

responsible for the ill. Every step of theirs was just trying to avoid the evil for the time being. And therefore, they have gone from one mistake to another and we are faced with this situation. In the circumstances, no person who believes in democracy, who believes in freedom can ever support this measure or I oppose it.

MR CHAIRMAN The House adjourned till 2.30 P.M. in the afternoon.

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

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

REFERENCE TO STATEMENT RE KUTCH SITUATION

श्री ए० बी० वाजपेयी (उत्तर प्रदेश) महोदया, इससे पहले कि माननीय सदस्य बोलें, मैं आपका ध्यान इस ओर आकृष्ट करना चाहता हूँ कि प्रधान मंत्री जी आज ५ बजे लोक सभा में कुछ की स्थिति के बारे में एक बयान देने जा रहे हैं। मैं जानना चाहता हूँ कि वह बयान इस सदन में कितने बजे दिया जायेगा ? शायद लोक सभा ५ बजे के बाद बैठेगी और अगर प्रधान मंत्री जी को सुविधाजनक हो तो यहाँ बयान देने के बाद लोक सभा में जा सकते हैं। लेकिन बयान यहाँ भी दिया जाना चाहिए। इस बात पर आप जोर दें और सरकार से कहें।

THE DEPUTY CHAIRMAN I have no information yet excepting what I have heard from Mr Vajpayee. We are finding out now from the Prime Minister whether a statement is to be made in the other House and then we shall let the House know of the same.

SHRI A B VAJPAYEE A formal announcement has been made in the other House that he is making a statement at 5 P.M. There should be no hitch on the part of the Prime Minister to make a similar statement here.

THE DEPUTY CHAIRMAN Anyway, the Secretary will find out.

SHRI AKBAR ALI KHAN (Andhra Pradesh) We will sit for half-an-hour more if necessary.

THE DEPUTY CHAIRMAN Yes, we are finding it out.

1 RESOLUTION RE PROCLAMATION IN RELATION TO THE STATE OF KERALA AND

2 THE KERALA STATE LEGISLATURE (DELEGATION OF POWERS) BILL 1965—continued

SHRI JOSEPH MATHEN Nobody can be happy over the Proclamation to take over the administration of Kerala.

SHRI A B VAJPAYEE (Uttar Pradesh) Not even Congressmen?

SHRI JOSEPH MATHEN Not even Congressmen can be happy if there is any possibility of avoiding it. This House has been discussing the President's Rule in Kerala for the last two or three times and whatever will be said in this House will be only the repetition of what we had been telling this House on the previous occasions. As the House is aware we know that after the elections on the 4th March 1965 no party in the State got a clear majority to claim the formation of a Ministry. Not only that, but a single party could not have a clear majority, no political parties could come together to show a clear majority, so that they could

[Shri Joseph Mathen]

take over power in the State. We know that the biggest party that emerged successful in the election was the Left Communist Party and the leader of the Party, in spite of the request of the Governor, could not show a clear majority to claim the formation of a Ministry. He said that he had the support of the S S P, which had 13 Members, and he himself was the leader of forty, including all Members who were detained under the D I R and he had the support of a few Independents and, according to the statement issued by the leader of the Left Communist Party—Mr Namboodripad—we are led to believe that he had the support of only 61 Members in a House of 133. Madam, sixtyone in a House of 133 is not a clear majority for the formation of a Ministry.

The next larger party there in the State was the Congress which had only 36 members and the Pradesh Congress Committee had passed a resolution that it would remain a constitutional opposition if at all some other party or parties took up power in the State. So, there was no possibility for the Congress also to form a Ministry because it never wanted to court the support of any other party since the verdict of the people of the State was that the Congress should remain in the opposition. The Congress, when it contested the elections, made a statement that if the Congress was not returned in a majority, it would remain in the opposition rather than come into an alliance so that it could form a Ministry. So, the question of formation of a Ministry by the Congress was also ruled out.

The next party which had only 24 Members was the Kerala Congress. It had tried its best to form a Ministry with the support of so many sections and groups. It had approached the S S P. The Muslim League had offered support saying 'We will

sail or sink together'. With all that the Kerala Congress could show the support of only 37 Members in a House of 133. Still they wanted to form a Ministry. Thirty-seven in a House of 133 cannot claim the stable support of the House and hence the formation of a Ministry by the Kerala Congress was also ruled out under those circumstances. The S. S. P. which had only 13 Members had offered to form a Ministry provided all the other sections or parties would extend their support. They said that the State should not go without a popular Ministry and if they were permitted, they would form a Ministry so that President's Rule could be avoided. What they might have thought of the support required for a Ministry, I cannot say, but they might have thought that these 13 would be sufficient to make 11 Ministers, one Deputy Speaker and a Speaker.

SHRI P N SAPRU (Uttar Pradesh): How do they carry on in countries where there is no provision for President's Rule and where there are five, six or seven parties?

SHRI AKBAR ALI KHAN. Re-election.

SHRI P N. SAPRU: No. Read the history of France and Italy.

SHRI JOSEPH MATHEN: I would ignore the question because I never yielded to the hon. Member. He can ask me any question immediately after my speech.

SHRI ABID ALI (Maharashtra): Go ahead. Ignore him.

SHRI JOSEPH MATHEN: Madam, under those circumstances, the offer of the SSP to form a Ministry also was not acceptable to the Governor since there was no proof that the S S P. would be able to form a stable Ministry in the State. The Kerala Congress, at that time, passed

a Resolution that they would support the Congress to form a Ministry, or they would be prepared to form a Ministry with the support of the Congress. But, as a matter of principle the Congress never wanted to have any understanding with the dissidents who had committed indiscipline and were expelled from the organisation people who had no political programme of their own for the formation of a political party except the antagonism towards the Congress due to personal and selfish motives. The Kerala Congress was formed with the intention of creating a feeling among particular sections of the people that those sections were ignored and discriminated against by the former Congress Ministry. All those developments this House had discussed previously, and we are now led to believe that the Kerala Congress was formed for the only reason that some of the leaders who formed the Kerala Congress could not enter into the then Congress Cabinet of Kerala.

SHRI LOKANATH MISRA (Orissa) They said that there were so many allegations against the then Chief Minister

SHRI JOSEPH MATHEN. There might have been a number of allegations against the Chief Minister and the Congress administration but, as members of the party, there were so many methods to meet their ends. Actually, the Congress Ministry was prepared to enquire into the allegations, and to a certain extent it had inquired into them, and it was made known to that dissident section that most of the allegations were baseless. But they wanted further inquiry which, naturally, could not be conceded. And if at all they wanted further inquiries they should have voted down this Ministry after having resigned from the Congress Party and contested all the bye-elections

based on their own programme. But these dissidents had no justification to vote against the then Ministry since they belonged to the Congress, since they were elected on Congress tickets based on Congress manifesto. If they had any difference of opinion with the then Congress Ministry, it was left to them to resign from the Congress and to resign from the Assembly and then contest the elections, defeat the Congress there, get into the Assembly again, vote against the Congress and vote down the Ministry. That should have been the moral way in which they should have acted but, actually, they committed political immorality by voting against their own political party without resigning from the party and from the Assembly.

SHRI LOKANATH MISRA And having voted against corruption

SHRI JOSEPH MATHEN He will have so many views about corruption because he himself is an embodiment of corruption

SHRI LOKANATH MISRA Who is that?

SHRI JOSEPH MATHEN Whoever makes baseless charges, people who themselves commit corruption, political social and economic

SHRI LOKANATH MISRA The Chief Minister was a corrupt man. Unfortunately for me and fortunately for you, I do not belong to Kerala, but if I belonged to Kerala, I would definitely have proved that he then Chief Minister was corrupt and you would have been in a soup.

SHRI JOSEPH MATHEN My friend belongs to Orissa, he has experienced so much of corruption that he may be thinking that everything in this world is corrupt.

SHRI LOKANATH MISRA That, your own Congressmen are saying, not I.

SHRI JOSEPH MATHEN I have nothing to say about Orissa, because my friend is a supporter of corrupt practices, because he belongs to the Swatantra Party. All Swatantra supporters are practising corruption in the industrial, in the economic, in the political and in the social fields. That is the position. So I have nothing to say about that Party.

With regard to the position in Kerala, Madam, there was no possibility for the formation of a State Ministry.

SHRI LOKANATH MISRA Madam, on a point of personal explanation.

THE DEPUTY CHAIRMAN How does it arise?

SHRI LOKANATH MISRA The hon. Member said that Swatantra Party is indulging in corruption; that it gets support of all corrupt people. Is there anything now to be proved that the Congress depends purely on corrupt people, on all their acts of corruption, gets money from the corrupt people and perpetuates it?

THE DEPUTY CHAIRMAN Yes, you continue.

SHRI JOSEPH MATHEN We have sent out corrupt people. When some of the sections actually wanted to practise corruption, they organised political parties like the Swatantra Party. We had those corrupt people also in the party some time back, but they are out now.

SHRI LOKANATH MISRA People would call you a lunatic if you say that.

SHRI JOSEPH MATHEN Madam, with regard to our political organisation, since it is a mass organisation, we cannot expect to have all the

cent per cent people to be free from any tinge of corruption. I do not think that Mr. Misra will claim that his party is having all the cent per cent people free from any sort of corruption. Actually it is the political programme, the aim of the good of the masses, and the planning done to put it into practice that maintains a political party, not the particular acts of the members belonging to that party. Madam, the Congress also may be having some corrupt people just as some other political parties are also having. So I do not say that corruption is the monopoly of the Congress or of a particular political party. Corruption is practised by sections of people who are in the various political parties. But we do not support corruption, whether it is in the Congress Party, or in the Swatantra Party or in any other Opposition party. I have nothing more to say there. So, whatever may be the charges levelled against the Chief Minister, the Congress Party members had ample opportunities whatever their grievances were, to see that they were redressed. But, instead of that, they practised the immoral political way by voting against their own political party, and that was absolutely against the policy a political party should take in a party system of Government. So, Madam, what I wish to point out is that this President's Proclamation was made necessary, we were all convinced that there was no other go but for the Centre to take over the administration in Kerala. Moreover, immediately after the Proclamation was made, there were various criticisms by various sections, and even the political parties that came out successful in the elections in Kerala, including the Left Communist Party and the Kerala Congress, tried to demonstrate against this. There was a call from the leader of the Kerala Congress, Mr. K. M. George, to have a black flag demonstration against the

Governor who was then going to take charge in Kerala. But, actually, these people had no support from the people with the result that they had to hoist the black flags in their own houses. That was the position. Then Mr. Namboodiripad requested the entire State to demonstrate against President's rule and he actually called for a *hartal* throughout the State. But by mid-night of the day before he had to withdraw it after having known that there was no support for it and the entire State had refused to observe the *hartal*. That was the position. So the people realised, and some of the leaders also, who earlier had been opposing the Congress and had been supporting the Kerala Congress, and others including Mannath Padmanabhan declared that in those circumstances there was no other possibility but to have President's rule in the State and the people are also now so desperate and disinterested that they do not care actually what political parties are functioning and what political parties are not functioning. It has come to this position due to the reason that for years,—practically continuous years, after independence that State has been neglected in the matter of developmental activities; there the Centre has been so indifferent in sanctioning Central projects, and in sanctioning sufficient funds for the development of its own resources in power, in agriculture, in education and in various other spheres, and the people, naturally, have also become indifferent and they do not care who rules, because the result has been the same. So, at least during the President's regime, whether it be for a few months, or one or two years, as decided by this House and the other House of Parliament. I request and suggest to the hon. Home Minister that every step should be taken to set in motion an intensive programme to see that a sufficient number of industries are established in Kerala to solve the unemployment problem. Also a suffi-

cient number of technical institutions should be opened so that they may absorb the non-technical matriculates, who may be taken in and given technical training so that they may be absorbed subsequently in the industrial concerns. In the same way, power projects may be taken up so that there may not be any difficulty with regard to the availability of power for the establishing of industries. Madam, during this regime, it is understood that some very important and prominent power projects could have been taken up to solve the power scarcity, but these were dropped because of the indifference on the part of the Central Administration. While they were discussing the matter, they conveniently avoided the establishing of the Idikki Project which should have been taken up and completed in the Third Plan. We understand there had been some scheming going on and some conspiracy was going on between the Central Administrator and the Central Ministry and some of the persons responsible for the inclusion of this work, of this project and this project was dropped. This Idikki Project, which should have been completed within this Five-Year Plan and for which sufficient funds had been allotted, was dropped. There was a secret circular issued just to see that this project was not completed. This matter should be enquired into because we do not want such matters to be left in the hands of officials and we do not want the State to suffer during the President's rule. I do hope, Madam, that the hon. the Home Minister will enquire into all these factors and see that the State is not discriminated against during this regime. Thank you.

SHRI K. DAMODARAN: Madam, I am unable to agree with either the content of the Proclamation or the manner in which it was made and the President's rule was imposed. You know that this proclamation was

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issued on March 24, at a time when both Houses of Parliament were in session. Yet we were not consulted. They could have come to Parliament and explained the post-election situation in Kerala and they could have got the sanction of Parliament for the Proclamation, if necessary, and they could have got a resolution passed by the House, requesting the President to issue the Proclamation, if there was no way out. But nothing of that kind was done. They treated Parliament with contempt. The undue haste with which that Proclamation was issued without approaching Parliament, without seeking the approval of Parliament was, to put it very mildly, most undesirable. It is more than a month and a half and it is only after such a long delay that the Government has thought of approaching Parliament for getting its approval for the Proclamation. Thus, the Government has failed in not only maintaining democracy in Kerala but also in safeguarding the rights of Parliament, as if the only duty of Parliament was to okay a *fait accompli*. I think this is very bad. Madam, the plea made is that there was no alternative to President's rule, but that is untenable. The hon. Minister explains that the President relied on the Governor's report that there was no possibility of forming a Ministry because no single party or a combination of parties could command a majority in the Legislature. It is true, Madam, that unfortunately no party could win a working majority in the election. This unhappy situation was created by the Congress Party on the one hand and by the Marxist Communist Party on the other. The leader of the Marxist Communist Party was more eager to defeat the Communist Party of India than to get a workable majority for forming a Government. He was more anxious to help the Muslim League-Kerala Congress alliance than to fight the elections on a prin-

cipled basis, on the basis of a united front of the Leftist parties, of the progressive groups. His party was steadily losing its hold on the people and in the nick of the moment the Home Minister went to their rescue by arresting them and putting them in jail and thus making them heroes and martyrs and thus helping them to win as many as 40 seats. The Home Minister, it seems, wanted to kill two birds with one stone. He put the Marxist Communists in jail and helped them to defeat us. He has, I may say, succeeded in this game to a certain extent. But during that process democracy was killed with the result that Kerala was left to the mercy of a few bureaucrats and the Governor. The leader of the Marxist Communist Party in his election campaign had promised the voters that he would form a Government with the help of the Muslim League independents whom he supported. The Muslim League you may know, got elected in at least six constituencies with the active support of the Marxist Communists and in some other constituencies with the passive support through the splitting of votes. But just after the elections, the Muslim League Party boldly declared that they would not support or join a Ministry formed by the Left Communist Party. A Government formed or even sponsored by the Left Communist Party, that they would live and die with the Kerala Congress. Anyway, that is not the point here. Whatever may be the reasons I admit there was no party after the elections commanding the support of the majority of the elected Members. That is true. But that in itself was no justification for the imposition of President's rule. Madam, I am definitely of the view that there was a majority for forming a Government in Kerala but the Congress Party did not want it and no genuine effort was made by the Governor or the Central Government to explore the possibilities of forming a Government.

The Leader of the Marxist Communist Party publicly stated that he was willing to form a Government if an opportunity was given to him. You may say and you said that they did not command the support of the majority of elected Members. True, but our Constitution has nowhere laid it down that only a party which commands a majority or wins a majority of seats in a legislature is entitled to form the Government. The only thing is that the Government should enjoy the confidence of the legislature. It should not be voted down by a No-confidence Motion. That is all. Madam, Kerala is a peculiar State. It is a State where parties with absolute majority in the legislature are defeated and their Governments are thrown out while smaller parties with no majority behind them have formed governments. My friend, Mr. Mathen, also knows that. That is the peculiarity of Kerala. You know what happened to the Sankar Ministry. The Congress Party had a majority; yet it was kicked out of office. Take the case of the P.S.P. Ministry, a Party having eighteen Members out of a total of one hundred and twenty-seven. This ran the Government for a number of months. How can you say that in order to form the Government a party should have a majority?

SHRI JOSEPH MATHEN: The Congress Party had given it in writing that it would extend its support and with that support . . .

SHRI K. DAMODARAN: I am coming to that. Ordinarily, we expect the majority party to form the Government but in Kerala at least, the experience is different. That is why I submit, Madam, that Mr. Namboodiripad should have been allowed to form the Government. The situation was quite favourable. No party said that he should not be allowed to form the Government. The Communist Party offered its support, though

its strength was only three in the Legislature. The S.S.P. offered its support and even the Congress—the Minister said that—stated that it would act as the constitutional opposition to whatever Government was formed supporting it to the extent its policies were in line with those of the Congress. If they had meant this seriously, I do not know what difficulty came in and why they did not allow the Ministry to be formed. Whether you would support the policies or would have to oppose them would be seen only in action and no chance was given to Mr. Namboodiripad. If at a certain stage, he did not agree with your policies, he went against what you wanted, then at that stage you could have brought in a motion of No-confidence and could have thrown him out but where was the difficulty in allowing the Government to be formed? I do not see any difficulty. If there was the will, a way could have been found out and an arithmetical impossibility could have been changed into a political possibility. It was incumbent upon the Government to release the detained Marxist Communists; it was incumbent upon the Government to have given them an opportunity to form the Government. There was no immediate threat of a No-confidence Motion because after the elections people were ready and prepared to support any Ministry. If and when they failed to secure a vote of confidence, then they could have been dismissed. There would have been some justification then for imposing the President's rule but the Government was not formed and the democratic process was not allowed to come in because the Congress Party this time did not want to allow any other party to form a Government. The State Assembly was dissolved without an opportunity being given to the elected members to meet even once. This is a violation not only of the spirit of democracy but also of the Constitution. If such violations are allowed, it may spell

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disaster for the country What was done in Kerala may be repeated in other States and recourse to such unhealthy and undemocratic methods may be adopted wherever and whenever the Congress Party fails to get a majority for itself Then there would be no question of

SHRIMATI DEVAKI GOPIDAS (Kerala) Which article of the Constitution are you referring to?

SHRI K DAMODARAN Which article of the Constitution says that only a party with a majority in the legislature is entitled to form the Government?

SHRI M RUTHNASWAMY (Madras) Parties are unknown to the Constitution Nowhere in the Constitution is there any mention of parties

SHRI K DAMODARAN The practice and experience in Kerala have shown a way

SHRI P K KUMARAN (Andhra Pradesh) You supported and sustained the PSP. Ministry.

SHRI K DAMODARAN: I do not approve of the President's Proclamation or the continuation of President's rule

This Bill envisages the setting up of a small committee whenever the President considers it necessary The President is allowed to enact laws and in that connection he is authorised to constitute a committee of thirty-five members but I do not understand the necessity for this when it is laid down in the next clause that the whole Bill is to come to Parliament That being so what is the purpose of this committee? He can enact a measure and straightway bring it before Parliament There is some sense in having such a committee if its pur-

pose is to help the President in regard to the development of Kerala and in regard to general policy questions, otherwise there is no use having this committee I suggest that suitable amendments may be made in this Bill to widen the scope of this committee, else scrap such a committee

SHRI M S GURUPADA SWAMY (Mysore) Madam, Deputy Chairman, I speak with a certain amount of uneasy feeling today because the situation in Kerala does not permit any other feeling It does not permit of any alternative, any choice but President's Rule It would have been a wonderful day if, after the election in March, Kerala had had a democratic set-up but that was not to be Madam, I do not like to dilate upon the years since 1947 except saying that Kerala provides a classic example of instability in our country where nothing can work, neither majority rule, nor the minority rule, nor the split rule of the majority or coalition This is a very peculiar phenomenon, very tragic indeed and very rare Never in the past, any experiment, as my friends are aware, has worked well for long. There was the minority Government by the PSP of eighteen in 1954; there was again the Government of Mr John in 1950. Subsequently, there was the Government by the Congress, by the coalition and by the Communist Party All these experiments have failed And the President had no alternative in September but to impose President's rule there when the majority got itself split up and the Government of India thought that the best solution was to have an early election The President's rule was therefore brought about The election was held and what was the result? It was again an agonising repetition of what happened before No party succeeded to get a majority, even a working majority. There were no coalition forces during the election as had been the case in the earlier election There was no

united front. Every party fought every other party with a few independents here and there. The net result was that a sort of insecure balance was maintained by different political parties. It looks as though none loses in Kerala, nor none gains in Kerala; elections are fought a number of times and all the elections have indicated that no party, no force, no group succeeds or gets itself defeated. The elections are conducted, so to say, on a no loss or no profit or no gain basis and the present position is that the democracy envisaged in the Constitution has failed. There is no use saying that enough opportunity was not given to the Communist party there and there is no use also saying that there was no genuine effort made by the Governor there to entrust the responsibility of forming the Government to Mr. Namboodiripad. May I remind the hon. Members who hold that view that under the Constitution which we have adopted, which we practise, unless the Government is formed the Assembly cannot be called. The Assembly is constituted as soon as the results are gazetted, as soon as the results are announced. It is not necessary to convene the Assembly for constituting the Assembly. The constitution of the Assembly takes place as soon as the results are announced, as soon as they are gazetted, notified. Therefore convening the Assembly was not necessary in this context. The convening of the Assembly is necessary imperative, only when the Government is formed, when the agenda is there to transact business. What was the position in March 1965? After the election the situation was that there was no leader of a majority party; there was none who could have a coalition of forces which could give him a majority. Therefore no leader could be nominated or called by the Governor. Therefore the question of calling the Assembly did not arise because without the Chief Minister, without Government there could not be any transaction of business.

SHRI G. M. MIR (Jammu and Kashmir): Was there any business?

SHRI M. S. GURUPADA SWAMY: There is always business in any State. I assume that there is business but there was no possibility of transacting any business unless there was a Government. The Government had to advise the Governor to convene the Assembly for a particular purpose. That was not there. In the absence, of this, may I ask hon. Members opposite how the Governor can take the risk, the most undemocratic risk, of calling a minority leader to form the Government and face a no-confidence motion immediately after that?

It was also made out that the Communist Party—Marxist—should have been tried and afterwards they should have been allowed to face the music, face the no-confidence motion. But may I draw the attention of the Right Communist members here and ask them whether the Marxist Communist Party had shown any change in attitude, any change in outlook, since many of their members were arrested. It is a good advice given by the Swatantra friend that when some people are elected they should not be kept in jail; they should have been allowed to go out so that there was an opportunity for those friends to meet, to discuss and try and form a Government. It was a wonderful advice; it was a democratic advice, no doubt, but may I ask whether they have shown any real change, shift, in their outlook, in their approach?

Take for instance this question. It is an important instance that I am quoting. After Pakistan and China come together, after Ayub Khan went to Peking and signed an agreement of friendship, has anything been said by the Left Communists in regard to this rapprochement between Pakistan and China? No; not a word has been said. Our friends have been saying a lot about everything in the world;

[Shri M. S. Gurupada Swamy.]
they have been saying against America, against England, but not a word on this point. Why is it so? They see conspiracy in the Congress. Very well; but should the Kerala people be entrusted to the conspirators to form a Government there? That is the question. If the conspirators had a majority, well and good; in the name of democracy, friends say they should go ahead and form a Government but on the name of democracy I do not think this country can really allow these purveyors of doom, the hangmen of democracy, to have anything to do with democracy. It is well known that in the Communist philosophy, in the strategy evolved by the Communists' forefathers, any instrument—whatever may be the instrument—has got to be used well by the Communists so that through that instrument they could take power because for them power is important. After capturing power, taking over power, they would destroy all those things on the basis of which they have come to power. Therefore, may I ask them in good faith whether they sincerely believe in democracy. That is the first question. Secondly . . . (*Time bell rings*)

Madam, I think I would require a few more minutes; five minutes more.

THE DEPUTY CHAIRMAN: We have to finish both this motion and the Bill and there are quite a few speakers.

SHRI M. S. GURUPADA SWAMY: Five minutes more, if you don't mind.

Secondly, I would like to ask them to consider whether they have revised their attitude in regard to their policies about China and Pakistan.

Lastly, may I raise a very fundamental question on this occasion? I began by saying that Kerala offers a classic example of instability and all the forces seem to be balanced

against one another. There seems to be a sort of co-existence of contradictions. In this context, may I ask the Home Minister here, does he think really that a hundred elections will improve the situation? Will not the same thing be repeated again and again? Is it not our experience that elections have not solved the problem of Kerala? Is it not our experience that the present system, the Parliamentary system, in Kerala, does not work? Parliamentary democracy has not worked. May I therefore draw your attention to one or two facts that I think are very important to be considered in this context?

Firstly, I do not think there is a permanent way out if we do not change the parliamentary system. I think some friends have suggested the Presidential system. Some friends have suggested a change in the franchise . . .

PROF. M. B. LAL (Uttar Pradesh): May I know whether he is proposing a change in the parliamentary system only for Kerala or for the whole of the country?

SHRI M. S. GURUPADA SWAMY: May I ask my erstwhile colleague to listen to me a bit? Other friends have suggested various other things. The President's rule cannot be continued for long. It cannot be a permanent feature of Kerala. May I, therefore, suggest that there is no alternative, as there is no alternative now, but to have some other political system? If we want to have democratic rule and also continuity and stability, there is no alternative but to have Presidential system for Kerala and for such territories where such situations may arise in future. We want democracy. It should be possible for us to bring about an amendment to the Constitution by which we can have two types of democracies

functioning without trouble, without giving irritation to either system. We should not have the Presidential system where the Governor is elected by the people direct and he should form the Government. The members of his Cabinet are not members of the Assembly. They would be non-members, mostly experts, and the Governor is responsible only to the people, to the electorate, not to the Assembly. He becomes irremovable by the Assembly. Therefore, may I suggest to the Home Minister to think coolly about it? It is a very substantial change to meet the situation, I agree, but let us apply this Presidential system in Kerala, giving an option to apply the same principle elsewhere if such a situation arises. We should not sacrifice democracy, but should foster it. If one system fails, we should really change it to the other system.

PROF. M. B. LAL: Madam, our Constitution permits the imposition of President's rule under certain circumstances. If the President on behalf of the Union Government thinks that those circumstances exist, President's Rule may be constitutionally and legally imposed on a State. But if we study the history of democracies of the world, we will notice that President's rule is not a salient feature of democracy. Nor can President's rule be regarded as a significant feature of the Federal system. To the best of my knowledge there is no Constitution in the world wherein President's rule is permitted under the circumstance in which it is permitted under the Indian Constitution. I personally feel that even Members of the Constituent Assembly of India would not have thought of making some such provision in our Constitution, had it not existed in the Government of India Act, 1935. We have borrowed this provision from the Government of India Act, 1935. That provision was incorporated in the Government of India Act, 1935, not

because the British Parliament regarded some such provision as a salient feature of democracy, not because the British Parliament was keen to see that Indian democracy was thereby strengthened, but because the British Parliament wished to have some safeguards for reimposing its own authority over the Provinces in case circumstances permitted them to do so.

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

It is mentioned that the people of Kerala have become used to President's rule, that they have become indifferent to the type of Government under which they are governed. This is really a most deplorable feature of Indian democracy. Democracy cannot be sustained unless the people of India have full faith in democratic principles, democratic ideals and democratic traditions and feel unhappy when they are made to submit to systems which cannot be regarded as essentially democratic in character. Mr. Vice-Chairman, it is really very regrettable that Kerala, which can claim to have the highest literacy in this country and the people of which can claim to have more than above-average intelligence, should face President's rule repeatedly.

The Governor's statement, on the basis of which the President imposed his rule over Kerala, and which has been circulated to Members of Parliament, is before us. A careful study of this document reveals certain important things. Firstly, the Samyukta Socialist Party, along with the Right Communists, were prepared to lend their support to the Government that might have been formed by the Left Communists, but both the Kerala Congress and the Muslim League were definitely opposed to the formation of a Communist Government. The Kerala Congress made it clear that it would neither seek the support of the Communists, nor would it be prepared

[Shri M. B. Lal.]

to lend any support to the Communists. The Muslim League also made its position clear *vis-a-vis* the Communists. It was said by its leader that the members of the Muslim League "would neither support, nor have anything to do with the Communists (Marxists) in the formation of a Ministry." It is also made clear by their leader that they would not also support any demand for the release of detenus. Though in the Governor's report it is not mentioned whether the Kerala Congress would support the release of the Communist detenus or not, from the various statements made by Mr. George and released to the Press, it is obvious that like members of the Muslim League the Kerala Congress was not prepared to insist on the release of the Communist detenus. So it seems that a great majority of those returned to the Kerala Legislature by the electorate were not inclined to insist on the release of the Communist detenus.

I must say here that there is a wide difference in the attitude of the Kerala Congress and the official Congress. The Kerala Congress said that in forming a democratic Government the Kerala Congress would support the official Congress. In various statements issued by Mr. George it was also made clear that the Kerala Congress was keen to have a non-Communist democratic Government, and perhaps even if his Party was not invited to share power, it might have agreed to lend its support to the Congress Government. Anyhow it was the duty of the Governor to ascertain from the Kerala Congress this particular fact.

As far as the Congress is concerned, what was its attitude? In the Press statement Mr. Abraham, the leader of the Congress Party, affirmed the Congress stand that it would function as a constitutional opposition whoever else formed a Government. The Con-

gress would support the actions of any non-Congress Ministry if such actions were in line with Congress policies, otherwise the Congress Party would not support. This stand was further clarified by Mr. Abraham in his talks with the Governor. The Governor notes that Mr. Abraham told him that "his general attitude would be the same, whether it was ultimately a Communist-sponsored or Kerala Congress-sponsored Government," that "the Congress would endorse whatever they did so long as they agreed with them on particular issues as and when they arose on the floor of the House." Therefore, Mr. Abraham maintained that "the Congress would act as a constitutional opposition on the floor of the House," and according to him "constitutional opposition would mean the stand of the Congress in the House as explained above."

From these certain things are obvious. Firstly, the Kerala Congress distinguished clearly between the Congress and the Communists. It was prepared to recognise the Congress Party as a democratic party and was not prepared to recognise the Communist Party as a democratic party. The Kerala Congress was prepared to lend its support to the Congress Government and even to form a coalition Government with the Congress Party but was not prepared to join hands with the Communists or to form a Government with the support of the Communists. The Congress Party on the other hand strangely enough made no distinction between the Communists and the Kerala Congress. Though it was the Congress High Command and the Congress Ministry that were responsible for the arrest of the Communists, yet the official Congress Party maintained that its general attitude would be the same, whether it was ultimately a Communist-sponsored or Kerala Congress-sponsored Government. I rather fail to understand it.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): They were joining hands with the Muslim League also.

PROF. M. B. LAL: I see. Do we mean to say that the Congress thought that the Muslim League was as bad as the Communists? If they thought so, why were the Muslim Leaguers not arrested along with the Communists? Again, an important fact was this that if the Central Government had been prepared to release the 29 Communist legislators who were in jail, the Communist coalition would have consisted of 61 members, and if the official Congress Party was prepared to support such measures of the Government as were in consonance with its programme even if those measures were sponsored by a Communist-sponsored Government, the claim of the Communist Party to form the Government was a strong one. But if the Central Government was not prepared to release them, then—61 minus 29—it comes to 32; the strength of the Communists and their friends in the Legislature would remain 32. On the other hand the Kerala Congress and the Muslim League together constituted a coalition of 37 members. So, that Party should have been given an opportunity. Now the Congress says that its general attitude would be that it would endorse whatever the Government did so long as they agreed with the Government on particular issues as and when they arose on the floor of the House. That would have been the test of the statesmanship of the Government and of the Congress Party. It would have been the duty of Mr. George to so carry on the Government that it might not have been possible for Mr. Abraham to say that it was doing things which were not in consonance with his policies and programmes. Sir, both the official Congress Party and the Kerala Congress Party deny any ideological differences between themselves. They are two splinter

groups, two groups of the same Party, with no ideological differences, and therefore it might have been possible for Mr. George to so conduct himself that Mr. Abraham would not have had any reasonable cause to dissent from the policies and activities of Mr. George's Government. If unreasonably Mr. Abraham had chosen to oppose Mr. George's Government, then it would have been Mr. Abraham's responsibility to create another crisis in Kerala. I feel that if there had been no provision in the Constitution with regard to President's rule, there would have been a democratic Government in Kerala, because I am sure that just after one election no party would have been prepared to have another election, which is a normal feature in a democracy in case of such unresolved deadlocks. I feel that the crisis with which Kerala is faced is not an overall political crisis. Now, is it a constitutional crisis? It is rather a political crisis created by internal dissensions within the Congress Party itself. And the Congress High Command, the Union Congress Government and the Congress Party of Kerala would have to shoulder the responsibility for the instability and the undemocratic character of the administration of Kerala. That is my contention.

Now, Mr. Gurupada Swamy has placed before us a democratic solution of the political problem of Kerala. A keen student of political science as he is, his suggestion surely deserves careful attention. He says, let us have the Presidential system for Kerala. What is that Presidential system? Under the Presidential system, the President is directly elected by the people and the legislature is also directly elected by the people. In the United States we often see that the President belongs to one party while in the legislature another party is in a majority. Consequently, there the Government is often carried on with

[Prof. M. B. Lal].

considerable difficulty. The people of the United States of America are able to muddle through that difficult situation because they have become used to such situations. What would happen in Kerala? Firstly, there may be a number of candidates for the Presidency and no one may be elected by an absolute majority. The President elected by minority votes will hardly be able to command that respect and confidence of the people as the President of the United States of America or the Governors of States there are able to do because they are all elected by a majority of votes. The Kerala Legislature may also continue to be divided into different parties, with no worthwhile co-ordination between the legislature and the executive. Then there would be a lot of deadlock. I beg to submit that the Presidential system is likely to break down. If that situation prevails, the Home Minister of India would come forward and say that as the President and the Legislature are quarrelling and the constitutional machinery has broken down because of these quarrels the Union Government must impose its will and have its own rule in the name of President's rule. So, I feel that the Presidential system is no solution to Kerala's political problems. Kerala suffers from poverty, unemployment, casteism and sectarianism, and Kerala's political problem may be solved only when definite steps are taken to eradicate poverty and unemployment and the people are educated in the art of democratic citizenship and when civic conscience and spirit tend to command a greater allegiance of the people than sectarianism and casteism as at present. For the smooth running of the constitutional machinery of Kerala, I feel the Congress will have to mend its ways considerably. Kerala is a warning and a challenge to the statesmanship of the Congress Party. The internal dissensions from which the ruling party suffers have brought

terrible results so far as Kerala is concerned.

With these words, Sir, I beg to oppose the motion proposed by the Minister of State for Home Affairs because I feel that without the proclamation of President's rule, if the Governor had so desired, a proper democratic Government could have been formed in Kerala.

SHRI ARJUN ARORA: Mr. Vice-Chairman, I rise to support the motion moved by the Minister of State for Home Affairs. It is not a case of imposition of the President's rule in a State. As a matter of fact, this Proclamation of the 24th March which we are considering is only a statement of the continuance of the President's rule. President's rule was imposed earlier and everyone hoped that the elections held in the beginning of March would create a situation in which the President's rule was no longer considered necessary. But what happened was that the elections created a situation in which there was no other option but to continue the President's rule. This is not the first time that the President has been compelled to take over the Government of Kerala. It is the fourth time that this has happened and it is obviously something warranted by the situation in Kerala.

Some people in the country are angry at this act of the Government, this continuance of the President's rule, because they seem to argue that democracy has been given a blow. I do not know why this sort of argument is made because the President's rule means the rule of the Centre, and at the Centre there is a democratic Government, a Government democratically elected, and a Government responsible to Parliament. So, it is not a negation of democracy that has been done. What has been done is that instead of the local level, the democratic process functions at the Central level.

SHRI P. K. KUMARAN: You wanted freedom from England, which has democracy there.

SHRI ARJUN ARORA: I am amazed that a veteran Communist like Mr. Kumaran does not understand why we wanted freedom from the British rule. British rule meant that there was democratic Government in Great Britain, but there was no democratic Government in India. And India was not represented in the House of Commons. (*Interruptions.*) You please try to understand I know that you do not understand the democratic process. If you understood the democratic process, you would not be in the C.P.I. Right Wing.

Sir, with your permission, I may take this opportunity to explain to the hon. Member, Mr. Kumaran, that the British rule in India was not democratic. It was anti-democratic. The Indian people were not represented in the House of Commons. The people of Kerala are very much represented in this House and the other House. And this country is one Britain and India are not one country.

SHRI P. K. KUMARAN: They should have with them the right of governing themselves.

SHRI ARJUN ARORA: Mr. Kumaran is perhaps an advocate of municipal Government. And even when a municipal Government is made to rule in a place, which Mr. Kumaran may perhaps happen to rule, the people of particular wards and particular mohallas will make the same argument which Mr. Kumaran is making.

Sir, the only question that should be considered in connection with this Proclamation is whether the Governor made genuine attempts to form a Government after the elections in Kerala. Sir, anybody who knows the then Governor of Kerala, Mr. V. V.

Giri, will concede that if there is a democrat in this country it is Mr. V. V. Giri who is a veteran trade union leader. I hope even Mr. Kumaran will have some respect for Mr. Giri who, right from 1918, has been a valiant fighter for the people's cause in this country and particularly the cause of the workers, the down-trodden, the exploited. He did make genuine attempts to form a Government. Nobody could convince him, no party or a coalition of parties could convince him that a suitable Government could be formed.

The biggest party in the Legislature elected on March 4 was the party called the Left Communists. The Communists have now become so tolerant of each other that one calls itself Left and the other calls itself Right.

SHRI P. K. KUMARAN: No., no. We do not.

SHRI ARJUN ARORA: Some time they could imagine only one Communist Party. Anyhow, it is good that they have become tolerant.

Of the 40 Left Communists who were elected, 29 were under detention. There has been a hue and cry in some quarters that they should have been released just after the elections. Sir, I am no advocate of detention without trial. I do feel that even in the case of the Left Communists the Home Minister should have been in a position to put them to trial and secure convictions. But I fail to understand the argument that these 29 who have been elected should be released. Sir, if somebody advocates that all the detenus should have been released, I will have some sympathy for the argument. But the argument is that those who were elected should have been released. If that is made the rule, there should be the rule that no Member of Parliament, no member of a legislature, no member of any municipal committee, no elected member of any gram sabha should be arrested under any charge.

[Shri Arjun Arora].

It cannot be the rule. So the argument that the Left Communist detenus who were elected should have been released is meaningless. I am surprised that very responsible people in this House and elsewhere make that argument. If their detention was correct, the detention of M.L.As. alone would not become incorrect.

Then, Sir, I find a senior Member of this House, Prof. Mukat Behari Lal, trying to say what the Congress should have done. Now when we accept party Government, each party has the right to decide what is to its best advantage . . .

PROF. M. B. LAL: Every party has the right to criticise the other party.

SHRI ARJUN ARORA: . . . and every party has the right to decide what is best for the country, for a part of the country. In the case of Kerala, the Congress Party in its judgment decided that it was time that in some part of the country it should sit in the Opposition. Some people are angry at it. We find that in this House on the slightest pretext some Members of the Opposition get up and ask the Government to resign. The Congress, in Kerala, decided to sit in the Opposition and they are angry.

PROF. M. B. LAL: I am only angry at the fact that the Governor did not ask other parties to form the Government.

SHRI ARJUN ARORA: The Governor had invited every party to convince him if it could form the Government, and the person who could claim the largest support was Mr. E.M.S. Namboodiripad, the leader of the pro-Chinese section of the Communist Party. He, according to his own statement, could muster 61 supporters in a house of 134 only if his 29 followers who were roting in

jail were released. That was the best picture offered to the Governor, to the Congress and to everybody in the country. While that was demanding too much, why did Mr. Namboodiripad not say that his 61 should be made 71? He could at best muster 61, and 61 minus 29 will be 32. And 32 in a House of 134 was not a coalition capable of forming a Government, even a Government which was formed as a result of horse trading. So I think the Governor had no option but to advise the President to take over the governance of Kerala. The situation in Kerala, particularly in the last elections, is a warning to the other side of the House. The splinter parties do not do any good to the country or to democracy or to anybody.

PROF. M. B. LAL: Dissensions in the ruling party are a danger to democracy.

SHRI ARJUN ARORA: It is the ruling party which is responsible for a stable Government in this country and it is responsible for the continuance of the democratic process.

(Interruption by Shri P. K. Kumaran)

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Mr. Kumaran, no interruption, please. His time is over and we have many speakers on the list.

SHRI ARJUN ARORA: Although my time is over, I must reply to all the interruptions before I sit down. You will please permit me to reply to all the interruptions. The situation in Kerala is a warning to the parties in Opposition. Do not indulge in forming groups within groups and then forming splinter parties. There is in this House, for example, the so-called Socialist Party, the P.-S.P., the S.S.P. and Mr. Talib, a lone representative of, what is called the S.P.

4 P.M.

All combined they number only nine and they are divided into three parties. Similar was the situation that the Governor of Kerala was faced with on a larger scale and he correctly decided that the continuance of the President's rule was the only solution and perhaps the people of Kerala will one day learn that splinter parties do not do any good to anybody and perhaps. I hope, one day in Kerala there will be two parties, Congress and all the opposition parties combined, or there will be two sets of opposition, the Right Opposition led by some follower of Mr. Dahyabhai Patel and the Left Opposition. If such a thing happens, then alone the Opposition has some chance.

SHRI A. B. VAJPAYEE: The Congress is divided between Left and Right.

SHRI ARJUN ARORA: The Congress is undivided. Some people have walked out of the Congress. I find that most of the people in the Opposition to-day were, in my own lifetime, Congressmen. Mr. Vajpayee himself was, as a student, a Congressman.

SHRI ABDUL GHANI (Punjab):
Sir . . .

SHRI ARJUN ARORA: Mr. Ghani was a Congressman till Kairon came to power. Now that he is dead, he is trying to come back. I hope he will do so quickly.

With these words, I support the motion moved by the Home Minister.

श्री गोडे मुराहरि (उत्तर प्रदेश) :
उपसभाध्यक्ष जी, राष्ट्रपति की ओर से
जी . . .

श्री عبدالغنی : اگر آپ بیلٹ نہیں
مانتے ہیں تو کیا بیلٹ لانا چاہتے
ہیں ؟

†[श्री अब्दुल गनी : अगर आप बैलट
नहीं मानते है तो क्या बुल्लट लाना चाहते
हैं ?]

THE VICE-CHAIRMAN (SHRI
AKBAR ALI KHAN): You should not
have a cross talk.

شروع عبدالغنی : وائس چور مہن
صاحب - میں نے کچھ کہا نہیں -
انہوں نے بہت کچھ کہا - میں نے
تو اتنا ہی کہا کہ کانگریس ہار گئی -
بیلٹ تو ان کو پسند نہیں تھا
بیلٹ لانا چاہتے ہیں - میں نے تو
یہی کہا -

†[श्री अब्दुल गनी : वाइस चेयर-मैन
साहिब, मैंने कुछ कहा नहीं, उन्होंने बहुत
कुछ कहा । मैंने तो इतना ही कहा
कि कांग्रेस हार गई । बैलट तो उनको
पसन्द नहीं था, बुल्लट लाना चाहते
हैं । मैंने तो यही कहा ।]

†[श्री आबिद अली : शान से ।]

شری عبدالغنی : کیا نان سیدس ؟
آپ سے زیادہ نان سہنس کوئی نہیں
- ۵

†[श्री अब्दुल गनी : क्या नानसेन्स ?
आपसे ज्यादा नानसेन्स कोई नहीं है ।]

† [] Hindi transliteration,

THE VICE-CHAIRMAN (SHRI
AKBAR ALI KHAN): Order, order.

SHRI ARJUN ARORA: All these references to the word 'nonsense' should be struck out. That word has been held to be not parliamentary.

THE VICE-CHAIRMAN (SHRI
AKBAR ALI KHAN): I will see to it.

श्री गोडे मुराहरि : उपसभाध्यक्ष जी, केरल में जो प्राक्लेमेशन राष्ट्रपति की ओर से किया गया है उसका मतलब केरल में जनतंत्र का गला घोटना है और सिर्फ केरल में ही नहीं, हमें तो ऐसा लगता है कि केरल में सिर्फ शुरूआत हुई है और यही चीज़ सारे हिन्दुस्तान में अगले एलेक्शन के बाद चलाएंगे, क्योंकि अभी जो कुछ भी दलील सरकार की ओर से दी गई है और जो वक्ता उनके समर्थक हैं उनकी ओर से जो कहा गया है उससे भी यह चीज़ साफ नहीं हुई है कि केरल में कोई ऐसी परिस्थिति बन गई थी कि केरल में जनतांत्रिक ढंग से सरकार नहीं बनाई जा सकती थी। अगर वहां की पार्टी की स्थिति भी देखी जाय तो यह साफ है कि लेफ्ट कम्युनिस्ट पार्टी जो सब से बड़ी पार्टी की तरह वहां जीती उसको एस० एस० पी० की ओर से समर्थन देने की बात कही गई थी और कम्युनिस्ट पार्टी की ओर से भी उसको समर्थन प्राप्त था और कुछ वहां पर ऐसे स्वतंत्र लोग थे जो उसका समर्थन करने को तैयार थे। यह बात अलग है कि जो 29 आदमी जेल में हैं उनको छोड़ा जाय या नहीं, पर वह तो सरकार के एक फैसला करने की बात थी और मेरी राय में उनको मुक्त कर देना चाहिए था ताकि केरल में एक जनतांत्रिक ढंग से सरकार बन सकती, लेकिन अगर

वह जेल में भी रहते, फिर भी सरकार का यह कर्तव्य था कि वहां जो असेम्बली बन गई थी उसको बुलाते और ऐसी कोशिश करते कि एक जनतांत्रिक ढंग से सरकार बने। केरल कांग्रेस का जो प्रयत्न मुस्लिम लीग के साथ हो रहा था उस पर भी गवर्नर साहिब को ध्यान देना था और अगर वह ध्यान देते तो यह साफ था कि केरल कांग्रेस और मुस्लिम लीग की जो सरकार वहां पर बनने वाली थी उसको न सिर्फ एस० एस० पी० का समर्थन प्राप्त होता बल्कि वहां जो स्वतंत्र लोग और अन्य पार्टियों के लोग हैं वे भी शायद उसको अपना समर्थन देते। लेकिन ये सारी चीज़ें करने के बजाय पहले से ही इस चीज़ को तय करना कि वहां पर कोई जनतांत्रिक ढंग से सरकार नहीं हो सकती है, यह मेरे खयाल में एक राजनैतिक दृष्टिकोण से किया गया है और जो सरकारों पक्ष है उसने वहां पर अपना हाथ मजबूत रखने के लिए प्रसिडेंट रूल लागू किया। इसका और कोई कारण दिखाई नहीं देता। हिन्दुस्तान में जहां जहां ऐसी परिस्थिति उत्पन्न हुई है उस पर हम ध्यान देंगे तो पाएंगे कि यह पहला ही मौका है जब इस तरह की चीज़ की गई है क्योंकि उड़ीसा में जब ऐसी एक परिस्थिति हो गई थी तो वहां कांग्रेस को पूरी छूट दे दी गई थी और वहां के गवर्नर ने कांग्रेस के एक नेता को बुला कर सरकार बनाने को कहा और उन्होंने गणतंत्र परिषद् को साथ लेकर के वहां पर सरकार बनाई। वैसे ही परिस्थिति में मद्रास में जब वहां यनाइटेड डेमोक्रेटिक फ्रंट बना था तो श्री प्रकाशम को बुला कर यह कहा गया था कि सरकार बनाओ और ऐसे बहुत से

दल थे जिनका समर्थन उन्होंने प्राप्त किया और सरकार बनाई। केरल के मसले को ही हम ले ले तो केरल में जब पहले एक बार ऐसी परिस्थिति हुई थी तब 19 आदमियों की एक पार्टी को, प्रजा सोशलिस्ट पार्टी को, उस वक्त एक माइनारिटी गवर्नमेंट फार्म करने के लिए गवर्नर साहिब ने बुलाया और कई महीने तक वह सरकार चली रही। तो फिर क्या वजह है कि अब जो परिस्थिति है उसमें आज यह प्रेसिडेंशल रूल लागू करने का एक फैसला सरकार करती है? इससे यह साफ है कि सरकार नहीं चाहती है कि वहां पर कोई ऐसी सरकार बने जो कांग्रेस विरोधी हो, या जो कांग्रेस से निकले हुए लोग हैं, जो केरल कांग्रेस में है उनकी सरकार बने। असल में यह कांग्रेस को पसन्द नहीं आता। कभी कभी तो मुझे ऐसा लगता है कि अगर कम्युनिस्टों की सरकार बन जाती तो शायद सरकार उसे मान लेती लेकिन जब केरल में एक ऐसी परिस्थिति आ गई कि केरल कांग्रेस की सरकार बनने की स्थिति आ गई तो फिर सरकार ने तय किया कि इसका तो मौका नहीं देना चाहिए क्योंकि ये कांग्रेस से निकले हुए लोग हैं, इनसे बदला लेना था। यह भी कहा जाता है कि वहां की परिस्थिति ऐसी विषम हो गई थी कि जो आफिशियल कांग्रेस थी उसमें भी फूट पड़ने वाली थी और अगर एकाध दिन के लिए प्रेसिडेंशल प्रोक्लमेशन नहीं होता तो शायद कांग्रेस के कुछ लोग जाकर केरल कांग्रेस में शामिल हो जाते। तो ऐसी परिस्थिति में एक राजनैतिक फैसला किया, अपनी पार्टी का वहां पर हित देख कर। पार्टी के लिए यह फैसला किया और प्रेसिडेंशल रूल वहां पर लागू किया।

इस सारी चीज को देखते हुए हमें तो लगता है कि हिन्दुस्तान में जनतंत्र तो कांग्रेस के हाथ में कुछ पनपेगा नहीं और हमें खतरा लगता है कि यह जनतंत्र को पनपने नहीं देगे। जब तक कि जनताविक ढंग से कांग्रेस की विजय नहीं होती है कांग्रेस की सरकार नहीं बनती है तब तक

जनतंत्र के लिए यह कोई कुछ करने वाले नहीं है और अगर मौका मिले तो जनतंत्र का गला भी घोट देगे। तो यह तो साफ हो गया। और जो छोटे मोटे मसले हैं उनको भी आप देखें तो राजस्थान में दो बाई-एलेक्शंस होने वाले थे और जहां पर कांग्रेस को जीतना था उसको तो बहुत जल्दी से करा लिया लेकिन जहां कांग्रेस को जीतने की सम्भावना कम दीखती थी उसको अभी पोस्टपोन किया जा रहा है, न जाने क्यों। तो यह सारी चीज को देखते हुए हमें तो ऐसा लगता है कि कांग्रेस के हाथ में जनतंत्र . . .

SHRI M. P. BHARGAVA (Uttar Pradesh): On a point of clarification. May I ask from the hon. Member which is the seat that he is referring to in Rajasthan?

SHRI A. B. VAJPAYEE: Nauhar Assembly seat. The polling was to take place on the 16th May but the election has been postponed without any rhyme or reason.

१ गोडे मुराहरि: एक और चीज यह कहना चाहंगा कि केरल में यह कहना कि वहां पर एलेक्शन होने के बाद असेम्बली को डिजाल्व किया जा सकता है मेरे खयाल में यह गलत है क्योंकि जब तक कि असेम्बली की वहां पर बैठक नहीं बुलाई जाती और जब तक वहां के मेम्बर्स ओथ नहीं लेते तब तक असेम्बली को डिजाल्व करने का कोई सवाल ही नहीं होता। मैं यह मानता हूं कि जो पीपुल्स रिप्रेजेंटेशन एक्ट है उसमें कोई ऐसा क्लॉज है जिससे यह कहा जाता है कि जिस दिन गजट में नोटिफिकेशन हो जाता है उसी दिन असेम्बली कास्टीट्यूट हो जाती है लेकिन पीपुल्स रिप्रेजेंटेशन एक्ट कभी कास्टीट्यूशन को ओवरराइड नहीं कर सकता और मेरा तो यह कहना है कि कास्टीट्यूशन के मुताबिक जब तक कि असेम्बली बुलाई नहीं जाती, जब तक असेम्बली समन नहीं की जाती, बैठती नहीं, जब तक असेम्बली मीट नहीं करती तब तक डिजोल्यूशन का कोई सवाल ही नहीं

[श्री गोडे मुगहरी]

होता। क्योंकि पहले जब तक असेम्बली होने वाली थी स्थिति पैदा नहीं होती तब तक डिजोल्यूशन का सवाल पैदा नहीं होता और यह चीज एक दूसरे की सप्ली-मेन्टरी है। जिस दिन असेम्बली की बैठक आप करोगे उसी दिन असेम्बली के डिजोल्यूशन का सवाल उठ सकता है, लेकिन असेम्बली की बैठक तो हुई ही नहीं, उसके पहले डिजोल्यूशन का सवाल ही पैदा नहीं होता है और न इस तरह की बात हमने कभी देखी है। हमने जनतंत्र में इस तरह कभी होने नहीं देखा और न इस तरह की बात की जा सकती है। वहाँ जो एम० एल० ए० इलैक्ट हुए हैं वे आज भी, सरकार के प्रोक्लामेशन के बाद भी एम० एल० ए० हैं और असेम्बली की मीटिंग अगर बुलाई जाय तो बैठ सकते हैं। लेकिन मैं यहाँ पर यह कहना चाहता हूँ कि अगर सरकार जनतंत्र पर विश्वास करना चाहती है, तो उसे फिर से वहाँ इलैक्शन कराना चाहिये और देखना चाहिये कि उसकी परिस्थिति क्या है। मैं तो चेतावनी देना चाहता हूँ कि अगर सरकार वहाँ इलैक्शन करायेगी तो कोई एक अपोजीशन पार्टी जीतेगी जो वहाँ पर सरकार बना सके और साथ ही साथ कांग्रेस का वहाँ बिल्कुल ही सफाया हो जायेगा।

SHRI ABID ALI: I do not know to whom the hon. Member who has spoken has given the warning. If according to him Congress would be defeated, if elections are held, then he should be happy. He is telling us perhaps that we should fail so that they may be in a majority. Now if that is the intention . . .

SHRI G. MURAHARI: I only want to get the Congress defeated. Have elections and face the consequences.

SHRI ABID ALI: So you warned us, not challenged us.

With regard to the one seat in Rajasthan that he mentioned, the Election Commission—which, everybody knows, is an independent organisation—decides with regard to elections, not the Government, that is a very happy augury in our country and everybody should be satisfied with that position.

Now he said, Sir, that the Congress Party was not willing to have a 'Kerala Congress' Government in that State. Why he should think so is not understandable. We tolerated the Government of the Communists in that State, certainly the Kerala Congress people are our brothers; till recently they were with us, and because of certain differences they left the Congress organisation. So how could they be less acceptable than the Communists? Everybody knows that in India we have had so many non-Congress Governments, in some States like PEPSU, Orissa, Kerala itself, and so on. Whenever people choose to have a particular party Government, they return the particular party in clear majority. The Congress has been very much amenable to that situation. But in the case of Kerala the voters did not give majority to any particular party. So there was no alternative left for this Government except to take the action they have taken, and every sensible person in the country has given support to that line of action taken by the Congress Government.

Then Shri Dahyabhai Patel said that the Communists should have been released. Now they were arrested because of their planning in a big way for a sabotage in this country for the benefit of the Chinese. They were not arrested for any local matter of minor importance so that,

after the elections, the Government could have considered their release. They were arrested not merely because of their particular attitude, not even for their objectionable resolutions and statements and proclamations, but they were arrested when they actually entered the field of action, when they wanted to organise guerilla warfare, wanted to organise sabotage, wanted to break bridges and wanted to do all that they could for the benefit of aggressor China. Certainly, in such a situation, this Government would have been a Government of traitors if it would have agreed to any suggestion of that kind, agreed to release those people because some misguided voters thought that such people should get elected to the Assembly in Kerala. How are the two things connected, their election there, and the reasons for which they were arrested, reasons which still exist, not only in the former form but in a more serious form? Of course at that time there was no aggression by Pakistan. But the Chinese were planning a move to which those people were a party. They were all interlinked, Chinese aggression and Pakistani aggression; I need not say more on that question. I would urge the Government not to be bullied by such demands in the name of democracy. Democracy has to be protected; Government should always be prepared to take any action in the interests of democracy, in the interests of preservation of the security and integrity of the country, and not go by these slogans and fear, because a few people are arrested, or a few MLAs or MPs are arrested, or whoever he is who is arrested and because some people get angry over it and shout that democracy will be finished. Democracy is not going to be finished.

These are the people who want to finish democracy and if Government submits to their way of thinking and to their bullying, then certainly

democracy will be in danger. Therefore, I request the Government to be very alert and alive to the requirements for preserving democracy. Democracy is not to be played with in that way. The Swatantra Party had one member there and that member also was willing to join the Kerala Congress. The hon Member said that if this proclamation had not been issued, then within a day or two the Kerala Congress would have been willing to form a Government. Unfortunately, the hon Member himself is not in possession of the correct facts. I would not say that knowingly he has made that statement. I can only say that he is not in possession of the correct position. Therefore, he has made that statement. So far as the Congress is concerned, they have accepted the democratic Constitution on secular lines. There was at that time no other party and the Congress could have had then and now a rule of its own. But the Congress preferred, soon after independence as soon as it was possible to do so, to proclaim a Constitution which it has given to the country and for which always this country will be obliged. All that the Congress has done and is doing is to strengthen democracy. If the Congress wanted a rule of its own, then why did it establish this Election Commission? Why have this system of election which has been seen by everybody, independent persons coming from various parts of the world? They have said that our country has a high standard of elections and democracy. There is secrecy. The husband may vote for the Congress and the wife may vote for another party. Nobody would know for whom who voted and they can remain a happy couple. The election is not something to create trouble in the house or in domestic life or in business life.

Thank you very much, Mr Vice-Chairman, for giving me this time. Again I would request the Govern-

[Shri Abid Ali]

ment to be very much alert and responsible for meeting the requirements of the Constitution and the democratic life of the country.

Thank you.

श्री जगत नारायण (पजाब) वाइस चेयरमैन महोदय, अभी श्री आबिद अली जी ने भादरा बाई-इलेक्शन के सिलसिले में कहा कि वह तो इलेक्शन कमीशन ने सस्पेंड किया है। मैं उनकी वाकफियत में यह इजाफा करना चाहता हूँ कि इलेक्शन कमीशन ने वह जो इलेक्शन सस्पेंड किया है, जैसी कि मेरा इत्तिहा है, वह इसलिए सस्पेंड किया है कि हाम मिनिस्ट्री ने यह कहा है कि हम पुलिस नहीं दे सकते इलेक्शन करवाने के लिये। इससे आगे की बात मेरी भाई समझ लें कि इलेक्शन कमीशन ने 14.15 आर्डर नहीं दिया, हाम मिनिस्ट्री के कहने पर उन्होंने यह आर्डर इश्यू किया है। आज सुबह ही हमारे डिफेंस मिनिस्टर साहिब यहां कह रहे थे कि हमें बॉर्डर पर पेट्रोल करने के लिये मिलिट्री की जरूरत नहीं है, वहां पी० आर० पी० के जवान पेट्रोल कर सकते हैं और सारे हमारे बॉर्डर मजबूत है। मगर आज ही उनके बयान के बाद हमने यह सुना कि भादरा इलेक्शन को सस्पेंड कर दिया गया है, सिर्फ यह कह करके कि वहां राजस्थान में इमर्जेंसी है और हम वहां पर पुलिस तैनात नहीं कर सकते इलेक्शन करवाने के लिये। वहां पर इलेक्शन पोस्टपोन करने की यह वजह है और यह कहा तक दुर्बल है, यह आप वाइस चेयरमैन साहिब, समझ सकते हैं।

वाइस चेयरमैन महोदय, मुझे 1952 में स्वर्गीय पंडित नेहरू के साथ जनरल इलेक्शन में जाने का मौका मिला था। उस जनरल इलेक्शन में जो तकरीरे उन्होंने

की, उन तकरीरों में कांग्रेस राज्य की अच्छाईयों को बयान करते हुए वे एक फिकरा यह भी कहा करते थे कि एशिया में हिन्दुस्तान ही एक ऐसा देश है जिसमें डिमोक्रेसी पनप सकती है और डिमोक्रेसी का तजुर्बा पूरा सफल हुआ है। मगर आज जिस ढंग पर केरल में डिमोक्रेसी का खून किया गया है, वह आपके सामने ही है।

AN HON MEMBER What is this?

श्री जगत नारायण What is this, आप ऐसा ही कह सकते हैं। वहां पर लोगों ने बाकायदा लाखों रुपया खर्च किया, चुने जाकर आये, और आकर उनको एक दिन बैठने का मौका भी नहीं दिया गया। उनको इसका मौका नहीं दिया गया कि वह आकर, शपथ लेकर, एक दिन हाउस में बैठ सके, जिसके लिये उन्होंने हजारों और लाखों रुपया खर्च किया। फिर यह कहना कि कुछ बात नहीं है, बात बहुत बड़ी है एक तरफ तो आप कह सकते हैं कि हम डिमोक्रेसी के रखवाले हैं, हम डिमोक्रेसी को पनपते देखना चाहते हैं और दूसरी तरफ आप डिमोक्रेसी को इस तरह से खत्म करते हैं और वह भी सिर्फ एक आदमी के कहने पर कि अगर आप मुझे वहां गवर्नर बना कर भेजें, तो मैं वहां तभी जा सकता हूँ जब वहां प्रेसिडेंट्स रूल हो और ऐसा होने पर ही वे वहां गये। इससे पहले उन्होंने "हां" नहीं की जाने की। वे बाकायदा सेटल हाल में यह कहते रहे कि मैं उस दिन वहां जाऊंगा जिस दिन वहां प्रेसिडेंट्स रूल हो जायेगा। जब वहां प्रेसिडेंट्स रूल हुआ, उसके बाद ही वे वहां गये।

मैं यह कहना चाहता हूँ कि प्रेसिडेंट्स रूल हमेशा कांग्रेस ने अपने फायदे के लिये ही किया है। मुझे भी पजाब में प्रेसिडेंट्स रूल में रहने का मौका मिला है। प्रेसिडेंट्स रूल पजाब में उस वक्त लागू किया गया था

जब कि वहा कांग्रेसी आपस में लड़े पड़े थे और यह खदशा पैदा हो गया था सेंटर को कि कही डाक्टर भार्गव बगावत करके पंजाब में अपनी वज्जारत न बना लें । उस वक्त उन्होंने डा० भार्गव को यह हुकम दिया कि वे अपनी वज्जारत न बनाये । इसके साथ साथ उन्होंने सरदार प्रताप सिंह कैरो और श्री सच्चर को यह हुकम दिया कि अगर गवर्नर आपको बुलाये, तो आपको गवर्नर को यह कहना है कि हम वज्जारत नहीं बना सकते हैं । लेकिन उस वक्त वहा कांग्रेस की वज्जारत बन सकती थी क्योंकि उस वक्त अपाजीशन के सिर्फ दस मेम्बर थे । इसके बावजूद वहा पर वज्जारत नहीं बनाने दी गई, इसलिए कि कांग्रेसी आपस में उलझे हुए थे, कांग्रेसी आपस में लड़ रहे थे । उन्होंने वहा पर गवर्नर रूल लागू किया । मैं उस वक्त कांग्रेस में ही था और मैंने बहुत मुबालफन की थी कि वहा पर गवर्नर का रूल नहीं होना चाहिये, मगर वह लागू किया गया । हमें गवर्नर रूल का बहुत बुरा तजुर्बा है और हमने यह देखा है कि गवर्नर रूल जहा जहा लागू किया गया है, वह कांग्रेस ने अपने फायदे के लिये लागू किया है । पेशू में नान कांग्रेस वज्जारत चल रही थी और वहा पर भी गवर्नर रूल लागू किया गया था । पंजाब में कांग्रेस वज्जारत चल रही थी, लेकिन वहा पर भी गवर्नर रूल लागू किया गया इस डर से कि वहा के कांग्रेसी बगावत कर जायेंगे । इसी तरह से आन्ध्र में दो दफा गवर्नर रूल लागू किया गया क्योंकि वहा कांग्रेस हुकूमत चल नहीं सकी । यह है डिमोक्रेसी का खून, जो मेरे भाई कहते हैं कि आप ऐसा क्यों कहते हैं कि डिमोक्रेसी का खून किया जा रहा है ।

वाइस चेयरमैन महोदय, मैं आपकी खिदमत में यह भी अर्ज करना चाहता हूँ कि गवर्नर रूल का तजुर्बा हमें बड़ा बिटर है । जब पंजाब में गवर्नर रूल हुआ था,

तो उस वक्त मैं पंजाब प्रदेश कांग्रेस का जनरल सेक्रेटरी था । वहा सन् 1955 में गवर्नर रूल लागू हुआ था । उस वक्त हालत यह थी पंजाब की कि वहा पर प्रैक्टिकली सारा ही आफिसर्स का रूल था और आफिसर्स की हुकूमत चलनी थी । जो हमारे गवर्नर थे, वे आई० सी० एस० थे और उनके सारे आफिसर्स की हालत यह हो गई थी कि वहा पर फिर पंजाब प्रदेश कांग्रेस को यह नारा लगाना पड़ा कि 90 फी सदी जो आफिसर हैं, वे बेईमान हैं, करप्ट हैं और जब तक उनको दूर नहीं करेंगे, जब तक उनको बदलेगे नहीं, तब तक वहा कांग्रेस जीत नहीं सकती । यह नारा, जब सरदार प्रताप सिंह कैरो पंजाब प्रदेश कांग्रेस के प्रधान थे, तब लगाया गया था । कांग्रेस में वहा 126 में से 89 सीटें जीती थी सिर्फ इस नारे को लगाकर कि ये आफिसर जो हैं, ये करप्ट हैं और इस तरह वहा पर कांग्रेस कामयाब हुई थी ।

मैं आपकी खिदमत में, वाइसचेयरमैन महोदय, यह कहना चाहता हूँ कि यह जो प्रेसिडेंट्स रूल होता है, इसमें यहा पर प्रेसिडेंट साहिब को क्या मालूम होता है कि वहा क्या हो रहा है । मेरे भाई वह रहे थे कि यह भी डिमोक्रेटिक रूल है और केरल में भी डिमोक्रेसी चल रही है । लेकिन प्रेसिडेंट साहिब को पता नहीं होता है कि वहा पर गवर्नर क्या कर रहे हैं, गवर्नर के एग्जि-क्यूटिव आफिसर क्या कर रहे हैं और अब वहा क्या हालत है । वहा पर अब जो मौजूदा गवर्नर है, वे वहा चक्कर लगा रहे हैं सारे केरल का इस लिये कि जब वहा नये इलेक्शन हो, तो उनमें कांग्रेस पावर में आ जाये । वे जा जा कर लोगों से यह कहते हैं कि मैं यह कर दूंगा, मैं वह कर दूंगा । लेकिन आज वहा हाल क्या है ? पिछले साल मई के महीने में वहा पर एक किलो राइस की कीमत ६ अने थी और आज के ल

[श्री जगन नागयण]

मैं एक निलो राइस डड और पॉले दो रुपये में मिलता है। तो केरल में आज फूड सिच्युएशन की यह हालत है और वहाँ के गवर्नर वहाँ चक्कर लगा रहे हैं, तमाम किस्म के वायदे कर रहे हैं कि मैं यह कर दूँगा, मैं वह कर दूँगा। वे क्या कर सकते हैं, यह मुझे मालूम नहीं है, लेकिन मुझे इतना मालूम है कि वे जब वहाँ पर फूड मिनिस्टर थे, तब वे कामयाब नहीं हो सके। इसलिये यह कहना कि प्रेसिडेंट रूल वहाँ से चलता है, हमारे जो राष्ट्रपति वहाँ बैठे हुए हैं, उनको क्या पता है कि वहाँ कैसा रूल चलता है। वहाँ रूल चलता है अफसरों का, वहाँ रूल चलता है नौकरशाही का। जो अंग्रेजों के जमाने की नौकरशाही चली आ रही है, उसकी हुकूमत चलती है। जब वहाँ कोई वजार्त बन जाती है, तो चाहे वह कम्युनिस्टों की हो, चाहे प्रजा सोशलिस्ट पार्टी की हो, चाहे कांग्रेस की हो, लोग उनके पास जाते हैं और जा करके उनसे अपना रोना रोते हैं और वे लोग उनकी बातें सुनते हैं।

मेरे भाई ने कहा और हमारे वजीर साहब ने भी कहा कि साहिब, हम वहाँ कैसे किसी की वजार्त बना दें, वहाँ किसी की मेजारिटी नहीं थी। मैं उनसे कहना चाहता हूँ कि थानुपिल्लई साहब को उन्होंने दो दफा वहाँ वजार्त बनाने की इजाजत दी, जो कि प्रजा सोशलिस्ट पार्टी के लीडर थे, जब कि एक दफा उनके साथ 8 मेम्बर थे और एक दफा उनके साथ सिर्फ 12 मेम्बर थे। उनके साथ अकसरियत नहीं थी, फिर भी उनको दो दफा वजार्त बनाने की इजाजत दी गई और कांग्रेस ने उनकी मदद की। इसी तरह से बागी कांग्रेसियों ने कहा था कि आप वजार्त बना लीजिये, हम आपकी मदद करने को तैयार हैं या हमें बनाने दीजिये और आप हमारी मदद कीजिये, लेकिन आपने ऐसा नहीं होने दिया। आज

इमर्जेंसी का रोना रोया जाता है और आज इमर्जेंसी के नाम पर आप तमाम पार्टीज को इकट्ठा कर रहे हैं, तो क्या आप अपने बागी कांग्रेसियों को इकट्ठा नहीं कर सकते थे और पब्लिक के नमाइन्दों का रूल नहीं कायम कर सकते थे? आज आप चाहें जो करें, लेकिन आप यह याद रखिये कि अभी आप इस डिमोक्रेसी को खत्म कर रहे हैं, पर ऐसा वक्त आयेगा जब ऐसे लोग उठेंगे जो आपको खत्म करेंगे, चाहे डिमोक्रेट बन कर के आयें, चाहे डिक्टेटर बन कर के आयें, चाहे कुछ बन कर के आयें। यह खतरा आपको महसूस करना चाहिये।

SHRI EBRAHIM SULAIMAN SAIT (Kerala): Mr. Vice-Chairman, such strange things have happened and such unprecedented developments have taken place in Kerala which have no parallel in any democratic country anywhere in this world. You know, Sir, that the elected members of the Assembly in Kerala never saw the Assembly hall. You also know, that the Constituted Assembly was never summoned in Kerala. You also know, Sir, that those people who call themselves the protectors of democracy became murderers of democracy in the State of Kerala. You also know, that these people who claim to be the guardians of the Constitution played a fraud against the Constitution in this country. Now, Sir, the Minister has come forward here, seeking the approval of this House of all this and asking the House to accept that Proclamation of the President by which the Assembly in Kerala was dissolved and President's rule was promulgated. Sir, I fail to understand how it is possible for any sensible person to give approval to such a Proclamation. You all know . . .

SHRIMATI DEVAKI GOPIDAS: Which provision of the Constitution makes it imperative that the Assembly should be convened?

SHRI EBRAHIM SULAIMAN SAIT: I am coming to that. Be patient. You have never stated the provision of the Constitution by which you could dissolve the Assembly. You must understand that the Assembly can be dissolved only when there is a break-down of the Constitution. A break-down of the Constitution cannot arise if the Assembly is not summoned and no party leader is given any chance to form a ministry and face the Assembly. Once the party leader is given the chance to form a ministry and face the Legislature and in case he fails to get a vote of confidence, in favour of the ministry, then alone there can be break-down of the Constitution and only then can President's rule be proclaimed in that State. That is the constitutional position.

SHRI JOSEPH MATHEN: Is that your opinion or is this proved by facts?

SHRI EBRAHIM SULAIMAN SAIT: That is not my opinion alone. It is the opinion of constitutional experts, greater than Mr. Joseph Mathen or Mr. Gurupada Swamy who know facts and are experienced. It is the opinion of Mr. Santhanam, who has been Lt.-Governor of Madhya Pradesh. In the "*Hindustan Times*" of 9th March, he has said—I am quoting his words:

"It is foolish to run to the conclusion that President's rule is the only alternative".

All my friends on the Congress benches say that the only alternative in Kerala was President's rule. But my friend, Mr. Santhanam, a senior Congressman, says that it is foolish to run to the conclusion that President's rule was the only alternative. I do not say who is foolish and who is not but this is what Mr. Santhanam, the ex-Lt. Governor, says. He says further:

"If every time there is no majority President's rule is to become automatic, the Constitution must be deemed to have broken down then all those who are against democracy will rejoice."

When I see my friends on the Congress benches rejoicing I feel that they are really against democracy and believe in and want autocracy in this country. They do not like democracy to exist in the country. This morning the hon. Minister gave out the party position that existed in Kerala after the recent mid-term elections. No doubt, the Left Communists had a majority as the single largest party but with twentynine of their members under detention they could not form the government even with any alliance. Then there was the official Congress Party which refused to form the Government but said that it would remain as a constitutional opposition. Then the right step would have been to give chance to the Kerala Congress-Muslim League alliance which had a strength of thirtyseven, in an assembly of 133 and was the second largest party. This would have been a minority Government but such instances are there and such precedents are there in Kerala and other provinces where minority Government was allowed to rule. This Kerala Congress-Muslim League Government would have been defeated only if the Left Communists and the official Congress had joined hands. Otherwise, there was no possibility at all for a Kerala Congress-Muslim League Government to be defeated. I do not know whether the official Congress would have gone to that extent and joined the Left Communists whom it has put behind the bars for purposes of defeating this Government formed by the Kerala Congress and the Muslim League. Therefore this government would have functioned and would have given Kerala a demo-

[Shri Ebrahim Sulaiman Sait.]
cratic set-up, and would have continued.

SHRI PALAT KUNHI KOYA
(Kerala): That is why you did not get that chance.

SHRI EBRAHIM SULAIMAN SAIT Mr. Sankar, the ex-Chief Minister of Kerala, has been defeated this time and twice before also he was defeated. Only once he won the election in his life-time and that was with the support of the Muslim League. This time, after he was defeated in the mid-term elections, he said that President's rule was the only alternative in Kerala. The President of the All India Congress Committee, Mr. Kamraj, the man who always has the solution of "Parkkalam", for every problem, and who is famous for this saying, said that only the Congress could form a stable Government in Kerala and no other party. Therefore, he never wanted any other Government to be formed which would be stable in Kerala and thus disprove his assertion. All those facts go to prove that there was a pre-conceived, what shall I say, 'conspiracy' not to allow any non-Congress Government to be formed in Kerala. Shri Sri Prakasa, former Governor of Madras and Bombay, in an article published in the "Free Press Journal" on the 7th February, says as follows, which is worth mentioning here. He said in his article:

"In a constitution like ours, we must be prepared for State legislatures being of a political complexion different to that of the Centre and if the Centre is always determined to have its own way, whether it is the Congress or the Communist we would be guilty of not working the constitution in the spirit in which it was framed"

I charge the present Central administration with not working the consti-

tution in the spirit in which it was framed. It has committed a fraud against the country, against the people and against the constitution. In the coming elections, the people of Kerala are going to give a verdict completely against them and they will learn a lesson then

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): The Prime Minister will make a statement on the latest situation on the Kutch-Sind Border at 5-30 P.M.

श्री प्यारे लाल कुरील 'तालिब': (उत्तर प्रदेश) श्रीमान्, हमे डम देश के अन्दर कुछ डेमोक्रेटिक ट्रेडीशन्स अगर बनानी है और रूल आफ ला को कायम करना है, ये दो बुनियादी बातें हैं जो हम कहने जा रहे हैं। जिस वक्त चुनाव हुआ उस वक्त सारा देश यह जानता था कि जिन कम्युनिस्टों को गिरफ्तार किया गया है वे प्रो-चाईनीज हैं और उन पर कुछ और किस्म के इल्जामात भी थे। इसके बाद चुनाव हुआ, लाखों रुपये खर्च हुए और फिर जनता ने उन कम्युनिस्टों को इलेक्ट किया जो कि जेल के अन्दर थे। आफ्टर आल जम्हूरियत है, जनतन्त्र है। अगर आज जनता चाहती है कि हम कम्युनिस्ट्स को चुने, देश के अन्दर कम्युनिस्ट हुकूमत बने तो क्या किसी को हक हो सकता है कि उसके खिलाफ आवाज उठाये? डिमोक्रेसी, जम्हूरियत का मतलब यह है कि जनता जैसी हुकूमत चाहती है वैसी हुकूमत बननी चाहिये। इन तमाम इल्जामात के बावजूद जनता ने उन कम्युनिस्टों को इलेक्ट किया। उनके इलेक्ट होने के बाद हमको एक डिमोक्रेटिक ट्रेडीशन कायम करनी है। हमारी जम्हूरी हुकूमत को उन तमाम कम्युनिस्टों को रिहा करना चाहिये था जिनको जनता ने चुना और यह जानते हुए चुना कि उनके ऊपर इल्जामात थे और

यह जानते हुए कि वह जेल में हैं, वे अपना प्रोपेगन्डा नहीं कर सके, इन तमाम बातों के बावजूद जनता ने उनको चुना, लेकिन फिर भी हमारी हुकूमत ने उन्हें काम नहीं करने दिया। मैं मानता हूँ कि गवर्नमेंट के पास कुछ इल्जामात होंगे। इसके बारे में रूल आफ ला क्या कहता है? अगर आप चाहते हैं कि रूल आफ ला देश के अन्दर कायम रहे तो इनके खिलाफ जो इल्जामात हैं उनमें एक्जीक्यूटिव को इन्टरफियर करने की कोई जरूरत नहीं, जुडिशियरी को आना चाहिए। अदालत में उन पर मुकदमा चलाया जाए, अदालत देखे कि वह कुसूरवार हैं या नहीं। एक्जीक्यूटिव का कोई राइट नहीं है और खास तौर पर जब जनता उनको चुन कर भेजती है। आज मैं दावे से कहता हूँ कि अगर कम्युनिस्टों को रिहा कर दिया जाता तो हुकूमत बनती, कम्युनिस्टों को हुकूमत बनती और हमें कोई हक नहीं है कि इसके खिलाफ हम कोई कदम उठाएं या उसको न बनने दें। उनको रिहा न करके हमने रूल आफ ला का खून किया है और खासतौर पर जनता की इच्छा पर कुठाराघात किया है। जो जनता चाहती थी वह नहीं हुआ और इतना खर्च करने के बावजूद हमारा अगर यह एटी-ट्यूड रहता है—जबकि हम चाहते हैं कि जनता की हुकूमत बने—चुनाव करने की क्या आवश्यकता थी। चुनाव इसलिए किया गया कि हम जनता की हुकूमत बनाएं और जब जनता ने उनको चुना तो उनको रिहा नहीं किया गया, उन्हें मौका नहीं दिया गया। यह भी जाने दीजिए। कांग्रेस के लिए क्या दिक्कत थी रास्ते में? कांग्रेस ने मेरे ख्याल में 36 सीटें हासिल कीं। कांग्रेस आज अपोजीशन से मिलने का इरादा रखती है। आज कांग्रेस यह कहती है कि अपोजीशन पार्टियों को भी हमारी मदद करनी चाहिए। हमारी आइडियोलॉजी डिफर करती है, फर्क है, लेकिन केरल की रिबल कांग्रेस से उनका क्या फर्क था? क्या यह आपसी लड़ाई नहीं

थी? क्या उसको मिलाया नहीं जा सकता था? बड़ी आसानी से किया जा सकता था। अगर आप चाहते हैं कि हम डेमोक्रेसी कायम रखें इस देश के अन्दर तो क्या गवर्नर खामोशी से देखता रहेगा? उसका केबिनेट बनाने में एक्टिव पार्टीसिपेशन होना चाहिए। ही इज दि हेड आफ दि स्टेट। उसको कुछ न कुछ कार्यवाही करनी चाहिए जिससे जनता की हुकूमत वहां बन सके। आखिर माइनारिटी गवर्नमेंट भी जम्हूरी हुकूमत होती है। माइनारिटी गवर्नमेंट, कोएलिशन गवर्नमेंट एक जम्हूरी हुकूमत है। अगर कोएलिशन गवर्नमेंट बनती है तो बनानी चाहिए। हिन्दुस्तान के लिये तो कहा जाता है कि यह एक कान्टिनेंट है, यहां मुस्लिम जवानों हैं, मुस्लिम इंटररेस्ट्स हैं, मुस्लिम फिरके हैं। हिन्दुस्तान जो एक बहुत अच्छा देश है जहां पर कि कोएलिशन गवर्नमेंट बनाई जाए जहां पर कि नेशनलिस्ट गवर्नमेंट बनाई जाय। तमाम पार्टियों की सलाह से गवर्नमेंट बनाने का यह ट्रेडिशन हमें आइन्दा के लिए कायम करना है। क्या यह मुमकिन है कि आइन्दा चुनाव में कांग्रेस हर एक स्टेट में बरसरे इक्तादार होगी? क्या यह हकीकत नहीं है कि बहुत सी स्टेटों के अन्दर बहुत सी पार्टियों के आदमी चुने जाएंगे और हो सकता है कि किसी पार्टी की अक्सरियत न हो, हो सकता है कि बहुत सी माइनारिटीज और बहुत से इंटररेस्ट्स के आदमी वहां पहुंचें। उस वक्त आप क्या करेंगे अगर अभी से आप इस चीज को नहीं देखते हैं, अगर अभी से ट्रेडिंशंस कायम नहीं करते हैं। अगर हम कोएलिशन गवर्नमेंट बना सकते हैं तो उसे बनाना चाहिए, मिनिमम प्रोग्राम से या जिस तरह से भी हो सके उसको ट्रायल देने की जरूरत है। यह ऐसा देश है जिसके अन्दर मुस्लिम किस्म के और मुस्लिम खयाल के लोग हैं, मुस्लिम जमातें हैं, मुस्लिम मजहब और फिरके हैं, मुस्लिम इंटररेस्ट्स हैं। तो इन तमाम बातों को नज़र में रखते हुए क्या यह मुमकिन नहीं है कि यहां कोएलिशन गवर्नमेंट

[श्री ध्यारे लाल कुरील 'तालिब']

बनाते ? मगर इसके लिए कोई कोशिश नहीं की गई और इस बात की कोई परवाह नहीं की गई कि इतना रुपया खर्च करने के बाद वहां जनता की गवर्नमेंट बनने दें। मैं खास तौर पर कहता हूं कि आइन्दा के लिए ऐसा होने जा रहा है। कांग्रेस यह समझ ले कि बहुत सी स्टेट्स ऐसी होंगी जहां पर कि उनकी अक-सरियत नहीं आएगी, जहां पर कि मुख्तलिफ पार्टिया अपने नुमाइन्दे चुनने में कामयाब होंगी। जनता के सन्न का पैमाना भर गया है, जनता ज्यादा देर तक यह बर्दाश्त नहीं कर सकती है कि एक ही पार्टी की हुकूमत कायम रहे। 17, 18 साल से एक पार्टी की हुकूमत कायम है। आज जनता यह समझ रही है, आप हमें बुरा भला कहें, कुछ कहा करें, but try to read the writing on the wall आप समझने की कोशिश कीजिए। इसी में आपकी बेहतरी है, देश की बेहतरी है और इसी में जम्हूरियत की, जनतन्त्र की बेहतरी है कि आप इस चीज को समझें कि ऐसा होने जा रहा है। आप अपने रवैये को बदलें, अपने तरीके को बदलें और जिस तरीके से आप सोचते हैं उस तरीके को बदलें।

SHRI JOSEPH MATHEN: What is your party's strength in this House?

SHRI P. L. KUREEL URF TALIB: That does not matter.

वह तो हमारी बदकिस्मती है कि देश की जनता अन-पढ़ है, देश की जनता जानती नहीं है कि हम किसको वोट दे रहे हैं, किस पार्टी को दे रहे हैं, किन उसूलों को दे रहे हैं। आप उनकी बेइल्मी का फायदा उठा रहे हैं। यह हमारे ऊपर कर्स है। आज केरल में कांग्रेस बरसरे इकतदार नहीं है, क्यों, इसलिए कि वहां के लोग पढ़े लिखे हैं। जहां जहां पढ़े लिखे लोग हैं,

जहां जहां लिट्रेसी का परसंटेज ज्यादा है वहां वहां कांग्रेस हारेगी, जहां पर पढ़े लिखे लोग हैं, जहां सियासी बेदारी है वहां पर कांग्रेस बुरी तरह से शिकस्त पाएगी। अभी लोग समझ नहीं पाए हैं कि जम्हूरियत में उनका क्या तरीका होना चाहिए, अभी वह जानते नहीं हैं कि उनके वोट की क्या कीमत है। उनके वोट दो दो रुपए में बिकते हैं, मामूली चीजों पर बिकते हैं, उनको पैसे से खरीदा जाता है, पैसे से हुकूमतें बनती हैं, पैसे से आदमी चुने जाते हैं। यह हकीकत है। आप सीने पर हाथ रख कर सोचें। आज जितने लोग आते हैं वे कितना पैसा खर्च करके आते हैं। कितने शर्म की बात है, कोई दयान्तदार आदमी, आर्डिनरी मीस का आदमी लेजिस्लेचर्स में, पार्लियामेंट में नहीं आ सकता। कितने शर्म की बात है। इस चीज को खत्म करने की जरूरत है। क्या हो रहा है देश के अन्दर ? क्या यह मुनासिब है कि हम इस चीज को बर्दाश्त करते रहें ?

मैं एक सच्चे दिल से आपके जरिए से रूलिंग पार्टी से दरखास्त करूंगा कि वह तमाम बातों को समझे और समझने के बाद यह कोशिश करे कि इस जम्हूरियत का गला न घोंटे और जो जम्हूरी ट्रेडीशन हम कायम रखना चाहते हैं जो रूल आफ ला हम कायम रखना चाहते हैं वह कायम रहे। वह पार्टी से कही ज्यादा देश को समझें। इससे ज्यादा न कहते हुए मैं आपका शुक्रिया अदा करता हूं कि आपने दो चार मिनट मुझे बोलने को दिये।

شری مہدالغلی : وائس چیر مین

صاحب- مجھے خوشی ہے کہ
ہمارے ممبر آف اسٹیٹ فار ہوم
افیسر نے آج ہاؤس سے ایک ایسی
مانگ کی ہے جس مانگ کو شاید

دل سے وہ خود ہی غلط سمجھتے
ہیں۔ وہ ڈیموکریسی کے بڑے دل
دادہ ہیں اور ان کے دل میں یہ
بات ضرور ہے کہ ملک میں ایک
ایسا راتارون پیدا کیا جائے جس
میں کہ زیادہ سے زیادہ جلتا کا اعتماد
گورنمنٹ کو حاصل ہو۔ لیکن وہ
جانتے ہیں کہ آج جو وہ چاہتے ہیں
کہ ہاؤس اس کی منظوری دے اس
میں کتنی جان ہے۔ کانگریس نے
یہ دعویٰ کیا کہ انگریزی راج کے بعد
وہ جلتا کی رائے کو قبول کرے گی۔
جلتا جو بھی وردکت دے گی اسے
کانگریس مانے گی۔ تو کانگریس کو
مان لینا چاہئے کہ تقریباً سو سیٹیں
جلتا نے کانگریس کو نہیں دیں اور
اس کے مقابلہ میں صرف ۳۶ سیٹیں
کانگریس کو ملیں۔

کانگریس یہ کہتی ہے کہ ہم ایک
اسٹیبل گورنمنٹ چاہتے ہیں۔ ہم
ایسا نہیں چاہتے کہ دہلوت پڑے سو
لوت جو نہ لوٹے سو چھوٹے۔ اگر
یہ سمجھتے کہ اسٹیبل گورنمنٹ کے
لئے کانگریس کے پاس مجبوری نہیں
ہے اور کوئی ایسی گورنمنٹ بنے جو
کہ کھل کو نقصان نہ پہنچائے تو
میں پوچھنا چاہتا ہوں کہ ان سے
جو نکل گئے تھے، روٹہ گئے تھے، ان
میں جو کامیاب ہوئے ان ۳۶ سے گئیں

سینئر ممبر بھی تھے، کئی زیادہ
پٹرپوت بھی تھے۔ تو کیا ان پر
بھروسہ نہیں کر سکتے تھے؟ وہ بے شک
ان سے روٹہ گئے ہیں۔ ان کی
آؤگٹائزیشن کو انہوں نے قبول نہیں
کیا لیکن وہ دیش کے مت میں
ہیں۔ دیش کے دشمن نہیں ہو
سکتے۔ ان کے ہاتھ میں کھل کا
انٹرسٹ، کھل کے عوام کا انٹرسٹ
محفوظ ہے۔ اگر اس بات کو یہ
تسلیم نہ کریں تو میں یہ سمجھوں گا
کہ انہوں نے اب قسم کھالی ہے کہ
کسی بھی معقول بات کو اب نہیں
مانہلگے۔ آخر وہ ان کے ساتھ تھے،
انہوں نے ان کے ساتھ مل کر دیش
کی آزادی کے لئے پورا یتن کیا تھا،
پوری قربانی کی تھی۔ ان کے ساتھ
اگر مسلم لیگ کے بھائی مل گئے تھے،
مسلم لیگ کے ممبران مل گئے تھے تو
ان کو خوش ہونا چاہئے تھا کیوں کہ
اس سے پہلے انہوں نے خود مسلم
لیگ کو دعوت دی اور ان کی مدد
سے الیکشن لڑا۔ اگر اسی طرح کھل
کانگریس نے الیکشن لڑا تو اس میں
خفا ہونے کی کیا بات تھی کہ کھدیا
کہ ہم تو ایوزیشن میں بیٹھنا چاہتے
ہیں۔ ٹھیک ہے ایوزیشن میں بیٹھنا
پو مشکل ہے یہ بات ان کو مان لینی
چاہئے۔ اگر یہ خوش ہوتے تو کہتے
کہ ٹھیک ہے ہمارے ساتھی آئے ہیں

[شری عبدالغنی]

وہ اگرچہ کانگریس کے باقاعدہ ممبر نہیں ہیں لیکن وہ ملک کے بہترین سپاہی ہیں۔ تو ان کو موقع دیا ہوتا مگر آپ نے موقع نہیں دیا۔ تو میں سمجھتا ہوں کہ آپ ڈیموکریسی کو لفظی طور پر کہنا چاہتے ہیں کیوں کہ آپ چاہتے ہیں کہ ہارنے کے بعد بھی، شکست پانے کے بعد بھی آپ گورنر کے پردے کے پیچھے سے حکومت کریں۔

مسٹر ہاتھی نے صبح بڑے پرہم سے کہا کہ یہ بات غلط ہے۔ ہم گورنر کے ذریعہ سے وہاں حکومت نہیں کرنا چاہتے تھے، یہ ہماری منجھوری تھی۔ اگر منجھوری ہے تو میں آج ان کو دے دیتا ہوں کہ یہ اسمبلی سمن کرو، ان انٹیمس آدمیوں کو جن کے بارے میں مسٹر عابد علی صاحب سے کئی زیادہ مہرے سخت خیالات ہیں چھوڑو، جب تک کہ کانگریس سرکار اس جماعت کو بہن نہیں کرتی۔ جہاں تک ڈیموکریسی کا سوال ہے اگر یہ سمجھتے ہیں کہ ان سے کوئی خطرہ ہے ایسا محسوس کرتے ہیں تو مقدمہ چلائیں تو میں کہتا ہوں کہ اگر آج بھی اسمبلی سمن کریں تو یقیناً اپوزیشن اس پروٹیشن میں ہوگا کہ وہ اکثریت کی حکومت وہاں قائم کر سکے لیکن

میں میں سہارا سرکار کو دینا ہے۔ ڈیموکریسی کو زندہ رکھنے کے لئے۔ جب میں نے کہا تو مجھ پر خفا ہوئے کہ آپ بھلت کو نہیں مانتے کیونکہ بھلت ستر پرسنل آپ کے خلاف کیا تو آپ کیا چاہتے ہیں کہ ملک میں بھلت آئے۔ اس پر وہ خفا ہو گئے۔ خفا نہیں ہونا چاہئے۔ اگر آپ بھلت کے حق میں ہیں تو آپ کو ایسا ماننا چاہئے۔

کیا میں پوچھ سکتا ہوں کہ وہ جو ریپل کانگریس والے ہیں ان کے ہاتھ میں کھل محفوظ نہیں تھا اور اگر محفوظ نہیں تھا تو شری اچیت پرشاد جہن جو یہاں فورڈ ملسٹر تھے جنہوں نے ملک کے فوڈ کے معاملہ کا ایسا بھٹہ بٹھایا کہ ملک ابھی تک اس سے سنبھلے نہیں نہیں آ رہا ہے۔ کیا ان کے ہاتھ میں کھل محفوظ ہے۔ ان کے ہاتھوں سے کھل کو نجات مل جائے گی۔ وہاں کا فوڈ کا مسئلہ حل ہو جائے گا۔ کھل والے جو چاہتے ہیں کہ وہاں انڈسٹریز قائم ہوں وہ زیادہ قائم ہو جائیں گی۔ کیا ایک آدمی آفیسروں کی مدد سے زیادہ خدمت کر پائے گا۔ شری اچیت پرشاد یا وہ کھل کانگریس کے 25 ممبر کھل والوں کو زیادہ بھروسہ دلا سکتے تھے۔ میں سمجھتا

ہوں کہ آپ کو اس راستہ کو بدلنا ہے - مہر پیدارے لال جی کرپل کے ساتھ بالکل متفق ہوں کہ آنے والے دور میں کیا ہونے والا ہے - آپ دیکھ رہے ہیں گجرات آپ کے ہاں سے نکل رہا ہے آپ دیکھ رہے ہیں کہ اڑیسہ آپ کے ہاتھ سے نکل رہا ہے - اب آپ گھبرا رہے ہیں کہ راجستھان میں کیا ہونے والا ہے اور وائس چیرمین صاحب، ایسی بری حالت ہو گئی ہے کہ آج سے کئی دن پہلے وہاں کے ایجوکیشن والوں نے سرکار کو تار دیا کہ آپ تو وہاں ایک الیکشن لو رہے ہیں اور دوسرے الیکشن کو ملتوی کر رہے ہیں اس کا کیا کارن ہے - سرکار کی طرف سے کہا جاتا ہے کہ ہمارے پاس پولیس اوپریٹل نہیں ہے - جب مجھے یہ بات معلوم ہوئی تو میں نے پرائم منسٹر کو خط لکھا جس میں میں نے یہ لکھا کہ یہ جو بات کہی جاتی ہے کہ پولیس انتظام نہیں کر سکتی، حفاظت نہیں کر سکتی یہ ایک قلعہ دلیل ہے - انہوں نے بھی مجھے یہ لکھا کہ سرکار اس طرح کا انتظام نہیں کر سکتی ہے اور اسی وجہ سے یہ الیکشن پوسٹپون کیا جا رہا ہے - اگر اس طرح کی نوبت آ جائے کہ راجستھان میں ایک الیکشن تو کرایا جائے اور دوسرے الیکشن کو کرانے کے لئے آپ کے پاس

سادھن نہ ہوں تو کیا میں یہ پوچھ سکتا ہوں کہ آپ اس ملک کا کیا کرنے جا رہے ہیں - کیا سرکار کے پاس اتنی طاقت نہیں ہے اتنی قوت نہیں ہے کہ وہ ایک ہائی الیکشن کو کرا سکے -

میں یہ بات مانتا ہوں کہ الیکشن کمیشن کو پورا ادھیکار ہے کہ وہ جیسا چاہے فیصلہ کرے لیکن وہ فیصلہ سرکار کے کہنے پر ہی کرے گی - سرکار الیکشن کمیشن کو جہاں الیکشن ہوتا ہے اس کے لئے مدد دیتی ہے اور اگر سرکار مدد نہیں دیتی ہے تو الیکشن کمیشن کو سرکار کی یہ بات نہیں ماننی چاہئے کہونکہ اس نے قیمو کریسی کو زندہ رکھنا ہے - اس کا رول شان دار ہونا چاہئے - سرکار کا یہاں پر جو رول ہے وہ ریگریٹ ایبل ہے اور شان دار نہیں ہے - الیکشن کمیشن کے اوپر ایجوکیشن والوں کا پورا بھروسہ تھا اور وہ سمجھتے تھے کہ یہ ایک انڈیپنڈنٹ باقی ہے جو کہ سارے ملک میں کھلے بلڈوں فہر الیکشن کراتی ہے - لیکن میں سمجھتا ہوں کہ آج اس نے اپنا اعتماد جو ایجوکیشن والے اس پر کرتے تھے وہ کھو دیا ہے - ایجوکیشن والے یہ سمجھنے لگے ہیں کہ الیکشن کمیشن پارشل ہے وہ حکومت کا ہتھیار بنا ہوا ہے -

[شری عبدالغنی]

اور حکومت کو ذمہ داری سے بچانے کے لئے اس نے اس الیکشن کو پوسٹپون کیا ہے۔ اس بنا پر کہ ہر ممبر الیکشن کے لئے پولیس نہیں دے سکتے ہیں۔ میں سمجھتا ہوں کہ بجائے اس کے کیمرل میں آج راشٹر پتی رول کرے میں پھر ریکویسٹ کرنا ہوں سرکار سے اور سرکاری پارٹی سے اپنے پرانے ساتھیوں سے جن کے ساتھ میں برسوں تک رہا۔ چوالیس برس تک رہا، ان کو چاہئے تھا کہ ذرا بڑا دل کرتے۔ اور وہ ہمیشہ اس گندی سے چھپنے کی کوشش نہ کرتے۔ اگر وائس چیرمین صاحب، ان لوگوں میں ذرا ہمت ہے تو وہ کیمرل میں پورے الیکشن کرائیں تو انہیں پتہ چل جائے گا کہ پیچھے الیکشن میں جب لکھ کو 36 امپڈول ملے تھے تو اس الیکشن میں 6 ہی نہیں ملے۔ وہاں کی جلتا کانگریس سرکار کو اب اچھی طرح سے سمجھنے لگی ہے کہ کس طرح سے اس نے وہاں کی جلتا کو ذلیل کیا اور کس طرح سوکار نے ایک نکما شدہ وزیر اچھت پریشان جن کو وہاں کا انتظام کرنے کے لئے بھیج دیا تاکہ وہ زیادہ بہتر رول کرے۔ میں سوہانہ درخواست ہے کہ آپ جو

یہ کریٹیک رول کی بات کرتے ہیں اور قانونی تبدیلی لانا چاہتے ہیں تو لائے۔ اگر فرانس میں چھوٹی چھوٹی حکومتیں بن سکتی ہیں۔ کہیں کہ قیام تو بہت مدت کے بعد آئے ان کے پہلے چھوٹی چھوٹی حکومتیں تھوڑی تھوڑی دیر کے لئے رہیں۔ تو کیمرل میں بھی اسی طرح کی بات ہو سکتی تھی۔ اگر ایک سرکار نہیں چل سکتی تو دوسری سرکار چلتی۔ اگر دوسری نہیں چلتی تو تیسری چلتی۔ آخر میں اپوزیشن اور کانگریس والوں کو ہوش آتا کہ قیام کریسی کو کسی نہ کسی طرح سے زندہ رکھنا ہے۔ لیکن آج وہاں پر ایک ایسے آدمی کے ہاتھوں میں رول سپرد کر دیا گیا ہے یا چلند ملازموں کے ہاتھ میں سپرد کر دیا گیا ہے جنہوں نے آج تک انتہائی طور پر نگریمس کو ذلیل کرنے کی اور ملک کو ذلیل کرنے کی کوشش کی اور جنہوں نے کرپشن کو بڑھاوا دیا۔ بکول ہمارے سپرو صاحب وہاں کے ایڈمنسٹریشن میں گراؤ آگئی ہے۔ اس لئے میری آپ سے درخواست ہے کہ اگر آپ قیام کریسی کو زندہ رکھنا چاہتے ہیں، وہاں کی برائی کو دور کرنا چاہتے ہیں تو وہاں پر آپ کو الیکشن کرانا چاہئے ورنہ وہاں پر بڑی مشکل پیدا ہو جائے گی۔

[THE DEPUTY CHAIRMAN in the Chair.]

اب ملک والے آپ کی باتوں میں
آنے والے نہیں ہیں کہوں کہ ملک
میں جوں جوں تعلیم بڑھے گی جوں
جوں ایجوکیشن کا زور ہوگا توں توں
لوگ اپنی ذمہ داری کو سمجھیں گے
وہ لوگ سب سمجھتے ہیں کہ
برہمن مترا، بیجو پٹنٹاک د نیچ
لینکاپا، کے - وی سہائے اور باقی
چیف منسٹروں نے جن کا حال کھل
کھلا ہے، جنہوں نے کروڑوں روپیہ
اپنے کھیت میں اگیا ہے، ان کے
ہوتے ہوئے ملک کی چلتا آپ کو روت
دلنے والی نہیں ہے - آپ کا تو کوئی
ہرج نہیں ہوگا لیکن دیس کو اگر
آپ رکھنا چاہتے ہیں، دیس کو
زندہ رکھنا چاہتے ہیں، اور
ڈیموکریسی کو زندہ رکھنا چاہتے ہیں
تو آپ کو وہاں پر پھر سے الیکشن کرانے
چاہئیں - ہمارے ارجن اورا ایک
بہت ہی زندہ دل اور روشن دماغ
ممبر ہیں اور ان کی یہ حالت ہوگئی
ہے کہ وہ آج اچیت پرشاد جین کی
حکومت کو پسند کرتے ہیں گورتو
کا راج اپنے ساتھیوں کے دوارا کرانا
چاہتے ہیں - ہمارے اورا صاحب
ایک ڈیموکریٹ ہیں لیکن وہ کیرل
میں گورنری راج کو پسند کرتے ہیں -
میں مانتا ہوں کہ ہمارے ہاتھی
صاحب جو بڑے دماغ والے اور دل
والے ہیں، اس پرستار کو لانے کے

بجائے اگر وہ ڈیموکریسی کو قائم کرنا
چاہتے ہیں تو وہاں پر نیا الیکشن
کرانیں - اگر وہ پرانی اسمبلی کو نہیں
مانتے ہیں اور اس کو سمن نہیں
کرنا چاہتے تو نیا الیکشن کراکر چلتا
کا ورڈکٹ لیں اور میں کہنا چاہتا
ہوں کہ چلتا کا ورڈکٹ جو ہوگا
وہ ان کے خلاف ہوگا اور اس کے ورڈکٹ
کو انہیں ماننا پڑے گا - انہیں اپنے
کٹے پر پچھتانا پڑے گا کہ کس
روح سے انہوں نے ڈیموکریسی کا
خون کیا -

†[श्री अब्दुल गनी : वाइम चेयरमैन
साहिब, मुझे खुशी है कि हमारे मिनिस्टर
आफ स्टेट फार होम अफेयर्स ने आज हाउस
से ऐसी मांग की है जिस मांग को शायद
दिल से वह खुद ही गलत समझते हैं। वह
डिमोक्रेसी के बड़े दिलदादा हैं और उनके
दिल में यह बात जरूर है कि मुल्क में एक ऐसा
वातावरण पैदा किया जाए जिसमें कि ज्यादा
से ज्यादा जनता का एतमाद गवर्नमेंट को
हासिल हो। लेकिन वह जानते हैं कि आज
जो वह चाहते हैं कि हाउस उसकी मन्जूरी
दे उसमें कितनी जान है। कांग्रेस ने यह
दावा किया कि अंग्रेजी राज के बाद वह
जनता की राय को कबूल करेगी। जनता
जो भी वरडिक्ट देगी उसे कांग्रेस मानेगी।
तो कांग्रेस को मान लेना चाहिए कि तकरीबन
सौ सीटें जनता ने कांग्रेस को नहीं दी और
उसके मुकाबले में सिर्फ ३६ सीटें कांग्रेस को
मिली।

कांग्रेस यह कहती है कि हम स्टेबल
गवर्नमेंट चाहते हैं। हम ऐसा नहीं चाहते
कि "लूट पड़े सो लूट जो न लूटे सो छूट"
अगर यह समझते कि स्टेबल गवर्नमेंट
के लिए कांग्रेस के पास मेजारटी नहीं है और

[श्री अब्दुल गन]

कोई ऐसी गवर्नमेंट बने जो कि केरल को नुकसान न पहुंचाये तो मैं पूछना चाहता हूँ कि उनसे जो निकल गए थे, रूठ गए थे, उनमें जो कामयाब हुए उन 36 से कहीं सीनियर मेम्बर भी थे, कहीं ज्यादा पैट्रिएट भी थे, तो क्या उन पर भरोसा नहीं कर सकते थे ? वे बेशक उनसे रूठ गए हैं। उनकी आगेंनाइजेशन को उन्होंने कबूल नहीं किया लेकिन वह देश के हित में है। देश के दुश्मन नहीं हो सकते। उनके हाथ में केरल का इन्स्ट्रुमेंट, केरल के अवाम का इन्स्ट्रुमेंट महफूज है। अगर इस बात को ये नसलीम न करे तो मैं यह समझूंगा कि उन्होंने अब कमस खा ली है कि किसी भी माकूल बात को नहीं मानेंगे। आखिर वे उनके साथ थे, उन्होंने उनके साथ मिल कर देश की आजादी के लिए पूरा यत्न किया था, पूरी कुर्बानी की थी। उनके साथ अगर मुस्लिम लीग के भाई मिल गए थे, मुस्लिम लीग के मेम्बरान मिल गए थे, तो उनको खुश होना चाहिए था क्योंकि इससे पहले उन्होंने खुद मुस्लिम लीग को दावत दी और उनकी मदद से इलेक्शन लड़ा। अगर इसी तरह केरल कांग्रेस ने इलेक्शन लड़ा तो इसमें खफा होने की क्या बात थी कि कह दिया कि हम तो अपोजीशन में बैठना चाहते हैं। ठीक है अपोजीशन में बैठना बड़ा मुश्किल है यह बात उनको मान लेनी चाहिए अगर यह खुश होते तो कहते कि ठीक है। हमारे साथी आए हैं वे अगरचे कांग्रेस के बाकायदा मेम्बर नहीं हैं लेकिन वे मुल्क के बहतरीन सिपाही हैं। तो उनको मौका दिया होता मगर आपने मौका नहीं दिया तो मैं समझता हूँ कि आप डेमोक्रेसी को लफ्जी तौर पर कहना चाहते हैं क्योंकि आप चाहते हैं कि हारने के बाद भी, शिकस्त पाने के बाद भी, आप गवर्नर के पद के पीछे से राज करें।

मिस्टर हाथी ने सुबह बड़े प्रेम से कहा कि यह बात गलत है। हम गवर्नर के जरिए से वहां हुक्मन नहीं करना चाहते थे, यह हमारी मजबूरी थी। अगर मजबूरी है, तो मैं आज उनको दावत देता हूँ कि यह असेम्बली समन करो। उन उन्तीस आदमियों को जिनके बारे में मिस्टर आबिद अली साहिब से कहीं ज्यादा मेरे सख्त ख्यालात हैं, छोड़ो, जब तक कि कांग्रेस मरकार इस जमायत को बैन नहीं करती। जहां तक डेमोक्रेसी का मवाल है अगर यह समझते हैं कि उनसे कोई खतरा है ऐसा महसूस करते हैं तो मुकदमा चलाएं। तो मैं कहता हूँ कि अगर आज भी असेम्बली समन करे तो यकीनन अपोजीशन इस पोजीशन में होगा कि वह अक्सरियत की हुक्मन वहां कायम कर सके लेकिन इसमें सहारा सरकार को देना है, डेमोक्रेसी को जिन्दा रखने के लिए। जब मैंने कहा तो मुझ पर खफा हुए कि आपके बैलट को नहीं मानते क्योंकि बैलट सत्तर परसेंट आपके खिलाफ गया। तो क्या आप चाहते हैं कि मुल्क में बैलेट आए। इस पर वह खफा हो गए। खफा नहीं होना चाहिए। अगर आप बैलेट के हक में हैं तो आपको ऐसा मानना चाहिए।

क्या मैं पूछ सकता हूँ कि यह जो रेबल कांग्रेस वाले हैं उनके हाथ में केरल महफूज नहीं था और अगर महफूज नहीं था तो श्री अजीत प्रसाद जैन, जो यहां फूड मिनिस्टर थे, जिन्होंने मुल्क के फूड के मामले का ऐसा भट्टा बिठाया कि मुल्क अभी तक उससे सम्भलने में नहीं आ रहा है, क्या उनके हाथ में केरल महफूज है ? उनके हाथों से केरल को निजात मिल जाएगी। वहां का फूड का मसला हल हो जाएगा। केरल वाले जो चाहते हैं कि वहां इण्डस्ट्रीज कायम हों वे ज्यादा हो जाएंगी। क्या एक आदमी आफिसरो की मदद से ज्यादा खिदमत कर

पाएगा ? श्री अजीत प्रसाद या केरल कांग्रेस के 25 मेम्बर केरल वालों को ज्यादा भरोसा दिला सकते थे ? मैं समझता हूँ कि आपको इस रास्ते को बदलना है । मैं प्यारेलाल जो कुरील के साथ बिल्कुल मुत्तफिक हूँ कि आन वाले दौरे में क्या होने वाला है । आप देख रहे हैं कि गुजरात आपके हाथ से निकल रहा है । आप देख रहे हैं कि उड़ीसा आपके हाथ से निकल रहा है । अब आप घबरा रहे हैं कि राजस्थान में क्या होने वाला है और वाइस चेयरमैन साहिब, ऐसी बुरी हालत हो गई है कि आज से कई दिन पहले वहाँ के अपोजीशन वालों ने सरकार को तार दिया कि आप तो वहाँ एक एलेक्शन लड़ रहे हैं और दूसरे एलेक्शन को मुस्तबी कर रहे हैं उसका क्या कारण है । सरकार की तरफ से कहा जाता है कि हमारे पास पुलिस अवेलेबल नहीं है । जब मुझे यह बात मालूम हुई तो मैंने प्राइम मिनिस्टर को खत लिखा जिसमें मैंने यह लिखा कि यह जो बात कही जाती है कि पुलिस इन्तजाम नहीं कर सकती, हिफाजत नहीं कर सकती, यह एक गलत दलील है । उन्होंने भी मुझे यह लिखा कि सरकार इस तरह का इन्तजाम नहीं कर सकती है और इसी वजह से यह एलेक्शन पोस्टपोन किया जा रहा है । अगर इस तरह की नौबत आ जाए कि राजस्थान में एक एलेक्शन तो कराया जाए और दूसरे एलेक्शन को कराने के लिए आप के पास साधन हो तो क्या मैं यह पूछ सकता हूँ कि आप इस मुल्क का क्या करने जा रहे हैं ? क्या सरकार के पास इतनी ताकत नहीं है, इतनी कुव्वत नहीं है कि वह एक बाई-एलेक्शन को करा सके ।

मैं यह बात मानता हूँ कि एलेक्शन कमीशन को पूरा अधिकार है कि वह जैसा चाहे फैसला करे लेकिन वह फैसला सरकार के कहने पर ही करेगी । सरकार एलेक्शन कमीशन को

जहाँ एलेक्शन होता है उसके लिए मदद देनी है और अगर सरकार मदद नहीं देती है तो एलेक्शन कमीशन को सरकार की यह बात नहीं माननी चाहिए क्योंकि उसने डेमोक्रेसी को जिन्दा रखना है । उसका रोल शानदार होना चाहिए । सरकार का यहाँ पर जो रोल है वह रिग्रेटेबल है और शानदार नहीं है । एलेक्शन कमीशन के ऊपर अपोजीशन वालों का पूरा भरोसा था और वे समझते थे कि यह एक इण्डिपेन्डेंट बाडी है जो कि सारे मुल्क में खुले बन्दो फेयर एलेक्शन कराती है । लेकिन मैं समझता हूँ कि आज उसने अपना एतमाद जो अपोजीशन वाले उस पर करते थे वह खो दिया है । अपोजीशन वाले यह समझने लगे हैं कि एलेक्शन कमीशन पार्शियल है, वह हुकूमत का हथियार बना हुआ है । और हुकूमत को डिफीट से बचाने के लिए उसने इस एलेक्शन को पोस्टपोन किया है । इस बिना पर कि होम मिनिस्टर कहते हैं कि हम एलेक्शन के लिए पुलिस नहीं दे सकते हैं, मैं समझता हूँ कि बजाए इस के केरल में आज राष्ट्रपति रूल करे मैं फिर रिक्वैस्ट करता हूँ सरकार से और सरकारी पार्टी से, अपने पुराने साथियों से, जिनके साथ मैं परसों तक रहा, चवालीस बरस तक रहा, उनको चाहिए था कि जरा बड़ा दिल करते । और वह हमेशा इस गद्दी से चिपकने की कोशिश न करते । अगर वाइस चेयरमैन साहब, उन लोगों में जरा हिम्मत है तो वह केरल में फिर से एलेक्शन कराएँ तो उन्हें पता चल जाएगा कि पिछले एलेक्शन में जब उनको 36 उम्मीदवार मिले थे इस एलेक्शन में 6 भी नहीं मिलेंगे । वहाँ की जनता कांग्रेस सरकार को अब अच्छी तरह से समझने लगी है कि किस तरह से इसने वहाँ की जनता को जलील किया । और किस तरह सरकार ने एक निकम्मा शुदा वज्जीर अजीत प्रसाद जैन, को वहाँ का इन्तेजाम करने के लिए भेज दिया ताकि वह ज्यादा बहतर रूल करे । मेरी मोदबाना दर-खास्त है कि आप जो डिमोक्रेटिक रूल की

[श्री. अब्दुल गन]

बात करते हैं और कानूनी तबदीली लाना चाहते हैं तो लाइये । अगर फ्रांस में छोटी छोटी हुकूमते बन सकती हैं—क्योंकि बंगाल तो बहुत मुद्दत के बाद आए उनसे पहले छोटी छोटी हुकूमते थोड़ी थोड़ी देर के लिए रही—तो केरल में भी उसी तरह की बात हो सकती थी । अगर एक सरकार नहीं चल सकती तो दूसरी सरकार चलती । अगर दूसरी नहीं चलती तो तृतीय चलती । आखिर में अपोजीशन और कांग्रेस वालों को होश आता कि डेमोक्रेसी को किसी न किसी तरह से जिन्दा रखना है । लेकिन आज वहाँ पर एक ऐसे आदमी के हाथों में रूल सुपुर्द कर दिया गया है या चन्द मुलाजिमों के हाथ में सुपुर्द कर दिया गया है जिन्होंने आज तक इन्तहाई तौर पर कांग्रेस को जलील करने की और मुल्क को जलील करने की कोशिश की और जिन्होंने करप्शन को बढ़ावा दिया बकौल हमारे सप्रू साहिब, वहाँ के एडमिनिस्ट्रेशन में गिरावट आ गई है । इसलिए मेरी आपसे दरखास्त है कि अगर आप डेमोक्रेसी को जिन्दा रखना चाहते हैं, वहाँ की बुराई को दूर करना चाहते हैं, तो वहाँ पर आपको एलेक्शन कराना चाहिए वरना वहाँ पर बड़ी मुश्किल पैदा हो जाएगी ।

[THE DEPUTY CHAIRMAN in the Chair.]

अब मुल्क वाले आपकी बातों में आने वाले नहीं हैं क्योंकि मुल्क में ज्यो-ज्यो तालीम बढ़ेगी, ज्यो-ज्यो एजुकेशन का जोर होगा, त्यो-त्यो लोग अपनी जिम्मेदारी को समझेगे । वे लोग सब समझते हैं कि बिरेन मित्रा, बीजू पटनायक, निजलिगप्पा, के० बी० सहाय और बाकी चीफ मिनिस्ट्रो ने जिनका हाल खुल गया है, जिन्होंने करोड़ों रुपया अपने खेत में उगाया है, उनके होते हुए मुल्क की जनता आपको वोट देने वाली नहीं है । आपका तो कोई हर्ज नहीं होगा लेकिन देश को अगर आप रखना चाहते हैं देश को जिन्दा रखना चाहते हैं और डेमोक्रेसी को जिन्दा रखना

चाहते हैं तो आपको वहाँ पर फिर से एलेक्शन करने चाहिए । हमारे अर्जुन अरोड़ा एक बहुत ही जिन्दा दिल और रोशन दिमाग मेम्बर हैं और उनकी यह हालत हो गई है कि वह आज अजीत प्रसाद जैन की हुकूमत को पसन्द करते हैं । गवर्नर का राज अपने साथियों के द्वारा कराना चाहते हैं । हमारे अरोड़ा साहिब एक डिमोक्रेट हैं लेकिन वह केरल में गवर्नरी राज को पसन्द करते हैं । मैं मानता हूँ कि हमारे हाथी साहिब जो बड़े दिमाग और दिल वाले हैं इस प्रस्ताव को लाने के बजाए, अगर वह डिमोक्रेसी को कायम करना चाहते हैं, तो वहाँ पर नया एलेक्शन कराएँ । अगर वह पुरानी असेम्बली को नहीं मानते हैं और उसको समन नहीं करना चाहते तो नया एलेक्शन करा कर जनता का वरडिक्ट ले और मैं कहना चाहता हूँ कि जनता का वरडिक्ट जो होगा वह उनके खिलाफ होगा और उसके वरडिक्ट को उन्हें मानना पड़ेगा । उन्हें अपने किए पर पछताना पड़ेगा कि किस तरह से उन्होंने डिमोक्रेसी का खून किया ।

SHRI T. CHENGALVAROYAN (Madras) Madam Deputy Chairman, I feel considerably embarrassed to take part in this discussion. I should have contented myself with casting a silent vote in support of the Resolution but for some of the observations, wise in some respects and otherwise in many respects, that have been made as a charge against the Government in not upholding the great traditions of democracy, in not upholding the rule of law so far as Kerala is concerned. We have always been accused in respect of Kerala that there has not been any possibility of setting up a stable Ministry. For aught we know, ever since we got independence for our country and set up State Governments under our Constitution, Kerala has been presenting a most perplexing problem. It is not because of the inherent defect of the democratic set-

up that we are anxious to put in everywhere, but it is because of certain virtues that Kerala is peculiarly heir to. For example, with a high density of population, with a fairly high literacy of the people and more than all these with a certain amount of dynamic political impulse, it has become always impossible in Kerala to have a stable Ministry. In the year 1952 we had to a certain extent, a stable Ministry, but there again the oscillation of that Ministry and the changing pattern of political affiliations had always resulted in a certain confusion. That has created a climate in which it is almost impossible for any stable Government to be set up in Kerala. We have been accused, not so much the Government of India as the Indian National Congress, that we are not very anxious; that on the other hand, we are very particular to see that no other Party Government is set up in Kerala. For that criticism I most respectfully invite public memory and even the memory of this House to the fact that when the Communist Party was voted by a large majority in Kerala it was the Congress and the Government of India headed by our late lamented and beloved leader, Prime Minister Nehru, which saw to it that a Communist Party Government was set up. In other words, the very pattern of our Constitution imagines that there could be diversified Party Governments both at the Centre and in the States. In fact, we are always anxious to work within the framework of the Constitution, whatever might be the Party colour of the State Governments. But that could not last long. What is it that we found? The Communist Party Ministry had to remove itself not by any vote of no-confidence, as it had happened now, not by any behaviour of the Government of India, not even by any order of the President, but by the mass upsurge of the people themselves, which made the continuance of the Communist Ministry impossible

in Kerala. Now, that has given a considerable background to the present situation in Kerala.

5 P.M.

If we analyse the voting result, we will be impressed with this fact, logical as it is, inescapable as it is, with the only conclusion, that whatever may be the combination and the permutation of the strength of the different political parties, it was almost impossible to have either a coalition Government or a party Government. We are accused, Madam Deputy Chairman, of not using our auspices and aegis for bringing together all the other political parties and forming themselves into a coalition Government. I am yet to know, Madam, in the history of party Governments throughout the world whether any ministerial party or any political party will help all other political parties, which have opposed it at the polls, to form themselves into a coalition Cabinet. It is unthinkable, and it is derogatory not so much to the Congress as it is derogatory to the other parties themselves. We are therefore placed in a situation in which no single Party could form a Government.

Madam Deputy Chairman, if we have been watching the developments in Kerala after the election, what is it that we notice as an inescapable and almost imponderable factor? We allowed time for every political Party to find its own strange bedfellows. The Communist Party of the Left wing was furiously trying to form a Government with the support of all those people who were anxious for certain ministerial posts. They could not succeed. We equally gave a long rope to the Kerala Congress, the dissident Congress organisation, to find their level. Unfortunately they could not succeed. We asked the Muslim League, if I may use this

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expression, Madam, the villain of the whole piece in Kerala. They could not form the Government. Yet the Congress is accused and found fault with that it is not enabling these political parties to form a Government either singly or collectively or by means of a coalition. I want to pose this question, Madam, with reference to the Kerala Ministry formation. Then numerical strength apart from their political background was so neutralising each other that it was not at all possible to form any stable Government.

Madam, we find that the Congress was determined with regard to one fact, namely, not to form the Government itself. We are accused in some quarters that the Congress has shirked the responsibility of maintaining a democratic set-up in Kerala. May I most respectfully answer that criticism by saying that the Congress has bowed to the verdict of the people which is the highest fulfilment of democracy? The people of Kerala thought fit not to vote the Congress to power and the Congress, wedded by its long history and continuous dedication to the cause of democracy, bowed to the verdict of the people and carried out the fulfilment of the will of the people by not forming the Government. We are accused of it. Madam Deputy Chairman, look at our pitiable position. If we do not form the Government with that slender majority or with no majority, we are accused that we are not at all helping democracy. If we form a Government, we will be equally accused—with what face and grace the Congress has formed a Government when the people have voted against it. That seems to be the Scylla and Charybdis between which the Congress was placed.

Madam, I was very sorry that a member of the Muslim League, an hon. Member of this House, made a

very unhappy reference to the great President of the Indian National Congress. He is not here and it is not very fair and becoming the dignity of this House to make any uncomplimentary references to leaders outside this House. But I may tell my hon. friend that whatever has been done or had to be done was well done so far as the Congress President was concerned. He could not be expected to be an associate with regard to the various political parties to make them align themselves or to give certain formations or certain formulations in regard to their Cabinet-making.

That was the position, Madam, with regard to Kerala after this election.

One other factor, Madam, is this. The Kerala parties that have been returned in the election have such conflicting programmes one against the other that it should not be safe for democracy to have any Government composed of all these heterogeneous groups. The parties' programmes, the destiny of those parties, the make-up of those parties, the alliances of those parties, the allegiance the parties owe to their respective ideology, are all so contradictory that it would be very unsafe for democracy itself to allow such a Government to function.

One thing, Madam Deputy Chairman. I am not a prophet, but I can certainly say as a student of Kerala affairs for the last decade that if any Government had been formed on such shifting sands of doubtful allegiance. I have no hesitation in saying that the very next week that Government would have been voted out of power. That was the situation under which the Government of India seemed to invoke the provisions of the Constitution for giving it President's rule.

Madam, we at any rate on this side of the House have been brought up in a tradition which was against such

innovations of the Governor-General's rule under the Government of India Act. My venerable friend, Prof. M. B. Lal, said that it was a replica of the Government of India Act, these provisions for introducing President's rule whenever there is a constitutional breakdown. I may say with great respect, Madam, that it is not a replica of the Government of India Act. Under the Government of India Act it was not a Government of India by India. It was a Government of India by Great Britain, and Great Britain thought that in view of the policies and programmes of the national movement at that time there might be a breakdown of the constitutional Government in all the Provinces, and therefore they made a provision for meeting the breakdown. But in our Constitution when the fathers and founders of our Constitution have thought it fit to introduce this article in regard to the constitutional breakdown, one significant fact is very important and I beg leave of the House and you, Madam Deputy Chairman, to make some detailed reference with regard to that. Article 356 provides that when a situation arises where it is impossible to form a Government, the President's rule shall be invoked. The word "situation" is particularly significant. It is not a situation that is merely related to the formation of the Ministry or the summoning of the Assembly. It is something beyond that position. When the representatives have been elected to the Assembly by the people, then the question will be whether the situation has arisen at that stage. I would submit that it has arisen at that stage, for an Assembly as soon as it is voted by the people under a general election must try to form itself into parties or they are already formed, and the leader of the largest party must be certainly summoned to form the Ministry. Where was that person to be found? The revered leader of the Left Communist Party was very furious when

he said that after the election the Congress was preventing a democratic Ministry being formed. What is democracy, Madam, when that Party had not the majority of seats? It is something perverse, something absurd, to call that democracy. It is a negation of democracy. It will be a repudiation of democracy.

Under these circumstances, Madam Deputy Chairman, we are faced with no other alternative, painful as it is, regrettable as it is, excepting to invoke the President's rule. May I hope and trust that this President's rule will create a climate and a conscientiousness in the minds of the people of Kerala, the great people of Kerala, to understand and realise that the future set-up of Kerala must be such that they determine once and for all to vote in such a way that a stable Government is formed. May I, with this hope and prayer, wholeheartedly support this Resolution?

SHRI JAISUKHLAL HATHI: Madam Deputy Chairman, I have heard with very great attention the speeches of the hon. Members opposite and I have heard a number of pieces of perhaps golden advice.

SHRI ABID ALI: Do such speeches deserve attention?

SHRI JAISUKHLAL HATHI: Yes, because according to them they are pieces of golden advice. One was, release the Communists; another was order re-election; the third was, form a coalition Ministry; the fourth was, allow even the minority party to form the Government. It does not matter what happens later; if it cannot function, again order re-election. Some of these pieces of advice may be sincere but I feel that more than sincerity or a real conviction, there is nothing there, nothing really from the constitutional point of view. But

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more than a constitutional view, it may also be a political view. There are some suggestions which even from the other side are constitutional and to those suggestions I would certainly give due respect.

I am thankful to all the Members from this side of the House, who have fully supported the Resolution and the Bill. Coming to the various criticisms that have been levelled against this Government, the first criticism that has been levelled is that the ruling party has failed to preserve democracy in Kerala. They also went further and said that this was a fraud on Constitution. Some of the Members have also said that Parliament has been by-passed. I will deal with each of these criticisms and will show that there has been no attempt not to have democracy in Kerala, that there is absolutely no fraud on the Constitution, that there is no question of by-passing this Parliament. All that has been done has been done exactly as the Constitution provides, not only according to the letter, but according to the spirit of the Constitution and the spirit of democracy.

May I remind the House? On the 4th of March or earlier, when the previous Proclamation of the President was in force, why did the Government decide to have elections in Kerala? It was permissible even then for the Government to extend the President's rule for a further period of six months. What would have come in the way of their doing so? But it was the Government's anxiety to see that there was a democratic set-up, that there was a legislature in the State, that the people of Kerala elected their chosen representatives and formed a Government, and therefore it was that they decided that elections should be held there.

Then comes the question of formation of a Ministry. Here so many Members have said that when the Left Communists were in a majority numbering forty, they should have been allowed to form a Ministry. And the leader of the Swatantra Party said that they should have been released. The Communists in Kerala were not detained from any political motive but if at all they were detained, they were detained for national security. Does the House not remember that that party broke away from the Right Communist Party? On what ground? The ground was that the Right Communists were not prepared to fall in line with them in not calling China an aggressor they were not prepared to act in the interests of China, they were not prepared to resort to subversive activities at a time when national security, law and order and internal peace were of paramount importance. Does this House forget that at present when China and Pakistan have entered into an unholy alliance, there is not a word to be heard from the side of that party, denouncing this unholy alliance? Therefore, Madam, it is not at all from any political point of view or with a view to having them defeated in Kerala elections that they were detained. They were detained not in Kerala alone, but throughout the country. And this was a step for the whole country, and not specially for Kerala. Therefore, to blame the Congress Government that they detained these people and that they did not release them and allow them to form a Government, does not hold any water, and it is absolutely wrong.

Then, another blame that is put on the Government is: Why did they not allow another party to form the Government? Now, the next biggest party was the Congress which had 36 seats. As I said in the beginning, the Indian National Congress took a stand

that it had gone to the electorate, that the electorate gave its verdict and that it did not want the Congress. And if they took that stand, that was not a new stand in the history of any democratic country.

May I quote what Mr. Baldwin said in 1929 when he was defeated in the elections? He said:

"I took the view that whatever had been the constitutional position under universal suffrage the situation had altered. The people of this country had shown plainly whether they wanted hon. Members opposite or not. They certainly did not want me."

And he said that he was not going to form any Ministry. Now, therefore, the Congress also should learn to live in Opposition. If the Congress had tried to come into power and form the government with 36 and some others, then I am sure with double force the Congress would have been blamed that it wants to stick to power and does not want to give up power. Now here is one instance where the Congress has come forward. It says that if the electorate does not want it, they would allow any other party, but certainly they would act in Opposition.

Then it was asked: Why not the Kerala Congress and the Congress meet and form a coalition Ministry? Now it is a question of two parties coming together. It is not for the Governor to make these parties agree. It is for the different party leaders. It was for the parties concerned to agree. It is a difficult position for the King or for the Governor. It has been said here. I am reading from Munro's Government of Europe:

"The Prime Minister, as has been said, is head of the Ministry, the cabinet, and 'the government'. The King goes through the gesture of

selecting this official, but he has very little discretion in making the choice. He summons, and by usage must appoint the leader of that political party which controls a majority in the House of Commons. If no single party controls a majority, he calls upon some leader who can form a coalition or otherwise assure himself of a majority on important measures."

It cannot be as if a minority may be allowed to form the Government. As the hon. Member said, if in future he is defeated or there is vote of no-confidence, that Ministry will resign and again there will be re-election. So that cannot be the basis for naming a leader, the Prime Minister or a Chief Minister. It goes on:

"If no single party controls a majority, he calls upon some leader who can form a coalition or otherwise assure himself of a majority on important measures. Under the two party system, which prevailed in England for many generations, the King's task was very simple. When a Prime Minister resigned by reason of a defeat at the polls or on the floor of the House, the monarch merely sent for the leader of the victors and invited him to assume office."

This is where there are two parties.

"But when three political parties are represented in the House with no one of them controlling a majority, the royal function is

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not so simple. The King must then use his own judgment as to which leader he will summon."

The question is whether it is possible for him to form a Ministry.

SHRI M. RUTHNASWAMY: This is what the Governor did not do.

SHRI JAISUKHLAL HATHI: The Governor did it for a number of days. He has had consultation."

PROF. M. B. LAL: The King does not choose to rule by himself.

SHRI JAISUKHLAL HATHI: This is a question of forming the Government. Now I am coming to your constitutional point. Now there are a number of parties or groups. And when there is not one single party having a working majority, then it becomes a difficult task for the Governor. It is quite easy, sitting here, after the event and saying that this could have been done or that could have been done or this man could have been allowed to function or that man could function. We all know that we can all talk and discuss. It is all human to make a *post-mortem* examination and criticise. We are all wise after the event. But what was the actual condition there? The actual condition was that the Governor in his report suggested that it was not possible for any party to form a stable government.

Madam, Prof. Mukat Behari Lal suggested that in no country perhaps there is such a provision. I am thankful to the last Member who spoke and replied to these points also. This question was discussed when article 278 of the Draft Constitution was being discussed.

SHRI P. N. SAPRU: This article is a relic of the British colonialism.

SHRI JAISUKHLAL HATHI: No, no, It is there. Everybody gave thought and a similar clause appears in the American Constitution.

PROF. M. B. LAL: I am with my teacher, Dr. Sapru.

SHRI JAISUKHLAL HATHI: This also occurs in the Australian Constitution. Now this a federal structure:

"And when the President is satisfied that the Government could not be run according to the provisions of the Constitution."

Now the question is that the President has to be satisfied.

PROF. M. B. LAL: I thought the Minister was going to relate to us some provision of some other Constitution of the world where those words have occurred.

SHRI JAISUKHLAL HATHI: I am reading from Dr. Ambedkar's speech. That was why I said that this is not a new provision in our Constitution. Similar provisions appear in the American Constitution.

PROF. M. B. LAL: Instead of quoting Dr. Ambedkar, will you kindly quote a provision from the American Constitution?

SHRI JAISUKHLAL HATHI: The point is that the hon. Member said that that was a replica of the 1935 Act. It is not so. It is not a replica of the 1935 Act. Therefore, there is no question. But the whole point is this that the President has to be satisfied. It is a subjective examination of the conditions, of certain conditions prevailing. And if he is satisfied, he issues a proclamation.

Now, another hon. Member suggested that Parliament was not consulted. Parliament was in Session from 4th March 1965. Then why did the President issue a Proclamation? Very often we forget the provisions of the Constitution. I can agree that if there was a thought given, perhaps the framers of the Constitution at that time would have thought that if Parliament is in session and such a Proclamation has to be issued, then it should first be brought before Parliament. Perhaps those wise men did not think it proper. Now as the provision of the Constitution stands today, can we say that this is a fraud on the Constitution? What does the Constitution say in article 356? There is no mention whatsoever that when the Parliament is in session, the Proclamation must be first passed or approved by the Parliament and then only it will be issued. It says:

"Every Proclamation under this article shall be laid before each House of Parliament and shall, except where it is a Proclamation revoking a previous proclamation, cease to operate at the expiration of two months unless before the expiration of that period it has been approved by resolutions of both Houses of Parliament."

Now, therefore, the clear provision in the Constitution is that if a Proclamation is issued, it has to be placed before the House and that it will cease to operate at the expiry of two months unless before the expiry of that period it has been approved by resolutions of both Houses of Parliament. So what the Constitution provides is this. The President can issue a Proclamation at any time, whether Parliament is in session or not. But what has to be done is that before the expiry of two months it has to be approved by both Houses of Parliament. If it is not approved

then it shall cease to operate. Now, therefore, there is no question that when Parliament is in session, it should first come here and only after Parliament approves can the President issue a Proclamation. There is no such provision. Therefore, to say that it is by passing or it is a fraud on the Constitution, I would submit, is not correct. The other point which the hon. Member raised was about more than half a month's delay. The Constitution provides a period of two months and within a period of two months this has to be done. It was issued on 24th March and if it was brought within two months, then there is no question of fraud on the Constitution or by passing the Parliament. My objection is not to that fact. If the hon. Member had said that it should have been brought as quickly or as early as possible, I would have nothing to say but to say that this is by passing the Parliament and this is a fraud on the Constitution is not correct. To say that because it was not brought before the Parliament before it was issued and it was brought after 1½ months and so it is a fraud on the Constitution is not correct.

SHRI K. DAMODARAN I did not say that it was a fraud on the Constitution in this connection. Constitutionally it may be proper.

SHRI JAISUKHLAL HATHI If the Constitution had not been this, perhaps if the framers of the Constitution had then thought of providing that if a Proclamation is to be issued when the Parliament is in session, then it should first be brought here, then it would have been different but today we are acting not only according to the letter but according to the spirit of the Constitution.

The other point that was raised was that the Assembly was dissolved even before it was given an opportu-

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nity to meet. Everybody knows that when an Assembly meets it has to have some business. The first would be the Governor's Address and that Governor's Address would include the programme and the policy of the Government. On the first occasion when the Assembly meets, then the Governor's Address contains programmes and policies of the Government. Where is the Government here? Is the Governor to say that he is the Government? No. According to the Constitution, the Governor is advised by the Council of Ministers.

SHRI M. RUTHNASWAMY: Does the Constitution require that the Address should contain the policy and programme of the Government?

SHRI JAISUKHLAL HATHI: Then what should it contain? Should it only say: 'I welcome you and you go home'?

(Interruptions)

SHRI M. RUTHNASWAMY: He might send them a homily on the need for continuing parliamentary democracy. He could suggest ways and means of running the Government by forming a coalition.

SHRI AKBAR ALI KHAN: He is the constitutional head. He will have to be guided inevitably according to the Constitution, by the Council of Ministers.

SHRI JAISUKHLAL HATHI: The role of the Governor is not what Mr. Ruthanaswamy says. According to the Constitution the Governor is the Head of the State when he convenes the Assembly and addresses it. Then he cannot advise about a coalition. That is not his function, when he convenes the Assembly and sits as the Head of the State. There were other opportunities for him to do it and it could have been done. Therefore to

say that it was dissolved wrongly is not correct.

According to section 73 of the Representation of the People's Act, once the list has been published in the gazette, the Assembly shall be deemed to have been constituted. So there was an Assembly already deemed to be constituted and when there was an Assembly, naturally it has to be dissolved. So there is nothing wrong at all in what has been done.

There were other suggestions about certain other constitutional methods by which this sort of President's rule may not have to occur again and again as has happened in Kerala. One of the suggestions was from Shri Gurupada Swamy but the weightier suggestion from Prof. Lal I accept that the people should be educated in the art of citizenship, in the art of democracy and to live according to the spirit of democracy and that is the real lesson. It is not a question of this or that party. It is for the people of Kerala as a whole.

I wish that this President's rule does not last for a longer period than is necessary and that during the period we shall try our best to give every satisfaction to the people of Kerala by looking to the development of the State and the welfare of the people. I need not assure more. I move.

THE DEPUTY CHAIRMAN: I shall put the motion later. The Prime Minister.

STATEMENT BY PRIME MINISTER RE: KUTCH SITUATION

THE PRIME MINISTER (SHRI LAL BAHADUR): Madam Deputy Chairman, after making my statement