

fact, I was there in the Central Hall that day. The President took it in a very different light when somebody interrupted. He had, as a matter of fact, not begun his speech, when Mr. Mukerjee said something which I could not hear, in such a mild voice he had spoken. The other friend whom they are trying to reprimand said something, and then the President beckoned him and asked him to sit down or something of that sort. That is the way the President took it, and here all of a sudden a motion has come to reprimand the two members.

MR. DEPUTY-SPEAKER: We have to take up another business.

SHRI DATTATRAYA KUNTE: I will stop. I will begin tomorrow. This is exactly what happens. If you think that my remarks are irrelevant, that I am repeating any of my remarks, I am in your hands, but otherwise, if you are going to still my remarks, in protest. . . .

MR. DEPUTY-SPEAKER: You have not heard me properly. I have to take up some other item. Do you want to conclude now or would you like to resume your speech on the next occasion, that was the question.

SHRI DATTATRAYA KUNTE: I would like to resume on the next occasion, because otherwise if you want me to finish I will do so in half a minute.

MR. DEPUTY-SPEAKER: I request him to resume his speech on the next occasion.

15-59 hrs.

#### STATEMENT RE: PROCLAMATION IN RELATION TO WEST BENGAL

[MR. SPEAKER in the Chair]

MR. SPEAKER: The Home Minister will make a statement now.

SHRI NATH PAI (RAJAPUR): Before that may I say—I am not interrupting. I am only asking your permission—that I had given a motion in respect of Bihar. Whereas this is the fourth occasion that you are

affording my hon. friends from West Bengal. . . .

MR. SPEAKER: Let Bengal be over. We will take up Bihar later on.

SHRI NATH PAI: You will take it up, I understand.

16-00 hrs.

MR. SPEAKER: I shall allow one after another; every day we are having one thing or another. The Home Minister.

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN): I beg to lay on the Table a Notification and an Order by the President regarding the Proclamation under article 356 of the Constitution and the report of the Governor of West Bengal to the President to issue the Proclamation. [Placed in Library, see No. LT-148/68].

I should like to make a few observations on this occasion. I have placed on the Table of the House a copy of the letter from the Governor of West Bengal addressed to the President wherein the Governor has given a detailed account of the recent developments in West Bengal. It will be seen therefrom that floor crossings by Members of the Legislative Assembly had become a serious problem. As early as June, 1967, 5 members of the Assembly who had hitherto been supporting the United Front Government had crossed the floor. It is not necessary for me to recapitulate the developments associated with violent gharaos, Nuxulbari and the lawlessness in which the State was deliberately being plunged. The House may recall that the United Front Government was only united in name and not a day passed without one Minister or the other making public criticism of his colleagues. The principle of collective responsibility was more a fiction than a principle which commanded the support of the Council of Ministers. The House is also aware that matters had indeed gone so far that Shri Ajoy Mukerjee was himself compelled to think in terms of resigning on October 2, 1967. The reasons he gave as to why he contemplated such a resignation were illuminating.

[Shri Y. B. Chavan.]

He admitted that there had been massive violations of law and order which had retarded the industrial growth of the State. He referred to the activities of a certain party in the Coalition as anti-national. Eventually, he was, no doubt, persuaded not to resign but it was clear to everyone that conditions of political instability had been deliberately fostered by some political parties, particularly, the C.P.(M). The continuous attacks on a senior member of the Council of Ministers of the United Front Government left him completely disillusioned. Dr. Ghosh, the House is aware found that he could not continue with his colleagues because of the unconstitutional manner in which the United Front Government had been functioning. He therefore, resigned from Government on November 3, 1967, and formed a new party, the Progressive Democratic Front with the support of 17 MLAs. In the first week of January, 1968, Shri Jehangir Kabir, a Minister in the former United Front Government broke away from the United Front and formed another party known as the National Party of Bengal. On February. 11. 18 MLAs belonging to the Congress Party and the Progressive Democratic Front withdrew their support from the Government and formed yet another party called the Indian National Democratic Front, under the leadership of Shri Shanker Das Bannerji. The Governor has described the resultant situation in mildly measured words by saying that the present position in regard to relative strength of the various parties is very fluid. I have no doubt in my mind that the existing position in the West Bengal Legislative Assembly was not only then fluid but would have continued to be fluid, so long as principles, programmes and policies did not determine the functioning of political parties and members belonging to such parties. In short political instability was certain to continue.

The political instability was aggravated by two other factors to which I

would like to refer. In the first place, the house is aware that the faith in the democratic processes of our Constitution has not been the strong point of certain political groups and atleast of one political party in the West Bengal Legislative Assembly.

They had been strenuously endeavouring, right from March, 1967, to create conditions in which democratic concepts and principles would be impossible to practice. Their object in bringing about a complete collapse of rule of law was only part of a broader design to paralyse democracy. They were not willing to have issues settled on the floor of the Legislature. The House has gone over this ground in elaborate detail during the last session. But I would like to recapitulate very briefly that as early as in the first week of November, 1967, when Dr. P. C. Ghosh and the Progressive Democratic Front that withdrawn their support from the United Front Government, the Government of West Bengal suggested that the question whether or not the Government enjoyed the majority support in the Legislative Assembly should be promptly decided on the floor of the Assembly. The House is aware of the unwillingness to do so, of the attempts to postpone the day of opening of the Assembly and the circumstances under which the Governor had to withdraw his pleasure in regard to Shri Ajoy Mukerjee and the Council. The House is also aware that this matter was taken before the Calcutta High Court and the Calcutta High Court had confirmed the constitutionality of the Governor's action. What is however relevant for our present purpose is that Dr. P. C. Ghosh wanted to face the Assembly almost within a week of his assumption of office. The forces, which did not want the Assembly to function in a constitutional manner, found an ally in the Speaker.

SHRI TRIDIB KUMAR CHAUDHURI (Berhampore): On a point of order. The hon. Minister cannot refer

to the rulings of the Speaker of the West Bengal Legislative Assembly.

SHRI VASÚDEVAN NAIR (Peer-made): If this thing is allowed, then he can be accused; he will be accused. (Interruptions).

SHRI Y. B. CHAVAN: It is the role of the Speaker which is the second factor which had aggravated the situation. I have no doubt in my mind about the unconstitutionality of the Speaker's action. It was not the function of the Speaker either to interpret the Constitution or in any manner prevent the Assembly from transacting its legitimate business including voting out of office a Government which does not enjoy majority support. The House is aware that even when a second opportunity arose to test the question whether or not the Government of Dr. Ghosh enjoyed the support of the majority, the Speaker again adjourned the Assembly sine die.

It is the complex interplay of these three factors, the chronic political instability, the deliberate policy of certain groups not to face the Assembly or, allow it..... (Interruptions).

श्री मधु निमये (मूंगेर) : अध्यक्ष महोदय, मेरा पायंट ऑफ़ आर्डर है । हमारे सदन के कई ऐसे नियम हैं, जिन में कहा गया है कि अगर परसन्ज इन एयारिटी के बारे में जो व्यक्ति अधिकार में हैं उन के बारे में नुक्ताचीनी या उन की निन्दा करनी है तो सदन के सामने एक सबस्टेंटिव मोशन होनी चाहिए । अगर आप के बारे में नुक्ताचीनी करनी है तो सदन के सामने प्रस्ताव होना चाहिए और अगर प्रेजिडेंट को इम्पीच करना है तो भी प्रस्ताव होना चाहिए । उसी तरह हम पश्चिमी बंगाल विधान सभा के अध्यक्ष की नुक्ताचीनी बिना प्रस्ताव के, बिना सबस्टेंटिव मोशन के, नहीं कर सकते । आप इस बारे में स्पष्ट निर्णय दीजिए और गृह मंत्री को यह आदेश दीजिए कि वह नियमों के विपरीत इस सदन में पश्चिमी

बंगाल विधान सभा के अध्यक्ष के उस काम के बारे में नुक्ताचीनी न करें जो उन्होंने वहाँ की प्रक्रिया के अनुसार अपना कर्तव्य मान कर किया है चाहे वह मंत्री उससे सहमत हों या न हों ।

SHRI H. N. MUKHERJEE (Calcutta-North East): Sir, I just wanted to add one thing. You have unequivocally ruled earlier that there should be no references in regard to what the Speaker of a certain legislature did inside his own House. Now, when the Home Minister makes an official statement, we expect him to observe all the rules with a sufficient amount of seriousness and not to take advantage of the matter for political vendetta against the Speaker even if he happens to differ from his point of view. We should observe certain proprieties, and according to your ruling given earlier on the floor of this House, I request you to see that that kind of thing should not form part of the record of this House. That is what I would like to reiterate.

SHRI JYOTIRMOY BASU (Diamond Harbour): Mr. Khadiikar had on the last occasion given a definite and clear ruling that the Speaker of West Bengal was right in giving a ruling, and he had justified and approved of that ruling. The Home Minister should have better education than this. He has cast aspersions on the Speaker of the West Bengal Assembly, like an immature person he has cast aspersions on him .....

MR. SPEAKER: About that aspect, it was raised here in this House once or twice. But then the point made was, and it need not be repeated, that every paper had begun commenting both for and against on whether the ruling was right or wrong. Editorials have been published and papers also have discussed it. I am not going into the merits. I am not taking this side or that side.

SHRI JYOTIRMOY BASU: Shri Khadiikar had given a definite ruling.

Mr. Speaker: I am not giving any decision. That is what I say. If it is only reference, reference is not wrong. Whether there is anything derogatory to the Speaker is a point which we shall have to consider. Therefore, mentioning the Speaker's name and mentioning the thing alone is not going to be derogatory. Therefore, now I shall have to see whether really anything derogatory has been said or what has been said is only to the extent of.....

DR. RANEN SEN (Barasat): We heard him say that the Speaker of West Bengal associated himself with certain groups which wanted to wreck the Constitution. This is what we have heard.

SHRI JOYTIRMOY BASU: Mr. Speaker, Sir.....

MR. SPEAKER: Would Shri Joytirmoy Basu resume his seat?....

DR. RANEN SEN: We have all heard it here. This is what he has said.

MR. SPEAKER: I shall myself read it when it is ready.

SHRI JYOTIRMOY BASU: Mr. Speaker, Sir.....

MR. SPEAKER: Shri Jyotirmoy Basu should not interrupt again and again. Once in a way it is all right, but he should not get up every minute.

I say that immediately I am not giving any decisions. I shall read it again. If there are any remarks which are derogatory, I shall examine it constitutionally. I shall examine it.

SHRI Y. B. CHAVAN: I would like to make it clear. It is not really the criticism of the Speaker as Speaker. But naturally I have to refer to these incidents and political events which ultimately led to the action that the Government was forced to take.

SHRI DATTATRAYA KUNTE (Kolaba): On a point of order. I want to interrupt because I have to raise a point of order again. The Home Minister is trying to justify his conduct, when you have said that you will look into the matter. So a point of order has again to be raised.

MR. SPEAKER: It is not justification. He is only explaining.

SHRI DATTATRAYA KUNTE: He can refer to facts but not give his opinion. He can explain any fact.

SHRI Y. B. CHAVAN: It is the complex interplay of these factors, the chronic political instability, the deliberate policy of certain groups not to face the Assembly or allow it to function and the Speaker's repeated adjournments sine die, which provides the background against which the Government had to take a considered view of the measures that could be adopted to remedy the situation. If it were only a question of the situation created by the Speaker's ruling, I have no doubts that constitutional remedies would have been found. It would have been competent for Parliament on a Proclamation being issued under clause (b) of Article 356 to undertake certain appropriate measures to enable the Assembly to start functioning again. But these measures could have helped only if there was a prospect of either a stable Government emerging out of the present Assembly or a willingness to have issues, which ought properly to be settled by the Assembly, decided in the Assembly itself. As I had explained, there was no prospect of either. In the circumstances, we had to come to the reluctant conclusion that the only appropriate constitutional course of action was to invoke the provisions of article 356 in West Bengal and introduce the President's Rule in that State. Union Government which has the responsibility to ensure that the Government of every State is carried on in accordance with the Constitution could not countenance a situation in which the views of one individual, no doubt

eminent in his office, had put in jeopardy the whole fabric of parliamentary democracy. Nor, could we reasonably hope, against the evidence of a deplorable trend of floor-crossing, that the present Assembly would produce a stable Government in West Bengal. Therefore, there was no alternative except to recommend to the President that he may be pleased to take action under article 356. I am sure this House will extend its whole-hearted support to the action taken by the President on our advice.

Before I conclude, I must pay my compliments to the valiant and brave attempt that Dr. P. C. Ghosh made to save democracy. (Interruptions) and work as a real servant of democracy in the country.

श्री अटल बिहारी वाजपेयी (बलरामपुर) : अध्यक्ष महोदय अभी जो सदन के सामने चर्चा हो रही है वह गृहमंत्री के प्रस्ताव पर हो रही है । उस के प्रस्ताव के द्वारा गृह मंत्री महोदय ने 16 फरवरी को जो सदन में बतव्य दिया था उस पर चर्चा उठाने की बात कही है । लेकिन अब नई घटनाएं घटी हैं पश्चिम बंगाल में राष्ट्रपति का शासन लागू कर दिया गया है इस सम्बन्ध में जो राष्ट्रपति की उद्घोषणा है वह सदन के पटल पर रख दी गई है । अब संविधान की धारा 356 (3) के अन्तर्गत सदन को उस घोषणा पर विचार करना होगा । मेरा निवेदन है कि अब गृह मंत्री महोदय के इस पुराने प्रस्ताव पर चर्चा करने का कोई अर्थ नहीं है । जब हमें राष्ट्रपति की उद्घोषणा पर विचार करना है तो सदन के सामने दो रास्ते हैं । या तो गृह मंत्री महोदय अपने प्रस्ताव में संशोधन कर दें और राष्ट्रपति की उद्घोषणा को विचार के लिए प्रस्तुत करें और सारी चर्चा उस घोषणा के बारे में हो । यदि ऐसा करना संभव न हो तो और वह आगे इसपर चर्चा लेना चाहें तो मैं निवेदन करूंगा कि इस पर अभी चर्चा न की जाय और यह मंत्री महोदय एक विधि-

वत प्रस्ताव लायें । उस पर सारे पश्चिम बंगाल की स्थिति पर चर्चा की जा सकती है । सदन का दीहरा समय खर्च न किया जाय यह मैं निवेदन करना चाहूंगा

MR. SPEAKER: The point is this. Naturally, he will have to lay this one before the House and then we shall have to discuss it.

He has pointed this out. Now there is no point in discussing it. Naturally, he will have to lay this one before the House and then we shall have to discuss it. Therefore, I accept his suggestion. I am sure the Home Minister also would agree to it. We shall discuss it at a later stage and we shall fix time. For the present, we shall continue with the motion moved by Shri Venkata-subbaiah. (Interruptions).

16.17 hrs.

MOTION RE: CONDUCT OF TWO MEMBERS DURING PRESIDENT'S ADDRESS—Contd.

SHRI DATTATRAYA KUNTE: Mr. Speaker, Sir, the tension has been a little relieved. When I stopped at about four O'clock I was trying to refer to the sorry spectacle that one finds in this House on many an occasion. This is the first time that I am in Parliament. I was really shocked and surprised that in this House which is supposed to be the ideal House for all the legislatures in India, which calls itself a Parliament of the biggest democracy in the world, the conduct of Members should be of such a type that rather than parleying with each other we have been trying to settle issues by methods other than those of parleys. In this respect I cannot say that my friends on the right only are responsible; my friends on the left are also responsible for this. More responsibility lies with the party in power naturally because they are concerned with conducting the Government. If they want to conduct the Government