री निरंजन वर्मा (मध्य प्रदेश) : माननीय उपसभापति जी, अभी उड़ीसा की असेम्बली का कार्य काल बढ़ाये जाने के विषय में हमारे योग्य विधि मंत्री जी ने विधेयक प्रस्तुत किया है। विधि मंत्री जी के व्यक्तित्व के गुण दोषों के बारे में बहुत कुछ बातें कही गई हैं। मैं इतना निवेदन करूंगा कि भारतवर्ष के अच्छे वकील विद्वानों में विधि मंत्री जी रहे हैं और अब भी हैं, विधि मंत्री हो जाने के कारण उनके गुणों में किसी प्रकार की आंच नहीं आई है, तब भी हम वकीलों के सामने जब कोई क्लायंट मरा हुआ मुकदमा लेकर जाता है और कहता है कि वकील साहब हमारे इस मुकदमे को जीत दीजिये तो हम उसकी तरफ देखते हैं और यत्न करते हैं कि लंगड़े तर्कों को न्यायालय के सामने रखें, और हम

समझते हैं कि उन तर्कों को समझने के लिये न्यायालय के पास पर्याप्त कारण है और हमारा क्लायंट भी समझता है कि बात सही है कि हम मुकदमा जीत नहीं सकते, तब भी एक विधि वेत्ता को अपने कानून के अनुसार न्यायालय में तर्क देना पड़ता है और यही कारण है कि हमारे योग्य विधि मंत्री जी ने अपने तर्क दिये और जो तर्क उन्होंने दिये वे केवल दो तर्क थे और दोनों तर्क अत्यंत अस्मबद्ध और लंगड़े तर्क हैं। एक तर्क यह दिया गया कि वहां पर अकाल की स्थिति है और हमारी मशीनरी दूसरे कामों में लग जायगी इसलिये बहुत अच्छा यह हो कि हम अपनी मशीनरी को उसमें न फंसायें और एक साथ चुनाव कराये और दूसरा लंगड़ा तर्क यह दिया गया कि बाग-बार अलग-अलग करने में बहुत खर्चा पड़ेगा।

श्रीमती जी, मैं निहायत नम्रता के साथ अपने योग्य मंत्री जी को उत्तर दू कि केवल खर्च के विषय में अभी क्यों सोचा गया, इसके पूर्व उड़ीसा में जब-जब एलेक्शन हुआ तब-तब क्यों नहीं सोचा गया। उस समय भी असेम्बली और पार्लियामेंट के अलग-अलग चुनाव किये गये और उस समय भी डबल-डबल तीन-तीन, चार-चार बार खर्च हुआ। तो इससे इस तर्क की पुष्टि नहीं होती कि दोनो चुनाव एक साथ करने से इसमें किसी प्रकार की भारी कमी आ जायगी। और ठीक इसी प्रकार से उन्होंने जो यह बात कही कि हमारी मशीनरी वहां पर इस काम में लग जायगी और दूसरा काम नहीं देख सकेगी उसके विषय में भी मुझे निवेदन करना है कि उड़ीसा और केरल हमारे भारतवर्ष में दो ऐसे राज्य हैं जिन्होंने कांग्रेस का जुआ उतार फेंकने में सब से पहले पहल की है और वह व्यक्ति प्रजातंत्र में अत्यंत हीन मनोवृत्ति का होता है जो केवल अपनी सत्ता को जमाये रखने के लिये दूसरे की सत्ता को उखाड़ फेंकने की बात करता है, प्रजातंत्र एक फूलता फलता उद्यान है जिसमें विभिन्न प्रकार के फूल फूलते रहते हैं और उनको तोड़ने के लिये

यत्न नहीं किया जाना चाहिये, यह प्रजातंत्र की शोभा होती अगर कहीं पर कम्युनिस्ट राज करते होते, किसी प्रान्त में जनसंघ वाले होते और किसी प्रान्त में दूसरे होते, उनकी अपनी पार्टी होती और हमारे कांग्रेसी मित्र इस प्रकार प्रजातंत्र को फूलने फलने के लिये उन्हें आगे आने देने लेकिन जहाँ कहीं भी प्रजातंत्र के रूप में एक प्रान्त के विरोधी दल ने आगे बढ़ने का यत्न किया तो उसे वहीं से नष्ट करने के लिये हमारे कांग्रेसी मित्र बहुत बड़ी सख्या में पहुँच जाते हैं। वे कभी-कभी उपमाएँ देते हैं, ऐसी उपमाएँ जो कि नर्क-संगत नहीं होती, कभी-कभी इन विरोधियों को उखाड़ देने के लिये कहते हैं कि ये तो राजा-महाराजाओं की पार्टी के हैं। हम कहते हैं कि भारतवर्ष में जितने राजा-महाराजा कांग्रेस से हैं, जयपुर में देख लीजिये, ग्वालियर में देख लीजिये, नरसिंहगढ़ में देख लीजिये, रायगढ़ में देख लीजिये, एक नहीं बीमियो राजा-महाराजा हैं, उनमें किसी दूसरी पार्टी में नहीं है। इसकी बात क्या है। एलेक्शन में न जाने कितने राजा-महाराजा आयेगे लेकिन राजा-महाराजा उसी प्रकार हकदार हैं जिस प्रकार कि जनतंत्र में एक साधारण सा सिपाही, सब के लिये बराबर के अधिकार हैं। उड़ीसा का राज्य एक इस प्रकार का राज्य है जैसा कि मुगलों के अंतिम दिनों में उनका ढलता हुआ राज्य था, वहाँ पर आपस में खीचातानी थी, एक दूसरे को पकड़ कर गिराने की कोशिश थी और आपस में जब सत्ताधारियों की खीचातानी चलती है तो प्रजा का हनन होता है, उनका अधिकार क्षय होता है, उनका खून होता है। ठीक इसी प्रकार से छः सात वर्षों में उड़ीसा में एक के बाद एक नई-नई चीजों को देखना पड़ा, देखने को मिला। हरेकृष्ण मेहताब गये तो उनके पश्चात् बीजू पटनायक साहब आ गये, पटनायक साहब गये तो बीरेन साहब आ गये, बीरेन साहब गये तो दूसरे साहब आ गये और बार-बार एक ने दूसरे की टांग पकड़ने का यत्न किया और उसका परिणाम कृत्रिम

अकाल के रूप में हमारे सामने आया। जो लोग यह कहते हैं कि उड़ीसा में अकाल है उनसे मैं कहता हूँ कि उड़ीसा में अकाल एक अंश में है मगर सर्वअंश में उड़ीसा का जो अकाल है वह वहाँ के कार्य करने वाले, वहाँ के राज करने वालों की अक्षमता का परिणाम है, अगर वहाँ पर अच्छे आदमी होते तो उनकी कोशिशों के कारण अकाल को टाला जा सकता था लेकिन वहाँ के अकाल को टाला नहीं गया और इसका परिणाम यह हुआ कि वहाँ पर— कांग्रेसी मित्रों के कठने अनुसार—एक चौथाई आबादी अकाल से पीड़ित है और वहाँ पर हमारे कांग्रेसी मित्रों के अनुसार दस हजार आदमियों को प्रति दिन हमारे शासन के द्वारा भोजन कराया जा रहा है, वह भोजन भी वहाँ के आदमियों के लिये केवल एक बार दिया जा रहा है, तो यह अकाल की जिम्मेवारी इन्हीं कांग्रेसी नीतियों का परिणाम है और इसकी जिम्मेवारी उन पर है जो वहाँ पर आज राज कर रहे हैं और अब उन्हीं राज करने वालों के लिये एक खुला चेक दिया जा रहा है कि तुम छः महीने तक और राज करते जाओ। हम समझते हैं कि जो सत्ता अपने घर में स्वयं नष्ट होने वाली है, जो सत्ता अपनी स्वयं की सत्ता को अच्छी तरह से सम्भाल नहीं सकती है, जो एक दूसरे की इसलिये टांग खींचते हैं कि दूसरे की सत्ता चली जाय और सारी सत्ता उनके स्वयं के हाथ में आ जाये, ऐसे लोग अगर वहाँ पर टिकने दिये गये, अगर वहाँ पर रहने दिये गये, तो निश्चित रूप से जो आगे आने वाला इलेक्शन है उस पर भी व्यापक परिणाम होने वाला है। व्यक्तियों की तथा जनसाधारण की यह भावना है कि जब चुनाव हो तो चुनाव के पहले राजसत्ता को त्यागपत्र दे देना चाहिये और वहाँ पर निष्पक्ष रूप से चुनाव कराया जाना चाहिये। दुर्भाग्य से या सौभाग्य से भारतवर्ष में यह बात नहीं हुई। यहाँ पर सत्ता धारी लोग इस बात में सम्भवतः विश्वास नहीं करते लेकिन हम समझते हैं कि यह भी कोई मर्यादा की बात नहीं है कि वहाँ पर जो राजसत्ता समाप्त हो रही है असेम्बली

[श्री निरंजन वर्मा]

का कार्यकाल जो वहा पर समाप्त हो रहा है उसके पश्चात् भी छः महीने के लिये उसको और बढ़ा दिया जाये और वह लोग आने वाले एलेक्शनो में अपनी उसी प्रकार की पैतराबाजी करें, दांवपेंच करें, जिस प्रकार की पिछले छः वर्षों में, अपने राज में, की है और जिसका परिणाम इक्वायरीज में हुआ। पिछले समय में उड़ीसा में हम नहीं, हमारे विरोधी दल के बहुत से सदस्य नहीं, स्वयं कांग्रेसी मित्रों की ही शिकायतों के परिणामस्वरूप वहा पर जाच हुई। वहा पर लोगों के विषय में यह बताया गया कि किसने कितने परमिट दिये, कितने लाइसेन्स दिये। यह भी बताया गया कि कितने आदमी एक दिन में, एक महीने में, और एक वर्ष में मालदार हो गये। हमारे मित्रगण आवड़ी कांग्रेस अधिवेशन की, समाजवाद की, बात करते हैं। समाजवाद स्वयं में बहुत अच्छी बात है लेकिन आजकल यह फैशन है कि हर आदमी चाहे वह कितना ही काले बाजार से धन को कमाए, धन को रखे, लेकिन बाहर समाजवाद की बात करता है। ऐसे समाजवाद को हम क्या कहें जिस समाजवाद में एक आदमी का वेतन 10,000 रु० महीने हो और एक आदमी की आमदनी 50 रु० हो। यह समाजवाद हो नहीं सकता। और जो ऐसे समाजवाद की बात करते हैं, हम नम्र शब्दों में उनसे प्रार्थना करते हैं कि श्रीमान्, कृपया अपने हृदय को टटोल कर देखें तब दूसरे के ऊपर आक्षेप करें। तो इस तरह से जो आज यह असेम्बली की अवधि को बढ़ाने के लिये बिल लाया गया है यह अपने आप में अपूर्ण है, इसमें कोई भीतरी बात ऐसी है, ऐसी भनक आ रही है, कि कहीं पर इसमें काला चोर घुसा हुआ है और वह यह है कि अगर उड़ीसा के चुनाव अभी हो गये तो सम्भवतः यह परिणाम होता है, जैसा केरल में, उड़ीसा में बहुधा हुआ करता है, कि वहां यह कांग्रेस राज्य समाप्त हो जाय और अगर वहां कांग्रेस का राज्य समाप्त हो गया तो सम्भवतः फरवरी के महीने में आने वाले जो

राम चुनाव है उन पर उनका गहरा प्रभाव पड़े और एक दो प्रान्तों से नहीं और प्रान्तों से भी कांग्रेस का राज्य समाप्त हो जाय। इसलिये जो कार्यकाल बढ़ाने के लिये हमारे योग्य विधि मंत्री जी ने तर्क दिये हैं वे अपने आप में असंगत हैं तर्क संगत किसी भी प्रकार नहीं हैं और इसलिये उनका सदन पर विशेष प्रभाव नहीं पड़ रहा है। यह हो सकता है, इस सदन में बहुत अधिक मैजॉरिटी होने के कारण यह प्रस्ताव पास हो जाय, यह बिल "कैरी आउट" हो जाये लेकिन तब भी श्रीमती जी, हमारा ऐसा आग्रह है कि इसमें कोई भी कारण नहीं है कि असेम्बली के कार्यकाल को अधिक बढ़ाया जाय और उस कार्यकाल को न बढ़ा करके, देश के सामने कांग्रेस पक्ष को एक ऐसा उदाहरण रखना चाहिये ताकि उसमें भली प्रकार से लाभ लिया जा सके।

SHRI T. CHENGALVAROYAN (Madras) : Madam Deputy Chairman, I am not sure whether I will be within my limits if I participate in the discussion in support of this Bill. For one thing I do not belong to the region and to the State in respect of which this Bill has come about but because it involves big, large and wide issues of national importance I venture to submit one or two words in support of this Bill.

Madam Deputy Chairman, there has been very wide criticism almost bordering on great fervour that we on this side of the House are committing a fraud upon the Constitution. I was rather cut to the quick when that criticism was made and therefore I hasten to answer that criticism by drawing the attention of the hon. Member who said that this is a fraud upon the Constitution, upon article 327 of the Constitution, which provides ample and plenary powers to Parliament to make law touching any matter relating to the election to the legislature. Therefore, Madam Deputy Chairman, we should not be accused of committing a fraud upon the Constitution.

Secondly, there has been a criticism that we are burying democracy. I am rather afraid that the criticism is more appropriate to the quarters from which it emanated. Persons who have buried democracy five fathoms deep are now paying homage to the maintenance and to the sublimation of democracy. We are the last persons on this side of the House to do anything to derogate democracy in our country. It is not vainglory on my part when I say that we alone are giving life blood to democracy in this country.

SHRI ATAL BIHARI VAJPAYEE
Nonsense

SHRI T. CHENGALVAROYAN.
And if it comes to that, Madam Deputy Chairman, we will rather abdicate power but not lose democracy in the country. Democracy has taken such deep roots that we want to maintain it, water it and nourish it not merely with water but even if necessary with our blood. Therefore the argument that we have given the go-by to democracy is certainly not appropriate to us and is entirely incorrect.

Thirdly, Madam, the argument was that we are afraid of facing the electorate. Our history is there for the last 17 years and I am sure it will give proof in the coming years too. If at all there is one party which has abiding faith in the verdict of the people of this country, it is the Indian National Congress and Congress alone. I am not afraid of the electorate or of the verdict of the people and if the people choose to give a verdict against us, we are the first persons to venerate that verdict. What did we do in Kerala? When the people gave a verdict against the Congress, we invited and installed the Communist Party in Government in Kerala but unfortunately that Communist Government died unwept, unhonoured, unsung, soon after it was installed in power. Therefore it is a far distant cry to charge us that we are anxious to get into power and therefore we want to postpone the elections. Madam, I am not vainglorious if I say that if that is the mind of the Congress and the Congress Government in the country, we would not have

got this one extension legislation, we would have brought legislation to extend the lifetime of all the legislatures in the country. Have we done that? Will we do that? No; that is not our tradition; that is not going to be our case. Therefore it is very regrettable that, knowing the history of the Congress and the great role that the Congress has played in the last so many years, we are accused of being addicted to power. We are not drunk in the delirium and domination of power either in this State of Orissa or anywhere else. We welcome the verdict of the people. Therefore the criticism that we are addicted to power and therefore want to postpone the election in Orissa is really not correct.

Madam, there is one other point. Why is it that we are anxious to see that the life of the legislature in Orissa is given an extension? I am sure the hon. Law Minister, the doyen of legal learning, will bear with me when I say that it is not so much an extension of the life of the legislature as, if I may use the lawyer's phrase, a holding over for a certain time. Therefore, to say that this is extending the life of the legislature, is neither politically right nor legally appropriate. What is it that we are doing? We are only holding it over, postponing the day of the election. My very good friend, Mr. Lokanath Misra, said we were postponing the evil day. Even so the evil day is postponed, not avoided. What is it they are saying? Are we afraid of the verdict of the people? We will go to the people of Orissa and say, 'here is the record of our work; judge us by our work and give us the verdict'. Madam, yesterday we heard harrowing tales, particularly from my good friend, Mr. Lokanath Misra, of appalling poverty, of extreme starvation and of the famine conditions in very many districts of Orissa State. They complained, and perhaps rightly, that the administrative machinery was not adequate to meet the acute famine conditions. In fact he drew tears of blood from our eyes and if we had any occasion to shed tears, that was the occasion but now I am surprised, shocked, staggered, to hear from my friend, Mr. Lokanath Misra, that the election must be held. Of the many reasons why

[Shri T. Chaengalvaroyan.]

elections should be postponed, I feel this is the most important; the elections have to be postponed in consideration of the gigantic and great task of amelioration of the condition of the people in Orissa. Are we to conduct an election now or are we to give succour and food to the starving people of the State? The choice of the Government is very clear and convincing and I am sure hon. Members opposite will have the catholicity to judge us from the correct angle. Today we do not want to divert the administrative machinery, we do not want to disturb the representatives of the people; we do not want to divide the attention of the social service organisations and the innumerable agencies of the representatives of the people engaged in giving succour to the famine-stricken people of Orissa. If we do this, I feel we should not be accused of any political motives. We are fulfilling a great task and we are standing with the people of Orissa.

Madam, once more, may I repeat that we are not afraid of the verdict of the people, whatever that may be and at the proper time we will meet my friend, Mr. Lokanath Misra. We will see what the people have to say and we will take it, whatever it is, cheerfully, gladly, obediently and save democracy not only for the country but for even most of our friends on the other side. With these words I have very great pleasure in supporting this Bill and I appeal to all sections of the House to raise this question above the party pedestal and with a single united voice give their verdict on this broad issue of national importance.

Very grave issues are facing our country. It is not a municipal election. It is not a local body election. It is election to the Legislature where the political verdict of the people has to be ascertained. Let it not be ascertained fragmentally. Let it not be ascertained territorially. Let it be ascertained on a national scale and that is the theory behind this Bill.

With these words, I have great pleasure in lending my support to this Bill.

SHRI M. P. BHARGAVA (Uttar Pradesh) : Madam Deputy Chairman, I rise to support the Bill moved by my hon. friend, Mr. Pathak. The point at issue is a very simple one and that is whether the time is appropriate for holding elections in Orissa or whether they should be postponed to a later date. When the question of holding or not holding the bye-elections came up, after the Indo-Pak conflict was over, a meeting of all the Parties was called by the Election Commission and this question was posed before them, whether the bye-elections should be held or should not be held. The decision taken by the all-Parties Conference was that the time was not appropriate for holding bye-elections and, therefore, it was decided that all the bye-elections to the State Assemblies and Parliament be held over, that they should not be held. Now, when all the political Parties feel that this is not the time for holding bye-elections to the Assemblies and Parliament, I fail to understand how anybody from the opposition can get up and say, this is the time for holding elections in Orissa for the Orissa Assembly. I do not know with what standard they measure the bye-elections and with what standard they measure the election to the Orissa Assembly.

Now, my friend, Mr. Lokanath Misra, gave the genesis of the Orissa troubles. I have my own genesis of the Orissa trouble. So long as the Opposition felt that they had some say in Orissa matters, they were quite happy. When the elections were held, they were happy. When the elections were not held, they were happy. But when they found in 1961 that they were swept off the polls and the Congress got a huge majority in the Orissa Legislature, they went helter-skelter. They began to think about what they should do to regain their lost prestige. "How can we get hold of the position from which we have been displaced by the Congress Party?" The methods adopted are well known to this House and I need not go into them. First, their attack was on the then Chief Minister, Mr. Biju Patnaik, who was the man who had organised the elections, who had seen to it that the Congress

won a big thumping majority in Orissa. I am not going into the merits or demerits of the charges brought up against Mr. Biju Patnaik. What I want to say is this. They found that the Congress Party was well entrenched in Orissa and they would not be able to cut much ice. Therefore, they thought: "We must do something to break this Party by whatever means, fair or foul, we can." They succeeded in getting Mr. Biju Patnaik removed, without breaking the Party. Then, they thought that the shot had misfired.

SHRI MULKA GOVINDA REDDY : Mr. Biju Patnaik was removed under the Kamraj plan.

SHRI M. P. BHARGAVA : Yes you all wanted that he should leave. That is all. Then Mr. Biren Mitra came on the scene and the attack began to mount against him. Again, Mr. Biren Mitra left the scene. The Opposition Parties thought, "We have achieved a big success in driving out two stalwart, Chief Ministers from the scene of Orissa." Then, came the third Chief Minister, Mr. Sadasiva Tripathy. Now, the House is well aware how they are trying all kinds of methods to see that this gentleman is also discredited and they are leaving no stone unturned towards that end. Yet, with all their attempts they have not succeeded in breaking the Congress Party, which is their main aim in Orissa.

Now, let us examine another inconsistent position. In Kerala, where there is President's Rule, for reasons best known to this House, their plea is that election should be held. President's Rule should be removed and democratic functioning should be restored. Now, if their stand is consistent, I should have expected that they would have the same standard in Orissa also. But what is their demand about Orissa? My friend from the PSP said this. Now, if nothing can be done, at least the Ministry should go, President's Rule should come and then the elections can be held whenever it is convenient. Now, how is it consistent? On the one side, you are pleading for the removal of President's Rule. On the other side, where there is a demo-

cratic Ministry functioning, with a majority at its backing, you want it to be dismissed and the State to be taken over by the President. I fail to understand this argument.

Now, my friend, Mr. Lokanath Misra, admitted that Mr. Pathak is a genius, but in bringing this Bill before the House he has not shown that capacity which he is famous for as a genius. Now I would only narrate this example. Suppose Ramanathan Krishnan, who is a top tennis player of India, plays against an internationally renowned tennis player. He puts up a very good fight and he gets all the laurels. Suppose for a moment he has no chance of playing against any international player, but was pitted against the amateur/players of the country. What would he do? His tennis will go down and what ever name he has earned will gradually fade away. The same is the case with Mr. Pathak. In all humility I beg to say that. In the Supreme Court he was pitted against genius—genius against genius. Here I am sorry to say that Mr. Pathak is pitted against something far away from genius. Therefore, to those people, who are far away from genius, what looks like is that Mr. Pathak has ceased to be a genius and he has come down to their own level, if I may say so.

SHRI MULKA GOVINDA REDDY : We only sympathise with him. He has to defend a case which is not defensible.

SHRI M. P. BHARGAVA Well, it is not a case where it is not defensible. It is a case which is thoroughly defensible by argument. If the Opposition Parties wish to meet argument by argument it can be done. But if they have certain arguments for a particular case . . .

5 P.M.

THE DEPUTY CHAIRMAN : It is five O'clock

SHRI M. P. BHARGAVA . In one minute I am finishing. If they have certain arguments for a particular case and certain other standards for other

[Shri M. P. Bhargava.]
things, then I am afraid they cannot be met. The present is such a case. I therefore, wholeheartedly support the Bill moved by Mr. Pathak.

THE DEPUTY CHAIRMAN : The Law M'nister will reply tomorrow.

The House stands adjourned till 11 a.m. tomorrow.

The House then adjourned at one minute past five of the clock till eleven of the clock on Wednesday, the 18th May, 1966.