

[Shri J. S. L. Hathi.]

I quite appreciate the anxiety of the hon. Members of this House over so grave an occurrence as a major accident to one of the most important projects we have undertaken in the country and their desire to have the whole matter thoroughly investigated. Government is also anxious to do so. We have, therefore, decided to appoint a committee to enquire into this accident. This committee will include the following members:

1. Dr. A. N. Khosla, Vice-Chancellor, Roorkee University.
2. Shri Kanwar Sain, Administrator, Rajasthan Canal Project.
3. Shri M. S. Thirumale Iyengar, Chief Engineer, Hirakud Dam Project.
4. Shri A. C. Mitra, Chief Engineer, Rihand Dam Project, and
5. Dr. K. L. Rao, Member, Planning and Design, Central Water and Power Commission.

MR. CHAIRMAN: The House would like to associate itself with what the Minister has said and express our sorrow at this grave accident. We would like to extend our sympathies to the members of the families of those who have lost their lives in the discharge of their duties.

SHRI BHUPESH GUPTA (West Bengal): I want to know, Sir, whether Government have decided to pay any compensation to the families of the workers; if so, what is the amount?

SHRI J. S. L. HATHI: The Punjab Government has already sanctioned a sum of one thousand rupees immediately to the members of the families and it is considering the question of further compensation.

DR. ANUP SINGH (Punjab): Is this sum of a thousand rupees for all the ten families?

SHRI J. S. L. HATHI: No, it is one thousand rupees per family. The

Punjab Government is considering the question of further payment.

SHRI BHUPESH GUPTA: I want to know whether the Central Government is also intending to pay some compensation.

(No reply.)

SHRI T. S. AVINASILLINGAM. CHETTIAR (Madras): This is the second time that such a major accident has happened. May I know whether the report of the expert committee would be placed before the House?

SHRI J. S. L. HATHI: After the Government receives it, we shall consider this question, Sir.

SHRI V. K. DHAGE (Bombay): I find, Sir, that this committee consists of officials only. Could non-officials also be appointed on this committee?

SHRI J. S. L. HATHI: They are officials but not of the Bhakra Board. They are experts drawn from all over India. Dr. Khosla is a Member of Parliament.

RESOLUTION REGARDING PROCLAMATION ISSUED BY THE PRESIDENT IN RELATION TO KERALA

MR. CHAIRMAN: We come now to the Proclamation relating to Kerala. It says . . .

SHRI BHUPESH GUPTA (West Bengal): In this connection, Sir, I would like to draw your attention to a document which has been circulated to us, alleged to be the summary of an unseen report of the Governor of Kerala but it does not give any date, the date of submission of the Report or the date of the making of the summary. I would like to ask the hon. Minister to give us both the relevant dates.

SHRI V. K. DHAGE (Bombay): With your permission, Sir, before the hon. Minister addresses the House on this Proclamation I would like to know from you as to why this House did not get the opportunity of discussing this Proclamation before the Lok Sabha did. This House has representatives from the Legislative Assemblies of the various States and is called the Council of States. I would like to know from the hon. Minister as to why this House did not have an opportunity first to debate on a matter which directly concerns the State's administration and why it has been delayed so far in this House.

Also, I would like to bring to your notice that there seems to be something wrong with the management of business to this House. The other day we had the appointment of a Select Committee for the Dowry Bill. Sir, there was a private Bill introduced in this House and it was withdrawn on an assurance being given by the Government that an official Bill would be introduced in the House. An official Bill was introduced but this House did not have the privilege to discuss that Bill first. I would like to know from the Government as to why this kind of management of business is being done by them.

SHRI BHUPESH GUPTA: I would like to associate myself with what he says with regard to the discussion on this particular Proclamation. If you look into the proceedings of the Constituent Assembly, you would find that, this House was created especially with a view to going into such matters which involve the autonomy of the States. And we are supposed to be representatives of the States rather than of constituencies. Even so, a discussion in this House, I do not know for what reasons, has been delayed and, as you know, the hon. Minister has come after everything is over. Yet it was possible for them to have had discussion concurrently and if not, immediately after. I think the hon. Minister owes an

explanation to you and to the House as to why we are being treated in this manner that such important matters that concern us first and foremost as Council of States are not taken up promptly in this House.

DIWAN CHAMAN LALL (Punjab): May I associate myself with the remarks made by my friend and colleague, Mr. Dhage?

MR. CHAIRMAN: Well, Government will look into it.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI B. N. DATAR): Sir . . .

MR. CHAIRMAN: I want to say a few things before you start. We, originally, allotted 7 hours for this debate but, as many Members were anxious to take part in the debate, we have extended the time to 10 hours. So we sit from now on—we do not adjourn for lunch—till six, and tomorrow we will have this from 12 to 4. The Prime Minister will intervene at 4 P.M. today. The Home Minister will wind up at 3 P.M. tomorrow. He asked me for permission to absent himself from this debate.

SHRI BHUPESH GUPTA: Both of them?

MR. CHAIRMAN: Order, order. Mr. Datar will therefore move this motion.

SHRI V. K. DHAGE: My submission was why . . .

MR. CHAIRMAN: That is a different thing. That is for the Government to answer, not for me.

SHRI BHUPESH GUPTA: Both of them are not here. Naturally, you would not like to answer but the Government should explain as to why the Prime Minister and the Home Minister are not here. Even the Prime Minister is not here.

SHRI B. N. DATAR: Mr. Chairman, Sir, I beg to move the following Resolution:

"That this House approves the Proclamation issued by the President on the 31st July 1959, under article 356 of the Constitution, in relation to the State of Kerala."

Sir, this is a subject which has been widely discussed both on the platform as also in the Press and we had, as the House is aware, a long discussion in the other House only during the last week, and at the earliest opportunity we have come to this House and sought the approval of this honourable House for the Proclamation that had to be issued under very inevitable circumstances.

Now, a question was asked and I may point out in this respect that in order to enable the Members of the two Houses of Parliament to consider the question, we requested the Governor of Kerala State to give us a summary of the events that led ultimately to the issue of this Proclamation. That letter which contains the summary has been placed not only on the Table of the House but copies have been supplied to all hon. Members. I produced it three or four days ago even while this particular matter was under debate in the other House. Therefore, Sir, I shall try to be as brief as possible because this summary deals in a very concise manner with the various events that followed the establishment of the Communist Ministry in Kerala and shows how a number of events happened that ultimately led to the establishment of the President's rule only a few weeks ago.

Sir, I would like to approach this question from two or three points of view. One would naturally be the constitutional position. I would not like to go very deeply into this aspect because hon. Members are aware that we have got the power, or rather the Centre has a responsibility in this respect, for seeing to it that the

conditions in the State are stable and that the administration is carried on in accordance with the terms of the Constitution. Therefore, may I say that for any action under article 356 we have got a background laid down by the Constitution in article 355? Both these articles have to be read together. Article 355 points out that it shall be the duty of the Union Government and that duty we shall find is a two-fold one. One is to protect every State against external aggression and internal disturbance. That is the first duty or obligation of the Union Government under the Constitution. The second, may I point out, is more relevant so far as the present case is concerned and that is to ensure that the Government of every State is carried on in accordance with the provisions of the Constitution. Therefore, it is not merely a question of right; it is not a mere question of power; it is a question of a statutory obligation on the Central Government or the Union to see to it that these two objectives are followed quite properly and in case unfortunately they do not do so, then naturally action has to be taken under article 356. And there also, may I point out to hon. Members that the phrase has been reiterated, namely, '... that a situation has arisen in which the government of the State cannot be carried on in accordance with the provisions of this Constitution'. Therefore, so far as the government or administration of a State is concerned, the Government of India or rather the Union Government has certain obligations and it has to see that these obligations are carried on properly and in case they are not, then, naturally, it is open to the Central Government to take action under article 356 for the purpose of looking after or rather safeguarding the interests of the people concerned. And ever since the inauguration of the Constitution, as the House is aware, we have always to see to it that every action that is taken especially at Government level is in accordance with the Constitution. And

the Constitution has laid down certain fundamental rights for the people and these rights will have to be respected, will have to be given due importance by the various State Governments. Therefore, we have to see whether these conditions laid down in articles 355 and 356 have been fully followed in this case.

Oftentimes, an argument is advanced—in the other House also it was contended—that in Kerala they had a Government that had a majority. That had a majority of two. So long as the Ministry can carry on with this majority, it would not be open to the Centre to step in and intervene so far as the administration is concerned. In other words, it is stated that so long as the majority is supporting the State Ministry, the Centre could not come in and there can be no help in respect of the administration of the State even when that administration is far from satisfactory and that administration 'has evoked the loudest protest and created the greatest dissatisfaction so far as the people of the State are concerned. May I point out that is putting an extremely narrow view of the powers under article 356? It is quite likely, Sir, that in a particular State as in the State of Kerala they have a majority, but whether that majority can be utilised for the interests of the people, for safeguarding the interests of all classes of people, or whether it can be used for certain other purposes which may or may not be legitimate, is a matter which has to be considered. Therefore, I may point out here that the powers under article 356 are wider than those which have been vouchsafed to us by putting a narrow interpretation by certain hon. Members opposite here or in the other House.

After pointing out the constitutional position I would proceed to place before the House as succinctly as possible the background of the present position. The background is immediate in one sense and we have to go also into all the circumstances, a

number of them cumulative, almost from the formation of the Communist Ministry in the State of Kerala. You are aware, Sir, that the Communist Party formed a Ministry there, and may I add that they formed a Ministry with the goodwill and with all the help from the Central Government? There are two points, Sir, which I should like to place before you before I deal with the intermediate events. So far as the first point is concerned, we have the starting of the career of this Ministry under very favourable auspices. The Governor himself has pointed out two circumstances. One was that this particular Ministry had the goodwill in the first place of the people, because for a variety of reasons the people wanted to see whether a new Ministry would give them what they wanted, namely, a good government in the first instance and thereafter a self-government. And as the Governor has rightly pointed out, the Ministry that was formed there was of a party different from the one which was wielding power at the Centre. Therefore, the Centre also was extremely careful to see to it that whatever necessary was given to it. We were also anxious to point out that there would arise no cause of misunderstanding at all. Therefore, this particular Ministry started fairly well with the goodwill of the local and other people in the hope—this also may be noted, Sir; there is a sadness about this . . .

SHRI PERATH NARAYANAN NAIR (Kerala): Sir, may I just interrupt? The Governor has definitely pointed out that the Opposition parties in Kerala from the very outset refused to reconcile themselves to the electoral verdict?

SHRI B. N. DATAR: Will the hon. Member please wait? He will have his opportunity. I am pointing out here, Sir, how this Ministry—it is a sad matter—started with a goodwill and how they ended in creating the ill-will of all the classes of people except I would say a small population,

[Shri B. N. Datar.] the members of the Communist Party and a few supporters of the Communist Party and those who benefited by the Communist Party.

SHRI BHUPESH GUPTA: Does he read newspapers?

SHRI B. N. DATAR: Except these people, all others were highly dissatisfied so far as that Government was concerned. For the purpose of a proper presentation of how the events gradually deteriorated, I am just inviting the attention of the honourable House to two extracts from the Governor's Report. In the first he stated:

"This Government which took office on the 5th of April 1957 started with a general goodwill, and the twelve-point resolution," that they passed, "gave me hopes that the new Government would follow a cautious policy."

I shall point out how all caution was thrown to the winds.

Then in the next paragraph he says:

"Every attempt was made to accommodate the views of the State Government. In spite of differences of opinion over questions of general policy", and so on.

This is how they started, and before I narrate the various events I would point out to you how for reasons which are unfortunate to say the least they alienated the sympathies of all the people in the State, and this is what the Governor has rightly stated:

"There is no doubt, therefore, that the Communist Party has been completely isolated from the rest of the people."

That has to be noted.

"The opposition has become so x widespread that there are absolutely no neutrals in the State."

That means that all are opponents of the particular Government. Then

the following is a sentence which has to be noted:

"It is really surprising that the Government should have become so unpopular. There is no doubt in my mind that there has been a definite shift in the mind of the people against the Government."

So, these are the two positions that we have to appreciate correctly, and I shall try my best to show in as concise a manner as possible how unfortunately from the goodwill that they had got they went to the other extreme of having complete ill-will so far as the people were concerned.

Now, Sir, immediately they started their work they embarked on a career of taking recourse to certain measures which benefited more the Party than the people concerned. Immediately after they assumed office there were a number of withdrawals of prosecution. There were a number of remissions and there were a number of similar things which had to be carried out with the greatest circumspection.

SHRI PERATH NARAYANAN NAIR: Sir, may I point out . . .

MR. CHAIRMAN: You can take note of all the points and answer them when you have to answer. Please do not interrupt.

SHRI B. N. DATAR: I am just making here a brief reference to certain judicial pronouncements. Now, so far as remissions or withdrawals or reprieves are concerned, under the Constitution as also under the Code of Criminal Procedure certain provisions have been made, but action has to be taken with the greatest circumspection for the reason that when certain persons are lodged behind the prison bars, naturally we have to consider whether their premature release would be proper, whether it would not be attended with great risks and danger to the society. Now, the Kerala Government themselves had

appointed a Commission for enquiring into the firing at a place called Chandanathope and a High Court Judge formed the Commission. He has made certain observations so far as such releases and withdrawals are concerned, which point out how in the opinion of a high judicial officer the Party was following a policy which was fraught with the most dangerous consequences. This is what he has written in paragraph 33 of his report:

"The liberal manner in which pardons and remissions are granted in favour of convicts is also bound to destroy the deterrent effect of convictions and sentences of courts of law. No doubt the power to grant such pardons and remissions is conferred on the Governor of a State by article 161 of the Constitution. Such powers are conferred under sections 401 and 402 of the Code of Criminal Procedure on the State also. These reserve powers are meant to be exercised in very rare instances and, exceptional cases. But unfortunately successive Governments have been freely exercising these powers during the last ten years granting pardons and remissions in favour of a very large number of prisoners individually and collectively."

He has further stated that these powers should be withdrawn and should be continued to be exercised only by the Government of India. In respect of withdrawals also, he says:

"Withdrawal of cases arising out of acts of violence against person and property and the failure to take up cases for such offences, have become a common feature of such settlements ..."

This may kindly be noted. And it is not only in respect of one case, but it has become a common feature.

"... and favoured treatments of this kind are bound to have a dangerous effect on those who have

committed such offences. They will undoubtedly feel -encouraged and emboldened to commit such offences again. Penal offences committed against person and property cannot cease to be offences merely because the offender happens to be a student or a trade unionist."

May I add 'of a particular party'?

"The laws of the land are applicable to them also and equality before the law and the equal protection of the law is a principle applicable to all citizens alike."

So far as this particular point is concerned, Sir, I pointed out that here, in this case, they started on a course of wild and indiscriminate remissions and withdrawals and naturally releases also. There was one particular Case to which I need not refer at great length, where a man had been condemned to death and his mercy petition was looked into and rejected by the President. Thereafter, under the Constitution, we have got a general rule—we have also a convention—that so far as such matters are concerned, when at the highest level, namely, at the President's level, a case has been decided in a particular way, it is not open to, it would not be proper for, the State Government to pass orders which would have the effect of minimising the effects if not completely defeating the provisions in such Act-. Therefore, they started, as I have stated, in a rather indecent haste and the object was to make themselves spectacularly popular because the moment they came to power, they thought that they would catch the imagination, not of the people at large—it might be noted—but of their own party. This is point No. 1.

Then they started upon a number of so-called improvements without consulting the people at large. After all, in a democratic government, just as we have to look after the highest interests of the people, our methods

[Shri B. N. Datar.] also have to be as democratic as possible, because only by an appeal to the people, only by creating goodwill in the minds of the people, can reforms be rushed through or brought about, either legislatively or even in some cases, administratively. They started upon a career of having their own principle or ideology, whatever you might call it, and completely rushed through them in the legislature or in other ways. One Bill has been sent to us. I am not going to deal with that Bill." But apart from the objects of the Bill, the manner which was far from tactful, the manner in which they proceeded with the sponsoring of this Bill, was a matter which added to discontent among all the sections of the people.

Then there were also certain other policy matters which they had adopted. Take for example the question of what is known as the police policy. So far as the police is concerned, under the Code of Criminal Procedure they have certain powers. These powers—it may kindly be noted—are for the purpose of taking preventive measures, naturally for the purpose of taking action for the detection of crimes and for the punishment of all the criminals. Therefore, so far as the first part is concerned, we have to be extremely careful to see to it that at all costs, the interests of the society are always maintained. You would agree, Sir, that it is one of the prime duties of the Government to maintain law and order. Unless law and order is properly maintained it will not be possible for any government to build up the structure of a welfare State. Therefore, it is absolutely essential that complete peace has to be maintained and the conduct of possible wrong-doers checked as early as possible. In this particular case . . .

SHRI BHUPESH GUPTA: May I know who the law-breakers there are?

SHRI S. N. DATAR: Unfortunately, may I point out, in this case, what was known as the police policy was given out? Now, according to the police policy, the view is that whenever there has been a dispute between landlords and tenants or, as the other party would call it, the exploiters and the exploited, then it is not merely the duty of the State Government to see that the exploited are protected well. They have to be protected well. I would point out to the hon. Members that so far as the maintenance of law and order is concerned, that is a question which should apply to all possible wrong-doers whoever they are. That is a point which cannot be lost sight of. But here, Sir, certain statements were made and, they have been pointed out by the Governor, and in the other House, the Leader of the Communist Party went to the extent of saying that democracy is only of toilers, not of other classes at all. The toilers have to be protected, I would completely agree, but so far as the administration is concerned . . .

SHRI BHUPESH GUPTA: In the other House, the Leader of the Communist Group never said that democracy is only of toilers.

SHRI B. N. DATAR: I shall read out that particular portion too.

Now, in the other House, he stated that so far as security was concerned, 'we shall grant security only to the exploited and not to the exploiters at all.' I shall read out that portion if my hon. friend wants it.

MR. CHAIRMAN: He is also a leader here.

SHRI B. N. DATAR: Yes, Sir.

I was pointing out that the fundamental duty of a democratic government is to maintain law and order in respect of all classes of people. That is a point which all of us have to understand very correctly. It is true that under the parliamentary system

of government we have party governments. Now, so far as the party government is concerned, naturally at the polls the party supports its candidates and then they are duly elected. Then, so far as the party mandate on general policies is concerned, it also will be followed by the Ministers of that party. But please understand, whenever a government has been formed—it 'might be in the States; it might be at the Centre—we have to look after the interests and protect the lives and property of all persons. That is what I would point out to the House in all humility. That is the primary duty, if not what I can call even the elementary duty, of every government, especially of a government, especially of a government which calls itself a popular government. Now, a popular government has to look after the interests of all the people and a popular government cannot be carried on—let it be understood clearly—for consolidating the power or the position of only one party. There might be some countries. But so far as this parliamentary form of government is concerned, it is a government of the people, by the people and for the people. It is not a government only of one party. We have not accepted the position that so far as the people are concerned, they are people belonging to a party. There are people belonging to no party, and these nonparty people are sometimes given secondary rights. So far as that position is concerned, we cannot accept it. It is quite likely that the majority would be there. But that majority has to be used for the furtherance of the interests of all classes of people to the fullest extent in accordance with the general policy that would be laid down in this respect. May I further point out that the Congress also, which has been ruling at the Centre and in the States, evolves certain general policies, and then, when the matter comes up before either the Parliament or the Legislatures, it places the matter before the hon. Members either of this House or

of the other or of the Legislatures, and then obtains their consent if it commands a majority and if that particular point has the willing consent of all the people put together? That is how in a democratic government, Sir, we have to proceed, by maintaining the structure of law and order not in the interests of one party or the other, but in the interests of all parties put together. There might be cases, Sir, where—as the other party is likely to say—there might be bad landlords, there might be exploiters, there might be some plantation people, not all good planters, not all good people but, after all, the way of improving these people, the way of bringing redress so far as this class of so-called exploiters is concerned, is not by denying to them—may I say in all humility—their protection before the law and equal opportunity for all. Has that been done in the case of Kerala? Almost from the first, Sir, the matter started as if it was the government for the party, by the party and of the party together, and they completely ignored the interests of other people altogether. May I point out to my hon. friends, Sir, that that was exactly the reason why people belonging to different communities, people belonging to different ideologies and a large number of people who are absolutely neutral so far as these questions are concerned, all of them, had to join hands against what they felt a common danger? Now, why did they feel that common danger at all? This is a point which I would appeal to my hon. friends opposite to see.

SHRI BHUPESH GUPTA: I am very glad the Law Minister is helping, because he is off law. So, I am very happy.

SHRI B. N. DATAR: Therefore, this was a question which had to be fully looked into. I do not know whether my appeal will go home to my hon. friends, but I would request them to look introspectively into their various acts of commission and omission during twenty-eight long months when

I Shri B. N. Datar. J they had the opportunity in India, for the first time, to form a government. Now, if you form a government, then you are bound by the dictates, by the conventions of a good government. Did they follow them? Did they not try to consolidate their power so far as their party was concerned? And that was the mistake that they committed. a fatal mistake that they committed and was the reason, Sir, why they had to be called upon to go, even long before the next elections.

Then in respect of other matters also, Sir, I may point out very briefly there was what can be called an interference with the course of administration in general and with the course of judicial administration in particular. I have got here various judgments, various remarks and observations made by District Magistrates, Sessions Judges and a number of others, in particular by some High Court Judges also. Now, what do they say? I am not going into all the matters, but in one case they say that the man was placed under suspension without at all following the proper rules. Then the man, the poor man, according to him and it appears according to the views of the High Court, ultimately had to seek redress at the hands of the High Court. And then it was held that this suspension was wrong. I am merely pointing out one instance; I am not going into the numerous instances, but I do point out, Sir, that it is absolutely essential—that is what every refined government claiming to be democratic has to carry on—that they have to keep the judicial administration as independent, as untrammelled, as free as possible. Then, Sir, we have got various cases where what are known as cells have come into operation and these cells have taken on the functions not only of administration, but in some cases also of the police and magistracy put together. Now, that is entirely wrong, Sir. If, for example, we have to carry on—a demo-

cratic government of a refined type, as I have stated—we have to follow certain conventions.

SHRI BHUPESH GUPTA: Like that of yours.

SHRI B. N. DATAR: Now, so far as this interference with the administration is concerned, numerous instances have been given, Sir, in the Governor's Report, and they show that the whole administration was to be carried on by the various officers and they had to subserve the interest of the party. In the first instance, they had unfortunately to take orders from party bosses. Well, that is far from satisfactory. One can understand the attachment to one's party, but that attachment must be on democratic lines must be on lines of detachment. After all the party is one and administration another.

(Interruption)

MR. CHAIRMAN: You will have your chance.

SHRI BHUPESH GUPTA: On a point of order I want to know how attachment can be on the lines of detachment.

MR. CHAIRMAN: What he says is: You may be attached to your party but be detached in the administration.

SHRI B. N. DATAR: Sir, whenever my Ministry's Demands are before this House or the other House, we are often told that we are interfering with the administration at Congress level, that the officers do not feel complete confidence in what they are doing and we are often asked to sever ourselves from the officers.

[MR. DEPUTY CHAIRMAN in the Chair.]

Now, this is the criterion that was laid down by some hon. Members, opposite, here or in the other House. Now, how are the officers to carry on their duties? Now, so far as the functions of officers are concerned, they have to carry on their duties as

honestly as possible with perfect dignity, with full dignity, and, secondly, Sir, with absolute efficiency. Now, they can take orders only from a hierarchy of officers; an officer cannot take orders at all from partymen or party bosses. And here in Kerala, Sir, it is entirely regrettable to note that we had almost a parallel line of what you may call officialdom in a non-official sense—I am purposely putting it that way—at every stage. Every officer had not to satisfy his superiors or even the Ministers in the ultimate instance, but he had to satisfy the various party bosses at village level, at tehsil level and at district level and, unfortunately, even at the higher levels as well. Now, so far as this particular matter is concerned, will you not agree, Sir, that to a large extent the progress of the country depends on the implementation of the various developmental schemes, depends on the efficient implementation of all the schemes by an army of officers? We have a very large class of officers. Now, these officers have a certain measure of expert knowledge, a certain manner of experience so far as administration is concerned, and that is the reason, Sir, why it is the duty of the officers at the top or the Ministers to see to it that they are controlled properly, but within their own spheres they have to be given opportunities for carrying on things so far as the implementation with which they are concerned is concerned. And secondly, they have to give their independent advice, especially when higher policy questions are concerned, and when once the policy decision has been taken at the concerned level—which is generally a high level—then it is the duty of these officers to carry on their work, to give full effect to all these things, to the policy decisions in as efficient, and as proper a manner as possible. Now, for this purpose naturally the officers expect a certain independence or a certain avoidance of what can be called interference from other quarters. Now, for example, a 1 p. M. Member of the Legislature or a public man desires that a

certain policy should not be followed. It is open to him to approach the the Ministers or the Chief Minister and to persuade him to his own views. Then fresh instructions can be issued whereafter the officers will follow this particular advice. But if there is going to be interference and if, as an hon. Member in the other House put it, "we are out to maintain democracy, but we are out to obstruct or destroy bureaucracy" it would not be proper. Now, what is exactly the meaning or the implication of the word "bureaucracy"? The word "bureaucracy" was rather used in a very loose manner. Bureaucracy means a class of officers, a hierarchy of officers from top to bottom. So far as that class is concerned, it would not be proper, it would not be possible, it would not be practicable, to destroy the whole class of officialdom altogether.

SHRI BHUPESH GUPTA: Nobody wants that.

SHRI B. N. DAT AR: What we have to do is to reform the bureaucracy wherever it has gone wrong. If, for example, there are any traditions that they have carried over from the British administration, which are not in the highest interest of the country, naturally they have to be properly pulled up, they have to be properly trained. All our officers have been trying their best—may I point out—to adjust themselves to the new democratic atmosphere. But if such unjustified criticism is made, and if a policy of, what may be stated, almost animosity is carried on against them, do you know what result will follow? The result will be a complete demoralisation of all the people put together. It would not be proper if all the officers as a class, and in particular the police as such, are demoralised. It is our duty to control them, but they have to be given power. They must have a right of using their discretion properly when a particular event, specially of a wrong type, is likely to happen.

[Shri B. N. Datar]: .

Now, the Government there, what they did was—so far as the industrial disputes or the disputes between the labour and management were concerned—they said that the police should be only lookers-on, should not interfere unless an offence is committed, or unless an imminent breach of the peace is there. May I point out, Sir, that imminent breach of peace is certainly bad? The use of violence is equally bad? But if there are various acts that lead to the breaking out of violence, it has to be checked at the earliest stage. That is the reason why the Criminal Procedure Code specially the preventive sections, used the word—not "imminent", which is an invention of the party of my hon. friends, but "likelihood". In the case of prevention of such offences what is to be checked is the likelihood of either the disturbance of the peace or the disturbance of public tranquillity or, I may add, the commission of certain offences. It is for these purposes that the preventive sections in the Code of Criminal Procedure have been purposely incorporated, to see to it that offences are not committed, that there is no public disturbance, that peace is maintained as well as possible, because, as I have stated, unless we maintain public peace, unless we have got the law and order position quite correctly, it would not be possible to build up the great structure of the welfare State of a socialistic pattern which it is the aim of all of us to build up for the purpose of—may I add—the very classes of people whom my hon. friends profess to serve.

It is true that the underdog has to be looked after, it is true that these moneyed classes or the privileged classes have to lose some of their privileges, but by method other than violent. Therefore, I was pointing out that if there was, as is pointed out, a tirade against officers and a desire that they must subserve the interest of the administration, not the interest of the society, but the interest of a

particular party, then I am afraid, we are cutting at the root even of good government, much more so of self-government or democratic government. That is exactly what was happening. If in particular cases—I am not making any detailed reference to these cases—an officer was found not sufficiently pliable in the sense of carrying out all that was required by the party or by the party bosses, or by higher officers in the interest of the party, if he was not pliable, as I have stated, he was removed, he was sent to some other place and an officer, who would subserve their policies, the policy of the party, not the policy of the common good government of all the people put together, put in there. That is how these things gradually began to swell.

I may point out here that if we assess the position in Kerala in as fair and dispassionate a manner as possible, it is not merely one single instance, it is not merely the Education Act agitation, it is not merely this or not merely that, but there was a cumulative effect of all these actions put together, which were meant, as I have stated, not only to subserve but to consolidate the interests of a particular party.

Now, there are instances. Sir, where even Government moneys were not used as properly as they ought to have been used. The Government of India gave to the Kerala Government a large amount for the interests of co-operative societies and others. You are aware, Sir, that we are interested in the successful implementation of co-operative societies in particular. But here in this case a certain type of persons were preferred. So far as equality of opportunity is concerned, it ought to be common to all. You cannot fix a date as to subserve the interests of one party, so as to defeat the claims of others. The date cannot be put arbitrarily. But that was exactly, what was done. And, certain co-operative societies sprang into existence. They got certain help, and

that help was given to them freely while it was denied to others on the so-called technical ground that the date that they had chosen had already passed. Sir, these are matters which required great scrutiny. Therefore I would submit, this was not the way in which all these things should have been carried on.

Every community had reason to feel completely dissatisfied because they were told in so many words that the interests of the party were supreme. Everywhere this particular principle was observed and other persons had no opportunity of getting even the minimum of what they were entitled to under the existing Government rules. All these questions have to be taken into account. Therefore, gradual taken into account. Therefore gradually the tempo of public resentment against the party began to increase.

Now, when it began to increase, naturally the usual measures were followed in respect of them. They often take us to task, but those very measures very freely, without any restrictions—the same measures, if not worse—were followed. There were a number of arrests—in thousands. The Governor has pointed out that the number of arrests made was about 32,000. But the actual number of the persons concerned was nearly a lakh or so. There were arrests here and there, and jails were filled to capacity, and there were firings and lathi-charges and all those things in respect of which our hon. friends were condemning us as much as possible—in a most hearty manner. Now, Sir, these are some of the things that they did. Let the hon. Members understand the true position.

Now, Sir, in this connection, may I point out one instance? You are aware that Acharya Kripalani who was formerly a prominent member of the Congress is now one of its critics. It was pointed out to him that there were Congressmen and Congressmen and sometimes they acted irregularly. He said that there were *no* doubt

certain instances, of Congressmen having acted irregularly. But here he made a clear contrast and pointed out what the Communist Government in Kerala was after. Sir, Congressmen, as individuals, are bound to a certain policy, and if they do not carry out that policy, then there are certain risks attendant upon their acting in an irregular manner. This is Acharya Kripalani's view, not mine. He says that in this particular case so far as the Communist friends are concerned, they are following it as some creed of the party. It is not an individual irregularity, but it is, what is called, some policy of that party itself. I would, however, not like to point out what he further says about these things. But this has got to be understood that if any irregularities are committed by a public man, they are bad enough. When they are glorified into acts purported to have been done on behalf of a party, they are not merely worse, but they are worst. Therefore, Sir, here we come across a position where that party put itself in a particular advantageous place from which it did not look after the interests of the people but it looked after the interests of only its own party. That is where they committed one of the ghastliest of mistakes which brought about their downfall far earlier than their friends had imagined. Therefore, this point has also to be noted. And we had various forces. Just as we have got currents coming from different directions of streams and all of them joining in confluence, we have got the famous Triveni confluence at Prayag, there was dissatisfaction among the different communities and all of them came together and formed, what can be called, a unified stream of complete opposition—unbridled opposition—so far as my hon. friends' party was concerned. Therefore, Sir I was pointing out very clearly that it was not a single instance of some wrong having been done, but it was the cumulative effect of all their actions.

As the Prime Minister put it in the other House, he asked one of the Min-

[Shri B. N. Datar.] isters "What is the alchemy by which you have displeased all the classes of people?" Sir, alchemy is a miraculous medicine.

SHRI BHUPESH GUPTA: May I know, Sir, what is that alchemy with which.....

(Interruption.)

MR. DEPUTY CHAIRMAN: Order, order.

SHRI B. N. DATAR: Sir, I would not like to go into any other events. But so far as the law and order position is concerned, Mr. Justice Sankaran, who is now, I believe, the Chief Justice of the Kerala High Court, has made certain remarks. This is what he has stated about the law and order position there. The law and order position is the product of the police policy. It is a policy that they followed. It was a policy of emasculation of the police. The police, Sir, have got to be strong; the police have to use human methods. You cannot completely shut them out and you cannot have peace and order maintained by the party itself. That cannot be the function of any party. Let us understand that quite correctly, Sir. And in a number of cases, Sir, this was actually purported to be done. They stated that they had no faith in the police officers in certain places and therefore they removed, them, and ultimately what they did was that they tried to do this work of maintaining law and order through their own henchmen. That is again a matter which is entirely (indefensible. Now, Sir, this is what Mr. Justice Sankaran has stated in this respect:

"The spirit of lawlessness and defiance of law and authority rapidly developing in the minds of the working classes ..."

May I here, Sir, make a short digression? They are not working for all the classes at all. They are Working

only for those working classes who are the members of -their labour unions, not others.

SHRI N. C. SEKHAR (Kerala): May I know, Sir . . .

SHRI BHUPESH GUPTA: Sir, either he quotes a thing or he does not quote it.

SHRI B. N. DATAR: Sir, I will just explain the position. If, for example, I am a Communist labourer, then naturally I am entitled to all the benefits available to such members. If, Sir, I have the temerity—may I say—of withstanding all attempts at my conversion to their party, then I am fallen from grace, and I would not get anything at all. Sir, these people say that they had a democracy in favour of the toiling classes. Well, that claim itself was a tall claim. It was a democracy only in favour of the Communist Party's toiling classes. So, this is how my hon. friends' party worked, of course, with due deference to my hon. friend, Shri Bhupesh Gupta. Sir, Mr. Justice Sankaran says:

"The spirit of lawlessness and defiance of law and authority rapidly developing in the minds of the working classes has also to be effectively checked. Nobody can find fault with them for fighting for their rights, but at the same time they must be made to realise that they ' have to respect the fundamental rights of others and also the limitations in methods that they could adopt for securing their legitimate rights, or in other words, it is high time that the workers are made to realise ..."

SHRI GOVINDAN NAIR (Kerala): Are you interpreting the judgment of Mr. Justice Sankaran or you are simply giving your own message?

(Interruption).

. MR. DEPUTY CHAIRMAN: Order, order.

SHRI BHUPESH GUPTA: Sir, I rise on a point of order to make the position clear.

SHRI B. N. DATAR: Sir, these are, of course, some embarrassing remarks for my hon. friends on the other side.

SHRI BHUPESH GUPTA: Sir, on a point of order . . .

(Interruption)

You can give your ruling on my point of order.

MR. DEPUTY CHAIRMAN: What is your point of order?

SHRI BHUPESH GUPTA: Sir, my point of order is that when the hon. Minister is reading a document and trying to build up his case, he should clearly say 'quote' and 'unquote'. He should not introduce his own words in between as if the person he is quoting has said such things. This may be a good way of speaking, but I think the hon. Minister, who has been a lawyer, should at least know that much.

DR. W. S. BARLINGAY (Bombay): Is that a point of order, Sir?

MR. DEPUTY CHAIRMAN: There is no point of order. The hon. Minister can make his own comments.

SHRI B. N. DATAR: Sir, I was scrupulously fair to my hon. friend.

SHRI D. A. MIRZA (Madras): Sir, I fail to understand why the hon. Member is getting excited.

SHRI B. N. DATAR: Sir, there is absolutely no force in this point of order, because while reading from that judgment, I sought your permission for being allowed to digress a little, because I had something of my own.

SHRI PERATH NARAYANAN NAIR: To mislead the House.

SHRI B. N. DATAR: I did not add anything so far as that judgment was

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concerned. Anyway, Sir, even without that kind of digression, I would like to point out that that judgment is sufficiently condemnatory of that Government. It says:

"The spirit of lawlessness and defiance of law and authority rapidly developing in the minds of the working classes has also to be effectively checked. Nobody can find fault with them for fighting for their rights, but at the same time they must be made to realise that they have to respect the fundamental rights of others and also the limitations in methods that they could adopt for securing their legitimate rights, or in other words, It is high time that the workers are made to realise that they are not entitled in the name of picketing to commit all sorts of penal offences against others. If this position is clear, the chances of labour agitations taking a violent form could be minimised to a very large extent. Those inclined to indulge in acts of violence will be further emboldened to commit such acts if by experience they feel that such acts will, in course of time, be condoned."

This is what the learned Judge appointed by the Kerala Communist Government to enquire into a particular firing has said. And he has made certain further observations that such powers of withdrawal, powers of repeal, powers of remission etc. ought to be withdrawn from the State Government, and they ought to continue to vest only in the President or in the Central Government. Imagine, Sir, these are not the words of what my hon. friends would call a bourgeois leader. These are very familiar expressions. They are not the words of an agitator, a political agitator. They are the sound words, a perfectly sound advice, appropriate advice, to a Government by a High Court Judge . . .

(Interruptions)

MR. DEPUTY CHAIRMAN: Order, order. You will have your opportunity. Wait.

SHRI B. N. DAT AR: On a number of occasions these friends were requesting us to entrust certain types of work to judicial officers and I asked them whether they had faith in the Judges. They told me that they had in the High Court Judges. Now please understand that here we have got the weighty observations of a great judicial officer who is now the Chief Justice of the Kerala High Court. He has made certain observations. They cannot be called observations made only for the purpose of making them. They were not made in a light attitude. They were made with the fullest sense of responsibility. Therefore, it is not necessary for me to add anything so far as this particular point is concerned. This is not one. There are a number of other instances where the Judges came to the conclusion that a particular prosecution was absolutely wrong and in a particular case a prosecution was being carried on, a number of witnesses came, all the witnesses were disbelieved and these people, the accused persons, who were Congressmen unfortunately, were ultimately acquitted on the ground that the evidence was partisan and in that particular case the learned Judge stated:

"These particular parts must have been brought from somewhere else and planted in a place for the purpose of involving certain persons."

Please understand how things were going on. I can understand that here and there some irregularities might happen. We are all, after all, human and we may err. But, for example, you carried on the Government in this persistent manner for the purpose of only consolidating the party—I am not referring to instances where the party purses were increased not by thousands but by lakhs and one of their members stated at Amritsar, if I mistake not, the Secretary of the Party also: 'In Kerala we have had Rs. 25 lakhs for our Party. What have you been doing in the other places?' That was the challenge given by one member so far as the Communist members in the other States were concerned. I am not going to make a reference to |

that because all these things have been described very carefully and may I add, with the weight and authority of a Governor. Here we had a Governor who was in office before the Communists came into power. During the long period of 28 months he was all along in power and so far as the personality of the Governor is concerned, very little was said against him all along. In fact the Governor was trying his best oftentimes to induce them to retrace certain steps as he has pointed out in the Report. He did so but ultimately they did not think it necessary to consult him at all. Therefore, the Governor has a duty also, in addition to the functions that he carries on, as a Constitutional head. He has certain duties assigned by the Constitution. Therefore, he has given us a picture.

This brings me almost to the eve of the Proclamation. Before the Proclamation, within a few months before it, the Government of India had no desire to intervene at any stage except when the matter became so compelling that in the interests of the Kerala people the Government had to intervene. I am going to point it out as briefly as possible. The events were gradually, as I said, becoming more and more difficult and my friends' Government found it difficult to cope with the situation. Then, when for example, the Prime Minister went there, he did not go there of his own accord first. He has made it clear that first he desired to go at the earliest opportunity but he was requested by the then Chief Minister not to go there. The Prime Minister made it clear in the other House that whenever he goes to a State, whichever might be the form of Government there, he goes there after he has received an invitation from the Government itself. So, in this particular case, these hon. friends are blaming the Prime Minister, they are blaming the Government of India but when he first wanted to go there, he was asked politely not to go there. Naturally^ our Prime Minister . . .

SHRI PERATH NARAYANAN NAIR:
This is not a fact.

SHRI B. N. DATAR: This is what the Prime Minister himself has pointed out.

SHRI PERATH NARAYANAN NAIR:
The former . . .

MR. DEPUTY CHAIRMAN: Order order, you will have your chance.

SHRI B. N. DATAR: Then after some time he went there. For three days he was there and the Prime Minister, who is long in public life, stated as he has put it in a picturesque way, "I know how to sense the people's mind". Therefore, he found out there—there was an expression that he used which is not liked by our hon. friends at all—that there was a natural and national upsurge so far as that State was concerned. Now, that upsurge was there because all the people—as I have pointed out, you had the tact of displeasing all the sections of population—were displeased and naturally when there is a common adversity, then all the people are entitled to move together, entitled to unite together. It is entirely wrong—oftentimes an argument is advanced—that one particular person belongs to a communal party, another belongs to the Congress Party and another to the P.S.P. and how could all these people join together especially when their ideologies were different. My simple answer is that against a common adversary, I would not say anything else, all the people forgot their ideologies, forgot their individuality and as citizens they united. So, for this unity may I humbly point out to my hon. friends: "You are responsible, not we."

Therefore, the Prime Minister gave them the advice: "Either you control the situation which is almost going out of your hands or you go to elections". He said 'Have general elections' and he felt that the elections would have one good effect of disengaging all the people from the rot of bitterness, of enmity that he found everywhere . . .

SHRI BHUPESH GUPTA: Would it . . .

(Interruptions)

SHRI B. N. DATAR: I am not yielding at all.

Please understand this point that the President's Proclamation was not a sudden thing, nor was it imposed. It was not imposed all of a sudden. We had no desire to intervene. In fact, it was open to them, as the Prime Minister advised, to resign and to have fresh elections and there would then be no question of any President's rule at all. That was the suggestion made and it was a perfectly salutary suggestion. Please let that be understood. Any man with a detached view, with a realistic point of view, would have accepted this straight advice and if my hon. friends had accepted it, they perhaps might have got some help in the coming elections. But then after all, it is prestige that often comes in the way and it is prestige that takes us to a fall and so our friends were not prepared to accept this suggestion. They probably thought that if a Proclamation was issued, they might have the air of martyrdom and that would help them in the next elections. That is how our hon. friends calculated or, if I may be excused for saying so, miscalculated.

Sometimes words are used in a loose manner. It was said that we had a conspiracy. We never had any conspiracy. In fact we were democratic enough and anxious to help the State Government to the fullest extent possible. There were no serious complaints. And even those that were made here and there were made at public meetings or somewhere else with a view to clearing the position, not in the course of any correspondence with the Central Government. And I may point out that up to the last we maintained the friendliest relation, though the party ideologies might be different. That was so because we were anxious that they should continue in office as they had

[Shri B. N. Datar.] secured votes at the elections. But they could not continue and thereafter what happened was, naturally, the Central Government had to come into the picture.

Sometimes it is asked by Congress friends, here and elsewhere, as to why we did not intervene at a much earlier stage than this. In other words, that we were rather late. That is the view of some people. Now, why did we do it? Please understand the position. If we did not intervene at that stage, then the administration would have gone from bad to worse and conditions would not have been happy. Sir, I would not go into other points. The Prime Minister himself will be intervening in the debate. Please understand that when certain Members of my hon. friends' party saw him, he formed an impression according to which the conditions there were absolutely intolerable. That means that the conditions had reached a stage of abnormalcy. And then it was asked, "If you are going to intervene, why don't you do it early for our relief?" That is how things had developed in this case.

So, this is how the situation arose and developed from the very first when they assumed power. If I may use that expression, sometimes what happens is, when the intoxication goes to the head, naturally we do not do things in a proper manner. I am not saying anything so far as our hon. friends are concerned, but that is what naturally happens, and in this case' things went from bad to worse and from worse to still worse conditions. These people went on in this manner and ultimately they did not accept the most salutary advice that was given to them. They could have had a general election and they could have tried their luck at that, and at least there would have been a period of complete disengagement so far as all the parties were concerned, if only that advice had been heeded. But unfortunately it was not heeded and we had to intervene.

So, this in short is the history of the various stages through which the affairs of my hon. friend's former Government had passed and ultimately it ended in the President's rule. And may I add, Sir, that what has been done has led to a sigh of relief for my hon. friends themselves? May I with due deference to them add that that is how they feel in view of their inability to control the situation there? That is how you come to a correct assessment or analysis of the whole situation. That is why we have come into the picture.

One thing I may add. We were prepared to help them and we have been helping them so far as developmental schemes and other administrative matters were concerned. Even so far as the present agitation was concerned, we were prepared to help them. But they did not ask for help. Do you know what help they asked for? They wanted that we should condemn this movement. So far as this general movement is concerned, please understand that it was created by the people there, it was an upsurge against what, I can say, was not any ordinary mal-administration, but the grossest of mal-administration that any government could be susceptible of. And under these circumstances we had to intervene and we intervened only in the interest of the people there. And we are anxious that a popular government should be established there as early as possible.

So far as other matters connected with the elections are concerned, we are trying to expedite them as much as possible. Sir, I hope I have been able to place before the House a picture which would show that the Government of India are not to blame but that the former Government of my hon. friends' party is to blame.

SHRI BHUPESH GUPTA: Sir, just a few seconds. I enquired of two dates, the date of the submission of the original Report of the Governor to the President, and the date of making of the alleged summary that has

been circulated to us. But the hon. Minister has not given them. Immediately, please ask him to give these two dates. If that is not done, then it will be known that something interesting has happened. •

SHRI B. N. DATAR: Sir, speaking from memory, this Report was dated the 27th July, I believe, and it was received here either on the 28th or the 29th. The Proclamation was issued on the 31st.

SHRI BHUPESH GUPTA: But when was the summary made? Was it made later?

SHRI B. N. DATAR: We wanted the summary to be made by the Governor himself.

SHRI BHUPESH GUPTA: But when was it made?

SHRI B. N. DATAR: We requested the Governor . . .

(Interruptions').

MR. DEPUTY CHAIRMAN: Order, order.

SHRI B. N. DATAR: I am not prepared to be cross-examined so far as this point is concerned. This is an important document. We were receiving a number of letters from him and we requested the Governor, a respected Governor, of a State, to give us a summary so that hon. friends here in Parliament will have sufficient material. You will kindly understand what we said.

SHRI BHUPESH GUPTA: But what is the date of making the summary? That is what we want.

MR. DEPUTY CHAIRMAN: He wants the date of the summary, if you are able to give the date of the summary.

SHRI B. N. DATAR: It is the date of the letter which contains the summary . . .

SHRI BHUPESH GUPTA: Sir, here I seek your protection . . .

SHRI B. N. DATAR: As soon as the Governor prepared . . .

SHRI BHUPESH GUPTA: Please give the date of making the summary.

SHRI B. N. DATAR: If the hon. Member has patience to hear me, I shall speak. We requested the Governor. I would like to make the position of the Government clear in this respect. The Governor had been writing letters to us and so far as this House and the other House are concerned, we were entitled to a privilege and our privilege was upheld. Therefore, we were not bound to produce any letters, much less even the summary.

MR. DEPUTY CHAIRMAN: He does not want the letter. You state the date of the Report was 27th or 28th July. He wants the date of the summary also, or whether it is the same.

SHRI B. N. DATAR: The date of the summary is the date of the letter. There is no different summary. The letter itself is the summary.

SHRI BHUPESH GUPTA: When did the paper come and to whom was it addressed?

SHRI B. N. DATAR: The summary is the letter, Sir. May I read it?

MR. DEPUTY CHAIRMAN: It is of the same date?

SHRI B. N. DATAR: Same date.

SHRI BHUPESH GUPTA: That is to say . . .

MR. DEPUTY CHAIRMAN: No comments now. You can make your comments later. I am placing the Resolution.

SHRI BHUPESH GUPTA: Then do I understand, Sir, that the Governor made the summary and the Report on the same date?

MR. DEPUTY CHAIRMAN: No comments here. He has given the date.

SHRI B. N. DATAR: This is what I am reading:

"I am submitting a comprehensive report which will probably repeat many things contained in my previous report but which will place before you the situation as it now stands."

MR. DEPUTY CHAIRMAN: The Report was received along with the summary?

SHRI B. N. DATAR: This itself is the Report, Sir. What happened I shall explain to hon. Members.

SHRI M. H. SAMUEL (Andhra Pradesh) : When the Report was made 'on the 27th of July, what does it matter when the summary was received?

SHRI M. BASAVAPUNNAIAH (Andhra Pradesh): We want the date.

DR. A. SUBBA RAO (Kerala): We want the date.

MR. DEPUTY CHAIRMAN: Please sit down, Mr. Samuel.

• SHRI BHUPESH GUPTA: Kindly listen, Sir. I want you to listen.

SHRI B. B. SHARMA (Uttar Pradesh) : We have listened to this gentleman very long.

DR. R. P. DUBE (Madhya Pradesh): Is this the way to carry on business? Ten people are shouting.

MR. DEPUTY CHAIRMAN: It is all right, Mr. Dube. He has asked for information.

SHRI B. N. DATAR: On the 15th of July . . .

THE DEPUTY MINISTER OF LABOUR (SHRI ABH> ALI): August.

SHRI B. N. DATAR: On the 15th of August, we received a letter with the summary from the Governor of Kerala.

SHRI BHUPESH GUPTA: That is, fifteen days after the Proclamation was issued. The summary, therefore, is a command performance.

MR. DEPUTY CHAIRMAN: You may make your comments later on.

SHRI BHUPESH GUPTA: I have said, Sir, that it is a command performance.

MR. DEPUTY CHAIRMAN: Order, order.

Resolution moved:

"That this House approves the Proclamation issued by the President on the 31st July, 1959, under article 356 of the Constitution, in relation to the State of Kerala." Yes, Mr. Govindan Nair.

SHRI H. P. SAKSENA (Uttar Pradesh) : Before this hon'ble gentleman starts and begins his speech, may I request you to please ask these boisterous friends to spare this august House the stormy scenes that they enacted in the 'other House?

SHRI BHUPESH GUPTA: We have got abundant affection for the hon. Member. He will have a flow of affection from this side to that side.

SHRI H. P. SAKSENA: Could he deny that?

SHRI GOVINDAN NAIR: Mr. Deputy Chairman, I agree with the Minister that nothing in the last few months has aroused so much of public interest as the events in Kerala, but hearing the Minister I feel that the Congress did not benefit by the controversy that was raised in this country on the various issues that had developed in Kerala.

DU. W. S. BARLINGAY: Are we here concerned with the benefits to the Congress?

SHRI BHUPESH GUPTA: The Congress High Command had let many of you down.

SHRI M. BASAVAPUNNAIAH: He only refers to the Congress regime.

SHRI GOVINDAN NAIR: You know the nature of the controversy that was there not only in Kerala but throughout India.

SHRI B. B. SHARMA: India was not much concerned with it.

SHRI GOVINDAN NAIR: You were reading statements of jurists, constitutional experts and even of Parliamentary veterans who were non-communist or anti-communist. All of them had squarely condemned the undemocratic and unconstitutional struggle that was started in Kerala supported by the Congress.

HON. MEMBERS: No, no.

SHRI PERATH NARAYANAN NAIR: A hundred times, yes.

(Interruption)

MR. DEPUTY CHAIRMAN: I do not want hon. Members to be disturbing here. Let no speaker be disturbed. If you have got any comments to make, make them later on.

SHRI D. A. MIRZA: It is the Communist Party, not the Congress that was

MR. DEPUTY CHAIRMAN: Please sit down. Mr. Mirza. Do not disturb.

SHRI GOVINDAN NAIR: Instead of heeding to the opinion that was expressed, what they have done is to crown the undemocratic act by dismissing the Government there and proclaiming President's rule. The premium for creating lawlessness in a State is the dismissal of the Government there. This undermines the very Constitution

SHRI B. B. SHARMA: What a love you have got for the Constitution.

MR. DEPUTY CHAIRMAN: Or*«r, order. Let him have his say.

SHRI GOVINDAN NAIR: You thought that it was meant only for the Congressmen but the Constitution is meant for the entire people and, as a citizen, everyone in the country has a right to claim all the rights that have been ensured by the Constitution but unfortunately . . .

SHRI G. RAJAGOPALAN (Madras): In Kerala it was otherwise.

SHRI GOVINDAN NAIR: Congressmen seem to think otherwise.

Now, this intervention has taken place—and the arguments that were put forward by the Minister tend to show that—and this dismissal has taken place on the basis of the charge-sheet that was presented by the KPCC. The summary of the Governor's Report is also the summary of the KPCC memorandum that was submitted to the President. The paraphrasing that was given here by the Minister shows that the Central Government had acted mainly on the basis of the charge-sheet. If that is so, it would have been only proper that before taking any action on the basis of that charge-sheet, before dismissing the Government on the basis of the charge-sheet, they should have had the ordinary courtesy of asking for an explanation from the Government before its dismissal. You know, Sir, that the KPCC did not submit the memorandum to the Government in Kerala nor did the Central Government send a copy of it to the Government in Kerala, nor even did the Centre attempt to hear what the Communist Ministry in Kerala had to say about the various charges that were preferred against it. Instead of that, they accused, they judged and they punished. This is what has happened. There are charge-sheets presented before the President by the West Bengal Government . . .

SHRI BHUPESH GUPTA: West Bengal Communist Party.

SHRI GOVINDAN NAIR: Yes, by the West Bengal Communist Party and I ask them, "Will the same procedure be followed? Will not Dr. B. C- Roy be consulted about the various charges that are brought in? Or, will you, in this arbitrary manner, dismiss the West Bengal Government?" So, this is nothing but discrimination. Even the murderer gets a chance to justify his position.

SHRI B. B. SHARMA: But not in Kerala.

SHRI GOVINDAN NAIR: Here the Central Government did not even give a chance to the Communist Ministry in Kerala to answer the charges that were preferred against the latter. Unfortunately, the Central Government acted on the charges made by the Congress Party which was defeated thrice in the elections.

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I do not want to go into the various allegations that the Minister put forward against the Communist Ministry because these charges were raised from time to time, not only since the movement started but even much earlier and the Communist Government had given effective answers to these charges. The then Congress President, Mr. Dhebar, raised a number of issues which the Minister today has raised. All these questions were effectively answered and Mr. Dhebar then had no answer to our replies. Repeating the same thing again and acting on the same thing now is something which is beyond the comprehension of ordinary people.

DR. W. S. BARLINGAY: May I ask a question of Mr. Nair so that he can clarify the issue? The point is, we have been given here a statement or a summary of facts made by the Governor of Kerala. Now, either they are facts or they are not facts. If they are not facts, then Mr. Nair should tell us whether . . .

SHRI GOVINDAN NAIR: Yes; I will deal with it. .

Now, our Home Minister was telling, us that because of the various activities of the Communist Government in Kerala, the people had all united against the Government and the Government was Completely isolated. I am very happy to hear that, because for the last 28 months we were hearing from the Congress people that the Communist Party was trying every means and utilising governmental machinery to strengthen the Party. If that were the complaint all along, for the Home Minister now to come and say that the Communist Party is so weak that it has been completely isolated is contradictory.

SHRI B. B. SHARMA: What a logic?

SHRI GOVINDAN NAIR: By strengthening the party if he meant making money, then for a hundred years none of us will be able to compete in that matter, but our understanding of strengthening the party is to serve the people, get their backing and thus strengthen the party. We agree that we have done our best to strengthen the party by serving the people. I think that is what is expected of every party. When you stand for elections, you put up a manifesto before the people and you promise them that you will act according to the manifesto and that you will serve them, and I believe it is the responsibility of the parties to work up to that. That we have done.

Further, as the Governor himself has pointed out in his summary, Kerala was a State where during the last ten years under the Congress rule there was no stable government. We had, according to the Governor, seven governments but we had more than that. We had in between President's rule also; that also should be remembered. So, in a State where there was no stability of administration the Communist Party did the crime of continuing in administration for 28 months till we were dismissed. We have proved to the people that we are the only

party that can give a stable government to Kerala and this fact will remain true during the next elections.

SHRI S. VENKATARAMAN (Madras) : All the people will vote against you.

SHRI GOVINDAN NAIR: Don't be in a hurry. You will see.

One thing they have admitted. Every party in Kerala has admitted that none of you by your own strength can defeat us. That is why all of you have united. The P.S.P. knows that by themselves they can do nothing; the Congress knows that by themselves they cannot defeat us. So, they have gone into an alliance—the Muslim League, the Congress and the P.S.P. and they are seeking more friends. There are others to be taken into their fold. All this shows that the situation in Kerala

SHRI P. N. RAJABHOJ (Bombay): What have you done in Bombay? I want to know.

SHRI GOVINDAN NAIR: What has Bombay to do with Kerala?

DR. R. B. GOUR: (Andhra Pradesh) : Ask Chief Minister Chavan.

MR. DEPUTY CHAIRMAN: Order, order. Do not disturb.

SHRI GOVINDAN NAIR: So, the Home Minister was trying to make out that the Communist Government and the Communist Party were completely isolated from the people and that the people have joined together and all that. But I was just pointing out this factor to you to show that even in their heart of hearts they know that they cannot fight us single-handed and that is why they are forming this united front with all types of people. This also I think is a serious matter which you have to consider.

Now, apart from giving a stable government, it is true that we are guilty of bringing an Education Act; it is also true that we have been able to pass

an Agrarian Bill. It is also true that we have brought a Debt Relief measure. All these have created enemies for us. We expected it because we never expected that, when we restrict the powers of the management to protect the teachers, when we take steps to prevent corruption, all these things would be taken mildly by the management, especially in a State where the Catholic Church is strong, where they have such a strong force. We never expected that they would take these things lightly. Nor did we believe, when we moved the Agrarian Relations Bill, that the landlords in Kerala would support us. We never expected it. Nor did we expect that the bankers would support us when we brought in the Debt Relief Bill. So, all these things necessarily created enemies for us. We do not deny that. So, also, there were people who flourished by the political instability in Kerala. People like Mannath who always utilised the political instability to gain their own ends were infuriated.

SHRI B. B. SHARMA: Was he not your friend in the elections?

(Interruptions.)

MR. DEPUTY CHAIRMAN: Order, order. I do not want these disturbances. Let him continue in his own way. You can refute the arguments later.

SHRI GOVINDAN NAIR: I will tell you who were all with us.

DR. W. S. BARLINGAY: What I want to point out is this. It is unparliamentary for him to refer to Mannath who is not here before us.

SHRI M. BASAVAPUNNAIAH: The Home Minister has referred to many people who are not here.

DR. R. B. GOUR: Mr. Namboodiri-pad is also not here.

SHRI M. BASAVAPUNNAIAH: The I Kerala Government is also not here.

SHRI BHUPESH GUPTA: We shall discuss about Robinson Crusoe.

SHRI GOVINDAN NAIR: Now, I would like to inform you how the present struggle has started and who were behind it. Sir, when I see all these Members championing the struggle I feel rather sorry for it because the struggle was not started by the Congress or any other opposition party. Who we're the people who started the struggle?

AN HON. MEMBER: Communists.

SHRI GOVINDAN NAIR: It was not Communists; it was the communalists. It was the Catholic Church that started this agitation against the Communist Government. The Catholic Missions of India on December 4, 1958, met at Bangalore. They discussed for 50 hours the strategy to be followed in Kerala to oust the Communist Ministry. It was reported in "The Hindu", it was reported in "The Indian Express". And mind you, the first victim of that strategy was not the Communists but the Congress itself.

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

All of them felt very demoralised when they found that there was dissension at the time of the Congress elections. In December the Executive of the Catholic Congress met at Kottayam and decided that to fight the Communists they must have a political flag and that flag should be that of the Congress and as such all key positions in the Congress should be captured by the people of the Catholic Church. This decision was not only taken; it was also published in papers. Then they started their attack on the Congress. I can tell you people who were as anti-Communist as any Catholic and even people who had been in the national movement were thrown out and stooges of the Church were put in as P. C. C. President etc. And you know for three months the struggle for the election of the K.P.C.C. President continued. Why? They wanted somebody who would be *roir-*

pletely under the control of the Church to be the K.P.C.C. President. (*Interruptions.*) It is all in the Press. These are not my inventions. They were all openly published. They wanted such a man and they had him.

SHRIMATI YASHODA REDDY (Andhra Pradesh): On a point of order, Sir. We are discussing the President's Proclamation and . . .

(*Interruptions.*)

2 P.M.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Order, order. He is in possession of the House.

SHRI BHUPESH GUPTA: She wants to make a point of order.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : There is no point of order.

SHRI GOVINDAN NAIR: After they were able to control the Congress organisation they decided to consolidate the other forces. At Kanyakumari they met and said that other sections of Christians should be consolidated. Again at Ernakulam they met and there their decision was that other communities should be brought in. They were looking for a person other than a Christian to come and take the lead of this movement. They found in Mannath Padmanabhan the proper man. You should excuse me for referring to him. By the abolition of monarchy in Kerala you let Mannath without a master. Even from my childhood I know that having been always against the popular agitation, having been always on the side of the Government, he was trying to exploit the situation and benefit himself. You know what his attitude was during the time of the State Congress struggle. He was the person who behind the then Government opposed the State Congress movement. I shall not deal with all those details. I am just pointing out . . .

SHRI P. N. RAJABHOJ: You are not speaking in a public platform. You address the Chair.

SHRI BHUPESH GUPTA: The hon. Member wants to look at the reactions of Members on his speech.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): He should address the Chair.

SHRI K. L. NARASIMHAM (Andhra Pradesh): Let Mr. Rajabhoj apply the same principle to himself.

DR. R. B. GOUR: Unfortunately for Mr. Raiabhoj there is no public platform at which he can get an audience.

SHRI GOVINDAN NAIR: Then they got him and they started a movement against the Kerala Government. Man-nath Padmanabhan, leader of the liberation struggle, made it clear that he was against the Education Act, he was against the Agrarian Reforms Bill, he was against reservation for the Backward Classes and Scheduled Castes. These were the issues on which the struggle was started. But then there was difficulty for the political parties in joining it, because on all these issues there were differences of opinion within the parties themselves. So, the result was that under the advice of some very indulgent Congressmen, Congress leaders, including my friend, Mr. Madhavan Nair, the slogan was changed. He said: "Accept the slogan of the resignation of the Ministry, then on that all of us can come together." So, the mobilisation that was organised by the Catholic Church and the communal Nair leader was capitalised by the political parties. That is what happened there.

But now the whole struggle is over. Where do they stand? They did not gain. Sir. They have lost. They have completely lost.

SHRI V. K. DHAGE: Who?

SHRI GOVINDAN NAIR: The Congress has lost its integrity. Now it is Mannath Padmanabhan who will decide which party will contest what seat

SHRI D. A. MIRZA: If one individual was able to chase out a party from power . . .

(Interruptions.)

SHRI BHUPESH GUPTA: Kerala was his hysteria and the infection has come here.

DR. W. S. BARLING AY: He should be very glad if Congress wins.

SHRI GOVINDAN NAIR: He will not be sorry if the Congress loses. But whom are they encouraging and strengthening by this attitude? That is a very important point. In spite of your opposition which I think every democrat in India should seriously consider, it was not from Karl Marx or Lenin in the political field that we first learned about the harms of communalism; it was from Panditji and others, those national leaders who were then coming out so much against all these communal forces. From our experience we understood that to build up a democratic society, to bring in progressive reforms, it would be impossible to go ahead unless you fight and defeat the communal forces. This had been our experience. Even though more than one community* can come together, if you feel that you can do away with communalism, our experience in Kerala is that you cannot. You will kindly excuse me when I say that the State Congress movement was started as a united front of communal parties. But they could not hold on together like that. They separated, and the State Congress had to fight all these communal organisations, Service Societies, Catholic Congress— all these organisations. At that time I was also in the Congress. We had to fight. It was only after that that we were able to defeat the forces of reaction in our State. But unfortunately soon after the victory the then leader of the Congress, Shri Pattom Thanu Pillai, called together all the leaders of the communal organisations and gave them Congress tickets. The result was that within six months Shri Pattom Thanu Pillai was thrown out. Mannath Padmanabhan and Mr. Shankar joined together to form the

[Shri Govindan Nair.] Hindu Mandal to fight the Congress on the ground that it was Christian dominated, and they said that they would bury the Congress six feet deep. Bringing together communal parties to build a democratic society or to help a national movement is absurd, wrong. That is our experience. You are again doing that. So, my point is that it is not only a question how you are doing it. You yourselves have surrendered to the communal forces. All the political parties surrendering to the communal forces have created a situation not only in Kerala but in India where it would become very difficult for democratic forces and movements to grow. This at least you should realise.

SHRI B. B. SHARMA: It is difficult for Communism to grow.

SHRI GOVINDAN NAIR: I will come to that later.

DR. R. B. GOUR: You don't worry. He is a 'Jana-Sanghi' in the Congress.

SHRI GOVINDAN NAIR: And now after all this, in the coming elections, I point out that the Congress and all the other parties who are now with the Congress are forced to come together under the leadership of the communal forces. So, by this they feel that they would be able to defeat the Communists.

SHRIMATI YASHODA REDDY: So far nothing relevant has been heard.

SHRI BHUPESH GUPTA: That feminine voice, if at all, should be a little audible.

SHRIMATI YASHODA REDDY: So far, nothing relevant to the point has been said.

DR. R. B. GOUR: I hope you are relevant.

SHRIMATI YASHODA REDDY: I am relevant.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Please do not interrupt the speech.

'AN HON. MEMBER: Some are children in politics.

SHRI GOVINDAN NAIR: Not only were the communal forces aroused; not only were they blessed by the Congress leadership, but in a way, the nature of the struggle that was, conducted there was also one which I feel every Member of this House should specially note. Now, though the struggle was started by the communal forces, as I pointed out earlier, without the banner of the Congress, it would not have been possible for them to launch a big struggle. That is not my opinion. The organ of the Church, "Deepik", in one of their editorials plainly said, "We will supply the forces, we will supply the money and we will supply everything to fight the Communists. We must have the flag, of the Congress and the Congress alone." So, the idea of the reactionaries and the Catholic Church, was to capture the flag of the Congress. They succeeded there. But at that time, we expected that at least the people here at the Centre, people who have grown up in democratic traditions, would realise the danger of encouraging these communal forces. But, unfortunately, because of their anti-communist feeling, because they were intolerant of a Communist Government . . .

SHRIMATI YASHODA REDDY: You know it full well that but for their tolerance, you would not have come into power.

SHRI GOVINDAN NAIR: Is it due to your grace? It is with a majority that we ruled in Kerala. You are speaking as if you have shown some mercy to us.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): NO interruption please.

SHRI GOVINDAN NAIR: We have every right, if we get a majority, to

rule India, if we take to the Constitution which we are going to do.

As long as the Constitution is there, it is not by your mercies that we are here. Don't talk in that manner.

SHRI D. A. MIRZA: They say that they have ruled Kerala because of the majority. But let me tell him this much. They never had a majority there.

(Interruptions.)

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : You can take down the points and if you get an opportunity, you can answer them. *(Interruptions.)* I think this does not add to the dignity of the House. Will you please sit down, Mr. Mirza? It does not add to the dignity of the House when a speaker is on his feet to interrupt him or to disturb him. I hope

. . .

SHRI BHUPESH GUPTA: Intelligent interruptions are permitted. But that is not of that category.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : I do not allow them or you to interrupt.

SHRI BHUPESH GUPTA: But mine is always intelligent.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : That is for the party to decide.

SHRI BHUPESH GUPTA: It is for you to decide.

SHRI B. N. DAT AR: It is for the Chair to decide.

SHRI GOVINDAN NAIR: But, unfortunately, the attitude of the Congress Parliamentary Board was different. It might be that the Catholic Church held the Congress to ransom or whatever be the reason, they also agreed to, rather blessed, the struggle there. What was the nature of the struggle? After the 1952 elections, I do not think any party in India—

whether it is the Communists or the P. S. P. or any other party—had started any struggle in any State, or any direct action in any State, to oust a legally elected government. For the first time, the Congress Parliamentary Board which controls the Government at the Centre as well as at the various States had given sanction for direct action in a State to oust a Government. I do not know whether they have thought about the far-reaching implications of this decision. I tell you, I feel that they have breached the dam, they have undermined the very stability of administration not only in Kerala, but in every part of India.

Further, what was the nature of the struggle? From the very beginning, they have been preparing the country and the people for a violent overthrow of the Government. They said, they would march into the Secretariat and they would drag the Ministers out. That was the way in which they started. The Congress may say that they were not in it. But at every stage, at every level, the Congressmen were completely identifying themselves with this deliberate struggle, when

. . .

DR. W. S. BARLING AY: May I respectfully point out that that was not the reason for the Central intervention at all? It was here . . . *(Interruptions.)* As you say, Sir, intelligent interruptions are allowed.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : No, no. I do not allow any interruption, whether intelligent or otherwise. I do not allow you. If there is any point of order, I will allow you.

DR. W. S. BARLING AY: I want just to read this out to point out how the Government interfered.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : To that, I say 'No'.

SHRI GOVINDAN NAIR: I do not think that it was on the paraphrase of this document that the Central intervention has taken place.

[Shri Govindan Nair.]

I feel the struggle was unleashed there to encourage lawlessness and they thought 'that the Communist sympathisers would also come into the field, there would be clashes and thus an opportunity would be opened up for some intervention. But in spite of great provocation, in spite of violent speeches and in spite of violent actions, not only the members of the Communist Party, but also the masses of the people who wanted the Communist Party to continue, kept aloof.

, (Interruptions.)

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): No interruption.

SHRI GOVINDAN NAIR: I shall not narrate all that has taken place during these few months. I would only say that a violent struggle was permitted, blessed and promoted by the Congress. And I was very much surprised to hear the Prime Minister say that they joined the struggle to restrict it and finally to withdraw from it. I do not think, I cannot believe . . .

SHRI BHUPESH GUPTA: Cock and bull.

SHRI GOVINDAN NAIR: . . . that the Prime Minister can be so helpless as all that. It was just the reverse of what has happened. Finally, they decided on a big march to the Secretariat. They said that lakhs of people would be inarching to the Secretariat. The K.P.C.C. President and Mr. Mannath Padmanabhan also said that all the volunteers should go to Trivandrum. So, at every stage, they were completely identifying themselves with the liberation struggle. They were participating in violent actions and the Congress High Command okayed it. It is true that Pandit Nehru in some statement said that picketing should not be in such a form, But whenever there was some action, whenever there was firing as in Ankamali, then immediately came

the statement from the Congress President, Shrimati Indira Gandhi, from Delhi, that the firing was unprovoked. There was damage done to bridges. Immediately another great lady who changes parties as one changes clothes and who in her hurry left her husband back to become the General Secretary of the Congress . . .

SHRI D. A. MIRZA: What was your Government doing then?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Mr. Mirza, I would request you to keep the dignity of the House.

SHRI D. A. MIRZA: Is this the way to deal with it when law and order is broken?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Mr. Mirza, please listen to me. I would just say that you are setting a very bad example. I say that unless it is a point of order, I think no Member has the right to stand up and say anything. I think this is not adding to the dignity of this House.

(Turning to Shri Govindan Nair)

You don't listen to them; you carry on.

SHRI GOVINDAN NAIR: Whenever there was defiance of law, the police had acted, and whenever the police acted, immediately came statements from Congress leaders here in Delhi that the police action was unprovoked. The result was that at every stage they were encouraging violent actions. Well, Sir, we have been hearing from the Congressmen during all these years that communists are people who will adopt any means to achieve their ends, but we have witnessed it in Kerala that they will come to alliance with any people, they will adopt any means to achieve their ends.

(Interruptions.)

So the cap fits your head now, not ours.

SHRI T. S. PATTABIRAMAN (Madras): On a point of order I would like to know whether the hon. Member is accusing the Congress organisation of entering into alliance with communal parties and all that. That is all. I would like to invite the attention of a very great Communist leader, Mr. Govindan Nair,— I am suggesting it—that in 1952 they entered into an alliance with Mr. E. V. Ramasami Naicker.

(Interrwptions.)

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): This is no point of order.

SHRI T. S. PATTABIRAMAN: The point of order is that he talks completely irrelevant. That is why . . .

(Interruptions.)

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): *(Turning to Shri Govindan Nair)* But you know you have got only five minutes left.

SHRI BHUPESH GUPTA: The time taken up by interruptions should be deducted from that side.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Your time finishes at 2-27; you have got five minutes more.

SHRI BHUPESH GUPTA: Minus the interruptions from that side.

SHRI GOVINDAN NAIR: Now, Sir, since there are only five minues I will refer to some points raised by the Home Minister.

(Interruptions.)

Sir, I expected him to give a correct picture, a correct version of the policies that we pursued. We did not expect him to stoop to the level of local Congressmen in this matter. Now, he has been speaking about the release of political prisoners. He is the Home Minister. Now, I ask him: Is it only our Government that has released political prisoners? When the Andhra State was formed

they released not only political prisoners . . .

DR. W. S. BARLINGAY: Can the hon. Member point out a single case like that of Mr. Pillai?

DR. R. B. GOUR: Yes, yes; Andhra flung open the gates of the prison.

(Interruptions.)

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

SHRI GOVINDAN NAIR: If you interrupt like this . . .

(Interruptions.)

Now, when that has taken place, to say that it was our releasing of political prisoners that has created or that has encouraged lawlessness in the State is an old argument which was brought forward by the then General Secretary of the Congress, Shri Shrimati Narayan, before even one political prisoner was released. So, from the very day of the formation of the Ministry intolerance on tha part of the Congress was shown, and you know all the things that happened in between. They tried, but tried in vain to persuade some people to cross the floor; they did not succeed. They tried several means and Shri Shriman Narayan, hoping that he will succeed in his attempt, came here one day earlier and announced that that was going to happen. All these things I am recalling to the mind of the Home Minister to show that it was not a generous attitude that was taken by the Congress High Command from the very day when the Ministry was formed, and the attitude taken by the then Congress President at the time of the students' agitation is also known to everybody. So, from the very first, intolerance on the part of Congress leadership to afflow a non-Congress Ministry to function was evident, and this act of the Central Governmeat is only the culminaton of that policy. They were waiting for an opportunity. They tried to do propaganda that lawlessness was prevail-

[Shri Govindan Nair.]

ing in Kerala, and when they found that mere propaganda won't work, they tried to organise lawlessness. But even then, till the very time the Ministry was dismissed, the law and order situation was safe, was safe in the sense that till that day the complaint of our friends was that the police machinery had broken down. On the other hand, they were not acting beyond their limits—that was their complaint. So, at a time when the judiciary was functioning effectively and when the executive was also functioning effectively, because they had a majority in Parliament, the Central Government took it into their head to intervene. How this unconstitutional act can be justified by any kind of talk about the various charges that were brought in here I cannot understand. If the charges that he had raised here were the main causes, then they ought to have interfered earlier. So, the main cause for intervention now was this agitation, and even during this agitation, in spite of their attempts, in spite of what they have done, they did not succeed in bringing down the functioning of the constitutional machinery there. So, I say that this intervention.

DR. W. S. BARLINGAY: Your case is that the Government has been very weak because they have not interfered earlier.

SHRI GOVINDAN NAIR: That is not what I said.

SHRI BHUPESH GUPTA: How did you get it? Where do you get it?

SHRI K. L. NARASIMHAM: That is their line of argument.

SHRI GOVINDAN NAIR: Now, I have another apprehension which I will place before you and stop, but before coming to that about the police policy to which our Home Minister was referring, was it a correct version of the police policy followed by

the Kerala Government? Did we say that normal protection would not be given to an industrialist or a landlord? Nowhere in the pronouncements of any of our Ministers you can point out that they have denied it. On the other hand, what they have said is that the police officer should not take up the work of the Labour Commissioner in trade disputes. That is all what they said. Only when the workers were going beyond limits the police had to act. So, to give here a picture which is entirely wrong is not what is expected of a man of his stature. Now, Sir, he was speaking about the withdrawal of cases. I am very happy that he has brought in that question. May I ask: Are the prisoners not released now? A number of people have already been released.

SHRI G. RAJAGOPALAN: But not the murderers.

SHRI GOVINDAN NAIR: Let us see. There are hundreds of cases wherein violence is involved. Police stations were attacked; people were murdered. Let us see how the Governor, under the advice of the Congress Ministry here, is going to act.

Sir, he was speaking about interference of the party at all levels. I never expected that sort of statement by a man of his stature. That is the most absurd, if parliamentary, statement he made. He said that at every level the officers were being controlled by the party. From where did you get these ideas?

DR. W. S. BARLINGAY: From the Governor's Report.

SHRI GOVINDAN NAIR: It is a summary of the charge-sheet; it is not the summary of the Report. So, Sir, a man of his stature should not make such allegations, allegations without any basis, against a party.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Your time is up.

SHRI BHUPESH GUPTA: His time is taken up by a lot of interruptions.

SHRI GOVIND AN NAIR: We can understand it now because that was their work. That was how they are dealing with the administration. It is only a few days since we were out and see how Congressmen are asking the administration to remove that police officer within 24 hours. He is removed. That is what is—Kappen-ing there. And the Minister gives us a sermon on bureaucracy and its role. Well, if this is the way in which you are behaving, if you are going to victimise those officers who had been loyally serving the Government, where will your democracy lead to?

(Time bell rings.)

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Your time is up. Let other friends speak on points that are left out. There are many speakers. I have already given you five minutes more as requested by your party.

SHRI BHUPESH GUPTA: You are always generous.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : All right. One minute more.

SHRI BHUPESH GUPTA: Let us celebrate your assuming the Chair by having a little more time.

SHRI GOVINDAN NAIR: Sir, it is only a few weeks and the Congress Party has started working. All this they are doing with a purpose, that is, to vitiate the elections; they want to create the impression in the minds of the officers that if they do not yield to the wishes of the Congress Party, they will be punished. This they have been openly saying during the struggle. They are doing it to vitiate the elections.

(Time bell rings.)

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Please finish. 46 RSD—5.

SHRI GOVINDAN NAIR: I am finishing. They are doing it to vitiate free and fair elections.

The Home Minister has been saying that the very people are against us. Within a few months you will see who is against whom. (Interruptions). You are going to reap the consequences. There is a fear and Congressmen also know that they are not sure of a victory. Their representatives have said, the leader of the Congress Party, Mr. P. T. Chacko, has said, that even if we get a majority we would not be allowed to function. That is the way they understand democracy and democratic functioning. What has been done against the Kerala Government the coming elections will prove . . .

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) : Your time is up. Before I call another speaker, I have to make an announcement. The Prime Minister will intervene in the debate tomorrow immediately after the Question Hour instead of today.

Before I call Mr. Ganga Sharan Sinha, I would ask Mr. B. R. Bhagat to make an announcement.

STATEMENT REGARDING THE PAY COMMISSION'S REPORT

THE DEPUTY MINISTER OF FINANCE (SHRI B. R. BHAGAT): Sir, in view of the anxiety displayed by several Members of the House on the subject of the Pay Commission's Report, I would, with your permission, like to inform the House that the Pay Commission's Report has been signed and forwarded to Government today. It will receive the most urgent consideration and it is our intention to publish the Report with Government's decisions on its major recommendations as early as possible.

SHRI BHUPESH GUPTA (West Bengal): May I have some idea as to