

## [श्री प्रकाशवीर शास्त्री]

सोमवार को ले लिया था ? जिस क्रम से माननीय मंत्री ने पढ़ा है उसी क्रम से लिये जायेंगे, या कि उसमें कुछ परिवर्तन करने का विचार है ?

MR. SPEAKER : No. When we meet at 4 this afternoon, we can discuss these things. If Shastriji also gets irritated, I do not know what to do in this House and how to manage the work here. I am requesting him also to attend the Committee meeting and then we shall discuss all matters pertaining to next week's business. If they want everything to be discussed here, it cannot be done.

13-06 hrs.

## MOTIONS RE : SITUATION IN WEST BENGAL

MR. SPEAKER : We have got the two Motions next concerning the West Bengal situation.

AN HON. MEMBER : How much time is available ?

MR. SPEAKER : I would request hon. Members to forgo the lunch hour today so that we may get one more hour and then we can dispose of these motions. Those who want to have their lunch could just slip away and then come back. Others will be here. Otherwise, this will have to go on over to Monday.

SHRI HEM BARUA (Mangaldai) : Are you going for lunch or not ?

MR. SPEAKER : Last time also I missed my lunch along with all of you.

Both the Motions will be taken together. The Mover will get 20 minutes to begin and then 10 minutes to reply. It will be difficult for me to ring the bell. I have got the names of the party members here. If anybody feels that he should also get a chance, I should not be embarrassed. After one Member has spoken from one party and taken the party quota, it will be difficult for me to accommodate another member from the same party. The time is divided between the parties; the Swatantra Party gets so much; other parties get a little less.

SHRI KANWAR LAL GUPTA (Delhi Sadar) : What is the time ?

MR. SPEAKER : Within the time-limit, we can have the discussion, that is, till 3 P.M.

AN HON. MEMBER : Half hour more.

MR. SPEAKER : Let us see.

SHRI RANGA (Sri kakulam) : One more hour.

MR. SPEAKER : If the House wants it, we can have it. The non-official business cannot be postponed unless the House unanimously wants it. That is the convention.

The Congress Party will also naturally have some time. Every time I find it is they who are suffering. They have been losing half an hour, 45 minutes like that. Of course, the ruling party should be liberal in giving half an hour or 45 minutes. Anyway, they will also get time.

MR. SPEAKER : Shri Mukherjee.

SHRI S. M. BANERJEE (Kanpur) : Congressman have started throwing bombs on the Speaker.

SHRI H. N. MUKERJEE (Calcutta North-East) : I beg to move :

"That this House recommends to the President that he be pleased to dismiss the present Governor of West Bengal for his unconstitutional act of dismissing the ULF Ministry in West Bengal".

This is an unprecedented step that I am asking the House to endorse, but it is on account of the fact that an utterly unprecedented situation has arisen in one part of our country, which involves the entire parliamentary process and the future of public life in India. A sort of pettifoggery and panic along with overweening greed for power and an utter lack of scruple has resulted in the commission of an outrage on the Constitution and all proprieties and decencies of political life.

The action of the Governor of West Bengal in summarily and suddenly dismissing the West Bengal Ministry has shown to what lengths an arbitrary inclination towards authority and a desire to monopolise power all over the country can lead certain sections of people in India. The white

elephant of an office—the office of a Governor is decorative, because if it were something else it would be a danger to democracy—this white elephant of an office has been used as a rat gnawing at the tender vitals of parliamentary functioning. The Governor cannot be impeached, but he can be removed by the President under article 156 and since the Governor has covered his elevated office with disgrace abounding, we have to recommend to the President that in his pleasure he dismisses Dharma Vira in West Bengal.

Sampurnanand in Rajasthan, Dharma Vira in West Bengal, and Chakravartys and Pavates thrown in between, what a sorry catalogue of infamy, and of the whole lot, the Governor of Bengal takes the cake ! His name is Dharma Vira—'staunch in virtue'. Seldom was a man named by his parents with fond hopes, seldom was he given a nomenclature which has been so thoroughly belied by his actions. Shuttling back and forth between Calcutta and Delhi, the West Bengal Governor appears to have mortgaged his conscience to his masters in the Central Government. He plunged shamelessly into the mire of the lowliest brand of partisan power-politics and thought he had pulled off a palace coup in the Raj Bhavan of Calcutta, and like a thief in the night and surrounded by sneaky double-crossers he dismissed the lawful ministry and appointed instead another which stinks to high heavens and against which the people of West Bengal are staging a demonstration, the gravity of which I am sure not even the worthies on the Treasury Benches can deny. By his ugly manoeuvrings he has disgraced his office and plunged West Bengal into sorrow and shame. But Bengal does not merely groan in agony; she is roaring in protest and all India reverberates because of that. I wish Government takes serious note of it and advises the President in accordance with what is in conformity with conscience, with decency and with dignity.

The West Bengal Speaker has showed courage and character, and I only wish you to look at that portrait,—Vithalbhai Patel—who in the days before Independence, and I think Prof. Ranga was a witness—took steps which showed how even in those inhibited days the Speaker could stand for the rights of the House and for the rights of

its members. I would like you also to remember that in the history of the Speaker's role, there is nothing more spectacular or more impressive than a scene in the 17th century when King Charles I walked into the House of Commons and the Speaker then used to be his nominee and servant, and he wanted the Speaker to show to him the five members whom he wanted to arrest. And the Speaker—Speaker Lenthall—fell on his knees before Charles I and said : "Your Majesty, I have neither eyes to see nor ears to hear except what this hon. House vouchsafes to me." That was the standard set in the days of the fight between King and Parliament, when the fundamental liberties of that country, to which we look for parliamentary inspiration, were first consolidated.

The Speaker in West Bengal has said, "I do not know what is happening behind scenes. I was not even invited to the swearing-in ceremony when the new so-called ministry was installed." On that occasion, there was a blackmarketeer who was put in prison under the Preventive Detention Act—Mr. Aggarwal—who was released and he was present there. There was present a man, an MLC who was put in jail, who built a multi-storeyed house in Calcutta where he kidnaps members of the Assembly and keeps them. He garlanded Dr. P. C. Ghosh and said, "My mission is over". But the Speaker was not invited. He said, "I am not going to take cognizance of what happened. My master is this House. This House can make and unmake ministries. The Ministry is responsible not to the Governor, not to his masters, even if it is not put down on paper, in New Delhi. The Ministry is responsible collectively to the Legislative Assembly and without the ukase of the Assembly, I am not going to recognise the legitimacy of this ministry." On account of his character and courage, dastardly hooligans in Calcutta have gone to the length of attacking the residence of the Speaker, throwing a bomb at dead of night. That is the report which appears in the papers.

A tinpot Governor thought he could flout every principal because his masters in Delhi were behind him. This Governor belonged to the Indian Civil Service. I had occasion once to say, it used to be said in the day

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before independence, that it is neither Indian nor civil nor a service. He belongs to a service which Churchill, or was it Lloyd George, said was the steel-frame of the British administration. Now more royalist than the King, to the successors of the British, they are now the steel-frame of the Congress administration. But like the British Government, the Congress rule, if it indulges in this kind of monopolistic criminality, will go the way of all flesh and all the Dharm Virs of creation would not help.

I have already told you how the Speaker's residence has been attacked and bombs thrown at it. But even apart from that more than 3,500 people were arrested in Calcutta. Jadavpur University, with which one of the members of the Cabinet has been associated most of his working life, was turned into hell. The sanctity of the campus was violated, because they wanted to prop up this ministry against the wishes of the people of West Bengal. The mask is falling off the faces of those people who talk about the sanctity of the Constitution. It has been proved against that the bourgeois concept and practice of democracy are thrown overboard whenever the going gets rather tough and events in West Bengal<sup>1</sup> and elsewhere show that the present constitution, particularly the unitary aspect of it, has become a tool in the hands of an unscrupulous party operating in the States through nominated gendarmes, who are glorified by the title of Governor.

I do not think much needs to be said in regard to the purely constitutional aspect, which has been discussed so many times in the House. But it should be clear in the minds of all that under the terms of the Constitution, article 163 in particular, no Governor other than that of Assam, has any authority to act in his discretion and the discretionary authority of the Assam Governor is limited to certain provisions in the Sixth Schedule to the Constitution. One of the leading commentators on the Constitution, Mr. Justice D. D. Basu has remarked in his book that the words "in his discretion" is a drafting anomaly in the text of the Constitution. If you want to know what was in the mind of those who made the Constitution—I suppose Prof. Ranga can give testimony in that regard—we must refer to such people as Dr. Ambedkar, who

explained in the Constituent Assembly the distinction between the functions and the duties of Governors. He said that while the Governor shall have no "functions" to discharge by himself and would have no power to override the Ministry in any particular matter he would have the "duty" to advise the Ministry with the object of securing impartial, pure and efficient administration. Ultimately, the Governor must take the advice of the Ministers. In the Constituent Assembly a reference was made to what Mr. Asquith had said in the British House of Commons, that the king had the right to encourage, to advise and to warn, but whatever was decided by the Cabinet was something which even His Britannic Majesty the King had to accept. This is the real position.

Let us see what actually happened in the case of West Bengal. Dr. P. C. Ghosh was brought in as the new Minister. I do not want to say much about unsavoury personalities, but it is difficult, as a Bengali, to forget the long history of betrayal of people's cause perpetrated by certain people. To Deshabandhu, to Netaji and to the people who are popular today the conduct of Dr. P. C. Ghosh is something which is an open book. But he was given a chance to come forward because he spoke in such a manner. He told many an audience that if he joined Congress later on—he spoke in a rustic fashion—the people of that locality should make him sit down and stand up again for five hundred times, they should make him kneel down and rub his nose against the ground for 500 yards of that area. That was the kind of assurance which he had given, and that was why he was given an opportunity to do some good work for the country. But he has done this egregious act at the present moment.

How did the Governor behave. He went on peregrinating between Calcutta and Delhi, he went on travelling between Calcutta and Delhi like a shuttle-cock—a Governor must have some sense of dignity—taking orders from Delhi, all the time performing according to his master's voice and we found him at the very last moment acting in a manner which is absolutely egregious. I asked the Prime Minister on that day when the no-confidence motion was being discussed this question. I know it

for a fact, because I believe those who gave me the information got it straight from the horses mouth in Calcutta. On the 21st of November, the day of the dismissal of the Ministry, late at night, the Governor of West Bengal sent a message to the Chief Minister of West Bengal, Shri Ajoy Mukherjee, at about two o'clock, when he was confabulating with the head of the Bharatiya Kranti Dal, Shri Mahamaya Prasad Sinha, discussing as to how some of the defectors of the Bharata Krantiya Dal were likely to come back again to the United Front. At two o'clock he gets a message from the Governor and the Governor asks him to answer by four o'clock as to whether he was ready and willing to have a date earlier than the 18th December, which he had already fixed as the date for the Assembly to be convened. Shri Mukherjee sent back a message before four o'clock that he could not on his own give an answer but the day after the next day, that is on the 23rd, his Cabinet was meeting and then he would be in a position to tell the Governor whether an earlier date than the 18th of December could be decided upon. This has not been denied. The Prime Minister says she does not know. I do not know what she knows and what she does not. But it was their business to know these things and we ought to have been told about it. This matter I mentioned in Parliament taking full responsibility for the truth of this report, and I have got no satisfaction in regard to this.

This was done at a point of time when in West Bengal all the allegations about the break-down of the administration have been found to be absolute abracadabra, sheer moonshine and nonsense. I have heard in this House here, in the no-confidence debate, how Members on the other side not having arguments had only this to say that in West Bengal everything is going downhill, life is not safe, people are not moving freely and that sort of thing. What actually is the position we know. This propaganda has been done by all kinds of people, by Mr. G. D. Birla, by Mr. Sussex, one of the British big-money bosses, Biren Mukerjee of Martin Burn and by some other people. We know also that even the BBC had been requisitioned to send out television allegations in regard to *gherao* and similar things in West Bengal, when actually what had happened was that the Government had

formulated a food policy which had been commended even by the Chairman of the Food Corporation of India and for the first time the jotedars and big business people were feeling jittery. Therefore something was to be done very quickly and all kinds of concoctions in regard to law and order situation had to be spread about.

As a matter of fact, at this particular point of time, since the beginning of October or even earlier, not one case of strike or lock-out had been reported to the Labour Department of the Government of West Bengal. Shri L. N. Birla, President of the Federation of Indian Chambers of Commerce, said at Jaipur on the 3rd October that the situation in West Bengal was better than what it was a month ago. Shri G. R. Heda, President, Engineering Association of India, told newsmen in Calcutta on the 26th October that Government was trying to create a climate conducive to industry with healthy labour-management relations.

After a meeting between the Cabinet colleagues of the Chief Minister and the Chief Minister himself along with representatives of chambers of commerce and trade union organisations, the *statesman* reported that these talks had brought out the possibilities of an industrial peace for a legitimate period. Law and order situation in West Bengal was normal, better than normal, at the point of time when this Government was dismissed.

If you remember, Sir, what happened a year ago? The Prime Minister knows something about it because she knows the kind of thing which was happening in Calcutta and nearabout a little over a year ago, 18 months ago. A year ago, in 1966, the *Amrita Bazar Patrika*, a paper owned by one of the then members of the Congress Ministry, wrote on the 10th September, 1966, in regard to the law and order situation in West Bengal:—

“The danger is that the whole of the State has become a powder keg and the smallest spark may cause a violent outburst.”

We did not start a *vimochan sangram* in West Bengal those days against the Congress Ministry. Nobody thought of doing that sort of thing.

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But compare the conditions which prevailed in West Bengal a year ago and the conditions which have been prevailing in West Bengal for quite some time now. Why make such a lot of noise in regard to the point over gherao and a few other incidents; when you see on the other side how communal incidents engineered by incendiaries, about which the Prime Minister should be well aware, were nipped in the bud because the popular character of the Ministry came to the surface and without having recourse to anything like the repressive apparatus which used to be commonly practised, all those disturbances were quelled? Why do you forget that because the Government had formulated a food policy, which was going to get the support of the people and the jotedars and the moneyed sections were getting afraid, at this particular point of time this conspiracy was started and like thieves in the night certain people congregated in order to say good-bye to the Constitution, to bring about the failure of the administration and to bring about a situation which is absolutely disgraceful? Turncoats of the sort of people that I do not see here luckily—I do not have to cast my eyes on men like Humayun Kabir who were turncoats in a manner which is really disgraceful—are bringing infamy to the whole political structure of our country. They are throwing to the winds every shred of political decency. But that is a kind of thing which has happened.

I shall conclude, because other Members would like to speak and I have a right to reply in a short while. I accuse the West Bengal Governor, who has behaved like a charlatan as far as his dignified position was concerned which he has abused like anything, of throwing to the winds his duty, dignity and every sense of political and human decency over a dirty game played for the Central Government's sake, a dirty game of lowly power politics. I accuse the Governor of West Bengal of betraying the trust which the President must have laid on him while sending him as Governor to a sensitive border State like West Bengal. I accuse the Governor of West Bengal of egregious conduct deliberately and schemingly pursued which has plunged a very important State of India into the most widespread and justified popular unrest which may lead to consequences disastrous for the country.

I accuse him of being a guilty man, guilty before his own conscience if he still has any guilty and before the people of our country. Dharma Vira, whatever be his name, must go out of Bengal and out of public life and the President should have the recommendation from this House that he should remove from office a man who has disgraced his great position, who has sullied its dignity and who has endangered the security and the smooth functioning of political life in our country.

I move, therefore, that the President be asked please to remove from office the Governor of West Bengal.

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : I beg to move :

“That this House approves of the statement made by the Home Minister on 30th November, 1967 regarding situation in West Bengal.”

SHRI S. M. BANERJEE : This is extraordinary. The Home Minister who has moved a motion asks us to approve his own statement.

SHRI Y. B. CHAVAN : I am doing it. (Interruption)

SHRI S. M. BANERJEE : There is nobody in the Congress Party to approve his statement?

SHRI Y. B. CHAVAN : The statement is so self-obvious. I would like to exercise my right of reply to speak on this.

MR. SPEAKER : Yes; Shri Mrityunjay Prasad.

श्री मृत्युञ्जय प्रसाद (महाराज गंज) : अध्यक्ष महोदय, यहां दो प्रश्नों की बड़ी विशाल भूमिका है, मैं उनके केवल चंद पहलुओं पर ही बोलूंगा। सब पर नहीं बोल सकूंगा। बहुत ही थोड़े प्वाइंट्स पर अपने को रूखूंगा। पहली चीज जो आती है वह यह है कि बंगाल के स्पीकर साहब ने जो किया है वह कहां तक गलत या सही है? अगर वह समझते थे कि गवर्नर का हुकम गलत है और असेम्बली को बुलाना ही गलत हुआ तो वह असेम्बली में आये ही क्यों? उनको अख्तियार था कि उस समन्त के मुताबिक न आते और घर से ही असेम्बली में ताला बंद करा देने का हुकम दे

देते। अगर यह ब्याल करें कि उनको आकर के मेम्बरस के आगे बयान देना था तो वह बयान दे कर कह देते कि चूंकि यह असेम्बली गैर-कानूनी बिठाई गई है इसलिए इसकी न ओपेनिंग है न क्लोजर है, न ऐडजर्नमेंट है। यह यहीं खत्म हो जाती है। मगर उसे उन्होंने साइने-डाइ ऐडजर्न किया और साइने डाई ऐडजर्न करने के समय यह भी कहा कि इस विषय पर मेरा दिमाग बिल्कुल साफ अभी नहीं हुआ है। मैं उन्हीं के स्टेटमेंट से पढ़ सकता हूँ कि उन्होंने कहा कि मेरा दिमाग इस विषय पर अभी पूरा साफ नहीं हुआ है इसलिए मैं इसे ऐडजर्न करता हूँ और मैं फिर जब इस पर पूरा विचार कर लूंगा तब दोबारा आप लोगों को बुलाऊंगा। ऐसी स्थिति में जब उन्होंने ऐडजर्न किया साइने-डाइ तो असेम्बली को कबूल कर लिया। चाहे यह कानूनी भूल हो या न हो मगर उन्होंने कबूल जरूर कर लिया और इससे अब वह पीछे नहीं हट सकते।

दूसरी बात यह है कि स्पीकर साहब ने गवर्नर के ऊपर जजमेंट दिया। मैं कानून में कोई जगह नहीं देखता हूँ कि उनको ऐसा अधिकार दिया गया हो। वह असेम्बली में अपने मालिक हैं, असेम्बली के और वहां की कार्यवाही कैसे चले इसीके बारे में वह सब कुछ कह सकते हैं न कि यह कि गवर्नर ने गलत किया या सही किया। फिर भी उन्होंने कहा है और अमर ऐसा कहा है तो हम इसे सिवाय एक रिमार्क, औबजर्वेशन या टीका के कोई रूलिंग नहीं मान सकते क्योंकि जिस विषय पर बोलने का अधिकार नहीं है उस विषय पर वह बोलते हैं तो उनकी बात को हम रूलिंग नहीं मान सकते। यह एक रिमार्क है उनका अपना जाती विचार है। यहां बहुत-सी कानूनी बहसों की जाती हैं और की जायेंगी।

13-34 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

मैं कानूनवादी नहीं हूँ, इसलिए मुझे कोई हक नहीं है कि कानून का इंटरप्रिटेशन करूं या

उसके बारे में अपना भाष्य आपके आगे रखूं। मैं तो सीधासादा वैसा ही हूँ जैसे कि यहां अधिकांश आदमी हैं। कुछ संयोग ऐसा है कि कानून न जानने वालों के ही हाथ में कानून बनाने का अधिकार दिया गया है। बहुत ही कम कानूनवादी यहां आपके इस हाउस में हैं। तो ऐसी हालत में आगे पीछे की सब बातों को देख कर, जो कुछ कोई समझदार आदमी कह सकता है, वहीं मैं कहूंगा और कानून के पचड़े में नहीं पड़ूंगा।

यहां एक बात और भी स्पष्ट हो जाती है कि असेम्बली बुलाने का समन निकलता है 22-11-67 को और 29-11-67 को असेम्बली बुलाई जाती है। तब भी सात दिन के भीतर भी स्पीकर साहब ने अपना मत कुछ स्थिर न किया। उनको पूरा समय था इस विषय पर अध्ययन कर के अपना मत स्थिर करने का। लेकिन और भी अधिक टाइम वह मांगते थे। इन सब बातों से तो बहुत कुछ झंका होती है कि स्पीकर साहब अपनी बात आप कह रहे थे या कोई उनसे अपनी ही कहला रहा था, आखिर यह था क्या... (ब्यवधान)... 'जी हां, कोई कहला रहा था उनसे। अगर उनका निश्चित मत होता कि यह सब गलत है तो वह कहते कि असेम्बली तो है नहीं, आप आये, सभा खत्म हुई, मैं जाता हूँ। आप लोग जाइए। अगर कायदे से इसे फिर बुलाया जायगा तो आइएगा। ऐडजर्नमेंट साइने-डाइ के माने क्या हैं? वह करके असेम्बली बुलाने की वैधता को तो उन्होंने स्वीकार कर लिया।... (ब्यवधान)...

SHRI S. M. BANERJEE : You should try to defend the Speaker.

MR. DEPUTY-SPEAKER : I know. I am watching.

SHRI SEZHIAN (Kumbakonam) : The decisions of the Speaker in the legislative Assembly should not be questioned here.

SHRI A. K. SEN (Calcutta North-West) : Let us hear him.

**MR. DEPUTY-SPEAKER :** When this matter is raised, I want to point out to the hon'ble Member that the Speaker's decision or his conduct cannot be questioned even by implication or by suggestion. This is my ruling.

**श्री मृत्युंजय प्रसाद :** मैं इसका ध्यान रखूंगा।

**श्री स० मो० बनर्जी :** वह जो उन्होंने कहा है, उसे आप एक्सपंज कर दीजिए।

**श्री मृत्युंजय प्रसाद :** इस तरह से यह स्पष्ट है कि जब उन्हीं का दिमाग साफ नहीं था तो इस चीज को ले कर के उसे आगे बढ़ाना और इतना यह सब करना बेकार है। अपने यहां एक पुरानी कहावत है—मुद्दई सुस्त और गवाह चुस्त। फिर इसके बाद हम यह देखते हैं कि जब कौंसिल में जाते हैं तो वहां दूसरा ही चित्र नजर आता है। बंगाल की कौंसिल के चेयरमैन ने जो कुछ स्पीकर साहब ने कहा, ठीक उसके उलटा कहा। उन्होंने गवर्नर का किया, सब कुछ सही मान लिया। अब इन दोनों महारथियों में हम किसे सही मानें? मैं तो पहले ही कह चुका हूँ कि मैं कानून नहीं जानता और वैसी हालत में...

**MR. DEPUTY SPEAKER :** Only two minutes. You should conclude. The relevant issues are before the House. Facts are known. You need not go into the facts.

**श्री मृत्युंजय प्रसाद :** बहुत अच्छा। तो वैसी हालत में स्पष्ट रूप से कोई कैसे कहेगा कि यह सही है या वह सही है और ऐसी हालत में इस पर कुछ भी बहस करना मेरी समझ से बेमतलब हो जाता है।

यहां एक चीज और आ जाती है कि एक बड़ा ही अशोभनीय दृश्य आ गया था लेजिस्लेटिव कौंसिल में। वहां पर, अब तो मैं विरोधी पक्ष ही कहूंगा, भूतपूर्व सरकार के पक्ष के एक माननीय सदस्य ने जबर्दस्ती चेयरमैन की कुर्सी दखल कर ली और जब तक चेयरमैन साहब वहां रहे तब तक उनके हिसाब से कौंसिल का वैध अधिवेशन चलता रहा, उन्हें

खड़ा रहना पड़ा, उनको अपनी कुर्सी नहीं मिली। हर आदमी के अपने अपने संस्कार हैं अपनी संस्कृति है, अपनी सभ्यता है। इसमें मैं क्या कह सकता हूँ? यहां तो स्पष्ट बात है कि जब कि 17 मेम्बर निकल गए और कांग्रेस ने उन्हें अपना समर्थन दिया तब आपकी मिनिस्ट्री कमजोर पड़ गई, उसके पास बहुमत न रहा। अब इसकी जांच के लिए गवर्नर बार बार कहते हैं कि असेम्बली जल्दी बुलाओ। आप राजी नहीं होते। कहते हैं असेम्बली नहीं बुलायेंगे कि जिसमें ताकत की जांच न हो सके।

**एक माननीय सदस्य :** 18 दिसम्बर को बुला रखी थी।

**श्री मृत्युंजय प्रसाद :** वही मैं कह रहा हूँ। जल्दी बुलाने के लिए कहा गया और जल्दी के लिए क्यों कहा गया वह मैं बताऊंगा। यह आप देखिए मेरे पास 27 नवम्बर का हिन्दुस्तान टाइम्स है...

**श्री स० मो० बनर्जी :** यह तो बिरला का है।

**श्री मृत्युंजय प्रसाद :** मैं कह रहा हूँ कि क्यों गवर्नर साहब को यह करना पड़ा और कानून को छोड़ कर के दूसरे पक्ष की बात मैं आप के सामने ला रहा हूँ। वह यह है कि अगर यह गलत है तो जिनके खिलाफ कहा गया है उनको हिन्दुस्तान टाइम्स के ऊपर मानहानि का मुकदमा करना चाहिए था। इसमें इस प्रकार लिखा है :—

"As early as October 29, Left Communist leader, Sundarayya, declared in Calicut that his party would have to resort to violent action if the "ruling circles" succeeded in toppling the United Front Government.

Mr. H. K. Konar, former West Bengal Revenue Minister, and several of his party colleagues spelt out the plan of action in detail in a public speech at Burdwan on November 15. He called upon the "people" to organize and unite to paralyse the railways, vehicular traffic and all normal activities as soon as the United Front Government was removed.

He told a meeting of Government employees in front of Writers' Building on November 7, that the M.L.As who joined Dr. Ghosh's Progressive Democratic Front should be 'skinned' and 'their houses set on fire'."

Mr. Susital Roy Chowdhury of the Naxalbari group of Left Communists asked his party men to sabotage electric installations, the Central Dairy at Belgatchia, the gun and shell factory at Cossipore and Ichapore, the Indian Oil Company and the Oriental Gas Company. This he did in a speech in Calcutta on Nov. 12.... West Bengal Left Communists have come out openly with posters showing Mao Tse-tung's pictures and quotations from his statements calling for an armed rebellion. The union Government is examining the possibility of suitable action against these activities under the Defence of India Rules.'

आज यह सवाल हमारे सामने उठा है—आज जो हर तरह से कांस्टीचूशन को मार रहे हैं, हर तरह से डेमोक्रेसी का हत्या कर रहे हैं, हर तरह से दूसरों की स्वतन्त्रता छीन रहे हैं, वे आज डेमोक्रेसी का नाम लेते हैं, स्वतन्त्रता का नाम लेते हैं और कांस्टीचूशन की बात करते हैं—मुझे एक कहानी याद आई है—एक नौजवान ने अपने बाप को मार दिया। उसके बाद जब उसका फांसी की सजा सुनाई जाने लगी, तो उसने हार्किम से कहा,—“हुजूर, मुझ पर दया कांजिये, मैं बिना मां-बाप का अनाथ हूँ।”

श्री श्रीचंद गोयल (चण्डीगढ़) : उपाध्यक्ष महोदय, आज इस सदन में संसदीय कार्य प्रणाली की एक महत्वपूर्ण घटना पर हम लोग विचार कर रहे हैं। जिस प्रकार की घटना पश्चिमी बंगाल विधान सभा में हुई है, उससे आज संविधान के विशेषज्ञ चिन्ता में पड़ गये हैं, उनकी अलग अलग रायें हैं। मैं इस बात से सहमत हूँ कि हमें इस सदन के अन्दर किसी विधान सभा के अध्यक्ष के आचरण अथवा उसके कार्यसंचालन के सम्बन्ध में विचार नहीं करना चाहिये, परन्तु संविधान के विशेषज्ञों की

इसके सम्बन्ध में अलग अलग रायें हैं। श्री सीतलवाड़ और कौल साहब का मत है कि विधान सभा के अध्यक्ष को इस प्रकार के कोई अधिकार नहीं थे कि वहाँ की सरकार को मान्यता देनी है या नहीं देनी है, इस बात का निर्णय करे। लेकिन इसी की तुलना में इसी सदन के एक अतिसम्माननीय सदस्य श्री चैटर्जी का मत है कि जो कुछ उस सभा के अध्यक्ष ने किया है, उसके लिये पुरा औचित्य है, उसमें किसी प्रकार की कोई वैधानिक गलती नहीं है, बल्कि उन्होंने जो कुछ किया है, वह उचित किया है।

उपाध्यक्ष महोदय, अध्यक्ष ने जो कुछ किया, उसमें उन्होंने एक पिछले उदाहरण का भी सहारा लिया है। उन्होंने बताया कि 1945 में जिस समय पश्चिमी बंगाल की सरकार कृषि के अनुदानों के सम्बन्ध में अपना बहुमत खो बैठे थी—उस समय भी यही पोखीक्षण ली गई थी कि यह तो एक टेम्परेरी फेस है। तो उस समय दलीलों के आधार पर कहा गया कि यह तो सदन का अधिकार है कि किसी मंत्री परिषद को बनाये अथवा उस मंत्री परिषद को समाप्त करे, यह अधिकार वहाँ के सदस्यों का है, सदन का है। इसलिये आज हमें इस गम्भीर समस्या पर विचार करना पड़ेगा कि किसी भी मंत्री परिषद को तोड़ने, किसी भी मंत्री परिषद को कायम रखने का अधिकार हम राज्यपालों को देने जा रहे हैं या यह अधिकार उस सदन के सदस्यों के पास सुरक्षित है।

मैं समझता हूँ कि पश्चिमी बंगाल की उस समय की सरकार ने एक बहुत उचित मार्ग अपनाया था, जब उन्होंने राष्ट्रपति के पास अपना विशेष दूत, अपना विशेष सन्देशवाहक भेजा था और उन्होंने सुझाव दिया था कि इस मामले में भारत के उच्चतम न्यायालय से राय ली जाय। हमारे चन्हाण साहब आर्टिकल 141 का सहारा ले रहे हैं और कहते हैं कि “दि मैटर इज नाट जस्टीसियेबल।”



## [श्री श्रीचन्द गोयल]

हम यह कहां कहते हैं कि किसी अदालत में जाकर निर्णय लीजिये, हम तो सिर्फ इतना ही चाहते थे कि सुप्रीम कोर्ट की राय ली जाय कि क्या वहां राज्यपाल को इस प्रकार का अधिकार था कि वह वहां की मंत्री परिषद् को भंग कर सके, उसको बरखास्त कर सके, लेकिन चूंकि भारत सरकार को भय था कि कहीं निर्णय उनके विरुद्ध न आये, इसलिये उन्होंने सुप्रीम कोर्ट का मत लेना भी उचित नहीं समझा।

उपाध्यक्ष महोदय, आज हम केवल अध्यक्ष को दोष देने हैं, मैं तो यह समझता हूं कि से.र. को सवा-मेर मिल गया। आखिर बात क्या थी—उपाध्यक्ष महोदय, केवल इतनी बात के अन्तर पर कि विधान सभा कौन सी तारीख को बुलाई जाय, वहां की सरकार ने इस बात से इन्कार तो नहीं किया था कि उन्होंने विधान सभा का सत्र नहीं बुलाना है, केवल तारीख का झगड़ा था, क्या यह इतना गम्भीर मामला था, क्या यह इस प्रकार की कार्यवाही थी कि जिसमें राज्यपाल को इस प्रकार का अधिकार मिल गया कि उन्होंने मंत्री परिषद् को भंग कर दिया।

आज, उपाध्यक्ष महोदय, हमें इस बात पर विचार करना होगा कि यदि कोई भी मंत्री परिषद् भंग की जाय, तो उसका निर्णय क्या राज्यपाल करेंगे, या सदन किया करेगा, खास तौर पर जब कि हमारे चव्हाण साहब इस बात को ज़िम्मेदारी भी लेने को तैयार नहीं कि जो कुछ राज्यपाल करता है, वह उनके संकेत पर करता है, उनके इशारे पर करता है। वह तो कहते हैं कि जो कुछ वह करता है, अपने स्वविवेक से करता है, अपनी डिस्क्रिशन से करता है। मैं पूछना चाहता हूं कि क्या हमारे संविधान की यही भावना है कि चुनाव को एक तरफ़ रख दें और यह मारी की सारी बाग-डोर केवल राज्यपालों के हाथों में सौंप दें। आज इस सदन के अन्दर यह प्रश्न चल रहा है और लोगों में इस बात के हस्ताक्षर कराये गये हैं कि राष्ट्रपति को इम्पीच किया जाय।

मैं समझता हूं कि राष्ट्रपति को इम्पीच करने के लिये जब कोई अति विशेष घटना हो, तब इस प्रकार का पग उठाना चाहिये, लेकिन मैं यह अवश्य चाहूंगा कि हमारे संविधान के अन्दर संशोधन किया जाय कि राज्यपालों को इम्पीच करने का अधिकार हमारे संविधान के अन्दर हो। अगर कोई राज्यपाल संविधान के अनुसार नहीं चलता, जनता की भावनाओं के अनुसार नहीं चलता, केवल कांग्रेस की भावना का प्रतिनिधित्व करता है, जनता की राये-आमा को ठुकराता है तो मैं समझता हूं कि ऐसे गवर्नर को इम्पीच करने का अधिकार—उसकी व्यवस्था हमारे संविधान में होनी चाहिये और संविधान के अन्दर इस दृष्टि से संशोधन होना चाहिये।

मैं यह भी जानना चाहता हूं कि क्या आज बंगाल के अन्दर इस प्रकार की स्थिति नहीं है कि वहां पर राष्ट्रपति शासन लागू किया जाय। हमारी भारत सरकार दो मापदण्डों से काम लेती है, दो तराजुओं पर चीज को तोलती है। हरियाणा में उन्होंने एक मापदण्ड रखा और वहां की विधान सभा को भंग कर दिया, क्योंकि उनको दिखाई देता था कि देवी-लाल और भगवत दयाल में निर्णय नहीं हो रहा था कि कौन नेता बने, वहां पर उनकी सरकार बने या न बने, इस लिये उन्होंने, चाहे बहुमत संयुक्त दल के साथ था, तो भी विधान सभा को भंग कर दिया, लेकिन पश्चिमी बंगाल में विधान सभा को भंग करने के लिये और जनता का वडिकट लेने के लिये कांग्रेस तथा सरकार क्यों तैयार नहीं हैं, गलत तरीके से वहां पर सत्ता प्राप्त करने की क्यों कोशिश की जा रही है? आज पंजाब की स्थिति भी मेरे सामने है—मुझे याद है कि पंजाब के अन्दर गवर्नर साहब ने पहले क्या कहा था। लेकिन जिस समय गुरनाम सिंह के साथ बहुमत नहीं रहा, उन्होंने शान के साथ त्याग-पत्र दे दिया। जिस प्रकार का कार्य पंजाब की सरकार ने किया है, हमारी प्रधान मंत्री महोदया स्वयं इस बात की गवाह हैं—पिछले 20 सालों से पंजाब साम्प्रदायिक

विचारों का अखाड़ा बना हुआ था, लेकिन 8 महीने के अल्पकाल में वहाँ की स्थिति जिस प्रकार सुवर्ध, वहाँ जिस प्रकार से उन्नति हुई—उन सब बातों का नोटिस उन्होंने लिया है। लेकिन उसके बावजूद भी जब हरियाणा के अन्दर वहाँ के मंत्रिमंडल को भंग करते हैं, वहाँ की विधान सभा को भंग करते हैं तो कहा जाता है कि यहाँ पर किसी प्रकार का स्थाईपन नहीं था। यहाँ पर आया राम और गया राम पैदा हो रहे थे ऐसा उनको ओर से कहा जा रहा है। लेकिन यह आया राम और गया राम क्या कांग्रेस को पैदावार नहीं हैं? क्या कांग्रेस इस बात को जिम्मेदार नहीं है। एक तरफ तो बीमारो का इलाज करने जा रहे हैं हरियाणा का कि वहाँ पर दल बदल हो रहा है और दूसरी तरफ लक्ष्मण सिंह गिल को दावत देते हैं जिसके साथ केवल 16 सदस्य हैं, उन 16 आदमियों को तो पहले ही मंत्री बना चुके हैं बाको अगली किशत सोमवार को आने जा रही है। सोमवार को मंत्रिमंडल का और विस्तार होगा। मैं यह जानना चाहता हूँ कि उन्होंने एक तरफ जिस बीमारो का इलाज करना चाहा, यह कहा है कि उस मंत्रिमंडल के अन्दर बहुत लोग शामिल थे और क्या कांग्रेस ने लक्ष्मण सिंह गिल की जनता पार्टी जिसने एक दिन पहले जन्म लिया, जिसकी कोई विचारधारा नहीं, जिसका कोई संगठन नहीं, जिसका कोई कार्यक्रम नहीं ऐसे दल के साथ ऐसे संगठन के साथ गठजोड़ करके समर्थन देना तो क्या यह ईमानदारी से अपने सीने पर हाथ रख कर कह सकते हैं कि इस तरह से यह डिफिकल्ट्स को प्रोत्साहन नहीं देते? यह इस प्रकार के जो दल छोड़ सिंह लोग हैं उनको क्या प्रोत्साहन नहीं दे रहे? आखिर पंजाब और हरियाणा में एक सड़क का ही तो फासला है, सड़क के एक किनारे पंजाब के गवर्नर का घर है और सड़क के दूसरे किनारे पर हरियाणा के गवर्नर का राजभवन है, इन दोनों के अन्दर शायद एक फर्लिंग का भी अन्तर नहीं होगा लेकिन दोनों के राज्यपाल किस तरीके से अलग-अलग निर्णय लेते हैं किस प्रकार से अलग

अलग फैसला करते हैं? मैं इस बात की मांग करता हूँ कि बंगाल के अन्दर तुरन्त राष्ट्रपति शासन लागू किया जाय और जनता का वॉइक्ट लिया जाय। उसके साथ-साथ मैं यह भी कहना चाहता हूँ कि गवर्नर के इम्पीचमेंट का प्राविजन हमारे संविधान के अन्दर रक्खा जाय।

बस एक मिनट में मैं अपनी बात समाप्त कर रहा हूँ। इन सारी चीजों के अन्दर भी मुझे ध्येय दिखाई दे रहा है। आखिर क्या हमारे गृह मंत्री की नौलौज में यह चीज नहीं है कि लक्ष्मण सिंह गिल बार-बार इनको आकर मिलते रहे! वह सरदार हुक्म सिंह को मिलने दो बार जयपुर गये। वह मद्रास में उज्ज्वल सिंह को मिलने गये। क्या यह मिली भगत नहीं है, एक तयशुदा साजिश नहीं है और जिसका कि यह नतीजा है कि आज जनता के अन्दर कांग्रेस विरोधी तूफान आया हुआ है। कांग्रेस विरोधी एक लहर चली है। उसी को रोकने के लिए यह संविधान विरोधी क्रम उठाया जा रहा है।

मैं केवल एक छोटा-सा किस्सा सुना कर अपना भाषण समाप्त करूँगा। 20 साल से आज तक हम लोग कांग्रेस के शासन को बर्दाश्त करते रहे। 20 साल तक हम लोग एक जिम्मेदार विरोधी दल के नाते काम करते रहे लेकिन यह महाशय 9 महीने के अंदर ही हम से तंग आ गये। किस्सा यूँ है कि एक बार एक गाड़ी के अन्दर हमारे संगरर का एक वकील सफर कर रहा था। उनकी धर्मपत्नी भी गाड़ी के अन्दर बैठी तो उन्होंने डब्बे में अपने इर्दगिर्द कब्जा जमा लिया जैसे कहीं पर अपने बच्चे लिटा दिये तो कहीं पर अपना सामान रख कर जगह घेर ली। जब उस गाड़ी में और यात्री आये तो उन्होंने देखा कि वहाँ बैठने की जगह नहीं थी, रुकी हुई थी तो उनमें से एक यात्री ने वकील साहब से कहा कि साहब ज़रा हमें भी सीट पर बठ जाने दीजिये तो वह तो कुछ नहीं बोले लेकिन उनकी धर्मपत्नी बोल उठी कि क्या तुम्हें नजर नहीं आना कि यहाँ हमारा सामान रक्खा है

[श्री श्रीचन्द्र गोयल]

और उधर हमारा लड़का लेटा हुआ है, उत्थे मुंडा पड़ा हुआ है? जगह न मिलने के कारण जब वह यात्री परेशान होने लगे तो फिर बकील साहब से कहा कि अपनी धर्मपत्नी को आप भी नहीं समझाते तब उन बकील साहब ने उनको कहा कि भाई आप तो इस 15 मिनट में ही इनसे तंग आ गये पर मैं तो पिछले 20 साल से इसके साथ काट रहा हूँ। ठीक वही बात वहाँ पर भी लागू होती है कि हम लोग पिछले 20 साल से इनकी तमाम ज्यादतियों और बातों को सहन करते रहे और यह है कि 9 महीने में ही तंग आ गये। बड़े दुःख के साथ मुझे कहना पड़ता है कि यह लोकतंत्र की पद्धति नहीं है बल्कि यह लोग संविधान का मजाक उड़ा रहे हैं। जनतंत्र के साथ खिलवाड़ कर रहे हैं। वैधानिक तरीके से इनको चाहिए कि एक ही मापदंड का सब जगह इस्तेमाल करें। जो मापदंड हरियाणे में इस्तेमाल किया वही पंजाब में और वही पश्चिमी बंगाल में इस्तेमाल किया जाना चाहिए। लेकिन मुझे कहने पर मजबूर होना पड़ता है कि वैसा नहीं हो रहा है और एक साजिश चल रही है कि जैसे भी हो गैर-कांग्रेसी सरकारों को समाप्त किया जाय। पश्चिमी बंगाल में साजिश हुई है, हरियाणे में की जा चुकी है और बिहार की बारी आने वाली है। हमारे गृह मंत्री जी बम्बई से भारत की सुरक्षा के लिए यहां आये थे वह आज इस जनतंत्र को हत्या करने के लिए एक कसाई के रूप में हमारे सामने आ रहे हैं। छुरियां तेज्र की जा रही हैं, चाकू तेज्र किये जा रहे हैं और कोई नहीं जानता कि कब बिहार का नम्बर आ जाय और कब उत्तर प्रदेश का नम्बर आ जाय और कब किसी अन्य गैर-कांग्रेसी सरकार को खत्म करने का नम्बर आ जाय। दिखाई यह दे रहा है जैसे सभी गैर-कांग्रेसी सरकारों को अपदस्थ करने का उन्होंने निश्चय कर लिया है।

SHRI SEZHIYAN (Kumbakonam) :  
Sir, the House is greatly concerned and the country is greatly agitated about the political situation and the mockery of democracy

perpetrated in West Bengal. The action of the Governor has raised a serious apprehension in the minds of right-thinking people and has raised vital doubts about the functioning of democratic processes in the country. The Governor has arrogated to himself the powers of the legislature. Under the Constitution, the Council of Ministers is responsible to the legislature, not to the legislators. Legislature means it should be duly constituted and the floor of the House is the only forum where the strength of the ruling party should be tested. This primary and fundamental canon of democratic procedure has been flouted in West Bengal and that has given rise to the whole series of unhappy events there. The Governor exceeded the powers vested in him by the Constitution-makers.

As I pointed out in a previous debate, Dr. B. G. Kher has said in the Constituent Assembly itself that when we have a good Governor, we get a good rule; when we get a bad Governor, he can do mischief. So much mischief has been done in so many States starting from Madras, in Kerala, Orissa, Rajasthan, Pondicherry, Haryana, West Bengal and Punjab. It has been left to the whims and fancies of the Governors to take any action. The Constitutional provisions have been misused and abused by the Governors at the connivance and instructions of the Central ministers. Therefore, the country is perturbed and the whole world is looking askance at the role of Governors in a democratic set-up. It is high time we decided whether it is for the legislature or for the Governor to decide the democratic process in a State. If these things are allowed, we can as well dispense with all the forms of democracy like ballot boxes, elections once in five years, etc. Elections become a mockery when it is left to the Governor to decide who should rule in a particular State. As has been pointed out, the standards vary from State to State. In one State, they suspend the Assembly. In another State, they prorogue it. In a third State, it is dissolved. I do not know by what norms and written laws these decisions are being taken.

In his report dated 17-11-1967, the Haryana Governor, Mr. Chakravarti, giving the reasons why he was going to dissolve the Assembly and dismiss the ministry, says; that all the 10 Jan Sangh members in the

Samyukt Dal have not accepted any office of minister and so in reality 22 out of the 30 remaining MLAs of the ruling party are holding the office, as Ministers, Parliamentary Secretaries, etc. This, he deplored as waste of public taxes. But in Punjab, two days ago, the strength of the Punjab ministry has been raised to 16. That means all the eligible members of the Janta Party and Republican Party have been provided with office in the ministry, because the 3 members who crossed over from the Congress have been prohibited from accepting office; otherwise they would also have got ministership. So, what has been applied to Haryana, should it not have been applied to Punjab also? Is it not waste of public money in Punjab? Is it not against all canons of democratic procedure? Thus, the standard varies from State to State.

The other day our Deputy Prime Minister was saying that defection has not started from the Congress. As everybody knows, defections were started by Congress Party as early as 1952. At the inception of our Republic, after the very first general elections, in Madras State the Congress was returned as a minority. Among those who fought against the Congress there was a common weal party. Four of their members defected and one was offered ministership. With the help of defections, Congress rule was installed in Madras State. Therefore, defections started even at the inception of our republican rule and our Constitution. The sources of democracy were polluted by the Congress even at the very start.

14 hrs.

Whatever has been done in West Bengal and other places, whatever may be the constitutional provisions, whether the Governor is allowed to take his own stand, use his whims and fancies and act according to them, is the main question that we should decide. The question is whether the verdict of the people should be flouted. In West Bengal the Congress was returned as a minority. The United Front was given a verdict by the people. That has been clearly flouted by the Governor at the connivance of the Central Government here. As the Chief Minister of Madras has said in one of his recent statements, the Congress Party which has got quite a good number of people there has allowed a very small mino-

ry to take power. Is this in keeping with the principles of democracy? As he said, the Congress has relegated itself to the role of a chaprasi and cup-bearer. This happened in Kerala. This happened in Orissa also. I would invite the attention of the House, of the Members of the ruling party, to what happened in those States later. Where with trickery and connivance of other parties they allowed the minority parties to come to power withholding the right of the majority party, the right of the legislators to choose their own ruling party, they have failed. One by one in those States, the Congress Party has been thrown out. It happened in Kerala and in Orissa. Wherever they have tried these things they did not last long, and finally they lost.

The other day the Home Minister was saying that the Governor has got all the powers under the Constitution. He said that the Ministry holds office at the pleasure of the Governor. "Pleasure of Governor" does not mean that he can act according to his whims and fancies. Article 165 also says that the Advocate-General shall hold office during the pleasure of the Governor. Does that mean, he can appoint an Advocate-General and the next day dismiss him? No. He has to act on the recommendation of the Government. Because his name is mentioned, it does not mean that he can act according to his own pleasure. If you see the form in which central government employees are granted loans there also you will find "the President is pleased to sanction". That does not mean that after having given a loan the President can ask the Government employee to pay back the loan of Rs. 15,000, or 20,000 because he wants it for his own expenses. So, these are mere forms and norms that are followed. If you literally translate them into action, it will be before long that the existing democratic position is subverted.

As I said the other day, the aim should be to follow the democratic procedure. Has that democratic procedure been followed in West Bengal and other States? Has the decision given by the people respected in West Bengal? When you find that a minority party having the backing of only a few has been pushed up into power, then the Centre, this House and those who are interested in constitutional procedures in the

[Shri Sezhiyan]

country should have taken the correct and just decision of going back to the people and getting a fresh verdict.

Here I want to quote what the Governor of another State said about what a Governor should do. He has been a Congressman of long standing; he was associated with us since the time of the Constituent Assembly and has once occupied the august Chair that you are now occupying—I mean, Shri M. Ananthasayanam Ayyangar.

On November 28, the Bihar Governor, Shri M. Ananthasayanam Ayyangar, said :—

“The function of the Governor as a constitutional head of the State was to interpret the Constitution for the sake of safeguarding democracy and not to jeopardise it.”

He said :—

“The Governor should instal the ministry but should not befall it by dragging its legs. Dragging the legs of the ministry would not be in consonance of the Constitution. The Governor should uphold democracy and should not wreck it.”

It has come from the mouth of a Governor. He also stated :—

“At the fag end of his regime as the Governor there arose a controversy over the interpretation of the Constitution. He had full knowledge of the provisions of the Constitution. He was competent enough to interpret them in a correct manner. He had been a Congressman for the last 40 years and he would continue to remain so during the rest of his life. The office of the Governor should not be guided by political considerations.”

This is what a Governor has said. He also added one thing more upon which I want to put all the emphasis at my command. He said :—

“The attitude of some people was intriguing who questioned his stand but applauded the interpretation of the Constitution by the bureaucrats who wallowed in slavery during the British rule and threw Congressmen like him behind the bars.”

Therefore, we are not depending on patriots; we are not depending on constitutionalists; even on the Constitution we are

not depending; we are not depending on democracy or legislatures but we are depending on bureaucracy; we are depending on aristocracy; we are depending on a picked few, those who are the handmaids of the Central Government, a government by a party which wants to perpetuate its monopoly on this country. If these things are taken to the extreme, dictatorship may come; aristocratic rule may come and democracy may be smothered and may suffer in India.

MR. DEPUTY SPEAKER : Shri A. K. Sen.

SHRI S. M. BANERJEE : Brutus !

SHRI A. K. SEN (Calcutta, North-West) : There are some people who want to hear their voice every minute.

Sir, I rise to support the motion moved by my hon. friend, Shri Chavan.

AN HON. MEMBER : And Shri Mukerjee also.

SHRI A. K. SEN : I do not have to do anything else. I oppose the motion moved by Professor Mukerjee.

Shri Chavan has stated categorically that in the view of the Government of India the appointment of Dr. Ghosh as the Chief Minister and the dismissal of Shri Ajoy Mukherjee as the Chief Minister preceding this Government is valid. The crux of the matter lies in the validity of this action of the Governor. Professor Mukerjee has based his motion on the alleged unconstitutionality of that act. Whether a Governor should be removed or not, it is true that if a Governor indulges in an unconstitutional act, the Central Government cannot remain indifferent nor can this Parliament remain indifferent to it.

Therefore, the whole question is whether the allegation that this act was unconstitutional has been established or not. On the other occasion, Shri Nath Pai quoted British precedent and at that time I had no time to reply to him nor did I bring the latest pronouncements of the highest tribunal of the British Empire, the Privy Council, on a matter which was identical. It was a case coming from Western Nigeria where the Governor had the authority to appoint a

Chief Minister—he is called Premier there; that is also a federation like ours and Western Nigeria was one of the provinces. The Chief Minister was appointed as representing the majority party at the time of appointment. On a particular day in 1962—I think some time in May 1962-66—members out of a house of 124 wrote to the Governor stating that they had withdrawn the support which they had previously given to the Premier. The appointment of the ministry, like ours, depended on the pleasure of the Governor. There was, of course, a limitation. There are not unlimited powers of dismissal like ours. It said that he should not be dismissed unless the Governor was satisfied that he had not the majority. Now, on that letter, the Governor took the step of satisfying himself whether the Chief Minister had lost his majority or not and he found that the first respondent who was the then Chief Minister had lost majority and dismissed that Government and he appointed the Leader of the then Opposition to whom 66 Members had given their support to form the Government. And he did form it. Thereupon, the previous Chief Minister had filed a suit in the Supreme Court of Nigeria claiming that the Governor was not competent to dismiss him and competent to appoint his successor without, first of all, a vote of the Assembly being taken. That was the issue. This is how the issue was framed. This is reported in Law Report of 1963 Appeal Case, p. 6 and 14. I wish Mr. Nath Pai was here. This is how the issue was framed. Can the Governor, validly, exercise power to remove the Premier from office under Section 33 of the Constitution of Western Nigeria without prior decision or resolution on the floor of the House of an Assembly saying that the Premier no longer commands the support of the majority of the House? On this, Viscount Radcliffe, the Lord Chancellor, gave his judgment which is worth reading as follows :

“This indeed is a crux of the question that has now been raised. The respondent maintains and it is implied in the decision that the Governor cannot, constitutionally, take account of anything in the matter of support except the record of vote actually given on the floor of the House. Consequently, his action in removing the first respondent from the

Premiership on the strength as it appears from the letter addressed to him by 66 Members of the House referred to and without waiting until there has been an adverse vote in the House itself was not within the powers conferred upon by the Constitution. The difficulty of limiting the statutory power of the Governor in this manner is the limitation, is not to be found in the words in which the makers of the Constitution have decided to record the description of his powers. . . .

**SHRI YOGENDRA SHARMA (Begusarai)** : Are you talking of Nigeria or India?

**SHRI A. K. SEN** : Nigeria. You read the Constitution and you will find a similar provision.

**SHRI YOGENDRA SHARMA** : We are not concerned with Nigeria. (*Interruption*).

**SHRI A. K. SEN** : I am concerned and the House is concerned. You are not the House. (*Interruptions*)

**MR. DEPUTY-SPEAKER** : Order, order. He says the provision in the Nigerian Constitution is similar to what is in the Indian Constitution. He is only citing a similar case.

**SHRI YOGENDRA SHARMA** : He is arguing on the basis of Nigerian case. We are not concerned with that. He is wasting the time of the House. (*Interruption*)

**SHRI J. B. KRIPALANI (Guna)** : He is only answering Shri Nath Pai's argument.

**SHRI A. K. SEN** : If my learned friend reads article 164 of our Constitution, he will find identically the provision as this :

“subject to the provisions of sub-sections 8 and 9 of the Section, the Ministers and the Government of the region shall hold office during the Governor's pleasure. . . . (*Interruption*). They cited the English authority on the last occasion. . . .

**SHRI YOGENDRA SHARMA** : This is not the way to argue.

**SHRI A. K. SEN** : If you try to argue in a court of law, I invite you to the court of law.

**SHRI YOGENDRA SHARMA** : There are better lawyers in the court.

SHRI A. K. SEN : Very well, I am a much worse lawyer.....(*Interruptions*).

MR. DEPUTY-SPEAKER : Let us have a quite debate.

SHRI A. K. SEN : May I quote the law, Sir ? Let it not be so intolerant that even authorities are not being listened to.

“For the reasons Their Lordships will humbly advise”.....(*Interruptions*).

SHRI S. M. BANERJEE : Let him not speak on the law. He gave Berubari, Nanavati and one other ruling but those were proved wrong by the Supreme Court.

MR. DEPUTY-SPEAKER : Mr. Banerjee, please don't interrupt.

SHRI S. M. BANERJEE *rose*—

SOME HON. MEMBERS : Go, go.

SHRI RANDHIR SINGH (Rohtak) : It is better you leave.

SHRI S. M. BANERJEE : I am leaving, but I will come after a few minutes.

SHRI A. K. SEN : I am willing to give the cake to my friend and I am willing to acknowledge his better ability in the matter of law than myself. But, nevertheless, I am quoting some other authority and not my authority.

SHRI RANDHIR SINGH : But that is all Greek to him.

SHRI A. K. SEN : This is how it says. “Their Lordships will humbly advise Her Majesty that the appeal should be allowed” and the Chief Minister's appointment was held to be valid. When this question was raised, I invited many leaders who speak glibly on the law to test the validity of their assertion, in a court of law. We have an article in the Constitution which is called Art. 226 by which the authority of any man holding public office can be challenged and he can be asked to show under what authority he is functioning. So the Governor can also be asked to show the authority under which he has appointed, but that course was not adopted because that would mean arguing in a court of law where matters are decided without passion, without prejudice, without bias.....(*Interruptions*).

SHRI UMANATH (Pudakkottai) : It was proposed to the Central Government turned it down.

SHRI A. K. SEN : The Central Government have no doubt, but those who have doubt may challenge it. Why don't you challenge it !

SHRI UMANATH : We have no doubt that the Governor has no power.

SHRI A. K. SEN : Then why don't you challenge it in a court ? Let us argue it and I will be very glad to argue the case and lose the case.

SHRI TRIDIB KUMAR CHAUDHURI (Berhampur) : In view of Art. 361, how is the action of Governor justiciable at all in any court of law ?

SHRI A. K. SEN : I shall say that it has been held in Howrah Municipality's case that though the Governor's appointment may not be justiciable,.....

SHRI TRIDIB KUMAR CHAUDHURI : Not the appointment, but his action.

SHRI A. K. SEN : The man who holds that authority is illegal. And that appointment can be quashed. That is how, though the Administrator was appointed by the Governor under the Defence of India Rules in the Howrah Municipality, his appointment was held invalid and the order was quashed. That is how it is done.

Therefore, as I said, this very easy legal expedient was not availed of.

SHRI RANGA : It is not so easy.

SHRI A. K. SEN : Well, it is so and it is such a clear principle of law, according to my friend, that it should brook no opposition, no hostile view and yet, they are not at all willing to test it in a court of law, as I said, because we have this authority.....

SHRI UMANATH : The Central Government is not willing.

SHRI A. K. SEN : Because we have this authority.....

SHRI UMANATH : We have also got authority.

SHRI A. K. SEN : Nevertheless, the challenge is in a court of law and not through the mouth of the Speaker.

SHRI YOGENDRA SHARMA : Why did you run away from the challenge ?

SHRI A. K. SEN : The Governor is impeached or is sought to be removed.

Sir, you will remember the interruptions and, therefore, you should allow me extra time which was taken by the interruptions.

SOME HON. MEMBERS : No, no. It is part of the game.

SHRI A. K. SEN : The Rules provide that no Member shall interrupt another Member while he is speaking. That is Rule 349. Mr. Banerjee may also refer to it.

Now, Sir, therefore, a very easy expedient was resorted to. The Governor said : 'I have got the signatures of 146 Members. Will you call the Assembly immediately? Let us test the claim of these people who have signed against you'. The Chief Minister is an honourable man. Left to himself he would have taken the course which Mr. Gurnam Singh has taken, honourably quitting the office where he has failed to sustain the majority support. Viscount Radcliffe has said that in England if the Prime Minister loses his majority, he immediately resigns. He does not wait for a court of law to pronounce upon his continuance.

I must pay a homage to Shri Gurnam Singh for having set a very healthy precedent... (Interruptions)—Rule 349, they must not interrupt—because he found that he had lost the majority support.

THE MINISTER OF LAW (SHR GOVINDA MENON) : He was a High Court Judge.

SHRI A. K. SEN : It may be that he will get a majority again in the next elections. But there is no constitutional precedent or authority for any person to stick to the Chief Ministerial *gaddi* when he has manifestly lost his majority. And when he is asked to call the Assembly, he says 'I am not unwilling, but those who belong to the 14-party hotch-potch....'

SHRI UMANATH : 18th December was fixed.

SHRI A. K. SEN : They wanted it on 18th December. Now on the 18th December, what would have happened?

SHRI UMANATH : Whatever happens, he had fixed it.

SHRI A. K. SEN : Rule 349.

MR. DEPUTY-SPEAKER : It would be saving the time of the House if interruptions are avoided. Otherwise, I will have to curtail the time of other speakers.

SHRI A. K. SEN : When Prof. Mukerjee was speaking, I listened very attentively. We did not interrupt. At least I expect the same courtesy to be extended to us on this side.

AN HON. MEMBER : Why?

SHRI A. K. SEN : It may be that I am wrong, that I am erroneous. But a reply has to be given in the way the House recognises, not by constant interruptions.

As I was saying, the Governor said, 'Please call the Assembly'. He said 'No'. He mentioned 18th December. Then there were further defections. Further people wrote to the Governor saying that 'We shall not support this Government'. The law and order situation was taking a very bad turn, because knowing the defeat that was impending, members of the Government, functioning under the Constitution, paying their great sympathies here and elsewhere to the Constitution, openly preached from every street corner, from every public platform where they spoke that people must take the law unto themselves, that 'even if we have lost the majority, railway lines must be dismantled, streets must be ripped open, tram cars must be burnt and State buses must be destroyed'.

DR. RANEN SEN (Barasat) : Bombs were thrown at the Speaker's house.

AN HON. MEMBER : Manipulated.

SHRI A. K. SEN : If anybody has done it, he should be tried. I am only saying that the members of the Government, some of whose speeches when quoted caused a flurry, because unsavoury things are rather difficult to bear, were openly preaching violence. When that state of affairs was brought about, when passion was whipped up all over the country, when open incitement to violence was the order of the day and every man was taught how to take to guerilla tactics, the Governor said, "Please call the Assembly earlier". A very unconstitutional desire! When 146 members had written to him 'Please call the Assembly; let us test the strength', it is very unconstitutional! Why? Because he did not become a party to a



[Shri A. K. Sen]

minority government continuing as in Bihar by not calling the Assembly.

SHRI UMANATH : Rajasthan.

SHRI A. K. SEN : He should be removed because he did not oblige the minority party to continue by not calling the Assembly ! If this is the motion, I am afraid those of us who believe in different ways of having a democratic government cannot support this motion of removing the Governor.

MR. DEPUTY-SPEAKER : Time.

SHRI A. K. SEN : I shall only require another five minutes to complete if I am not interrupted.

SHRI JYOTIRMOY BASU (Diamond Harbour) : On a point of order. Rule 356.

SHRI RANDHIR SINGH : How does he know the law ? What is this ?

SHRI JYOTIRMOY BASU : Kindly read the rule. If you are honest about it—I am not casting any aspersion on you. . . . .

SHRI A. K. SEN : The Speaker's orders are not to be questioned ;

SHRI JYOTIRMOY BASU : He is repeating the same thing time and time again. He may be prevented from doing so.

MR. DEPUTY-SPEAKER : I have seen the rule. I must say it is absolutely frivolous. I will not permit him to raise it.

SHRI SURENDRANATH DWIVEDY (Kendrapara) : How is it frivolous ? Repetition is prohibited under the rules.

SHRI JYOTIRMOY ASU : May read it and show that it is not frivolous. Since you have used that word, may I read it out so that Members can judge for themselves whether I am raising a relevant objection.

SHRI A. K. SEN : You have given your ruling.

SHRI JYOTIRMOY BASU : "The Speaker, after having called the attention of the House to the conduct of a member who persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other members in debate, may direct him to discontinue his speech".

SHRI UMANATH : Tedious repetition of his own arguments. That is the point.

SHRI JYOTIRMOY BASU : This is a tedious repetition and persistence. . . . .

MR. DEPUTY-SPEAKER : It is for the Chair to decide whether he is irrelevant.

SHRI UMANATH : He is pointing it out to you.

MR. DEPUTY SPEAKER : I am following very attentively what he is saying. I feel every member who wants to have an insight on the issues involved is following him very carefully.

SHRI UMANATH : You cannot say it is frivolous because the term 'tedious' is there. To say that a tedious repetition of his own arguments cannot be objected to and to characterise the objection as 'frivolous' is not fair.

MR. DEPUTY-SPEAKER : I maintain what I have said. It is my ruling.

SHRI UMANATH : You are saying as though the rule has nothing to do what he said. The rule mentions 'tedious repetition of his own arguments'. You can rule it out, but to call it frivolous is unfair.

MR. DEPUTY-SPEAKER : I will tell him why I say it is frivolous. I am watching the proceedings. I am not prepared to sustain the plea that he is indulging in a tedious repetition. What I have said is correct. Please resume your seat.

SHRI UMANATH : It is not correct.

SHRI A. S. SAIGAL (Bilaspur) : On a point of order.

MR. DEPUTY-SPEAKER : He must resume his seat. This is not fair.

SHRI A. K. SEN : I am glad to be reminded of this very salutary rule, and I shall be very happy if I repeat myself and you pull me up.

SHRI MANOHARAN (Madras North) : As far as possible, avoid tedious repetition.

SHRI A. K. SEN : It is a relative term. It is for you to pull me up, not for others. I do not cast my pearls before those who do not want to follow my arguments (*Interruptions*).

SHRI JYOTIRMOY BASU : Do not brag. . . . . (*Interruptions*).

SHRI A. K. SEN : Do not brag yourself  
(Interruptions)

SHRI JYOTIRMOY BASU : You are too big for your boots.

SHRI A. K. SEN : Shri Basu is too small for his boots.

As I said, instead of having a battle in the only constitutional way which is known to us on the floor of the House, battle was called outside the floor of the House, and the reason is obvious : because the floor of the House does not tolerate anything but the recording of votes by the machine and that will determine the outcome. That cannot be determined. Therefore, it has to be ignored by other tactics, and the Governor is being impeached because he did not become a party to this tactics. I hope the House will not pass such a motion.

SHRI S. M. BANERJEE : He installed Dr. Ghosh as the illegitimate child of the Constitution.

SHRI RANDHIR SINGH : Does he follow what is being said ? (Interruptions).

MR. DEPUTY-SPEAKER : Let there not be interruptions from either side. I would request Shri Randhir Singh not to continue this sort of interruption.

SHRI UMANATH : Let him be named.

SHRI A. K. SEN : Therefore, it was perfectly within the competence of the Governor to dismiss the Ministry which had forfeited the majority.

SHRI S. M. BANERJEE : Absolutely wrong.

SHRI A. K. SEN : And if he had done wrong, a vote in the Assembly would have been the best deciding factor, but we have a wonderful precedent of the House being only a master but not being allowed to express itself. (Interruption). There was an old Roman emperor on whose throne was written "*vox populi vox Dei*"—the voice of the people is the voice of God. And what is the thing that the Speaker did? The first thing he did was to pull out the tongues, the voice of the people, and the people were rendered absolutely without voice, and therefore, voiceless people became

the voice of God ! Therefore, we say that the House is supreme, and so let the House debate the question. But even the question is not allowed to be put, and the decision is given without even a motion being raised, and a wonderful precedent is set : that a Speaker gives the decision without a point of order being raised. (Interruption)

SEVERAL HON. MEMBERS rose—

MR. DEPUTY-SPEAKER : Order, order. I have no proceedings of that House before me, but from the press, from what I have seen, it appears to me that the Speaker came to the Assembly with a prepared statement and read it out. As a presiding officer—so far as I have seen the procedure—he was perfectly within his rights. (Interruption) if these facts are correct. I do not know anything.

DR. RANEN SEN : After that ruling of yours, the statement made by Shri A. K. Sen must be expunged.

MR. DEPUTY-SPEAKER : There is nothing to be expunged. (Interruption). Please resume your seats. I have pointed out the procedure.

SHRI JYOTIRMOY BASU : You are allowing a Member to cast aspersions on the Speaker. Please allow us to make our case. (Interruption)

MR. DEPUTY-SPEAKER : There was no aspersion cast. He has only asked whether a Speaker could make a statement without a point having been raised. I have stated about that. It is not a question of casting aspersion. I have pointed out the procedure. Please resume your seats.

SHRI JYOTIRMOY BASU rose—

MR. DEPUTY-SPEAKER : Please resume your seat. If you continue like that I would take a serious note of it. I must conduct the debate in calm atmosphere.

SHRI SEZHIAN : He has stated, "wonderful precedent", set by the Speaker of the West Bengal Assembly. Is not the word "wonderful precedent" casting a reflection on the Speaker ? Is it not an aspersion ? (Interruption)

MR. DEPUTY-SPEAKER : I have already read it. I have thrown whatever light I could on the matter. (*Interruption*) I am here to protect the rights of the House.

SHRI A. K. SEN : Sir, I would be the last man to cast any reflection on anyone. But I am entitled to say that the voice of the Members must be heard. Competence is one thing; but the voice of the Members must be heard. I am entitled to say that that is no reflection on anyone. If it pinches the toes of somebody, it is not my fault.

SOME HON. MEMBERS *rose*—

AN HON. MEMBER : He must apologise.

AN HON. MEMBER : Lawyers never apologise.

SHRI A. K. SEN : Well, I have no hesitation in apologising if I do anything wrong. (*Interruption*)

MR. DEPUTY-SPEAKER : Order, order. With all these interruptions it is very difficult.

SHRI A. K. SEN : Therefore, I say that I support very strongly Mr. Chavan's motion. He has stated that he has had the highest legal advice in arriving at the conclusion that the Governor was well within his rights to dismiss the old Ministry which had lost the majority and to appoint a Ministry which had the majority. And that was proved by the fact that on the very first day, when the Assembly met, 146 signatures went to the Speaker saying that they had the support of the majority of the Members of the House, and yet, we are being told that a minority Ministry has been installed! A wonderful argument. Now, this House will give a verdict which will be remembered for years to come, because we are passing through times when the constitutional principles are under test, under a very severe test, as I said. Therefore, a dispassionate and objective discussion on such vital matters is absolutely essential. We have to see whether we are to be governed by the rule of the majority in the freely elected House or by the rule of the mob which takes the law outside the House. If that is the answer that this House is going to give, I have no doubt that it will be in favour of Mr. Chavan's motion.

SHRI SRIRAJ MEGHRAJJI DHAN-GADHRA (Surendranagar) : Sir, I am sure the Central Government does not really hope to disclaim all responsibility for the developments which have overtaken the public and political life in West Bengal. So far certain technicalities have been discussed. I will be speaking in more general terms. Whether it is misguided policy or perverted policy, which has resulted in this situation, we shall be able to understand it better if we follow the working of this policy or of impolicy in the other States.

It is not my object here merely to castigate the Government, but to submit some constructive propositions for deliberation by the House.

In Rajasthan, the general elections discovered a small but undoubted majority for the united opposition. This majority was demonstrated and proved by a public counting of heads in Jaipur, by a personal presentation of the MLAs to the Governor and then to the President and I believe by a representation signed by all the MLAs concerned. Still the Governor did not see his way to calling the leader of the united opposition to form the Government. I ask, was this constitutionally proper? Perhaps he thought the majority insufficient to afford a stable government. Did he expect that by keeping the Assembly in abeyance, the opposition would grow in numbers? Or did he think that the old Congress ministry would somehow or other be enabled to recapture its majority? We know the result: The Congress Party was able, somehow or other, to win over enough opposition members to continue in the saddle.

Now, I think it is a legitimate thing for a Governor to fear an unstable ministry which might frustrate the good administration of the State. But then the only proper course for him is to dissolve the Assembly and call for fresh elections.

Sir, in Haryana, a non-Congress ministry reigned for some six months. There was crossing and recrossing of the floor—a phenomenon which cannot be sufficiently condemned. But the ministry did not lose its majority, nor was it suggested even by the Governor that it had lost its majority. Nevertheless, taking a severe view of defections and floor-crossing, he dismissed the Chief Minister, dissolved the Assembly

and President's rule was imposed. Here again I must ask : Was this action constitutionally proper ?

The very next day, the scene shifted to West Bengal. The Governor dismissed the non-Congress ministry headed by Shri Ajoy Mukherjee. Some 17 MLAs headed by Dr. P. C. Ghosh had crossed the floor and it became evident that the Government had lost its majority. The Governor was confirmed in this view when he found the Chief Minister opposed to an early summoning of the Assembly for a test of party strength. He therefore drew, I should say, a reasonable conclusion and dismissed the ministry. I do not see how he is to be censured for this act. He may, of course, have had other reasons, good reasons, but with these we are not immediately concerned.

But, whatever the propriety of the step, his next step, no doubt advised by the Congress Government at the Centre, was altogether unreasonable and ill-conceived. It was not only contrary to the established canons of democratic responsibility but against common prudence. To it must be attributed the present crisis which threatens civil life and liberty in West Bengal.

The West Bengal Assembly consists of 280 members. Dr. P. C. Ghosh, who is known to command a group of 17 members, was appointed Chief Minister. The basis of his strength was the assured support of the now largest group in the West Bengal—the Congress group, which numbers 134 in a House of 280.

However, before the opposing forces could measure their relative strength on the floor of the House, the Speaker took it upon himself to adjourn the Assembly *sine die*. The merits of this magisterial action by the Speaker have already been debated. We need not examine his motivations. It seems to me that if the Speaker has condemned the Governor for pre-judging the disposition of the Assembly, he himself did not pause to consult the pleasure of the House. In both cases the Assembly as a body was ordered and relegated.

But the events which have been precipitated in West Bengal spring from the primary wrong done by the Governor, acting no doubt on advice from above, in entrusting the power to a minority group of 17 men,

a group of recent defectors, which could only sustain itself on the props of the Congress Party.

Sir, we wholly endorse the condemnation of defections and defectors, whenever we hear it. The Congress-appointed Governor in Haryana was especially loud in such condemnation. But it seems that what holds good for public morality, as expressed by Congress policy, in one State does not necessarily hold good in another. For in West Bengal we see the amazing spectacle of defectors not only tolerated but welcomed, not only welcomed but immediately raised to the seats of power by the strength of the Congress in the legislature.

I do not think I have to ask the House to strain its imagination to conceive what must be the conditions precedent, the conditions continuing, the conditions supervening, for this small group to enjoy the exercise of high office. It may hold the reigns of government, on condition that its own reigns are held by somebody else.

This, Sir, I submit, is an utter denial of democratic functioning and responsibility, a travesty of government itself. For it is surely among the first maxims of government that power and responsibility must go together and not be divorced. Here we have yet another example of constitutional impropriety perpetrated by the Congress Government at the Centre, which is why it is not possible for us to support the motion of Shri Chavan.

Had the group of defectors amalgamated with the Congress legislative party, there could have been no objection. Had the two groups formed a coalition, it would have been unobjectionable. But each has retained its identity, and we have the strange charade of the Congress party, dismissed at the general elections, ostensibly staying away from office and the fruits of office, while wielding the actual power. These puppet shows will not do. They discredit the country and must subvert our developing political institutions.

Sir, normal condition of life will not return to West Bengal, nor will life and property be safe, until there is a proper democratic government installed. And, this will not happen so long as majority groups are artificially propped up for party and partisan ends.

[Shri Sriraj Meghrajji Dhrangdhara]

Since the general elections, the Congress Party has lost some 9 States, and it is natural that the Party and the Congress Government at the Centre must chafe at these losses. It is equally natural that there should be a general suspicion abroad, that the Central Government is continually striving, by whatever means it can, to help resurrect its Party's power in the lost States. But whatever the Centre's motives, I put it to the hon. Members Opposite that they will never achieve their goals, political or national, if they subvert or subordinate the Constitution to their own expedient ends. Whether it is the misuse of the Governor's powers, or the encouragement of defectors, or the setting up of puppet governments, none of these is going to redound to the credit of the Government or of this great party.

I have made pointed references to constitutional improprieties. The Government is in the dock. If, through misguided policies, it persists in these improprieties, the co-ordination between the Centre and the States is bound to be put in increasing jeopardy and impossible strains will be put upon the Constitution.

I beg to offer some positive suggestions. It may be asked : What is a Governor to do when his administration is confounded or brought to a standstill by the shifting forces in his Assembly. Firstly, he must act as a Governor under the Constitution and not as an agent of the ruling party at the Centre. When a ministry falls on the loss of its majority, he must invite the next largest group to attempt to form a government. Party amalgamations or coalitions are in order, but not of course puppet governments. Failing in these moves : mid-term elections. If he is not prepared for immediate mid-term elections, then President's rule for six months. If that is not enough, another six months.

Now, it may be contended that conditions are not rife for holding free and regular elections in a State. That anti-social elements are on the rampage. Then, it is the duty of the State, its democratic and civil duty, to see that such anti-social, anti-democratic elements are put down and put down firmly.

If the Swatantra Party has called for the banning of the Communist Parties, it is not

because they have different views or ideas or convictions on economic organisation or regeneration. If they contest elections through democratic means, and adhere to democratic principles and practices, no one can object. But the intimidation of society by any party cannot be tolerated. Any party whatever must be banned which openly indulges in sabotage or in anti-social or anti-national activities or whose loyalties are known to be extra-territorial. Without such exclusion the democratic functioning of society must become increasingly difficult.

Now, sir, final submission is : If after everything has been tried and the Governor is still unable to discern a clear majority in the Assembly, he must resort to the expedient of an all-Party Government, in a non-partisan manner.

What perhaps any State in India needs today, more than anything else, is a good, honest, economical, non-partisan government : a government which gives priority to the bare essentials, the utter minimum needs of the people, such as compulsory and free elementary education, water supply, minimum sanitation, drought and flood relief, if not protection, medium and minor irrigation works, package supplies of seed, manure etc. needed by the cultivator, abolition of land revenue and so on. Whatever your party or political philosophy, surely no ideological differences can come in the way of a common united effort in so far as these minimum needs are concerned.

Sir, from what I have said it will be evident that I oppose one motion and cannot support the other. I thank you and the House for giving me a hearing.

श्री रबी राय (पुरी) : उपाध्यक्ष महोदय, मैं श्री मुखर्जी के प्रस्ताव का समर्थन करने के लिये खड़ा हुआ हूँ तथा चव्हाण साहब के प्रस्ताव का विरोध करने के लिये खड़ा हुआ हूँ। इससे हमको लगता है . . .

श्री रणधीर सिंह : डिप्टी स्पीकर साहब, उधर से दो-दो बोल रहे हैं, इधर से आप एक को भी बोलने की इजाजत नहीं देते हैं। हम भी बोलना चाहते हैं, हमको भी मौका मिलना चाहिये।

MR. DEPUTY-SPEAKER : I have to conduct the House and divide the time among parties.

श्री रणधीर सिंह : जनाब, हम आपका बहुत अहतराम करते हैं। क्या हमको बोलना नहीं आता? हम भी बोलना जानते हैं, उनसे ज्यादा बातें जानते हैं, ज्यादा कानून जानते हैं, उनका वहनवाजीका ज्यादा जवाब दे सकते हैं।

MR. DEPUTY-SPEAKER : The time will be divided among parties. I gave 30 minutes to Shri A. K. Sen. You must remember that. Please resume your seat.

श्री रणधीर सिंह : हमको तो आप बैठने को ही कहते रहते हो। हमें भी मुना करें। हम यह चाहते हैं कि एक उधर से बोले तो एक इधर से बोलें। दो दफा, तीन दफा उधर से बोल जाते हैं, इधर से कोई नहीं बोलता।

उपाध्यक्ष महोदय, . . . . .

श्री रणधीर सिंह : मुझे बड़ा दुःख होता है यह देख कर कि मैं कितनी इज्जत आपकी करता हूँ लेकिन मेरे बार-बार उठने पर भी आप हमें विन्कुल टाइम नहीं देते हैं। मैं चूँकि आपकी इज्जत करता हूँ इस बास्ते खामोश रहना हूँ लेकिन यह देख कर मुझे बहुत दुःख होता है कि आप हमारी तरफ बिल्कुल ध्यान नहीं देते और आप उनकी सुनते रहते हैं . . .

MR. DEPUTY-SPEAKER : I am supposed to regulate the debate. Why are you saying all that? Shall I vacate the Chair for you?

श्री रबी राय : मैं कह रहा था कि एक के बाद एक राज्य में गैर कांग्रेसी सरकारों को यह केन्द्रीय सरकार गवर्नर को माध्यम बना कर प्रजातंत्र को खत्म कर रही है। हमकी लगना है कि आज देश में प्रजातंत्र बाकी रहेगा भी या नहीं . . .

श्री रणधीर सिंह : यहां हम लोग कोई भेड़ बकरियां थोड़े ही बैठे हैं . . .

श्री रबी राय : उपाध्यक्ष महोदय, मैं कह रहा था कि आज देश में प्रजातंत्र की नींव को हम मजबूत करेंगे या नहीं यह सवाल हमारे सामने आ गया है जिसे कि अंग्रेजी में कहते हैं "To be or not to be is the question." सवाल वाकई बड़ा गम्भीर है। चौथे आम चुनाव को खत्म हुए अभी 6 महीने ही गुजरे हैं कि हम देख रहे हैं कि एक-एक करके यह केन्द्र सरकार गैर कांग्रेसी सरकारों को गवर्नर्स को माध्यम बना कर खत्म कर रही है। सवाल तो यह है कि क्या यह धर्मवीर साहब जो पश्चिमी बंगाल के गवर्नर हैं उनका काम जायज था? क्या उनका वह ऐक्शन संविधानिक था? मैं इसका अपनी तरफ से जवाब देने के पहले चव्हाण साहब को वह जवाब बतलाना चाहता हूँ जो जवाब अभी फिलहाल बिहार के जो गवर्नर साहब हैं, अय्यंगर साहब, वह इसका जवाब दे चुके हैं। सवाल है कि क्या हम लोग जब संविधान में लिखा हुआ है कि गवर्नर को कतई अपनी मनमानी नहीं करनी चाहिए बल्कि जो कौंसिल आफ मिनिस्टर्स है उनकी राय से गवर्नर को काम करना चाहिए इस चीज को हमारे अय्यंगर साहब ने बड़े अच्छे तरीके से आज एक आम सभा में अपने भाषण के दौरान बतलाया है। सवाल यह है कि एक तरफ आप देख रहे हैं कि बिहार के मंत्रिमंडल का जो फैसला था कि जनवरी की 18 तारीख को विधान सभा बैठेगी और उसको बिहार के गवर्नर अय्यंगर साहब ने मान लिया है यह एक प्रजातन्त्री परम्परा को आगे रक्खा है, दूसरी तरफ हम देखते हैं कि चूँकि कांग्रेस की सरकार बंगाल में नहीं है तो वहां 17 आदमियों को लेकर एक खिलौने की सरकार, शिखंडी की सरकार इस केन्द्रीय सरकार ने गवर्नर धर्मवीर साहब को माध्यम बना कर उसको बिठा दिया है। इसलिए जो श्री अजय मुकर्जी का सुझाव था कि दिसम्बर की 18 तारीख को हम विधान सभा बुलायेंगे

[श्री रबी राय]

उसको नहीं माना है। दो तरह के दो नमूने हमारे सामने हैं। एक तरफ बिहार के गवर्नर का नमूना है जो प्रजातंत्र के मुआफिक है दूसरी तरफ वह बंगाल के गवर्नर का नमूना है जो कि प्रजातंत्र के खिलाफ है। जहां तक बिहार के गवर्नर का ताल्लुक है वह कांग्रेस पार्टी के हैं और पिछले 40 सालों से कांग्रेस में रहे हैं। आज यह दोनों नजीर हमारे सामने हैं।

चीज यह है कि यह सरकार का रवैया रहा है और यह आज से नहीं बल्कि आजादी के बाद से रहा है। मैं आपकी खिदमत में अर्ज करना चाहता हूं कि जो गिरजाशंकर वाजपेयी आई० सी० एस० अफसर थे, जिनको कि स्वर्गीय पंडित जवाहरलाल नेहरू ने एक्सटरनल एफेयर्स का सेक्रेटरी बनाया वही गिरजाशंकर वाजपेयी साहब ने कस्तूरबा गांधी जी की मृत्यु को औचित्य समझ कर अमरीका में भाषण दिया था तो उनको पुरस्कृत किया गया और उनको पहला हिन्दुस्तान का फौरेन सेक्रेटरी बनाया गया और उसी पुरानी परम्परा को जो कि ब्रिटिश साम्राज्यवाद की परम्परा है कि गवर्नर को बैठाओ आई० सी० एस० अफसर को बैठाओ, उनको सब सहायता दो और केन्द्र सरकार चूँकि वहां बंगाल में गैर-कांग्रेसी सरकार है इसलिए उसने गवर्नर श्री धर्मवीर को अपना हथकंडा बनाकर उनको एक वाहन बना कर इस तरीके से वहां पर उस गैर कांग्रेसी सरकार को हटवाया। निश्चय ही आज यह धर्मवीर साहब का काम जनतंत्र के विरुद्ध है यह प्रजातंत्र के विरुद्ध है।

मैं आपको 2, 3 नजीरों और देना चाहता हूं। एक बार बिहार में जब श्री के० पी० सहाय मुख्य मंत्री थे और जयरामदास दौलतराम गवर्नर थे और दोनों में झगड़ा हुआ तो आपको उपाध्यक्ष महोदय, मालूम है कि श्री के० पी० सहाय मुख्य मंत्री को तो रक्खा गया लेकिन गवर्नर श्री जयरामदास दौलतराम को वहां से हटा लिया गया और उनको असम का गवर्नर बना दिया गया। सवाल यह है कि

प्रजातंत्र की जो सब से बड़ी मांग है कि जो जनता की राय से चुने हुए आदमी हैं, उनकी राय रहेगी या जो किसी तरीके से केन्द्र से बैठायें जायेंगे गवर्नर, उन गवर्नरों की राय रहेगी? हमको लगता है कि 2, 4 साल पहले जैसे एक तरफ राजा, क्राउन और दूसरी तरफ लोकतंत्र, एक तरफ हाउस आफ कामन्स और दूसरी तरफ हाउस आफ लार्ड्स, इन दोनों के बीच जैसी लड़ाई चल रही थी, वैसी लड़ाई अभी हमारे हिन्दुस्तान में चल रही है। सवाल है कि कौन जीतेगा? केन्द्र की कांग्रेसी सरकार गवर्नरों को माध्यम बना कर प्रदेशों में काम कर रही गैर कांग्रेसी सरकारों को किसी न किसी बहाने पतन कराने का रवैया अपना रही है और देखने में आ रहा है कि यह केन्द्र की कांग्रेसी सरकार 6 महीने या 9 महीने भी हम लोगों को बर्दाश्त नहीं कर पा रही है और इस तरह से जनतंत्र विरोधी रवैया अपना रही है।

हम लोगों का पहले से इरादा रहा है और विचार रहा है कि गवर्नर के पद को हटा दिया जाय और हर एक प्रदेश की असेम्बली के स्पीकर को केन्द्र और राज्य में रिश्ता क्रायम रखने वाली लिंक के तौर पर समझा व माना जाय लेकिन अगर आप गवर्नर का पद क्रायम रखना बहुत ही जरूरी समझते हैं तो फिर गवर्नर के वास्ते एक चुनाव मंडल बनाइये। गवर्नर एलैक्टेड हो। मैं चाहूंगा कि आज केन्द्र द्वारा जैसा गवर्नर को अपना वाहन व माध्यम बना कर जनतंत्र विरोधी कार्य किया जा रहा है वैसा न किया जाय। इसलिए श्री एच० एन० मुकर्जी का जो प्रस्ताव है कि श्री धर्मवीर गवर्नर बंगाल को बर्खास्त करना चाहिए और जो अजय मुकर्जी की सरकार बनी हुई थी, उसे फिर वापिस पावर में बुलाया जाय, उसे फिर से इंस्टाल किया जाय और 18 दिसम्बर को जो उस सरकार की विधान सभा बुलाने की राय थी, उसको मान लिया जाय और उस दिन अर्थात् 18 तारीख को बंगाल विधान सभा द्वारा जो फैसला होगा उसको आप मान लें।

आज इस तरीके का रवैया जो कि केन्द्रीय सरकार के कारण हो रहा है, मैं स्वतंत्र पार्टी के नेताओं से कहूंगा कि विरोधी दल वालों को आपस में मिल कर सलाह करनी चाहिए और भावी कार्यक्रम निश्चित करना चाहिए क्योंकि उड़ीसा में भी केन्द्रीय सरकार इस तरीके का रवैया अपना सकती है। यह नहीं है कि सिर्फ बंगाल में ही या बिहार में ऐसा होने जा रहा है और चूंकि वहां स्वतंत्र पार्टी की सरकार नहीं है इसलिए वे उससे चिंतित न हों, सब विरोधी दल वालों को इकट्ठा होकर इस समस्या पर विचार करना चाहिए वरना केन्द्र की यह कांग्रेसी सरकार जड़ से हम जितनी भी गैर-कांग्रेसी सरकारें हैं उनको यह उखाड़ फेंकेगी। यह स्पष्ट है कि इस तरह का केन्द्र का रवैया जनतंत्र विरोधी है और इससे देश में जनतंत्र की नींव मजबूत नहीं होगी। समय आ गया है जब तमाम विरोधी दलों के बीच में मजबूती व एकता आनी चाहिए ताकि इस पार्लियामेंट के बाहर विधान सभा के बाहर जनता को संगठित किया जा सके और यह जो डिक्टेटरी और हिटलरी शासन केन्द्र द्वारा चलाया जा रहा है और गवर्नरों को माध्यम बना कर एक-एक करके गैर-कांग्रेसी सरकारों को खत्म करने का प्रयास कर रहा है, उसको संगठित रूप से रैजिस्ट किया जा सके। मैं यहां इस अवसर पर बंगाल की जनता को बघाई देना चाहता हूं कि उसने इस तरह के क्रदम को सहन नहीं किया और वह केन्द्र के इस जनतंत्र विरोधी क्रदम का संगठित रूप से विरोध कर रहे हैं और इसका माकूल जवाब दे रहे हैं। इस सिलसिले में मैं फिर विरोधी दलों के नेताओं को कहना चाहता हूं कि जैसी एकता उन्होंने चौथे आम चुनाव के पूर्व प्रदर्शित की थी वैसी ही एकता अब फिर दिखलाने की जरूरत आ गयी है। जैसा कि मैंने पहले अर्ज किया इस सारी गड़बड़ की जड़ में जो यह कांग्रेसी दल यहां बैठा है, यहां केन्द्रीय सरकार बैठी है, इसको जब तक हम खत्म नहीं कर देंगे तब तक देश में प्रजातंत्र की नींव मजबूत नहीं कर पायेंगे। इन शब्दों के साथ मैं अपने भाषण

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को समाप्त करता हूं।

**MR. DEPUTY-SPEAKER :** Normally we are supposed to take up Private Member's Business at 3 O'clock, but to-day if the House would permit, I would like to continue this debate and conclude it and then take up the Private Members' Business at about 4 O'clock.

**SHRI SURENDRANATH DWIVEDY :** Why not we take this up on Monday ? It can be extended upto Monday.

**MR. DEPUTY-SPEAKER :** This resolution itself is a non-official business....

**SOME HON. MEMBERS :** No, no.

**MR. DEPUTY-SPEAKER :** ....in a way.

15 Hrs.

**SHRI SURENDRANATH DWIVEDY :** It does not mean that....

**MR. DEPUTY-SPEAKER :** I am not speakin in a technical sense.

**SHRI SURENDRANATH DWIVEDY :** The Home Minister has also moved his motion and that is an official motion. So, what I would suggest is this. Curtailing the time allotted for non-official business would not be proper. Moreover, there is also the half-an-hour discussion in the evening. So, I would suggest that we may take 2 hours for this item on Monday. So, why not start the non-official business now ?

**THE MINISTER OF PARLIAMENTARY AFFAIRS AND COMMUNICATIONS (DR. RAM SUBHAG SINGH) :** That would not be possible. In the morning, the Speaker had suggested and it was agreed that this debate should be concluded today. So, it must be completed today.

If they do not want to forgo the time allotted for non-official business, then let us extend the House and let us sit longer.

**SHRI SURENDRANATH DWIVEDY :** Even then I would suggest that from 3 p.m. to 5-30 p.m. private Members' business may be taken up, and after 5-30 p.m. if they want they can continue this debate.

**MR. DEPUTY-SPEAKER :** Then the continuity will be broken. Let us have the debate continuously when the issues are



[Mr. Deputy Speaker]  
before the House already. We shall think about the matter and we shall extend the time a little later.

SHRI SHASHI RANJAN (Pupri) : I had also given a notice under rule, 193, and ever since I had tabled it, I have not received any intimation from the Speaker whether I would be allowed to raise it or not. Many others from our side had also given such notices.

Now, it is already 3 p.m. This is a very serious matter, and we must not be hustled in this matter. So, I endorse the views expressed by Shri Surendranath Dwivedy that this debate should be extended to Monday. Those who have tabled notices under rule 193 must be given a chance. Already, we have forgone the lunch hour, and we are not prepared to sit after 5:30 p.m. for this because our health would not permit us to do so.

MR. DEPUTY-SPEAKER : A number of notices are usually received and everyone who has sent notices is not necessarily given a chance. Now, the hon. Law Minister.

SHRI SHASHI RANJAN : Let us take vote on this matter.

SHRI NARENDRA SINGH MAHIDA (Anand) : What time have you fixed for this ?

MR. DEPUTY-SPEAKER : We want to finish this debate by 4 p.m.

SHRI SHASHI RANJAN : No, let it be extended to Monday.

MR. DEPUTY-SPEAKER : No, we want to finish this debate today. The House desires that this debate should be finished today. Now, the Law Minister.

DR. KARNI SINGH (Bikaner) : But you cannot ignore the non-official business.

MR. DEPUTY-SPEAKER : I am not scuttling it. It will be taken up.

DR. KARNI SINGH : But you will have an empty House in the evening so, what is the point ?

SHRI SHASHI RANJAN : Let us take votes on this whether the House desires to sit longer or not.

SHRI RAJARAM (Salem) : If every week we are going to change the timings like this, there will be no private Members' business at all here.

MR. DEPUTY-SPEAKER : I am not saying that there will be no private Members' business. The private Members' business will get the time allotted for it.

SHRI RAJARAM : Why are you changing the timings for it ?

SHRI SHASHI RANJAN : I formally move that let us take the vote of the House whether we should sit longer or not today.

DR. KARNI SINGH : Why do you not start the private Members' business now ? Already, it is 3 p.m.

MR. DEPUTY-SPEAKER : I have already taken the sense of the House and I am proceeding with the debate.

SHRI SHASHI RANJAN : Simply because I am a Member belonging to the Congress Benches I should not be denied of the chance. I formally move this.

श्री प्रकाशवीर शास्त्री (हापुड़) : उपाध्यक्ष महोदय, मेरा कहना यह है कि गैर-सरकारी सदस्यों के कार्य की जो परम्परा है.....

MR. DEPUTY-SPEAKER : I did not want to break it.

श्री प्रकाशवीर शास्त्री : आप मेरी बात तो सुन लें। इस प्रकार की परम्पराओं का श्री गणेश इस सदन में नहीं होना चाहिये जिससे गैर-सरकारी सदस्यों के कार्य का समय उचित रूप से न मिले। सप्ताह में गैर-सरकारी सदस्यों को केवल ढाई घंटे का समय मिलता है। अगर सदन इस मामले में एकमत न हो तो भी गैर-सरकारी सदस्यों के मामले को उचित प्राथमिकता दी जानी चाहिये। चूँकि इसके लिये केवल ढाई घंटे का समय सप्ताह में होता है इसलिये गैर-सरकारी सदस्यों के कार्य को लिया जाये और इस डिवेट को सोमवार तक

के लिये स्थगित कर दिया जाये। गैर-सरकारी सदस्यों का कार्य निश्चित रूप से अभी लिया जाना चाहिये।

DR. RAM SUBHAG SINGH : I suggest that we better finish this debate today.

MR. DEPUTY-SPEAKER : He has to make a motion for the purpose.

DR. RAM SUBHAG SINGH : I move that this debate must conclude today.

SHRI SURENDRANATH DWIVEDY : That is what we are objecting to. You cannot encroach upon the time allotted for non-official business.

MR. DEPUTY-SPEAKER : I have already made it clear to Shri Surendranath Dwivedy and also to Shri Prakash Vir Shastri that whatever time is provided for non-official business once in a way will not be touched. Of course, adjustment is always possible, and I have suggested only an adjustment.

DR. RAM SUBHAG SINGH : Yesterday also, it was Shri Prakash Vir Shastri's motion which was being discussed. How can he, therefore, say that only 2½ hours are allotted for private Members' business ?

श्री प्रकाशवीर शास्त्री : मैं यह नहीं कह रहा हूँ कि अधिक न बैठा जाये। डाक्टर राम सुभग सिंह ने मेरी बात नहीं सुनी। मेरा कहना यह है कि एक सप्ताह में जो ढाई घंटे प्राइवेट सदस्यों के लिये हैं, उसको उनसे नहीं छीना जाना चाहिये।

MR. DEPUTY-SPEAKER : The time allotted for private Members' business will be provided and it will not be curtailed. Since it has been formally moved that the debate be continued, I would like to take the sense of the House whether it is agreed to .

SOME HON. MEMBERS : Yes.

SOME HON. MEMBERS : No.

SHRI A. K. GOPALAN (Kasergod) : Let us hear what the other side also has to say. Let the time be extended for this debate. This is a very important issue, and so I would suggest that it may be extended up to Monday. Now, let us take the non-official business.

DR. KARNI SINGH : I wish to make a submission. This is a very important. I do not see why we should postpone it till Monday. Why do we not work tomorrow Saturday ? I think that to keep Parliament going.....

SOME HON. MEMBERS : No, we shall not sit on Saturdays.

DR. KARNI SINGH : It costs the taxpayer Rs. 1 lakh a day to keep Parliament going. Why don't we work tomorrow ?

SOME HON. MEMBERS : No, no.

DR. KARNI SINGH : I do not mind if it is continued today. But private Members' business must be taken up now.

श्री रणधीर सिंह : मैं आपको बीमारी का इलाज बतलाता हूँ। अगर वह इलाज कर दिया जाय तो कोई तकलीफ नहीं रहेगी। टाइम को ठीक से राशन कर दिया जाये ! आधे से कुछ अधिक टाइम इधर के लोगों को मिलना चाहिये और आधे से कुछ कम उधर के लोगों को मिलना चाहिये। तब कोई झगड़ा नहीं होगा। लेकिन होता यह है कि इधर से कम लोग बोलते हैं, उधर से ज्यादा लोग बोलते हैं। तभी झगड़ा होता है।

MR. DEPUTY-SPEAKER : The issue before the House is something different, namely how to accommodate Private Members' business.

श्री रणधीर सिंह : असलियत यह है कि हमको हाउस में पूरा मौका नहीं मिलता। अगर पूरा मौका मिले, तो फिर झगड़ा न हो।

MR. DEPUTY-SPEAKER : Just now, Dr. Karni Singh has said that let the debate be continued, but he made a plea that the time allotted for Private Members' business cannot be curtailed. That has been our usual practice. That point will have to be replied to by the hon. Minister.

DR. RAM SUBHAG SINGH : Let us sit longer. That was what I suggested.

DR. KARNI SINGH : The submission that I made was that the Private Members'

[Dr. Karni Singh]

business should be taken up just now, but we should work tomorrow Saturday; it costs the tax-payer Rs. 1 lakh a day to keep Parliament going.

SHRI UMANATH : Take it to Monday.

SHRI P. K. DEO (Kalahandi) : We get only 2½ hours in a week for Private Members' business and that time should not be curtailed.

MR. DEPUTY-SPEAKER : I have already said that we do not want to curtail time or encroach upon the time allotted for Private Members' business.

The question is how to accommodate. I have suggested that we shall try to finish this debate by 4 p.m. We can sit one hour longer if need be and finish it.

SHRI SEZHIYAN : In the Order Paper we find that at 3 p.m. Private Members' business should be taken up and at 5.30 p.m. the half-an-hour discussion is to be taken up. That means that up to 6 p.m., we have already got scheduled business. If you want to extend this debate, you can extend it after 6 p.m. and not now. Between 3 p.m. and 6 p.m. there is a programme before us already scheduled on the Order Paper. The time allotted for Private Members' business cannot be encroached upon..

SHRI UMANATH : Unless there is unanimity in the House.

SHRI PILOO MODY (Godhra) : I think it is very unfair indeed that when you have a particular time fixed for a particular purpose, namely Private Members' Bills, you should try to move it around and make the people who are interested in this business sit till 7 p.m. or 8 p.m. whereas those who are interested in making a little hay over here should be getting the prime time of the House. So, I suggest that you stick to the hours fixed for Private Members' business, and those who want to move motions can do so after 6 p.m. and sit till 8 p.m. or 9 p.m. or 12 midnight. Nobody would mind that.

श्री बलराज मधोक (दक्षिण दिल्ली) :  
उपाध्यक्ष महोदय, इस समय श्री मोदी ने जो  
कहा है, मैं उसका समर्थन करता हूँ। इस  
समय आप जो प्राइवेट मेम्बर्स बिजनेस है,

उसको ले लें और साढ़े पांच बजे आप चाहें  
तो इसको ले सकते हैं।

SHRI J. B. KRIPALANI : May I suggest that in this babel of tongues, you decide what you have to decide. (Interruption) May I submit that in this babel of tongues, you had better decide one way or the other and finish.

DR. RAM SUBHAG SINGH : This is what always happens; always it has happened like this. The timing is adjusted. In the circumstances, I would again suggest that the debate should be concluded within an hour. (Interruption)

SOME HON. MEMBERS : No, no.

DR. RAM SUBHAG SINGH : Otherwise, you shall have to take a division on this issue. It is not an easy matter.

SEVERAL HON. MEMBERS rose—

MR. DEPUTY-SPEAKER : Please resume your seats. I entirely share the concern of the House, particularly from this side and some Members on that side, that so far as the Private Members' time, which is allotted two and a half hours once a week, is concerned, that should not be disturbed. I entirely share that view. But there are occasions when, with the concurrence of the House, we have to make some adjustments.

AN HON. MEMBER : It must be unanimous.

SHRI UMANATH : The Speaker said before adjourning the House that till 3 O'clock, we will go on with this motion. But when somebody suggested a change, he said that we can change it provided there is unanimity. If you want to change the time from 3 to 3.30 for the starting of private Members' business, there must be unanimity. But there is no unanimity. So, you have to start non-official business now. You have given up the lunch hour also today.

SHRI D. C. SHARMA (Gurdaspur) : Will you call the Home Minister to give a reply ? (Interruption)

MR. DEPUTY-SPEAKER : The only remedy is, I will have to take votes.

SEVERAL HON. MEMBERS : No, no.

**MR. DEPUTY-SPEAKER :** Then, if the House is particularly interested in the private Members' business, we have to adjust. (*Interruption*). If you are ready to sit after 6 p.m....

**SHRI SURENDRANATH DWIVEDI :** Sir, you will be breaking a convention if on this matter you proceed to take votes, because, so far, we have established a convention which is followed rigorously always : so far as private Members' Bills and Resolutions are concerned, there should not be any disturbance in that time or any accommodation unless there is unanimity in the House. If you decide on voting, then you can decide by taking votes that the private Members' Bills and Resolutions may not be discussed at all ! That can also be decided by the majority !

**SHRI PILOO MODY :** It stands to reason that the brute majority cannot change procedures in this House. (*Interruption*)

**MR. DEPUTY-SPEAKER :** Mr Pilo Mody has vigorously advocated as most other Members have done—Shri Madhok also has said—that we will have to decide one way or the other. I do recognise—I have been a Member of this House for nearly 11 years now—the importance of private Members' Bills and Resolutions, but whenever occasions rose for changing the time for private Members' business, occasionally some accommodation was made, but it appears that the House is not in favour of postponing non-official business. (*Interruption*) So, may I suggest to Government that we continue this debate on Monday which means that the House will now take up private Members' business.

15-15 hrs.

#### COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

##### FIFTEENTH REPORT

श्री हरदयाल खेबगुण (पूर्व दिल्ली) :  
में प्रस्ताव करता हूँ :

“कि यह सभा गैर सरकारी सदस्यों के विधेयकों तथा संकल्पों सम्बन्धी समिति के 15वें प्रतिवेदन से, जो 29 नवम्बर, 1967 को सभा में पेश किया गया था, सहमत है।”

**SHRI P. K. DEO (Kalahandi) :** Sir, I would like to point out that we are creating a very bad precedent for the future so far as private members' Bills are concerned. If you go through the list of private members' business, after Mr. Madhu Limaye's Bill, my Bill is supposed to come up for consideration and passing. But as some financial commitments are necessary, it is necessary to get the recommendation of the President for consideration of this Bill. I am sorry to state that a very unusual treatment has been meted out to me because the President's recommendation, which is a very usual thing and which is invariably given in all cases, has not been received till now for the consideration of my Bill. I think the intention of the Government is mala fide and they want to scotch it from the very beginning. This matter has been hanging fire for a long time. The Administrative Reforms Commission made a recommendation that the earliest opportunity should be given for the passing of this Bill. My Bill is nothing but a carbon copy of the Bill as recommended by the Administrative Reforms Commission. I think it is the intention of the Government to give shelter to corrupt men. That is the only motive behind not recommending my Bill for the President's recommendation. Otherwise, what other reason can be there ? I seek your protection in this regard. In future wherever financial implications are there, the President's recommendation should be invariably forthcoming.

**MR. DEPUTY-SPEAKER :** What is now before the House is the Report of the Committee. It has nothing to do with getting the recommendation of the President. That is why we have shown you the way out, namely, to make a circulation motion. It may take some time because so many financial implications may have to be studied.

श्री प्रकाशवीर शास्त्री (हापुड़) : उपाध्यक्ष जी, आपने उस दिन जब गैर सरकारी सदस्यों के विधेयकों के सम्बन्ध में यहाँ रिपोर्ट प्रस्तुत की थी तो मैंने एक प्रश्न उठाया था जिस पर आपने व्यवस्था दी थी कि जब यह रिपोर्ट स्वीकृति के लिए इस सदन में आए उस समय इस प्रश्न को उठाया जाए।