

MOTION RE:DISAPPROVAL OF ACTION OF GOVERNOR OF ANDHRA PRADESH IN DISMISSING THE MINISTRY HEADED BY SHRI N. T. RAMA RAO WITHOUT ASCERTAINING ITS MAJORITY ON THE FLOOR OF THE ANDHRA PRADESH LEGISLATIVE ASSEMBLY

MR. SPEAKER : Now Prof. Madhu Dandavate.

PROF. MADHU DANDAVATE (Rajapur): Sir, Dr. Swamy has a point of order.

DR. SUBRAMANIAM SWAMY (Bombay North East): Sir, I had given notice of an amendment to his Motion, and I understood the rule to be that I should give it before 10 O'clock. But the office is saying that we cannot do it, but that we have to give 48 hours' notice. I do not know under what rule I have been prohibited from bringing in this amendment.

MR. SPEAKER : You can find it out from the Rules book.

PROF. MADHU DANDAVATE : Let him move. I will accept the amendment.

DR. SUBRAMANIAM SWAMY : Is there a rule ?

MR. SPEAKER : There must be. It will be shown to you.

SHRI SATYASADHAN CHAKRABORTY (Calcutta South): I have also tabled an amendment

MR. SPEAKER : That was late. You missed the bus.

SHRI SATYASADHAN CHAKRABORTY : I wanted the House to pay homage.....

MR. SPEAKER : I have got four hours, within which I have to close the debate. Then the discussion on Sri Lanka has to be started.

DR. SUBRAMANIAM SWAMY : Do we not have the right to move amendments ?

MR. SPEAKER : I never objected to that... But two days' notice is required.

SHRI RAM VILAS PASWAN :*

MR. SPEAKER : Nothing goes on record.

*(Interruptions)***

MR. SPEAKER : Not allowed; not allowed.

*(Interruptions)***

MR. SPEAKER : Not allowed.

MR. SPEAKER : Let all the Members who want to participate, note that I am not allowing the discussion on this debate to go beyond four hours; and that I am going to...

*(Interruptions)***

MR. SPEAKER : I have got another subject. So, please confine to your point.

PROF. MADHU DANDAVATE : Sir, have I your permission to move the Motion ?

MR. SPEAKER : Yes.

PROF. MADHU DANDAVATE : I beg to move :

"That this House disapproves the action of the Governor of Andhra Pradesh in dismissing the Ministry headed by Shri N. T. Rama Rao without ascertaining its majority on the floor of the Andhra Pradesh Legislative Assembly and recommends to the President that he be pleased to dismiss the Governor."

I am sure the developments that have taken place in this country, and particularly

****Not recorded.**

in Andhra Pradesh, following those in Kasmir, will make every democrat, whether he sits in the Opposition bench or in the ruling party, hang down his head with a sense of shame. The test of democracy is to see as to what extent we are able to defend and protect the democratic institutions and traditions.

I just want to recall the glorious traditions of the House of Commons in this regard. Whenever in the House of Commons there were Governments with a slender majority of 4 or 5 votes. Whenever some members of the ruling party were indisposed, in order to prevent the collapse of the stabilised government due to factors which were extraneous to political consideration, the Leader of the Opposition party directed an equal number of members on the opposite benches to keep out of the House so that on crucial issues, there won't be defeat of the government only because a few members were indisposed or out of the House. These are the traditions that enhance the prestige of democracy, these are the traditions and norms to defend and stabilise the democratic institutions, that lend lustre to the democratic life of a country.

Once again, let me remind this House of another glorious chapter in the House of Commons to which we had added yesterday one more chapter. It was the period of the Second World War. People were dissatisfied with the weak defence and war policy of the Chamberlain Government in U. K. Herbert Morrison of the Labour Party moved an adjournment motion in the House of Commons and a number of members of the ruling party, the then Conservative Party were dissatisfied with the defence and war policy of the Chamberlain Government; they felt that they must be guided by the dictates of their conscience and, therefore, they voted for the adjournment motion. And what was the response of Chamberlain? He said, "Those members of the ruling party who had voted for the adjournment motion had exposed the weak policy of my government vis-a-vis defence and war. Therefore, I tender resignation from my government." And then a coalition government headed by Winston Churchill was formed.

We expect in that every time of crisis there will be voices of dissent in every party and they will be guided by the dictate of the conscience. And I am glad, today, that from the ruling party, there is one voice of conscience, the voice of Kamal Nath Jha.

(Interruptions)

I am conscious of the fact that the voice of conscience distressed some people, but I am glad that some people in the House, even in the ruling party, some people consider their precious conscience not a nationalised property but as their personal property.

(Interruptions)

Having said this, let me straightway come to the political scenario that has been created in Andhra Pradesh, particularly after 13th of August 1984. On 13th of August, 4 Ministers belonging to the former government headed by N. T. Rama Rao resigned from the government and decided to defect. Then on 15th of August, on the sacred day of Independence, Mr. Bhaskara Rao informed the Government of that State that he staked his claim for the formation of the government in Andhra Pradesh. Shri N. T. Rama Rao also informed the Governor on the same day that he was prepared to test his majority on the Floor of the Legislature and he still commanded a majority and he did not want much time at all. "On 18th August, 1984, you can convene the session of the Assembly", he told the Governor and he was prepared to demonstrate his majority on the Floor of the Legislature. While Mr. Bhaskara Rao initially made a claim of support of 152 MLAs including 91 MLAs from the Telugu Desam, On the same day, the former Chief Minister of this State N. T. Rama Rao claimed that he had the support of 163 MLAs of Telugu Desam and 22 members belonging to the Opposition parties. He told the Governor: "If you so desire, I am prepared to parade these MLAs with the identity cards and I am prepared to establish my claim."

*(Interruptions)***

MR. SPEAKER : I am not allowing you. Mr. Tewary I have not allowed you. Why are you speaking without my permission ? Sit down. Why do you not allow him to speak ?

PROF. K. K. TEWARY (Buxar) : Sir, he yielded.....

(Interruptions)

MR. SPEAKER : No, sit down.

(Interruptions)

What are you talking about ?

PROF. K. K. TEWARY : This parading of MLAs.....

*(Interruptions)***

MR. SPEAKER : No, it has to be answered. This is nothing. I am not allowing you. This is to be answered in a logical manner and not like this.

*(Interruptions)***

MR. SPEAKER : This is to be answered from this side. You have more than enough time. You can answer these charges.

PROF. K. K. TEWARY : This is also permissible.

MR. SPEAKER : No, this is not allowed. I will allow ample chance from this side. Do not worry.

PROF. MADHU DANDAVATE : Incidentally I may tell you that I have yielded to Prof Tewary.

MR. SPEAKER : No, You should not do it without my permission.

PROF. MADHU DANDDVATE : On 16th of August, the Governor of the State dismissed N. T. Rama Rao's Ministry and

actually installed the alternate Ministry headed by Mr. Bhaskara Rao. The same day, the Telugu Desam gave a call for total Andhra bandh. It was a great success. And on the same day—I want to go on record—they were able to bring 163 Members of the Legislative Assembly of Andhra Pradesh holding their identity cards. They asked pressmen to take the photographs of the Members along with their identity cards. They asked the journalists to count all the 163 Members. This is what was done.

The House will be very happy to know that 167 Members of the Legislative Assembly of Andhra Pradesh extending their support to N. T. Rama Rao started by Andhra Pradesh Express which came here late. It might have moved with slow speed, but it moved in the right direction and ultimately they reached Delhi. Let me tell you as a former Railway Minister of this country that Andhra Pradesh Express is supposed to be a very fast train having only three halts. But you will be shocked to know that this train moved, the superfast train moved at the super slow speed of 25 k m. per hour and as a result of that those 167 Members were not able to keep their appointment with the President of India last evening. They have already gone with their identity cards to the President.

Let me come to the Governor's powers, because the malady in Andhra Pradesh is not only the tragedy of Ram Lal but it is the inherent disease that has been perpetrated by the manner in which the Governors under the Congress regime have been trying to actually exercise their powers.

13 00 hrs.

As far as the Governor's powers are concerned, under Article 167 (1), the Chief Minister is appointed by the Governor and he appoints the Ministers and they are supposed to function during the pleasure of the Governor. At the same time, according to Article 174(2), the Governor has the inherent power to dissolve the Assembly but all is said and done under these Articles. It has been said that the Chief Minister holds his office during the pleasure of the Governor. But this 'pleasure' has been interpreted by one of the High Courts.

This pleasure of the Governor is not arbitrary like all other pleasures of the Governor. Once the matter of a dismissed Vice-Chancellor in the Punjab University went to the Punjab High Court. There, the constitution of the Institution said 'Vice-Chancellor shall hold office of the Vice-Chancellorship during the pleasure of the Chancellor, that is, the Governor of the State. The matter went to the Punjab High Court and when the Punjab High Court delivered the judgement, these are the words that they used: 'Here, the pleasure of the Governor is not an arbitrary pleasure like other pleasures'.

I do not want to refer to other pleasures but this pleasure is not arbitrary like other pleasures. They have gone on record and, therefore, this pleasure cannot be exerted or withdrawn just at the back and call of certain elements in the Centre. Article 156 (1) says that Governor shall hold office during the pleasure of the President and, therefore, 167 MLAs have gone to the President to find out what this pleasure is. And I have suggested in my Motion that the President should have the pleasure to dismiss this Governor who has behaved in an arbitrary manner.

It is not at all the individual characteristic of Ram Lal that he has behaved in a particular manner. I want to give documentary evidence from the documents of the various committees appointed by the Government of India to indicate what they feel about the appointment of the Governors. I would like to read out two important observations - one from the Study Team of the Administrative Reforms Commission headed by the famous jurists M.C. Setalwad. In this Report, they say, "many of those who have filled posts of Governors during the last sixteen years have fallen short of standard. Circumstances devalued the post and with that there was a logical fall in the standard of selection of Governors. The post came to be treated as sinecure for mediocres or as a consolation price for what are sometimes referred to as worn out politicians. Most of the persons selected were old men of the ruling party at the Centre". This is what the Study Team headed by Setalwad had said in the written Report. The wider committee, the

wider instrument like the Administrative Reforms Commission, in its Report in 1969, makes further comment in which Ram Lal himself is involved. I shall read out the Report of the A.R.C. The Administrative Reforms Commission, in its Report on Centre-State Relationship in June 1969, says, I quote :

13.04 hrs.

(MR. DEPUTY SPEAKER *in the Chair*)

"The situation has considerably deteriorated. At least two Members of the Ruling Party who were to resign from the office of Minister, following judicial strictures against them, were subsequently appointed as Governors. For example, Shri M. Chenna Reddy and Shri Ram Lal."

To identify, the same person against whom I have given my Motion. So, fortunately; I think even the Administrative Reforms Commission anticipated my Motion. I welcome their wisdom and their foresight. They have said that even those against whom there were judicial strictures, have been appointed as Governors. Let us have a little background of this Governor, Shri Ram Lal. I do not want to take much of your time by going through all the documentary evidence that I have with me. As far as Shri Ram Lal is concerned; he and his family members were involved in smuggled timber scandal in...

(*Interruptions*)

PROF. K.K. TEWARI : Sir, on a point of order...

(*Interruptions*)

MR. DEPUTY SPEAKER : He knows the rules ...(*Interruptions*) Professor please avoid an allegatory speech, which is not permitted according to the rules. You should give it in writing. Therefore, whatever in his speech is allegatory, defamatory and unparliamentary, shall not go on record.

(*Interruptions*)

PROF. MADHU DANDAVATE : Sir; I have carefully gone through the proceedings of the Parliament, right from 1952 to 1984. In normal times, what you may say is correct. But, I shall further elaborate that, wherever there have been court judgments, in which there has been reference to certain individuals, since the judgments of the court are not supposed to be defamatory documents

(Interruptions)

MR. DEPUTY SPEAKER : I am only concerned with the proceedings of the House. In the proceedings of the House, whatever is allegatory, I will not allow...

(Interruptions)

13.06 hrs.

[MR. SPEAKER *in the Chair*]

PROF. MADHU DANDAVATE : I have very carefully gone through rule 353, every time I have implemented it. As you know, I always follow the rules. I am conscious of rule 353.

MR. SPEAKER : Only once did you,

PROF. MADHU DANDAVATE : I follow the rule, not the misrule.

THE MINISTER OF CHEMICALS AND FERTILIZERS (SHRI VASANT SATHE) : Except when you brought a pistol to the House,

PROF. MADHU DANDAVATE : There also, according to the rules, I have given an unqualified apology to the House.

SHRI VASANT SATHE : First you break the rule and then tender apology.

PROF. MADHU DANDAVATE : Mr. Sathe ; it will not be to your advantage to interfere on this.

Sir on a number of occasions, you have already given the ruling-Mavalankar has given the ruling, Hukam Singh has given the

ruling ; I am coming to you, you have given the ruling-that whenever the documents of the Supreme Court or High Court judgments are referred to, without adding any word of yours, merely quoting in quotes the judgment of the court, is perfectly permissible, even if the courts actually made a defamatory remark against the person concerned, quoting the defamatory remark of the court is not at all defamatory. Therefore, I shall quote from the 27-page judgment of Justice Mishra.

(Interruptions)

SHRI VASANT SATHE : Sir, I do not think there is any such ruling by you.

PROF. MADHU DANDAVATE : Sir, I am quoting from the 27-page judgment of Justice Mishra. I shall quote only the relevant paragraph. I am quoting that for your information. The judgment of Justice Mishra says :

"The whole police force was paralysed"

PROF. K K. TEWARY : Sir, on a point of order, I request Prof. Madhu Dandavate to recall a similar incident. There was a court ruling...

(Interruptions)

MR. SPEAKER : Let me decide it,

It is Speaker who has to decide. I am not going to delegate my power.

PROF. K K. TEWARY : Mr. Speaker, I would request Prof. Dandavate to recall a similar incident. There was a similar court ruling about Shri Atal Bihari Vajpayee, who had tendered apology to the court during the freedom movement. That paper I wanted to quote in the House and you in the Chair ruled that this cannot be permitted. That was also a court judgment about Shri Vajpayee where he had tendered apology to the British for having participated in the freedom movement. That was not allowed, Sir, if you allow this ...

MR. SPEAKER : I will see that also. I will reserve my ruling until and unless I am satisfied.

PROF. K.K. TEWARY : Sir, this cannot be allowed.

MR. SPEAKER : I will see to it. It will be perfectly based on facts. I will not try to side track.

PROF. K.K. TEWARY : You look into your rulings.

MR. SPEAKER : I will see my ruling and I will give my judgment keeping in view your observation.

PROF. MADHU DANDAVATE : Sir, I will give you a copy of your ruling. I take the responsibility for that.

MR. SPEAKER : I will also take his ruling. You give me also.

PROF. MADHU DANDAVATE : Here is a portion of the judgment.

I quote : "The whole police force was paralysed while dealing with the sensitive case. They seemed to have touched some hot-stuff and allowed a miscarriage of justice."

"It has come in the evidence, Tamta is a resident of Jubal, the home-town of Chief Minister, Ram Lal. The wood was carried in the trucks owned by Chief Minister's**

Sir, you may recall only a few minutes back, when you were here before your brief interlude in the Chamber, I had already quoted the Administrative Reforms Commission...

PROF. K. K. TEWARY : Mr. Speaker, Sir I am on a point of order.

(Interruptions)

PROF. K. K. TEWARY : Sir, it is a very serious matter. Since this will be setting a precedent, I want one minute. Sir, my first point is that this case under reference

has already gone to a higher court. This is sub-judice.

MR. SPEAKER : I will look into it.

(Interruptions)

MR. SPEAKER : Why don't you allow me to handle it ?

(Interruptions)

PROF. K.K. TEWARY : Listen Sir, It is a very serious thing. Sir, I want to raise two points. This ruling of yours will set a very dangerous precedent in the House. Therefore, I want to argue.

MR. SPEAKER : I will see. I will keep my judgment reserved.

(Interruptions)

PROF. K. K. TEWARY : Sir, point number one is that it is a sub-judice matter.

MR. SPEAKER : Which matter is sub-judice ?

PROF. MADHU DANDAVATE : Sir, as far as the Administrative Reforms Commission's Report is concerned, it is not a matter sub-judice. And earlier I had quoted from the Administrative Reforms Commission and for your reference and for refreshing your bright memory, I will again quote that.

MR. SPEAKER : Professor, how do you think it is relevant ?

PROF. MADHU DANDAVATE : It is very relevant because they say that such governors against whom there were judicial strictures...

(Interruptions)

MR. SPEAKER : Please order. I only want to say that if his son does something wrong, it does not mean he is to be condemned. Then it becomes something by which we have to eliminate every person.

PROF. MADHU DANDAVATE : I will again read out the portion from the earlier one—the Administrative Reforms Commission. The situation has considerably deteriorated. At least two Members of the ruling party who had to resign from...

(Interruptions)

MR. SPEAKER : What I am trying to concentrate on is his action and conduct as governor. That is what it should be.

(Interruptions)

PROF. MADHU DANDAVATE : Sir, the Administrative Reforms Commission has commented on the manner in which certain governors are actually appointed, they are bound to resign if you want to uphold the standard of the Governor's Office. That is why I read this. It has been put in the Administrative Reforms Commission's Report. Sir, even in expunging certain remarks you as well as I are carried by certain rules. And when I am quoting the Administrative Reforms Commission's Report, in which there is a pointed reference to Mr....

MR. SPEAKER : You see it should pertain to his conduct as Governor.

PROF. MADHU DANDAVATE : Yes. He has said that such persons when they are appointed as governor, are bound to lower down the standards of the Governor's conduct. That is what they have said.

SHRI FRANK ANTHONY (Nominated Anglo-Indians) : I am on a point of order. I got a stay in the Supreme Court against this judgement and my specific argument was that the judgement of the Chief Justice was a piece of gross judicial impropriety. It was a piece of judicial blackmail.

(Interruptions)

SHRI FRANK ANTHONY : I am on a point of order.

(Interruptions)

MR. SPEAKER : He has a point of order. Listen to him. Mr Roy, what are you trying to do ? I have allowed him.

अगर मैं आप को एलाव करूँ तो आप बोलेंगे, इनको करूँ तो ये बोलेंगे।

(Interruptions)

MR. SPEAKER : Please sit down. I have to make my own judgment. Please sit down.

(Interruptions)

MR. SPEAKER : They can not say anything about the High Court Judges. They can go in for contempt of court.

SHRI FRANK ANTHONY : You can see the stay order passed by Justice Venkata-ramaiah.

MR. SPEAKER : You only tell me, Sir, whether you got the stay order.

(Interruptions)

SHRI FRANK ANTHONY : I argued Mastrani's case.

MR. SPEAKER : No, no. Have you got the stay order ?

(Interruptions)

MR. SPEAKER : Oh my God ! Why don't you keep silent ?

(Interruptions)

SHRI FRANK ANTHONY : I don't know Ram Lal, I have never seen him. I argued Mastran's case.

(Interruptions)

MR. SPEAKER : He did not stay that he got the stay order. Let me ask him.

(Interruptions)

SHRI FRANK ANTHONY : These people won't even hear.

(Interruptions)

MR. SPEAKER : He did not say that the stay order was obtained.

Mr. Anthony, listen to me. Did you get a stay order in that case ?

SHRI FRANK ANTHONY : Yes, I got the stay order in that case. (Interruptions). No, I want to..... (Interruptions). You will see the records in the *Hindustan Times*. They quoted my language that this was a case of judicial blackmail.

(Interruptions)

MR. SPEAKER : I don't want that. I want only one thing.

MR. SPEAKER : Hon. Members, I will like you to let me handle the situation. If you are interfering all the time, how I am to deal with it ? You don't know what you are talking. I have to handle it. Let me handle it.

PROF. K. K. TEWARY . Mr. Speaker, Sir.....

(Interruptions)

अध्यक्ष महोदय : मैं देख लूंगा
(व्यवधान) ... मैंने देख लिया है ।

PROF. K. K. TEWARY : Sir, please see clause (b) of Rule 186. What does this Rule say ? It says :

"It shall not relate to any matter which is under adjudication by a court of law having jurisdiction in any part of India."

The matter is under adjudication.

MR. SPEAKER: Which one is under adjudication ?

PROF. K. K. TEWARY : The charges he is referring to—charges against Ram Lal.

(Interruptions)

MR. SPEAKER : This is not the thing. He has got some thing else. Mr. Tewary, it is something else which he is talking about, he is not talking about this case.

(Interruptions)

MR. SPEAKER : I have asked so many times.

(Interruptions)

MR. SPEAKER : Why don't you let me do it ? I have to ask him. What are you trying to prove to me ?

Mr. Antony, what subject or what petition or what case you are talking about ? Are you talking about this case ?

SHRI FRANK ANTHONY : This is a fact that they start behaving badly.

MR. SPEAKER : I want to ask you only one thing. Did you get the stay order in Ram Lal's case or this case ?

SHRI FRANK ANTHONY : It was not Ram Lal's case.

MR. SPEAKER : Than what are you trying to prove ?

SHRI FRANK ANTHONY : Please listen to me, I am giving you the facts.

MR. SPEAKER : Which case you are referring to now ?

(Interruptions)

MR. SPEAKER : Mr. Shankaranand, I want to ask him which case he is referring to. You are not letting me hear him.

Mr. Anthony, which case you are referring to now ?

(Interruptions)

SHRI FRANK ANTHONY : Please give me three minutes.

(Interruptions)

MR. SPEAKER : I will adjourn the House if you behave like this.

(Interruptions)

SHRI FRANK ANTHONY : I will explain in three minutes. Will you please listen to me ?

(Interruptions)

MR. SPEAKER : Let me listen. For God's sake, let me listen.

(Interruptions)

I have not followed at all. I want to know, Mr. Anthony, to which case you are referring to ?

SHRI FRANK ANTHONY : Will you please listen to me only for three minutes ? The judgement of the then Chief Justice...

MR. SPEAKER : In which case ?

(Interruptions)

SOME HON. MEMBERS : Which case and what is the number ?

SHRI FRANK ANTHONY : The judgement of the Chief Justice was absolutely against Mr. Ram Lal, I was appearing for the person concerned in that case. His name was Mr. Mast Ram. You will see it in the Indian Express to-day.

MR. SPEAKER : Was it the same, case to which he is referring ?

SHRI FRANK ANTHONY : The same case.

Let me explain within two minutes and you will realise the enormity of irresponsibility of the press I was arguing the case. They projected what was, as I say, something unheard of that a Chief Justice should vituperate a Chief Minister who was not a party to the case, whose son and son-in-law were not parties to the case. That is how I got a stay it was Mast Ram's case.

MR. SPEAKER : It may effect you also Prof. Dandavate. That is why I say, you confine yourself to only his act as a Governor.

PROF. DANDAVATE : I myself did not appear in that case. But fortunately, being a literate man, I have read all the proceedings/.....

(Interruptions)

MR. SPEAKER : I know what to do. Did that portion not form part of the proceedings ?

(Interruptions)

You are to refer to his action, his conduct, as a Governor. That judgement is not to be referred to.

PROF. MADHU DANDAVATE : With all my respect.....

(Interruptions)

अध्यक्ष महोदय : आप बैठिये हरीश जी । आपको पता नहीं क्या करना है । मुझे पता है क्या करना है ।

Please sit down. I have decided on that.

PROF. MADHU DANDAVATE : Respecting your direction and still sticking to the rules very rigorously, and I shall be second to none in not surrendering whatever privilege is given to me by rules. Our hon. Member Frank Anthony who happens to be a legal luminary, I respect him very much. At the same time he is a luminary in the Parliamentary field. He has been a Member of the Constituent Assembly and he has been a valuable colleague in this Parliament for a number of years and he knows whatever he may speak about the stay order or whatever has appeared and published in the Administrative Reforms Commission Report in 1969, neither he nor you have the power to withdraw those remarks with retrospective effect. Therefore, I am perfectly within my right to quote the Administrative Reforms Commission. I am second to none to follow the rules. I am not violating the rules.

MR. SPEAKER : I am not going to allow anything pertaining to some other

body's actions to be implicated in Ram Lal. Ram Lal is Ram Lal. It may be his son; it may be his relative. That is all. We are only concerned with his conduct as Governor.

(Interruptions)

PROF. MADHU DANDAVATE : Sir, I agree. Therefore, I have referred to Ram Lal as referred to by the Administrative Reforms Commission. And here is the clear mention of his name and not even his designation. Fortunately, his name has been given. ... (Interruptions). ... Sir, I leave the matter as it is because I have got the reports of the two Administrative Reforms Commissions recorded. Even if you expunge the judgement, that cannot be.

As far as the majority to be tested is concerned, this is a crucial point in Andhra. There have been three precedents of decisions and recommendations and I would like to repeat them :

(1) In 1968, the Conference of the Presiding Officers.....How much obstruction was there.....

(Interruptions)

MR. SPEAKER : We can talk to each other. I do not want any intermediary.

PROF. MADHU DANDAVATE : In 1968, the Presiding Officers' Conference has unanimously suggested that whenever there is any doubt in any Legislature, whether Central or State Legislature, regarding the majority commanded by any Ministry, the majority should be tested on the floor of the Legislature.

(2) In 1969, there were the recommendations of the Administrative Reforms Commission that majority of the Ministry should be tested on the floor of the House.

(3) The recommendations of the Governors' Committee that was appointed by the President of India, i.e. Rajtrapati, again recommended that the majority must be tested on the floor of the House.

And all that N. T. Rama Rao said is, consistent with all the three recommendations—the very first day his Ministry was dismissed—he be given an opportunity to appear before the Assembly and demonstrate his strength and majority in a thumping manner on the floor of the Legislature. That is what N. T. Rama Rao said.

Few minutes more, Sir. If you are obstructed to such an extent, will you be able to carry on the work from the Chair ?

MR. SPEAKER : I have gone through the same thing, now.

डा० राजेन्द्र कुमारी बाजपेयी : 1979 में आपने 9 स्टेट्स की गवर्नमेंट्स को डिसमिस किया था ।

अध्यक्ष महोदय : जवाब जवाब की तरह से आयेगा ।

PROF. MADHU DANDAVATE : Sir, she has raised certain points. And I deal with all the points. On-the-spot, I deal with all the points and I will clarify the points. And I will give the documentary evidence. I am completing.

As far as the discrimination by the Governors is concerned—these Governors including Ram Lal—they have shown two sets of discrimination. Whenever the Congress Government or Congress sponsored Government fell or was likely to fall, the Governor got the Assembly dissolved and the President's rule imposed either under article 174 (2) or article 356 of the Constitution; without providing the Opposition Parties an opportunity to test the strength on the floor of the House, they accepted the recommendation of the Congress Chief Ministers. How many times did it happen ? It happened in Travancore—Cochin in 1954, Kerala in 1970; West Bengal in 1968, Bihar in 1971; Andhra in 1954; Punjab in 1968; West Bengal in 1971; Manipur in 1969; and Orissa in 1973.

SOME HON. MEMBERS : What about 1977 ?

(Interruptions)

PROF. MADHU DANDAVATE : Sir, will you not protect my fundamental right of expression at least in this House, if not outside ?

Second set of discrimination :

Whenever non-Congress (I) outgoing Chief Minister or non-Congress (I) Chief Minister who is likely to lose majority recommended the dissolution of Assembly, the plea was rejected when Congress (I) was keen on forming the Government. Whenever the non-Congress (I) Chief Ministers recommended the dissolution of the Assembly with the confidence that they would come back to power, their advice was rejected. I would like to give you those instances :

Rao Birendra Singh (Haryana)	...1967
Gurnam Singh (Punjab)	...1967
Charan Singh (U. P.)	...1968
Bhola Paswan Shastri (Bihar)	...1968
Raja Naresh Chandra Singh (M. P.)	...1969
Hitendra Desai (Gujarat)	...1971
Karpoori Thakur (Bihar)	...1971
Farooq Abdullah (J & K)	...1984

All of them recommended dissolution which was rejected.

Now, the question is : Did the Governor act on his own ? The past background of this Governor indicates that a pigmy Governor cannot act on his own. I am sure he must have acted in collusion with the Centre ... (Interruptions) ... It is very clear. In conclusion, I would say that the recent actions in Jammu and Kashmir and in Andhra Pradesh have clearly established that the Centre is preceding further with their grand 'Operation 'destabilisation' of non-Congress (I) States. Therefore, concretely, as a constructive step, I would suggest to the Prime Minister, whether we are in the Opposition or they are in the ruling party, that the time has come when in the interest of both, the Constitution should be amended.

The Governor should not be given powers beyond a certain limit; the President must not be given powers beyond a certain limit and, if there is a doubt about the majority of a party, it must according to the constitutional obligation be tested on the floor of the Assembly and on the floor of the Parliament.

We will resist the anti-democratic actions of the Government in Parliament, on streets, in towns, villages and cities.

Let me conclude by saying that the Governor's action in Andhra Pradesh is a declaration of war against the people and this motion of ours is a declaration of our determination to fight back this war with all the strength at our command.

In the end, I would say, after this muddle, that we demand the dismissal of the Governor and if Madam Prime Minister tries to defend the Governor, I say, इन्द्राय लज्जाय स्वाहा — "Madam Prime Minister you too quit."

MR. SPEAKER : Order, order...

THE PRIME MINISTER (SHRIMATI INDRA GANDHI) : Sir, It is not my intention to reply to Prof Madhu Dandavate's remarks. The Minister of Home Affairs will do so and, if need be, I may intervene later except that the same subject is probably coming up tomorrow again

SHRI INDRAJIT GUPTA (Bansurhat) : Why ?

SHRIMATI INDIRA GANDHI : Have not you tabled a motion ?

SHRI INDRAJIT GUPTA : We tabled so many motions.

SHRIMATI INDIRA GANDHI : Not serious about it, good. O. K. If you are not serious, it is all right.

SHRI INDRAJIT GUPTA : I am glad you are anticipating something.

SHRIMATI INDIRA GANDHI : I got a printed paper.

DR. SUBRAMANIAM SWAMY : You believe everything that is in the papers ?

SHRIMATI INDIRA GANDHI : Not a newspaper, but paper printed by the Lok Sabha Secretariat.

PROF. MADHU DANDAVATE : We rarely hear your voice.

SHRIMATI INDIRA GANDHI : That is not true I speak whenever there is reason for me to speak. It is true that I do not speak in season and out of season or when there is no reason to do so.

But, at this moment, I thought I should avail myself of this earliest opportunity in this debate to state some facts regarding developments in Andhra Pradesh. I am not going into the details of them. I am just picking up one or two facts.

I might add that while I admire Prof. Madhu Dandavate's enthusiasm and his insistence in his concluding remark about our quitting, he has said it so many times that it has become rather stale.

(Interruptions)

Much heat has been generated by hon. Members of the Opposition. You have seen it here and we have been hearing about it in the past few days. I am not unused to the sort of campaign or character assassination which they have launched outside.

(Interruptions)

In earlier years also every subject, every possible gimmick has been tried by different parties at different times to vilify and to discredit me. It is no use making a noise. It is a fact known by the people of India as well as people outside India.

(Interruptions)

MR. SPEAKER : Order, please.

SHRIMATI INDIRA GANDHI : The country knows...

PROF. MADHU DANDAVATE : I have never referred to your character. I shall never refer to it in future. I do not want to remain in politics by attacking the character of anyone else including that of the Prime Minister.

SHRIMATI INDIRA GANDHI : Thank you. Professor I am not, referring to you. I said, different political parties at different times I have not mentioned your name. Nor do I intend to do so. The House knows as well as the Indian people that I was not spared even when I was out of office. Now also, Opposition's arguments are based on certain assumptions and on premises which are totally unfounded.

(Interruptions)

SHRIMATI INDIRA GANDHI : I consider it essential to set the records straight. So, I want to place the following facts before the House.

(Interruptions)

SHRIMATI INDIRA GANDHI : At no stage did the Governor of Andhra Pradesh consult me in his decision.

(Interruptions)

MR. SPEAKER : Order, order you have your say. Why don't you listen ?

SHRIMATI INDIRA GANDHI : If this is not vilification, I should like to know what it is, Prof. Madhu Dandavate. Perhaps, you will give your definition of it.

AN HON. MEMBER : This is not true.

(Interruptions)

SHRIMATI INDIRA GANDHI : How do you know what rules who flouted and who did not ?

(Interruptions)

SHRIMATI INDIRA GANDHI : If they keep making so much noise, I am going to repeat that sentence because it is important. It is equally important for the maintenance of democracy about which the hon. Members talk so much. I repeat, at no stage did the Governor of Andhra Pradesh consult me in his decision to dismiss the Rama Rao Ministry or to invite Shri Bhaskara Rao to from the Government.

(Interruptions)

I am not yielding.

अध्यक्ष महोदय: आपने अपनी बात कह दी, अब उनको सुनिये ।

SHRIMATI INDIRA GANDHI : In fact, I got the news...

(Interruptions)

You do not believe the progress of India, you do not believe anything that is being done in India...

(Interruptions)

MR. SPEAKER : Hon. Members, may I say something ?

शोर करने से काम नहीं चलेगा । आप अपनी बात कहेंगे, वे अपनी बात कहेंगे । आपके दवाब से न वे अपनी बात बदलेंगे और न आप उनके दवाब से अपनी बात बदलेंगे ।

SHRIMATI INDIRA GANDHI : In fact, we first got the news through a newsagency. While we were trying to ascertain...

(Interruptions)

MR. SPEAKER : This is very bad, this is extremely bad.

(Interruptions)

MR. SPEAKER : आप नाच क्यों रहे हैं ।

What is he doing ? What sort of man is he ?

The Parliament should be ashamed. Please sit down... (Interruptions) Please take yours seats. मुझे पता नहीं, एक बात मेरी समझ में नहीं आती है ।

Will you please listen to me ?

SHRI KAMAL NATH : This shows how serious they are about this debate. They are not serious...

(Interruptions)

अध्यक्ष महोदय: ऐसे काम करोगे, तो न कोई बोल पाएगा और न कोई सुन पाएगा । आप मेरी बात सुन लीजिए, मैं यही सुनाने जा रहा हूँ ।

...(व्यवधान)...

प्रो० के० के० तिवारी : जब दंडवते जी बोल रहे थे, तब आप चुप थे । व्यवधान...

अध्यक्ष महोदय: मैं यही कहने जा रहा हूँ। इस तरीके से करेंगे तो न आप की बात कोई सुन पाएगा और न उनका कोई बात सुन पाएगा । ऐसा करने से कोई फायदा नहीं होता ।

...(व्यवधान)...

अध्यक्ष महोदय: आप विश्वास करें, या न करें, माने या माने । यह अपनी मर्जी है, आपको कोई मनवा नहीं सकता है । लेकिन किसी को कोई बात कहने से रोक नहीं सकता है । आप अपनी बात कहें यह कोई तरीका थोड़े ही है । यह जो सज्जन कर रहे हैं, यह तो शर्म वाली बात लगती है, जिस तरीके से नाच कर रहे हैं ।

...(व्यवधान)...

अध्यक्ष महोदय: आपका टाइम आएगा, तो आप बोलिएगा ।

SHRIMATI INDIRA GANDHI : While we were trying to ascertain the actual situation, we learnt that the Governor had

already initiated action to swear in the new Chief Minister and also that our local Party MLAs had extended their support to him.

The conclusion which the Governor had arrived at that Shri N. T. Rama Rao had lost the majority in the Legislative Assembly was based entirely on his judgment and was not in any way (*Interruptions*) I am not going into those details. Later on those details will be given by my colleague. I have said that if necessary I can intervene again.

The conclusion of the Governor was entirely based on his judgment and was not in any way influenced by me, by government in the Centre or by my Party at the Centre. (*Interruptions*) Yes, I have just said so.

(*Interruptions*)

MR. SPEAKER : Mr. Lawrence. why are you speaking without my permission ?... She is giving the facts. You can place your facts when you get the opportunity. Who stops you from stating your facts ? Please don't behave like that. ...This is deplorable.

SHRIMATI INDIRA GANDHI : It is clear that the Hon Members do not even listen to what is being said. I have just said that my local party extended its support to the new Chief Minister. This is what you are also shouting about.

SHRI K. P. UNNIKRISHNAN : That is also without consulting you ?

SHRIMATI INDIRA GANDHI : Without consulting me...

(*Interruptions*)

SHRIMATI INDIRA GANDHI : Now that the Governor had taken a decision, the question of majority or otherwise of the new Government has to be decided only on the floor of the Andhra Pradesh Legislative Assembly. ...

(*Interruptions*)

MR. SPEAKER : Order, order.

SHRIMATI INDIRA GANDHI : I understand that the Chief Minister has already announced his decision to advise the Governor to advance the date of the convening of the Legislative Assembly. It has come in the paper.

(*Interruptions*)

I emphatically refute the charge that we are toppling governments.

(*Interruptions*)

Anywhere that a Government has fallen, it is because of its own internal dissensions which have caused its party to break up.

In Andhra Pradesh also we know what had happened before. I have come to know that the Leaders of the Opposition are trying now, as before, to put the blame of everything on me and Congress (I) Party Members. (*Interruptions*) Now that I have put the facts before the House, I can only hope that the Opposition Leaders will desist from misguiding the public, provoking the public...

MR. SPEAKER : Those hon. Members who want to leave may leave quietly.

Shri Bhagat.

श्री बी० आर० भगत (सीतामढ़ी) : अध्यक्ष महोदय, माननीय सदस्य श्रीमधु दण्डवते जी ने अपने भाषण में कहा कि हमें अपनी संसदीय गरिमा ऊंची उठानी चाहिये। उन्होंने हाउस आफ कामन्स का हवाला देते हुए कहा कि हम को भी उसी तरह अपनी गरिमा को बढ़ाना चाहिये। मैं उन से यही निवेदन करूंगा, कुछ कहने के पहले, कि श्री दण्डवते जी इस सदन के एक सम्मानित सदस्य हैं और संसदीय परम्परा और नियमों तथा कानून में पूरी आस्था रखते हैं, मगर अभी जो व्यवहार और जो बातें हो रही हैं, उन के साधियों की तरफ से, हमारे

माननीय विरोधी दल के सदस्यों का जो आचरण है, उस पर भी श्री मधु दण्डवते जी का ध्यान जाना चाहिये ।

अध्यक्ष महोदय, पिछले शुकवार को हमारे विरोधी दलों के सदस्यों ने जो कुछ भी इस संसद में किया, जिन शब्दों का व्यवहार किया, जो आचरण किया, उन से हम सब का सिर तो झुका ही है मगर श्री मधु दण्डवते जी का सिर भी उन की हरकतों को देखते हुए शर्म से झुक जाएगा । अभी तक हमारी संसदीय परम्परा हाउस आफ कामन्स की परम्परा से किसी भी मायने में कम नहीं रही है । भारतीय संसदीय परम्परा और प्रणाली कई मायनों में दुनिया की संसदीय प्रणालियों में आगे रही है और लोग ऐसा मानते हैं कि भारतीय संसदीय प्रणाली ने एक नया चांद लगाया है बहुत कुछ वो किया है जो हाउस आफ कामन्स नहीं कर सकता । (व्यवधान) जो आचरण यहां विरोधी दल के सदस्यों का होता है, उसके बारे में श्री दण्डवते जी उनको समझाएं कि कम से कम संसद में इस तरह का आचरण कर के वे संसद की परम्परा को गिरा रहे हैं ।

आंध्र में जो सरकार बदली और गवर्नर महोदय ने संबैधानिक कर्त्तव्य पूरा किया, उसके बारे में कड़ी आलोचना की गई । ये प्रस्ताव मधु दण्डवते जी का है कि इसकी निन्दा होनी चाहिए मगर मधु दण्डवते जी ने ऐसी कोई बात नहीं कही कि वे इस प्रस्ताव में यह कहते हैं कि इसकी निन्दा होनी चाहिए ।

सबसे कड़ी बात यह है कि आज जो स्थिति है, वह कैसे उत्पन्न हुई । विरोधी संसद सदस्यों को भी यह जानना चाहिए कि सारी बातें कहां से शुरू हुई । यह जो क्राइसेस है यह तेलगू देशम पार्टी का आंतरिक क्राइसेस है । (व्यवधान)

अध्यक्ष महोदय : आप लोग बीच में यों बोलते हैं । जब आपको मौका मिले तब आप अपनी बात कह लेना ।

श्री बली राम भगत : ये तेलगू देशम पार्टी का आंतरिक क्राइसेस है । 15 तारीख को हम सब लोगों ने देखा । मैं तो विदेश से लोट रहा था । हमने बंबई में सबेरे अखवार में पढ़ा शुकवार को कि 94 आदमी तेलगूदेशम पार्टी के पार्टी छोड़ कर चले गए हैं । कुल सदस्यों की संख्या तेलगूदेशम पार्टी की 194 है ।

13.58 hrs.

[MR. DEPUTY SPEAKER *in the chair*]

94 आदमी छोड़ कर चले गए । यानी स्पिस्ट हुआ । मैं जो बात कह रहा हूं, इसके आलावा दूसरी कोई बात नहीं है यह तेलगू देशम पार्टी में आंतरिक संकट हुआ जिससे यह कानूनी स्थिति पैदा हुई ।

श्री अटल बिहारी वाजपेयी : आपने उनका समर्थन क्यों किया ?

श्री बली राम भगत : ऐसी स्थिति में उपाध्यक्ष महोदय, जब भास्कर राव गवर्नर साहब के यहां पहुंचे, तब उन्होंने गवर्नर साहब के सामने रखा । उन्होंने 94 आदमियों की लिस्ट दी और उन्होंने दिखाया कि ये उनके दस्तखत हैं ।

(*Interruptions*)

MR. DEPUTY SPEAKER : Will the hon Members give assurance to the Chair that there shall be orderly discussion ? May I request you all most humbly that an orderly discussion should be continued in this House ? Other Members should hear and our Reporters should hear so that what they speak is recorded correctly. Therefore, anything other than the hon. Member who is called upon to speak, if spoken, will not

be allowed. Any Hon. Member who speaks without my permission will not be allowed.

*(Interruptions)***

MR. DEPUTY SPEAKER : Do not raise all these things and waste the time of the House. Is this relevant? Do not record any interruptions.

SHRI B. R. BHAGAT : व्योरेवार इस संकट का मैं तथ्य दे रहा हूँ। वह तथ्य अगर सही नहीं है तो माननीय सदस्य जो कहना चाहे, वह कह सकते हैं।** (व्यवधान) **

MR. DEPUTY SPEAKER : I am so sorry; you cannot do like this. Please allow him to speak. Do not record anything other than the speech.

श्री बी० आर० भगत : भास्कर राव जी ने गवर्नर के सामने 164 विधायकों की लिस्ट पेश की जिसमें 94 तेलगूदेशम पांच मुस्लिम मजलिस, 57 कांग्रेस के और... (व्यवधान)... मेरे ब्याल में आप लोग तथ्यों को सुनना नहीं चाहते हैं।

*(Interruptions)***

MR. DEPUTY SPEAKER : Are we not discussing a serious problem? Please be serious. I am so sorry.

श्री बी० आर० भगत : भास्कर राव जी ने 15 अगस्त को 164 आदमियों की लिस्ट गवर्नर साहब के सामने पेश की। तेलगूदेशम पार्टी में इस्प्लीट होने से यह संकट उपस्थित हुआ। चार मंत्रियों सहित 94 सदस्य उनको छोड़कर चले गए। तेलगू देशम पार्टी का यह आंतरिक संकट है और ये लोग मौका उठाकर चरित्र हनन की बात कर रहे हैं जिसमें प्रधान मंत्री

और केन्द्र को भी लाया जा रहा है। विरोधी दल तथ्यों को कहने से हिचकिचाते हैं क्योंकि वह जानते हैं कि उनका पर्दाफाश हो जायेगा।

*(Interruptions)***

MR. DEPUTY SPEAKER : Hon. Members, if you become emotional, reasoning will be lost. Any subject or any motion allowed by the Speaker for discussion in this House is to educate the people of this country on the various issues raised in this country. If hon. Members stop others from speaking, is it not anti-people? Let all these things go to the people; let there be a frank and free discussion. Our country is a democratic country. I would appeal to you all; the proceedings of the House must go to the people. Do not stop anybody from expressing his opinion, because ours is a free country. You must allow everybody to express his own belief.

MR. DEPUTY SPEAKER : Everybody will recall that there is a list. *(Interruptions)* Please sit down. When I am on my legs, nobody should stand up. So, I would appeal that every body must be quiet. If a member does not agree with any point made from this side, he can oppose and protest when his own chance comes. Not this way.

Mr Bhagat, you can speak. *(Interruptions)* I will not reply to other Members. Mr. Bhagat, don't listen to them.

(Interruptions)

MR. DEPUTY SPEAKER : Don't record others; write 'Interruptions'. Don't record running commentaries.

*(Interruptions)***

MR. DEPUTY SPEAKER : Don't record this.

*(Interruptions)***

MR. DEPUTY SPEAKER : Don't record these interruptions. Don't record them.

*(Interruptions)***

MR. DEPUTY SPEAKER : Don't record anything.

*(Interruptions)***

MR. DEPUTY SPEAKER : I am very sorry : this is not the orderly way of discussing things.

श्री बी० आर० भगत : माननीय उपाध्यक्ष जी, मैं मधु दण्डवते साहब से अपील करूंगा कि वे अपने साथियों को कहें कि इस सदन की गरिमा को बचाकर तो रहें... (व्यवधान)...

मैं आपको 15 अगस्त के दिन की घटना सुनाना चाहता हूँ, यदि आज कुछ और स्थिति हो तो उसके बारे में अटल जी कहेंगे। लेकिन यह सही बात है कि 15 अगस्त को निर्विवाद रूप से यह स्पष्ट हो चुका था और गवर्नर साहब के सामने 164 खादमियों की लिस्ट थी, उनके दस्तखत मौजूद थे और उनके सामने उन विधायकों की हाजिर भी किया गया था। यह बिल्कुल सही बात है और जब मैं आपके सामने खड़ा होकर बोल रहा हूँ तो मुझे यहां गवर्नर साहब के पक्ष में बोलने की जरूरत नहीं है। एक संसद सदस्य होने के नाते किसी गवर्नर साहब के पक्ष में बोलने का मेरा काम नहीं है, मैं किसी पार्टी के पक्ष में भी नहीं बोल रहा हूँ। उसको देखते हुए आज यहां जो रिजोल्यूशन आया है, वह अप्रत्यक्षित रिजोल्यूशन है, जिसमें गवर्नर साहब की भर्त्सना की जा रही है और यह रिजोल्यूशन तथ्यों के ऊपर आधारित नहीं है।

हमारे संविधान में स्पष्ट रूप से कहा गया है कि किसी प्रान्त में सरकार बनाने की जिम्मेदारी वहां के गवर्नर की होती है। दूसरे, यदि वे संतुष्ट हो जाएं, सैंटिस्फाइड हों कि विधान सभा में अमुक व्यक्ति को बहुमत का समर्थन प्राप्त नहीं है, अमुक आदमी अल्पमत में है

तो वह उनको बुलाकर कह सकते हैं कि आपने अपना बहुमत खो दिया है और आप अपना इस्तीफा दे दो, तो ऐसा करना गवर्नर साहब का कर्तव्य है। यह भी स्पष्ट बात है कि यदि कोई मुख्य मंत्री गवर्नर साहब की एडवाइज को न माने तो गवर्नर साहब को पूरे अस्तयारात है कि वे उसको बर्खास्त कर दें। यह उनकी ड्यूटी और संविधान में दिए गए कर्तव्य है। इसलिए मैं चाहता हूँ कि आप पहले संविधान में गवर्नर साहब के कर्तव्यों के बारे में पढ़िये...

श्री राजनाथ सोलंकर शास्त्री : सर, आन ए प्वाइंट ऑफ आर्डर...

MR. DEPUTY SPEAKER : I would make an appeal to leaders of all Opposition parties. We must have an orderly discussion. If this is the position, how can we have an orderly discussion? So, I would appeal to the leaders of all the Opposition parties, not to control, but to advise so that we can have an orderly discussion. You can oppose anything you do not agree with i.e. what people from this side say; you can oppose it when you get the chance. Suppose when you speak, there is interruption coming from this side, then also I will stop it, because orderly discussion should be there. Unless you control yourselves, I cannot control anybody in this House—i.e. unless every hon. Member controls himself. *(Interruption.)* Now this is the understanding: we must have an orderly discussion. When any Member speaks, no Member from the other side shall interrupt him. This is an understanding from all the sides. They will reply to that Member only when they get a chance to speak. This is meant for all the hon. Members. When any hon. member is speaking either from this side or that side no other member either from this side or that side, will interrupt him. I would like the leaders of all political parties to take care of this. These are all personal things. You should not talk like this. The debate should go on in an orderly and civilized manner.

श्री बली राम भगत : माननीय उपाध्यक्ष जी, मैं तो कुछ तथ्यों को सामने रख रहा था और उन तथ्यों की पृष्ठभूमि में हमारे संविधान का जो स्पष्ट आदेश है गवर्नर के लिये उनके बारे में मैं चर्चा कर रहा था। और मैंने शुरूवात इस बात से की थी और बार-बार यही कहूंगा कि जो आंध्र प्रदेश में क्राइसिस है याद रखें केन्द्र से कोई आदेश नहीं गया हो या गवर्नर ने कोई अनुचित बात नहीं की।

(व्यवधान)

यह क्राइसिस तेलंगूदेशम पार्टी के वर्टिकल स्पिलट की बजह से हुआ 94 आदमी उस पार्टी को छोड़कर चले गये। करीब करीब आधे के हिसाब से पार्टी का बटवारा हो गया और यह क्राइसिस एकाएक गवर्नर के सामने आया और बार-बार कहता हूँ कि मैं गवर्नर के पक्ष या विपक्ष में बोलने की बात नहीं करता हूँ, उन तथ्यों के आधार पर उन्होंने ठीक किया कि नहीं इस बात की मैं चर्चा करना चाहता हूँ। क्योंकि मधु दण्डवते जी ने इस सम्बन्ध में बहुत से उदाहरण दिये हैं, एक, दो उदाहरण मैं भी दूंगा। मगर मैं शुरूवात इस बात से करना चाहता हूँ कि गवर्नर साहब ने 164 आदमियों के दस्तखत देखे, उनसे बेरीफिकेशन भी किया और उनकी जजमेंट में...

(व्यवधान)

आपने उपाध्यक्ष जी, अभी अपील की कोई मानता ही नहीं है। यह संसद की गरिमा है ?

तो मैं कह रहा था गवर्नर साहब के सामने एकाएक यह चीज उपस्थित हुई। हमारे विरोध पक्ष के नेतागण कोशिश कर

रहे हैं यह दिखाने की कि इसमें कांग्रेस डेमोक्रेसी को खत्म करने की और गैर सरकारी सरकार को गिराने की साजिश। ऐसी कोई बात नहीं थी। एकाएक यह घटना उनके सामने आयी। तो गवर्नर ने क्या किया निष्पक्ष रूप से सोचिये, गवर्नर ने जब देखा 164 आदमी उनके सामने हैं, दस्तखत हैं, उनको लाया गया तो उनका यह निश्चित मत हुआ कि श्री रामा राव जी का बहुमत अब नहीं रहा और इसीलिये उनको कहा बुला कर कि आपका बहुमत अब नहीं है, अब आप इस्तीफा दे दें। श्री रामा राव जी ने उस समय यह नहीं कहा कि मेरे पास इतने सदस्य हैं...

(व्यवधान)

मैं कह रहा था बड़ी बारीक कांस्टीट्यूशनल बात है जरा सोचिये। श्री रामा राव जी ने नहीं कहा कि मेरे पास बहुमत है। उन्होंने कहा कि 18 तारीख को असेंबली बुला लीजिये वहाँ टेस्ट हो जाय। अब यहाँ यह सोचने की बात है कि फोर्मर चीफ मिनिस्टर ने यह नहीं कहा कि आपके सामने लाकर देता हूँ हमारा बहुमत है...

(व्यवधान)

बारीक बात कह रहा हूँ आप सुनिये। आप काटियेगा जब आपको बोलने का मौका मिले।

मेरा दूसरा प्वाइंट यह है कि श्री रामा राव जी ने यह कभी भी नहीं कहा कि मेरा बहुमत है। उन्होंने कहा 18 तारीख को असेंबली बुला लीजिए वहाँ टेस्ट हो। अब भी मधु दंडवते जी ने 3,3 उदाहरण बताये कि प्रीसाइडिंग आफिसर्स की शिफारिशें थीं।

गवर्नर्स कमेटी का रिक्मंडेशन क्या था, एडमिनिस्ट्रेटिव रिफार्म्स कमेटी का रिक्मंडेशन क्या था, पिछली डिबेट में होम मिनिस्टर ने कहा था, शायद आज वह फिर दोहरायेंगे कि आज तक कभी भी मैजोरिटी टेस्ट असेम्बली में नहीं हुआ है। बहुमत अल्पमत का निर्णय गवर्नर ने किया है, आज तक यही स्थिति रही है।

(व्यवधान)

श्री बलिराम भगत : आज तक हमारे संवैधानिक इतिहास में, परम्परा में, मैजोरिटी किन की है किन की नहीं है, यह गवर्नर ने तय किया है। अगर गलत बात हो तो आप कहें।

SHRI A. K. ROY : Wrong statement should not be made. In 1968 when Mahamaya Prasad Ministry failed, we all were there. Vote was taken in the Assembly.....

(Interruptions)

MR. DEPUTY SPEAKER : You can speak when you get a chance.

(Interruptions)

श्री बलिराम भगत : 1968 की बात महामाया मिनिस्ट्री की बात कोई नहीं है। आज तक असेम्बली में जब कभी भी बहुमत की बात हुई है, तो गवर्नर ने अपनी छानबीन करके इसे तय किया है। यह कभी भी असेम्बली में नहीं हुआ है। रामाराव जी कह रहे थे कि असेम्बली के फ्लोर पर तय किया जाये।

(व्यवधान)

MR. DEPUTY SPEAKER : When you get a chance, you speak. Some of the Members who have not taken their lunch, I remind them of their lunch.

मैं यहाँ कह रहा था कि राव साहब का कहना यह था कि गवर्नर तय न करें कि बहुमत किस का है और किस का नहीं है बल्कि यह असेम्बली में तय हो। वह एक नई परम्परा कराना चाहते थे जो कि आज तक नहीं हुई।

श्री मधु दंडवते ने 3 रिक्मंडेशन का हवाला दिया। मैं उनसे पूछना चाहता हूँ कि जब जनता पार्टी सरकार में थी तो क्या किसी एक रिक्मंडेशन पर उसने अमल किया ?

(व्यवधान)

जब जनता पार्टी की सरकार थी, ये सारे रिक्मंडेशन उसके पहले आ चुके थे। क्या किसी का हवाला जनता सरकार ने दिया ?

मेरा कहना यह है कि जहाँ तक यह सवाल है कि मैजोरिटी टेस्ट असेम्बली फ्लोर पर हो या गवर्नर साहब खुद करें, इसमें रिक्मंडेशन होते हुए भी, जो कमेटी का हवाला दिया है, न उसे जनता पार्टी की सरकार ने माना और न कांग्रेस ने माना। उन्होंने कहा कि यह गलत परम्परा होगी। किसी भी पार्टी की सरकार हो, यह गलत परम्परा होगी कि बहुमत असेम्बली में टेस्ट हो और गवर्नर साहब के सामने न हो। इसलिए राव साहब का गवर्नर साहब से कहना, संसदीय परम्परा का उन्हें पता नहीं है, वह नये हैं, मगर जो यह परम्परा जानते हैं, वह सही बात नहीं थी। सब से खेदजनक बात क्या हुई ? वह बड़े प्रतिष्ठित व्यक्ति हैं। आन्ध्र प्रदेश की जनता का उन पर बहुत विश्वास है। लेकिन फिर भी उन्होंने जो काम किया, वह किसी प्रतिष्ठित नेता को नहीं करना चाहिए था। उन्होंने गवर्नर को बोध दिलाने के लिए जाने ले रोकने की कोशिश की। (व्यवधान) गवर्नर जा रहे थे अपनी पब्लिक इयूटी पर। सब

जगह यह जाहिर करने की कोशिश की गई है कि श्री रामाराव बीमार थे, फिर भी उनको अरेस्ट किया गया। असम में उनको अच्छी तरह, सावधानीपूर्वक ले जाने के लिए कहा गया था, लेकिन उन्होंने कहा कि हम पुलिस बैन में जाएंगे। इस तरह लोगों को गुमराह करने और गलत जनमत पैदा करने की कोशिश की गई है। यह एक अच्छी परम्परा कायम नहीं की गई है। (व्यवधान)

होना क्या चाहिए था और वहां पर क्या हुआ? आंध्र प्रदेश में जो संकट पैदा हुआ, उसके संदर्भ में प्रो. मधु दंडवते ने बहुत से उदाहरण दिए हैं। मैं सिर्फ एक ही उदाहरण देना चाहता हूँ। 1976 में यहां पर जो संकट हुआ, उसका निर्णय कैसे किया गया? जनता पार्टी में जैसे एक वर्टिकल स्प्लिट हुआ था, वैसे ही स्प्लिट तेलुगु देशम में हुआ। क्या हुआ था या नहीं? जनता पार्टी में वर्टिकल स्प्लिट हुआ और श्री चव्हाण जनता पार्टी की सरकार के विरुद्ध एक नो-कांफिडेंस मोशन लाए। जब जनता पार्टी में वर्टिकल स्प्लिट हुआ, तो मोरारजी भाई ने क्या कहा? उन्होंने यह नहीं कहा—जैसा कि श्री रामाराव ने कहा है—कि लोकसभा को बुलाया जाए और वहां पर बहुमत को टेस्ट किया जाए। मोरारजी भाई ने सीधे जाकर इस्तीफा दे दिया। (व्यवधान) उपाध्यक्ष महोदय ने माननीय सदस्यों से कहा है, लेकिन फिर भी ये उठकर खड़े हो जाते हैं। मेरी बात सुनिए। अगर कोई बात गलत हो, तो बताइए।

आन्ध्र प्रदेश में जैसा आन्तरिक संकट और वर्टिकल स्प्लिट तेलुगु देशम में हुआ, वैसे ही वर्टिकल स्प्लिट यहां पर जनता पार्टी में हुआ था। मोरारजी भाई ने श्री रामाराव की तरह यह नहीं कहा कि 18 तारीख को असेम्बली का सेशन बुलाया जाए और उसमें बहुमत को टेस्ट किया जाए, मैं इस्तीफा नहीं

दूंगा। प्रेजिडेंट के इस्तीफा मांगने से पहले ही उन्होंने इस्तीफा दे दिया। उसके बाद क्या हुआ?

(व्यवधान)

मैं कह रहा था कि यहां पर जनता पार्टी में जो क्राइसिस हुआ था, बिल्कुल वैसा ही क्राइसिस आंध्र प्रदेश में हुआ और गवर्नर साहब ने वही किया, जो संविधान के अनुसार प्रेजिडेंट साहब ने किया था। मोरारजी भाई ने स्वयं जाकर इस्तीफा दे दिया था। श्री रामाराव को मोरारजी भाई से सबक सीखना चाहिए था कि जब उनका बहुमत नहीं रहा, तो वह इस्तीफा दे देते उसके बाद उन्होंने चव्हाण साहब को बुलाया...

(Interruptions)

MR. DEPUTY SPEAKER : He is making a statement of fact, why are you opposing him? You refute him, if you do not agree with him. How can we conduct the proceedings if you interrupt like this every time? I am very sorry, This is not the method. If hon. Members do not assure an orderly conduct of the House, we cannot proceed with the business. I am so sorry. I do not know whether anybody else can make it, but I cannot manage it. If 10 members are speaking at the same time, how can a record be kept? I am so sorry. You may or may not agree, but you must give him the freedom to speak....(Interruptions) If all of you are shouting, I must shout louder.

PROF. K. K. TEWARY : They are not interested in the debate, they are interested in the propaganda.

श्री बी. आर. भगत : तो तब उन्होंने क्या किया कि चव्हाणसाहब को जिन्होंने नो-कांफिडेंस मोशन मूव किया था, उन को बुलाया वह इसलिए कि गवर्नमेंट में कांफिडेंस नहीं है, आप को दूसरी गवर्नमेंट बनाने का मौका दिया जाता है। दो दिन बाद चव्हाण साहब

ने कहा कि हम सरकार नहीं बना सकते हैं। तब उन्होंने हमारे माननीय सदस्य चौधरी साहब को बुनाया और उन्होंने एक लिस्ट दी उस के बाद मोरार जी भाई ने दूसरी लिस्ट दी और लिस्ट के 'बैरिफिकेशन' के आधार पर उन्होंने चौधरी साहब की सरकार बनायी। वह सरकार बनी। लोक सभा बुलाई गई कि सरकार का बहुमत टेस्ट किया जाये। उस के बाद उस सरकार को बहुमत नहीं मिला। चौधरी साहब ने इस्तीफा दे दिया। उस के बाद उस पार्टी के दूसरे चेयरमैन हो गए थे, मोरार जी भाई नहीं रह गए थे, बाबू जगजीवन राम जी चेयरमैन हो गए थे। उन्होंने अपना क्लेम टेस्ट किया। तब प्रसीडेंट साहब ने कहा कि मैं कब तक यह करता रहूंगा ... व्यवधान ... इतने दिन का मौका दिया, चार बजे तक का दिया, कब तक यह काम मैं करूंगा ... व्यवधान ... सुनिए आप। बाद में प्रसीडेंट ने अपना यह जजमेंट दिया कि इन को मौका दिया, इन की सरकार नहीं चली, चव्हाण साहब नहीं बना सके। अब ये फिर नयी लिस्ट ले कर चले हैं तो राष्ट्रपति का यह काम नहीं होता है कि हम हमेशा चलते चले जायं इन के साथ। इसके बाद उन्होंने सोचा कि अब चुनाव का मौका आ गया है, इसलिए उन्होंने पार्लियामेंट को डिजायल कर दिया। यही घटना आप मिलाइए दण्डवते साहब, आप कहां इतना पन्द्रह साल तक का उदाहरण दे गए? इसी उदाहरण को ले कर देखिए कि जो मोरार जी भाई ने किया वह रामाराव जी ने किया क्या और जो पूज्य राष्ट्रपति रेड्डी साहब ने किया क्या गवर्नर रामलाल जी ने उस से अलग रास्ता अपनाया? मैं यही कह रहा था कि गवर्नर ने भी वह सब काम किया। मगर संकट क्या है? अभी अखबार से सुना कि वह लोगों को ले कर आ रहे हैं प्रसीडेंट के यहां, आप भी थे उन के साथ अब बनाइए कि प्रसीडेंट का इस में कहां क्या

रोल आता है? आप तो संविधान के पंडित हैं। ... व्यवधान ...

श्री राम विलास पासवान : अगर किसी ने हत्या या भंडर किया हो और कोई आइ जी या एस पी के पास जा कर कहे तो आई जी उस से यह कहेगा कि दरोगा को कही, मेरी क्या पावर है? ... व्यवधान ...

PROF. MADHU DANDAVATE : The Governor holds his office during the pleasure of the President. That is why we have to go to the President.

SHRI B. R. BHAGAT : We know the Governor holds office during the pleasure of the President.

मगर इस मामले में कि कौन चीफ मिनिस्टर होगा, कौन बुलाया जायगा, किस का बहुमत है, किस का नहीं है यह कांस्टीच्युशन एक्वायरली टोटली, कम्पलीटली, पूर्ण रूप से गवर्नर के हाथ में देता है। इसलिए मैं यह कह रहा था, अब यहां देखिए कि यहां 170 आदमी का कभी निकलता है, कभी 165 निकलते हैं। और अभी मुझे खबर मिली है कि 165 एम.एल.ए. हैदराबाद गवर्नर से भी मिले हैं। आप जरा इस बात को सोचिए कि यह कैसे हो सकता है कि 165 एम.एल.ए. वहां भी हों और 170 एम.एल.ए. यहां पर भी हों।

PROF. MADHU DANDAVATE : It is possible like the Red Fort function. There were triplicates of the same leader. There might be triplicates here also.

श्री श्री० आर० भगत : लगभग 30 एम एल ए दोनो तरफ की लिस्ट में हैं। अखबार, में निकलता है ... व्यवधान ...

तेलुगू देशम की यह क्राइसिस है। फिर यह बात है कि तेलुगू देशम के 30 एम एल ए जो वह कभी इधर चले जाते हैं और कभी

उधर चले जाते हैं। यहां भी जो आए हैं उनमें बोगम हो सकते हैं। ...व्यवधान...

अखबारों में तो यहां तक आया है कि बोगस आइडेंटिफिकेशन कार्ड बनाए गए हैं। इसलिए यह 165 एम एल ए वहां भी और 170 एम एल ए यहां भी मौजूद हैं - यह कैसे हो सकता है? इसलिए मैं विरोधी पक्ष के नेताओं से कहना चाहता हू कि उन्होंने जो यहां पर इस मामले को उठाया और कहा कि डिमॉन्स्ट्रेशन की हत्या हो रही है और प्रधान मंत्री का नाम भी बुरी तरह ने उसमें घसीटा, उनका चरित्रहनन करने की कोशिश की, इसके बारे में तथ्य सामने आ चुके हैं कि रामलाल जी ने किसी से बात नहीं की। (व्यवधान) गवर्नर ने कोई ऐसा काम नहीं किया है। आपने कहा :

The satisfaction is not arbitrary.

हां, ठीक है, यह आविष्टरी नहीं था, उन्होंने सभी तथ्यों को देखकर फैसला किया। मैं दंडवते जी और विरोधी दल के भाइयों से कहूंगा कि वे जरा अपने दामन को देखें, अपनी परम्परा को देखें कि कहां तक वे संसद की परम्पराओं को ऊंचा कर रहे हैं। वे सिर्फ कोचड उछालना चाहते हैं और इस मीके पर सब मिल भी गए हैं लेकिन हिन्दुस्तान की जनता इतनी बेवकूफ नहीं है, वह हमेशा सही फैसला ही करती है। भारतीय संसद की परम्पराओं तथा उज्ज्वल इतिहास का विरोधी दल के नेताओं ने इस तरह से धूमिल तथा कलंकित करने की कोशिश की है उन्होंने जो गलत बात उठाकर चरित्रहनन करने की कोशिश की है इसके लिए संसद में उनकी भर्त्सना होनी चाहिए।

संसदीय परम्पराओं तथा गरिमा को धूमिल करना, कलंकित करना यह काम विरोधी दल के भाइयों को नहीं करना चाहिए था।

श्री चरण सिंह (वागपत) : माननीय उपाध्यक्ष महोदय, मुझे बहुत अफसोस है, जब माननीय प्रधान मंत्री जी की तकरीर हो रही थी . उस वक्त मैं उपस्थित नहीं था। जो कुछ भी मेरे दोस्तों से मालूम हुआ है, उन्होंने यह फरमाया है, उसके आधार पर मैं यह कह सकता हूँ कि उन्होंने तीन-चार दलीलें दी हैं, जो कुछ वहां हैदराबाद में हो चुका है। आन्ध्र के विषय में इनसे कोई मशिवरा नहीं हुआ। वे जो चाहे उनके मन में आए कह सकती हैं, लेकिन जिस तरीके से राम लाल जी के एन्टी सिडिंटस थे, उनके खिलाफ जो चार्ज थे, मैंने सुना है कि उसके लिए हाई कोर्ट में अपील हो रही है। कोई बहुत पुराने वर्कर हों या पो'लिटिकल लीडर हों, तो बात ठीक है, लेकिन एक नए आदमी को आन्ध्र प्रदेश में गवर्नर बनाकर भेज दिया है। वे इतना बड़ा कदम बिना प्राइम मिनिस्टर के मशिवरे के नहीं उठा सकते हैं। वे कहती हैं, तो हम कुछ नहीं कह सकते हैं, सिवाय इसके कि या उनकी यादाश्त कमजोर हो गयी या वे गलत बयानी कर रही हैं। ... (व्यवधान) ...

प्रो० के० के तिवारी : इन पर क्या चार्ज थे, वे भूल गए। ... (व्यवधान) ...

PROF. K.K. TEWARY : Sir, those who live in glass houses should not throw stones on other.

(Interruptions)

MR. DEPUTY-SPEAKER : The next speaker is going to be Prof. K.K. Tewary. Whatever he speaks he will reply. If you avoid interruptions, you will be able to have a better discussion. Therefore, all Hon. Members must cooperate.

श्री चरण सिंह : उपाध्यक्ष महोदय, मुझे यह समझ में नहीं आया कि मेरे दोस्तों को मेरे कथन से क्या एतराज है। मैंने सिर्फ यही कहा है कि प्रधानमंत्री जी यादाश्त कम होगयी है या गलत

बयानी कर रही हैं। इसमें दो राय नहीं हो सकती हैं। दोनों आल्टर-नेटिज में एक सही है। उनकी या तो यादाश्त कमजोर हो गई है या गलत बयानी कर रही हैं। मुझे यह मालूम हुआ, श्रीमती इंदिरा गांधी जी ने यह भी कहा है गवर्नर साहब ने एन० टी० रामा राव रूलिंग पार्टी की स्ट्रेंथ एसस कर ली थी। उन्होंने मालूम कर लिया था कि उनकी स्ट्रेंथ नहीं थी, उनकी गवर्नमेंट कायम रहे। गवर्नर साहब के पास एन० टी० आर० 168 मंत्रियों को लेकर जाते हैं उनसे दरखास्त करते हैं कि वे गिन लें और वे अन्दर बुला लें। वह इसके लिए तैयार नहीं हुए। मैं समझता हूँ कि आज तक किसी ने भी इस फ्लूट की कंट्रोल नहीं किया है कि एन० टी० आर० ने गलत बयानी की है।

सीधी सी बात थी-अगर वह गलत-बयानी कर रहे थे कि 168 मंत्रियों मेरे साथ हैं, तो उसी बक्त तस्दीक कर लेंते, उन की मर्दुम-शुमारी हो जाती।***

*** (अवधान) ***

उपाध्यक्ष महोदय, यह बात भी उन की गलत है कि गवर्नर ने उन की ताकत को असेस कर लिया था। ऐसा अभी तक किसी ने नहीं कहा, है सिवाय इस के कि प्रधान मंत्री ने बयान दिया है।

तीसरी बात-मुझे मालूम हुआ है कि उन्होंने कहा-है इस में कांग्रेसवालों का कोई दोष नहीं है, क्योंकि उन्होंने भास्कर राव को समर्थन दिया है। एक आदमी गलत काम करता है, वह तो उन की राय में दोषी है क्योंकि सफाई में वह यह कह रही हैं कि वह गलत काम कांग्रेसवालों ने नहीं किया है, उन्होंने तो केवल गलत काम करने वाले का समर्थन किया है ***

*** (अवधान) ***

MR. DEPUTY-SPEAKER : Nothing should be recorded.

(Interruptions)**

श्री चरण सिंह : मुझे को यह भी मालूम हुआ है - उन्होंने अपनी तकरीर में यह भी फरमाया है कि चीफ मिनिस्टर ने असेम्बली की डेट को एडवांस करने का मशविरा दिया है***

श्री अटल बिहारी वाजपेयी : चीफरी साहब, क्या यह भी किसी न्यूज एजेन्सी से प्रधान मंत्री को पता चला है? ऐसी बात अभी सदन को पता नहीं है, राष्ट्रपति जी को पता नहीं है कि चीफ मिनिस्टर असेम्बली सेशन को एडवांस कर रहे हैं, केवल प्रधान मंत्री को पता है ***

*** (अवधान) ***

SHRI MALLIKARJUN : The word 'Gunda' should be expunged.

MR. DEPUTY SPEAKER : If there is anything un-parliamentary said by anybody it will be taken care of.

SHRI RAM JETHMALANI : I have a request to make to you on a point of order that while Chaudhri Sabib is addressing the House, my name is being un-necessarily dragged into this controversy. I wish to state on a point of personal explanation that whatever my differences be with Chaudri Sabib never lies.

(Interruptions)*

MR. DEPUTY SPEAKER : Whatever words have been uttered by Shri Jethmalani on any un-parliamentary words will be taken care of.

PROF. N.G. RANGA : In my presence you said this. I am ashamed of you.

**Not recorded.

**Expunged as ordered by the Chair.

(Interruptions)

MR. DEPUTY SPEAKER : I am only asking Shri Charan Singh to speak. But the hon. Members do not co-operate.

SHRI JAGDISH TYTLER : (Delhi Sadar) : We still remember a letter Chaudhry Sahib wrote to Shri Morarji Desai.

(Interruptions)

(व्यवधान)

श्री चरण सिंह : लगता है मुझे आपसे बहुत कुछ सीखना पड़ेगा। आऊंगा आपके पास। (व्यवधान)

मैं तो खुद रोक रहा हूँ अपने लोगों को।
 (व्यवधान)

श्री राजनाथ सोनकर शास्त्री : उपाध्यक्ष महोदय, यह तरीका बिल्कुल गलत है अगर ऐसा होगा तो एक दिन भी प्राइम मिनिस्टर को इस हाउस में नहीं बोलने दिया जाएगा। (व्यवधान)

AN HON. MEMBER ; What was that un-parliamentary word uttered by the hon. Member.

MR DEPUTY SPEAKER : I do not want to mention that because that is un-parliamentary. Then it will also have to be expunged.

श्री चरण सिंह : मैं यह कहना चाहता था कि मेरा इरादा आज यहां तकरीर करने...

... (व्यवधान) ...

SHRI HARIKESH BAHADUR : Sir, if Chaudhury saheb is not allowed to speak now, nobody will speak.

श्री राजनाथ सोनकर शास्त्री : चौधरी साहब को अगर बोलने नहीं दिया गया तो हम किसी को बोलने नहीं देंगे। (व्यवधान)

MR. DEPUTY SPEAKER : Hon. Members, I would make an appeal. I would make an appeal to all the hon. Members not to interrupt.

(Interruptions)

MR. DEPUTY SPEAKER : He has come from his seat.

(Interruptions)*

MR. DEPUTY SPEAKER : Don't record anything.

PROF. MADHU DANDAVATE : Sir, I am going to reply at the end. Whatever interruptions they want to make, I am prepared to accept at the end. Let them reserve these things for me. Let Chaudhury Saheb speak now.

(Interruptions)

SHRI RAMVILAS PASWAN ; Sir, they are disturbing and you are laughing.

(Interruptions)

श्री चरण सिंह : मैं यह अर्ज कर रहा था कि आज मेरी तबीयत अच्छी नहीं थी और मैं आज हाउस में आने के लिए सोच भी नहीं रहा था क्योंकि कुछ अपोजीसन लीडर्स ने प्रेजिडेंट से मुलाकात चाही थी। वहां भी मेरा जाना जरूरी था। वहां से मैं इधर आ गया, थोड़ी देर के लिए। यू०पी० असेम्बली में जब इसी प्रकार एक आघ बांर हुआ तो मैंने उस वक्त कहा था कि गांव के लोग अगर सदन में देखेंगे कि किस तरह से प्रोसीडिंग्स होती हैं और किस तरह से हम लोग हल्ला करते हैं तो वे बहुत अपमान करेंगे। इसी प्रकार यह सबसे बड़ी डेल्गिवारेन्स और डिस्मिजन्स लेने वाली असेम्बली है। यहां भी अगर इस तरह से चलेगा तो गांव के और हमारे देश के सिटीजन्स

(व्यवधान)

MR. DEPUTY SPEAKER : He is making an appeal to the entire House.

श्री चरण सिंह : आप लोग सुन लीजिए । मैंने अपने साधियों को बीच में बोलने से रोका है । क्या कोई ईमादारी बाकी है?
(व्यवधान)

श्री जगपाल सिंह : आप लोग अगला स्पीकर बुलवाना चाहेंगे या नहीं ।

... (व्यवधान) ...

श्री चरण सिंह : मैंने केवल आप लोगों के लिए नहीं कहा । मैंने तो सारे हाउस के लिए कहा है कि किस तरह से हम नोग प्रोसीडिंग्स चला रहे हैं । लोगों के सामने क्या मिसाल पेश कर रहे हैं । जब इधर के लोग बोल रहे थे तो मैंने उन्हें मना किया था । (व्यवधान) अगर कोई गलती करता है तो उसी गलती को रिपीट करने का आपको भी कोई अधिकार नहीं है । आप बेफिजूल की बातें करते हैं ...

(व्यवधान)

SHRI SATYASADHAN CHAKRABORTY : On a point of order, Sir ? Have you noticed that in the House all the microphones are operating ? The general practice is that when a member speaks, only his microphone operates. Now you see that all the microphones are operating. You check it. Why has this been done ? It is deliberately done so that there is shouting.

(Interruptions)

MR. DEPUTY SPEAKER : It is not relevant ; no point of order. I make an appeal to all the hon. Members from all sides of the House to permit Choudhary Charan Singh to speak. It is not proper on our part, whether it is the Prime Minister or any leader of the Opposition or anybody from this side or that side, to obstruct the speech. Let the ideas come ; let the people think and decide.

श्री चरण सिंह : उपाध्यक्ष महोदय, मैं अर्ज कर रहा था कि जिस तरीके से अब हमारे यहां प्रोसीडिंग्स चल रही हैं, उसके लिए दोनों ही फरीक दोशी हैं । इसमें मैं अपने साधियों का दोष मानता हूं और मैंने बारबार उनको रोकने की कोशिश की है, यदि आपने जरा भी नोट किया हो । क्योंकि मैं मानता हूं कि इस तरीके से किसी भी मुक्त में डेमोक्रेसी या जनतंत्र चल ही नहीं सकता । इस विषय पर हम सब लोगों को सोचना है कि अपने ऊपर नियंत्रण रखें । गलत बातों को भी संयम से सुनें और उनका उत्तर संयम से दें । इतनी सी बात पर यहां इतना हल्ला हुआ मुझे समझ नहीं आती कि उसकी क्या जरूरत थी ।

मैं यहां इस विषय पर तकरीर नहीं करना चाहता, लेकिन यह बात जाहिर है कि जिस प्रकार से आन्ध्र प्रदेश में हुआ, यह अपने आप में अकेली मिसाल नहीं है, उसने पहले यिकिकम में भी बैसा ही हुआ । वहां जिस आदमी की मैजोरिटी थी, नर बहादुर भण्डारी वहां चीफ मिनिस्टर थे, उनको इसलिए इस्तीफा देना पड़ा क्यों कि यहां से इस्तीफा देने का हुक्म हुआ था और इसी कारण उनको इस्तीफा देना पड़ा । बाद में जाकर यह बात साबित हो गई कि उनको बहुमत का समर्थन प्राप्त था । ऐसे ही श्रीनगर में जो कुछ हुआ, वह सब पर जाहिर है । किस प्रकार से हुआ, वैसे कहने को तो आप चाहे जो कह ले, यदि आप एक्सपर्ट्स को कन्सल्ट करेंगे तो इस नतीजे पर पहुंचेंगे कि जिस तरीके से वहां के चीफ मिनिस्टर डा० फारूख अब्दुला की सरकार को गिराया गया, उसकी दुनिया में कहीं मिसाल नहीं मिलती । उसके बाद अब हैदराबाद में जो कुछ हुआ, वह तो उससे भी बहुत आगे जाकर हुआ है । इससे जाहिर होता है कि हम डेमोक्रेसी के मुस्तहिक नहीं है ।

यहां पर जनता पार्टी के बारे में कहा गया, लेकिन मेरे दोस्त को शायद पूरे वाक्यात मालूम नहीं हैं। जिस वक्त हमारे तत्कालीन प्रधानमंत्री श्री मोरारजी देसाई के विरुद्ध नो कान्फिडेंस मोशन आया तो उन्होंने इस्तीफा दे दिया। इस पर राष्ट्रपति महोदय ने जितने अपोजीशन के लीडर थे, उनसे कहा कि आप हमें हाउस में अपनी मंजोरिटी साबित कर दीजिए, आप हमें अपने सपोटर्स के नाम लिख कर दे दीजिए। उसके बाद हम आपको बुलायेंगे। इस पर उन्होंने लिखा कि मैं गवर्नमेंट बनाने की पोजीशन में नहीं हूँ। इस पर प्रेजीडेंट ने एक चिट्ठी मुझको लिखी और एक मोरारजी देसाई जी की लिखी कि आपके जो सपोटर्स हैं, उनकी तादाद मुझे बताईये। मेरे सपोटर्स की तादाद 258 थी और उनके सपोटर्स की तादाद 234 थी। इसको देखते हुए उन्होंने मुझको कहा कि आप चार्ज सम्भालिये। यह बात 28-29 जुलाई की है जब मैंने यहां चार्ज लिया। उनके बाद 8 अगस्त को मेरे पास कांग्रेस के एक एम पी आते हैं, मैं यहां उनका नाम नहीं लेना चाहता, वैसे रिकार्ड की बात है, लेकिन मैं उसको यहां मुनासिब नहीं समझता, उन्होंने यह कहा कि मेरा और इंदिरा जी या कांग्रेस के मध्य कोई समझौता हुआ है, लेकिन वह बिल्कुल गलत बात है...।

कोई किसी तरीके की हमारी उनकी बातचीत नहीं हुई, बल्कि मेरे पुराने जानने वाले यू० पी० के जो यहां मिनिस्टर थे, उस वक्त तो शायद मंत्री ही थे, अभी मिनिस्टर रह चुके हैं और एक और सज्जन जो मिनिस्टर रह चुके हैं, शायद अब भी मिनिस्टर हों दोनों, मेरे पास आये हम आपको सपोट कर रहे हैं आप इंदिरा जी को धन्यवाद दे दीजिए। मैंने कहा मैंने सपोट कभी आप से मांगी नहीं, आप अपने रीजन्स से सपोट कर रहे हैं। मेरे रीजन्स डिफरेंट हैं। लिहाजा थैंक्स का कोई सबाल नहीं है।

टेलीफोन करने को कहा मैंने कहा टेलीफोन भी करने के लिए मैं तैयार नहीं हूँ। खैर औथ हो गई, मैं तफसील में नहीं जाना चाहता। 8 अगस्त को मेरे पास एक कांग्रेस के एम०पी० आते हैं उनका नाम मुझे मालूम है क्योंकि वह यहां नहीं हैं वह रिकार्ड की चीज है, उनका नाम मैं नहीं लेना चाहता, आते हैं मेरे पास और यह कहते हैं कि जो उनके साहबजादे थे इंदिराजी के, श्री संजय गांधी, उनकी दो साल की सजा सेशन जज से हो चुकी थी, स्पेसल कौटर्स ऐक्ट के मातहत नोटिफिकेशन जारी हो चुका था, उनकी अपील सुप्रीम कोर्ट की होगी व कि हाई कोर्ट को। यह सज्जन जो मेरे पास आये कांग्रेस के एम०पी० वह कहते थे हम यह नहीं चाहते है कि केस वापस लिया जाय, केस की पैरवी होनी चाहिये और अपील करने का केवल मौका देना चाहिये और फिर हम आपको ढाई वर्ष तक बराबर सपोट करेंगे लम्बी चौड़ी बात है।

SHRI JAGDISH TYTLER : I do not think you are controlling the judes.

PROF. MADHU DANDAVATE : Shri Bhagat referred to it.

श्री राजनाथ सोनकर शास्त्री (संदपुर) : आप एडवाइस न दीजिये। ... (व्यवधान) जब भगत जी चौधरी साहब का नाम ले रहे थे तब क्यों नहीं आपने उनको रोका?...।

(व्यवधान)

श्री चरण सिंह : अभी बता रहा हूँ। जो मैं कह रहा हूँ उसका सबूत मौजूद है।...

(व्यवधान)

श्री राजनाथ सोनकर शास्त्री : आपकी समझ के बाहर है। आप मैंडम से पूछिये।

श्री चरण सिंह : मैं इस बात के लिये तैयार नहीं हुआ कि उस नोटिफिकेशन को

कंसिल कर दिया जाय और आर्डिनरी ला के मुताबिक सेशन जज के जजमेंट की अपील हाई कोर्ट में होती है उसकी इजाजत दी जाय। मैं इस बात के लिये तैयार नहीं हुआ। मैंने कहा कि मैं नोटिफिकेशन को कंसिल करने के लिए तैयार नहीं हूँ। मेरे अपने कोलीग थे उस वक़्त एक साहब मिनिस्टर थे उन्होंने भी मुझे ऐडवाइज किया कि इसमें कोई हर्ज नहीं है क्योंकि वह मुकदमा वापस लेने के लिए नहीं कहते हैं सिर्फ यह कहते हैं कि बजाय सुप्रीम कोर्ट के हाई कोर्ट में अपील हो। मैंने कहा मैं आप से ऐग्री नहीं करता हूँ। जो हमारे कोलीगन पार्टनर थे कांग्रेस (एस०) उसके जो लीडर थे श्री देव राज अंसं, इतफाक वह कर्नाटक हाउस में आ कर ठहरे हुए थे उसी दिन। 20 तारीख के लिये मैंने पार्लियामेंट बुला रखी थी। प्रेसीडेंट ने सजेशन दिया था कि एक महीना या इसके आसपास पीरियड में आप पार्लियामेंट बुलायें। मैं बाउन्ड नहीं था उनके सजेशन से। प्रेसीडेंट बाउन्ड होता है प्राइम मिनिस्टर की ऐडवाइस से, न कि प्राइम मिनिस्टर बाउन्ड होता है ऐसे मामलों में प्रेसीडेंट की ऐडवाइस से। केवल ऐडवाइस मुझ को मिली। लेकिन मैंने 20 तारीख को पार्लियामेंट तलब कर ली, और 19 तारीख की शाम को पार्लियामेंटरी बोर्ड (कांग्रेस) की मीटिंग होती है। उसमें यह तय होता है कि अगर श्री चरण सिंह इस नोटिफिकेशन को कंसिल कर दें ताकि अपील संजय की चली जाए ..

(व्यवधान)

गृह मंत्री (श्री पी० बी० नरसिंह राव) : भगवान के लिये एक बात सुन लीजिये। पार्लियामेंटरी बोर्ड के बारे में अभी आप जो कह रहे हैं वह बिल्कुल गलत है।

(व्यवधान)

श्री पी बी नरसिंह राव : मेरी एक बात सुन लीजिये, पार्लियामेंटरी बोर्ड के बारे में जो आप कह रहे थे, वह बिल्कुल गलत है, मैं यहां पर था।

श्री चरण सिंह : हो सकता है, गलत हो। मैंने तो यही सुना था कि पार्लियामेंटरी बोर्ड ने तय किया है, मुझको मिनिस्टर ने कहा। मुझको यह कहा गया कि अगर चरणसिंह रंजिगनंशन की कंसिल कर देते हैं,

(व्यवधान)

तो नहीं हुआ, मान गया लेकिन मुझे कहा मेरे ही साथी ने कहा लेकिन मैं उसके लिए तैयार नहीं था। इसमें कौनसी बात गलत कही है ?

(व्यवधान)

मेरे पास फिर उसी रात श्री देव राज अंसं का फोन आया, मेरे मकान पर कि हमने सुना है कि आप इसके लिए तैयार नहीं हैं ? मैंने कहा कि मैं इसके लिए तैयार नहीं हूँ। उन्होंने कहा कि यह बात कोई नाजायज बात नहीं है, मुकदमा वापिस लेने को वह कह नहीं रहें, केवल कहते हैं कि जो आर्डिनरी प्रासेस आफ ला है, वह फालो है, किया जायेगा। मैंने कहा मैं इस बात के लिए तैयार नहीं हूँ क्योंकि मुझे ऐसा महसूस होता है कि मैं प्राइम मिनिस्टर श्रीमती इंदिरा गांधी से खरीद रहा हूँ, मैं तैयार नहीं हूँ, I am sending my resignation. मैंने 21 तारीख की सबेरे साढ़े 9 बजे कंवनेट की मीटिंग बुला ली और सबेरे मैंने अपने साथियों के सामने रंजिगनेसन पेश कर दिया। बात अखबारों में आ गई, तरह तरह की बातें अखबारों में लिखी गई।

मुझे बाद में मालूम हुआ कि जो बातचीत हुई थी, वह कोई सज्जन कांग्रेस के एम० पी० थे बंगाल से कलकत्ता से चुनकर आये थे वह टेपरिकांडर लिये हुए थे ।

(व्यवधान)

वह तो प्रेस में छपा है, टेप रिकांडर लिये हुए थे, जो कि मुझे मालूम नहीं था । क्योंकि मैंने कुछ अपने साथियों के खिलाफ सख्त अलफाज इस्तेमाल किये थे, अगर मुझे मालूम होता कि इनके पास टेप-रिकांडर है, तो जो लफ्ज मैंने जाती तौर पर अपने साथी के लिए इस्तेमाल किये थे, मैं उन पर जप्त नखता अपनी भाषा पर, लेकिन वहाँ टेप-रिकांडर था ।

(व्यवधान)

आपने आन्ध्र की सफाई में कहा है कि चरण सिंह ने ऐसा किया था, लिहाजा हम भी कर सकते हैं । मैं अजं कर रहा हूँ कि टेप रिकांडर में जो बातें हुई थी, वह अखबारों में छपी हैं 23 दिसम्बर, 1979 के मेगज़ीन में यह मौजूद हैं । उस मेगज़ीन में ही नहीं बल्कि वरुण सैन गुप्ता ने जो किताब लिखी है "लास्ट डेज आफ मोरारजी" उसमें भी है क्योंकि वह टेप-रिकांडर उनको हासिल हो गया । उन्होंने लिखा है कि मुझे हासिल हो गया । तो मेरी बात जो टेप-रिकांडर में थी वह पेपर में पूरी है उससे पता लग जायेगा । मैं तैयार नहीं था इस मामूली सी बात के लिए हालांकि एक नोटिफिकेशन कंसिल करने का मुझे अधिकार था । अगर मैं प्राइम-मिनिस्ट्री का भूखा होता

without the maintenance of any standard

तो मुझको कोई रोक नहीं सकता था । मैंने फौरन इलैक्शन डिमांड किया और इलैक्शन की डेट तय हो गई । लिहाजा किसी का कहना

कि इस तरह नाजाइज बात हुई, मैंने किसी से नाजायज फंसला किया हो, हरगिज नहीं । हरेक मुल्क में प्राइम मिनिस्टर का बड़ा पद होता है । लेकिन हिन्दुस्तान जैसे मुल्क में, जब कि मेरे साथी कोलिशन के पार्टनर चाहते थे, उनके लीडर कहते थे, उनकी बात को मैंने नहीं माना । उसमें झुझे लगता है —

as if I am doing something wrong ; technically I may be in the right.

लेकिन मेरा हार्ट इस को मंजूर करने के लिए तैयार नहीं है, रिज़ाइन मैंने कर दिया और इलैक्शन की मंने काल दी । मेरी समझ में नहीं आता कि इसमें कौन सी नाजायज बात है ? परम्परा की बात है, आप वरुण सैन की किताब पढ़ लीजियेगा या उस मेगज़ीन को पूरा पढ़ लीजियेगा ।

(व्यवधान)

मैं अजं करना चाहता हूँ कि अगर इसी प्रकार से गवर्नमेंट चलती रही, तो रबाह यह पार्टी पावर में हां, या वह पार्टी पावर में हो, इस मुल्क में डेमोक्रेसी रहने वाली नहीं है और हम लोग धीरे-धीरे डिक्टेटरशिप की तरफ बढ़ते चले जाएंगे ।

यह सिर्फ एक आन्ध्र प्रदेश का मामला नहीं है । गोआ में भी यही हुआ, जिनकी मंजूरिटी थी, जिनको निकाल दिया गया । पांडिचेरी और सिक्किम में भी यही हुआ और अभी काश्मीर में यही हुआ । आसाम में इलैक्शन जिस तरह कराए गए ?

पंजाब में वह हुआ, जिसकी नीबत नहीं आनी चाहिए थी । पंजाब को जिस तरह गवर्न किया जा रहा है, वहाँ पर जिस तरह शासन चलाया जा रहा है, उसका नतीजा क्या होगा? 27 दिसम्बर, 1982 को जब इन्दिराजी ने खुद मुझे बुलाया पंजाब की बाबत बात करनी चाही तो मैंने साफ कहा कि बहन जी, माफ कीजिए,

जो कुछ हो रहा है, उसके लिए स्वयं आप जिम्मेदार हैं। मैंने बड़ी तफ़्सील से उनसे सब बातें कही। बाद में हाउस में घंटा भर ये बातें कही थीं।

मैं इन्दिरा जो के खिलाफ एलीगेशन लगाता हूँ कि अगर वह पंचायत में हो रही घटनाओं को रोकना चाहती, तो उसी वक़्त रोक सकती थीं, लेकिन उन्होंने नहीं रोक। आप जानते हैं कि किस तरह भिंडरावाले को दो दिन तक इल्लिसिट आर्डर के साथ दिल्ली के बजारों में घूमने दिया गया। यह कांग्रेस गवर्नमेंट का पुराना तरीका है कि पहले हिन्दुओं और सिखों में आपस में रंजिश पैदा करो। वह पहले कह रही थीं कि रिलिज़स प्लेसिज़ में पुलिस नहीं जा सकती। हमारी बहन इण्डिरा जी, जो पहले वहाँ पर पुलिस भेजने से इन्कार कर रही थीं, उन्होंने बाद में वहाँ पर मिनिटरी को भेजा। (व्यवधान)

मेरे दोस्त भले ही शोर कर मुझे दबा लें, लेकिन मैं भविष्यवाणी करता हूँ कि स्वाहा इन की पार्टी ने और स्वाहा किसी दूसरी पार्टी ने इसी तरह से गवर्नमेंट को चनाया, तो डेमोक्रेसी खत्म हो जाएगी और मुल्क में डिस्टैबलिसिटी कायम हो जाएगी—डार्क डेज़ और ऐहैड। हमारी कन्ट्री डिमिशनटेग्रेशन होने जा रहा है। इस बारे में मैंने इन्दिराजी से तफ़्सील से बात की और बाद में मैंने पब्लिक तकरीरों में बताया कि हम तेज़ी से डिमिशनटेग्रेशन की तरफ़ बढ़ रहे हैं। सिर्फ़ डिमिशनटेग्रेशन की ही बात नहीं है, आज हम चारों तरफ़ होस्टाइल और अनफ़ैडली कन्ट्रीब से घिरे हुए हैं। इसकी जिम्मेदारी क्लिंग पार्टी पर है, जो बराबर 35 सालों से बरसरे-इस्तदार है। ये लोग बेशक शोर कर के मुझे चुन करा दें, लेकिन ये लोग भी इसमें बराबर के दोषी हैं, क्योंकि गवर्नमेंट बैसे ही चलेगी, जैसे कि ये चाहेंगे।

PROF. K.K. TEWARY (Buxar): I am really sorry for Choudhury Saheb who was chosen as the star performer of the Opposition to-day in this debate. If the Opposition had any consideration for Choudharyji, a person, as exposed and as vulnerable as Choudhary-Charan Singh he should not have been fielded to defend democracy and its norms in the public life of India...

(Interruptions)

Choudhary Saheb spoke about many things. I would like to mention only a few points raised by him which are relevant to the debate to-day. Defection, we all agree is a very despicable thing and it has started eating into the vitals of our political system and if the Opposition friends are interested in serious matters like political system or an analysis of the political system, I think they will quietly listen to me and ponder over the points that I am trying to raise before them

Sir, it goes to the credit of Mr. Charan Singh and, I think he will be a solitary example in the history of Political Science or political institution in this country, who acted as the first patriarch of the defection.

(Interruptions)

There is no incongruity when I look on the Oppositions scenario to-day. The persons who have been defecting and re-defecting everyday, Sir, a group of people who are opportunists, defectors and political lumpen have decided to form a front under the leadership of the person called Chaudhury Charan Singh. Sir, I say he is the patriarch of defectors; he is the monarch of defectors in this country.

PROF. AJIT KUMAR MEHTA: He is making an allegation.

(Interruptions)

PROF. K. K. TEWARI: I want to remind Mr. Bahuguna and also Mr. Danda-vaate who has moved the motion as to what happened in 1967.

PROF. AJIT KUMAR MEHTA : He is making an allegation, Sir.

MR. DEPUTY SPEAKER : I shall go through the records.

PROF. K. K. TEWARI : You will go through the records.

(Interruptions)

MR. DEPUTY-SPEAKER : Allow him to speak.

PROF. K. K. TEWARI : He himself is a defector.

15.16 hrs.

[SHRI F. H. MOHSIN *in the chair*]

SHRI AMAL DATTA (Diamond Harbour) : He said he himself is a defector. Mr. Chairman, Sir, devil is quoting the scripture.

(Interruptions)

MR. CHAIRMAN : We will go through the records.

PROF. K. K. TEWARI : Mr. Chairman, Sir, I was talking about the political tracks of Chaudhury Charan Singh. How ignominious they are and how dubious they have been. In 1967, Chaudhury Charan Singh who was elected on a Congress ticket and Mr. Vajpayee and his friends now, in their present Avtar, when they are called B. J. P., used to be known as Jan Sangh, and with the support of the Jansangh lobby in U. P., Chaudhury Charan Singh defected with a handful of his followers from the Congress—they were all elected on Congress tickets—and, for the first time, the era of defection in politics was started with the crossing of the floor by Chaudhury Charan Singh in 1967, this Government was supported by not only Jansangh but also by all the major political groups which were represented in the Assembly of U. P. and it was the same

drama which Chaudhury Saheb repeated in 1979 and he was talking eloquently about the norms and other matters.

I would like to remind the senior friends on the opposite side who were Ministers in the Government, in 1967 and after that in 1977, as to what was the slogan given by the Opposition Party. Sir, it was a sad spectacle to see that the people who did not believe in democracy and the unity of this country and the people who have not done anything in attaining freedom and independence of this country had all ganged up and joined hands. What was the slogan? It was 'total revolution'. In order to change the political map of India, the lifestyle of the people of India, they joined hands and, by hoodwinking the people, by throwing dust into the eyes of the people, they got together and wrested power from us.

Sir, I want to put it to Chaudhury Saheb although he is not in the House—what prompted Chaudhury Saheb and his friends who all together fought the election to do this if he had any love for freedom or love for ideology or love for any decency or any norms in politics? If it was the spirit of 1977 that would have kept him with the Janata Party. But, Sir, because, as we have been told, I am quoting merely this, he has been variously called Chair Singh and so on, all his life, he has been running after power; he has been running after political position; in order to achieve this—I am quoting within quotes—Chaudhury himself says :

15.19 hrs.

(MR. SPEAKER—*in the Chair*)

all his life he has this ambition.

His life's ambition to become the Prime Minister of India had been fulfilled...

(Interruptions)

SHRI AMAL DATTA : He is saying something which is totally irrelevant.

श्री जगपाल सिंह : आप आन्ध्र के बारे में बोलिए ।

PROF. K K TEWARY : In order to fulfil his life's ambition, as he himself admitted, Chaudhury Charan Singh decided against all norms, against all decency in public life and repeated his feat of 1967 and defected from Janata Party.

SHRI SATYASADHAN CHAKRABORTY : Sir, we are discussing a motion moved by Prof Madhu Dandavate regarding the action of Governor of Andhra Pradesh. What is he speaking about ?

MR. SPEAKER : Please look here. This is a question of people defecting from one party leaving that party and going to other party. This is relevant.

(Interruptions)

SHRI SATYASADHAN CHAKRABORTY : Sir, I would like to submit that the motion is not about defection. The motion is about the action of the Governor.

MR. SPEAKER : No, I do not agree. The point of order is over-ruled. Everybody does it. You may decry everything but everybody does it. That is the worst thing.

SHRI SATYASADHAN CHAKRABORTY : Sir, we have never referred to Shrimati Indira Gandhi as to how she is out to capture power and all that.

(Interruptions)

MR. SPEAKER : Please sit down.

PROF. K. K. TEWARY : Sir, I was not saying anything from my side. I was quoting certain expressions.

MR. SPEAKER : Please, don't use any derogatory term.

संसदीय कार्य, खेज तथा निर्माण और छावास मंत्री (श्री बूटा सिंह) : अध्यक्ष जी आपके आने से पहले माननीय चरण सिंह जी भाषण कर रहे थे। उन्होंने सारा समय श्रमती

इंदिरा गांधी और परिवार के ऊपर बोलने में लगा दिया और एक लवज भी इस मोशन के बारे में नहीं बोले। अब तिवारी जी चौ० चरण सिंह जी को भूमिका बता रहे हैं। जो हुआ, वह कह रहे हैं।

अध्यक्ष महोदय: मेरे कहने का भाव यह है कि पोलिटिकल एक्शनस के बारे में कहा जा सकता है, लेकिन पर्सनल लाइफ के बारे में नहीं।

PROF. K. K. TEWARY : Sir, very important matters have been raised in this debate. It does not concern only Governor's action or demanding his removal. This also raises certain major issues which are essential for the stability of the very political system about which the hon. Member had been talking about. You are talking about democracy. You are talking about norms, traditions, functions and constitutions. Therefore, I am sorry to say about the behaviour of politicians. I am sorry again to see that you are so res'ive and you become so angry when you get the appropriate time you should reply. Those who are sitting in the glass houses should not throw stones at others. Prof. Dandavate is not here, the mover of the motion. Can I know the views of Prof Madhu Dandavate about the role of Chaudhury Charan Singh during that interregnum, that period when the Janata Government was at the Centre, led by Mr. Morarjibhai, supported by a less person, as colourful and mercurial as Mr. Bahuguna, who disintegrated the Government. After that you remember the scene enacted in front of Rashtrapati Bhawan. The then President of Janata Party, the truncated Janata Party, Mr. Chandrashekar said—Mr. Swamy will bear me out—that "this Government led by Chaudhury Charan Singh is a thief's Government". Am I wrong, Mr. Swamy ?

AN HON. MEMBER : Do not hide your face, Mr. Swamy.

PROF. K. K. TEWARY : Sir, it was the greatest for the nation, the largest calamity democracy in the world

with its vast and long traditions with the leadership of Mahatma Gandhi, Jawaharlal Nehru, Maulana Azad and Patel, with heroic sacrifices of your youth and our common men, India's freedom, India's democracy was imperilled by the irresponsible and utterly unscrupulous behaviour of those people who have always been raising slogans with the sole motive of maligning Shrimati Indira Gandhi, trying to usurp her power and whenever they have got the chance, they have done it. Sir, I would only like to bring to your notice one thing. They talk of democracy. What had happened in this House some years back? This House had witnessed the most outrageous scene, the most outrageous incident that has ever happened in the history of free countries. When Shrimati Indira Gandhi, who had led this country for 11 years, distinguished 11 years and brought prestige to this country through free and frank elections, when she was out of power they tried everything to persecute Shrimati Indira Gandhi. She contested and with the support of the poor and down-trodden of the Indian people she was elected to this House and the same person, Mr. Charan Singh, the same person, Prof. Dandavate who were a party to that, to that outrage, attacked the Constitution, the people of India and Shrimati Indira Gandhi and she was most unceremoniously in a shameless manner expelled from this very House.

DR. SUBRAMANIAM SWAMY : I have a point of order. I would like to say that the first expulsion took place during the Emergency when I was expelled from the Rajya Sabha.

MR. SPEAKER : He is mentioning about the expulsion in this House.

Prof. Dandavate, you were not here when I was talking. What happened during the Janata Party's time when the prestige of the country was reduced to nullity? Chaudhury Charan Singh was talking against the corruption, and corruption, of course, we have all to condemn, we have all to lambast the agency which contributes to the growth of corruption in a political system. But May I remind Chaudhury Charan Singh and Janata Party leaders here, those who were talking about Ram Lal, can I tell you, Prof.

Dandavate about the Vaidyalingam Committee's Report? It has never happened in any civilized political order any where in the world where the sitting Prime Minister levelled charges against his own Home Minister that "your children, your wife" they are taking bribe, they are corrupt and the Home Minister in his turn hit back and said, "Your son is the most corrupt person on the earth; and has amassed Rs. 50 crores." These charges were being traded between the Prime Minister of India and the Home Minister of India. That was the saddest day, Mr. Dandavate, for India's democracy, India's freedom and for the people of India; and that example, you forget so soon and even Chaudhury sahib. *(Interruptions)* I am inclined to agree with Mr. Jethamalani once atleast that Chaudhury sahib has bouts of amnesia that is he has a disease of forgetfulness; and once he lapses into his deep slumber, a bucket of water has to be poured on him to revive him. So, in this debate also, perhaps he has forgotten to mention this matter. When I talk of this, I want the country to know through this House and through you, Sir, what is happening today. *(Interruptions)* The opposition people, the grand strategy, the grand alliance, I am sorry to say, the communists—if they are present here—communists BJP forgetting everything—this unscrupulous, unprincipled, unholy alliance, this is aimed at destabilising the country.

Prof. Dandavate was talking about the technicality.

(Interruptions)

SHRI SATYASADHAN CHAKRABORTY : Don't equate the country with your party? Don't talk about your patriotism.

(Interruptions).

PROF. K. K. TEWARY : They don't try to learn. *(Interruptions)* Honestly. I tell you that we do not try to destabilise his party but if the party gets destabilised by itself, by their own internal contradictions, by the lure of office, etc., we cannot help it. If we had any design of destabilising at least, I am

speaking, for the time being, for myself, as Prof. K. K. Tewari, MP—I would have preferred the West Bengal Government...

(Interruptions)

SHRI SATYASADHAN CHAKRABORTY : I am glad that a Member of Parliament, Prof K. K. Tewari, says that he wants very much to destabilise..... *(Interruptions)*..... But then he was accusing us of destabilisation. *(Interruptions)*. He cannot do it.

MR. SPEAKER : I think it could be emulated. Then there would not have been anything like this in this House.

PROF. K. K. TEWARY : West Bengal has become a veritable slaughter house of all political institutions and political norms; and if destabilization is to be attempted, this would have been attempted there. But, since we are not interested in it, we are not interested in destabilising any party, taking the instance of Mr. Rama Rao, I do not want to go into details.

What was the scenario in Andhra? A person with a very dubious political ancestry—in fact, he has no political ancestry—*(Interruptions)*, I said, political ancestry. *(Interruptions)*. This freak of a man appeared on the political scene. I want to remind P. of. Chakraborty, imagine your love for democracy—in Telengana, when you started your liberation movement, you had forgotten all your democratic principles and love. Either you are revisionist, a renegade or you are the subvester of democracy. There is no half way. *(Interruptions)* If you believe in the system you are a renegade, you are charged with renegadory revisionism; if you do not believe in this system, you speak in the Floor of the House that you are all supporting the system with the support of persons like Mr. Bahuguna, Mr Chandrajit Yadav and the rest, the cut pieces of Indian politics. *(Interruptions)* You want once to get into the system and then subvert it from within. You started that moment and suddenly this man from nowhere he comes, manages to have this majority and then what has happened after that? I would not

go into these sojourns, frequent sojourns, to the United States.

Many things are being said about the conduct of the Governor, his toppling bid and how the Government was toppled. Constitutional pundits like Shri Jethamalani, Prof. Dandavate and others were talking about the importance of the floor. I may inform Prof Dandavate that while it is important that the majority is tested on the floor of the House, equally important is the element involving the satisfaction of the Governor. You should not shut your eyes to this. When the Governor, on the basis of definite proof, on the basis of concrete facts...

PROF. MADHU DANDAVATE : That is not satisfaction; that is pleasure.

PROF. K. K. TEWARY : He feels satisfied; that is called the pleasure of the Governor. You are merely quibbling with the words.

PROF. MADHU DANDAVATE : There is a charming difference between the two.

PROF. K. K. TEWARY : This is a matter which should be emphasized. When the Governor is satisfied that a certain Chief Minister has lost the majority, as in the case of Andhra Pradesh, what happens until the new Chief Minister is appointed. If this thesis of Prof. Dandavate is accepted, when the Chief Minister has lost the majority and the Governor is satisfied, everybody else involved in the process of decision making is satisfied, and if you allow him another two or three day's time, you open the floodgate for horse trading and all kinds of immoral practices. This is a very important fact... *(Interruptions)*. Therefore, the test of having the majority proved on the floor of the House may be important but, so far as the action of the Governor of Andhra Pradesh is concerned, as has been stated by my friend, Shri Bhagat, there are parallelism. But I would like to remind them that they tend to forget the recent events, contemporary history. They seem to completely ignore that.

What happened in 1977? I still do not believe that the people voted Janata to power. It was manipulation, dissimulation, trickery which led to the victory of the Janata Party. Even on the basis of that, it could not have been presumed that the State Governments led by Congress lost majority in all the respective States. This had never happened in the history of independent India. It had never happened that elected governments, commanding majority in their respective Assemblies, were dismissed out of hand. I challenge Prof Dandavate to disprove me. Shri Devraj Urs had a majority and he wanted three days' time in 1977. He had called the session also. He wanted this time which you are now pleading for, but Choudhury Charan Singh was the Home Minister then. Imagine, sometimes even the devil, when it quotes the scriptures, looks respectable, but in such cases Ch. Charan Singh, the then Home Minister was, so unmasked. He did not have the courtesy to wait even for two days and dismissed the Urs Government. Similarly, nine governments were dismissed. When you talk of astray instances, you should also remember what you have done in the past. If there is democracy in this country, if the people of India are walking with their heads held high, if Indians feel proud of themselves, of belonging to a free and independent ethos, this goes to the credit of Congress, the Congress leadership and the credit of the Congress and not to those who are now acting as the fifth column of the terrorist forces in this country. Once again I say that let this country know what is the total impact of the Opposition unity and what they are doing today. Whether it is Punjab or Jammu and Kashmir. They are shedding crocodile tears for the persons who promoted and organised the shows of Punjab extremists, the Akali extremists in Jammu and Kashmir and Jammu and Kashmir Liberation Front... (*Interruptions*) That discredited man is now the protector of democracy... (*Interruptions*). Therefore, I say that in your wisdom you accepted this motion but when I was watching this simulated performance of Dandavate, I was really feeling sorry because his heart was not in the matter, his performance was so vacuous because he did not speak with

conviction. Therefore the total scenario now is for destabilisation. The forces of anarchy led by Opposition are gathering and this a danger for the stability and democracy. Therefore, I plead that this motion be rejected with contempt that it deserves.

(*Interruptions*)**

MR. SPEAKER : I have not allowed anybody out of them.

MR. SPEAKER : Now Shri Ram Jethmalani. Please confine yourself to basic things.

SHRI RAM JETHMALANI (*Bombay North West*) : Mr. Speaker, Sir, like the deposed Chief Minister of Andhra Pradesh, I myself should be in the Nursing Home today.

AN HON'BLE MEMBER : Please go.

SHRI RAM JETHMALANI : I would go, I am here against my doctor's advice. My doctors think that perhaps by speaking here today I may be making what may turn out to be my last will and testament. But the matter is of such great importance? of much greater importance than what we discussed on the 31st of July, that my duty to my own constituency, my duty to this House and my duty to the nation at large, compels me to express my opinion on the problems of today.

Sir, I have no desire to indulge in mudslinging at anybody. Nor do I wish to go into the political antecedents of any great leader. Sometimes it is better not to have any political antecedents at all.

To my mind, Sir, there are three questions which arise. The first question that arises is : Was the action of the Governor proper and legal in accordance with the law and the conventions of the Constitution? If the answer to the first question is in the negative, and I hope to establish to the satisfaction of those who are open to satisfaction and persuasion that

the answer can only be in the negative than the second question, which undoubtedly arises is, the Central Government headed by the distinguished leader of the Congress Party an accomplice in what I regard as one of the gravest Constitutional crimes that has taken place in the history of this country. Sir, the third question which arises naturally, if this House is and I presume it is - concerned with the future of this country-what ought to be done to undo the grave wrong that has been committed

Sir, speaking about the propriety of the Governor's action, I think that it does not require any serious elaboration. The logic and the inexorable logic of number speaks conclusively upon the problem. I was told by Shri Bhagat that the number supposed to be present in Hyderabad and the number supposed to be present in Delhi added together is more than the total strength of the Assembly. Sir, answer can only be that President Zail Singh, the great Rashtrapathi, will with his own eyes be able to determine the reality and the genuine identity of those who are brought before him.

(Interruptions)

SOME HON. MEMBERS : How ?

SHRI RAM JETHMALANI : But there is, Sir, an answer and the possible answer to the seeming paradox which has been posed by Shri Bhagat if documents and identity cards can be forged, there is no doubt that human beings can be duplicated as well. The truth will soon be discovered and I do not think it can be concealed for long. But I have a suspicion-which I wish to share with this House-that if the game of numbers was in favour of the Governor's action, the Congress party would have owned the Governor's action; the Prime Minister would have been proud of it. And the very fact that since yesterday the newspapers under the influence of the Government have started separating the Prime Minister from this grave crime shows that they are at least secretly ashamed of what has happened.

PROF. K.K. TEWARY : Your insinuation is absolutely baseless.

SHRI RAM JETHMALANI : Apart from the game of numbers on which there can be, as I said, these kinds of controversies of facts, which have been raised, I wish to go into a deeper question. That question is also connected with the second problem in hand is the Central Government. Government responsible for what has happened at the State level ? Sir, I have to blame, and I wish squarely to blame, the Hon. Home Minister, for the views which he propounded on the 31st of July and those views are not only violative of the Constitution, but are directly responsible for this grave Constitutional crime which has taken place in Andhra Pradesh.

Sir, the Prime Minister when she said that she was not aware of what happened, I am quite willing to accept her statement. I have no evidence to disprove what she said. After all, the Prime Minister of a country can be busy with a large number of affairs and if the Prime Minister solemnly comes and says before the House that 'I did not know that this was happening' unless I have conclusive evidence to the contrary I have no intention of degrading the office of a Prime Minister saying that she necessarily spoke what was the falsehood on the point. But one thing is certain that when a Minister of the Cabinet propounds the view of the law, when a Minister of the Government propounds a certain theory about the role and powers and responsibilities of the Governor, those are the views of the Cabinet and those are the views of the Prime Minister of the country. And if those views are directly a rape of democracy and a rape of the Constitution, to that extent the entire Cabinet of the country including the Prime Minister are responsible for what has happened in Andhra Pradesh.

Sir, I wish to remind the hon. Home Minister about what he said on 31st of July. He said on the 31st of July :

"In Jammu and Kashmir a few determined persons with arms and slogans could do anything to brow-beat the people. The Central Government wanted to prevent this through the Governor's action. The Centre did

not wish to wait until a serious situation like the one in Punjab developed in Jammu and Kashmir."

These are only two small quotations from the longer statement of the Home Minister. This shows that the Home Minister directly approved of, instigated and ordered the action which took place in Jammu and Kashmir. If actions by the Governor in the matter of dismissal of Cabinets at the State level are being taken at the instance of the Central Government, as was admitted by the Home Minister on the 31st of July in the case of Jammu and Kashmir, it is a little hard to believe that what happened in Andhra Pradesh took place without the full concurrence and knowledge of the Central Government.

THE MINISTER OF HOME AFFAIRS (SHRI P.V. NARASIMHA RAO) : At this stage I will have to crave your indulgence. My speech has to be quoted in full. It cannot be that one sentence or two sentences can be read out of context.

SHRI RAM JETHMALANI : If I read your whole speech, it will take time.

SHRI P.V. NARASIMHA RAO : I can read it. But the only thing is that I don't expect you to do this.

SHRI RAM JETHMALANI : I don't quote out of context and I do not allow a single sentence to assume a meaning because it has torn out of context, the meaning you did not intend. And this particular sentence with or without the context can have no other meaning except the one it says what it means.

PROF. MADHU DANDAVATE : You give the sentence and he will say what it means ?

SHRI RAM JETHMALANI : On the last occasion, after I had spoken on the Constitutional position, I was followed by the distinguished colleague of mine both at the bar and in the House, Mr. Ashok Sen, who cited a Judgment of the Calcutta High

Court which, according to him, made it possible for a Governor always to do what the Governor in Jammu and Kashmir had done and that a Governor in no sense and in no circumstances, is bound to receive any advice from a Ministry or a Chief Minister who in his opinion, has lost the majority in the Assembly.

MR. SPEAKER : Please conclude. Hurry up.

SHRI RAM JETHMALANI : You kindly see what has happened. I will take a little time from my colleagues.

MR. SPEAKER : If your colleagues allow.

(Interruptions)

The Home Minister proceeded to say and this is the view which is directly responsible for the tragedy of Andhra Pradesh. He said :

"That the Governor had unfettered discretion given by the Constitution makers. He could exercise his pleasure to dismiss as soon as he is satisfied that the Ministry has lost the majority in the Assembly."

The distinguished Home Minister proceeded further to involve Dr. Ambedkar in the formulation of his very defective and totally untenable propositions.

On that day since he spoke last, there was no opportunity to contradict him.

MR. SPEAKER : Are you going to reply to that debate now ?

SHRI RAM JETHMALANI : No. This is now what you have to do in future for the governors.

PROF. MADHU DANDAVATE : This is the crucial point in the entire debate how the 'pleasure' is to be exercised.

MR. SPEAKER : Has that any relation to this ?

SHRI RAM JETHMALANI : My proposition is that under the Constitutional provisions as they exist in our Constitution, it is not open to the Governor of a State by merely looking at signatures, by only meeting people at the Raj Bhavan or by hearing from them where affiliations of loyalty to one leader or the other are, to come to the conclusion that a Chief Minister or Ministry has lost the confidence of the House. It is open to a Chief Minister who knows his own party's affairs, who finds that his followers have now deserted him, it is open to him to rely upon that by himself and go and say I have lost majority and I wish to get out. But it is the right of the Chief Minister to insist that "I shall not go, I want an opportunity to prove my majority on the floor of the Assembly."

AN HON. MEMBER : What happened in 1977 ?

(Interruptions)

SHRI RAM JETHMALANI : No person who claims to be in charge of the governance of affairs and of the country, no person who claims to have some working knowledge of the Constitution of India can make such a claim until he has gone through the five volumes of Shivarao's famous book of framing of the India's Constitution. It is a Bible.

I would command to the Home Minister to read the conclusion on page 401 after a long discussion.

"It is worth noting that as the various Articles which confer discretionary functions came up for consideration that the Drafting Committee suggested amendments deleting the requirements that the Governor would act in his discretion. As a result in the Constitution as adopted finally full ministerial responsibility without any discretionary powers for the Governor was established over the whole field of entire administration. The only matter in which the

Governor could act independently of his Ministers was in relation to certain tribal areas of Assam and so on and so forth."

On the previous page, if you start reading, I am not going to read, I would like to read at least from page 395, because Dr. Ambedkar must have turned in his grave or in the other world when he heard the Home Minister propound what Dr. Ambedkar has said. Speaking on the amendments Dr. Ambedkar on behalf of the Drafting Committee said:

"That according to the principles governing the provincial Constitution, the Governor was required to follow the advice of his Ministry in all matters was not to have any functions on which he was required to have any discretion or exercise his individual judgment."

Having regard to this fact, the Drafting Committee felt that it was not necessary to go through the process of election of Governor with all the attendant cost and trouble for filling the office of Governor which was purely to be ornamental.

The Constitution required an ornamental Governor. It required that if a person has actually lost his majority on the floor of the Assembly.

16 00 hrs

It is because the Constitutional article says that the Ministry is responsible to the Legislature. The Legislature does not speak through individuals. The Legislature does not speak through signatures and private letters. It does not speak through forgeries and it does not speak through parades being held at Raj Bhavan.

Sir, on the last time, I regret, that my distinguished friend Mr. Sen kept talking about the judgement of the Calcutta High Court and he said, "No, Calcutta High Court judgement is like this." At that time, I told him that he had not read the Calcutta judgement. But I did not have it in my

possession. The Calcutta High Court gave precisely a clear case which my friend Shri Indrajit Gupta in his *Tribune* article referred to, without citing the actual division. There, the Governor first asked the Chief Minister, "Please call a meeting of the Assembly and establish your majority." The Chief Minister refused to call a session of the Assembly and prove his majority. And thereafter, the Governor proceeded further and dismissed the Majority. And, therefore, all judicial precedents which are available say that the test has been on the floor of the Assembly to see whether you have got majority. But if a person is told that you call the Assembly and establish the majority and if he is not prepared to accept the challenge, then it follows that he is not able to sustain himself before the Legislature and that takes me to a very brief reference to two more questions which I have propounded.

MR. SPEAKER : Sum up please.

PROF. K. K. TEWARY : This is beating about the bush.

SHRI RAM JETHMALANI : I have heard today the Prime Minister.

(*Interruptions*)

MR. SPEAKER : It is my duty to see to it.

SHRI RAM JETHMALANI : We will adjust our time.

PROF. MADHU DANDAVATE : I will cut down my reply speech. It will be the pleasure of the House to hear him.

MR. SPEAKER : Please help me out. You don't realise my position. I am also tied down. You try to understand my position also.

SHRI K. P. UNNIKRISSHANNAN : It is a matter of fundamental importance.

MR. SPEAKER : It is all right. It can be summed up. You have given it to me. You

have given the time to me. I have not given the time. Don't try to throw upon me all the burden. Share it with me. I am taking much more than what I can. Let me be fair and be fair to me also.

SHRI RAM JETHMALANI : Sir, be fair to me and I would not take more than 5 minutes.

MR. SPEAKER : I have given 20 minutes so far.

SHRI RAM JETHMALANI : Now, Sir, I said, is the Central Government responsible for what has happened. I maintained that just as you yourself have admitted that the Jammu and Kashmir action took place with the full knowledge, concurrence and with the direction of the Central Government, there is no reason to believe that this action took place otherwise. But as I said once again, I am pre-prepared to go further.

PROF. K. K. TEWARY : This is what you wanted to say.

(*Interruptions*)

SHRI RAM JETHMALANI : I said, I will be the last man to say regarding the Prime Minister that she came and made a wrong statement on this point. If what has taken place is a Constitutional crime, this is a case which I would call a case of theft. It is because you steal somebody's followers and make them defect and form the Ministry. But I am prepared to acquit the Congress Party and the Central Government of having been accomplices in the act of political theft.

But there is one other crime of which I cannot acquit them. There is another crime which is connected with the offence of theft and that is the offence of receiving the stolen property. I acquit them of Section 380. But what about Section 411? They have got the benefit of this political theft; they have got a defector Chief Minister and power. They are now in alliance with him; they are supporting him; they are sustaining

him. If they are not accomplices, if they are not accessories before the act, they could be acquitted. But being accessories after the act and if they are accessories after the act, morally and ethically they are as guilty as if they had initially instigated the act.

The third question, is: What should be done? If their conscience is clear and if they are really ashamed of what has happened in Andhra Pradesh if they are not ashamed, they are left to themselves; the people of this country will deal with them at the proper time-let them undo this wrong. If they want to bring back the reputation of their Party and that of the Prime Minister, please take NTR from the Nursing Home and restore him back in the office of the Chief Minister. And get this man, Mr. Ram Lal, out of office. This man is a moral leper and that moral leper is going to create political leprosy throughout this country and, unless this leprosy is ended, they are going to be the victims of it.

My last sentence is that in the future choice of Governors, please do not have people of dubious antecedents. Mr. Ram Lal is a person who has changed his name four times in his life time and he is a person who is today subjected to a judiciary inquiry. Please give us better Governors who can bring some glory to the office and who can serve the Constitution well.

SHRI KUSUMA KRISHNA MORTHY (Amalapuram): Mr. Speaker Sir, there is a crisis of leadership in Andhra Pradesh. Everybody accepts one fact that the situation in Andhra Pradesh developed as soon as the leader of the party, Mr. N. T. Rama Rao, returned to Hyderabad. Immediately, within hours of this arrival to Hyderabad from U.S. he dismissed one of his Ministers and later on the situation developed in quick succession when other three Ministers resigned and defected with a large chunk of MLAs. There was no time, for anyone to understand what was happening there. For this, either the Congress Party or the Central Government is not responsible because this is a conflict within the party and his leadership.

Prof. Madhu Dandavate, while moving the motion, expressed his great admiration for one member breaking away from our party and going to the other side. He did not mention even a single word when four Ministers from Telugu Desam Party and a large chunk of elected legislators broke away from that Party, not to put up with the democracy of NTR style, I do not know whether the leaders of the Opposition are supporting the democracy of NTR style. Those who do not accept the style of NTR in running the party and the administration came out of the party to save democracy and also to save the situation there and maintain the economic progress in the State. I am not able to understand the stand of the Opposition in this matter.

Here, a very important point is, as it has been very widely reported, that once the elected representatives including the Ministers in the party were not able to maintain democratic norms and the principles for which the party was formed, they broke away from the party and they come out of the party. In fact, I was then physically present in Hyderabad and I was one of the party functionaries and I was not able to know what was happening there as things happened in quick succession and this thing is to be frankly admitted.

Something was simmering in the party. We know it. We never expected this kind of situation as soon as NTR returned to Andhra Pradesh. There was a vertical division in the Party and immediately things started taking a quick turn. At that time, Shri Bhaskara Rao on 15th at 8:30 A.M. met the Governor, produced 91 MLAs from Telugu Desam Party including himself and the fact has been verified by no less a person than the Government Whip who gave it in writing the same fact to the Governor. Later on, he contacted the Congress Party. Then our local party extended the support.

Prof. Madhu Dandavate was talking about the Congress alliance. In fact, I do not know whether he remembers or not. It was Prof. Madhu Dandavate's party, the break-away party that sought our support through Mr. Charan Singh who on the one

hand, was responsible for arresting Mrs. Gandhi and after some time, again he stretched his hand to Mrs. Gandhi for help. And it was only Prof. Madhu Dandavate's party, the breakaway party, which was asking for our support then. So it was in accordance with political norms actually. Whenever there is a crisis, whenever Governor feels satisfied with the Constitutional provision, he asks for the support of the parties which are going to extend and this is a fact and clearly established. That does not mean we are disowning the acts of Governor. What action our Governor has taken is in complete conformity with the provisions of the Constitution. It is clearly stated in the Constitution if he is satisfied, with the Party which can provide a stable Government, the Governor can invite the leader of that Party to form Government.

Prof. Madhu Dandavate revealed a list of examples in which Governors have taken actions, actions taken by Governors I do not know whether he really means a constitutional change. If the Opposition really wants that, during a crisis the Governor has to take action only after consulting the Leader of the Party, who has lost the support of his own Party that can be done only by making a proper amendment to the Constitution. This provision is not there in the Constitution at present and do they want this provision in our Constitution? Then what actually happened is when once this swearing in was over, Mr. Bhaskara Rao's supporters were feverishly moving in the streets and even in the premises of the Governor's house then. Five of the MLAs were taken into NTR group. They were confined in a film studio and I will give an example. A statement is given by one of the MLAs who came away from the studio. I am quoting from her letter,

"I was detained in the studio forcibly and this was done after we courted arrest."

That is an important matter to be taken into serious consideration. That MLAs supported NTR and also courted arrest. In fact the MLAs who supported NTR, they were taken to studio where. They were put to all kinds of strain and they were

put to all kinds of strain and they were virtually under house arrest and therefore, some of them come out and this is one such example as she did not put up with the insult and he came out and she also said that the plight of many MLAs are also like that in that studio. Apart from that, it is widely reported in the News Paper THE HINDU also the plight of the Ministers and of the MLAs collected was quite lamentable. After wards, they used all kinds of threats. They burnt the properties of the elected representatives if they were willing to support Mr Bhaskara Rao. This type of democracy the Opposition wanted to support and one of the Members from Opposition actually today morning talked to me privately and I do not want to reveal his name that he said "We have a weak point in Kashmir and also We have a weak point in Punjab. Now we got one point and we wanted to make political capital out of it." But that is also quite weak because total real situation was distorted to the Public. We are not responsible for the break-away of the Telugu Desam Party, nor for its dismissal, nor for the resignation, nor for the large chunk of MLAs coming out of it Party. The real position and facts were distorted to the people by mass media and it created a confusion of which somebody said, it is a war. It is not war it is a war against NTR Government and NTR Party and you can understand by the general response of the public at large. I have seen it personally that there is much jubilation among the people, particularly the weaker sections and all sections except BJP and CPI those who are running the present show. Actually they wanted to take advantage of the situation. Unfortunately, the leader NTR is bed-ridden. He is not able to move. Doctors advised him not to move. Even then the Opposition leaders are bringing him. They are bringing him physically here much against the request of his family members.

When Chickmagalur election was held one lady was shot dead. Shri George Fernandes took the body in procession throughout the streets in order to catch votes thinking that the people would vote for them. But they gave a slap in return and. It is

going to happen to these people also because everywhere, on every occasion, on every point, they try to take political advantage. This reflects their utter frustration in their political activities. What has happened in Andhra Pradesh is an outburst of the democratic urge from the legislators of the Telugu Dasam Party.

About Shri Ram Lal whose name has been maligned here by some members, I can say from personal information that the judge in question, whose personal request was not complied with by the then Chief Minister, Shri Ram Lal, tried to take vengeance against him, and therefore, he created the whole story. Therefore, whatever they are speaking is not true. This is a created story. Whatever our Party has done is in conformity with the democratic norms; also the Governor's actions are fully in conformity with the Constitutional provisions. Now, the opportunity has been given, and very soon the majority will be tested on the floor of the House. Therefore, democracy is neither raped nor murdered nor done away with. It is their misconception. If Mr. Bhas-kara Rao does not have the support, then we are not responsible, he will lose it, and the natural course will follow. Therefore, what has been done has been done very systematically and legally and every Constitutional provision has been honoured. Whatever they are saying is wrong.

With these words, I conclude.

MR. SPEAKER : Now, may I put it to the House? I want to be helped. I have got a long list of people who want to speak on this. Naturally you have to find time for that I have not got the time. You gave me only four hours.

SHRI H. N. BAHUGUNA : Who took most of the time?

MR. SPEAKER : I will cut down the time that was lost in hullabaloo. Still I have to give time according to the strength of each Party of the House, that is what you have entitled me to do. If you do not cooperate with me and people take more and more time, from where will I find the time? You have to help me. The points

have been made and there is going to be only a repetition of those. What I suggest is this. You give me three names from your side and they can have three from that side.....

PROF. MADHU DANDAVATE : This is a very important debate. Let us try to complete it today. That much assurance, I can give. Let us complete the debate today even if we have to sit for a longer time.

(Interruptions)

MR. SPEAKER : Order. Let us have some forbearance. We have got other work also to do. We cannot continue with this debate till 12 O'Clock. I have got 13 more names with me...

(Interruptions)

SHRI INDRAJIT GUPIA : You please consider this coolly. Is it fair for you to equate the two sides in the matter of speaking-time? Here there are a number of political parties who have their own angles and viewpoints, they have the advantage of so many Ministers being there and so many have spoken from there. Also they are supposed to have only one viewpoint.

MR. SPEAKER : I have got only one measure, and that is the number, the number that each Party has in this House. In fact, I cut down the time from the ruling side and give it to you.

SHRI H. N. BAHUGUNA : We have no objection to whatever you say. If we do not have time here, we will go the people's Parliament. That is another point. But the question is this. Can you tell me exactly, by looking through the papers, what is the total time taken by the other side and what is the total time taken by this side?

MR. SPEAKER : I will cut down their number. You will get more time than what you are entitled to.

PROF. MADHU DANDAVATE : The entitlement is only what is written on the

paper. But in reality we take more time. For instance, in Calling Attention we can ask only one question, but we speak for 10 or 15 minutes.

MR. SPEAKER : I put it to you.

PROF. MADHU DANDAVATE : Let us carry on to-day and we finish the subject and go to Lanka tomorrow.

श्री रामावतार शास्त्री (पटना) : सभी पार्टियों को मौका मिलना चाहिये ।

अध्यक्ष महोदय : पार्टियां तो बहुत सारी हैं । एक, एक आदमी की भी पार्टी है ।

श्री रामावतार शास्त्री : मस्ती शुरू से तो आप करते नहीं हैं ।

अध्यक्ष महोदय : 2 की 5 मिनट या 7 की 10 मिनट तो कर सकता हूँ । लेकिन जब लोग आधा आधा घंटा लेते हैं तो कैसे काम चलेगा ।

श्री रामावतार शास्त्री : दो मिनट में तो पौइंट भी रोज नहीं कर सकते हैं ।

प्रो. मधु दंडवते (राजापुर) : आज शाम तक इस पर बहस हो और कल श्रीलंका पर डिबेट कर लीजिये ।

अध्यक्ष महोदय : मेरे पास कल और जरूरी सरकारी बिजनेस है । समय मेरे पास अधिक नहीं है ।

डा० राजेन्द्र कुमारी बाजपेई (सीतापुर) : इस विषय पर यह सब एक है ।

PROF. MADHU DANDAVATE : After the Prime Minister has spoken, what is there for them to speak. We can argue like that. I should have said that once the Prime Minister has spoken, no speaker is necessary on that side. But I have not said that. I want to hear the various points of view.

THE MINISTER OF STATE OF THE MINISTRY OF FOOD AND CIVIL SUPPLIES (SHRI BHAGAWAT JHA AZAD) : We have heard all of you.

अध्यक्ष महोदय : मुझे कोई रास्ता बताइये ।

श्री हेमवती नन्दन बहुगुणा (गढ़वाल) : आप यह बता दीजिये कि इतने से कम की पार्टियां होंगी तो उनको समय मिलेगा ही नहीं । समय अनाट करके वता दीजिये किमको 3,5, 10 मिनट का समय मिलेगा । माननीय भगत जी 32 मिनट बोले ।

अध्यक्ष महोदय : मैं उनकी पार्टी के समय में से काट लूंगा । 4 घंटे में से ढाई घंटा कांग्रेस पार्टी का है और डेढ़ घंटा आप का है ।

प्रो मधु दंडवते : श्रीलंका की डिबेट आज नहीं । कल करें ।

अध्यक्ष महोदय : गृह मंत्री जी, लंका पर डिबेट कल करेंगे हम । लेकिन कल पहले दूसरा विजनेस है । थोड़ा सा संयम रखें तो सब काम हो जाएगा । अगर आपका कहना यह है कि श्रीलंका पर बहस कल हो तो पहले सारा आफिशियल बिजनेस जब खत्म हो जाएगा तब फिर श्रीलंका का मामला लेंगे ।

PROF. MADHU DANDAVATE : I want to make it clear that we will take the debate on Sri Lanka till late in the night tomorrow—not that we will start it late in the night.

MR. SPEAKER : I want your co-operation. I will take up the debate on Sri Lanka after all the official business is finished tomorrow.

PROF. MADHU DANDAVATE : Tomorrow or the day after.

MR. SPEAKER : Tomorrow I am going to take up the official business....

PROF. MADHU DANDAVATE : We agree to your suggestion—Lanka day after tomorrow.

MR. SPEAKER : No, no. Tomorrow after finishing all the official business we will take up the Sri Lanka debate.

PROF. MADHU DANDAVATE : Let us cross the bridge when we come to it.

MR. SPEAKER : I will plan it and then go to the bridge.

MR. SPEAKER : Now I call upon Mr. Samar Mukherjee.

You have got 14 minutes according to the time but I will give you 20 minutes.

SHRI SAMAR MUKHERJEE (Hawrah) This debate has come with a new background the issue for which the dispute is there, whether N.T. Rama Rao has majority or not.

Now it is being publicly demonstrated before the Rashtrapati Ji. All of them have physically come here and it has been established beyond any doubt that 163 MLAs have expressed their full loyalty, full support to Shri N. T. Rama Rao. So, this proves that the action of the Governor was a part of the conspiracy to topple the N.T.R. Government and the Congress (I) has a full hand in it.

Sir, this is such a naked action. The first day we raised the slogan that the Governor should be immediately dismissed; the next day, we saw the same slogan in the front-page editorial of the TIMES OF INDIA. That means this was not our demand alone and it has become a demand of the entire democratic people throughout the country. So, the implication of this toppling business must be fully understood.

16.26 hrs.

[Shri R. S. Sparrow—in the Chair]

This is a general strategy of operation toppling which was started in 1950 in Kerala, under this Prime Minister—she was then the President of the Congress—it was

she who had initiated this business of toppling. The first attempt was to make defection-purchase the M. L. As. But, in Kerala, because it was a very hard nut to crack, they could not purchase. With only two in the majority, they realised there that these Communists could not be purchased. Others may be purchased. It had been tested, That was why they resorted to the device of rousing communal forces, rousing the backward communities for the agitation against the Government too. It was called Bimochan Andolan. etc. They all raised the slogan that this Communist Government must be thrown out. So, this movement was started when Mrs. Gandhi was there. At that time she was the President of the Congress. There was no Congress (I) there. We even came to know from a book written by one American Ambassador here Mr. Moynihan—that at that time, America provided money to help them for the agitation. It is written that money was given to the Congress twice—once in Kerala to topple the Communist Government and in 1971 in West Bengal to prevent the CPM from forming the Government.

When I raised this question some two years ago she was present and she stood up and denied it by saying that Mr. Moynihan had made a statement that America had not given money personally to her and did not say that it was given to her personally, but it was given to Congress of which she was the President. (Interruption). To-day also the Prime Minister disowns her own responsibility on the same technical argument that Mr. Ram Lal did not meet her. It is a technical argument to disown her responsibility but it was in her full knowledge. This toppling had been done with knowledge—there is no doubt about it.

PROF. P. J. KURIEN : What was the verdict of the people after the general election there? I am only asking a question by seeking a clarification from you.

(Interruptions.)

MR. CHAIRMAN : Order. Order. When an interruption is to be made, please address the Chair. Nothing will go on record without my permission.

(Interruptions)**

SHRI SAMAR MUKHERJEE : Sir, You go through the editorials. The first editorial came in *TIMES OF INDIA*. This is a "dangerous Precedent". This is the warning given by all democratic minded persons who are defenders of democracy. They feel so much concerned that this is a precedent or this is an example of how democracy is being butchered by Congress (I) Government using the instrument of the Governor.

Sir regarding Andhra developments here is a report of 15th August. At an extraordinary meeting held at 7 a. m. of the Cabinet today, it adopted a resolution urging the Governor, Mr. Ram Lal, to convene an emergency session of the Assembly on 18th August. Uptill now Shri N. T. Rama Rao had not been dismissed. On 15th they had decided requesting the Governor to call the meeting of the Assembly on 18th. The Governor is bound by the Constitution to implement the advice of the Ministry but he has openly violated this and on 16th...

(Interruptions)

श्री तारिक अनवर (कटिहार) : एन. टी. आर. की जो मीटिंग हुई थी, वह एक इन्टर्नल मीटिंग थी। उसने गवर्नर को नहीं कहा था।

SHRI SAMAR MUKHERJEE : It is a Cabinet decision and not an internal meeting. The Cabinet decision was communicated to the Governor on the 15th. This is the letter written by Shri N. T. Rama Rao to the Governor on 16th. I am reading this letter :

"I have just now received your letter dated 16th August, 1984 stating that I have lost majority support in the Andhra Legislative Assembly. On this wrong assumption you have requested me to tender my resignation. I want to make it clear that I will be the last person to continue as Chief Minister even for a day if I do not enjoy the majority support in the Assembly. I received your letter at 12 Noon when a meeting with the Press along with 168

Assembly members was taking place. You have come to the conclusion that I have lost the support of the majority evidently on the basis of forged signatures of some MLAs and impersonation of some MLAs...

"I requested you to give me an opportunity to prove my majority on the floor of the House, or even by parading the MLAs who are supporting me, before you, though in principle I do not approve that still you have not given me the opportunity and you have apparently come to your own conclusion on the basis of forged material and extraneous considerations."

"To satisfy you that I still enjoy the over-whelming majority in the Assembly, I am ready to produce before you now itself the majority of MLAs. You can ask the secretary of the legislature to be present and identify the MLAs who will come before you with their identity cards. If you still persist that I do not enjoy the support of the majority, I can only say that you are not prepared to face the facts and you will be acting against all democratic norms, constitutional provisions and principles of natural justice. I am constrained to infer that you are acting at the behest of the party in power at the Centre which is hellbent on robbing all non-Congress I State Governments."

"As I enjoy a clear majority of 168 MLAs in a House of 294, whose signatures are appended herewith I am sorry I cannot oblige you with my resignation."

So, he claimed the majority. He sent this letter at 12.30. Despite this, he was not given the chance to prove his majority and unilaterally this Governor had dismissed his Government and instituted a Government of the minority who are the gang of defectors, engineered by the Congress-I Party at the Centre with money-bag to topple the State Government. Sir I want you to consider the implications of this. The present Chief Minister claims that 91 Telugu Desam party MLAs have defected. Actually,

the defectors are much less in number. They are a small fraction of the total number of MLAs of Telugu Desam. Now, why in the last elections, the people in Andhra Pradesh rejected the Congress-I? It is a clear verdict that they have wanted the Telugu Desam to run the Government in the State. So, the people's verdict is being completely negated by this conspiracy. To organise this type of defections for manipulating the verdict of the people by dismissing the elected Government, using the office of the Governor is against democratic norms. What is the reaction of the people? The people's reaction is that a Government elected by them is overthrown and another Government is imposed with the help of the Congress-I which was rejected in the last election. You are imposing the Congress-I Government with those who defected from the Telugu Desam Party. You are adopting a policy to impose the Congress-I Government on Andhra people and that is why they have taken a big challenge. It is a challenge to the entire people of Andhra and they have decided to give appropriate reply. But it is not a question of Andhra people alone. It is a question of the defence of democracy of the Country as a whole. The development in Andhra is not a single development. Only very recently, the non-Congress-I Government in Kashmir was toppled in the same pattern, in the same manner. But here, regarding Andhra, the Prime Minister made a statement that Mr. Ram Lal did not come to her and did not meet her. But what about Kashmir? The earlier governor Mr. Nehru advised against toppling the Farooque Ministry. That is why the Governor had been replaced and a stooge Governor had been sent there; and that Governor, in consultation with the Prime Minister three days before he came here, consulted the Prime Minister and organised this toppling of government in Kashmir. So, it is with the full knowledge of the Central Government that this business of toppling the government is going on. Every one knows the next target. Every one is talking that the next target is Karnataka, then West Bengal, then Tripura; and our Congress-I leaders are openly saying all these things that their turn is coming.

Two Congress-I leaders who are in the Cabinet from West Bengal-very recently

they have gone there and threatened earlier. It was the desire of the Railway Minister to throw the West Bengal Government into the Bay of Bengal, (*Interruptions*) Now, he has told that they will never allow this government to function for a full term; and he has thrown a challenge. All this has appeared in the Press, but, he may deny this again here. But he has made this type of a statement instigating all anti-social elements for Bengal to create a law and order question because in Bengal, to organise a defection is not possible.

The whole country is worrying because the general tendency of the Congress I Government and the Prime Minister herself is toppling of opposition governments, their main slogan is one country, one leader and one party; there should be no opposition; and we know, we have the past experience how emergency was declared, (*Interruptions*) History will repeat itself. You wait, in 1975-76, you declared emergency. You took away the democratic rights including the speech of the Member of Parliament; was not allowed to be published. Mr. Anthony was not here. It remember in one meeting he complained that his speech was not allowed to be published own paper *Anglo-Indian*. He said, "What is this?" That was the fate of Indian democracy in 1975-76. But it is the people of India who have defended democracy by defeating the Congress-I Government in 1977. I repeatedly told here that had there not been the Janata Government in 1977 this parliamentary democracy would not have existed; it would have been finished. We differed in many respects with the Janata Government, but one thing they had done was that they had restored parliamentary democracy. Again you have started the same game of toppling one government after another by conspiracy, by bribing, by all corrupt practices and using the institution of Governor as your agent. That is why the danger to democracy. A great challenge has come before the entire country. So, the entire democratic forces must be united to fight not only Andhra Pradesh incident but the incidents in various other States also. What situation have you created in Kashmir? In Jammu and Kashmir, the number of defectors from National Conference is 12 or 13 but the people

elected 47 MLAs of the National Conference. Only a minority has defected. There are people behind the National Conference who wanted that their government should not be a Congress (I) government, it should be a national Conference government. There also you have thrust upon them a government which they did not like. That is why a thinking is starting in the minds of the people whether to remain inside India. If democracy is defended, democracy is guaranteed, then people will remain inside India, then those who are secessionists would not get any mass support here but if you pursue your policy you will antagonise all the people and the secessionists will take full advantage of this and India will again be dismembered and India's unity will be seriously shattered. This is a very basic question which you must have to consider. I am raising only one question about federalism. When we are demanding more powers to the States, when Sarkaria Commission has been set up, at this stage why is the Centre intervening and toppling, one after the other, governments which have been elected by the people of the States? Then the question of federalism is completely gone. You want to build a unitary Centre where, from top, you will dictate everything. That is why this whole fabric of democracy is now very seriously eroded. A challenge has come which is to be taken up by the entire people.

I am quoting from Shri L. P. Singh, an ex-Governor. His letter has appeared in yesterday's TIMES OF INDIA, It says :

"I believed that the events in Jammu and Kashmir had reached the limit of regression from the sound constitutional principles and practices established over the years. The action of the governor of Andhra Pradesh has shown how utterly wrong the belief was. The governor of J & K had at least some basis for thinking that Mr. G. M. Shah had the support of a majority of the members of the assembly. The governor of Andhra Pradesh reached his professed conclusion without even allowing Mr. Rama Rao to present his case to the governor. One would have thought such

grossly partisan behaviour, and such disregard of bare decency in dealings with the Chief Minister, to be impossible."

In conclusion he is saying :

"If India is to preserve the democratic form of government, it has, of inescapable necessity, to preserve the federal system. And this requires that the governor must always act, and be seen to be acting, as a preserver of the system of government established by the Constitution. If he does not do so, he does grave damage to the vital interests of the country, apart from losing the confidence of the people.

"Looking at what two governors have done during the last few weeks one wonders whether we are witnessing the twilight of our federalism."

This is the warning he has given.....

(Interruptions)

MR. CHAIRMAN : Just mark the time. You have given a pertinent point, the point is made already.

SHRI SAMAR MUKHERJEE : I will take only one or two minutes more.

MR. CHAIRMAN : It will apply to all of us. Once the pertinent points are made, then try to be within the time.

SHRI SAMAR MUKHERJEE : This is the Resolution passed in 1970 by the Governors' Conference. This question of discretion of the Governors was discussed in the Governors' Conference and also in the Speakers' Conference

Therefore, some norm was decided and that norm is that the majority should be tested on the floor of the legislature. The Resolution reads :

:"Where the Governor is satisfied, by whatever process or means, that the

Ministry no longer enjoys the majority support, he should ask the Chief Minister to face his Assembly, prove his majority within the shortest possible time. If the Chief Minister shirks his primary responsibility and fails to comply with this the Governor shall be duly bound to initiate steps to form an alternative Ministry. The mere fact that a few members of the party have defected does not necessarily prove that the party has lost the confidence of the electorate."

This is very important. You can engineer defections. This does not mean that they have lost the confidence of the people.

In the present case, on the other hand, your action is creating greater confidence on the leadership of Shri N T Rama Rao, among the people Shri Bahujana, other leaders and myself were in Hyderabad. We have seen how the people are feeling bitter against the action of the Governor. They have vowed that unless this is rectified, unless this Governor is removed, unless this stooge heading the minority Ministry is removed immediately and the government of the majority re-established, they will not rest content, because that is the only way to prevent any new danger to the survival of democracy.

Coming to long term solutions, we have to consider how to prevent the post of the Governor from being misused as the stooge of the Central Government. The Constitution should be amended and the Governor should be elected by the State Legislature. The nomination of the Governor by the Centre should completely go.

Secondly, defection should be stopped. If the people are given the right, by chance of the electoral law, and the Constitution to recall, then the defectors can be stopped.

We know that the next target is Karnataka and West Bengal. In West Bengal the game is to deny all the financial commitments by the Centre Government. They are depriving West Bengal the money

for the development of any industry. They are practising political discrimination, and, that is why in West Bengal the people have decided to go on a one-day token strike on the 14th September against this discriminatory policy of the Central Government. One by one, the people of the various States will go against the Centre, unless they change their policy. If they do not change the policy, the people will be forced to change the Government in the coming election, and 1977 will be repeated. There is no doubt about it.

(Interruptions)

MR. CHAIRMAN : May I inform hon. Members that this cross-talking is not going to help at all. Kindly sit down and listen to the members who are called upon to speak. Maintain a little order. You have already discussed the point about the timing. It is your time. But I would wish to recommend to you that certainly you make cogent and rational points on the floor of the House, but do not keep on repeating the things. Also kindly speak within the time that you have already arranged yourselves. So, kindly carry the House forward.

श्री पी. नामम्याल (लद्दाख) : समापति जी, प्रो० मधु दण्डवते जी ने जो रिजोल्यूशन इस सदन में पेश किया है उसमें आन्ध्र प्रदेश के गवर्नर को डिमिस करने के लिए रिजोल्यूशन की गई है, मैं इस मोशन को अपोज करत हूँ। यदि आपको अपनी बात कहने का हक है तो मुझे भी अपनी बात कहने का हक है। मुझे इस बात पर बड़ा ताज्जुब हो रहा है कि मुझसे पहले बोलते हुए हमारे बुजुर्ग कम्युनिस्ट लीडर ने डेमोक्रेसी की बात कही। जैसा आप सबको पता है, कम्युनिज्म और डेमोक्रेसी ये दो अलग-अलग चीजें हैं, और इनको एक साथ रखने की बात मेरी समझ में नहीं आती। कम्युनिज्म में एक एक्सीप्टिड थ्योरी होती है—बाई एनॉ मॉन्स-और इस वक्त हमारे देश में चूँकि डेमोक्रेसी है, और जब ये डेमोक्रेसी की बात करते हैं, तो मुझे

ताज्जुब होता है। यदि आज ये हिन्दुस्तान की जगह पाकिस्तान में होते तो शायद डिक्टेटर-शिप की बातें करते और उसको सपोर्ट करते। यदि आप इनकी बातों पर यकीन करें तो मैं दावे के साथ कह सकता हूँ कि हमारे देश को आजादी कभी नहीं मिल सकती थी। जिस समय हिन्दुस्तान में लोग आजादी के लिए लड़ रहे थे तो उस वक्त कम्युनिस्ट लोगों ने ही अकेले अंग्रेजों का साथ दिया था। उनका बाज यहाँ पर डेमोक्रेसी की बातें करना, भेरे दिमाग में यह बात नहीं बैठती।

इस वक्त हमारे सामने आन्ध्र प्रदेश का ईश्वर है। उसके साथ-साथ इन्होंने जम्मू-कश्मीर को भी जोड़ना ही है और ये उसको जोड़ रहे हैं। जहाँ तक आन्ध्र प्रदेश में गवर्नर साहब के एक्शन का सवाल है, न तो मैं उसके फेवर में ही कुछ कहना चाहता हूँ और न उसके अगेन्स्ट ही कुछ कहना चाहता हूँ। उसका कारण यह है कि गवर्नर साहब ने सारे हालात को देखते हुए, मौके को देखते हुए, जो कुछ वाक्यात उनके सामने आये, उनके मुताबिक फैसला लिया है। चाहे जम्मू-कश्मीर की बात हो या आन्ध्र प्रदेश की बात हो, हमारे सामने यह सवाल पंदा होता है कि जब किसी पार्टी में स्प्लिट पंदा हो जाता है, जिस तरह से जम्मू और कश्मीर में नेशनल कान्फरेंस में स्प्लिट पंदा हुआ, उसी तरह से आन्ध्र प्रदेश में तेलगू-देशम पार्टी में भी स्प्लिट पंदा हो गया था और वह पार्टी दो हिस्सों में बंट गई थी। इस तरह से उस पार्टी के किसी हिस्से के वहाँ मैजोरिटी तो होने का सवाल ही पंदा नहीं होता। यदि वहाँ के मुख्यमंत्री को अपनी इज्जत का थोड़ा भी ख्याल होता तो उनका पहला काम यह होना चाहिए था कि गवर्नर साहब के पास जाकर अपना इस्तीफा पेश कर देते, क्योंकि उनकी पार्टी की सदन में मैजोरिटी नहीं रह गई थी। उसके टोटल 199 मॅम्बर्स

थे, जिनमें से 91 मॅम्बर्स की लिस्ट मि० भास्कर राव ने गवर्नर साहब को पहले ही पेश कर दी थी। उसके बाद तीन विधायक उनसे और आकर मिल गए थे और इस तरह उनका नम्बर 94 तक जा पहुँचा था। यदि कुल पार्टी के विधायकों में, 199 में से आप 91 भी निकाल देते हैं तो बाकी 108 मॅम्बर्स बचते हैं, इसका साफ मतलब यह है कि वे मैजोरिटी में नहीं थे और उनको सरकार में रहने के लिए किसी न किसी पार्टी की मदद लेनी जरूरी थी। वंसा उन्होंने नहीं किया। उनका फर्ज बनता था कि गवर्नर साहब को जाकर कहते कि विधान सभा में मेरी मैजोरिटी खत्म हो गई है, डेमोक्रेटिक ट्रेंडिण्ड्स का ख्याल रखते हुए उन्हें इस्तीफा दे देना चाहिए था। उसके बाद दूसरी पार्टियों के साथ मिलकर हकूमत बनाने के लिए अपना क्लेम स्टेक कर सकते थे। लेकिन उन्होंने ऐसा नहीं किया। उन्होंने कहा कि मैं इस्तीफा नहीं दूंगा।

17.00 hrs.

और वहाँ पर डटे रहे। तो मजबूरन गवर्नर को उनको डिसमिस करना पड़ा। यही बातें जम्मू-कश्मीर में हुई थीं। इस वक्त जो चीफ मिनिस्टर अपने सपोर्टर्स को लेकर गये और कहा कि नेशनल कान्फरेंस में स्प्लिट हो गया है, फारूक अब्दुल्ला के पास मैजोरिटी नहीं रही। तो जहाँ जहाँ भी रीजनल पार्टीज हैं उनकी कीमत अच्छी नहीं है, वह मुल्क को टुकड़े-टुकड़े करने की तरफ जा रही हैं, चाहे वह नेशनल कान्फरेंस ही वा तेलगू देशम पार्टी हो। जब उन्होंने इस्तीफा नहीं दिया तो मजबूरन गवर्नर को उनको डिसमिस करना पड़ा और उसके बाद उनको टाइम दे दिया गया कि असेम्बली के फ्लोर पर अपनी मैजोरिटी साबित करें यही चीज आन्ध्र प्रदेश में गवर्नर ने की है।

अभी जो टेलीप्रिन्टर पर न्यूज आयी है चीफ मिनिस्टर लिखते हैं कि 95 मंत्रियों को लेकर गवर्नर को मिले हैं। मैं यह नहीं कहता कि वहां 95 हैं या यहां 164 हैं। यह चीज तो असेम्बली के फ्लोर पर तय होगी। और कहा तो यह भी जाता है कि 100 के करीब फेक आइडेंटिटी कार्ड बनाये गये हैं। तो इन हालात में कुछ भी कहा जा सकता है। सबसे बेस्ट तरीका असेम्बली फ्लोर पर ही तय होता है। बावजूद इसके कि उनकी मंजूरिटी खत्म हो गई थी, श्री रामाराव कहते हैं 18 तारीख को, यानी दो, तीन दिन बाद अपनी मंजूरिटी हाउस में टेस्ट करेंगे। लेकिन तीन दिन में क्या कुछ नहीं हो सकता? 17 से 20 तारीख तक जो आंध्र प्रदेश में बाकायत हुए हैं वह बताना चाहता हूं। श्री रत्ना बोस जो मौजूदा चीफ मिनिस्टर के सपोर्टर हैं उनके घर पर हमला किया गया। श्री० मल्लिकार्जुन राव जो कृष्णा जिले के हैं उनके घर पर हमला किया गया डराने धमकाने के लिये। श्रीमती एन० राजकुमारी जो गुन्टूर जिले से एम० एल. ए. हैं उनके घर पर हमला किया गया। श्री सी. एच. के. रंगा राव ऐलूर जिले के हैं उनके घर पर हमला किया गया। श्री रघुपति चौधरी जो प्रकाशम जिले के एम. एल. ए. हैं उनके घर पर हमला किया गया। श्री राम गोपाल चौधरी करनूल के उनके घर पर हमला किया गया। श्री के. शिव प्रसाद गुन्टूर जिले के उनके घर पर हमला किया गया।

(व्यवधान)

एक की जीभ को जलाया गया। इसी तरह से तेलगू देशम के एम. एल. ए. श्री जयप्रकाश की कार को जलाया गया। श्री ए. बी. सतनारायण वेस्ट गोदावरी जिले के एम. एल. ए. के घर पर हमला किया गया। श्री प्रकाश जो करनूल जिले के उनके घर पर हमला किया गया। इसी तरह के अनन्तपुर के एम. एल. ए. के घर पर हमला किया गया। श्री देवैया टी. डी. पी. एम. एल. ए. को जबदस्ती पकड़कर उससे स्टेटमेंट इश्यू करवाया गया। श्री वाडीगी गोपाल टी. डी. पी. एम. एल. ए. जो चित्तूर डिस्ट्रिक्ट से हैं, उनके घर पर हमला किया गया। करनूल के टी. डी. पी. एम. एल. ए. के पेट्रोल पम्प पर हमला किया गया। श्री अमर सम्बासिवा राम जो कांघेस (आई) के गुन्टूर जिले से एम. पी. हैं, उनके घर पर हमला किया गया। नेल्सोर डिस्ट्रिक्ट के डी. सी. सी. (आई) के आफिस पर हमला किया गया। अनन्तपुर के कादरी के कांघेस आई के लीडर के घर पर हमला किया गया।

आप कहते हैं कि उनको 3 दिन का बक्फा मिलना चाहिये, चीफ मिनिस्टर रहते हुए, तो इन हालात में क्या ही सकता था? क्या यह मुमकिन हो सकता है? मैं कुछ नहीं कहता लेकिन बतलायेगा कि किस के साथ मंजूरिटी होगी और वह अपनी हुकूमत बना लेगा। लेकिन हमें हकीकत को देखना चाहिये कि गवर्नर ने सही काम किया है या नहीं। यह जो इधर-उधर हीर्स-ट्रेडिंग होता रहा है, हम

کی ثابت نہیں۔ یہی چیز آندھرا پردیش میں گننے کی ہے
 وہی ٹیپی ہر ٹر پر نکل آتی ہے۔ آندھرا پردیش کے
 چھوٹے شہر لکھنے میں کہ ۱۹۵۰ تک ہر گھنٹہ گھنٹہ
 میں ۹۰۰ سے ۱۰۰۰ تک لوگ آتے تھے۔ وہاں ۹۰۰ سے ۱۰۰۰
 ۱۹۴۰ میں۔ یہ فیصلہ تو اس لیے کیا گیا کہ لوگ
 تو یہ بھی جانتے تھے کہ ۱۰۰۰ کے قریب ٹیکٹ آڈینسج کارڈ
 بنائے گئے تھے۔ قرآن وحدت میں کچھ ہی کہا جاسکتا ہے۔
 سب سے پیشتر لیتہ اکیڈمی نکلے ہر ہی لمحے ہر لمحے۔
 باوجود اس کے کہ آڈینسج میکانی ٹیکٹ ہر گھنٹہ ہی
 راول کھتے ہیں ۱۸ تا ۱۹ بجے کے یعنی وہ تین دن بعد اپنی
 میکانی ٹیکٹ میں ٹیکٹ کرینگے۔ لیکن تین دن میں
 کیا کچھ نہیں ہو سکتا۔ ۱۹۵۰ سے ۱۹۶۰ تک جو آندھرا
 پردیش میں انتخابات ہوتے ہیں وہ بتانا چاہتا ہوں
 خیر رتنا اس جو موجودہ چیف منسٹر کے جوہر میں
 ڈیکٹنگ ہر حملہ کیا گیا۔ سی۔ بیگ اور جن رولڈو کرشنا
 ضلع کے ہیں ان کے گھر پر حملہ کیا گیا ڈانڈے دھکانے
 کے لئے۔ فریجی راجگاری اور گنٹور ضلع سے ایم ایل اے
 یہاں ٹیکٹ گھر پر حملہ کیا گیا۔ شری سی۔ ایچ کے رتنا اور
 انڈور ضلع سے تینوں کے گھر پر حملہ کیا گیا۔ شری رگو
 جتی جو حصری جو پراخانہ ضلع سے ایم ایل اے یہاں ٹیکٹ
 گھر پر حملہ کیا گیا۔ شری راج گوپال جو حصری گروڈل
 کے ڈن کے گھر پر حملہ کیا گیا۔ شری کے بنو پر ساد
 گنٹور ضلع آئے گھر پر حملہ کیا گیا.....
 (انڈرا پسترن)

ایسی کمی جب کہ جہد یا گیا۔ اسی طرح سے تینوں
 دلشع سے ایم ایل اے شری جے پراکش کی ماد کو جہد یا
 گیا۔ شری اے۔ سی۔ سننے نارائن ویسٹ گوداوری
 ضلع سے ایم ایل اے کے گھر پر حملہ کیا گیا شری پراکش
 میں گروڈل ضلع کے گھر پر حملہ کیا گیا۔ اس طرح
 سے آنت پور سے ایم ایل اے کے گھر پر حملہ کیا گیا شری
 جلیو نیائی ڈی ایم ایل اے کے زبردستی بڑوڈر ساد
 ایسٹنٹ ایڈوکیٹس کرنا گیا۔ شری باسج گوپال

کہ جب میں پارٹی میں اسپیکر ہوا تو کئی دنوں تک وہ
 پارٹی میں دو حصوں میں بن کر بیٹھتا تھا۔ اس طرح اس
 پارٹی کے کسی حصے کے دن میں چھارے تھے پونے کا سوال
 ہی پیدا نہیں ہوتا۔ یہی وہ دن تھے شری کو اپنی
 عزت کا تصور ابھی خیال ہوتا تو ان کا بیچہ کالج میں پڑھا
 جائے تھا کہ گھر سے صوبہ کے پاس جا کر اپنا استعفی
 پیش کر دینے۔ کیونکہ ان کی پارٹی کی سکن میں بھاری
 نہیں وہ کچھ ہی دنوں کے واسطے ڈی اے ۱۹۶۰ سے۔ جن
 میں سے ۹۱ ممبروں کی لیسٹ میں جہد کرنا گنٹور
 صوبہ کو بھیجے ہی پیش کر دی تھی۔ اس کے بعد جن
 دو حصے میں صوبہ آکر لیسٹ گئے تھے اور اس طرح
 ڈن کا بکرہ ۹۰ تک جا پہنچا تھا۔ یہی سن پارٹی کے دو حصے
 لیکن اس میں ۱۹۶۰ میں سے آپ ۹۱ ہی نکال دیتے ہیں تو
 باقی ۱۵۸ ممبروں کچھ نہیں۔ اس کا صاف مطلب یہ ہے
 کہ وہ بھاری میں نہیں تھے اور ان کو کرا میں لیسٹ کے
 لئے بھیج دیا گیا۔ پارٹی کی صوبہ میں فروری تھی۔ دیا
 انہوں نے نہیں کیا۔ ان کا فرض بنتا تھا کہ گورنر صوبہ کے
 جانے کہتے کہ وہ صاف بھاری میں بھاری تھے پورے
 ڈی اے کو بکرہ ۹۰ تک بڑھائیں کا خیال رکھتے ہوئے انہیں
 اسٹے سے دیا جائے تھا۔ اس کا بعد حصہ کا
 پارٹیوں کے ساتھ بلکہ حکومت بنانے کے لئے اپنا کلیج
 اسٹیک کر سکتے تھے۔ لیکن انہوں نے ایسا نہیں کیا۔
 انہوں نے کیا کہ میں استعفی نہیں دے گا اور وہاں پر
 ڈی اے رہے۔ ڈی اے جو ڈا گھر کو ان کو ڈی اے کیس کرنا پڑا
 یہی باتیں جوں کچھ میں ہوتی تھیں۔ اس وقت جب
 منسٹر اپنے سپورٹس کو نے کہ گے اور یہاں کہ پیشتر

کا نفرینس میں اسپیکر ہو گیا ہے۔ نادر علی عبداللہ تھیں
 چھارے تھیں۔ آج ان جہاں ہی رہیں پارٹی میں
 ان کی نیت ابھی نہیں ہے۔ وہ ٹیکٹ کے گھر کے گھر سے
 کوئی فریجی نہیں چاہتا وہ پیشتر کا نفرینس
 ہوا ہینگوڈ لین پارٹی ہو۔ جب انہوں نے استعفی
 نہیں دیا تو جہد کرنا کچھ نہیں ہو سکتا اور
 بعد ان کو بائج دھلیت کے اسٹیج کے طور پر اپنی بھاری

ڈی بی ایم این سے جو دستوراً ڈسٹرکٹ سے ہیں ان کا
 گھر پر حملہ کیا گیا۔ کہ ڈی بی ایم این سے کہ
 بیٹرول ٹیمپر پر حملہ کیا گیا۔ سبھی افراد
 جو کانگریس (آئی) کے گوشور ضلع سے ایم پی راجیہ سما
 ہیں ان کا گھر پر حملہ کیا گیا۔ نیپور ڈسٹرکٹ کے
 کسی (آئی) کے گھر پر حملہ کیا گیا۔ انت ڈی بی ایم
 کے گھر پر کانگریس آئی سے بیٹرول ٹیمپر پر حملہ کیا گیا۔
 آپ کچھ نہیں کہ ان کو سو دن کا وقفہ دینا چاہیے۔
 چیف مینسٹر جیتے ہوئے تو ان حالات میں کیا یہ سزا
 کیا یہ ممکن ہو سکتا ہے۔ میں کچھ نہیں کہتا کہین وقت تبا
 یسکا کہ کسی کے ساتھ سجادہ کی پرانی آمد وہ اپنی حکومت
 بنا لیتا۔ کہین پھر حقیقت کو دیکھنا چاہیے کہ گورنر
 نے صحیح کام کیا ہے یا نہیں۔ جو اور اور گورنر اس
 کے ریٹنگ ہوتا رہے یہ اس میں نہیں جانا چاہیے۔ لیکن
 اب چیف مینسٹر نے بیٹسٹ ڈیٹ اینڈ ایسٹا کی ہے کہ
 اسکی نظور پر طاقت ڈرمانے کے لئے بیچے گھر نہ ایک
 پیسے کا وقفہ دیا جاتا کہین اب اس سے بچا چیف مینسٹر
 نے اسکی جگہ نہ کر لیا ہے اسے بعد جو کچھ ہو گا اچھے
 سامنے رکھا۔

جہاں تک جسون کشمیر کی بلیت پت سارے ممبرس
 نے کوشاکی کہ وہ ان پاکستان ٹیکٹ پر لیا گیا۔ ۱۴-۱۵
 تاریخ کو چند ماہینہ ٹیکٹ کے سکاؤن پر حملہ کیا گیا۔
 محروفوں کو سولیسٹ کیا گیا۔ (انٹراپیشنز)
 میں نے آج سے پہلے کہا تھا کہ یہ سارا سا بھڑن ۱۵
 تاریخ کو پبلش کیا تھا کہ ۱۴-۱۵ تاریخ کو جسون کشمیر
 میں لارج ایکٹس پر پاکستانی جمنڈ سے پہلے جا رہے تھے اور
 یہ بھی کہا جاتا ہے کہ جو جمنڈ بازار میں ہاٹا گیا وہ
 نیشنل کالونر جنس کے پرہ کو لے کر آیا جہاں جنرل میں بنائے
 کچھ فیصلہ اور دکل سے سب ڈسٹرکٹ کے لئے تھے۔
 (انٹراپیشنز)
 اسی طرح جناب مامق عبد اللہ کے ساری اپوزیشن کے
 لوگ سبوت کر رہے ہیں۔ (انٹراپیشنز)

خداوند عبد اللہ صاحب جو سابقہ چیف مینسٹر تھے جن کو
 یہ لوگ سبوت کر رہے ہیں انہوں نے ہاٹا دیا ہے کو.....

17.8 hrs.

(MR. DEPUTY SPEAKER in the Chair)

MR. DEPUTY SPEAKER : Order please.

(Interruptions)

You will also get a chance. This is not the way. You can oppose it when you get a chance to speak. Members are getting up every now and then.

The rule is if any hon. Member wants to speak he must get up and take permission of the Chair. Nobody does it. If all of you do not co operate with me, how can I conduct the proceedings of the House. I am also a human being like you, I am not God Please co-operate with me.

Shri Namgyal.

This is not the correct way, I am very sorry. This is not at all a correct way. What is this ? You are raising all those things. Why can't you hear him and then reply to him ?

SHRI RAM VILAS PASWAN : I am on a point of order.

MR. DEPUTY SPEAKER : Under what rule ?

SHRI RAM VILAS PASWAN : Under rule 376.

(Interruptions)*

MR. DEPUTY SPEAKER : This is not a point of order. Whatever he said about the Chief Minister of Jammu and Kashmir will not go on record.

Be serious. Don't say such things. You must be very serious

(Interruptions)*

MR. DEPUTY SPEAKER : Don't record anything, whatever he says.

SHRI K. P. UNIKRISHNAN : Can I seek a clarification ? You have rightly observed that there cannot be any allegation made against the Chief Minister of Kashmir. But what about the person who was the Chief Minister of Andhra Pradesh ? Would you allow all to go on record ?

MR DEPUTY SPEAKER : No Whenever any allegation is made against any Chief Minister or former Chief Minister and if anybody raises objection, we will go through the record.

(Interruption.)*

MR. DEPUTY SPEAKER : Don't bring in all those things, here.

श्री पी. नामग्याल : मैंने अपनी तरफ से कोई बात नहीं कही है। मैंने नेशनल कांग्रेस के आफिशल आगन नवाए सुबह को कोट किया है। इसी तरह मैं टाइम्स आफ इण्डिया के 10 अगस्त के पब्लिकेशन को कोट करना चाहता हूँ (व्यवधान)

خبریں ہی نام کی ہیں۔ انہی وقت سے کہ جی بہت
نہیں کہیں۔ میں نے نیشنل کانفرنس سے آئینیں تو لیں
نوائے صبح کو کوٹ کیا ہے۔ اسے صبح میں ٹائمز
نوائے صبح سے 10 اگست کے پبلیکیشن کو کوٹ کر چاہتا
ہوں۔۔۔ (انٹراپٹیشن)۔۔۔

MR. DEPUTY SPEAKER : I have told you just now Please sit down.

(Interruptions)

MR DEPUTY SPEAKER : Are you prepared to have an orderly discussion in

the House or not ? Do we want to have an orderly discussion ? This is not the way.

(Interruptions)*

MR. DEPUTY SPEAKER : Don't record all these things which are without my permission.

श्री पी. नामग्याल : टाइम्स आफ इण्डिया के मुताबिक फारुख साहब ने कहा है : काश्मीर इज फार काश्मीरीज। उन्होंने यह भी कहा कि हम अपनी आजादी को मेनटेन करने के लिए सब कुछ करने के लिए तैयार हैं। इसके अलावा उन्होंने यह भी कहा कि हिन्दुस्तानी पुलिस को लाकर हमारी आजादी को दबाया जाता है। मैं पूछना चाहता हूँ कि क्या वह अपने आप को हिन्दुस्तानी नहीं समझते हैं। (व्यवधान) इससे साफ जाहिर होता है कि जब सब बात कही जाती है, तो इन लोगों को क्यों चुभती है। यह तो चोर की दाढ़ी में तिनके वाली बात है। इसीलिए इनको सब बात अच्छी नहीं लगती है।

(व्यवधान)

जहाँ तक आन्ध्र प्रदेश का तालुक है, गवर्नर ने जो एक्शन लिया है, वह हमें उन्हीं पर छोड़ देना चाहिए। हम न उनको सपोर्ट करते हैं और न उनकी मुसालिफत करते हैं। उन्होंने जो कुछ किया है, वह कांस्टीट्यूशन के तहत किया है। जब हाउस को समन किया गया है, तो दोनों पार्टियाँ उसमें अपनी मैजॉरिटी प्रूब कर सकती हैं। यह उन पर छोड़ देना चाहिए।

شری بی نام گیل : ناختر آف انڈیا کے مطابق قانون
 صواب ہے کیا ہے: کشمیر از نادر کشمیر نے۔ انہوں نے یہ بھی کہا
 کہ ہم اپنی آزادی کو پیش کرنا کے لیے سب کچھ کرنے کو تیار
 تیار ہیں۔ اس سے علاوہ انہوں نے یہ بھی کہا کہ ہندوستان
 پولیس کو لاکر ہماری آزادی کو دیا جانا ہے۔ میں تو بھیا
 چاہتا ہوں کہ کیا وہ اپنے آپ کو ہندوستانی نہیں سمجھتے ہیں۔
 (انٹراپشنز) ... اس سے صاف ظاہر ہوتا ہے کہ
 جب سب بات کہی جاتی ہے تو ان لوگوں کو کیوں چلنی ہے۔
 یہ تو جو رکھی داری میں تھکے دلی بات ہے۔ ایسے لوگوں کو
 بات اچھی نہیں لگتی ہے۔ (انٹراپشنز) ...
 چنانچہ آندھرا پردیش کا تعلق ہے۔ گو کہ
 نہ جو آئین لیا ہے وہ ہمیں ان ہی پر جبراً دینا چاہیے۔
 ہم نے اس کو بھڑک کر نہ دیکھ لیا۔ ان کی مخالفت کرنا
 نہیں۔ انہوں نے دیکھ لیا ہے وہ کہ اسٹیبلشمنٹ کا تخت
 کیا ہے۔ جب مڈس کو کھینک لیا گیا ہے تو دونوں پارٹیاں
 اس میں اپنی مجالاً پر وہ کہہ سکتی ہیں۔ یہ ان پر جبراً
 دینا چاہیے۔

Constitution, not in an orderly way but in the Brutus ways and means.

What is the duty of the President of India? Under article 60, the President of India also takes oath or affirmation to defend the Constitution and defend the law of the land. Whenever there is a constitutional break-down in the State, is it not the duty of the President of India to take action? All the Opposition leaders and members of this hon. House represented to the Hon. President a few days back to dismiss the Governor of Andhra Pradesh because he had violated the Constitution in so far as the State of Andhra Pradesh is concerned.

Even today what had happened? As the hon. Member, Mr. Samar Mukherjee rightly pointed out, the people of this country are of the unanimous view that the Governor of Andhra Pradesh has murdered the Constitution and toppled the people's Government headed by N. T. R, the hero of Andhra Pradesh. The Congress Party is a zero in Andhra Pradesh. A zero has stepped into the shoes of a hero of Andhra Pradesh.

(Interruptions)

The zero is acting there as the Chief Minister; the zero is acting as the Governor there. Therefore, we demand that constitutionally, legally and morally that the President of India be pleased to dismiss the Governor of Andhra Pradesh.

(Interruptions)

SHRI K. MAYATHEVER (Dindigul) :
 Mr Deputy-Speaker, Sir, the people of India, the people of this great nation, have come to a final conclusion that in this country computers are better than Governors of the States appointed by Central Government. It is better we install computers in various States in the place of Governors who do not know how to count numbers even.

What is the duty of the Governor? Under article 159, the Governor takes oath or affirmation under the constitution that he will protect and defend the Constitution and the law of the land. I want to know from the Government of India, through you, Sir, whether the Governor of Andhra Pradesh, Mr Ram Lal or some other 'Lal' or any other 'Lal' has defended the Indian Constitution. He has not only failed to defend the Constitution, he has not only miserably failed to protect the law of the land in the State, but he has also offended and raped the Constitution and brutally murdered the

He should resign from the membership of the House if he is ashamed of what has happened in Andhra Pradesh, because he comes from Andhra Pradesh.

I accuse the Governor, Mr. Ram Lal as No. 1 accused in this case; No. 2 accused is Mr. Bhaskara Rao the puppet C. M. No. 3 accused is the Central Government which is the wire-puller, an a better in this case. Not only the puppet Governor of Andhra Pradesh is on trial, the puppet Chief Minister is also on trial. They are

being impeached by this House for brutally murdering the Indian Constitution. We do not expect any justice from the Government of India. They are not the judges of either the Supreme Court or the High Court. But we appeal to the people of this country, 70 crores people of the country, who are the final judges to decide this case.

I ask the hon. Members from Andhra Pradesh, 'Kindly you walk in the street without the Police bandobust. You cannot walk.

(Interruptions)

SHRI K. MAYATHEVAR : Yesterday we have seen. People should punish. There the people are the judges. The sovereignty finally rests on the people of this country. They will punish you.

(Interruptions)

SHRI K. MAYATHEVAR : This is the background. The Appointing Authority of the Governor is the President of India. The President of India is the appointing authority of the Governors of the States. He is, the appointing authority. He is the competent authority to dismiss the Governor if he commits errors or violates the provisions of the Constitution and procedures, if any. In this case, the Governor violated all the Constitutional provisions, all the norms and the procedures and legal procedures. He did not follow any Constitutional principle also. Therefore, the Governor deserves to be dismissed by the President of India.

Above all, the hon. Chief Minister, the real Chief Minister even now, so far as I am concerned, is Shri N. T. Rama Rao. N. T. Rama Rao is the Chief Minister of Andhra Pradesh.

Shri Bhaskara Rao is the puppet Chief Minister installed by somebody.

Shri N. T. Rama Rao is the peoples' Chief Minister.

Therefore, I appeal to Mr. Zail Singh, President of India, under Article 156 (1), the Governor holds office during his pleasure. I am aware of the mind of the President of India. He is not at all pleased. Therefore, I appeal on behalf of democracy, on behalf of justice, to dismiss the Governor immediately forthwith.

The hon. Prime Minister made a statement. Even now we have got great respect to the hon. Prime Minister. There are no two opinions on that. What kind of statement she made in the morning? But, the hon. Prime Minister, to whom the country had even now got some great respect, totally misled the House by a ** statement.

AN HON. MEMBER : You cannot use the word**.

MR. DEPUTY SPEAKER : I will go through the records.

It is a misleading statement from the hon. Prime Minister. The hon. Prime Minister should not treat the people of India as fools. People are very efficient. People are valiant and they can understand what is what, what is going on, who is the culprit and who is the real democrat. They know.

Therefore, they should not attempt to fool the people.

MR. DEPUTY SPEAKER : This is the opportune time to praise the people. You must praise the people.

SHRI K. MAYATHEVAR : By toppling the elected Government headed by Shri N. T. Rama Rao, you have elevated Shri Rama Rao as an All India hero. He is the Andhra hero. The credit goes to you.

Shri Tiwari referred to all the unpleasant happenings in this House in 1978 when the hon. Prime Minister of this country now, was sitting here by me. I was one of the

staunchest defenders of the hon. Prime Minister to withdraw the resolution initiated by Mr. Morarji Desai. I told Shri Morarji Desai not to expel Shrimati Indira Gandhi because the people will feel very bad against him, then Shrimati Indira Gandhi will become the Prime Minister very ortly.

[MR. SPEAKER *in the Chair*]

Don't commit that mistake. But they committed that mistake. That is why, Shrimati Indira Gandhi came to power. At that time, because of my speech, Mr. C. Ramachandran was suspended from the AIADMK party. Without shame, you are having alliance with Mr. Ramachandran who has stabbed from the back many times from Tamilnadu. Don't believe MGR. He is dead against.

The act of the Governor was inhuman and unknown to civilised democratic society.

The Governor should not have asked for the resignation of Shri N. T. Rama Rao ; the Governor should not have dismissed the N T. Rama Rao Ministry ; the Governor should not have installed as Chief Minister Shri Bhaskara Rao who is nothing but a puppet Chief Minister without the support of the majority. The Governor deliberately refused interview to Shri N T. Rama Rao on the 15th and 16th ; he should not have refused to give him the interview Many hon members have raised this point.

Therefore, the Centre, in order to safeguard the sanctity of the Indian Constitution, justice, law and democracy, should dismiss the Governor, dismiss also the puppet Chief Minister and instal the people's leader, the Constitutionally elected leader, Shri N.T. Rama Rao as the Chief Minister.

You dismissed the Farooq Government in Jammu & Kashmir without any justification. You also dismissed the DMK Government in Pondicherry without providing an opportunity for them to prove their majority in the Assembly. I challenge the Congress. Are you ready for elections in Pondicherry ? Order early elections in Pondicherry...

MR. SPEAKER : Shri Kamaluddin Ahmed. Nothing more will go on record.

श्री कमालुद्दीन अहमद (बारांगल) : स्पीकर साहब, असल बात यह है कि बात का बतंगढ़ बनाया जा रहा है। जब कोई सरकार अपनी मैजोरिटी खो दे, तो गवर्नर की यह ड्यूटी होती है, उसका फर्ज बनता है, कि जो चीफ मिनिस्टर अपनी मैजोरिटी खो चुका है उसको फौरन निकाल दिया जाय। इस मामले में भी गवर्नर ने अपने फर्ज की अदायगी की है, अपने फर्ज को अन्जाम दिया है। इसमें कोई बहुत बड़ा कानूनी नुकता इन्वाल्ड नहीं है, जितने कानून के दस्तर हैं, उनमें जो लिखा है उसी के मुताबित गवर्नर ने काम किया है। उस कानून का इन्टरप्रेटेशन उसने दो प्रेसिडेन्ट्स की बुनियाद पर किया और इस्तिफाक से वे दोनों प्रेसिडेन्ट्स भी 1977-1979 के बीच में हुए थे। पहले केस में कर्नाटक में जब श्री देवराज उर्स की गवर्नमेंट थी और उनके कुछ साथी उनसे अलग हो गये तो उन्होंने अपने लोगों को गवर्नर के सामने पेश किया और उस वक्त के गवर्नर ने उस वक्त की सेंट्रल गवर्नमेंट से मशविरा करने के बाद या बिना मशविरा किये, फौरन उर्स को डिस्मिस कर दिया हालांकि सिर्फ दो दिन बाद ही असेम्बली का सेशन बुना चिया गया था। उस वक्त उर्स ने कहा कि हम अपनी मैजोरिटी असेम्बली में बतलायेंगे, लेकिन उनको मौका नहीं दिया गया।

दूसरा वाक्या उस वक्त का है जब यहाँ सेंटर में मोरारजी भाई की गवर्नमेंट थी। जब उन्होंने देखा कि उनके कुछ साथी उनको छोड़ गये हैं तो उन्होंने खुद प्रेसिडेन्ट के पास इस्तीफा भेज दिया। उन्होंने यह नहीं कहा कि पार्लियामेंट बुलाई जाय, मैं वहां पर मैजोरिटी दिखला दूंगा, सिर गिनवा दूंगा। इन तमाम प्रेसिडेन्ट्स को देख कर वहां के गवर्नर ने जो अपना डिसीजन लिया, जितने लोगों को उनके

सामने पेश किया गया उनको गिनने के बाद, अपनी सेटिस्फेक्शन के बाद, उन्होंने उस वक़्त के चीफ मिनिस्टर से रेजिगनेशन मांगा और जब उन्होंने रेजिगनेशन देने से इन्कार किया तो उनको डिस्मिस कर दिया और भास्कर राव को मौका दिया कि वह अपनी गवर्नमेंट बनायें।

यह तो रहा-गवर्नर के अमल के बारे में, लेकिन मुझे हैरत एक बात की हो रही है, आप लोगों को क्या हो गया है? आप लोग क्यों एन. टी. रामाराव के पीछे पड़ गये हैं?...

... (व्यवधान) ...

यह तो समझ में आने वाली बात है कि एन. टी. रामाराव के डिस्मिसल के बाद फारूख अब्दुल्ला हैदराबाद पहुँचे, लेकिन यह बात समझ में नहीं आती है कि अटल जी वहाँ क्यों गये या बहुगुणा जी वहाँ क्यों गये?

फिर वहाँ पर इन हज़ारों के तत्परीफ ले जाने के फोरन बाद कहीं अमनतपुर में बायसेंस हो रहा है, कहीं करनूल में, कहीं गुंटूर में हो रहा है। आखिर यह सब क्या चीज है। आज आप यहाँ पर बहस कर रहे हैं। क्या एन. टी. रामाराव की सरकार को बरकरार रखने की जिम्मेदारी भी हमारी है। क्या बहुमत लाने के बाद भी उनकी सरकार को बरकरार रखा जाए, आप यह चाहते हैं? क्या हमारा यह फर्ज था कि मैजिस्ट्री लाने के बाद भी उनको चीफ मिनिस्टर रखा जाए?

अब आप यह देखिए कि उनकी मैजिस्ट्री कल्प क्यो हुई। एन. टी. रामाराव ने मैजिस्ट्री क्यो लोई। इसके लिए आप 13-14 अगस्त का ट्रिब्यून देखिए। आपको सारी चीज समझ में आ जाएगी। विसाकापट्टम में जो इनकी

कान्फ़ेस हुई, उसमें इन्होंने अपने एम. एल. एज. की कितनी तीहीन की है, उसके बाद से जो बंचेनी उनमें पैदा हो गई थी, उसकी वजह से यह हुआ है। इसके अलावा पंजाब के आर्मी एक्शन पर सारा मुल्क एक तरफ था और एन. टी. रामाराव एक तरफ थे। वे कहते थे कि आर्मी एक्शन सही नहीं हुआ है। (व्यवधान) उनकी पार्टी के अन्दर इस पर तनाव पैदा हुआ। लोगों ने सोचा कि ये किस तरह की बात कह रहे हैं। इसके आगे और सुनिए। नेशनल डेवलपमेंट काउंसिल की मीटिंग हो रही थी। वहाँ से हमारे स्टेट के चीफ मिनिस्टर वाक-आउट कर गए। इन सारी चीजों का वहाँ पर नोट लिया गया। उसके बाद जो अबाम उनको सत्यवादी हरीशचन्द्र समझता था, लाडं रामा या लाडं कृष्णा समझता था, आखिर में यह समझने लगा कि यह तो मामूली आदमी है। ये तो हम जैसा आदमी है। न यह सत्यवादी हरीशचन्द्र है, न लाडं रामा है, न लाडं कृष्णा है। हम में से एक आदमी है। ये जो आदमी है जो अपने करोड़ों की जायदाद बेटे-बेटियों में तकसीम करने के बाद सन्यास ले रहा है। जो 22 एकड़ की कृटिया में रहता है। उसका हज़ारवाँ हिस्सा भी अगर मामूली आदमी को मिल जाए तो उसके रहने का इंतज़ाम हो सकता है।

इन सारी चीजों को अबाम ने देखा और समझा। जब अबाम पर इसका अमर हुआ तो नेचुरली एम. एल. एज. पर भी इसका असर होना था। इसके बाद एम. एल. एज. ने जो डिस्मिशन लिया है वह बिल्कुल सही डिस्मिशन है। (व्यवधान)

श्री सत्यसाधन चक्रवर्ती : पंसा किसने दिया ?

श्री कमाल उद्दीन अहमद : भास्कर राव ने अपने समर्थकों की लिस्ट दी है। पंसा लेकर

अब लोगों को यहां पर लाया गया है। इसको भी आप लोगों को देखने की जरूरत है। पैसा भी अभी डिस्ट्रीब्यूट नहीं किया गया है, अभी उन्हीं के पास है। इन सब बातों पर आप गौर कीजिए। आपने ऐसे आदमी को आगे बढ़ाने की कोशिश की है जो पिछले 25 साल में मुल्क में क्या हुआ, यह नहीं जानता। वह अपने कारोबार और एडिटिंग में इतना मशरूफ था कि उसको 25 साल अखबार पढ़ने का समय नहीं मिला। यह और बात है कि अबाम ने उसको हरीशचन्द्र समझ कर बोट दिया है, उस फैसले की हम पूरी इज्जत देते हैं। उस बारे में मुझे कुछ नहीं कहना है। अपोजीशन में होने के नाते मुल्क के एडमिनिस्ट्रेशन को चलाने की जिम्मेदारी आपकी भी है। इसलिए आप कैसे इस तरह के आदमी को आगे बढ़ाने की कोशिश कर रहे हैं। इससे आपका कद छोटा ही हुआ है। इससे आपका कद छोटा हुआ है, बड़ा नहीं हुआ है। यह बात कामतौर पर मैं अटल जी से कहना चाहूंगा। हैदराबाद और आन्ध्र प्रदेश में अटल जी के कार्यकर्ता जिस तरीके से वहां पर काम कर रहे हैं और जिन प्रकार बद-अमनी फैलाने की कोशिश कर रहे हैं, मेरी गुआरिज है कि उनको हिदायत दें कि असेम्बली का सेशन होने वाला है और जो अपनी मैजोरिटी साबित करेगा, वही चीफ मिनिस्टर होगा। अगर यह जानते हैं कि कितने लोगों की जानें गई हैं। अगर यही पालिसी है और इसी तरीके से बद-अमनी फैलायी जायेगी, लालसैनीस लाया जायेगा तो उसका मुंह-तोड़ जवाब दिया जायेगा।

SHRI INDRAJIT GUPTA (B asirhat) :
 Sir, the events in Andhra Pradesh should, in my opinion, have aroused concern on both sides of the House on the central question as to how the institutions which have been set up under our Constitution are functioning and how far, the norms and

conventions which have been established over several years of experience have been respected or are not followed.

I am afraid in this debate it is only to be expected, I suppose, that these principles, these institutions, the norms and conventions are not the main subject-matter of a discussion at all. Subjectivism, if I may say so, is running riot on both sides of the House. And the Hon. Home Minister has expounded his view of these things when he was replying to the debate on Jammu and Kashmir in which he has propounded certain theories or his interpretation of the Constitution and the interpretation that he sought to give on that day, I am sure, he will try to give it again now. That is the subjective desire or subjective pleasure of the Governor is supreme and nothing can be higher than that. Even to test the strength of the Assembly is not as important or it is not as crucial as the subjective desire or pleasure of the Governor. (*Interruptions*) If you did not say it, it is very good. I have been reading from his 31st July speech. If I understood that wrongly, you put the record straight to-day when you reply. I do not mean any disrespect personally to the hon. Home Minister. In fact, I have a high regard for him as a person. But, I cannot forget at this moment that he cannot be completely objective and impartial when he is discussing the events in Andhra Pradesh because his political future depends on what is going on there. (*Interruptions*) That is the whole trouble.

SHRI P. V. NARASIMHA RAO : I am not going to compromise my principles.

SHRI INDRAJIT GUPTA : Therefore, when he talks about the subjective pleasure of the Governor and interprets it in a particular way, then we ourselves feel that his interpretation as being subjective is due to the fact that he is elected from that State and his future depends on that.

To-day, in this debate, we have come to know of something which, to my mind, is rather very very disturbing. The Prime Minister has said here that she first came to know about what had happened in Andhra

Pradesh was from the news agency Of course, I find it very difficult to swallow this.

But taking it at its face value that what she said is correct then the Prime Minister of India did not know. She was not informed about what was happening in Andhra Pradesh. Only she read in a news agency report. It opens up all sorts of questions which, I do not know, whether you should apply your mind to. Then who is running the Government here? Who is running the Government of India? Apart from the fact I find it so difficult to think that a person like Mr Ram Lal should take such a momentous step without consulting the Government at the Centre. May be she as a person was not informed? Then who is running the government? Nowadays we are bearing a lot...

MR. SPEAKER : Are not separate entities at separate places responsible for separate actions?

(Interruptions)

SHRI INDRAJIT GUPTA : Sir, there is a lot of talk we here these days that there is a sort of a gang of four or a gang of six—I do not know who they are—who are running the show. Maybe sometimes they do something which the Prime Minister may not know. If so, this is a dangerous state of affairs. Today they expressed themselves in this matter. Tomorrow this may happen in a different matter.

(Interruptions)

Sir, either the Prime Minister is kept in the picture very much when such a event takes place which is of a first-rate political magnitude or she is kept out of the picture—kept in the dark—in which case who are those people who are running the show? They should not hide themselves behind the curtain. They should come up boldly and reveal themselves. Who is that gang of four or a gang of six? It is a very disturbing thought.

(Interruptions)

Sir, I am informed that Shri N. T. Rama Rao in a press conference held a few hours ago—I am informed by one of the correspondents who attended the Press conference —has claimed... I am not going into those numbers. The game of numbers does not mean anything to me at the moment. *(Interruptions)* These newspaper people went to Rashtrapati Bhavan also. The Speaker of the Assembly was there also and he told the Rashtrapati that I know all these members very well. Personally I can vouch for their identity and all that. So, there were 162 people.

MR. SPEAKER : What was the Speaker doing over there?

SHRI H. N. BAHUGUNA : Identified the members.

SHRI INDRAJIT GUPTA : Speaker is also a member of the Assembly.

MR. SPEAKER : As a Speaker why should I go? It is not my business.

AN HON. MEMBER : Your position is different.

MR. SPEAKER : While sitting there I will go but not while sitting here.

SHRI INDRAJIT GUPTA : Of course, you would not go but one day the situation may develop which may force you to go.

MR. SPEAKER : If the House asks me then I will go.

PROF. MADHU DANDAVATE : They would request you in anticipation to go.

SHRI INDRAJIT GUPTA : Shri Rama Rao has also said in the Press conference that when Mr. Bhaskara Rao was being sworn in as the Chief Minister by the Governor... Up to that time Mr. Rama Rao, had not been dismissed. He was not dismissed. He was asked by the Governor to resign. He wrote a letter saying "you lost your majority. Please resign". He refused to resign

SHRI M. SATYANARAYANA RAO : It is a wrong thing. He had dismissed him. When he has written a letter asking him to submit his resignation, he said "I have got the majority, I am refusing to resign". Then he was dismissed before he came. After the dismissal of the Telugu Desam Government, he asked Mr. Bhaskara Rao to form the Government (*Interruptions*) After all I belong to the State and I know the fact.

MR. SPEAKER : The Home Minister is sitting here. He will deny it if it is wrong.

SHRI INDRAJIT GUPTA : My good friend should listen more carefully to what I am saying. I said Mr. Rama Rao in a press conference held a couple of hours ago had said this. He has said this. You have to reply to it. He said it and you have to reply.

SHRI M. SATYANARAYANA RAO : He may say many things.

SHRI INDRAJIT GUPTA : You will have to reply to him. The new Chief Minister was sworn in. Up to that time he was not formally dismissed. You correct me if I am wrong. You correct the record. (*Interruptions*) Much has been said here and the Home Minister said it last time while discussing Jammu and Kashmir. Many people including Mr. Bhagat said it today that there is no precedent, never has it been thought proper for the majority of anybody who is claiming majority to be tested on the floor of the House.

THE MINISTER OF HOME AFFAIRS (SHRI P.V. NARASIMHA RAO) : I have asked all the senior Members. I said "do you recollect?"

PROF. MADHU DANDAVATE : Bihar.

SHRI P.V. NARASIMHA RAO : Yes, You have recollected and I also recollect the other side.

SHRI INDRAJIT GUPTA : There may be cases where somebody who realises that he has lost his majority does not insist

that the Assembly be called or he may resign of his own accord. That is a different matter. But I think you recollect the instance of another Governor who was described and accepted I think by the Central Government as being one of the most eminent and efficient the Home Ministry ever had—Mr. L. P. Singh of the ICS. I hope you are not going back on your evaluation of him now. Mr. L. P. Singh was the Governor of the 4 North-Eastern States. He himself on 4 occasions, when such a question arose, insisted that the Assembly must be summoned and the test must take place on the floor of the Assembly. That is known. Once it happened in Assam, once it happened in Meghalaya and twice it happened in Nagaland. He said "I am not going to listen to anybody else's claim. It must be tested on the floor of the House". What happened? In two of those cases, the Chief Minister, who was there resigned before it could be tested on the floor of the Assembly. Once he was voted out. The test took place. He was voted out. Once when the Assembly met, a motion of No Confidence was moved and after the No-Confidence motion was moved, he resigned.

MR. SPEAKER : That is all right.

SHRI INDRAJIT GUPTA : What is all right, Sir? The whole day I have been sitting here and listening to this refrain that it is never tested and the Assembly is never called for testing. Mr. Bhagat went to the length of saying that it would set a bad precedent if the Assembly was to be called for testing the majority. This is what he said. I am really frightened to think about the mentality of the ruling party. Incidentally, he is a defector himself, Mr. Bhagat has the nerve to say that the Assembly is called for testing the majority, it will be setting up a bad precedent. I mean that some people are trying to be more loyal to the Queen. They should not be more impetuous. They should realise that the people of Andhra Pradesh also have got some feelings and sentiments. You should not try to ridicule them by saying that somebody was thought to be the God or somebody thought to be Krishna and somebody thought to be something. We are a nation

and we are living in a particular society (*Interruptions*). You remember, at the time of Punjab also... (*Interruptions*) Do not insult the people of Andhra Pradesh. There may be divisions and differences of opinion...

AN HON. MEMBER : You are instigating the people.

SHRI INDRAJIT GUPTA : I will certainly instigate the people to protest against that if you do something unconstitutional. What else are we to do ?

Certainly, according to the letter of the Constitution, it is the Governor's right to withdraw his pleasure ; it is his right, but is that to be made an alibi, alibi for doing anything which is crude, indecent and against all norms? The President of India can at least be impeached under Article 61, but the Governor of a State cannot be impeached. He is put even on a higher footing than the President. He can get away with anything, even brute murder as long as subjective satisfaction is there. And Shri Narasimha Rao wants to defend that subjective satisfaction. He says that that is something which should be given higher priority than being tested on the floor of the House. What we are concerned with is these questions. We are not concerned about individuals. Our Prime Minister this morning said the same old thing, she frequently says that everybody is trying to do character assassination. It is not the point at all. Character assassination was attempted against Dr. Farooq Abdullah also. Was it not the saying that he is a playboy doing this and doing that and going about with film actresses and all that ? Was not that character assassination ? Is that the point ? Are we discussing these things ? If so, then let us have a free-for-all discussion one day for everybody. Come on ; Let us have a discussion about the everything that is heard and written about private lives of so many leaders and Ministers. Come on ! Please do not go into all that, and do not drag the level of parliamentary debate down into the mud like that. Let us discuss seriously.

There may be some lacunae and shortcomings and constitutional differences

as we find from experience. In that case some constitutional amendments are required. Should there not be any code of conduct or anything for anybody ? You do not attach any value to that thing which is being referred to so many times, namely the Governors' Committee, which was appointed by the then Rashtrapati and which had Shri Bhagwan Sahai as its Chairman. You do not pay any attention to what they recommended, and how they have said clearly that whenever a question arises, whether majority is there or has been lost, it must be tested on the floor of the House. You do not attach any importance to that. Shri Ram Lal is much more important than that whole Governor's Committee. You expect us to knuckle down under this and not protest against it. People of Andhra Pradesh are at least not constitutional pundits, they have understood something else ; they have understood that the Centre is trying to topple a Government, which they have elected. We do not want to go into all that. Why did the people turn out the previous Government which had ruled for so many years unbroken, continuously, in Andhra Pradesh ? You were giving them such good Governments for so many years. Did not the Congress Government there collapse under the whole burden of weight of its sins and unbridled corruption, which people had got fed up about ?

Now, you will say that Rama Rao is also practising corruption. May be ; I do not know, but after all the situation there is such that so long as we are not going to be serious, either this side or that side, either the Congress party or my friends here, about this business of practising defection and counter-defection.....(*Interruptions*). I do not mind anybody defecting if he is prepared to resign his seat. My friend here has resigned his seat (*Interruptions*). You must have the courage to resign your seat, and go and face the people again..... (*Interruptions*).

He has resigned his seat, but it is not according to the procedure and that is why the Speaker has not accepted that.

Sir, after, all it is the subjectivism of political self-interest which is dictating the

whole thing. You are not able to find defectors among the Communists. I do not know much about our great friends, the BJP, but I do not think, you find many defectors among them; you may find one or two.....(*Interruptions*). But how is it so common among these parties including Telugu Desam? Telugu Desam did not drop from Heaven.

Telugu Desam was formed mainly out of old Congressmen. I can understand 3, 4 or 5 people defecting for some political interest. But if 90 or 100, 50 or 60 people cross and again re-cross, what kind of parties are these? (*Interruptions*).

This Telugu Desam was born out of the Congress party, and some people want to go back to the Congress party. That is all; and they are being given some incentive for it. Somebody says Rs. 10 lakhs, and some others say Rs. 12 lakhs. These are the people who are going to be entrusted with the Government—whether they are from the Congress. Telugu Desam or any other party.

Should we discuss these things or not? They say that when the Janta Party came to power in 1977, they dissolved nine State Assemblies. They did it without bothering whether those Governments had a majority or not in those Assemblies. Similarly, when the Congress came back to power in 1980, they dismissed the State Governments in eight States. What is the difference? Actually, your grouse against them is: "Why are you shouting? You are the same as we are. You look in the mirror. You will see the same thing."

This kind of political opportunism that is being deliberately allowed to flourish, must be stopped, and curbed as far as possible by constitutional amendments. And this Governor must not be allowed to run riot.

What is to be done now? This Government must be removed. He can go on leave, or do anything he likes; but he must be removed. Secondly, the Assembly must be called forthwith. I do not know what the Prime Minister meant by saying: "I am told

that the new Chief Minister has advised the Governor to advance the date of calling the Assembly." I have not understood it. I am in the dark. Please tell us; the Home Minister at least should tell us. So, when the testing takes place on the floor of the Assembly, this defector Chief Minister should not be allowed to be there. After the test, the one who wins will be allowed to form the Government. This man Ram Lal who has sabotaged the whole essence and spirit of the Constitution, should be summarily dismissed. He has brought this whole office of Governor into utter disrepute.

SHRI ANANTHU RAMULU MALLU (Nagarkurnool): Sir, I am thankful to you for having allowed a discussion on this subject. You might remember that last time, I had raised a discussion about the utterances of the Chief Minister of Andhra Pradesh who made several statements against the Governor at Tirupati. At that time, you were not pleased to allow a discussion.

Right from morning, I have been patiently hearing the speeches of all the Opposition leaders. It has become more or less a fashion for every leader to criticize the Congress (I) and the Centre. Not only leaders like Madhu Dandavate Ji but also many others have spoken on this issue. The Telugu Desam Government came to power with mere slogans, and it has lost power with the same slogans.

He made a statement that the Congressmen did not have self-respect. The same thing happened in his party. The Telugu Desam legislators felt that they had lost self-respect. That was the reason why there was a virtual split in the party, and the Governor has taken the right decision to ask Mr. Bhaskara Rao to form the Government.

I would say one thing; there is a Telugu proverb prevalent in Andhra Pradesh. It says: "*Ada Leka Maddela Voju*" I will explain it.

This proverb means this: there was a famous dancer who had come on the platform. She was about to give the performance. But she did not know dancing. She came and told the audience; "This *mridangam* is very weak. This *tabla* is very weak. That is why I am unable to give the performance." The Opposition's arguments and the Telugu Desam's arguments are in no way less than this argument.

I am telling you very frankly. They were in power. People of Andhra Pradesh had elected them as their leaders. A very big majority was given to them. What made them to have a split in the party? We are not responsible for this. We are keeping all the time silent. All these leaders were talking about the democratic principles right from the morning. What had happened to them when the Chief Minister of Andhra Pradesh and his Cabinet colleagues were trying to destroy the democratic principles in Andhra Pradesh? One Minister made a statement that they are going to topple all the Zila Parishads of the Congress I. Had you closed your eyes at that time? You apply one set of rules for yourself and another set of rules for others. When the Karnataka elections took place, Mr. R. K. Hedge came to the Government with the support of the majority of the BJP. The Governor was pleased to ask him to form the government. Did he ask for any verification from the State? So, no democratic principle applies when it comes to you; when it comes to the Congress I, you want to criticise all this. What had happened in Andhra Pradesh? Just to protect the interest of the partymen in Zila Parishad, Telugu Desam, he had extended the time of office. For moving a No Confidence Motion he allowed another 6 months; just to protect one single individual, he amended the Act. When the panchayat raj was supposed to be buried in Andhra Pradesh, all the leaders of the opposition parties never opened their mouth. You are the leaders on the trade-unions; you are the leaders of the working class; you are the leaders of the poor people; you claim yourself; that you are the representatives of the weaker sections. I don't claim 13,000 employees in Andhra Pradesh were asked to retire without notice. We remained silent. 13,000 employees were

retired on a single day. 14,000 village level officers were removed from service the next day. He was trying to form panchayats and local bodies. But your people were introducing hurdles. Sarpanch have been directly elected by the people like MLAs. Our local bodies sarpanch were not nominated; even the samitis; Presidents were not nominated; they were all elected by the people of Andhra Pradesh who are having the same self-respect and same dedication.

When the entire Harijan villages had been burnt, what had happened to your eyes? What had happened to your Harijan Welfare Minister in Andhra Pradesh? Did he visit that place even upto today? Are you not feeling ashamed of it? When 83 families were burnt, what had happened to your eyes? Our beloved leader had visited the State. You have no courtesy and even sympathy towards the weaker sections. (*Interruptions*). There are two Ministers in the Andhra Pradesh Cabinet. Has any Minister visited that place? Can you kindly name him? If it is proved, I will resign. Now, I am prepared to do it, if you prove it.

He has appointed a commission to enquire into the atrocities on Harijans. The commission gave its report. The Telugu Desam legislators and their followers are responsible for the atrocities against the Harijans. They talk about democratic principles. Had the so-called democratic leader, Mr. Bahuguna, been to that place? Would these leaders advise the Chief Minister to take action on the report? They never had an opportunity to do it. Now they are talking about the democratic principles.

PROF. N. G. RANGA : That is why a split has taken place.

SHRI ANANTHA RAMULU MALLU : Sir, you have given lot of opportunity to Charan Singh just to criticise our beloved Prime Minister. I belong to Andhra Pradesh. I never opened my mouth for the last several days though my people were attacked, though my legislators were attacked, though my villages have been destroyed...

(*Interruptions*)

AN HON. MEMBER : Why did't you ?

(Interruptions)

SHRI ANANTHA RAMULU MALLU : Mr. Indrajit Gupta, I am happy at least you made a good statement. I am unable to understand your CPI Secretary, the other day, made a statement at Hyderabad that there is no guarantee that Rama Rao will prove his majority. He made a statement that instead of testing all these things, it would be better to dissolve the Assembly. On the one hand, their party is supporting the Chief Minister here and on the other hand their party Secretary is making a statement that there is no guarantee that this will be proved. So, these things are happening. I am not trying to accuse anybody. These are only matters of fact that I am placing before you.

MR. SPEAKER : Mr. Mallu, you just address me.

SHRI ANANTHA RAMULU MALLU : The Chief Minister Mr. Rama Rao never submitted a list of Members with their signatures, to the Governor saying that these are my followers....

(Interruptions)

MR. SPEAKER : Time and again you get up. Who is this gentleman ? Mr. hon. Member, please don't interject. All the time you are getting up without permission. I do not know what is the spring behind him.

Ch. Charan Singh has also made a very big statement. He came to.....power as the Prime Minister. I do not know how he has forgotten under what terms he had become Prime Minister. Now the leaders of the 'Opposition are talking about the principles. There is one proverb in Telugu-DEYYALU VEDALU GHOSHITUNTUNDI which means 'devils chanting VEDAS'. Mr. Indrajit Gupta has very perfectly said, I welcome his statement and at the same time I would like to quote only two or three points.

SHRI ANANTHA RAMULU MALLU : Now they are saying that they are having 161 members with them. He says, this morning the legislatures went to the Governor and presented 91 MLAs, here he says that 161 are with him. That means that Telugu Desham's strength is 251. As far as my knowledge goes, only 199 members or something like that got elected. So, these are wrong figures. We neither like to indict any other political party nor Mr. Rama Rao, we are not interested in it, but some of our friends are threatening by saying, 'can you go around the villages ? I am reminding the opposition people very frankly that no force on earth can stop Madam Gandhi from forming the government again and again. I am challenging you frankly. People know pretty well about your behaviour, about what you did when you formed the government and what you are doing now. You have forgotten the principles, you have forgotten the ideologies, you have forgotten the your party policies, you have forgotten even your manifesto and now you are joining hands with the opportunists and now you want to form a government. I know why the BJP leaders are going to Hyderabad. They do not have even four members in the Assembly but they have got one seat in the Council with the mercy of Mr. Rama Rao.

When the Chief Minister Rama Rao received a letter from the Governor stating that he should resign, he should have resigned.....(Interruptions).

AN. HON. MEMBR : Why should he resign ?

SHRI ANANTHA RAMULU MALLU : I am coming to the point. I am expressing my view. Instead of submitting his resignation, he came to the Raj Bhawan even to threaten the Governor. He said, 'I will not allow the Governor to swear in the new Chief Minister.

(Interruptions)

SHRI ANANTHA RAMULU MALLU : Why are you unnecessarily joining hands with the so called opportunists ?

Now they want to support him, because it helps their party interest. Shri Bahuguna had been to Hyderabad. I have the highest

regard for him. I do not say that I do not respect him. But they want to butt in, in the name of Shri Rama Rao, in Andhra Pradesh. They want to exploit Shri Rama Rao, make use of Shri Rama Rao, for their political ends. My only prayer to Lord Venkateswara is to shower blessings on Shri, Rama Rao and not on these people of the opposition parties, who want to get a foothold and form a Government in Andhra Pradesh.

RESIGNATION BY MEMBER

MR. SPEAKER : I have to inform the House that I have received a letter from Shri Kamal Nath Jha, an elected Member of Lok Sabha from Saharsa constituency of Bihar resigning his seat in Lok Sabha with effect from the 22nd August, 1984 and that I have accepted his resignation from 22nd August, 1984.

MR. SPEAKER : Shri Bahuguna.

SHRI H.N. BAHUGUNA : Sir, I am surrendering my time to Shri Kamal Nath Jha.

MR. SPEAKER : Mr. Bahuguna, you are an experienced member. You know the procedure.

(Interruptions)

MR. SPEAKER : It cannot be done like this. If you do not speak, I am going to call somebody else. I am calling you to speak.

(Interruptions)

MR. SPEAKER : Mr. Bhuguna, it is my prerogative. I call you. You may or may not speak. It is only my prerogative, not of others, to call members to speak.

(Interruptions)

MR. SPEAKER : If you do not want to speak, I will call somebody else. If Shri Bahuguna does not speak, then I call Shri V. Kishore Chandra Deo to speak.

(Interruptions)

SHRI H.N. BAHUGUNA : Kindly hear me...

(Interruptions)

MR. SPEAKER : I am not going to hear you on this point.

SHRI K. MAYATHEVAR : As a protest, we are going to walk out.

MR. SPEAKER : He has given his resignation.

मान्यवर, मैं इस बात से अपना खेद प्रकट करता हूँ - हमने यह चाहा था कि एक माननीय सदस्य को बोलने का अवसर दिया जाता। आन्ध्र में डिफेंशन हो रहा है। यहां भी एक मेम्बर एक परम्परा कायम कर रहे थे कि इस्तीफा देकर जाते हैं, लेकिन उनको आपने बोलने, नहीं दिया। मैं इसी के विरोध में...

श्री अटल बिहारी वाजपेयी (नई दिल्ली) : तब तक आप ने उनका इस्तीफा मन्जूर नहीं किया था। सदन का सदस्य होने के नाते उन्हें बोलने का मौका दिया जाना चाहिये था।

SHRI H. N. BAHUGUNA : I am making a submission.

MR. SPEAKER : I am very clear in my mind. I have taken the decision.

(Interruptions)

MR. SPEAKER : Shri Bahuguna is holding the floor. If he likes to speak, he is welcome ; not others.

(Interruptions)

MR. SPEAKER : I am going to call the next speaker, if he does not want to speak.

(Interruptions)

MR. SPEAKER : I have gone according to the rules and I stick to my decision. So simple it is.

(Interruptions)

MR. SPEAKER : Nothing goes on

(Interruptions)**

THE MINISTER OF PARLIAMEN-
TARY AFFAIRS, SPORTS AND WORKS
AND HOUSING (SHRI BUTA SINGH) :
Sir he is making personal aspersions on the
Hon. Speaker of this House. I take
exception to it.

(Interruptions)**

SHRI BUTA SINGH : How can you
do it. Do you know what you are doing ?

(Interruptions)

श्री अटल बिहारी वाजपेयी : मेरा व्यवस्था
का प्रश्न है। अध्यक्ष जी, आप कह रहे हैं कि
जो कुछ किया है वह नियमों के अनुसार ही
किया है। शायद मैं समझता हूँ कि आपका
इशारा उस नियम के अनुसार है जिसके अन्त-
र्गत एक मेंबर त्याग पत्र देते समय कोई कारण
नहीं बता सकता। वह त्याग पत्र आपने बाद
में स्वीकार किया है, मगर वह मेंबर पहले से
इस सदन में अपनी बात कहने की कांशिश
कर रहा था।

अध्यक्ष महोदय : जब तक वह मेंबर
अपनी पार्टी नहीं चेंज करता—

I cannot allow anybody. I would have
allowed anybody but not this way Mr.
Bahuguna saving "give my time to him." He
was still a member of the Congress Party.

(Interruptions) .

अध्यक्ष महोदय : बहुगुणा जी कहें कि
मेरा टाइम इनको दे दो, यह नहीं हो सकता।

श्री अटल बिहारी वाजपेयी : अध्यक्ष
महोदय, उसको बोलने देना चाहिए था।

अध्यक्ष महोदय : अभी तक वो कांग्रेस
पार्टी का मेंबर था। जब तक वह मेरे पास न
लिखकर दे दे तब तक वह था और जब वो

मुझे आकर कहे कि मैं रिजाइन कर रहा हूँ
कांग्रेस पार्टी से या हाउस से, तब कुछ होता
है जब मैं कार्यवाही कर लूँ। उसको अपना
टाइम देने के लिए मैं बाध्य नहीं हूँ।

(व्यवधान)

अध्यक्ष महोदय : मैं बिल्कुल बाध्य नहीं
हूँ श्रीमन्। मैं तो जिसको चाहूँगा उसको
बुलाऊँगा, जिसको मैंने टाइम दिया है वही
बोलेगा।

(व्यवधान)

अध्यक्ष महोदय : इस पर कोई डिस्कशन
नहीं है और न ही मेरी रूलिंग पर डिस्कशन
हो सकता है।

श्री अटल बिहारी वाजपेयी : अध्यक्ष
महोदय, जो कुछ भी हुआ वह ठीक नहीं
हुआ।

श्री हेमवती नन्दन बहुगुणा : अध्यक्ष
महोदय, जब चारों तरफ दल-बदल के बादलों
की मंडराती हुई छाया में हम इस बहस को
चला रहे हैं, उस वक्त—

(व्यवधान)

हमारे एक सदस्य को आपने बोलने का
मीका नहीं दिया। इसके विरोध में अब हम
जनता की पालियामेंट में बोलेंगे। इसके विरोध
में हम वाक-आउट करते हैं।

[श्री हेमवतीनन्दन बहुगुणा और कुछ
अन्य माननीय सदस्य सदन से उठकर चले गए]

(व्यवधान)

SHRI BUTA SINGH : Sir, they were
trying to beat a dead horse. Now having
realised that there is no truth and that there

are no facts on their side, now they have walked out.

***(Interruptions)*

16.20 hrs.

MOTION RE: DISAPPROVAL OF ACTION OF THE GOVERNOR OF ANDHRA PRADESH IN DISMISSING THE MINISTRY HEADED BY SHRI N.T. RAMA RAO WITHOUT ASCERTAINING ITS MAJORITY IN THE FLOOR OF THE ANDHRA PRADESH LEGISLATIVE ASSEMBLY-Contd.

SHRI V. KISHORE CHANDRA S. DEO (Parvatbipuram): Mr. Speaker, Sir, I rise to support the Resolution that has been moved by Prof. Dandavate. And I also rise not merely to disapprove but to condemn...

श्री रामेश्वर नीलररा : अध्यक्ष जी, इनको जानकारी हो गई थी कि भास्कर राव ने अपनी मंत्रारिटी साबित कर ली है, इसलिए ये लोग वाक आउट कर गए हैं।

SHRI V. KISHORE CHANDRA S. DEO: Sir, I come from Andhra Pradesh and I know the facts better than many of the friend here, and I rise to strongly condemn the action of the Governor of Andhra Pradesh. It will go down in the pages of history as the blackest deed of our post-Independence era.

Sir, the governments had been dismissed earlier on. Friends on the other side have been repeating the events of the year 1977. Yes, in 1977 the Janta Party too dismissed nine State Governments on the plea that they have lost the mandate when the people of those States voted against them in the Parliamentary election. But what did this Government do in 1980? In 1980 this Government also did the same thing.

आचार्य भगवान देव : मैं यह जानना चाहता हूँ कि इन्होंने बॉक-आउट किया है या नहीं? मुझे इस पर निर्णय चाहिए।

अध्यक्ष महोदय : किसी के घर कोई आया था। उसने दरवाजा खट-खटाया। दरवाजा खोला और अन्दर वाले ने देखा कि आदमी सामने खड़ा है। उससे कहा, अरे भई मैंने, सुना था कि तुम मर गए हो। उसने कहा, तेरे सामने खड़ा हूँ। कहने वाला आदमी बड़ा वा-एतबार था। ये तो फिर भी सामने खड़े हैं।

SHRI V. KISHORE CHANDRA S. DEO: I hope my friend has not lost his eyes.

In the year 1980 what did this government do when it came into power? You cannot get away with this because the Janata has paid for it and I can assure you that you will pay for what you have done.

आचार्य भगवान देव : मेरे पास आज की रिपोर्ट है। भास्कर राव अपने 95 आदमी साबित कर चुका है। आईने में अपना चेहरा देखा। अब आपके पास कुछ नहीं रहा है।

SHRI V. KISHORE CHANDRA S. DEO: Several governments have been dismissed, but I would say there has been some sad thing that has been created. I ask: Has any democratically elected government so blatantly and shamelessly been dismissed in any democratic nation? Friends over here say that 92 MLAs were present with Bhaskara Rao and there was a lot of contradiction as far as figures are concerned. I would like to mention that on the 15th, i.e., the Independence Day, Mr. Rama Rao went to Raj Bhawan with his MLAs to meet the Governor and the Governor got him arrested and all the MLAs had gone with him courting arrest. I would like to ask the Home Minister whether a Governor can get arrested a Chief Minister who is in power. So, when Mr. Rama Rao and his followers were

arrested, the Chief Minister was not formally dismissed, he still continued to be the Chief Minister .

THE MINISTER OF HOME AFFAIRS (SHRI P. V. NARASIMHA RAO) : It is a matter of fact that he was dismissed by then. You must know this fact

(Interruptions)

SHRI V. KISHORE CHANDRA S. DEO : But we were given to understand that the communication went only after that.

MR. SPEAKER : This point has been made so many times.

(Interruptions)

SHRI V. KISHORE CHANDRA S. DEO : So, here the President can also get any Prime Minister arrested. So, this should be clarified. It is unfortunate that these events had to take place on the 15th August. In this very House, on the eve of Independence Day, that is, on 14th of August, the Minister of State for Home Affairs introduced the Terrorist Affected Areas (Special Courts) Bill which cuts at the very roots of our Fundamental Rights and human rights of a citizen. On the very next day, i.e., on the Independence Day, itself, these sordid events took place in Hyderabad.

Sir, Mrs. Gandhi in a statement had stated that neither did the local Congress (I) party take the permission nor did she have any information of what the Governor did, nor did any of her colleagues know it. She stated that she only read from the report of a news agency.

First of all, I do not know since when democracy has percolated to this level in this party. Apart from that if the Prime Minister or any of her cabinet colleagues did not know of such an important happening that was taking place, that itself proves that you have forfeited the right to rule this country. What happened to your intelligence; what happened to the Home Minister, what happened to your police and the various agencies that have to give you the report?

It is rather surprising to hear from the Prime Minister that she did not even have an inkling of what was going to happen. This is the reminiscent of last days of the Mughal Empire when Subedars in various areas did whatever they liked and the Mughal Empire was blissfully ignorant of those facts.

The Governor is a creator of the Constitution and the creation of the Constitution. It is rather shocking that in this particular case the Governor; the creation of the Constitution itself has chosen to destroy the Constitution in so blatant a manner.

Friends from my State have been discussing the conduct of Shri Rama Rao or anybody else. We are not to bother about it. Those who have done it, I would say have cast aspersion on the people of the State who have voted him with such a large majority. The Congress (I) party was rooted in the Assembly Election soon after they won the Parliamentary election from there. But after losing the majority in the Assembly election, how many M. Ps have resigned from Congress (I) party.

Let us not go back to 1967 or 1977 or talk morals. We all know what has happened and who has gone which way. But now the main point is how to retrieve the situation. The calling of the Assembly is not enough. The Chief Minister claimed that he had a majority. Has the Governor dismissed him? The Assembly was not called for. The strength was not tried on the floor of the House. Neither he agreed to make a count of the heads. The only thing that the Government can do to-day is to immediately recall this Governor and see that the Assembly is immediately called to session so that strength of both the parties can be tested on the floor of the House. This is a precedent which has been followed in every democratic nation and in every democratic country. There have been instances where the Chief Ministers have resigned—resigned on account of not having a majority. This they did on their own or when they lost majority on the floor of the House. Never has the Chief Minister been dismissed? While he claims majority, he has been dismissed even before he had a chance to show this. Even heads were not counted. People

were talking about bogus identity card, etc. etc. Why to talk about all these things and why not call the Assembly immediately? We would like to know what does "advancing" mean? Is it being advanced by a week or ten days? When is the Assembly going to be called? Therefore, I would like to urge upon the Home Minister to state very clearly as to what is the Government thinking to save the country from the embarrassing situation?

DR. SUBRAMANIAM SWAMY (Bombay North-East) : I am in an unusual position of now defending practically the entire opposition. (*Interruptions*) So, there is no question in the whole country that the decision of the Government has been perceived as a wrong decision, and even the defence put up by the ruling party—they have to put up a defence. After all they have formed the Government and the Governor is their appointee. So, they will have to put up defence. Even the defence was a weak defence. It was a defence of a lawyer who is convinced that the client is guilty and even the Prime Minister's statement showed that she did not want to be associated with the decision and she said that she knew nothing about it. Therefore, this decision is a wrong decision and the whole country knows it to be a wrong decision. I would say, of course, that is not unprecedented wrong decision. There have been similar such decisions right from 1967 when this process of Government's falling in quick succession started. And they have named the Devraj Urs Ministry case. Somebody else named the case of the Governments which were dismissed in 1980 etc. I think the present ruling Party today has a distinction of not being very discriminatory when it comes to dismissing the Government. In Sikkim, they dismissed their own Government and the Chief Minister,...

AN HON. MEMBER : You demanded the dismissal of the Sikkim Government.

DR. SUBRAMANIAM SWAMY : If you accept all my demands, I think you will improve. Why was only this demand accepted? I did demand the dismissal of the Sikkim Government. But in that Government, the Chief Minister claimed that he had

majority and I think, to some extent, he nearly demonstrated it. But for a variety of reasons, they did dismiss it. So, one can say that this situation is not unprecedented. But again I would say that the mere fact that it has happened before or it has been done when the Opposition was in power is no argument. The fact is that this kind of action, these wrong decisions actually end up in devaluing the democratic institutions and raising very serious questions about its viability.

And, therefore, what I want, in the short time available, to suggest is that somehow we have to get over those malaise, get rid of those malaise in the body-politics. The question is how it can be done. Shri Indrajit Gupta suggested Constitutional amendments, Constitutional amendment of what kind? Are you going to put some restrictions on the Governor? Well, the problem still does not go away. Even in the Rama Rao Party, there were 200 strong Members. Now, 95 has been claimed by Mr Bhaskara Rao and 50 or 60 has been conceded by even Mr. Rama Rao. I believe the list that was circulated today has 162 members of which 19 are from the Opposition. If you subtract 19, it is 143. It means 57 members are on the other side. He himself concedes this. The fact is, "57" is not a small number. It is a very big number and most of them, I think without exception, have been elected because of Mr. Rama Rao. There was a Rama Rao wave or whatever in Andhra Pradesh by which they have been elected. Now, they have decided to go. So, just a Constitutional amendment on the powers of the Governor is not going to solve the problem of periodical change in the Government. I also say that the anti-defection Bill which many people tells is also not effective. Yesterday I was coming from Bombay and in the aeroplane, some people suggested that we should have anti-defection law. But it can itself be twisted.

SHRI RAM GOPAL REDDY ; This Bill was moved by Shri Vanktasubbiah.

DR. SUBRAMANIAM SWAMY : We know. He had moved it as a Private member and not as a Minister. But again.

it can be got around on the question of split or individual defection.

So, I would like to suggest in the end that if we are going to look forward to a stable government and to a government where the person-elected for the people can rule for 5 years, I think, the present Parliamentary set-up is not the right one. Presidential form of Government is something which should be seriously considered by the nation on some occasions.

SHRI G.M BANATWALLA (Ponnani) : Sir, he is going out and therefore I came forward.

MR. SPEAKER : You have done a right thing

SHRI G M. BANATWALLA : Mr. Speaker, Sir, as we discuss the crisis in Andhra, our hearts go to the families of those who have died in this unfortunate crisis and we are also in sympathy with those who have been injured.

Now, article 164(1) lays down that the Chief Minister shall be appointed by the Governor and so on. Unfortunately, however, the courts have repeatedly ruled that this article 164(1) does not impose any restriction on the Governor's power to appoint a Chief Minister. And, therefore, such matters cannot be called in question. Such has been the decision in MAHAVIR PRASAD SHARMA Vs. P.C. GHOSH AND OTHERS in 1969. Such a decision was also there in 1952 in Rajgopalachari's case.

I respectfully submit that through the courts may not be able to go into the question of Governor's pleasure, this august House certainly can do so. The courts may have been bound by the letter of the Constitution and may have refrained themselves from going into the question of the pleasure of Governor and the issues involved with them. However, in this House, we must have a hard look at the realities. Article 164(2) states:

“The Council of Ministers shall be collectively responsible to the Legislative Assembly of the State.”

Now, when it is Provided that the Council of Ministers shall be collectively responsible to the Assembly, it implies that it is the Assembly which shall determine whether a Ministry enjoys its confidence or not. I submit, you cannot stifle a democratic expression of opinion by the Legislature. Not to Permit an existing Ministry to test its strength on the floor of the Assembly assumes that a nominated Governor is a better custodian of constitutional democracy than an elected Assembly. This is a dangerous proposition; this is a dangerous assumption. I have, therefore, no doubt in my mind that the right course was that the majority ought to have been allowed to be tested on the floor of the Assembly.

It is, however, most unfortunate that this golden Principle was never consistently observed by those who were in power, irrespective of their political colour or shade. During the Congress rule also, this was not observed. Even when the Janata Party was in power, in spite of what they say today, they also failed to observe this golden principle that promotes democracy and strengthens the faith of every citizen in the rule of law. It has already been pointed out that in 1977, when there was a split in the Congress Party and Mr. Devraj Urs of the Indira Congress was the Chief Minister of Karnataka, he was not given the opportunity to demonstrate his majority on the floor of the Assembly. In 1977, when the Janata Party was in power, this is what the Governor, Mr. Govind Narain himself stated :

“I have full respect for the view that the strength of a State Ministry should be tested on the floor of the House. This is healthy convention. But it is not a mandatory provision of the Constitution.”

This is rather an unfortunate situation that whoever assumes the reins of power at the Centre, be it the Congress or the then Janata Party, the golden Principle was not observed consistently. It was for this reason that the Administrative Reforms Commission in 1969 upheld the need to provide Governors with discretionary powers but

recommended framing of guidelines for the exercise of such Powers. I must, therefore, say that there is a need for the guidelines to be laid down and even the Constitution may be amended to safeguard democracy. Though there may not be any justification in disallowing the Chief Minister of Andhra Pradesh to prove his majority in the Assembly when the allegation was that he had lost his majority, though there is no justification for such a course that was taken by the Governor, yet I have an important submission to make to this House and that is that long before this happened, the Chief Minister of Andhra Pradesh had lost all administrative justification to continue in power.

You know very well what the situation in Andhra Pradesh was. During his 19 months of rule, Hyderabad alone witnessed three communal holocausts. Even in the recent communal riot, there was a complete breakdown of law and order. Here, I must remind the Congress Benches of the recommendation contained in the Report of the AICC Committee on Minorities in 1969. I quote it.

And I quote. It is their report. I am reminding them.

"In case a riot continue for more than 12 hours, the immediate local officers should be taken to task. If it is not controlled within 24 hours, the Home Secretary, the Chief Secretary and the Inspector General of Police should be held responsible and if the violence goes beyond 48 hours, the responsibility must be placed squarely on the State Government."

We have taken a consistent attitude that whether it be the Congress-I Government in Maharashtra or the Telugu Desam Government in Andhra Pradesh when communal holocausts descend, the responsibility must be squarely faced. These hands lose every justification to hold the reins of power.

But here in the case of Andhra Pradesh, the situation was even worse. There was

not merely a breakdown of law and order but I must submit that during the recent communal riots, the Government had ceased to exist. The Chief Minister was away in the States for medical treatment. He himself was the Minister of Home Affairs, and he had failed to nominate anybody to officiate in his position there in Andhra Pradesh and we have a very unusual situation there. There was collapse of administration. There was no Minister in charge of the situation when the State was gripped in communal violence; the bureaucrats kept the Ministers in the dark while dealing with the communal riots; many decisions were taken by the Chief Secretary and these came to the knowledge of the Ministers only through the press.

We are told that the decisions to impose curfew, arrest of legislators and the requisitioning of CRP etc. were decisions without Cabinet's knowledge.

I, therefore, submit that there was an unusual situation. There was no governance in accordance with the provisions of the Constitution. And, therefore, though on the count that the Chief Minister was not allowed to test his majority in the Legislature when the allegation was that he has lost the majority, though that justification does not exist, the Governor certainly erred there, but long before this happened, as I submitted, the Chief Minister had lost every administrative justification to continue in office.

Before I conclude, I may only draw the pointed attention to this particular fact that there was no governance in accordance with the provisions of the Constitution and, therefore, the actions of the Chief Minister, the style of functioning of the Chief Minister had invited the Governor's action or intervention even earlier than his phenomenon developed.

In Rao Birendra Singh V. the Union of India, you may check up, this was what the hon. Court stated.

"There is amply sufficient material in the report of the Governor that the administration of the State had been

paralysed and its real functioning was almost not there, because the Ministers were unable to attend not only to the making of the policies but also to the execution of the same."

A parallel situation was there, as I said, and there was no governance in accordance with the provisions of the law. Therefore, I submit that, though there may be no justification for his dismissal on grounds of his having lost the majority and having been denied the opportunity to prove his strength on the floor of the House, yet, the then Chief Minister had even earlier lost every administrative justification to continue to hold the reins of power. Therefore, I dissociate myself with the Motion that has been moved in this House.

SHRI P. V. NARASIMHA RAO : Sir, I have listened to the speeches made in this debate with a certain amount of sadness because, again, except for a few Members, the speeches did not bring out the real points at issue and, again, the cut and thrust of the debate has taken us far field. But it is my duty to bring it back to the most crucial issues which should arise out of this situation.

We have discussed a similar situation in this House before and I am sure most of the points that are germane to this issue were discussed then. Only they were not discussed in such great detail as today in this debate. But the points more or less, are the same.

Prof. Madhu Dandavate, towards the end of his speech, said that there should be a Constitutional amendment curtailing the discretion given to the Governor and laying down certain hard and fast rules. I am not quoting his very words, but if I have understood him correctly, this is the opinion which he has expressed. The same thing, perhaps, was said by Mr. Indrajit Gupta. But it was pointed out by Dr. Subramaniam Swamy that a mere Constitutional amendment might not do. Therefore, while I agree that if a Constitutional amendment is to be considered, there is no harm in examining it in all its aspects on the basis of our experience, I must admit that, as matters

stand, it is very difficult to conclude that a Constitutional amendment is going to do the trick. So, all of us have to ponder over this.

Prof. Madhu Dandavate as well as others have quoted again the very same reports which they quoted last time. But they forgot to mention the fact that these very reports have been rejected by the respective Governments. The report of the Administrative Reforms Commission specifically said:

"When the Governor has reason to believe that the Ministry has ceased to command a majority in the Assembly, it should come to a final decision on this question by summoning the Assembly and ascertaining its verdict on the support enjoyed by the Ministry.

"...When a question arises as to whether the Council of Ministers enjoys the confidence of the majority in the Assembly and the Chief Minister does not advise the Governor to summon the Assembly, the Governor may, if he thinks fit, SUO MOTU summon the Assembly for the purpose of obtaining its verdict on the question."

This is the recommendation. And the response of the then Central Government headed by the Janata party is categorical rejection. This is what they said :

"Since the Constitution does not provide for the issue of guidelines to Governors regarding the manner in which they should exercise their discretionary powers, the Government are of the view that these matters should be left to the growth of appropriate conventions. Formulation of rigid guidelines would neither be feasible nor appropriate."

I do not think anything more categorical be said on the subject by the Government of the day. Now it so happens that this Government also finds the suggestion of giving guidelines and making the position of the Governors more rigid and less flexible

than what it is now, very difficult and unpractical. That is why the difficulty has arisen. Of course, Mr. Indrajit Gupta had the great advantage of hitting at both sides. That is all right. To score a point is all right. But the point to be considered is : is there any constitutional way out ?

So much has been said about what the Governor of Andhra Pradesh did. So much more was said about what the Governor of Jammu & Kashmir did. But the Governor has become the target for no fault of his. The Constitution has given him certain discretion. The Constitution says that he has to satisfy himself on a particular point. The Governor is satisfied—the Opposition is not. Now if the Governor does not have to go to the Members of the Opposition to find out whether they are also satisfied before he is satisfied and if that is not an absolute obligation on him, I do not see what else the Governor can do. If he is satisfied, he is satisfied. I quoted from Dr. Ambedkar last time. They said that I said something which has emboldened the Governors by giving them some great advantage or something of a discretion which did not exist. I do not think the Governors are babies. They know what resides in them and what vests in them by virtue of the Constitution and I quoted last time from Dr. Ambedkar, I quoted his words and I did not put any of my gloss over it. I only said I am quoting from Dr. Ambedkar and these are the words and the words are so clear, loud and clear that there can hardly be any doubt. I quote :

“During pleasure’ is always understood to mean that the pleasure shall not continue not with standing the fact that the Ministry has lost the confidence of the majority. The moment the Ministry has lost the confidence of the majority, it is presumed that the Governor will exercise his pleasure in dismissing the Ministry.”

Now the question is : who has to be satisfied ? If is the Governor who has to be satisfied. It is very difficult to say that in a particular case the Governor should not have been satisfied. Where he says he is satisfied, to say that he ought not to have been satisfied or that he ought to have sent

it to the Assembly and then got his satisfaction redoubled from the Assembly or by the Assembly, is a rider of an extra ordinary nature. I just cannot stomach this. This cannot be supported by any principle or by any canon of law or Constitution.

There is another matter. Again I am quoting from Governor Gobind Narain. He says in that particular case where Devraj Urs was dismissed :

“It is abundantly clear from the signed memoranda, verified letters and physical presentation of the Members of the Legislative Assembly before me expressing their free volition after fully understanding the position, that 109 members of the Legislative Assembly have expressed lack of confidence in the present Ministry.....”

“The Ministry has, therefore, lost the support of the majority of the Members of the Legislative Assembly. On account of various special features as have been outlined, it does not seem necessary to wait for the trial of strength on the floor of the House.

“It is also clear that it is not possible to form any alternative Government etc.

So, he has very clearly said that he disagrees with the request that the strength be tested on the Assembly, it had already been summoned and was only three days ahead. Still he said that that was not necessary because he was completely satisfied.

At some other place it is also said that any time given to the Chief Minister who has lost his majority would mean that you are giving him extra time to regain majority before he goes to the Assembly. This is the implication of giving time. This has been missed, I am sorry to say; the moment the Governor is satisfied, the moment the bodies have been presented before him, the moment he has made a head-count, the moment he has got them verified in this case by the Chief Whip the Governor is satisfied as on that date, as of that moment. Now even to say that he should have allowed the

outgoing Chief Minister or the Chief Minister who had lost his majority, another three days, is, quite untenable, to my mind and this has been missed.

One thing which has to be remembered is that this is a party Government. Mr. Rama Rao was running the Government, of the Telugu Desam Party. When this split took place, his party strength came down to below one-half of the strength of the Assembly. Never mind what the other parties had to say or had not to say. At that time, the first stage was to find out whether his party enjoyed a majority in the House or did not enjoy a majority in the House. It is true that, at the second stage when the present Chief Minister is dismissed or resigns and, there is a vacancy and the Governor proceeds to find out if there is any possibility of any one else forming a viable Government, then, others will be asked as to whom are they supporting so that whoever is able to form a viable Government, will be asked by the Governor to form the Government. This is the method that has been followed always, where there is a single party Government. If there is a Coalition Government, naturally, each party has to be consulted. But, if there is no coalition and on its own steam it is a Party Government the Chief Minister running the fact that his party strength has gone down to less than half of 294 in the House, that fact is, by itself, sufficient proof for the Governor to come to the conclusion that his party has lost its majority. Again I am sorry to say that this point has been missed. Thus we seem to be trying to club together two stages. The first stage has nothing to do with the second stage, if, after the first stage, the Governor finds that none of the persons he has been able to explore is able to form a Government, then he tells the President, you please come in now because I am not able to find a person who can form a Government". This is the second stage. The second stage also, in this particular case, was completed as a result of the Governor's satisfaction. He again made a count; he satisfied himself and he installed some body in power. Now the point is that the other person is disputing it. What is he disputing? What is Mr. Rama Rao disputing? It was said by some one that he brought 168 MLAs to the Governor and he wanted a head-count later. This is

something unimaginable. A person who wants the Assembly to be called to prove his strength and himself asking for a head-count again outside the Assembly by the Governor is unimaginable. It can only be an after-thought because the moment this is done, the Governor would say what do you go to the Assembly for? The head count is over? So, it is inconceivable that in the circumstances, Mr. Rama Rao would have asked or even thought of asking for a head-count outside the Assembly

19 00 hrs.

What he was insisting right through was the convening of the Assembly so that he could prove his strength. This is so natural. There cannot be any other conclusion from the circumstances attending the case.

Sir, these are some of the matters that have been missed and I would like the House to appreciate these very clear aspects of the question. We are not talking about personalities. That has been done by other members. As one who comes from the same State, on a personal note, I would say that I would be the last person to say anything on personal aspects of anyone. But the point is that here is a situation in which the Governor could not have acted otherwise. This is what I said in the case of Kashmir, I hold no brief for anyone. After all when Chaudhri Charan Singh came here today and related the whole story of how he became the Prime Minister and how he resigned the Prime Ministership, now the only question to be addressed to him is "what is the difference between you, Chaudhri Sahib and Bhaskara Rao? Their 'GOTRAS' are the same. So, what is the point in Chaudhri Sahib opposing this and saying that something very wrong has taken place? It is precisely the methodology adopted in the appointment of Chaudhri Sahib himself, Nothing more, nothing less. I am not saying that it was wrong. I am only saying don't say it was wrong in one case and that it was absolutely right in another case. This is the kind of double standard which I would like to avoid and I would like this House to avoid. So long as the statute is there, so long as the present position in regard to the Constitution is there which gives certain discretion to Governors, Governors are

bound to use that discretion. Some persons are bound to disagree with the manner in which it was used. This is the natural consequence. Not every body will agree with any Governor at least the person who has been dismissed will not agree. There will be at least one person who will not agree and here, of course, there are many who want to fish. I am not surprised that so many are making such a big issue of it. I do not see any difference between any other situation in which the Governor made use of his discretion and this situation wherein the Governor of Andhra Pradesh has made use of the same discretion which is given under the same Constitutional provisions. So long as this given position exists these things are going to recur. Let the people, let this House, let the thinking sections of this country not be carried away, not be swayed by temporary emotions. After all they have to see whether there is any difference in principle and so long as the principle is the same... Yes, they can always say, somebody may think, that the Governor acted in bad faith. The Governor should have done this or that, there can be so many alternatives and opinions about that. But what exactly is the wrong that the Governor had done? If you ask this question then you will find there is no answer to it. This is the point which I wanted to make. I am not really taking sides. I am not defending X or Y or Z. We could not care less who becomes the Chief Minister but the point is that Mr. Rama Rao cannot expect us to bail him out. This is very clear. We did not bail out Shri Morarji Desai. We did not bail out Shri Rama Rao. They stand on the same footing. We found it expedient and wise at that moment to lend our support to Chaudhri Sahib. Similarly, our local leaders found it wise to lend our support in the instant case in the interest of some democratic government being there and not being driven to President's role in Andhra Pradesh.

This was the only motivation. Otherwise they are all of the same party. So we have no reason to distinguish. We have only the reason to distinguish between immediate President's Rule and perhaps postponing President's Rule and bringing a Government which has the semblance of a democratic Government for as

long as that can exist or can manage to exist; this is what we said. I am not going into the history of 1979 when Choudhury Sahib said "I did not want Congress to support me. They just ran after me to support me" and that kind of thing. We only said "we don't have any reason to run after him at all". So, we ceased to run after him and what happened.

Another point was raised, a kind of complaint raised, that while these people were coming from Hyderabad, the train was delayed. For the first time, in the history of the Indian Railways, there has been a delay in the Andhra Pradesh Express reaching Delhi from Hyderabad and that is because these men were coming from there, we did not want them to meet the President, Gyani Zail Singh, in time and we thought there would be no tomorrow. This is the complaint. What has happened was that, let me set the record straight, as my colleague, the Railway Minister, has informed me the conditions of delay included unsettled inclement weather conditions including heavy rainfall in certain sections of Madhya Pradesh and Vidarbha due to depressions necessitating train observe caution in the interest of passenger safety. Miscrains, anti-social and extremist activities in certain section of Andhra Pradesh covered by the Central Railway which necessitated very strict vigil and alertness on the part of the drivers and train running staff due to taking out of fish plates, displacement of removal of rails on track, burning of sleepers on the bridges tampering of control wires on the sections, placing of boulders and other obstructions on the track which necessitated slowing down of the trains considerably with view to ensure safety to the travelling passengers on the trains. Our friends from Andhra Pradesh who came yesterday should think themselves that they reached here at all.

These were the conditions in which the train was delayed. Trains are being delayed for these conditions every day. We know that. It is not as if these people alone have been travelling. So, their criticism is unnecessary. This is just hitting below the belt, nothing else. This will not take anybody far. Let us go to the root of the matter and the root of the matter is that the Governor

under the present set up, under the present Constitutional dispensation has a discretion. There is no way of removing that discretion. There is no way of everybody agreeing with every decision that the Governor takes. Therefore decision should go on. What all is needed is for the people of India, for the intellectuals, for the press and everybody to look at it in the right perspective. For instance, we do find that when the Administrative Reforms Commission said that there should be testing of the strength on the floor of the House, one newspaper at that time went against it. They said 'No' this is not the right thing. And that paper when it came to the present Andhra Pradesh question came out with a thundering editorial against what the Governor did. That paper in 1968 said in an editorial :

"The view that no Ministry should be dismissed by a Governor except on the vote of the House is not calculated to set up healthy conventions."

This is the categorical opinion of that newspaper in its editorial dated the 9th April 1968. Further it says there is no need to assume that any Governor is anxious to usurp the powers of the Legislatures or to take on the role of king-maker- unless the state of parties in the Legislature thrusts such a role on him. of which is precisely what happened in this case in Andhra Pradesh. But the same newspaper has come with a thundering editorial against what the Andhra Pradesh Governor did. That does not matter. I am not naming the newspaper; I am not naming the persons, what I am saying is that opinions can change according to convenience, but what I would like to appeal is that given a particular constitutional set up, we have to look at it absolutely aseptically, without going into who is going to gain and who is going to lose. And that is the spirit in which I see this. Under the circumstances, I do not find anything really warrant such a lengthy debate on this question.

All matters are clear and I am quite sure that one who is able to dispassionately go into these factors will be convinced that there is no case to warrant any displeasure or complaint on what the Governor of Andhra Pradesh did.

MR. SPEAKER : As the mover of the Resolution is not there, I will put it to the vote of the House. The question is :

"That this House disapproves the action of the Governor of Andhra Pradesh in dismissing the Ministry headed by Shri N. T. Rama Rao without ascertaining its majority on the floor of the Andhra Pradesh Legislative Assembly and recommends to the President that he be pleased to dismiss the Governor."

The motion was negatived.

19.12 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

MR. DEPUTY-SPEAKER : We will now take up the next item.

SHRI P. V. NARASIMHA RAO : Sir, with your permission, before we go to the next item, I would like to place on record sympathies of all the Members of this House for those who have lost their lives.

UNIVERSITY GRANTS COMMISSION (AMENDMENT) BILL, 1984

As passed by Rajya Sabha.

THE MINISTER OF STATE OF THE
MINISTRIES OF EDUCATION AND
CULTURE AND SOCIAL WELFARE
(SHRIMATI SHEILA KAUL) : Sir, I rise
to move :

"That the Bill further to amend the University Grants Commission Act, 1956, as passed by Rajya Sabha, be taken into consideration."

Before the House proceeds to consider the Bill, with your permission, Sir, I would like to explain briefly the amendments that