

PROCLAMATIONS IN RESPECT OF THE STATE OF "KERALA"

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JAISUKHLAL HATHI): Madam, I beg to lay on the Table a copy each of the following papers and a statement in relation thereto:

- (i) Proclamation issued under clause (2) of article 356 of the Constitution on March 24, 1965, by the Vice-President of India, discharging the functions of the President, revoking the Proclamation made by the President under the said article on the 10th September, 1964, in relation to the State of Kerala.
- (ii) Proclamation issued by the Vice-President of India, discharging the functions of the President, under article 356 of the Constitution on March 24, 1965, in relation to the State of Kerala.
- (iii) A copy of the Order dated March 24, 1965, under sub-clause (i) of clause (c) of the Proclamation referred to at (ii) above, made by the Vice-President of India, discharging the functions of the President.
- (iv) Summary of the Report of the Governor of Kerala dated March 18, 1965, to the President.
- (v) A copy of the statement on the decision taken following the consideration of the Kerala Governor's report to the President.

After careful consideration of the Governor's report, the Vice-President discharging the functions of the President has this morning revoked the existing Proclamation in respect of Kerala and issued a fresh Proclamation assuming to the President all functions of the Government of Kerala and all powers vested in or exercisable by the Governor of that State.

SHRI BHUPESH GUPTA (West Bengal): I should like to know from the hon. Minister what exact steps were taken in order to see that after the election the normal Constitutional provisions could be

brought into force with the assistance of the Central Government. May I know, Madam, in this connection whether any specific instructions under the Constitution were given to the Governor who functions on behalf of the President there and conducts the President's Rule, that he should invite the leader of the largest single party and consult with him as well as with others and explore every single possibility of giving Kerala a responsible Government and making it possible for the Legislature to function? May I know whether it is not a fact that having decided in the Congress Party that the Congress should not function in the opposition, they took it into their heads that no other party should be allowed either individually or through a combination between themselves to run the Government and so on?

May I know whether it is not a fact that in this context the whole thing has been settled with a view to suiting the party interest of the Congress simply because they did not get the majority thus frustrating the normal Constitutional processes and committing a serious and the most regrettable and lamentable fraud, unheard of fraud, on the Constitution? And we should like to have the Governor's Report. May we have some idea as to what the Governor has said? I should like to know; we do not know what the Governor has told you. From the newspapers we have misgivings about what the Governor has advised the Centre and how he has functioned. Therefore I should like to know all these things. You will remember, Madam, that there was a precedent on the last occasion when we were in control of the Kerala Government. The Governor's Report was placed, a summary of the Report, if I may say so, at any rate. Here in this connection, we should like to know . . .

SHRI T. CHENGALVAROYAN (Madras): On a point of order. After the Proclamation of the President has been announced, is it competent for an hon. Member of 'his House to raise a discussion on that Proclamation? My submission is, Madam, that it is outside the scope of discussion of this House.

(Interruptions)

THE DEPUTY CHAIRMAN: He is seeking just a clarification.

DIWAN CHAMAN LALL (Punjab): With your permission, Madam, may I draw your attention to rule 251 of the Rules of Procedure and Conduct of Business? It says as follows:—

"A statement may be made by a Minister on a matter of public importance with the consent of the Chairman but no question . . ."
—

No question—

"... shall be aske'd at the time the statement is made."

SHRI BHUPESH GUPTA: I am very glad that Diwan Chaman Lall is showing himself up as a great democrat.

THE DEPUTY CHAIRMAN: He has quoted the rme, I want to say something. I want to say that you are only seeking some clarification, not making any statement. Therefore, your clarification will be very briefly put.

SHRI BHUPESH GUPTA: I have put it, let him give the reply.

SHRI JAISUKHLAL HATHI: I have laid on the Table of the House a summary of the Governor's Report. That gives all the information which Mr. Bhupesh Gupta wants. In addition, I have also laid on the Table of the House a statement on the decision of the Government on the Report of the Governor, and that also deals with the various steps that we took, and the Government concerned . . .
(Interruptions) I laid it here.

SHRI BHUPESH GUPTA: I am very glad .

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THE DEPUTY CHAIRMAN: What further do you want?

SHRI BHUPESH GUPTA: We want to know. I raised certain questions. Naturally, he did not anticipate them perhaps. Therefore, I would like to know what he has got to say with regard to those specific questions. The only think that

I have been told is that the Governor's Report has been given.

SHRI G. MURAHARI (Uttar Pradesh): I would like to ask the Government why it did not think it proper to convene a sitting of the Assembly of the elected representatives of Kerala. When the Government decided to have an election in Kerala, when the people expressed themselves through election, when the members have been elected, when there is an elected Assembly, why is it that the Government does not think it proper to convene the Assembly and let the Leader of the single largest party seek a vote of confidence in that Assembly? That would have been the most correct procedure to have been followed in this particular situation because if the Left Communists have got the majority, they should have called the leader of that party to come and face the Assembly and seek a vote of confidence. If the Assembly has confidence in him, he would have formed the Government; otherwise he would not function. I want to know from the Government why this procedure was not adopted and why is it that the Government comes here with a Proclamation like this and wants to stifle democracy in Kerala?

SHRI B. K. P. SINHA: (Bihar): Madam, I would like to know from the hon. Minister whether it is not a fact that neither the Congress Party in Parliament nor the Congress Organisation has applied its mind to this question nor has expressed any opinion on this question? Therefore, is it not a fact that whatever the Government have 'done, they have done in pursuance of the Constitutional mandate and in view of the situation that obtains there and that the Congress has been unnecessarily brought into issue by the hon. Members on that side?

(Interruptions)

SHRI JAISUKHLAL HATHI: My only reply to the Members would be this- If they go through the statement, it gives the various reasons in detail. Before they go through and read it, if they ask questions, it is rather premature. Let them then ask. Then, so far as the vote of no-confidence

[Shri Jaisukhlal Hathi.] or vote of confidence is concerned, it can only be after the Ministry is formed.

(Interruptions)

SHRI BHUPESH GUPTA: No no. Why Madam Deputy Chairman? I invite your attention ...

(Interruptions)

THE DEPUTY CHAIRMAN: Let the Minister finish.

SHRI JAISUKHLAL HATHI: The only question is that we have to consider the Report of the Governor and if the Report of the Governor, a summary of which I have placed on the Table of the House, is seen, there would be no other course but this decision which the Government of India has taken.

(Interruptions)

SHRI BHUPESH GUPTA: I want you to consider. The Election Commission has declared that the Kerala State Assembly has been duly constituted after the election. Normally, a Council of Ministers is formed. Then the Assembly meets. That is the practice. Now, since the Council of Ministers could not be formed, it was all the more necessary that we proceed from any kind of subjective test to objective test. In such a situation, the Assembly should have been convened and it should have been left to the Assembly to see whether they can produce a Government. That aspect of the objective test was not applied in this connection. There is nothing in the Constitution or for that matter in the British Constitution where we see that unless a Council of Ministers or a Government is formed, the Sovereign in England—and here for that matter, the President or there the Governor—cannot convene a meeting of the Assembly. Therefore, that is a very relevant point. Why even without giving the Assembly, as has been duly constituted, a chance to meet, convene, discuss the matter and see if they can form a Government, the Governor ...

THE DEPUTY CHAIRMAN: Is it a clarification?

SHRI BHUPESH GUPTA: This is the point—why was this done?

THE DEPUTY CHAIRMAN: Your point is clear.

SHRI BHUPESH GUPTA: There is nothing in the Constitution that the Government should be formed before the Assembly can meet. It was open to the Assembly ...

SHRI G. MURAHARI: The Chief Minister-designate can seek a vote of confidence.

(Interruptions) (Shri M.

M. Dharia rose)

THE DEPUTY CHAIRMAN: Mr. Dharia, are you on a point of order?

SHRI M. M. DHARIA (Maharashtra): Yes. The hon. Minister has placed a statement on the Table just now. None of the Members has so far gone through the statement. So far we have not gone through the statement and asking for an explanation has no meaning whatsoever. So, may I request that so long as the statement is not made; available to the Members, this explanation should not be allowed to be called for at this stage?

SHRI G. MURAHARI: He has never ...

SHRI D. L. SEN GUPTA (West Bengal): On a point of order ...

THE DEPUTY CHAIRMAN: What is your point of order?

SHRI D. L. SEN GUPTA: I rise on a point of order. The point of order is on a very important question of the Constitution, the question of Constitutional propriety whether so far as the House is concerned it should be dissolved. You can only dissolve a House which exists.

THE DEPUTY CHAIRMAN: Listen. How is this a point of order? This is not a point of order.

SHRI D. L. SEN GUPTA: I am raising a point of order ...

THE DEPUTY CHAIRMAN: Order order. There is *no* point of order.

SHRI P. N. SAPRU (Uttar Pradesh): May I ask just one question? The Kerala elections show that there was no party which had an absolute majority. Now, the largest single party, the Left Communists were not in a position *to* form the Government . . .

SHRI G. MURAHARI: But they have said that they are in a position to form the Government.

SHRI P. N. SAPRU: The Congress were only four less than the Left Communists. The Congress had 36 members while they had 40. The dissident group of Congressmen had 24 members . . .

THE DEPUTY CHAIRMAN: What is it that you want? What clarification are you seeking?

SHRI P. N. SAPRU: ... So the position is that there were 60 Congressmen in the Kerala Legislature. There were a few Independents. And as there were a few independents, I think it should not have been the wit of a statesman to form a Congress Ministry.

THE DEPUTY CHAIRMAN: That is enough. Mr. Hathi.

SHRI JAISUKHLAL HATHI: Madam, I think it would have been better if the hon. Members had studied the statement which I have made. With regard to the issue of the Proclamation, as the Constitution provides, the President has to be satisfied that a situation had arisen in "which, in accordance with the provision of the Constitution, the Government could not be run, could not be formed. And it is according to that that the Proclamation has been issued. I would once again repeat and say that all the points raised by Mr. Sapru, Mr. Bhupesh Gupta and others have been explained at length in the statement if they only care to go through it.

SHRI BHUPESH GUPTA: Let the statement be discussed.

THE DEPUTY CHAIRMAN: No more. The House stands adjourned till 11 A.M. tomorrow.

The House then adjourned at forty-three minutes past five of the clock till eleven of the clock on Thursday, the 25th March, 1965.