

The motion was adopted.

SHRI ABID ALI: Sir, I introduce the Bill.

**RESOLUTION RE PRESIDENT'S  
PROCLAMATION ON TRAVAN-  
CORE-COCHIN**

THE MINISTER IN THE MINISTRY OF  
HOME AFFAIRS (SHRI B. N. DATAR): Sir, I  
beg to move the following Resolution:

"That this House approves the  
Proclamation issued by the President on  
the 23rd March, 1956, under article 356 of  
the Constitution in relation to the State of  
Travancore-Cochin."

Mr. Chairman, I should like at the outset  
very briefly to point out the circumstances  
that led in this case to the issue of the  
Proclamation by the President and naturally  
to the establishment of the President's rule in  
Travancore-Cochin. You will find from the  
brief statement that I would be placing before  
this House that the circumstances were such  
that the Government had no other go except  
to have the President's Proclamation issued  
for a proper Government in Travancore-  
Cochin. I need not go into the earlier history  
after the integration of the two States of  
Travancore and Cochin in 1949. Before the  
first general elections were held there was a  
common Assembly as agreed upon by a  
covenant between the two States according to  
which in the new legislature of the  
Travancore-Cochin State two Ministries were  
formed before 1952 and they carried on their  
work until the first general elections which  
were held in February 1952. Now, as a result  
of the elections a question arose as to whether  
there was any majority party that emerged out  
of the elections and whether other parties  
could under the circumstances form a  
Government. The total number of seats was  
109 and out of these 109 the Congress  
obtained 45; the T.T.N.C. Party got 9

seats and thus we had 54 seats in a House  
of 109 seats.

SHRI B. C<sub>v</sub> GHOSE (West Bengal): Who  
are 'we'?

MR. CHAIRMAN: 'We' means the  
majority party.

SHRI B. N. DATAR: Yes, Sir. 'We' means  
naturally the Congress Party also. We are not  
fighting shy of the fact that we belong to the  
Congress Party though ultimately the moment  
we assume power we work on behalf of all the  
people in the State. May be the hon. Member  
fights shy of the expression 'Congress Party'.  
The Congress Party obtained, as I stated, 54  
seats out of 109 and they thought whether a  
Ministry should be formed or not. Now,  
inasmuch as the Congress Party had a fairly  
good strength what they did was, they assumed  
power and formed a government and the Chief  
Minister then was Mr. A. J. John. This  
Congress Ministry was in office only for a  
short time and the House will kindly note the  
short periods during which the various Minis-  
tries were in office there. That is an indication  
to show that conditions in that State, political  
conditions in particular, are far from  
satisfactory. This Congress Ministry was in  
office from 13th March, 1952 to September  
1953 when on a vote of want of confidence  
moved at the instance mainly of the T.T.N.C.  
Party a Resolution of no confidence was  
passed by 56 votes against 51. When this vote  
of no confidence was passed against the  
Congress Ministry, immediately the Congress  
went out of office and the question arose  
whether there ought to be general elections or  
whether there was any possibility of forming a  
stable Government. Naturally, it was found that  
no stable Government could be formed in view  
of the fact, firstly, that the Congress had only a  
small strength, secondly, that the T.T.N.C. had  
not been supporting the Congress and thirdly,  
that there were a number of other parties each  
of which had some strength but that strength  
was not very substantial even if it were put  
together. Therefore, what hap-

pened was there was a dissolution of the legislature but the Congress Ministry continued in office for a short period as a Caretaker Government and in March 1954 general elections were held again. But you will find that the position was not materially improved in spite of the fact that general elections were held within almost two years. The position was far from satisfactory and I would point out to this House the relative strength of the various parties as a result of the elections in 1954. By that time the strength of the Travancore-Cochin legislature had risen from 109 to 118. Out of these the Congress strength was 45; one was a nominated Anglo-Indian Member; 12 were T. T. N. C. as against the 9 they had in the first elections. Nineteen were P. S. P. Members and the House will kindly note this number—19 out of 118. Nine were R.S.P. Members; 23 were Communists; 3 were K.S.P. Members and 6 were Independents including the 5 who had received support from what was known as the United Party of Leftists. Thus the total strength was made up of these many parties and the question arose whether the Congress which had the largest number should assume power.

The Congress thought that under the circumstances it would not like to take the responsibility of forming a Ministry though its strength, as I pointed out, was 45. Therefore, the Congress did not assume any responsibility and, therefore, a very unusual thing happened—an unusual thing in the history of Parliamentary life in India in particular and perhaps equally unusual in other democratic countries in general. What happened was, as I stated, the P.S.P. had a strength of 19 only and they formed a Ministry. That is a point which the House will kindly note. A party which had a strength of 19 in a total of 118 formed a Ministry, but there was a small saving grace in the fact that they had the negative support of the Congress. The Congress did not assume any part in forming the Ministry at all, though

their number was far larger than the P.S.P. itself. Still the Ministry was formed by the P.S.P. and the P.S.P. continued in power under the Chief Ministership of Shri Thanu Pillai for eleven months. That is what may kindly be noted. For eleven months they continued in power, it can be stated, with the indirect support of the Congress. But within these eleven months certain things happened—I need not make a reference to those things—as a result of which the Congress, the largest party in Travancore-Cochin legislature, deemed it necessary that they should withdraw their support. Accordingly in February, 1952, they withdrew their support and again the constitutional difficulties arose. A party with a strength of 19 had formed a Government with the support of another party, but when that support was withdrawn, naturally they could not continue, in power at all. And, therefore, they resigned.

Now, when they resigned, Shri Thanu Pillai advised the Rajpramukh that he might dissolve the Assembly and have President's rule and then have general elections. At this time we might consider that whenever any Ministry tenders its resignation, then the Rajpramukh in a Part B State—the provisions are similar—or the Governor in a Part A State has also the obligation of finding out whether a fairly stable alternative Ministry could be formed instead of immediately rushing to elections. You would have found that only eleven months had passed after the second general elections had been held. In the whole of the country in 1952 we had the first general elections and peculiarly enough in Travancore-Cochin the second general elections were also held in 1954, but it did not yield any satisfactory results, nor could it lead to any stability of power. And, therefore, the Rajpramukh considered—when there was this resignation of the P.S.P. Ministry—whether it was possible for him to find out, by ascertaining the views of the various parties, as to whether any one of those parties or a combination of more than one of those

[Shri B. N. Datar.] parties could form a tolerably stable Government.

Now, by that time, again things had changed to a certain extent. This T.T.N.C. Party which once was responsible for throwing the Congress out of power—by that time there was the fall of this Thanu Pillai Ministry—believed that they had no differences with the Congress as such and, therefore, they offered to co-operate with the Congress so far as the Government or the administration was concerned. Therefore, you will find that as a result of the union, for the purpose of legislative work, of the Congress and this party, namely, the T.T.N.C.—the Congress had 45 of its own Members elected to the Legislature—and with the support of one Anglo-Indian Member who had already been nominated and of two Independents also, the Congress had a strength of 60. Thus you will find that in a House of 118 or to be specific, in a House of 117—because one of the P.S.P. Members had by that time become the Speaker of the Legislature and, therefore, for the purpose of counting he need not be taken into account—the Congress had a strength of 60. And, therefore, the Congress found that it might again assume responsibility and take up the work of carrying on the Administration. This they carried on from 14th February 1955 till about the middle of last month.

About the middle of last month certain things happened. There were certain differences in the Congress Party itself, as a result of which six Members of the Congress Legislature Party decided to withdraw their support to the Congress party. In other words, they became the dissident Congress Members. When this was brought to the notice of the leader of the Congress Party or the Chief Minister, he naturally found that the strength of 60 had dwindled down to 54. And the House will kindly mark the figure 54, because when I shall be dealing

with the question of Shri Thanu Pillai's attempts to form a Ministry this figure will have a certain degree of relevance. So, in spite of the fact that the Congress had 54, the Congress felt that its strength was less than half and, therefore, the Congress did not like to assume power. That is what they did. And, therefore, on 11th March 1956, the Congress Chief Minister Shri Govinda Menon, tendered his resignation. Now, when he tendered his resignation the question arose as to whether—as I stated already—any attempt at an alternative Government should be made or whether there should be dissolution and consequent President's rule.

Now, it might be noted here that the outgoing Congress Chief Minister advised that instead of straightway, immediately proceeding to dissolution and the consequent establishment of President's rule, the Rajpramukh might try alternative methods. And that is what he did. Now, you will also note that when this resignation was offered on 11th March 1956, the position of the party in the Legislature was like this. 54 was the total strength of the Congress and T.T.N.C. together. Six were the dissident Congressmen. So far as these dissident Congressmen are concerned, we could also understand their attitude. These dissident Congressmen informed the Rajpramukh that they were not going to support the Congress Ministry under Shri Govinda Menon. They would not also support any other Ministry except a Congress Ministry formed under a nominee of their own—other than Shri Govinda Menon. That is what they stated. In other words, it should be understood that so far as these dissident Congressmen were concerned, their help would not be available to any other party that aspired to form a Government. They stood as a class by themselves. And then we had 27 who were Members of the Communist Party; 15 was the P.S.P. strength. You will kindly see that at the elections they had 19. One became the Speaker of the Legislative Assembly and two or three

other persons left their party, I believe, two joined the Congress. Anyway at the material time, when the Congress Party resigned on 11th March 1956, there were only 15 P.S.P. Members to be taken into account. Nine were R.S.P. Members three K.S. P. Members and three Independents and including the speaker, the number was made up at 118.

Then the next chapter was opened, namely, what was to be done after the Congress Chief Minister had tendered his resignation. Then, naturally, according to the advice tendered by the Congress Chief Minister, the Rajpramukh considered whether it was possible to form an alternative Ministry through one party or, if they agreed, through one or more parties or whether there was any possibility of having what can be called a coalition Government. So far as coalition Government was concerned, though some hon. members considered that that was a good suggestion, still there was no attempt made for bringing all the Members together or for evolving a new party—a coalition party—consisting of Members drawn from different splinter groups. Therefore, what he did was natural. After the Congress, the Communists were the very large group. In fact, they were 27, as I pointed out, and therefore, the leader of the Communist Party was invited and he saw the Rajpramukh on three days—you will kindly note, Sir. On 13th March 1956, he first met the Rajpramukh, when he asked for time to consider as to whether he would get the support of some other parties so as to make up the minimum number for carrying on the Government. He got time and then he saw the Rajpramukh again on 17th March, 1956. On that day, he informed the Rajpramukh that he was carrying on his efforts for forming a new group so as to take over the responsibility of a Ministry, but he also expressed that perhaps it might be better if Shri Thanu Pillai, the leader of the P. S. P. Party, were consulted in this respect. Lastly, on 18-3-56 the leader of the Com-

munist Party, Shri Thomas, finally informed the Rajpramukh that he was not in a position to form any Ministry at all. Thus you will find that the Rajpramukh gave three interviews and about a week's time for enabling the Communist Party—if that were possible for them—to form a Ministry. Then he refused this and he had also suggested the name of Shri Thanu Pillai. Then, Shri Thanu Pillai was called and was asked as to whether he would form a Ministry. Knowing as we do what Shri Thanu Pillai did once, he naturally was not a man to decline to form a Ministry however adverse the circumstances might have been. That is what we know about Shri Thanu Pillai. Therefore, what I have stated will be fully brought out by the promises that he made and also the extent of the promises which fell short of the requirements. Shri Thanu Pillai informed the Rajpramukh on 20th March 1956 that he was confident of having 62 Members out of 118 to support him so far as the formation of the Ministry was concerned. And he gave the figures also which are very interesting. He said that his own party's strength was 15 and that he had also the promise of support of three other parties in the Legislature, namely, Communists, K.S.P. and R.S.P. The support of Communists also will be noted here because I shall be commenting upon this after some time. Now, the Communists were 27, 9 were K.S.P. and 3 were R.S.P. The figure '3' is not also a solid figure.

SHRI K. P. MADHAVAN NAIR  
(Travancore-Cochin): R.S.P.—9.

SHRI B. N. DATAR: Oh! I see, thank you. R.S.P. 9 and K.S.P. 3.

MR. CHAIRMAN: There are many experts on the matter here.

SHRI B. N. DATAR: So, you will have seen that so far as Shri Thanu Pillai was concerned, he could account first upon his own strength of 15 plus the strength of 39. 39 was the total strength of the three parties together namely, the Communists,

[Shri B. N. Datar.] K.S.P. and R. S. P. The Communists were 27, K.S.P. 3 and R.S.P. 9. Thus you will find, 15 plus 39, it would come to 54.

Now, I am going to give you further names of promise of support on which he relied. For the sake of argument, we can understand that he could have got a strength of 54 more or less with some certainty. Now, I purposely use the expression 'some certainty' because one Member of this R.S.P. party has ultimately informed the Rajpramukh that he has withdrawn his support. He is one Shri Narayanan Potti. I shall advert to that factor subsequently, but this was the strength that he had so far as the parties were concerned. In addition to these, he relied upon the strength of certain individual Members\* One was Shri Karayalar, an Independent Member.

MR. CHAIRMAN: Not our Member.

SHRI S. MAHANTY (Orissa): You quote all the statements which have been made.

SHRI B. N. DATAR: All these statements have appeared in the press. All these statements have also been placed before the Lok Sabha and all these....

*(Interruption).*

SHRI S. MAHANTY: We are concerned here with the Rajya Sabha and not with what has transpired in the Lok Sabha or what is published in the press. My only submission is that you should afford us some opportunity to ascertain the veracity of the statements made by him.

SHRI B. N. DATAR: My submission is itself here and that itself defeats the purpose of the hon. Member to put forward his emphasis or even to review it.

SHRI S. MAHANTY: No, Sir. He said they were laid on the Table of the Lok Sabha. Is it not?

SHRI B. N. DATAR: What I have stated was that statements were made

in the Lok Sabha. They form part of the proceedings of the Lok Sabha anti Sir, it is open to Members of this, hon. House also to just see what else has taken place elsewhere. We can also take into account the Member's references and what I am stating is not beyond what has already appeared in this connection. Therefore, to proceed further, he relied upon the support of certain individual Members of whom Shri Karayalar—not our colleague—was one. Then, he relied upon two T.T.N.C. Members. One was Shri A. Thangiah and the other was Shri Seshadri Nath Sharma. He depended upon the support of these two people. He further contended that in addition to these, he had also the support of two Congressmen and reliance was placed upon a telegram addressed to the Rajpramukh by two hon. Members of the Legislature. Thus he found that his strength was 59.

Now, he further stated that in addition to these 59 Members, he was expecting the support of three more. Thus, he said, he would bring the whole figure to the extent of 62. That is how, he made a claim.

As I said, the Rajpramukh also knew very well what the strength of Shri Thanu Pillai was. The strength itself had dwindled down from 19 in 1954 to 15 or 16 if you like and has remained so only for a few months.

*(Interruption).*

MR. CHAIRMAN: Mr. Datar says it must be said either 15 or 16; it cannot be both 16 .....

SHRI B. N. DATAR: Sixteenth is the Speaker. That is what I have made clear two or three times. When an hon. Member occupies the Chair, it is a great honour, but it also entails some disability. He cannot vote at all. That was the reason why I stated 15 or 16.

So, the question that the Rajpramukh had naturally to consider was as to whether the figures that he gave

pr the names that he had suggested were the real ones or whether this strength of 59 or possibly 62 could be relied upon for forming a stable Government, because the responsibility is not merely of forming a Ministry at any stage; it is the question of thei administration of a great and highly enlightened State. We must understand that it is a highly enlightened State in which we have got the highest percentage of literacy in India. Therefore, the Rajpramukh as an officer on whom the Constitution had placed the responsibility of finding out whether a suitable and stable Ministry could be formed, had the authority naturally to scrutinise to what extent those promises were solid or whether there was anything in substance about the promises or the assurances made by him to the Rajpramukh.

Then, Sir, so far as these names were concerned, there were certain difficulties. I shall place all these things before this House in order to show that the Rajpramukh could not accept the figure of 59, and much less could he accept the figure of 62, because the figure, of 62 had never been perfected into a promise. The figure of 59 had been placed before the Rajpramukh. But after making the necessary enquiries, the Rajpramukh found that so far as this figure was concerned, there were certain either doubtfuls or absolutely against Shri Thanu Pillai. Take for example one case of Shri Narayanan Potti. Now he belonged to one of the other groups. And then, the Rajpramukh himself received a letter from Shri Narayanan Potti that he had withdrawn his support. So from 59 it came to 58. Then, Sir, there was the support of Shri Sheshadri Nath Sharma. When he was asked whether his support was absolute or unconditional, he stated that his support was conditional, because he wanted Shri Thanu Pillai to form a coalition Ministry. Shri Thanu Pillai wanted a form a Ministry of his own party, the P.S.P., with the promised

support of certain other groups. Therefore, you will find that in making the final calculations of tolerably certain persons, Shri Sheshadri Nath Sharma's name also could not be taken into account, because he promised his^ support for a coalition, Government and not for a P.S.P. Government of Shri Thanu Pillai. Then, Sir, he relied upon the support of two Congressmen, including Dr. Menon. Now, it is open to hon. Members either to cross the floor or to change their parties. But before a Member of one Legislature. Party promises support to another, he has-to take certain preliminary steps. One is to give up his connection with the Congress Party and then to offer his support. Now here, in this, case....

SHRI S. MAHANTY: Sir, is it a part of any constitutional practice, or is it a part of....

SHRI B. N. DATAR: It is a part of the constitutional practice.

SHRI S. MAHANTY: Is it mentioned anywhere?

SHRI B. N. DATAR: It is a part of constitutional convention. So far as these two Members were concerned, Sir, they had neither entirely given up the past, nor had they accepted the new circumstances, and, therefore, it was doubtful—I am purposely putting it at the lowest—whether their support could at all be made available.

And lastly, Sir, you will also find that so far as the dissidents were concerned, they had not supported any party at all. So, what we had to do was this. We had to deduct the names of these. Members from the figure of 59. With Shri Narayanan Potti going away, we came to 58. Now, you will find, Sir, that 58 itself does not form half the strength in a House of 117. If the names of these two persons are not placed on the solid list, then I am afraid, the figure would either be 54 or 55. So, you

[Shri B. N. Datar.] will find how certain assurances were conveyed to the Rajpramukh. But we cannot say whether those assurances were really solid or were really substantial so as to enable the Rajpramukh to act upon them. After making all sorts of enquiries, the Rajpramukh came to the conclusion that in the first place, Shri Thanu Pillai had not the necessary strength—it was less than half—and secondly, if further scrutiny were to be made, the figure was likely to go down almost to 54, if not to 53. That is what I pointed out to the hon. House that the figure dwindled down to 53, because Shri Narayanan Potti, a Member of one of those parties, had withdrawn his support. So, we have to understand the position in which the Rajpramukh found himself. There was the Congress Party with 54. Now, that 54 was the final strength after deducting the dissident strength. But that party was naturally not in a mood to accept the responsibility, because 54 fell far short of the required majority strength for carrying on Government. The next was Shri Thanu Pillai and his strength was either 54 or, as I stated, 53. In any case, it could not be 59 at all. It was much less than half. The Rajpramukh had a great responsibility in such critical times. And especially, we have to take into account the parliamentary history of this great but unfortunate State. There were in all three Ministries within five years or five Ministries within seven years. And under these circumstances, would it have been proper, Sir, on the part of the Rajpramukh to have again allowed Shri Thanu Pillai, as he once was allowed, to carry on the Administration in such a highly precarious manner? Now, in order to please such a small party, it might be argued that one more attempt should be made. But you will find that there is one more point which has also come up.

Shri Thanu Pillai belongs to what is known as the P.S.P., and » far as

this party is concerned, only a few days before, they had taken a decision that they should not under such circumstances assume the responsibility of the Government in any of the States. I would like to read out to you, Sir, the resolution that the National Executive of the Praja-Socialist Party passed.

SHRI H. C. DASAPPA (Mysore): The date also may be mentioned.

SHRI B. N. DATAR: I am going to mention it. The National Executive of the Praja Socialist Party passed a resolution in March, 1956—I may tell my hon. friend that it was before 11th—to the effect that "the Party does not like to assume power unless it commands the confidence of the majority of the electorate." The words "The Party does not like \_\_\_\_\_" may very kindly be noted. Now the question is whether that tiny party with its membership dwindling down to 15 or 16 can claim to enjoy the confidence of the majority of the electorate. That would be too much, Sir.

SHRI R. U. AGNIBHOJ (Madhya Pradesh): Was Mr. Thanu Pillai prepared to form a Cabinet ignoring the wishes of the National....

MR. CHAIRMAN: That is not our concern.

SHRI B. N. DATAR: All this would be highly hypothetical.

Now, Sir, the National Executive of the Praja Socialist Party have made very clear the circumstances under which they would either form a coalition or join a coalition. As regards coalition, the resolution states that the party may agree to join a coalition Government at the Centre—here in Delhi—but it need not join any such coalition in the states. This is not a policy enunciated by the P.S.P. for the first time. Formerly also, in the Andhra State a similar situation had arisen. It arose in Madras also and in similar

circumstances there the leaders of the P.S.P. in Madras and Andhra had given expression to their views that it would be entirely wrong, not only against the principles of democracy but against the creed of their own party to form a Government based on such tottering foundations. Therefore, this point also had to be taken into account. Mr. Thanu Pillai had come to Delhi. He possibly had long discussions here and then this resolution was passed, but by the time he went back to Travancore-Cochin, he thought that his inclinations were far better than the directives of his own party. I am not dealing with the internal affairs of the party; I am merely pointing out to the House that here we had a provincial leader who was taking a step which was against the resolution passed by the head of the party to which he belonged.

SHRI B. C. GHOSE: That is not true. He does not know the resolution.

MR. CHAIRMAN: I will give you a chance.

SHRI B. N. DATAR: I am merely pointing out the circumstances *to* this House. A provincial leader was trying to assume the responsibility of forming the Government, but then there was the other possibility of his own party disclaiming what he had done and asking him to resign. So, these were the circumstances which had to be taken into account. When all the three or four points which I have mentioned which were the difficulties in the way, are taken into account, it would be clear to all Members here, as it was clear to the Rajpramukh, that so far as the strength on which he relied was concerned, that strength was not real strength, was not substantial strength, and that no stable Government was possible even if the authority to form a Government had been given to Mr. Thanu Pillai. Therefore, after fully considering the matter, the Rajpramukh reported to the President that the time had come in

which action by him under article 356 was absolutely essential. After this report was received, on the 23rd March 1956, two Proclamations were made. One is the Proclamation of the President's rule and the other deals with the further details imder which for example the Rajpramukh is invested with the authority of the President, subject to the Presiden's control, and then the Rajpramukh was also to act according to the advice of an Advisor who was also appointed. The Advisor himself has the experience of having acted as such here in PEPSU, and therefore, under these circumstances, the President had to issue the Proclamation. Some further objections were raised as to whether there was any other alternative at all. I have answered that question. Under the circumstances, what was considered proper, what was considered indispensable was that the President's rule must again intervene.

Then, something has been said that this action taken now in March 1956(J will have a prejudicial effect upon the Kerala State as it would be coming into existence on the 1st or the 2nd October 1956. So far as that question is concerned, we have to take into account the conditions as they existed in March 1956, and the action has to be, judged solely by the circumstances in March 1956.

[THE VICE-CHAIRMAN (DR. P. SUBBARAYAN) in the Chair]

Even assuming that that question has to be considered, you will find that under the States Reorganisation Bill, the Members of the Legislature, so far as certain areas are concerned,, have to be brought together in Travancore-Cochin State as also in other States. There is addition of some areas. For example, in the case of Kerala, Malabar has to be added according to the S.R.C. Report and the Government's decision on it. Kasargod taluq also has to be, as at present decided. So, the Members *of* these areas have to go to Travancore-Cochin, but the Travancore-Cochin



[Shri B. N. Datar.] Legislature also has to lose, because the four southern taluqs have to be transferred to Madras. So, after taking into account all these additions and subtractions, I just went into the figures. You will find that they are tolerably correct figures. What is likely to happen is that there might be realignment of parties. Members may change their parties, but what I would point out is that in the Legislature of Travancore-Cochin, the position will not be improved in favour of any party after the additions and subtractions of new areas. I might point out that nothing has been done that will have any adverse effect, by the taking over of the Administration by the President, on the interests of the various parties, because Malabar also is a part which is more or less of the same nature or the same political persuasion as the neighbouring parts, and therefore, the position will remain the same. We find in a House of 118 we have Members belonging to various parties. This number is likely to be 140 after the deductions and additions, and in a House of 140 the Congress strength will be 54. Some areas will be coming in but we shall be losing the T.T.N.C. Members. So, the party strength will be 54 or 56. So far as the Communist Party is concerned, their strength was 23, and with the support of Independents, it is likely to be 30. And then there is also the Muslim League Party. Their number is about 30. So far as Malabar is concerned, the Muslim population is fairly large. It is nearly 33 per cent. This factor also has to be taken into account. Then the other parties like the R.S.P., etc. would be almost of the same strength. Then, there would be some Independents in name or Independents fairly inclined towards the Communist Party or some other party. Therefore, the position is almost likely to be the same. So, under these circumstances, even assuming that what has been done has to be considered with reference to what is likely to happen in October

1956, the position in the Kerala State Legislature, assuming that there was no President's rule, would not be materially different from its present complexion so far as the Travancore-Cochin State is concerned.

Then, it was also pointed out that Malabar, when it joins Kerala, then, from having representation in the Madras Legislature, it would be going into a State which is under President's rule. But you will find that so far as President's rule is concerned it need not be considered as an autocratic rule. It need not be considered as a non-popular rule because though it ceases to be under the Legislature of a State, it directly comes under the highest or the Sovereign Legislature, namely, the Parliament. That is one. Secondly, so far as this question is concerned, we need not take into account all these different hypothetical points and what is most important is that in this unfortunate State where there has been no stability, a number of problems have to be tackled—problems either of an all-India bearing or problems of a local bearing. For a proper consideration of all these things, we should have, as early as possible, general elections and a popular rule and as I have pointed out, in October, what would be formed in other States would be an interim Government with an interim Legislature and they would be in office only for a few months because, as I have already told this House, we do propose to have the general elections in the early part of next year—1957—and therefore, even on the footing that some area which is under a popular rule has to enter an area under President's rule, that itself is not such an unmixed calamity as is pointed out or is painted by many friends. Therefore, all that I wanted to point out was that the President's Rule became a necessity. Now, during the last three or four years, first the President's rule had to be set up in PEPSU, then in Andhra also and now

we shall have it in Travahcore-Cochin. I am quite confident that all the political parties there will learn a lesson from the fact that they had not a good trial of popular Government during the last three or four years though they are best entitled to it. I am quite confident that at the next general elections to be held in about a year's time, we shall have the emergence of a new Legislature in Kerala which will give a substantial majority to any party that the electorate pleases so that we shall have a stable Government, a Government long in office and not in terms of 11 months or 18 months or 10 months. That is very unfortunate so far as democracy is concerned and I am appealing to all the parties to look at this question from this realistic point of view and from that point of view, the President had to intervene in the interest of administration and for no other reason.

THE VICE CHAIRMAN (DR. P. SUBBARAYAN): Motion moved:

"That this House approves the Proclamation issued by the President on the 23rd March, 1956, under article 356 of the Constitution in relation to the State of Travancore-Cochin."

Shri Govindan Nair.

SHRI GOVINDAN NAIR (Travancore-Cochin): Mr. Vice-Chairman, I have heard the Deputy Home Minister.....

SHRI B. C. GHOSE: No Minister..

SHRI GOVINDAN NAIR: The Home Minister....

SHRI B. N. DATAR: That is not the question at issue. Let us go on.

SHRI GOVINDAN NAIR: I am a new Member and so you will excuse me. I have heard the Home Minister. I am convinced of his ability to argue a weak case and at least create an impression temporarily that he has a strong case. According to

him, there was no other way left open to them than to dissolve the Assembly there and impose President's rule. According to him, even if there were a majority, by his calculations, he was trying to convince this House that a stable Ministry could not be formed there. I come from that State. I was there during all these days and permit me to claim that I know as to what all things happened there during this period. I don't say that the Home Minister was deliberately distorting facts to suit his ends, but I feel that he was miserably misled by his friends in that State. He says that ample opportunities were given to the Opposition parties to form the Government. True, I don't deny that. The leader of the Communist Party met the Rajpramukh three times but when Shri Pattom Thanu Pillai, the leader of the P.S.P., was in a position to form a Ministry there, ample time was given to the Congress Party to try to sabotage that but they did not succeed and I was very much taken aback when I heard the Home Minister telling us that Shri Sharma of the T.T.N.C. had withdrawn his support to Pattom. I remember that the Home Minister in the Lok Sabha, made the statement and seeing that, Shri Sharma openly refuted it through a press statement. It was more than a week ago and even after that, the same case is quoted here as to show that Shri Pattom did not enjoy the majority support. Again, Shri Kunjan Nadar, the leader of the T.T.N.C., just a few days ago, issued a statement that three more Members of that Party had promised Shri Pattom their support. That statement also is in the press. So, to say that Shri Pattom, the leader of the P.S.P., did not enjoy the support of the majority of that Assembly is not based on facts, but there is also another fact which the hon. Home Minister did not mention. The way in which things were developing in our State has convinced the Congress High Command here as well as the

[Shri Govindan Nair.] leadership there that the Congress Party was crumbling like a house of cards. This they wanted to avert and they thought invoking President's rule in our State would help them in that matter.

Now, I have heard much from the Home Minister about the differences between the Communists, P.S.P. and other leftist parties. We don't say that there is no difference—there is. But all of you will agree that our country—not only our State—the whole of India is passing through a very critical period in its history. You know that this is the beginning of the Second Five Year Plan. Everybody will admit that Travancore-Cochin is a problem State. Now what the Second Five Year Plan has to offer to us, to solve our problems, the people in our State are very anxious to know and how can this House or how can the Central Government or how can the Planning Commission know as to what are our demands and what are our grievances without the assistance of an Assembly? Now at this stage, to dissolve the Assembly means that we are denied the opportunity of expressing our demands with regard to the Second Five Year Plan.

THE VICE-CHAIRMAN (DR. P. SUBBARAYAN) : The House will now adjourn and meet again at 2-30 when the hon. Member will resume his speech.

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

The House re-assembled after lunch at half past two of the clock, The VICE-CHAIRMAN (Dr. P. SUBBARAYAN) in the Chair.

SHRI GOVINDAN NAIR: Sir, I was trying to tell you why the leftist parties in our State, leaving aside party differences, decided to support Shri Pattom in the formation of a

Ministry. I was telling you that we were passing through a very critical period in the history of our country. I was telling you that this was the beginning of the Second Five Year Plan and our State, as everybody accepted was a problem State. We want to know what the Second Five Year Plan has to offer us and without, an Assembly, we cannot express our demands and our grievances with regard to that. Again, as we all know, the States are going to be re-organised now and there would arise many inter-State problems. In order to solve those problems, it is absolutely necessary that there should be an Assembly there. Also, it is strongly felt by the people of our State that during the time of the integration of the Travancore-Cochin State and also at the time of the financial integration, the interests of our State were not properly given heed to. Would you like this to happen again? Or would the Centre help us in solving our problems? Would they help us in consolidating our new State? And can this be done without the aid of an Assembly? Sir, these were the considerations which led the leftist parties in our State to decide to support Shri Pattom in the formation of a Ministry.

Sir, many numerical figures were given here which, instead of clarifying the position, I believe, has created only more confusion in the minds of many hon. Members here. You will excuse me, Sir, if I also refer to certain numerical figures.

SHRI M. GOVINDA REDDY (Mysore): In order to create further confusion?

SHRI GOVINDAN NAIR: No, in order to clarify.

SHRI KISHAN CHAND (Hyderabad): To give clarification.

SHRI GOVINDAN NAIR: As has been said here, the Communist Party, the R.S.P. and the K.S.P. together had 39 Members. Then the P.S.P. including the Speaker had 16. Then there?

were two T.T.N.C. Members and two Independents. Now, I can very well understand the feelings of the Congress leaders when some of their Members crossed the floor to support another Ministry. But in this case, it was the interest of the State that made them—two prominent Congress Members—leave the Congress fold and support Shri Pattom. Whatever be our differences with Shri A. R. Menon and Shri Chummar, nobody will Question their integrity. They are people who have always stood by their convictions and Shri A. R. Menon had made it very clear through a press statement that in order to avoid President's rule there, he was prepared to support any Ministry. Shri Chummar, because the Congress leadership had failed to go into the charges that were levelled against the Congress Ministry, was discontented with the Congress leadership and he also had come out with a statement about it. So these two Congressmen, because of political reasons, decided to leave the fold of the Congress and to support Shri Pattom's Ministry. Then with regard to the two T.T.N.C. Members—Shri Sharma and Shri Than-gaya, they too had political reasons. You know, Sir, that the States are going to be re-organised. These two Members represent the talukas of Devikulam and Peermede and the talukas of Devikulam and Peermede are going to be within the new Kerala State. They thought that in the best interests of the people whom they represented, they would support a Ministry in the State, because the T.T.N.C. is going to be divided on account of the merger of the areas and the reorganisation. So, for political reasons, they also decided to support Shri Pattom's Ministry. Thus the total number came to 61 and there was Shri Karayalar, an Independent Member who also promised support. I said in the beginning that the statement made by the hon. Home Minister that Shri Sharma had withdrawn his support was false. Therefore, from these 24 RSD.—A

figures, it is clear that Shri Pattom had a definite majority to form a Ministry.

There was, however, another point which the Home Minister did not mention, and that was the intervention of the Congress. When everybody in our State, knowing about the number of Members who had supported and who had promised their support to Shri Pattom were confident that a new Ministry was going to be formed, one fine morning, the ex-Chief Minister, Shri Panamballi Govindan Menon, in a press conference revealed that he was also invited by the Rajpramukh to form a Ministry. That fact the hon. Home Minister did not mention here. Sir, how could that happen? On the 20th, the Rajpramukh has in his possession the signatures of 59 members of the House and on that very day the ex-Chief Minister tells us that he was asked to form a Ministry. What happened in between? Just a few days earlier, the Chief Minister himself had resigned on the ground that he did not command the support of the majority in the House. After that four more Members had left his party and supported Shri Pattom. Are we not to credit our Rajpramukh with that much knowledge of arithmetic as to know that the Congress Party had been further weakened and that the Congress was not in a position to form another Ministry? Sir, it was this intervention that was responsible for all the things that happened later.

Nothing happened for three days even though the Ministry had resigned more than a week earlier and even though Shri Pattom Thanu Pillai had told the Rajpramukh that he had the support of a majority. Even then the Rajpramukh was keeping silent and after two days we heard that one of the Members who was supporting Shri Pattom Thanu Pillai was kidnapped—whatever it is; anyway everybody knew and there was a police enquiry made at the residence of the

[Shri Govindan Nair.] ex-Chief Minister. Even after Shri Narayanan Potti's withdrawal, Shri Pattom Thanu Pillai had a majority but he was not invited on the ground that he could not form a stable Ministry. The real reason was that if Shri Pattom Thanu Pillai had formed a Ministry, more Members of the Congress Party would have left it and joined the P.S.P. or would have rendered support to the P.S.P. Ministry. This was a situation that they wanted to avoid and that is the reason why the President's rule was imposed on us. The reason given by the Minister is that a stable Ministry could not be formed there under the circumstances—because of party differences. This argument is not convincing, I say, judging from the experience of the last four years of our State. I ask the House whether there are double standards, one for the Congress and another for the other parties?

SHRI SATYAPRIYA BANERJEE (West Bengal): There are.

SHRI GOVINDAN NAIR: I am very glad that the Minister tried to give a short history of our State. He told you about the situation in 1952. He also told you that the strength of the Congress Party was only 45 in an Assembly of 109. You know, Sir, that this is a minority. They did not have the support of any other Party when the Rajpramukh asked the leader of the Congress Party, Shri A. J. John, to form the Ministry. I do not say deliberately but unconsciously, he was trying to mislead this House. The T.T.N.C. was an independent party which, four or five months after the formation of the Ministry, decided to support the Congress Ministry. The real position is that in a House of 109, a minority party consisting of 45 Members, was asked to form the Ministry. I ask you: Did this question of stability arise then? Or, is it because the party involved was the Congress that they believed that the Ministry would be stable? Here again,

the Minister was telling us about the inability of the leftist parties to form a Parliamentary bloc in order to form a coalition Government. It is a very good principle, I accept, but was that principle applied in 1954? Here again, the Minister was trying to show the magnanimity of the Congress in allowing a party of 19 Members—he wanted all of us to remember that number—to form a Ministry with the support of the Congress.

SHRI M. GOVINDA REDDY: That shows our fairmindedness.

SHRI GOVINDAN NAIR: Everybody knows what it is that led to this fairmindedness on the part of the Congress. Everybody knows that there was a growing unity amongst the leftist parties in our State and this, the Congress wanted to wreck. They said, "Come on, we will support you. We will give you responsive cooperation. You form the Ministry". They did this because they knew that this growing unity of the leftist parties would oust the Congress from power. So, in order to maintain that position, they said that they would support the other party.

SHRI H. P. SAKSENA (Uttar Pradesh): You have read that meaning now?

SHRI GOVINDAN NAIR: I am coming to you. My point is this. The question was raised immediately in the State Assembly as to the status of the Congress Party because, when it came to a question of electing the Leader of the Opposition, the Speaker was confronted with the argument that the Congress Party had given only responsive co-operation and as such the Congress should be considered as the leading Opposition Party. Why I say this is this: The hon. Minister was eloquently arguing about the necessity of forming a Parliamentary bloc so that there might be a stable Government but in 1954, when the Congress wanted to disrupt the unity of the leftist parties, this princi-

pie was not applied. The Congress renlained in the Opposition while giving responsive co-operation to the P.S.P. Ministry in the formation of a P.S.P. Ministry. Is it just, Sir, to apply double standards in these matters? When we say, for reasons that I have enumerated in the beginning, that every reasonable man in our State believes that the Assembly should continue to be there and that the democratic set-up should be there, when wa say that we are prepared to support, in spite of our differences, a Ministry, then, should it be that the Congress should come forward now with the argument that they would^allow us to form a Ministry without the leftist parties forming a Parliamentary bloc? This is wrong and that is what I have to say.

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Now I come to the question of the crossing of the floor. It is a very bad thing but did not this principle apply when Shri Pattom Thanu Pillai was ousted from the Ministry and the Congress took over the Administration? What was the position of the Congress then? It was still a minority of 46 in an Assembly of 109 Members. Of course, I agree that the Leader of the T.T.N.C. Party had promised support. Even then, it was only 58 and where did they get these two Members from? Was it your political reasoning that made those people cross the floor? Every boy in the streets of our State knows as to what happened. I do not want to wash dirty linen here and, therefore, I am not going to speak more about it now, but when four Congressmen, merely for political reasons, decided to leave the Congress Party and vote for the Pattom Ministry, the Minister says that the crossing of the floor is a bad thing. This cannot be accepted. That also is wrong.

Again I ask you: How can you account for this unaccountable delay in asking Shri Pattom Thanu Pillai to form the Ministry when he had informed the Rajpramukh that he

had the support of the majority? Now the Congress just a year ago took over the Administration there and this was so soon as within a few hours after the leader of the Congress Party had informed the Rajpramukh, that he had the support of a majority, he was called in to form the Ministry—I mean the Leader of the Congress Party.

SHRI K. P. MADHAVAN NAIR: Which year are you referring to?

SHRI GOVINDAN NAIR: 1955.

SHRI K. P. MADHAVAN NAIR: It was 8 or 10 days after Shri Govinda Menon had seen the Rajpramukh.

SHRI GOVINDAN NAIR: Not ten days; it was a day after. You can look into the old files and find out, but I am sure that it is not more than 24 hours. So all these arguments of instability, etc. are based not on facts, but merely on the interests of the Congress Party there. It is only now an impression is created by the hon. the Home Minister that here is an unfortunate State where instability of Administration has become the order of the day. Now I ask the hon. the Home Minister: Did he go deep into the question? I tell you it is a very serious matter which was responsible for this instability. He should have seriously taken into account all these things. A State like our State, though farther away, with so many serious problems cannot be ignored by Parliament. So I again say that this House and the Home Minister himself must seriously go into this question.

Now I would rather draw the attention of this House to the speech of the outgoing Chief Minister. He said all the crises were brought about not by Opposition Parties, not by the P.S.P., not by the Communists, but by the Congress Party alone. This was an admission, an open admission made by the outgoing Chief Minister. I will now go further into that question. In 1953 when the Congress

[Shri Govindan Nair.] supported by the T.T.N.C. was in power, who created the crisis? Is it the T.T.N.C.? No. Puffed up by a slight increase in the number of votes they secured in the panchayat elections, the Congress leaders including some hon. Members of this House, thought that this was the time to precipitate an election and win a majority for the Congress. I know that the T.T.N.C. was prepared even at the last moment to come to some kind of a compromise. One word through the phone from New Delhi would have prevented that crisis. But the Congress leaders were so sure that, if an election were conducted, they would get a majority. So they said 'No' to the T.T.N.C. and there was the crisis. What was the result? All of you know that the Congress was returned again in a minority. Their wishes and their assessment did not materialise. Again in 1954 after the general elections there came the roots of the crisis. I mentioned just now, in the course of my speech, about the support that was rendered by the Congress to the P.S.P. to form a Ministry. I ask you: What was it that made the Congress to withdraw that support to the P.S.P. and create a crisis? Was it the making of the Communists? Was it the making of the P.S.P., or, was it the making of the Congress and Congress alone? I shall not go into the question as to how the Congress is faring in many other States, but in our State the Congress is getting weaker and weaker every day.

SYED MAZHAR IMAM (Bihar): Question.

SHRI GOVINDAN NAIR: Nobody can question it. Nor can any party check it.

SHRI M. JOHN (Bihar): Who is getting stronger?

SHRI GOVINDAN NAIR: I think it must be the Opposition parties.

SHRI P. S. RAJAGOPAL NAIDU (Madras): Wishful thinking.

SHRI GOVINDAN NAIR: If anybody has any doubts about it, I refer hon. Members to the recent results in the municipal elections. That will show in what direction the current is flowing, and how the Congress is getting weaker. Also in the next, general elections which are coming in for all of us, I have no doubt about it. But, as things stand, let us take an objective view and decide what is the present position there. I told you the position of the Congress from 1952 onwards. In 1954 there was a slight increase in the number of votes which the Congress got, but, after that, again the Congress has been growing weaker and weaker. So they thought, from the lessons they learnt in other parts of India, for example, in PEPSU and also in Andhra, the Congressmen thought that, to have President's rule there would help them to win their position. But you should remember one thing. No President, no person on earth can save the Congress in our State. Because it is a creation of their own actions they are getting day by day unpopular.

I think I will get another opportunity, when the general discussion on the Budget of our State takes place here in this House, to say more about the misdoings of the Congress. Have you ever heard of a party leadership which, when Members of their own party bring certain charges against a certain Ministry, refuses to go into them and arrogantly deals with them and creates a crisis? So, let us take note of what is going on there, and this President's rule is not going to help them. So, if you examine the events from 1952 onwards up to this day, you will see that the Congress, in order to maintain their position, in order to regain a majority, were conspiring against the State, and against the people and thus they were ruining both the State and their own party.

Now, when I heard the Home Minister I felt very sad. I expect him as

3 P.M.

Home Minister to rise above party considerations. I believe every Minister has a double role, one as the party man and the other as an administrator. When one has to deal with questions of administration, when one has to deal with such problems that confront our State, I would expect every Minister to rise above party considerations and deal with those problems. From all the facts that were placed before this House I am really sorry to note that they were not able to do so and now at least I would request them to reconsider the whole position. It was said here that since the Adviser was responsible to this House, it was therefore democratic rule that was going on there. Now, as to the nature of democracy that Shri P. S. Rau is having, I would invite your attention to a recent invitation issued to some of the hon. Members of this House. Unfortunately, I have not got a copy with me but I have seen it. He did not even have the courtesy to write to the Members of Parliament to go and meet him. He had asked his Private Secretary to write, and also the tone of the letter is worth knowing. I hope some of the hon. Members of this House who possess that letter will read it out so that the House may know the type of democracy he is going to enforce. I have read very good speeches by our Prime Minister about the new attitude that should be taken by these officers in their approach to problems concerning the people in this new democratic set-up. Has any of these officers ever gone through those things or has the Prime Minister ever taken pains to re-educate his officers who were trained in an entirely different set-up, a set-up where the then rulers wanted to keep the people in suppression? Has the Government ever taken it into its head that it is necessary to teach them new manners? Sir, I shall not go further into it but there is one man's rule in our State at a time when so many vital interests of our country are to be considered. I shall not deal

with the constitutional aspect of it\* because I know there are many hon Members in this House who are competent, who are better authorities than anybody else in India and I expect them to elucidate those constitutional questions.

Now, I would make one suggestion to the Home Ministry. I would bring to the notice of this House and to the notice of the Ministry of Home Affairs that in the Madras Legislature when they were discussing the States Reorganization Bill a Resolution was unanimously adopted that those Members from the Tamil talukas who were formerly Members of the Assembly should be permitted to attend the Madras Legislature by a proper amendment or Bill or whatever it is that is to be passed by the House. I would request the Home Ministry that at least by October when the States are to be reorganised they should consider the question of taking necessary steps to revive the Assembly in our State. The figures that were given by the hon. Minister about the strength of the various parties in the Madras-Assembly, that is, Members from the Malabar side, were not correct. There are 11 Members of the P.S.P., 8 from the Communist side and 2 Independents. There are only 4 or 5 Congressmen and 5 Muslim League Members. The number he gave—I do not know whether I heard him correctly—was..

DR. RADHA KUMUD MOOKERJI (Nominated): Could a Member apply the term 'corrupt' to a Minister?

SHRI H. P. SAKSENA: He said 'incorrect'; he did not say 'corrupt'.

SHRI GOVINDAN NAIR: I did not say that. But I can inform the hon. Member that in our State even certain ex-Ministers are saying that it is not a crime to take bribes and get corrupted. Anyway I did not even think about it, I was saying "not correct".

So, I was trying to tell you, Sir, that if the Travancore-Cochin Assembly is revived by October and if the



[Shri Govindan Nair.] Malabar Members are also allowed to join it, then there would be every possibility of having a comfortable majority, whichever party is able to secure support. If the support of the P.S.P. goes to the Congress, all right, you have it. If the support of the P.S.P. goes to the other parties, then let there be a Ministry formed by them or if the P.S.P. is going to be supported by other parties why should you object? If the Congress can try an experiment, allow us also to try that. And we can give them this guarantee that we shall not create interim crises as has been done by the Congress. So, I would request the hon\* Minister to seriously consider the question of reviving our Assembly by putting an end to the Administrator's rule and having a democratic set-up there.

SHRIMATI K. BHARATHI (Travancore-Cochin) : Mr. Vice-Chairman, Sir, exactly eight years after the installation of the first people's Ministry in Travancore-Cochin State the administration of the State had to be taken over by the President very recently. Within these eight years it is rather funny to note that six successive Ministries fell in that very beautiful State, to use the words of the hon. Home Minister. With this background if I am a little retrospective, I hope, Sir, you would excuse me. Along with the rest of India Travancore-Cochin State also went to the polls in 1952, but emerged with an unstable party position. As the largest single party the Congress took over the administration and carried on for nearly a year and a half. Then the Travancore Tamil Nad Congress group who supported the Ministry deserted it and the Ministry had to resign. Almost every party then declared the inevitability of a new general election. Thus in 1954 Travancore-Cochin had the honour to go again to the polls. Since then two Ministries had fallen in that State. With this history and with these events before us is it not clear that there was no scope of a stable Ministry in Travancore-Cochin and that President's rule is almost inevi-

table? Yet I am surprised to hear my friend here as well as some friends outside speak as if the President's rule had been brought about by Congress conspiracy. Of course, I can understand these friends being obsessed always with conspiracies. But Congress functions differently.

Sir, let us go back to the picture of the State in 1954 immediately after the general election. It was stated that the Congress had only 46 seats; T.T.N.C. 12; P.S.P. 19; Communist Party 28; R.S.P. 9; K.S.P. 3; and independent 1. Why did not the non-Congress parties join together and take up the administration—I ask. What stood in their way except their attempts to over-reach the other? Of course, the P.S.P. leader made a try for power. But there was the slip between the cup and his lips. They quarrelled and the P.S.P. leader was pulled down by the Communist Party. The mutual recrimination between the P.S.P., R.S.P., K.S.P. and the Communist Party as to who should take the blame for the debacle is still a controversy. It has not even ended to this day. In those days these parties fought their battles not only with vitriolics but by naked fists as well. Chaos and anarchy seemed to hang heavily in the air, and President's rule seemed to be the only way out. What a tragedy it would have been if the President had to take over the administration immediately after a mid-term general election? So, the Congress came forward and offered support to the P.S.P. Ministry. The Congress did not ask for any reward nor did they take any. The Communists and the R.S.P. showered abuses on the Congress for supporting the P.S.P. Ministry. Yet, the Congress in its generosity forgave and forgot all the evils the P.S.P. had done and said against them. But what an irony, Sir! The P.S.P. swore external and uncompromising enmity towards the Congress as the reward for the support we gave them, which they very readily accepted. That is the way certain minds work! We cannot help it.

Thus came the inevitable fall of the first P.S.P. Ministry of India. The Congress supported the vote of no confidence brought against the P.S.P. Ministry when they were sure that they had the requisite majority to form an alternate Ministry in that State. Sir, in this connection it is interesting to note that 60 Members voted for it and 30 Members voted against it, while 27 remained neutral. And these 27 were the Communist Members. The P.S.P. leader in his fury even advised the Rajpramukh to dissolve the Legislature. But the Rajpramukh was not in a position to oblige him on that score. Thus the Congress again came into power.

Now, after thirteen months, the Congress Ministry resigned on the 12th March following the desertion of six Congress M.L.As. After that dishonourable betrayal of the party by the six M.L.As. the Ministry could not continue, unless other parties came forward to offer their support. But to this day there had been no indication that they would support the Congress Ministry. The leader of the Congress Party, unlike the P.S.P. chief, did not advise the Rajpramukh to dissolve the Legislature then and there. He advised the Rajpramukh to explore all possibilities to form an alternate Ministry. But the six Congress deserters declared that they would not support a Communist Ministry or a Communist-supported Ministry. Of course, they are no admirers of communism or socialism or even the socialistic pattern. The moment that declaration was made it was clear that an alternate Ministry was impossible because the strength of all the opposition parties put together was only 55 in a House of 118. Yet the leader of the Communist Party, with his 27 seats, strove hard for six days and nights to form a Government and at last reported failure. The Rajpramukh should have closed the chapter then and there. But in generosity he invited the leader of the P.S.P. to make another trial and that was the begin-ning-of the most shameful chapter in

the whole episode. The way M.L.As. were chased and even kidnapped, coaxed and cajoled and offered Ministerial gaddis, all go to show that not only a stable Ministry was impossible in that State but also that everything was unstable there. If on the 23rd finally the curtains were not rung down, the immoral pursuit of power by the P.S.P. with the help of the Communist Party would have degraded public life to the farthest possible limit.

Now, Sir, if you would read the mutual condemnatory statements issued by these various parties, P.S.P., R.S.P., K.S.P. and Communists, you will find how they tried to build up a false majority based on mutual deceits and a concerted effort to defraud the public. In the face of all these, to accuse the Rajpramukh that he did not allow a stable Ministry to be formed is an outrageous and a truly daring act. In a way, the immediate cause of the President's rule is the ignominious desertion of the Congress M.L.As. All the same, but for the blind opposition of the Opposition parties to the Congress, the President's rule could have been averted in the State. If only the P.S.P. had reciprocated the good gesture the Congress had shown to them, President's rule would have been avoided there. Sir, the Communist Party had a short and fleeting lucid moment. Early in the first week of March, they announced that they would not vote down the Congress Ministry at this critical juncture in the life of the State without having a clear alternative before them. But within a day or two, they lapsed into their usual 'hate Congress' phobia and said, "Come what may; be it the President's rule or some other thing, we will vote down the Congress." That shows the utterly irresponsible way these parties behave in Travancore-Cochin State.

Now the drama is over. The leader of the K.S.P. has in unequivocal terms announced that President's rule was

[Shrimati K. Bhara thi.] the only alternative after the fall of the Congress Ministry. Sir, he has also said that there was no justification for the P.S.P. leaders efforts to form a Ministry so far as he was rejected by the very same Assembly only a few months ago. Then the strength of the P.S.P. was 19. Now, as hon. Mr. Datar has stated, it has diminished to 15 and even that is not to be depended upon because only 11 P.S.P. Members voted for the P.S.P. candidate in the Rajya Sabha elections recently. So, one can have only sympathy for the leader of the P.S.P. when, goaded by the Communist Party and others who wanted to play a practical joke on him, he pursued the mirage of a Ministry. And was he *not* going diametrically opposite to the Gaya Resolution of the P.S.P.? Bearing all these things and facts in mind, I do not think that anybody can honestly accuse the Congress of having conspired to bring about President's rule in Travancore-Cochin.

I am pained that Travancore-Cochin has to be put in the hands of the President. I will feel pained if I am compelled to enter a nursing home. But if I am ill and if I want to recover, there is no other alternative. The cancer of indiscipline and the poison of hatred and vilification have made Travancore-Cochin State politically a sick one. Today, it lies convalescing under the care of the President of the Republic of India and I am sure that he will, like a mother, lovingly nurse it back to a healthy and vigorous existence. In Travancore-Cochin, what we want is a campaign against base lies and mean allegations. Let us raise the moral standards and restore political decency. With that resolve, let us approve the President's Proclamation. Thank you.

SHRI B. C. GHOSE: Sir, not until had I heard the Home Minister did I realise that he had such a weak case. He seems to be under the impression that a few gibes at Mr. Pattom Thanu |

Pillai, however enjoyable but unsubstantial, are real arguments and will justify the action taken by Government. The issue before us, Sir, is simple—whether or not a situation had arisen in Travancore-Cochin in which the Government of the State could not be carried on in accordance with the provisions of the Constitution. In this context, I was rather surprised and shocked at the statement made by the hon. Minister that the imposition of President's rule was not an unmixed evil. A breakdown of the democratic Constitution is always to be regretted and should not be justified by saying that "Here is Parliament which has taken up the conduct of affairs in Travancore-Cochin and, therefore, the abolition of the Legislature there is not something which is regrettable."

In regard to the actual state of affairs there, I must confess that I am not conversant with the arithmetic of the parties. But I shall accept the statements made by the hon. Minister and base my arguments on those facts. But one thing must be made clear and we must disabuse our minds of a theory that only a single party must always form a Government. It is true that we have been nurtured in the British traditions and British practices are always before us and we are apt to think that this is the only form of democratic Government. But that is not so. There is France, where we have a democratic Government, where Ministries do not last more than six months and still, it is one of the foremost countries of the world, where a Minister who is defeated today again becomes a Chief Minister tomorrow. That fact appears to be forgotten because the last speaker was saying that Mr. Thanu Pillai got defeated only the other day; he could not, therefore, be called upon to form a Ministry even though Mr. Thanu Pillai, through altered circumstances, might have obtained a majority behind him. We must try to realise that there may be States in this country where a form of

'Government based upon British traditions may not be possible. It may be unfortunate, but that may be

the fact. And the mere fact that there must be a combination or a joining together of various small groups should not be used as an argument for denying that particular State a democratic Government. That fact should be borne in mind.

Now, let us come to the arithmetic of it. The jugglery of arithmetic has left us confused, I must say. But certain facts do stand out. They are, first, that we have had more or less always a minority party forming a Government in Travancore-Cochin. It may have been the largest minority or it may have been the smallest minority. But the fact remains that it was never a single majority party in the sense that it commanded a majority in the whole House by itself, which constituted the Government in Travancore-Cochin.

My hon. friend has referred to double standards being applied and that is the charge that I want to level against the Government also. When the first John Government was formed, I believe he had only 45 Members or 46—please forgive me if my figures are wrong because I am not sufficiently conversant with them—certainly not a majority of them.

SHRI H. P. SAKSENA: Biggest majority.

SHRI B. C. GHOSE: Not the biggest majority. It was the biggest minority. Yes, the biggest minority had formed the Government and when the Government was formed, I am told—and it has not been contradicted—that the T.T.N.C. had not at that moment assured its support, although subsequently that support was given. Now, the John Ministry fell. What happened? There was a general election. Then, there was a Government. That Government was also not a majority one in the sense that it was not the majority of a single party.

That Government failed. Then came Pattom Thanu Pillai. Imagine, Sir, the hon. Minister himself had stated the surprising fact that a party with only 19 Members formed a Government. As a Member of that party, I do not know whether I am in an unfortunate position or, should I say, in a fortunate position, because I am sought after both by the Congress and by the Opposition parties. And would that be a crime? (*Interruption.*) I am faithful to the Travancore-Cochin State, neither to the Congress nor to the other parties. I feel that if service can be rendered to the State, I shall do it in my own way, in my own light. Now, Sir, I would like to ask one question. Why did the Congress give their support to the P.S.P.? Because they felt that even though they were installing the P.S.P. in the Government, they could have their own way. But they soon found out that that could not be done. Shri Pattom Thanu Pillai was not going to brush their shoes. They had found a Tartar in him. And as soon as they found that they could not have their own way, they threw him out. And that is, Sir, honesty!

SHRI H. P. SAKSENA: A very late discovery, my dear friend.

SHRI B. C. GHOSE: We discover late because we learn about the Congress Party's honesty or disinterestedness by actual experience. And then what happened? The Congress again came into power with the help of the T.T.N.C. Party which had thrown them out. And that was not a crime. That is what it should be because you have the majority.

Now it is a question of Pattom Thanu Pillai again, whether the Opposition Parties have a majority or not. I do not take the figure of 59. I will start with 54 which the hon. Minister himself had stated. Why should not a combination of parties have been given a chance to form a Government? And, as a matter of fact, the hon. Minister himself agreed,

[Shri B. C. Ghose.] and my friend here also pointed out that 59 Members had signed stating that they would support the Thanu Pillai Government. Why should not they have been taken at their words and Pattom Thanu Pillai called upon to form a Government and take his chances in the Assembly? If he were to be thrown out, he could have been thrown out. And, is it the Government's contention that if a stable Government cannot be formed, then under those conditions, the President's rule will come in? Is that to be the form of democracy that we shall have here? Is it to be understood that if the elections do not assure us that there can be a stable Government, then that would mean that the President's rule is to come in? Parties and groups may change their allegiance, but if there are groups to be found which can constitute a majority and form a Government, a democratic Government should not stand in their way. And it is surprising for the hon. Minister to cite figures to show something and gloat over it. I do not know through what persuasion those Members were withdrawing their support. It is very surprising to say that because certain Members had withdrawn their support, and because the Rajpramukh could not be assured of a stable Government, he had advised the Government that President's rule should be introduced. Sir, this is a very unsatisfactory state of affairs, and it does not augur well for a democratic Government in this country. If a Government could have been formed, it should have been given a chance, and particularly as there were certain other things in the offing. There was the question of the State's reorganisation. Its boundaries were going to be redrawn. There appears to be a controversy. Although I do not know what would have been the composition of the State after its reorganisation, yet probably the Government would have been more stable, the Government which was being formed by the Opposition parties.

Sir, the hon. Minister was in such straits that he went on quoting the P.S.P. resolutions and the National Executive's resolution. The National Executive's resolution stated that they did not feel that a Government was at that moment possible, but still they did not rule it out, and they left the ultimate decision to two Members, Shri Pattom Thanu Pillai and the acting Chairman, subject to the policy declaration. And I must make it clear that when circumstances change, parties also change their programmes and policies; and every party should do it. The Congress also does it, because it must move with the times. There is no crime in that. You have to change if the times change. How many times has the Congress changed its policies? Even small words have undergone a change. At first it was "Co-operative Commonwealth". Then it was changed to "Socialistic pattern of society". And now it is "Socialist pattern". Probably in one year's time it will be "Socialism". They take so much time to come to a simple conclusion. There is nothing wrong in that. The hon. Minister should not have tried to mislead the House by quoting resolutions which did not support his case, because the P.S.P. resolution did not rule out the formation of a Ministry under certain circumstances. If the P.S.P. once went along with the Congress on their own terms, there would have been no harm, or the heavens would not have fallen, if the P.S.P., in the interest of the State, had been allowed to form a Government in collaboration with the Opposition parties on their terms. The other parties had offered to the P.S.P. the same support which the Congress had done in the past. There was no crime in that. Therefore, Sir, it does not lie in the mouth of the hon. Minister or the Congress to say that they have acted disinterestedly. If you, Sir, notice the developments in Travaneore-Cochin, you will see that every decision was taken in the interest of the Congress. Even when the P.S.P. was permitted to form a Government, it was because the Con-

gress felt that their interests would be protected. But they had judged the P.S.P. wrongly, because they thought that they could make the P.S.P. do what they wanted. And it was soon found out that that could not be done. The result was that they threw out Shri Pattom Thanu Pillai. What else could have been the reason? What was the principle involved in bringing Shri Pattom Thanu Pillai with their support and then throwing him out? I should like to know that from my hon. friend, Mr. Madhavan Nair, the General Secretary of the Congress. What was the principle involved in bringing about the P.S.P. Government with their support and in sitting in the Opposition? Can you ever imagine that, Sir? They called it the negative support. Can you imagine a party which pledges support even negatively and sits in the Opposition? That is dishonesty, Sir.

SHRI K. P. MADHAVAN NAIR: Whose dishonesty?

SHRI B. C. GHOSE: Of the party which pledges support to the Government and then sits in the Opposition.

Now, Sir, I have nothing more to say, because the facts are before the House. Let the House judge those facts. At every point where the position of the Congress Party is threatened, they have acted undemocratically as they have done on the present occasion. I wish the Congress would realise what they are doing, and realise also that that is not good for the democracy in this country. And I hope, Sir, that they will retrace their steps.

SHRI K. P. MADHAVAN NAIR: Mr. Vice-Chairman, Sir, my friend, Mr. Ghose, has asked me to give him some information, but I am sure he knows that better than me as it relates to his own party. And so I do not propose to go into any details. I shall only confine myself....

SHRI S. MAHANTY: What about us?

SHRI K. P. MADHAVAN NAIR: If you are very much interested, I shall oblige you.

SHRI S. MAHANTY: Yes.

SHRI K. P. MADHAVAN NAIR: Sir, I wish to confine myself only to a few broad aspects and not go too much into the arithmetic.

Now, the main charge has been that in the politics of that unfortunate State there have been double standards from time to time adopted by the ruling party. But really who has been pleading for a double standard? In 1955, when Shri Pattom Thanu Pillai had to quit the Ministry, he wanted an immediate dissolution of the Assembly and he did not want anybody else to be given a chance to form a Ministry. But in 1956 when Shri Govinda Menon quitted he is not satisfied with 12 days' time to try the formation of another Ministry. Then, my friend who spoke first was saying that in 1955 when Mr. Pattom Thanu Pillai's Ministry fell, within a few hours a new Ministry was constituted. I shall remind him that the motion of no confidence was moved on the 8th February. I fear that my friend is not here.

THE VICE-CHAIRMAN (DR. P. SUBBARAYAN): He will read it.

SHRI K. P. MADHAVAN NAIR: It was passed on the 8th February 1955, and the new Ministry did not take up office before a week was out, and the reason was—and that is why I remember it so well—we were very particular that we should not accept office unless we had a definite majority. The Congress Party did not want to be the biggest minority, it wanted an absolute majority for itself. What really happened was that the Members of the Travancore Tamil Nad Congress (TTNC) desired to join the Congress. There was an organisation which was formed in our State with more or less, for all practical purposes, the same policy as the

[Shri K. P. Madhavan Nair.] Congress, and which differed from the Congress only with regard to their claim to join the Madras State or the Tamil Nad. They wanted their separate organisation to be affiliated to the Tamil Nad Congress. They claimed that their area should be joined to Tamil Nad.

SHRI H. C. DASAPPA: He has come.

SHRI K. P. MADHAVAN NAIR: But - by February 1955 that question was in the hands of a competent body, the States Reorganisation Commission. Therefore, at that time, there was practically nothing on which the Travancore Tamil Nad Congress differed from the Indian National Congress. They wanted time to resign from their body and join our organisation. As I said, Sir, we were very particular that unless we had a party of our own commanding an absolute majority in the House, we would not accept office. On the 13th February or so \_\_\_\_\_

(Interruption by Shri Govindan Nair)

My friend was not here when I was answering him. I was trying to answer his point first. I was telling the House that the no confidence Resolution against Mr. Pattom Thanu Pillai was passed on the 8th February, and the Travancore Tamil Nad Congress Members wanted some time to resign from their organisation and join the Congress in view of all their differences with the Congress having been settled or referred to an impartial Commission. We had to give them time and we gave them time. They resigned from the Travancore Tamil Nad Congress and became Members of the Indian National Congress. They applied for admission to the Congress Legislature Party and they were admitted, and thus the Congress Party had 59 Members in a House of 118, but effectively only 117 as the Speaker was from the P.S.P. My friend was referring to crossing of the floor, though he has no objec-

tion to applying a different standard to the two or three friends of his who were prepared to oblige him this time. He was saying that everybody in the country knew how this strength came to 59. I can tell him that after the Congress passed their resolution about a socialistic pattern of society in Avadi in January, one or two Members of the Praja Socialist Party resigned from the party before the no confidence Resolution was passed. Long before the party took up office in the State, not just a day or two before that, two Members resigned from the P.S.P. on the ground that in view of the Congress having accepted a socialistic pattern of society, there was no reason why they should continue in the party. One of them joined the Congress immediately and thus before the Congress took up office, they had 59 Members in the House out of 118. Besides, they had the promised support of three more members. One or two of them had also written to the Rajpramukh in this connection. But this time what has been the position? Though I said I would not dabble too much in arithmetic, this point cannot be met except by a little use of arithmetic. This time the position was entirely different. The Communists, the K.S.P.— a party confined to the Kerala State only—the R.S.P. and the Socialists, the four of them, were making up only 54. Then they said they had the promised support of two Members. They were also banking upon the support of two or three other Members. The day after or perhaps the same day the Rajpramukh got information that they were backing out as they agreed to join the party on certain conditions which they understood were not to happen. Therefore, out of the 59 Members whose signatures were announced, two backed out. I do not know how, if the Rajpramukh refused to allow these 57 people to form the Ministry, he was adopting a standard different from that adopted in February 1955. My friend was referring to a recent statement that one or two Members had said that they had agreed to join

and they did not back out. I do not know why during that period of crisis, during that important period when newspapers were publishing reports that these people had sent in letters to the Rajpramukh backing out of the original agreement, they did not come out with this statement. (*Interruption.*) My friend also is surely reading local newspapers. During that period when this matter was brought to the notice of the press and the public, namely, that the Rajpramukh had received information that these people had backed out, there was no one to say that they had not gone back.

Even with regard to these 57, I may add that three Members came from one party called the Kerala Socialist Party. For the information of my friend, I may say that these three people had only given conditional support. The leader of the K.S.P. said that "at no time had Mr. Pattom Thanu Pillai, the P.S.P. leader, a real majority in the Assembly. From the 59 supporters claimed by him there were two defections. The K.S.P. had insisted on the formation of one Parliamentary party in the Assembly to which the National Executive of the P.S.P. was opposed." I do not want to say that I know more about the resolutions or the working of the mind behind the resolutions of the P.S.P. than my friend Shri B. C. Ghose, but anyway, as far as the public have been able to understand, they felt that there was no permission given to the leader of the P.S.P. to form a composite Parliamentary party. So, the support of three K.S.P. Members was also not there. Though it is said that there was no withdrawal, I have read from a statement made by the leader of this party which has been repeated by the other people. Therefore, the total number of Members who pledged support to Shri Pattom Thanu Pillai really was only 54 in a House of 118. He was, therefore, not called upon to form a Ministry. I do not see how a different standard can be said to have been adopted this time.

The Ministry resigned on the 11th and on the 23rd there was the President's Proclamation and the President's rule came into being. By no stretch of imagination can it be said that the Authorities adopted this time a role different from that they did -earlier.

Now, Sir, a charge has been made that in 1952, when also the Congress was not in a majority, it was allowed to assume office and they also were saying that at that time the T.T.N.C. people had not joined and they joined only a little later. As my friend knows well and for the information of other hon. Members, I say that the Congress then accepted office only on the definite understanding that it would have the solid support of a majority of Members including half a dozen Independents. I can also inform the Members that within a few days of assuming office, the party rather than the Ministry faced the Assembly. It passed its Budget, it passed its Vote on Account. All these things were done. It faced the House and it came out with a majority and that was enough proof that it was not, as my friend refers, as the largest minority that the Congress then formed the Government....

(*Interruptions.*)

THE VICE-CHAIRMAN. (DR. P. SUBBARAYAN): Order, order.

SHRI GOVIND AN NAIR: During that session of the Assembly, did the P.S.P. support the Congress or did they oppose it?

SHRI K. P. MADHAVAN NAIR: The Member knows better. All I say is this that if the Congress had not a majority, it would not have survived the Assembly. I said that I was not going into great details, but these broad facts I have to bring to the notice of the House. Immediately after forming the Ministry, it faced the Assembly, it had the Budget passed and thus proved that it had the confidence of a majority of Members. This position continued. I don't know what my friend has been\*.



[Shri K. P. Madhavan Nair.] referring to, that if a telegram or a telephone from Delhi could have gone, the fall of the Ministry then could have been avoided. I take it as a big compliment which he could pay to the Congress. He says that if a simple telegram had gone from here—I don't know from whom and I don't know whether he refers to me, as he also said 'a Member of this House'—and if he thinks that a single telegram of mine or a telegram which I could have made somebody to send, could have saved the Ministry, and if we did not do it, I say that it goes to show that the Congress never wanted to stick on to office when it had not the solid support of the majority of the Members of the House and that is compliment enough which I think we very well deserve from the Communist Party.

Then my P.S.P. and Communist friends were asking me why in 1954 after the elections, we were supporting the P.S.P. Different conclusions were drawn by my two friends—the Communist feeling that it was because we were afraid of the leftists coming together and the P.S.P. leader feeling that because we thought that they would "remove the dust from our shoes" and that later we found that it was not being done. Anyway, I don't think either of these considerations weighed with us. As you know, in 1951-52 we went through an election. In 1954 we went through another election and we did not want to tire the public again. We did not want to tire the country by asking for another immediate election. Therefore, we were prepared for a democratic rule. We knew what the fate would have been if at that time some other party had been in office and, therefore, knowing all these and to avoid unnecessary waste and putting the people and the country to trouble, we thought we would adopt the lesser of the two evils and we said to the P.S.P., "Provided you behave properly, you can count upon our support". There was no question of our joining them. There was no question

of our forming one party but we said, "As long as you conduct yourselves properly, we will go with you". And I can say that we strained our utmost during the period of 11 months to see how far we could adjust ourselves. But when we found that Shri Thanu Pillai was going far off the track, that he was doing things quite against the interests of the country, that he was doing things which were not liked even by his own men, we had to withdraw our support. And I might, for the information of the Members, say that during the period he was going on as Chief Minister, about 75 per cent of the Members of his Executive resigned from that body and it was only long after he resigned from the Ministry, that some of them came back. This clearly shows how far his actions were condemned and disliked even by his own party men and allowing him to continue would have been to the detriment of the country. Therefore, we had, much against our inclination, to support the no confidence motion which was brought by one of his own erstwhile party men. The subsequent developments I have already given. Therefore, I fail to understand' at what period the Government or the Congress set a standard different from that it has been adopting all through the crisis which faced the country from time to time.

Sir, I have finished with the question of two standards and I think I have also touched upon the arithmetic of the matter. My friend has been referring to our organisation. I don't know if he has begun to take a kindlier and a greater interests in the Congress. If he does so, I am not sorry for it. He devoted a fairly good portion of his speech to the weakness in the organisation and perhaps at the next occasion he might also suggest remedies. We don't feel that our organisation is perfect, that we cannot take suggestions, particularly from friends and well-meaning people, and I can safely tell my friend that if he is going to make construc-

tive suggestions, we shall certainly give them due consideration, but the approach which he made today does not promise that his suggestions would be of that nature, which would in any way help us or about which I could give any kind consideration. He has been saying that it was impossible for him to think of a leader of a party -who refused to consider charges levelled against him. It is not my purpose to speak here of other parties. I don't want to say how they conduct themselves. We all know sufficiently about it, but I shall say one word about our organisation in the Travancore-Cochin State. He said that several charges were ' made against the Ministry but the leader did not care to answer any of them. I don't wish to tire this House by dwelling on the charges and with all the details, but I shall just read out the most important and the first charge which was made against the party. That was this "that the Chief Minister included in the Ministry only persons who, in his opinion, would support him. The distribution of the portfolios was done by the Chief Minister. The Chief Minister's colleagues simply accepted the decision of the Chief Minister regarding distribution of the portfolios." I wonder how Ministries are formed elsewhere. Probably our friend or those who are responsible for this charge have little experience in this line and this action of the Chief Minister in choosing his colleagues and distributing the portfolios, even if it be true, I don't think, it bears any scrutiny or that anybody can find the least objection to that. I said that I did not want to go into all the charges. This was the important charge and I may tell you, Sir, that among the charges—and there are about 14 to 16 charges—there is absolutely no charge of corruption or nepotism. He was referring to the statements of ex-Ministers. Of course we have got a number of ex-Ministers and they may be making statements in the papers because of the very large number of newspapers we have and the very high percentage of literacy. But I do not know to what statement

he referred. Anyway, with regard to these charges, for the information of my friend and others, I can say that they were all discussed at a full meeting of the party; one by one; the charges were read and they were discussed and the party unanimously felt that there was nothing in the charges. In spite of it, the Chief Minister told the party that he was prepared to place all these before the highest authority and that he would abide by the decision. This is more or less an internal matter of the party, but because my friend, I don't know why, thought it necessary to bring it before this House, I also with apologies to you all, had to refer to this matter.

There was attributed one motive for the dissolution of the Assembly and the imposition of the President's rule. I might say that the figures of party strength which have been originally quoted are not quite correct as regards the new set-up after 1st October. Because in the new set-up, the so-called leftists may outnumber the Congress. I don't know, I do not fully subscribe that the several parties which are there, are all leftists or that the Congress is rightist and I hold the view that so far as the P.S.P. is concerned, it is much more right than the Congress in our State of Travancore-Cochin. But that is by the way. Now, in the new set-up which will come in October, it is quite true that non-Congress Members will be more than the Congress Members. But that, as my hon. friend very well knows, can give him no pleasure, because the leaders of the P.S.P. in Malabar, which in the words of the P.S.P. leader here is the largest minority there, have made it very clear that they will have absolutely no trek with the Communist and when the two wings of the P.S.P. come together—the P.S.P. from Travancore-Cochin and the P.S.P. from Malabar side—there will be absolutely no question of our Communist friends getting the assistance of these people. Therefore, the question of setting up a solid leftist majority and forming an anti-Congress Government, I don't think, will

[Shri K. P. Madhavan Nair.]  
be considered possible or feasible even  
after 1st October.

My hon. friend also has been speaking about democracy. I am glad he has now begun to think more and more about democracy. I only wish that the advice which he now gives to the Congress and the Congress leaders, to adopt the ways of democracy, will be followed by him and his friends and leaders of his party as well.

Sir, I do not think it is necessary for me to go into other minute details, especially as there are several other hon. Members also to speak. Therefore, I bring my remarks to a close now. Thank you.

SHRI H. N. KUNZRU (Uttar Pradesh) : Mr. Vice-Chairman, I listened very attentively to the case put forward by the mover of the Resolution. But it seemed to me when he had finished that he had not presented a very strong case. First of all, I should like to deal with a point which, it appeared to me, he had ignored altogether. Article 356 of the Constitution, Sir, empowers the President, when he is satisfied—

"that a situation has arisen in which the government of the State cannot be carried on in accordance with the provisions of this Constitution,"

to issue a Proclamation, assuming to himself, "all or any of the functions of the Government of the State" etc. etc.

And the President may, by this Proclamation—

"(c) make such incidental and Consequential provisions as appear to the President to be necessary or desirable for giving effect to the objects of the Proclamation, including provisions for suspending in whole or in part the operation of any provision of this Constitution relating to any body or authority in the State."

Now, I ask the House to consider carefully the language used in sub-clause (c) clause (1) of article 356, which I have just read out. This clause authorises the President to make such incidental and consequential provisions as appear to him to be necessary or desirable for giving effect to the objects of the Proclamation. I suppose it was felt that if matters were left at that, if the language was not more specific, it might not be possible for the President to suspend in whole or in part the operation of any provisions of the Constitution relating to any body or authority in the State. I know that sub-clause (b) of clause (1) of the article which I have already referred to, gives the President the power to declare by proclamation that the powers of the Legislature of the States shall be exercisable by or under the authority of Parliament. But this is not the same thing as authorising the President to dissolve the Legislature. Sub-clause (c) of clause (1) makes it clear that the incidental and consequential provisions referred to will contain provisions relating to the suspension of any part of the Constitution. Now, if it was felt that unless clarification was made it would not be clear beyond doubt that the incidental and consequential provisions would include the power to suspend the operation of any part of the Constitution relating to any body or authority in the State, then it is obvious that such a doubt could arise with greater force with regard to the dissolution of the Legislature. It is obvious that these words "such incidental and consequential provisions" should not be held to include the "dissolution" of the State Legislature, unless it was explicitly mentioned in sub-clause (c). How is it then, that the President who is authorised by sub-clause (c) of clause (1) of article 356 to make such provisions including the suspension of the Legislature as he thought necessary, has dissolved the Legislature to which no reference is made in sub-clause (c)? I know that while in the case of the Punjab, the Legislature was only suspended, when a Proclamation was;

issued in regard to PEPSU and in regard to Andhra, the Legislatures of the States concerned were dissolved. The fact that the question that I have raised was not raised then has probably made the Government bolder and made them feel that they could take such action whenever they thought it desirable to have recourse to it. I should really like to understand how when it is stated explicitly that the words "incidental and consequential provisions" shall be held to include the suspension only of provisions of the Constitution relating to any body or authority in the State, it has been assumed that they include the dissolution of the Legislature to which no reference is made in subclause (c).

Another consideration bearing on the same point is the fact that this article 356 of the Constitution is based on section 93 of the Government of India Act, 1935, as originally enacted. Under section 93 of the Government of India Act, a Governor could issue a Proclamation assuming to himself all or any of the powers vested in or exercisable by any provincial body or authority. That is, the powers given to the Governor by the Act of 1935 were more than those given to the President by the Constitution. A Governor could pass laws himself under section 93 of the Government of India Act, 1935, but under article 356 of the Constitution, the President cannot make laws himself. So long as the Legislature of any State is not functioning, all legislation relating to it must be passed by Parliament. Yet, the Government of India Act used the same language with regard to such incidental and consequential provisions that appear in sub-clause (c) of clause (1) of article 356. Section 93 of the Government of India Act, 1935, says:

"Any Proclamation issued by the Governor assuming to himself all or any of the powers vested in or exercisable by any provincial body or authority may contain such incidental and consequential provisions as may appear to him to be necessary or desirable for giving

effect to the objects of the Proclamation, including provisions for suspending in whole or in part the operation of any provisions of this Act relating to any provincial body or authority".

Never was any action taken in consequence of this language which extended so far as to dissolve the Legislature of any State. Whenever a Proclamation was issued by the Governor, the Legislature of the State was only suspended; it was never dissolved. Yet, although the language used in article 356 of the Constitution is the same as in section 93 of the Government of India Act, 1935, so far as the incidental and consequential provisions go, it has been assumed by the Government of India, probably with the support of the Law Ministry, that the incidental and consequential provisions include the dissolution of the Legislature though they do not include the suspension of the Legislature. As I have already stated, in order to make it clear, though the language used in sub-clause (c) was wide enough to include the suspension of the Legislature, it was thought necessary to state this explicitly and yet it has been assumed that the words which are not supposed to include of suspension of the Legislature are clear enough to include the dissolution of the Legislature.

The other point that I want to refer to is the consequences of the dissolution of the Legislature. The States Reorganisation Bill, in clause 26, provides that when the whole area of any Assembly constituency in an existing State is transferred to another existing State or becomes part of a new State, the sitting Member representing that constituency shall, as from the appointed date, be deemed to have been elected to the said Legislative Assembly by that constituency and shall cease to be a Member of the Legislative Assembly of which he was a Member immediately before that date. Taking the specific case of Kerala, when this Bill is passed, *the* Members representing the Malabar district in the Madras Legislative Assembly would become Members of

[Shri H. N. Kunzru.] the Kerala Legislative Assembly under clause 26 of the Bill but it will not be possible for them now to be Members of that Assembly because that Assembly has been dissolved. This Bill was, I believe, placed before the Lok Sabha on the 16th March while the Travancore-Cochin Government had resigned on the 11th March. There was no idea at that time that such an extreme step, of dissolving the Legislature—the legality of which is extremely doubtful—would be taken by the Government of India. It was only after a few days of the publication of the Bill that it was thought necessary to dissolve the Legislature. My hon. friend, the mover of the Resolution, said that as a new area was going to be added to the State—that it was a new State that was going to be formed—it was desirable that elections should be held for the whole of the State at the same time, while the provisions made in clause 26 of the Bill that I have read out show how much value Government attached to this contention when they laid the Bill before Parliament. It seems, therefore, that even from the practical point of view, Government have made a serious mistake in dissolving the Travancore-Cochin Legislature.

The mover of the Resolution in giving us a picture of the future alignment of the parties in the new State—seemed to me to say that the future position would not be very different from the existing position. If this is not an incorrect representation of what he said, then I should like to ask him what the Government of India proposes to do if the new State reproduces the conditions existing in the present State of Travancore-Cochin, I mean, if in the new State of Kerala the conditions existing in the existing State of Travancore-Cochin are reproduced. Will the President's rule be resorted to there and will Kerala be administered normally under the directions of the President? It is unthinkable, Sir, by me that the Government of India, however

sure it may be of its own authority at the present time, will dare take such a step. Perhaps there is the hope, Sir, that when elections to the Legislative Assembly of the new State of Kerala take place, the situation may change. Well then, if that is so, the existing Legislature ought not to have been dissolved, but a chance should have been given to the new State, when formed on the 1st of October by the addition of the Malabar district, etc., to create conditions in which a stable Government could be carried on. Had it been found that even then no stable Government could be formed, it might have been necessary for the President to assume all the functions of the Government to himself. This would not have involved—Sir, I mean, the course that I have recommended, namely, waiting for a short time to see how the Legislature of the new State would conduct itself, would not have involved—a new election. It would not, therefore, have been harassing to the electors or to the Members of the Legislatures. No harm would have been done had Government allowed the Assembly of the new State to function after October 1 and see how it conducted itself. Let me repeat that this would not have involved the holding of a new general election. If, however, the new Legislative Assembly had failed to form a stable Government, then the President could have assumed the functions of Government to himself and a general election could have been held in January or February, 1957, as is the intention of the Government at the present time. But there is no justification whatsoever, Sir, for the President's rule continuing for nine or ten months. I object very strongly to this. I think, Sir, undue advantage is being taken by the Government of India of the provisions of article 356.

I should like to deal with one or more point only before I sit down. The mover of the Resolution referred many times to the fact that no party in the Legislature had a majority and that the party trying to form a Government was in a small minority. I

do not know, Sir, what conclusions one should draw from that. My hon. friend, Shri Ghose, has already referred to the case of France, but I would like to draw the attention of my hon. friend, Shri Datar, to the fact that if he examines the strength of the party taking the lead in the formation of a Government in France, it will be found frequently that that party is not in a majority even in the group supporting the Government. That party is not merely in a minority in the whole Chamber of Deputies but possibly also in the group supporting the Government.

SHRI J. S. BISHT (Uttar Pradesh): A coalition for the time being is in a majority in the whole Chamber.

SHRI H. N. KUNZRU: For the time being, of course it is; otherwise there can be no Government. But I say that anything would have been better in the conditions in which the Proclamation was issued than the assumption of the powers of Government by the President and the dissolution of the Legislature. My hon. friend is not facing the issue correctly.

SHRI J. S. BISHT: Who would form the Government when there was no majority?

SHRI H. N. KUNZRU: He is ignoring the fact that the Legislature was dissolved. I have pointed out that, in my opinion, the language of article 356 is not such as to authorise the Government to dissolve the Legislature.

SHRI B. B. SHARMA (Uttar Pradesh) : What should the Government do in such circumstances?

SHRI H. N. KUNZRU: It is not my business to point out what they should do. I say they should follow the Act, and if the Act was not enough, let them go forward and first change the Act and then take such action as they thought was proper, but they cannot interpret the Act as they wish. I will say now how they should have acted. The President might have issued the Proclamation keeping the Legislature alive in order to give the new State

of Kerala, when formed, an opportunity of forming a stable Ministry.

SHRI B. B. SHARMA: How could the Legislature be kept alive without a Government?

SHRI H. N. KUNZRU: That shows that my hon. friend has not read the Constitution; he has not even read the Government of India Act, 1935. Both the Government of India Act, 1935, and the ' Constitution envisage that situation that seems so strange to him.

Well, Sir, I was dealing with the case of France. The case of France shows that where no single party is in a clear majority, the only form of Government that is possible is a coalition Government; if even a coalition Government cannot be formed, then obviously a dissolution is required.

THE VICE-CHAIRMAN (DR. P. SUBBARAYAN) : There, Mr. Kunzru, they work under different conditions. A Prime Minister nominated has got to get a majority in the Chamber of Deputies even before he forms a Ministry, which is not the case here.

SHRI H. N. KUNZRU: The point is this. In France there are well defined parties. In India at the present time you cannot say that the parties are as well defined as they are in England or in France. It is well known here and the case of the Congress Party itself illustrates that after a Government is formed, the party may be able to get the support of a number of Members of the Legislature so as to be in a majority. So long as that position exists, I think I am justified in using the analogy of France. I think, Sir, that the Government was hasty in advising the President that a Proclamation should be issued. I am further of the view that the Legislature should not have been dissolved. I go beyond this and say that, judging from the language of sub-clause (e.i of clause (1) of article 356 of the Constitution and considering the language

[Shri H. N. Kunzru.] If section 93 of the Government of India Act, 1935 and the practice of the British Government, it is very doubtful legally whether the President has the power of dissolving the Legislature even after issuing the Proclamation assuming to himself all or any of the functions of the Government.

We cannot undo what has been done already, but I think that the Government of India ought to be more careful in future. As its action in dissolving two Legislatures was not questioned it has come to feel that the dissolution of the Legislature of a State is almost a normal consequence of the issue of a Proclamation under article 356. I strongly contend that view. Indeed I go beyond this and say that whatever the expense of a general election may be, the Government of India should realise that in the interests of healthy growth of democracy recourse to the people is any day preferable to the rule of the President over a State.

SHRI KISHEN CHAND: Mr. Vice-Chairman, Sir, the hon. the Home Minister in a very long drawn-out speech tried to make out a case for the Proclamation issued by the President and if you analyse it you will find that a large part of it consists in reflections and certain assertions about Mr. Thanu Pillai, most of which are incorrect, based on wrong ideas and wrong understanding of the very principles of democracy which he is trying to advocate in this House. I submit that the party in power should realise that Travancore-Cochin is an advanced State, that literacy in that State is higher than in any other part of India. The Congress Party can mislead the voters in other States by the symbol of two bulls, but in the State of Travancore-Cochin where the electorate is literate, where they know and realise what that symbol represents, it is not possible to mislead them so easily.

Let us examine the results of the elections. In the first election in 1952, 1

in a House of 109 the Congress gets 45 seats; in the election of 1954, in a House of 118 the Congress gets 46 seats. That means that though the total strength is increased by ten, the Congress gets only one seat extra and that shows that the percentage has gone down. Out of 103 they could get 45 but out of 118 they could get only 46 seats. On a *pro rata* basis it should have been nearly 49. So, they got at least three seats less on the same basis. Let us go a little further. After all the States Reorganisation Bill is coming and the State of Kerala will be formed. Now, what will be the position of the Congress Party in the Kerala State? The Congress Party has got now 46 seats and among the 30 Members who are going to be transferred from Malabar to the Kerala State, only five are Congressmen. So in a House of 140, the Congress will have 51 seats. Then there are 12 T.T.N.C. Members at present and out of them nine will go to Madras and only three will be left. Assuming for the moment that all three of them fully join the Congress, then the Congress will have a strength of 54 in a House of 140. There will be five Muslim League Members, about 30 P.S.P. Members, about 35 Communist Members, K.S.P., R.S.P. Members and so on. And there will be some Independents too. In a House of 140, the Congress will have a strength of only 54, so they must sit up and think now. Even if we assume that in the next election the Congress would spend a large amount of money, do a little more of canvassing, they might get a few more seats but they can never get a majority. Their strength may go up from 51 to 55.

SHRI H. C. DASAPPA: Wait and see.

SHRI KISHEN CHAND: We have waited and seen for the last four years and it has been very disappointing. We cannot go on experimenting with the fate of 12 million people from year to year living only in hopes.

Sir, the majority party wants to always rule this country. They always think that by fair means or foul they must get a majority everywhere. I do not see any reason why it should be so. If in one particular State in India some other parties join and form a Government what is the harm in it? After all at the Centre and in a large number of States the Congress has got a majority. So I submit that this Proclamation is not a solution of the problem. An hon. Member has just said, "Wait and see". After the election if the Congress does not come in a majority then there will be again a Proclamation and again the President's rule and so we shall go on. The hon. Mr. Kunzru has suggested and given the example of France. You, Sir, raised the point that the situation in France is slightly different from that in our country. I submit, Sir, that a longer time should have been given and if the various parties had gone on discussing this problem, it is quite possible that somebody would have come forward and got a majority of votes in his favour and got the vote of confidence of the House. I submit, Sir, it is not for the Home Minister here to perform the arithmetic; it is not for the Rajpramukh to find out whether the person who is asserting that he has got a majority of votes was really their confidence or not. The Government could have been entrusted to him immediately and a vote of confidence could have been taken. If the Member who was invited to form the Government could secure a majority of votes he could have carried on; otherwise he would have gone out. But to go by simple arithmetic and to assume that because he has got only 55 votes in a House of 118 and, therefore, cannot secure a majority is not right. It is quite possible that 10 or 15 Members might have remained neutral. In important matters it often happens that some Members are undecided and they do not express their views and do not give their votes and in such a situation it is quite possible that even with 55

Members behind him Mr. Thanu Pillai could have carried on the Government. There was no justification, without giving due opportunity and due time for the Government to get full support of the various parties, for simply asserting that he could not form a Government and dissolving the Assembly. Sir, in our country, as has been pointed out, we do not have definite parties and there are a large number of Independents. You will find in no other country such a large percentage of Independents, people with undecided opinions, without a set programme, wavering whether to vote on this side or that side, whether to adopt this policy or that policy. In such a situation it is very essential that the leader of a party should be given longer time to consider, to manoeuvre, to discuss and to persuade those people who are on the border line sitting on the fence.

SHRI K. MADHAVA MENON (Madras) :  
To corrupt and seduce also.

SHRI KISHEN CHAND: I am afraid this type of insinuation can be applied to all parties and in fairness I do hope that hon. Members will not attribute motives because nobody is living perfectly. When we are living in glass houses we should not throw stones on others because they may react and fall on ourselves. If it is a question of corruption I humbly submit that the Congress Party is not above suspicion and if the list of corruption in Congress Party is stated here, the list will be long, and it will show certain phases of political life which will be very unpleasant. So I do not want to enter into that controversy. I only submit this. Let us consider all men to be honourable; let us consider all men are guided by convictions. Then it will be a question of persuasion; it will be a question of placing certain situations before certain Members to bring them round to a certain political ideal and to a certain political thought. Therefore, I do submit that a little longer time should have been allowed.



[Shri Kishen Chand.]

Sir, you know that about fifteen years ago in England such a situation had arisen. There was a small Liberal Party and the difference in votes between the Conservatives and the Labour Party was only ten or twelve in a House of nearly six hundred. And the Government was held in balance by this Liberal Party. Similarly, situations can arise in our country where a small group of Independents can hold the balance between one party and the other party. And, therefore, to dismiss the idea of forming a coalition Government or a group Government with some sort of responsive co-operation would not be correct. It is quite possible that such a step will have to be taken in our country as we go forward on the path of democracy. As the electorate gets literate and educated you will find that there will be at least three or four parties in our country—three or four parties of fairly equal strength with probably the Congress Party leading but not getting a complete majority. Some sort of coalitions will have to be formed if the Government has to be run on democratic lines. Otherwise, we should once for all decide that year after year there will be Proclamations and Government by the President will be carried on. After all as the hon. the Home Minister has said all the powers rest in the Parliament and Parliament is a democratic body and, therefore, the Governments of States are being carried on on democratic principles. Then, the best course would be that we adopt a unity form of Government, dissolve all the Assemblies and have some sort of commissioners and some sort of district officers. But ours is a federal Constitution; we have guaranteed that all States will have Assemblies; and until and unless we are convinced that there is no possibility of forming some sort of a coalition Government, such a drastic step should not be adopted.

Then, sir, we must consider that the Member from Travancore-Cochin laid

great stress upon the unity between the Travancore Tamil Nad Congress Members and the rest of the Congress Members. For the last three years they know that the States Reorganisation Bill is going to come, that they will go from Travancore-Cochin and will be merged in Madras. Such a party knows that they have no affiliations with the Congress Party of Travancore-Cochin, that they are eventually going to be merged with the Congress Party in Tamil Nad. I was trying to understand the working of the mind of the Home Minister and he was all the time arguing that there is no difference between the ideals of the T.T.N.C. and the Congress Party and it was with their full support that the Congress Government was formed. I submit that the T.T.N.C. Members lent their support to the Congress Party under the belief that as they are not interested in Travancore-Cochin, and as they are going to be transferred to Tamil Nad areas, if some loaves and fishes are offered to them, why not keep the Congress Party in office.

Then, Sir, the hon. the Home Minister remarked certain things about the decision of the Executive of the P.S.P. The leader of my party has already answered that charge and I may point out to the Home Minister that to draw any inference or any conclusion from the proceedings of the party politics is not fair. I do not think that we should draw any conclusion from the decisions of the Working Committee of the Congress Party. The party in Parliament is different from the party in general public life. They may have similar ideals, but the party organisation in Parliament should be kept quite separate from the party organisation in the country in general and every decision is not necessarily binding on the Parliamentary party. Therefore, to draw the conclusion that because certain members have given a general directive to the Parliamentary party or the Assembly party, they will be completely following it, is not correct. As has been pointed out, it was clearly stated that the

whole affair was entrusted to Mr. Thanu Pillai and the acting Chairman of the party and they could have taken any decision that they liked. Therefore, I submit that this Proclamation is very wrong, very inopportune and the result will be that we are really depriving the people of Travancore-Cochin from their inherent right of managing their own affairs. Thank you, Sir.

SHRI H. C. DASAPPA: Mr. Vice-Chairman, I had no intention of participating in the debate on this motion. I thought it had better be left to the persons hailing from the particular region who were fully conversant with the facts. But because of certain statements which fell from the lips of the hon. Members opposite, particularly my hon. friend Dr. Kunzru to whom I have the highest respect, I am now inclined to stand up and make a few remarks on the question whether it was appropriate on this occasion to have suspended the Constitution so far as the State is concerned and declared that a situation of emergency had arisen.

THE VICE-CHAIRMAN (DR. P. SUBBARAYAN) : Dr. Kunzru dealt with the suspension of the Legislature.

SHRI H. C. DASAPPA: I am coming to that. There may be differences of opinion. I do not want to direct my attention towards that particular thing. There may be differences of opinion though personally I feel after hearing my hon. friend Shri Datar— particularly reinforced by the lady Member hailing from that particular area who made a most brilliant contribution to the debate—there can be no difference of opinion on the fact that a situation had arisen that in "the best interests of the State article 356 of the Constitution should be invoked for the purpose. But my purpose is to answer Dr. Kunzru's charge namely, that article 356 does not permit of a dissolution of the Legislature by the President and that reading the various sub-clauses (a), (bi and (c)

of clause (1) of article 356, it was fairly evident that the Legislature at the best could only be suspended but not dissolved.....

SHRI H. N. KUNZRU: At the worst.

SHRI H. C. DASAPPA: At the worst, if you please, it can only be suspended. Now, I draw the particular attention of my hon. friend, Dr. Kunzru, to clause (1) of article 356. It says:

"..... the President may by Proclamation—

(a) assume to himself all or any of the functions of the Government of the State and"

and I want him to kindly note this:

"a] or any of the powers vested in or exercisable by the Governor or Rajpramukh, as the case may be, or any body or authority in the State other than the Legislature of the State".

This is a most significant clause and the only clause which, I say is applicable to the particular circumstances of the case. Sir, it means that the President can assume to himself all the powers vested in by the Governor or Rajpramukh. Now, what are the powers of a Governor or a Rajpramukh? They are defined in the Constitution itself. May I draw his attention and the attention of the House to article 174 which refers to the powers of a Rajpramukh or a Governor? Of course, whatever the powers of the Governor are those powers are also exercisable by the Rajpramukh.

This is what it says:

(1) "The Governor shall from time to time summon the House or each House of the Legislature of the State to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session."

I Shri H. C. Dasappa.]

(2) "The Governor may from time to time—

(a) prorogue the House or either House;

(b) dissolve the Legislative Assembly."

Now, the power of the Rajpramukh is there to dissolve the Legislative Assembly.

SHRI H. N. KUNZRU: Indefinitely.

SHRI H. C. DASAPPA: Sir, the question is one of dissolution. Whether it should be definite or indefinite, I am answering my friend with regard to the first point—the very question of the authority of the President to dissolve the Legislature. I am answering that point. Now .....

THE VICE-CHAIRMAN (DR. P. SUBBARAYAN) : I do not think, Mr. Dasappa, that Dr. Kunzru questioned the power of the President to dissolve the Assembly. All that he maintained was that considering the States reorganisation, the Assembly might have been kept suspended, so that, after October 1, if different considerations arose, then the Assembly as it would then become with the Members from Malabar could function. That is what I understood him to say.

SHRI H. C. DASAPPA: I thought I had in my preliminary remarks already conceded that there may be differences of opinion on that point and there can be differences of opinion and I tell you if there cannot be a differences of opinion on this point, on what other subjects or issues could there be differences of opinion? That is why I said, "On that there may be difference of opinion." Dr. Kunzru may be perfectly right in holding that the wiser course, the better course and the more proper course was for the Government to keep the Legislature suspended at least until the 1st October, 1956 when there can be what you call an amalgamation of both the Members of Malabar as well as the

Travancore-Cochin State and when the attempt to form a Government could have been made. I do not dispute that point at all. But I am answering this point that the President's power to dissolve the Legislative Assembly is a matter which may be ultra vires.

SHRI H. N. KUNZRU: May I draw my hon. friend's attention to the very words of clause (1) of article 174 that he has read out? Now, clause (1) of article 174 says "but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session." If he is going to base all his views on this clause, then he should read these words and understand them here. In this particular clause, the Legislature is dissolved and is not likely to meet before February or March.

THE VICE-CHAIRMAN (DR. P. SUBBARAYAN) : Dr. Kunzru all that Mr. Dasappa contends, as I understand him, is this that the President under article 356 may not have the power to dissolve, but having the powers of the Rajpramukh under article 174, he could dissolve under that, after having assumed the powers and issued a proclamation under article 356.

SHRI H. N. KUNZRU: We ought to understand these words in their normal sense. When a Governor dissolves a Legislative assembly, he dissolves it in order to have a new election. The Constitution gives him no other power. He cannot keep the Legislature dissolved for months and months.

SHRI H. C. DASAPPA: Now, let me dispose of the first point raised by Dr. Kunzru. Does my hon. friend want to make out another point namely that there should be an election ordered within six months? I will come to it. But that is not the point which was raised in the first instance at all. It is a point which is just raised for the first time now. I have no objection .....

THE VICE-CHAIRMAN (DR. P. SUBBARAYAN) : Will you please allow Dr. Kunzru to raise the point he wishes to?

SHRI H. N. KUNZRU: I did not refer to article 174 because I thought that it had no relevance to the discussion, but since he places reliance on the language of article 174 in this matter, I have to point out to him that the language of the article does not support his view.

SHRI H. C. DASAPPA: Sir, it is enough for my purpose in the first instance if Dr. Kunzru concedes this point, namely, that the President has the power to assume all the powers of a Governor or Rajpramukh and which include the dissolution of the Legislature. That is my first point. If he yields on that—at least if he admits that—then I will be able to proceed as to what is to be done next. Not that I am going to shirk the additional issues which may crop up in the course of the argument.

THE VICE-CHAIRMAN (DR. P. SUBBARAYAN) : I would like to draw the attention of Mr. Dasappa to the fact that under the Proclamation, articles 174 to 186 both inclusive are suspended. So, if any power was left to the President under article 174, there is nothing left now under the Proclamation itself.

SHRI H. C. DASAPPA: I am rather intrigued by an interpretation of that sort. May I take it that the Rajpramukh or the Governor has....

THE VICE-CHAIRMAN (DR. P. SUBBARAYAN): You have got to take the Proclamation as it stands. If, as you contend, such power is vested in the President and the President's Proclamation takes that power away from himself under the Proclamation, then there is no such power vested in the President. That is the point I am making.

SHRI H. C. DASAPPA: The main point in this case is this, namely 24 RSD.—6

whether the Rajpramukh or Governor has or has no power to dissolve a Legislature. Either he has or he has not.

THE VICE-CHAIRMAN (DR. P. SUBBARAYAN) : He certainly has under article 174. It has now been taken away by the Proclamation. By your own Proclamation, you have taken away article 174.

SHRI H. C. DASAPPA: May I just read that portion of the Proclamation for the benefit of the House?

"NOW, THEREFORE, in exercise of the powers conferred by article 356 of the Constitution and of all other powers enabling me in that behalf, I hereby—

(a) assume to myself as President of India all functions of the Government of the said State and all powers vested in or exercisable by the Rajpramukh of that State".

This is the most important portion. I do not know to what portion you were referring. Probably, you were referring to "the following provisions as in force in that State by virtue of article 238 of the Constitution:—

Articles 163 and 164, clause (3) of article 166, articles 167 and 169, articles 174 to 186 (both inclusive), clause (3) of article 187 so far as it requires consultation with the Speaker of the Legislative Assembly," etc. etc. i

What is wrong, Sir? I do not particularly see what it is that you are referring to. I would like to be enlightened.

THE VICE-CHAIRMAN (DR. P. SUBBARAYAN) : Article 174 is suspended now.

SHRI H. C. DASAPPA: Where is it?

THE VICE-CHAIRMAN (DR. P. SUBBARAYAN): Please refer to (ii): —

"the operation of the following provisions of the Constitution in relation to that State is hereby suspended....."

on page 2 of the Proclamation. Therefore, article 174 stands suspended.

SHRI H. P. SAKSENA: Is the Proclamation itself not all pervading?

THE VICE-CHAIRMAN (DR. P. SUBBARAYAN) : The Proclamation has taken all powers to the President.

SHRI H. C. DASAPPA: My submission is that when there is one clause or when there is a Proclamation, the Proclamation has to be read as a whole. Now, when under (a) of the Proclamation, the President of India has assumed all the powers vested in or exercisable by the Raj-pramukh of that State, it obviously means that all those powers which may be inconsistent with the Proclamation have become suspended and that he cannot do anything.

SHRI H. N. KUNZRU: Sir. May I draw your attention and that of my hon. friend again to article 356 and also 174, the provisions of which he has read out? Now in sub-section (2) of article 174, it is stated that the Governor or Rajpramukh may from time to time prorogue the House or either House. Now, if this applies, then the President could, without any power being conferred on him specifically by article 356, virtually suspend the operation of the Legislature. But the framers of the Constitution thought that the language of sub-clause (c) of clause (1) of article 356 was not clear enough to include that notwithstanding the provisions of article 174. Therefore, they thought it necessary to mention that incidental and consequential provisions will include the suspension of the Constitution, although article 174 makes it

clear that the President can assume to himself the power of proroguing the Legislature. But the framers of the Constitution did not rely on this. They thought it necessary to make it clear that the President had the power of suspending a Legislature. Now, if it is necessary to make it clear that a Legislature can be suspended, is it not doubly necessary to make it clear that a Legislature can be dissolved by the President? That is the simple point at issue.

5 P.M.

THE VICE-CHAIRMAN (DR. P. SUBBARAYAN) : Suppose, Dr. Kunzru, 174 had been left out.....

SHRI S. MAHANTY: It is time, Sir.

THE VICE-CHAIRMAN (DR. P. SUBBARAYAN): Order, order. It is my decision which counts. You cannot mention the time to me.

AN HON. MEMBER: What is it, Sir?

THE VICE-CHAIRMAN (DR. P. SUBBARAYAN): I was just telling Mr. Mahanty that it is for me to say that the House stands adjourned. It is not for him to raise any point of order of this kind.

Now, Dr. Kunzru, suppose 174 had been left out, could the President, after finding out that it was not possible for the Legislature to function in that State even after October, the 1st, not have the power to dissolve the Legislature then and assume all powers to himself, so that Parliament could exercise the powers of the new Kerala Legislature? What is your opinion about it?

Well, I think, we should give some time to the hon. Members to think over this matter. Before I adjourn the House, there is a message to be read by the Secretary.