MR. DEPUTY-SPEAKER : Rule 109 says :
"At any stage of a Bill which is under discussion in the House, a motion that the debate on the Bill be adjourned may be moved with the consent of the Speaker."

श्री मघु लिमये (मुंगेर) : श्री सुरेन्द्र द्विवेदी ने ठीक सुभाव दिया है । क्योंकि यह प्राइवेट मेम्वर्ज बिज़नेस है, इसलिए इसमें रूल को सस्पेप्ड करना पड़ेगा । नाथपाई के बिल के समय भी ऐसा ही किमा गया था, पहले रूल को सस्पेण्ड करवाया था, उसके बाद निशचय किया गया था। इसलिये पहले रूल को सस्पेण्ड करने का मोशन पास हो, उसके बाद इसको लिया जाय ।

SHRI SURENDRANATH DWIVEDY : The relevant rule is $\mathbf{3 0}$ ( 1 ).

MR. DEPUTY-SPEAKER : Rule 30 (1) says:
"When on a motion being carried the debate on a private members's Bill or resolution iv adjourned to the next day ....."
That does not apply.
SHRI SURENDRANATH DWIVEDY:
Sir, I beg to move :
"That the debate on the Constitution (Amendment Bill (Omission of Arricle 314) by Shri Madhu Limaye be adjourned to Tuesday, the 28th April, 1970 at 6 p. m."

MR. DEPUTY SPEAKER: The question is:
"That the debate on the Constitution (Amendment) Bill (:/mission of Ariticle 314) by Shri Madhu Limaye be sdjourned to Tuesday, the 28th April, 970 at 6 p.m."

The mution was adopted.
SHRI SURENDRANATH DWIVEDY; Sir, I beg to move :
"That ruie $30(1)$ of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the
debate on the Constitution (Amendment) Bill by Shri Madhu Limaya which has been adjourned today to Tuesday, the 28th April, 1970 be suspended."

MR. DEPUTY SPEKAER : The question is :
"That rule 30 (1) of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the debate on the Constitution (Amendment) Bill by Shri Madbu Limaya which has been adjourned to-day to Tuesday, the 28th April, 1970 be suspended."

The motion was adopted.
SHRI P. K. DEO : Sir, I oppose it.
SHRI S. M. BANERJEE: I support it.

### 16.44 hrs.

CONSTITUTION (AMENDMENT) BILL
(Amendment of article 164) by Shil P. K. Deo

MR. DEPUTY SPEAKER: Now we take up the Bill of Mr. P. K. Deo.

SHRI P. K. DEO (Kalahandi) : I beg to move :
"That the Bill further to amend the Constitution of India be taken into consideration."

Mr. Deputy Speaker, Sir, the Committee on Private Members Bills and Resolutions has up-graded this Bill as Category $\mathbf{A}$ having realised its importance and implications in the context of the recent developments in the country. This Bill is so simple, so innocuous, so non-controversial and at the same time so timely and important for the proper functioning of democracy that not much pleading is necessary for the passing of this Bill. This Bill provides to amend Article 164 of the Constitution which empowers Governors to appoint Chief Ministers and other Ministers in the State. Article 164 of the Constitution says, and I quote :
"The Chief Minister shall be appointed by the Governor and the other Ministers shall be appointed by the Governor on the advice of the Chief
[Stiri P. K. Deo]
Minister, and the Ministers shall hold office during the pleasure of the Governor.
Now, there is a proviso rega ding Scheduled Caste Ministers in certain Statcs. It is identical to Article 75 of the Constitution which emposers the President to appoint the Prime Minister and the Council of Ministers. Article 75 of the Constitution says, and I quote :

The Prime Minis'er shall be appointed by the President and the other Ministers shall be appointed by the President on the advice of the Prime Minister.
Now, the flaw in his rtgard is that the Governor ard the President have reen equated: but the difference is that the President is an elected representative of the people. He gets his authority from the people and he is impeachable for violation of the Constitution for which special procedure has been laid down under Article 61. In case of the Governor Article 156 of $t$ e Constitution provides this, and I quite :
"The Governer shall hold office during the pleasure of the President."

As the President acts on the advice of the Council of Ministers for all purposes the Goverror of a State is answerabla to the Home Ministry or the Honie Minister ; so long as he enjoys that confidence, his job is secure. We know this ver well and there are no two opinions that the Governors of States have partian cutlook and affliations. The other day the Bihar Governor applied for a Rajya Sabbe seat to Shri Neelamani Rautrai. PCC President of Congress (Indicate) in Orissa All these aspects have been considered by some eminent jurists. They have been asked to give advice as to the guidelines to be followed by Guvernors in India. But this was referred to them on May 17, 1967, after all the micchicf has been done in Rajasthan.

In reply to a S:arred Question put by my hor. friend Stri Rabi Ray on 10-4-1970 the Home Minister has summarised the various oninion received from the jurists and he says, in suh clause (3) of the recommendations that 'the Governor shoeld invite the person who has been found by him as a resut of his toundings." Now, Sir, this word, 'soundings' is a dangerous term.

Sounding is done by the Governor as distated from Delhi. The strings are pulled from Delhi for the Governor to help in the formation of the Ministry. There would have been no difficulty if there had been a two-party system. The sapling of Indian democtacy has yet to take roots in this country. All the eyes of the world are rivotted at the functioning of the biggest democracy of the world today. We shudder to think that dictatorship has been trying to raise its ugly head in this country.

Life and property are in danger. Life of political opponents is at stake. The brutal murder of Pandit Deen Dayal Upadhayaya yet remains a mystery. Attempts are being made on J*oti Basu's lifo, and the P.S.P. leaders like Shri Madhu Limaye, Shri George Feinandes and Shri Rajnara'n while coming to attend the Parliament sessions were bea'en mercilessly in front of the Parliament House. One of the demonstrators was hacked to death and many more are reported missing. I am saying as to how the Opposition is being trampled down by the dictatorial government. A reign of terror has been let loose throughout the country. Judges of the Supreme Court and their pronouncements are ridiculed in the floor of the Parliament. Princes were good boys so If ng as they supported the Government and now are penalised for their growing popularity. The whole fabric of the democratic society is in danger of subversion. Patriotism is nobody's monopoly. Constitution provides for full scope for propagation of political ideas and growth of political parties. Till 1967, nobody bothered about the institution of the Governors. But, after the rejection at the poll of the monolithic Congress Party and the break of its $: 2$ years of uninterrupted mistule and the emergence of non-Congress Governments in a majority of States, the minority Congress Government saddied in power in the centre, functions of the Governors received new diamensions and demand a very close scrutiny and the federal character of Constitution has been put to acid test. Usually. discredited and defected politicians, incovenient and unwanted colleagues, retired bureacrats fill these posts. They are not impeachable like the President. They play ducks and drakes with the Constitution and assemblies. The only parallel we find in charles I of British history. They apply different standards. For
example, in Haryana, the Government enjoying the majority in the House, according to the Governor himself was dismissed. In the Governor's report, we were given a long sermon on defestion and public morality. Even before the link of the report of the Governor was dry a minority government was installed in West Bengal. Defectors were rewarded with fishes and loaves and even with Chief Ministershid. When the first U.D.F. Ministry (a union of convenience) was crumbling under its own weight and was going to meet the fate of the second UD.F. ministry, it was not allowed a natural death. A minority ministry with the leader of 17 M.L. As. in a House of 280 was installed.

### 16.58 hrs.

## [Stri Vasudevan Nair in the Chair]

In Madhya Pradesh, while demands of grants of budget were being discussed, the Governor, under the advice of the Chief Minister who had lost the majority at that time asked for the adjournment of the House. The House was adjourned by the Speaker and the Governor then prorogued the Assembly.

In Rajasthan, immediatly after the general election, though the Congress was returned in minority, Shri Sukhadia was asked by the Governor to form the government. He resiened as he did not have the guts to face the Assembly. He resigned one day before the meeting of the Assembly. He had no courage to face the trial of strength probably because the manouvreing would not succeed at that time Immediately, President's rule was promulgated. That was the first action of this new Goveroment for which they had to face the no-confidence motion on the first day of the Lok-Sabha and no chance was given to the opposition to form a government. The majority of M.L. As. expressing their allegiance to the Swatantra Leader there were physically paladed in front of the President in New Delhi. After some time, when the manouvreing of seduction and defection was completed, again Shri Sukhadia was sent for to form the Government This is how the public life is vitiated by the party in power and the Governor is an accomplice or an abettor in this.

In Punjab, not even 24 hours was given
to Shri Gurnam Singh by the Governor. While the Chief Minister came to Delhi to discuss with the Prime Minister, the Governor there administered the oath of Office to a defector and a puppet leader of 17 M.L. As. who was installed there lost the defector may melt away and the mischief might not be possible. So, 24 hours' time was not given to Sardar Gurnam Singh.

In the Lok Sabha after the Congress ranks were divided and the Ministry had been reduced to a minority, the :empo of toppling non-Congress Governments has gathered new momentum. Governors have acted as mere instruments in this game, with the mastermind of Shri Jagjivan Ram, the great toppler, and the free use of Russian money. A master Plot hatched at the Bubhaneswar Raj Bhavan between Shri Jagjivan Ram and the Russian Ambassador in collusion with cur PSP aspirants who do not even have 1/6th of the strength in the House, and some former communist cardholders, could not materiaiise due to the judicious and visilant action of patriotic forces like our SSP friends and others. In Haryana, when a no-confidence motion was pending, the Speaker not only adjourned the House, but the same Governor who gave a sermon two years ago on morality in public life-prorogued the Assembly with the result that the no-confidence motion automatically lapsed. Thus we find there is a complete negation of democracy in that State. The Governor cannot be the barometer of the confidence of the Assembly. The Assembly should be the testing ground of the stability of the Ministry. In Jammu and Kashmir also the other day, the Governor proragued the Assembly when the strength of the ruling party was reduced.

Against this background, I iequest consideration of my Bill. As the Goveriar do not function independenily and by their action are responsible to the Home Minister through the President, they instead of being the custodians of demecra:y, instead of giving concrete shape to the will of the electorate have be ome his master's voice or stooges of the Home Miniter in their partisan approach. Under our Constitution, there is no right of rezall So the people have to be silent spectators to this drama of opportunism and moral degradation with d:sgust and anguish. How long can they tolerate this drama. God f.rtid, let not
[Shri P. K. Deo]
bullets replace the ballot box to change governments.

As the Governors have a constitutional obligation to project the will of the prople, a guideline is necessary. An eminent jurist like Shri Gurnam Singh has in a booklet on the Role of Governors in India today quoted in p. 11 a very nice precedent :
"In the seventies of the last century, it so happened in England that Mr. Gladstone won a clear majority in the House of Commons. The sovereign Queen Victoria had a strong personal dislike of him. None the less, she had to invite him to form the Government".
He has further agreed with Shri Setalvad who stated that it was not wise for the Governor of Rajasthan who had retired after the general election to exclude Independents in assessing support to the SVD in the Assembly.

There are identical provisions in other constitutions also as envisaged in my bill. In the West German constitution it is stated in art. 63 :
"The Federal Chancellor"-that is, the Prime Minister-" shall be elected without debate by the Bundestage on the proposal of the Federal President and the person obtaining the vote of the majority of the members of the Bundestag is elected and the person elected must be appointed by the Federal President".
I would like to quote the Irish Constitution. Article 13(1) of the Irish Constitution says:
"The President shall, on the nomination of Dail Eirean (House of Representatives), appoint the Taoiseach, that is, the head of the Government or Prime Minister."
A similar provision is also there in the Burmese Constitution, but it has been suspended now because of the military rule there.

### 17.00 brs.

That is why I have suggested amendment of article 164 of the Constitution thus:
${ }^{*}$ i) Within a weak (i) after the results of each general election or midterm elections in a State are published
or (ii) after the office of Chief Minister otherwise falls vacant, the Governor shall summon the Legislative Assembly of th: State to elect the Leader of the House who shall be appointed by him as the Chier Minister.

Explanation.-- The "Leader of the House" means one who commands the absolute majority of the House for which a second or a third ballot may be held, if necessary, until the absolute majority is obtained."
Jennings has also clearly stated that the Queen's task is only to secure a Government, not to try to form a Government. Even our Constitution-makers anticipated such a contingency and expressed their apprehension. My former esteemed colleague Pandit Thakur Das Bnargava, who was a Member of the Constituent Assembly, in his most eloquent speech on 1.6 .1949 clearly anticipated such things happening. He said :
"Here his discretion is too wide. Now, the Governor, if he so chooses, can appoint his Ministers and the Premier may be called upon to form a ministry from any party which is not the biggest party in the House. There is no bar against this. I wouid have liked a provision that the Gcvernor shall only call for the leader of the biggest party in the Assembly to form the Ministry."
A similar apprehension was expressed by another Member of the Constituent Assembly, he was also a formet colieague of mine in the Lok Sabba, Shri Mohd. Tahir. He said :
"In many cases I have seen, for instance in the local bodies, although the members have no confidence in the Chairman of the District Board and pass a vote of non-confidence, the Chairman still continues in office because nowhere in the Constitution is it provided that if a no-confidence motion is passed, the Chairman bas to resign his office. As time passes on, the Chairman tries to win over and convert many of the members who voted again t him with the result that the members who have no.confidence in the Chairman have got to turn themselves to the side of the

Chairman. In this way, it is also possible in the case of the Ministers."

He also anticipated the same danger. Whenever any discussion took place in this House, invariably all the parties have supported the idea that there should be a guideline to the Governors. I quite remember that the other day Mr. Dange, the leader of the party which is the main prop of this tottering Government, slearly stated that such a guideline shuuld be given to the Governors. In the British days, the Governors in the various Provinces used to be given an Instrument of Instructi ns. In the Constituent Assembly this was also debated. but they thought it was not necessaty. A simple guideline to the Governors would not be sufficient, that it would be like the Instrument of Instructions of the British days under the Government of India Act, 1935.

It will be a legacy of the British raj. If any guideline had to be given it shculd be a statutory guideline; it should be a constitutional guideline. That is why an amendment of the Constitution is necessary The Home Minister sought the opiaion of the jurists and let us see what the jurists have said. Justice A. K. Sarkar has stated :
"If it (the Goverament) can secure support after being put in office, why cannot it do so before? The answer must be that once in office it can offer inducement for the acquisition of support which it could not before."

Justice Gajendragadkar also similarly stated in his most important opinion :
"But the satisfaction of the Governor that the person whom he is inviting for appointment as Chief Minister is the leader of a party which commands a majority in the House seems to me to be a condition precedent for such invitation"
Let us see what Mr. Seervai, an eminent constitutional jurist has stated. He has quoted a very nice example. He has stated :
"Complications arise if there are more parties than one and the party in power is defeated. In 1929, the Conservatives were returned as the largest single party but had lost the support of the electors. The Labour party was second, and the

Liberal party third. "Mr. Baldwin decided to resign forthwith because the public would think it 'unsporting' of him not to do so. and would suspect that he was contemplating a deal with the Liberals. George V agreed with Mr. Baldwin and sent for MacDonald (the leader of the opposition)" : Jennings, p. 435. Thus, the second largest party was called upon to form the government because it could coun! upon the support of the Liberals.

In one sense it is difficult to give effect to "the verdict of the electorate" when no siagle party is returned with an absolute majority, because the electorate has given no definite verdict. But negatively the electorate withdrew its support from the Conservative and under the circu'nstances the best way of giving effect to the verdict was to call upon the second largest pariy if it could count upon Liberal support."

Similarly the Administrative Reforms Commission has also suggested guidelines. Guidelines are necessary. The House will have to elect its leader first and it is imperative on the part of the Governor to call him and none eise to form the Government. It should bc a statutory and constitutional guideline. The Bill provides that as the Government is voted out of office, the Government should be voted in by the Assembly. The argument; of jurists support my Bill. With these words I commend my Bill for the consideration of the House.

MR. DEPUTY-SPEAKER : Motion moved :
"That the Bill further to amend the Constitution of India be taken into consideration."
Shri Mohamed Imam and Shri K. P. Singh Deo may move their amendments.

SHRI J. MOHAMED IMAM (Chitradurga) : I move :
"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July, 1970."(1)

SHRI K. P. SINGH DEO (Dhenkanal) : I move :

[^0][Shri K. P. Singh Deo]
Select Committee consisting of 20 members, namely :

Shri P. K. Deo
Shri Kanwar Lal Gupta
Dr. Karni Singh
Shri Samarendra Kundu
Shri D. K. Kunte
H. H. Maharaja Manikya Bahadur of Tripura
Shri Murasoli Maran
Shri Mohammad Ismail
Sbri H. N. Mukerjee
Shri N. P. C. Naidu
Sbri P. K. Vasudevan Nair
Shri K. Ananda Nambiar
Shrimati Nirlep Kaur
Chaudhuri Randhir Singh
Shri Rabi Ray
Shri B. Shankaranand
Shri Vidya Charan Shukla
Shri Devendra Vijai Singh
Shri S Supakar; and
Shri K. P. Singh Deo
with instructions to report by the last day of the first week of the next session."(3)

भी रराषीर सिह (रोहतक) : श्री देव ने जो बिल हाउस के सामने पेशा किया है उसका मैं जोरदार शब्दों में बिरोष करता हूं। सारा भगड़ा देशा में इस बात को लेकर है कि यहां पार्टियां बहुत ज्यादा हैं । 137 भर्टीज देश में हैं। श्रकेली मेरी छोटी सी स्टेट में जिसमें पांच या छ: जिले हैं, 19 पाटटयां हैं। कोई माई श्राया, घपने घर पर भंडा लगा लिया ग्रौर ग्राल इण्डिया पार्टी की बुनियाद रख ली। लोगों ने इसको दूकानदारी बना लिया है। श्रपनी चोदराहट चलाने के लिए श्राल इण्डिया पार्टीज बना ली जाती हैं। पार्टी कोई होतो नहीं है, मैम्बराशिप कोई होती नहीं हैं, लेकिन झ्रपनी चोदराहट बनाये रखने के लिए पार्टियां बना ली जाती हैं। इसमें लोगों का क्या कसूर है ? इसी वास्ते इतना ज्यादा देश की पोलिटिकल लाइफ़ में कन्फ्यूशान है। लेकिन उसकी तोहमत लगाई जाती है गवर्नर पर या चीफ मिनिस्टर पर : मेरे दोस्त ने जेन्किन्ज घौर इंगलंड के दूसरे लोगों की एथारिटीज पेष्श की हैं। में

यह नहीं कहता कि हम कोई कमफ़ह्म या कम काबिल हैं या हमारा तजुर्बा कम है । लेकिन यह हकीकत है कि इंगलंड की पार्लियामेंटरी डेमोक्रेसी की उक्र 1250 साल है श्रोर हमारी कुल 20 समल । मेरे दोस्त इंगलंड के साथ कंसे मुकाबला करते हैं ? लेकिन करप्शान इंगलंड के इलंकशन्ज में भी था। जब हम छोटे थे, तो हम पढ़ते थे कि वहां की इलंकानान्ज में क्या क्या करप्शान होती थी।

मेरे दोस्त ने हरियारा, पंजाब, यू० पी० श्रोर राजस्थान वगरगह कई स्टेट्स की मिसालें दीं। उन्होंने पुराने मुर्दे उखाड़े श्रौर उनमें जान डालने की कोशिशा की । में समभता हूं कि यह एक एक्सपेरिमेंट है, जिससे हम सीख रहे हैं, पोलिटिकल पार्टीज श्रौर उनके लीडर सीख रहे हैं श्रोर जनता भी सीख रही है। इस वक्त जो हालत है, में उससे कोई बहुत सुरा नहीं हूं । कौन सी ऐसी पार्टी है, जिसके दो तीन हिस्से नहीं हो गये हैं ? सोशालिस्ट पार्टी ग्रोर कांग्रेस बंट गयी हैं। जनसंघ में भी लीडरशिप का भगड़ा है। इसमें जनता का क्या कुसूर है ? इस हालत में चीफ मिनिस्टर का घुनाव कंसे हो ?

मेरे दोस्त श्राटिकल 164 में तरमीम करना चाहते हैं। श्रगर उन की बात मान ली जाये, तो सो साल में भी लीडर का इलैक्शन नहीं हो सकता है । "बरीं भ्रक्लो-दानिश ब बायद गरीस्त।" बह दूसरे श्रोर तीसरे बैलट की बात करते हैं । यह मदारी का तमाशा हुमा या लीठर या इलंक्शान हुम्रा ? श्राखिर फाँस, स्विटजरलैंड वगँरह मुल्कों में भी पार्लयामेंटरी डेमोक्रेसी चल रही है श्रौर सरकारें बनाई जाती हैं। लेकिन ₹म कुछ ज्यादा ही डरते हैं । हममें यह कम्प्लेक्स सा हो गया है कि यह नहीं होना चाहिए, वह नहीं होना चाहिए। क्यों नहीं होना चाहिए । यह एक एक्सपेरिमेंट हो रहा है डेमोक्रेसी के फंक्शा-

निग का । उससे धबराना नहीं चाहिए। पंडित जी कहा करते थे कि श्रागे बत़ो श्रौर घ्रगर गिर पड़े. तो कोई बात नहीं, उठ कर फिर चलो ; श्रगर गलती होती है, कोई परवाह नहीं, काम करने चलो। यही पोजीशान डेमोक्रेसी के फ़ंक्रानिंग की है।

ग्रलग-प्रलग स्टेट्स में जो कुछ होता है, उसके बारे में यहां पर कई बार बहस हुई है। कई जगह श्रच्छा स्टंडडं कायम किया गया है। श्री सी० बी० गुप्त के खिलाफ़ सो बातें कहीं जाती हैं, लेकिन उन्होंने जब यह देखा कि उन की मिजारिटी खत्म हो गई है, तो उन्होंने फ़ोरन इस्तीफा दे दिया। इसके मुकाबले में पंजाइ के चीफ मिनिस्टर साहब चींटी की तरह चिमटे रहे, जब तक कि गवर्नर ने यह नहीं कह् दिया कि उनको डिसमिस कर दिया जायेगा । हरियाएा में रूलिग पार्टी को पन्द्रह बीस मेम्बरों की मैजारिटी हासिल थी, लेकिन फिर भी अपो जोरान के लोग कहते थे कि उनकी गवरंमेंट बननी चाहिए। । काइमीर में कांग्रेस पार्टी में आपस का एक भगड़ा था, जो बाद में सुलम गया, लेकिन श्रापोजीशन के लोग कहने लग गोे कि वहां के चीफ़ मिनिस्टर की मैजारिटी नहीं रही है।

मैं समभता हूँ कि हमें इन बातों के बारे में एलजिक नहीं होना चाहिए घंर टच-मीनाट फ्लावर नहीं बन जाना चाहिए। जरा सी बात पर यह नहीं कहना वाहिये कि डेमोकेसी खतरे : है, चीफ मिनिस्टर डिक्टेटर बन गया है, वर्गरह । बंगाल में एक युनाइटिड फंट की गवर्मेंटंट बनी; लेकिन एक बक्त श्राया कि वह नीं चल सकी। इसी तरह केरल में भी युनाईटिड फंट की गवनंमेंट छनी। वह वहां नहीं चल सकी तो हमारे एक भाई ने गवनंमेंट बनाई औौर वह गवनंमेंट चला रहे हैं। बड़ी वुर्णी की ज्रात है । बहुत घ्रच्छी तरह चला रहे हैं । श्राज से दस पन्द्रह साल पहले एक ऐमी पार्टीं का वहां राज हुआ जिसके कुल 9

श्रादमी वहां थे। उस वक्त में खुद पी एस पी में था। कुल 9 श्रादमी उसके वहां थे। पट्टम थानू पिल्लं ने वहां गवनंमेंट बनायी श्रोर बड़ी शान से हुकूमत वहां चलाई़। 9 श्रादमियों ने हुकूमत चलाई । पट्टम थानू पिल्लं के लिए कोई कुछ्ध मी कहे, में उनमें बड़ा एतकाद रसने वाला है। कुछ ही दिन वहा गवर्नैंैंट उन्होने चलाई लेकिन बड़ी शान से चलाई । यह तो वक्त की बात है प्रोर 9 श्रादमी की गवर्नैंटर को वेयर करने की बात है। मैं कहता हूं कि एक श्रादमी की माइनारिटी गवर्न मेंट हो घ्रोर सारी पार्टीज उसको वेयर कर लें, यह भी एक बड़ा शानदार एक्सपरिमेंट है । देश में बेयर करने की बात हो तो यह बहुत श्रच्छ्छी बात है। जैसा श्रब हमारी ही गवनंमेंट है, बहुत अच्छे-अच्छे काम कर रही है, लोग बेयर करते हैं । जिनके पेट में दर्द है वह शोर मी मचाते हैं, स्वतन्त्र पार्टी शोर मचाती है लेकिन म्रोर पार्टियां उसको बेयर करती हैं, एस एस पी है, पी एस पी है, इंडेेन्डेंट्ट है, वह इसकी सपोटं करते हैं कोर हमारी गवर्नमंटंट चल रही है। इनको तो यह फिक हो गयी है कि ऐसी गवनंमेंट चलेगी तो तुम्हें कब मोका मिलेगा। इनको श्रपना मांडा नजर आता है। सवा पांच सौ के हाउस में 208 की गवनंमैंट चल सकती है तो ये सोचते हैं इस तरह हमारा नम्बर तो कभी आयेगा नहीं । तो इसमें हमारा क्या कसूर है ? आप अपनी पार्टी को मजबूत बनाइये । इसमें इन्दिरा गांधी का क्या कसूर है ?

मेरा कहने का मकसद यह है कि मेल्टिग पाट में हमारा सारा सिस्टम है । देबना है कि यह कामियाब होता है या नहीं : अगर यह फेल होगा तो क्या होगा, पता नहीं । अगर यह फेल हो जायेगा तो फौजी चीज श्रायेगी या कौन सी चीज आये, बूनी इन्कलाब श्राये, बुदा जाने लेकिन यह सारा सिस्टिम श्राज मेल्ट्टा पाट में है । मगर यह जो तजवीज मेरे भाई ने पेश की इसका मतलब तो यह है कि इस सिस्टम के
[8ी रााषीर संह]
खिलाफ एक वोट आफ सेन्सर है । जो प्राज एक लीडर वनता है, वह कहते है कि पहले बैलट में नहीं, दूसरे बैलेट नें हो, तीसरे बैलट में हो, इस तरह एक-एक एम एल ए की एक-एक लाख कीमत बनेगी । वह कहुंगे मुभे वोट करना, में तुम्हें वजीर बनाऊंगा और तुम्हारी जेन्र में इतने पैसे भी पड़ेंगे-यह सारी चीजें चलेंगी। श्रब रहा यह कि श्राप कहेंगे कि अब भी तो यह चीज घलती है, क्या श्रब खराबी नहीं है ? तो खराबी है और खराबी होगी लेकिन इसका यह इलाज नहीं है । यह चीजें लाजमी हैं मगर एक चीज होकर रहेगी कि देश में जो एक बयालत की पार्टयां हैं उनका पोलराईजेशन होगा । श्राज ये लीठर जो अपने अपने हलवे मांड़े चलाते हैं, अपनी श्रपनी जागीर बनाये हुए हैं, कोई तीस ह.जारी, कोई बीस हजारी, कोई दस हजारी, झ्रलग-म्मलग तरहृ के हैं, यह चीज खत्म होगी । एक खयालात के लोगों का पोलराईजेशन होगा। सोरालिस्ट खयालात की जो पारियां हैं उसमें कांग्रेंस सोशालिक्ट पार्टी है, भ्रोर दूसरी सोर्शलिस्ट पाटियां हैं, कोई ज्यादा सोशालिस्ट है, कोई सांईटिफिक सोशलिस्ट हैं, कोई डिमोक्रैटिक सोशलिस्ट हैं, एक वक्त आयेगा जबकि इन सारी पाटियों को एक होना पड़ेगा ओर जो दूसरे उनको त्रेक लगाते हैं, उनकी टांग पर लाठी चलाते हैं श्रोर उनको फेल करना चाहते हैं वे एक तरफ़ होंगे । रिएक्रानरी पार्टयां एक तरफ होंगी श्रोर प्रोत्रेसिव पाटियां एक तरफ होंगी। सर्मायेदारों की पार्टी एक होगी श्रोर गरोब की पार्टी एक होगी, मेहनतकहा की पार्टी एक होगी। यह पोलराईजेशान होकर रहेगा। वह पांच साल में हो, सात साल में हो लेकिन उस दोरान तक यह कन्म्यूजन की बात जो मेरे भाई कहते है वह बेशक चलेगी । लेक्रिन इस ट्रानजिटरी ग्टेज में इस लेजिस्लेशन की कोई जरुरत नहीं है । में पूष्खना चाहता हूं घगर गवर्नर को भी जो

अहिगगारात श्रापने दिये हैं, वह भी न हों ओर चीफ मिनिट्ट्र को जो कांस्टीट्यूश्रन में घ्यधिकार दिये गये हैं वह भी निकाल दिये जायं तो मेरा खयाल है कि स्टेट में कोई गवर्नैमैंट ही नहीं बनेगी। अगर ये चीजें निकाल दी जायं तो सारी स्टेट्स में या तो परमानेन्ट राष्ट्रपति का राज्य रहेगा या फिर कोई गबर्नंमेंट बनेगी तो बह़ फाल्स की तरह बनेगी-कोई दो दृप्ते, कोई चार हप्ते श्रोर कोई 6 हफ्ते की गवनंमेंट बनेगी । उसके लिए क्या हम तैयार हैं ? श्रोर हम चाहे तैयार भी हों लेकिन हमारे देश की गरीब जनता उसके लिये तंयार नहीं है । वह बार-बार एलेक्शन करने को बढ़ा जुल्म समभती है। वह काम करने बाले लोग हैं, एक मजदूर तीन चार रुपये रोज कमाता है, वह कंसे बार-बार काम बोड़े ? किसान अपने सेत को केसे छोड़े ? वह बेकार श्रादमी नहीं है। वह कमाक पूत है, खाक नहीं है । बहुत से हमारे लीहर खाक पूत बने हए हैं लेकिन बह कमाक पूत हैं, किसान घ्रोर मजदूर देशा का। वह बार-बार देशा में एलेक्शन नही चाहता । और इस तरह या तो बार-बार एलेक्शन होंगे या फिर गवर्नंमैंट रोज जल्दीजल्दी ट्टेगी। में म्राप से बड़ी इज्जत के साथ कहता हूँ, म्यापने जो बिल दिया है, यह इलाज के बजाय बीमारी को घ्रोर बढ़ाने वाला है । इस चीज से बीमारी आर बढ़ेगी और बीमारी भी ऐसी वैसी नहीं, तपेदिक की बोमारी बन जायेगी जिसका कोई ईलाज नहीं।

मेरा ऐसा खयाल है जिस काज़ को श्राप प्लीड करना चाहते हैं वह काज ही डिफीट हो जायेगा । भ्राज जगह-जगह घ्रलग-प्रलग रूल हैं, कड्मीर में श्रलग है, पंजाब में श्रलग है, हरियायो में श्रलग है 1 प्रोरोगेशान कंसे हो, साईने डाई एडजनं हो तो कीसे हो, किन हालात में हो, घ्यसेम्बली बुलाकर पूछा जाये या गवर्नर को भ्नद्दाज लग जाये किसके साय

मेजारिटी है, इसके हर जगह श्रलग 2 कायदे हैं । श्रब एक चीज पंजाब में हुई, बहुत सारे लोग कहते हैं गलत बात हुई, भं कहता हूं बिल्कुल ठीक बात हुई । वहां गवर्नर को पता लग गया कि प्रकाश सिह बादल के पास मैजारिटी है, उसने बादल की सरकार बना दी, इसमें कौन सा गलत काम गवर्नर ने किया ।

में श्रभी बिहार के चायवासा से हो कर भाया हूं, वहां जो कुछ हुग्रा उस को देख कर मेरे दिस में बड़ा दर्द हुग्रा, लेकिन मुभे इस बात की खुशी है कि वहां की गवर्न मेंट ने, चाहे कुछ लोग उस को माइनोरिटी की गवर्नमेंट कहते हैं, बड़ी खूबसूरती से उस मामले को सम्भाला। वह गवर्नमेंट बड़ी दापुलर गवर्नमेंट है श्रौर उतना ही बढ़िया काम करती है, जितना हमारी इन्दिरा गांधी जी की गवर्नमैंट यहां सेन्टर में करती है।

जहां तक एब्सोल्यूट मैंजंरिटी की बात कही गई है, एःसोल्यूट मैजोरिटी की कैसे बनायें। मान लीजिए कोई ऐसी रिएकशनरी पार्टी है जो किसानों को जान से मारती है, मजदूरों को जान से मारती है, तो दूसरी पार्टी उन से कैसे मिलेगी। सभापति महोदय, मैं बड़ा मशकूर हूँ, ग्रापने मुके टाइम दिया। मेरे स्याल में यह बिल कतई प्रिमचच्योर है, इममैच्योर है, अनटाइमली है। यह देश के हित के, डेमोकेसी के हित के खिलाफ़ है । इस के मान लेने से मुरिकलात बढेंगी कम नहीं होंगी। जिस परपज़ के लिये इस को पेश किया गया है, वह परपज ही डिफ़ीट हो जाएगा ।

श्री रवि राय (पुरी) : सभापति जी, हमारे श्री पी० के० देव साहब ने जो बिल सदन के सामने रखा है, में उस का समर्थन करने के लिये खड़ा हुग्रा हूं। सभापति जी, आप जानते हैं कि 1967 का वर्ष हिन्दुस्तान के प्रजातन्त्र के इतिहास सें बहुत महत्वपूरां वर्षं रहा है, इस लिये कि कांग्रेस दल जो हिन्दुस्तान में पिछ्बले 20 सालों से हुकमत करता भ्रा रहा

था, करीब 9 राज्यों में उस की सरकार खत्म हो गई ग्रौर उस के बाद सब लोग सोचने लगे कि देशा में स्थिर सरकार कैसे बने । एक तरह से एक दल का जो एकाषिकार इस देश में चला श्रा रहा रहा था, वह जनता के वोट के ज़रिये खत्म हो गया, यहां तक कि केन्द्र में भी इस दल का ग्रल्पमत हो गया ।

श्रब सवाल यह है—कि गवर्नरों को जो विवेक शक्ति हमारे संविषान में दी गई है, इस को लेकर इस सदन में पिछ्बले तीन सालों में बहुत वाद-विवाद हम लोग कर 'बुके हैं। में श्री देव को घन्यवाद इस लिये भी देना चएहता हूं कि इसी विषय को लेकर वह पहले एक प्रस्ताव इस सदन में लाये थे ग्रोर श्राज वह इस को बिल में रूप में लाये हैं। हमारे संविषान में राष्ट्रपति की भतंस्ना करने के लिए प्राबीज़न है, किन हालात में राष्ट्रपति की भर्तस्ना की जा सकती है, लेकिन यह एक श्रजीब चीज है कि कि जिस गवर्नर को राष्ट्रपति नामजद करता है, उस गवर्नर की भर्तस्ना करने का अधिकार इस सदन को नहीं है। इसी खामी को दूर करने के लिये देव साहब पहले प्रस्ताव लाये थे और अब बिल लाये हैं।

इस बिल का श्रसली मकसद क्या है ? सभापति जी, श्राप जानते हैं कि यह मामला राजस्थान से शुरु हुग्रा श्रौर इस समय बिहार तक पहुंच गया। मेरा इस सरकार के खिलाफ़ श्रारोप है-जिस बंग से या जिस विचार से गवर्न रों की विवेकशक्ति का प्रावीजन संविघान में रखा गया था, गृह मंग्रालय ने उन को नौकरों के रूप में परिशित कर दिया, बहुत सोच-विचार से राज्यों में सरकार के गठन करने के लिये संविधान में व्यवस्था नहीं की गई श्रोर यह बात राजस्थान से शुरु हो कर आज बिहार में दारोगा प्रंसाद राय की जो सरकार बनी, उस से साफ़ जाहिर हो गई है। क्या यह सही नहीं है कि दरोगा राय को मंत्रि मंडल का गठन करने के लिए कहने से कोई सात ग्राठ
[श्री रवि राय]
दिन पहले बिहार के मोजूदा गवर्नर की तरफ से पक्का एलान हुग्रा था, उन्होंने॰ खुले रूप में यह राय जाहिर की थी कि में पहले गलती कर चुका हूँ लेकिन श्रब अल्पमत की सरकार को गद्दों पर नहीं बिठाऊंगा लेकिन हुआ क्या ? में जानता हूँ कि फरवरी के महीने में बिहार के गवर्नर का समय पूरा होना था और वे दूसरा श्रवसर लेना चाहते थे घ्रोर हमको तो ऐसा लगता है कि गृह मन्त्रालय से यह द्विदायत की गई कि श्रापका समय बढ़ा दिया जायेगा, श्राप दरोगा राय को शापथ दिलवा दीजिए। मेरा तो इस सरकार पर साफ श्रारोप है कि इसने प्रजातंत्र की जो नीति है या जो संविघान है उसकी भावना को नहीं माना श्रौर इसी वजह से संविधान का जो मकसद था वह पूरा नहीं हुग्रा। इसलिए में कहना चाहता हू कि बिहार में इस प्रकार की चीज हुई ग्रोर उसके बाद हम देख रहे हैं कि घवन साहब किस तरह से मनमानी करते हैं। कल इसी सदन में हमने श्रारोप लगाया कि वे एडवाइजर्स को किस तरह से मुकर्र करते हैं ? इस तरह से करते हैं जैसे कि कैबिनेट के मिनिस्टरं की नियुक्ति हो। एक ग्रसबार में निकला कि कैबिनेट की जो क्षमता होती है उसका इस्तेमाल उनके एडवाइजर्स करेंगे । दूसरी बात यह है कि वे किस तरह से बंगाल के विरोषी दलों से कंफियत तलब करते हैं ? जैसा कि ग्राप स्वयं जानते हैं उन्होने सभी दलों के नेऩाओं से जवाब तलब किया कि कम्युनिस्ट मार्सिस्ट पर्टी की सरकार को समर्थन क्यों न दिया जाये। मानो वे कोई जज हों । गन्ननर साहब इस तरह से मनमानी करते हैं जैसे कि वे राष्ट्रपति के एजेन्ट के नाते काम नहीं कर रहे हैं बल्कि घवन साह्रब यह् समभते हैं कि में इंडेपेन्डेन्ट गवर्नर हूं । यह सब इसलिए हो रहा है कि गवर्नर की क्षमता पर एक सीमां या लक्ष्मरा रेखा जो खींची जानी चाहिए वह इस सरकार

ने नहीं खींची है । प्रजातन्त्र की यह मान्यता है कि एगिक्ज्यूटिव या कोई भी पदाधिकारी हो उसको एक सीमा के श्दन्दर रहना चाहिए, उसके बाहर नहीं जाना चाहिए।

सभार्पति महोदय, हमारे भूतपूर्व स्पीकर श्री संजीव रेड्डी साहब के नेतृत्व में स्पीकरं कांफ़न्स में यह प्रस्ताव पास हुम्रा या कि राष्ट्रपति भवन या गवर्नरों के राज प्रसादों में किसी दल के बहुमत का प्रशन तय नहीं होना चाहिए बल्कि यह सब विधान सभा के अन्दर तय होना चाहिए। में नहीं सगभता कि चोषरी साहब, जो कि अभी पहले बोल रहे थे उनकी राय यह नहीं होगी कि विघान सभा में ही ये सारी चीजें तय हों । श्री पी० के० देव का यही कहना है कि आप धुनाव या मध्यावधि धुनाव समाप्त होने के त्राद गवर्नर का यह कर्तव्य है कि वह बिधान सभा को बुलाये म्मर जिस दल या दल समुह के नेता पर विश्वास हो उनको मंत्रि मंडल का गठन करने के लिए कहे । जहां तक पैसा श्रोर प्रलोभन या श्रायाराम गयाराम का सवाल है वह चोघरी साहब के प्रदेशा हरयाराा से ही यह प्रारम्भ हुश्रा श्रोर जब तक यह सरकार गद्दी से नहीं हटती, यह श्रायाराम गयाराम की समस्या हल नहीं हो सकती है। इस सरकार के चलते डिफेक्शान की स्सस्या हल नहीं हो सकती है। डिफेक्शन्स कमेटी ने जो रिपोटंटी है उस पर श्राजतक इस सदन में बहस नहीं हुई है। हम लोगों ने बार-बार बिज़नेस एडवाइजरी कमेटी में सरकार से कहा कि समय निकाल कर सरकार के समय में उस रिपोटं पर बाकायदा विचार किया जाये ताकि जनसाघारा के दिमाग में डिफेक्शान्स के बारे में चीजें सामने श्रा जायें । लेकिन यह नहीं हो रहा है । क्या यह सही नहीं है कि लोक सभा के तीन सदस्य एक जनसंघ के स्वामी ब्रह्यानन्द श्रोर दो स्वतंत्र पार्टी के सदस्य इन्दिरा गांधी के दल में चले गए ? यह सरकार जो यहां पर

प्रजातंश की नीतियों का जिक करती है, क्रा इसका यह कतंव्य नहीं घा कि उत सदस्यों से कहती कि भ्राए घ्राप हमारी नीतियों को मानते हैं तो ठीक है पहले इस्तीफा दीजिए घ्रोर जनता के सामने चलिए। लेकिन यह जो सरकार है बह इस तरह की तमाम नीतियों, सिद्वान्तों प्रोर विषारों के बिलाफ काम करती है । इसने इस प्रकार की नीति, सिद्धात्त का दोई नमूना या प्रादरं सामने नहीं रखा। जिस के बलते सारी चीज गड़बड़ हो रही है घोर प्रजातंत्र, गयातांक्रिक सिद्धान्त सब इस सरकार के रहने पूरिल हो गये। इसलिये जो इस बिल में कहा गया है नें समभता हैं बह ठीक है। स्पीकसं कानफ़रें का जो फेसला था कि निस बल का विधान सभा में बहुमत है यह सबाल विषान सभा गें तय होना चाहिये नकि राजभबन में। माननीय पी० के० देव का कहना है कि इस फिसले को कानूनी हाबल दी जाय प्रोर गबनंर को जो घ्रनफंटहं फीउम संविषान में दी गीी है, जो लामी थी संविषान में उसी की तरक़ प्रस्तावक महोदय ने हम सब का घ्यान दिलाया है।

इस बिल का में समयंत करता हृं म्रोर इंस बिल में जो जिक्रहै कि सारी की सारी चीज विषान सभा में तय होनी वाहिये प्रोर श्राम भुनाब या मध्यावधि धुना'व के बाद गवरंर् का यह क्तंब्य होना चहिये, उस के लिये मिनहेटरी होना बाहिये कि बह विषान सभा की बैठक बुलाये मोर वहां जिस दल का बहुपत हो उस दल के ने $\Gamma ~ ז$ को मंन्रि मंब्न गठन करने के लिये बुलाये । इसलिये जिन स्षादेखों को ले कर यह बिल बनाया गया है वह सराहनीय हैं भोर में समभता है कि सदन इस बिल को पारित करे।

हतना ही कह कर में बिन का समयंत करता हैं।

SHRI R. D BHANDARE (Bombay Central) : Mr. Chairman, Sir, going thrcugh the provisions of the Bill moved be my hon.
friend, Shri P. K. Deo, I am surprised that the mover of the Bill has misunderstood both the constitutional provision and the convention which is at the basis of the constitutional provision. Those who are students of the Constitution history know it very well as tu how this principle which is enshrined in articles 74 and 75 and, in the case of States, in articles 163 and 164 was put in the Constitution. I need not go into details of that historical aspect. But I will deal with the salient features as to bow the convention developed.

I will deal with the development of the convention, as we have incorporated in the Constitution, as it happened in England. After the elections. under the new Act of 1716, Sir Robert Walpole became the first Prime Minister in 1721. How did he become the Prime Minister? He did not become the Prime Minister because be was inviled to become the Prime Minister or to lead his party. He claimed that he commanded the majority in the House of Commons. That was his claim Because of his claim of having the confidence and the majority in the House of Commons, he continued to be the Prime Minister of England right upto 1742, that is, for 21 years.

When he was defeated in the elections in 1742, he resigned. Now, Mr. Chairman, it is a very curious fact to recollect that these two simple accidents of historyRobert Walpole claiming the majority in the House and he resigning because he lost the majority-have become the conventions which are the basis as to how the Prime Minister of the ccuntry in a Parliamentary form of Government or as Chief Minister of a State under the parliamentary form of government claiming majority. Now, that convention has been followed very strictly. I need not deal with the powers and functions of the King in the United Kingdom and the powers and functions of the President at the centre and the Governors in the States.

SHRI S. M. BANERJEE (Kanpur): There is no written constitution there.

SHRI R. D. BHANDARE : At least I presume to have some knowledge about the character of the Constitution. I am talking of the development of the convention and how it is incorporated in the Constitution. When these provisions were incorporated in
[Shri R. D. Bhandare]
the Constitution-it is very interesting to read the debates-it was the apprehension in the minds of some of the Members of the Constituent Assembly that the leader of a particular Party may usurp the powers and without relevance to the facts may claim to be the leader and may become either the Prime Minister or Chief Minister of a State. That apprehension was expressed at that time. That apprehension was set at rest by explanation by the framers of the Constitution and ultimately it was thought wise by the foundin; fathers to incorporate that convention in the Constitution itself.

Now, this latitude has been given under the Constitution that after the General Election either the President or the Governor at the State level has to find out who commands the majority in a particular State and which Party commands the majority after the General Election. If he has some idea as to who commands the majority, he sends an invitation to that individual. According to bis discretion or judgment he may send an invitation to the person. Now, if that particular individual has no majority, it is open to the other leaders to approach the Governor or the President under the circumstances and claim majority. But right upto 1967 that eventuality did not arise at all It was for the first time after the 1967 Elections some confusion has been created in the minds of some of the members of different political Parties.

There is a race for power in our country. (Interruption.) Wherever there is a Constitutional Government or even a dictatorial Government, there is bound to be a race for power ; but for the purpose of having power, there must be certain amount of basis for gaining power. Now, certain illustrations have been given, of Rajasthan, or of some other States. What happened after the elections in Rajasthan? There were two claimants who claimed that they had majority. And the Governor, under the circumstances, -when there were two claimants,-had to exercise his discretion, his individual judg. ment, his commonsense, to invite the leader of a party who enjoyed the majority.

SHRI P. K. DEO: Why did Sukhadia resign before the Assembly was to meet ? The day before the Assembly was to meet, he resigned. He would not dare to face the Assembly.

SHRI R. D. BHANDARE : I am coming to that point also. I am not hiding something or I have not forgotten the history which had taken place afte- 1967 elections. When he was given the oath of office it was claimed by the others that he did not command the majority. It was therefore open for the others to go to the Governor and show very cle rily that they had the majority and not Sukhadia's ministry. You know what happened later on. I am not dealing with that aspect as to what happened in Rajasthan or at any other place. If a leader, a person, who claims to have the majority has not got the majority at all and becomes the Chief M-nister, then, under the Constitution, one has to face the House, because Parliamentary Democracy provides four propositions.

SHRI P. K. DEO : The poverly and the ignorance of the the MLA's are being exploited.

SHRI R. D. BHANDARE : I don't know whether anybody could say that because of poverty and ignorance Articles $\mathbf{3} 25$, 326 and 327 of the Constitution should be deleted. I don't know w.ether my hon. friend the Mover of the Bill will go to the extent of saying that because of the fact that the vast majority of the people of our country are ignorant and are poor, therefore, the adult franchise enshrined as fundamental right of the zeople should be deleted, abolished or abrogated. I don't know whether anybody could go to that extent.

SHRI P. K. DEO : Have the right of Recall.

SHRI R. D. BHANDARE : It was a question that was raised at tha time of the framing of our Constitution. Professor K. T. Sbah suggested as to who should be allowed to vote, who should be allowed to exercise the right of franchise and who should be allowed to contest the elections. Graduation was a qualification suggested by him. In the wisdom of the Members of the Constituent Assembly that suggestion or that ameadment was rejected. I do not think that the Members of the House will be so audacions as to give an affront to the people saying that since you are ignorant and povertystricken you should have no right of fran-
chise at all. I do not think anybody will agree to that projosition. But what I am trying to explain to the Honourable House is this. I was trying to deal with the four fundamentals of Parliamentary Democracy.

Parliamentary Democracy rests on the right to queseion, the right to criticise, the right to move a nu-confidence motion and the right to go to the people for election. If a particular leader has no majority, the others have a right to move a no-confidence motion. Those conventions are incorporated in the Constitution under Article i64. Why do vou want to change it or amend it? Is it to geupardise the basis of the Parliamentary Democracy? There might be lapses here and there and those lapses were taken into consideration by the founding father of the Constitution himself. Dr. Ambedkar, speaking on 23th of November, 1949 said that however good the Constitution may be, if the people do not like to work the Constitution, the blame should be put on those people and there should be no blame to the Constitution.

Therefore, I say that I am prepared to admit that there might be certain lapses the niceties of which cannot be understood even by the Mover of this Bill. Therefore, the lapse cannot be the basis for amending the Constitution, more especially, Articles 163 and 164 which the Mover of the Bill seeks to do away with.

I thersfore oppose the Bill and I would like the Mover of the Bill to read the Constitution, its history, conventions and the functioning of Parliamentary Democracy both at the State level as well as at the Central level.

With these words I conclude and I thank you.

शी मृत्युंजय प्रसाब (महाराज गंज) : सभापति महोदय, श्री भंडारे जैसे कांस्टीट्यूशनल लाइयर भ्योर श्री रखाधीर सिह जसे पात्रि-टीशान-लाइयर के बाद कानून की बात छेड़ना मेरे लिए मुरिकल हो जाता है । इसलिए में व्यावहारिक बात ही कहूंगा ।

यह सवाल पहले इसलिए नहीं उठा था कि कांग्रेस का राज करीब करीब समी जगह था घौर ध्रगर एक-माष जगह नहीं था,

तो वहां संयुक्त सरकार की कोलिशन इतनी जबर्दस्न बन गई थी कि यह सवाल महत्व का नहीं रहा । मगर 1967 के बाद स्थिति कुछ ऐसी बदल गयी है ईक इस बारे में सोचना पड़ता है । बराबर यह देखने में आता है कि गवर्नर ने जिसको एक बार राज-तिलक दे दिया उसके पीछे लोग दौड़ ग्राते हैं। श्री देव ने श्रमी कहा कि गरीबी श्रौ ग श्रज्ञान का लाभ उठाया जा रहा है । वह तो है ही, लेकिन वह बात छोड़कर में कहना चाहता हू कि जिसके हाथ में शक्ति ग्राई, उसके पीछे दौड़ने वालों की कभी कमी नहीं होती है। इसलिए श्रगर उसे कुछ मिल गया, तो फिर वह जम जाता है । जमना श्रच्छी बात है, इससे मुभे शिकायत नहीं है, लेनिन इससे गह साबित नहीं होता है कि वह शु ${ }^{5}$ नें ही जमा हुग्रा था ।

गवर्ननर्ज की पावर्ज के बारे में रोज़ यहा भगड़ा चलता रहता है । इसलिए इस पर बहुत गम्भीरता से विचार करने की जरूरत है। यह दूसरी बात है कि सरकार कहे कि यद् समस्या टेढ़ी है, यह इसका सबसे सुन्दर समाघान नहीं है । लेकिन जब तक सरकार इससे श्रच्छा समाधान न बताये, तब तक इसको कुबूल करना पड़ेगा । मगर यह कहने से नहीं चलेगा कि यह समाघान ग्रापको पसंद नहीं है तो कोई समाषान ही न हो । जब समस्या है तो इसका समाषान निकालना पड़ेगा घ्रौर में देखता हू कि घापके बड़े-बड़े कांस्टीट्यूशनल लाइयर, श्री महाजन, श्री सरकार, श्री गजेन्द्र गडकर, श्री सीतलवाठ घ्रौर श्री सीरवाई, इन लोगों की कमेटी ने बारहा विचार किया ग्रौर फिर दोबारा 1968 में भी यह् लोग मिले । उसमें तीन बातों पर सहमति रही । पहली बात तो यह रही कि जब गवर्नर किसी को चीफ मिनिस्टर बना ले तो श्रघिक से श्रधिक 15 दिनों के मीतर ही नये मुल्य मंत्री को यह सिद्ध करने का मोका मिलना चाहिए कि उसके पास बहुमत है।
[श्री मृत्युंजय प्रसाद] मगर देखने में यह् आया है कि वह 6 महीने तक विषान सभा को न चाहें तो न बुलाने का लाभ उठाते हैं तब तक जब तक कि भीतर से हर चंद कानूनी या गैर-कानूनी, उचित, श्रनुचित कोशिश करके पूरी कोलीशान श्रपनी मज़बूत न कर लें। यह तो एक ग्रादमी को र्वामरूवाह उसमें ताकत हो या न हो, दूसरे को लाचार करके, मजबूत बनाने की बात है । यह ठीक नहीं है श्रौर इसमें भ्रगर गवर्नर शामिल होते हैं तो बराबर यह बात कहने को रह जाती है कि केन्द्रीय सरकार का हाथ इसमें है । है या नहीं, यह तो हर एक मामले पर श्रलग श्रलग विचार करना पड़ेगा क्योंकि हर बार एक ही बात नहीं होती। मगर श्राप की शिकायत तो होती रहती है घंँर होती रहेगी। इसलिए भी इसको बचाने की दरकार है । दूसरी चीज यह है कि घगर एक दल के हाथ में पूरी तांकत न होयानी पचास प्रतिशत से कम हो घ्रीर ऐसी गवर्नंमेंट एक नहीं बहुत है, खुद यहीं है जब तक हम लोग थे, एक साथ, तब तक 285 ग्राप के साथ थे । भाज 220 से भी कम हैं, ऐसी हालत में 520 के हाउस में 220 को लेकर भाप चल रहे हैं। ...(क्यवधान)...में यहीं का उदाहरएा ले कर कह रहा हूं कि यहां पर ध्राज भ्राप जो चल रहे हैं वह चल रहे हैं इस बल पर कि अपोजीशान कभी भी इकट्ठा नहीं होगा क्योंकि अपोजीशान को खरीदनं के तरीके आपको मालूम हैं और वह 6 तारीख को बहुत ठिकाने से देखा गया कि आपको गालियां देते थे वह वोट देने के वक्त बाहर जाकर बंठ गये। यह तो देखा गया है। ऐसे ही हर जगह होता है। स्टेट्स में भी होता है । भगर यह एक ही पार्टी का राज हो तो कोई कठिनाई नहीं है । एक ही पार्टी हो तो ठीक है। मगर एक पार्टी तो घाई नहीं। इसके फलाबा अब एक बात और आ जाती है कि

विदेशों में श्रोर खास करके इंग्लंड में श्रपोजीशन का लीडर भी ऐसा माना जाता है जिसको सर्कार की ओर से कानून बनाकर कुछ पैसा भी देते हैं और मान लेते हैं कि अगर यह संखार जायेगी तो अपोजीशन लीडर को सरकार बनाने के लिए बुलाया जायेगा । यहां कोई सरकार जाती है तो यह आवश्यक नहीं है कि उस सरकार को तोड़ने वाले जितने हैं वह एक अमुक व्यक्ति को ही फिर से अपना नेता मान लें । क्योंकि बहुत से बीच वाले तेसे हैं जो इस बात पर दोबारा तिबारा विचार करने को तैयार होते हैं, घ्रनी भूल को भी सुधार करने को तैयार होते हैं। अगर एक सप्ताह का टाइम मिलता है, दस दिन का टाइम' मिलता है कि श्राप फिर चुन लें तो हो सकता है कि कहीं पर हारे हुए नेता ही दोवारा नेता चुन लिये जायें। और आखिर में लुब्बोलवाब तो यही है कि आप शक्ति-परीक्षरा चीफ मिनिस्टर बनने के पहले करना चाहते हैं या बाद में ? अगर पहले हो जाता है तो ठीक है। अगर उनके पास शक्ति थी पहले से तो बिगड़ा क्या? ओर अगर शक्ति नहीं रही तो फिर दोबारा जब तक कि उनके खिलाफ अविशवास का प्रस्ताव पास न हो या श्रौर हर तरह से कमजोरी जाहिर न हो तब तक उसकी सरकार रहेगी। इसलिए चौषरी साहब ने जितनी बातें कहीं उनके भीतर यह तो बात रह जाती है कि वह र्वामख्वाह तो गिरेगी नहीं जब तक कमजोरी नहीं आयेगी और कमजोरी होगी तो सरकार जायेगी और कमजोरी होने के बावजूद भी सरकार बनाई गई थी इसलिए वह नहीं टिक सकती । मगर उसके बाद भी टिक गई तो फिर यह बात डेमोक्रेसी की नहीं है । यह तो स्वामख्वाह अल्पमत की सरकार को बहुमत बनाने का मौका देकर रोकने की बात है। भौर दूसरी जगह जो मैंने कहा कि अपोजीशन के लीडर का स्थान है वह हमारे

देका में तो नहीं है। आज अगर यह सरकार गिर जाय तो कोई आवशयक नहीं है कि श्राप हमारे लीडर को बुलायें ही । प्रेसीडेन्ट साहब कह सकते हैं कि आप बताइये कि आप के पास कितनी ताकत है ? ग्राप को अपोजीशान वाले सब समर्थन करते कै या नहीं ? अगर नहीं करेंगे तो मुखिकल में पड़ंगे। इसलिए यह चीज स्पष्ट हो जाय तो बहुत अच्छा है ।

अन्त में में एक बात कहना चाहता हूँ। जब हम आगे बढ़ते हैं और संविघान में परिवर्तन की बात कहते हैं तो इसका यह अर्थं नहीं है कि आगे कभी संविघान में परिवर्तन नहीं करेंगे । हमने 22 सालों के अनुभव के बाद यह बात सोची है, उसी तरह से श्रोर 10-15 साल के अनुभव के बाद कोई श्रौर बात भी सोच सकते हैं । इसलिए यह बहुत श्रावइयक है कि जिसका बहुमत हो, उसका ही राज्य चले । ऐसा नहीं होना चाहिए कि जिसके पास ताकत न हो, बहुमत न हो, उस को गवर्नर मुख्य मंग्री बना दें ं्रोर इस भरोसे पर वह गयर्नमेंट चले कि सरकार बन जाने के बाद लोग उसके पीछे ग्रायेगे ही। इस सम्बन्ष में उदाहरराों की क्मी नहीं है: में ग्यनेकों उदाहररा दे सकता हूं, लेकिन उससे बहस लम्बी हो जायेगी। केवल एक ही उदाहरा बिहार गा देता हूं। यदि यह बात होती कि अन्य दलों को मिलाकर सरकार बनेगी तो फिर श्रादमी गिनने का सवाल ही पैदा नहीं होता । गत्रर्नर साहब ने 25 तरह के हिसाब उसमें किये, इस तरह के हिसाब करने की ज़हरत ही न पड़ती । जब हम विधान सभा में 115 थे, ग्रौर हार जाने के बाद दोबारा हमें श्रन्य दलों का काफी समर्थन मिल रहा था, तब हमें दोवारा सरकार बनाने का अ्रवसर देना था। बाद में तो सम्भव है हमारे लीडर जीतते या हारते, लेकिन उनको मोका जरूर देना चाहिए था। श्रगर उस वक्त फैसला हो जाता तो बाद में जो हूप्रा वह बात न होती,

लेकिन इतने दिनों तक लटकाये चले गये, क्योंकि प्राइम मिनिस्टर को दल के नेता हरिहर सिह नापसन्द थे । इसी वजह से कांग्रेस पार्टी का लीडर बदलने का सवाल उठा और जब उन्हें नहीं बदल सके तो उनके नेतृत्व में सरकार बनाने को टालते गये । नवम्बर में जब हमारे दो दल हो गये, तब उनको मोका मिला श्रोर उसके बाद बहुत से छोटे दल मिल गये, चाहे उनको 150 गिना लीजिये, 160 गिना लीजिए, 170 गिना लीजिये, चाहे जितने गिना लीजिये, वे मिल गये। 115 रहते तो नहीं मिलते यानी गवर्नर साहब आप के हुकम के तावां थे, उन्होंने उस वक्त सरकार नहीं बनने दी । श्रगर उस समय सरकार बन जाती तो चल जाती, लेकिन इस चीज को वे नहीं चाहते थे । हम इस चीज को नहीं चाहते कि गवर्नर जिसकी चाहें सरकार बना दें । जो सरकार झ्रपने बल बूते पर बने वही चले, जिस दिन उसका बल खत्म हो जाय, उसी दिन टूट जाय ।

SHRI N. K. P. SALVE (Betul) : There is hardly a sane thinking person with rational faculties intact who is not alarmed of the happenings on the political horizon at the repulsive corruption and the intrigues which precede and surceed the formation of the Ministry and the selection of the Chief Minis'ers. Undoubtedly, things are extremely unsatisfactory, and therefore, to the extent the Bill considers that things need to improve I may have something in common with it, I may sympethise with the Mover of the Bill, to a limited extent but on a closer scrutiny of the provisions of ths Bill I am unable to see how they are going to prove a panacea for the present maladies which have plagued the political life of our country. In fact, the events which precede the selection of a Chief Minister or the formation of the Council of Ministers are a manifestation of the over-all maladies which exist in our political life. Amending the Constitution or changing a rule here or there is not going to improve the moral fibre of our political life, and therefore, I do not think that the avowed objectives of this Bill would ever be achieved. It is for this reason that I oppose this Bill. Have we considered it our reesponsi-

JShri N. K. P. Salve]
bility to establish certain standards, ethical and moral, in our public and political life, and have we not, by the standards that we have established, weakened our nascent democracy? Is it not a fact that our democracy at this infant stage would not be properly nourished and nurtured if we do not bring about a very basic change in our approach? We have to take drastic measures to curb various evils and malpractices. How are we going to do this 7 My submission is this. If we pass this Bill, can we achieve the avowed objective? If we improve our standards in our public life morally and ethically then we do not need any change in article 164. If we do not do so, then though one may have hundreds of such Bills things are not going to change. Therefore, the basic change is needed in ou: attitude. We must learn to keep certain things above ourselves and should not be selfish, greedy and should not have that lust for power as we have seen after the 1967 elections.

### 18.00 hrs.

In some other connection I had an opportunity to go through the debate in the Constituent Assembly to see the genesis of article 161 , why it was put in the Constitution in that form, why it was not specifically provided that only the person who bas the majority will we called by the Governor to form the Government. Dr. Ambedkar pointed out that if it were not left to the volition and judgment of the Governor, there was the likelihood of malpractices such as corrup: intrigues; such malpractices might become rampant and the Governor while seeing that all sorts of intrigues were being followed would still be a helpless spectator in the matter...(nterruptions) It has happened, true. But it is not as if this provision was made by the authors of the Constitution in oblivion; they were not unaware of this type of situation arisinis in the country. They have considered it ; they felt that such a situation would arise : if the type of authority sought to be given by the Bill is given then it would bring about much greater corruption and intrigue than would be the case if the Governor were given the necessary, authority. Neither the Movcr nor the supporters have explained how they were going to check the basic ills which are the cause of weakening democracy. Nor
have we analysed why we bave come to such a position. It is taken for granted that we are going to labour under these conditions for long. As Chaudhuri Randhir Singh indicated, things cannot go on the way they have gone; they will have to come to an end. I do not know in which form it will end. May be the day will not be far away when wot will not de talking in this Assembly, and democracy will no longer be alive. Why have we come to such a pass ? Instead of trying to remedy the causes of existing ills, why do they go in for enactments which are of dubious merit? Why not ascertain the causes as to why we have come to the existing condition? It is a matter of great pride to me as an Indian that in this country at least for 22 years democracy survived. Various countries became independent in the postwar period in South East Asia, Latin America and Africa. One after another they were divested of their democratic liberties ; a despot or a dictator came. What happened in other countries is their business. In our country democracy continued for these 22 long years and given proper nourishment and climatic conditions. There is such an amount of inherent power in this country that democracy can continue to thrive and flourish.

However, it cannot be minimised that we are at the moment passing through an extremely precarious period; this is a period of crisis for our democracy. What is the real way out of getting out of this difficulty ? That is what I would like to address to the author of the Bill. Let us get at the root of the problem and try to eradicate and remedy the basic ill.

The basic ill, I submit, is that there are 137 parties. Unless we have two parties,we can take the Communists for granted as the third party - it will be difficult. If we want to stabilise democracy in this country, the real stability, strength, to democracy will only come when we realise that we have to have only a two-party system in thisc ountry. With 137 parties, you can have any amount of changes in the Constitution; you can change the Peop'e's Representation Act. and you can change anything you want, and instability and the consequent corrupt practices and intrigues would never come to an end.

SHRI RAJARAM (Salem) : Now only there are 137 parties.

SHRI N. K. P. SALVE: Yes; but why are you not willing to merge with one party. a party which will have an all-India basis? Of course, your party is doing excellent work: at least they have given a stable government in Madras State and to that extent they are entitlis to our highest appropation and commendation. But the difficulty is, if they have an all-India basis, some of the leaders who have vested interests will have to sacrifice themselves. Unless this is done in the larger interests I do not see any future for democracy in this country

A whole lot has been said about Rajasthan. I do not know the facts about Rajasthan. I shall not try to repudiate nor support what has been stated. But certainly I do knuw something about my own State of Madhya Pradesh. It was pointed out by the Mover of the Bill that in Madhya Pradesh the Governor intervened and prorogued the Assembly, and did not allow the functioning of the democracy as it should have just to save the Chief Minister.

SHRI P. K. DEO : That was the budget session.

SHRI N K. P. SALVE : I know. But I do not know whether or not this proposi'ion is right But has not what happened subsequently, after two days, when the Assembly met and a few unscrupulous and ruthless mer, crossed over-they toppled the stable Government has that not affected the roots of democracy much more than the prorogation for two days? I ask you. I submit we ar: just looking at the form of things and we are not worried about the substance. Even Rajmata was saying that it was the gravest of ciror to form a government in Madhya Pradesh which was the most corrupt government ever known in any State because they set up ruthless men to cross the floor and joined the others. She said she did not know how shameless they were. But they were not shameless. Have they become ruthless and shamsless only ufter 18 months of misrule? They were the finest of people; they were the bravest of perple. They were the bosom friends with those prople. They were set to cross the floor. I am not blaming anybody. That is what I am submitting. (Interruption) 1 am
not yielding. By a narrow doctrinaire technicality you cannot check misdeeds of power thirsty politicians. To end corruption and greed you will have to go to the hub of the problem, and see what is it that is weakening our democracy. What is it that weakens the stable government? In Madhya Pradesh, after just 18 months, another government came and those people have come back to my party, and would they be given ministerial appointments when they again try to threaten and topple the party ? I am very proud to submit that the President of my party has said, "All right ; let them topple and topple it 101 times. We are not going to give you anything."

## MR. CHAIRMAN : Please conclude.

SHRI N. K. P. SALVE: So, Sir, this is my submission-1 want just a few more minutes, Sir. Unless we go to the root of the mater, the very basis or the hub of the argument, we are not going to find a solution to problems created by corrupt politicians.

Finally, while concluding, I wish to submit that after all, if we are not improving ourselves, why not trust our voters? I have no doubt in my mind that the Indian voter, especially in the mofussil, in the rural areas, is a very mature man. You leave it to him. Let the elections come. I have no doubt in my miod that those representatives who are guilty and corrupt, who sold their conscience for Rs. 5,000 , Rs. 25,000 , Rs. 50,000 or Rs. 1 lakh or for power will be taught a lesson by the voters. Till then we should wait.

With these words. I oppose the Bill and thank you.

थी शारदा नन्द (सीतापुर) : सभापति महोदय, जो बिल पेश किया गया है मैं उस का समर्थन करने के लिये खड़ा हुग्रा है। में नही समभ पा रहा हूँ कि ग्राज जो लोग इस का विरोष कर रहे हैं वह किस प्रकार से सोचते हैं कि श्रगर यह विघेयक पारित कर दिया गया तो कोन सी बिजली गिरने वाली है। श्राज तो सरकार को इस के बारे में सोचना चाहिये था। लेकिन जब उस ने नही सोचा तब मजबूरन श्री देव को सोचना पड़ा कि इस तरह का विल
[श्री शारदा नन्द]
लाना चाहिये जिस से यह तय हो सके कि विधान सभा में किस का बहुमत है श्रोर किस का नहीं है श्रोर इस बात का वास्तविक परीक्षा हो सके ।

भ्राज देश की जो हालत है उस को देलते हुए प्र्येक नार्गरिक निन्तित है कि ध्राबिर क्षाज हो क्या रहा है । भ्षाज जगह जगह गबनरं महोदय किसी प्देश में कुष कर रहे हैं घोर किसी प्रदेश में कुष । कहीं लोग बिक रहे हैं, कहीं लोग दल बदल रहे हैं, कहीं पारटयाँ टूट रही हैं, कहीं पारटियां बन रही हैं। भ्राज इस प्रकार का एक वातावरा सारे देश में फला हुषा है। इस से देग के लोग बहुत चिन्तिन हैं। भ्राज देश का प्रत्येक नार्गरक चिन्तित है कि श्राबिर हो क्या रहा है।

इस सम्बन्ष में कहा गया है कि बहुमत जानना हो तो विषान समा का सत्र बुलाया जाय और वहां पर ही इस का निरांय हो। भ्राज में उत्तर प्रदेश की बात कहता हैं कि वहां के गवनंर महोदय ने क्या किया क्योंकि श्रमी सद से हाल की जो घटना घटी वह उत्तर प्रदेश में घटी। उत्तर प्रदेश के गवनंर ने भी गिरारा लाल को बुलाया क्षोर कहा कि हम ने ज्रमी तय नहीं किया है कि किस को बुलायेगे। इषर तो उन्होंने उन को यह प्राख्बासन विया क्षोर इषर उन्होंने चौधरी चरा सिह को समय से पहले ही बुला लिया। उस के बाद कहीं पर उन्होने कहा कि हम ने इस बात का निएांय इस प्रकार से किका जब मैं बहुत परेशान हो गया। हम को क्षारी बातों की जानकारी लेनी थी इस लिये हम ने एक प्रयोग किया । वह प्रयोग वह था कि हम गांधी जी की तस्वीर के सामने प्रांब मींच कर बड़े हो गये घ्रोर कहा कि है गांधी जी, ज्राप हम को बतलाइये कि हमें क्या करना चाहिए। ग्रभी यह बात बुली नहीं है कि उन्होंने महाल्या गांधी की तस्वीर के सामने प्रांख मीची थी या इुदिवरा गांधी की तस्बीर

के सामने, लेकिन मैं सरकार से पूछ्छना चाहता हू कि क्या गवर्नर महोदय तस्वीर के सामने खड़े हो कर इस प्रकार का निएांय लेंगे ?

में कहना चाहता हूँ कि श्राखिर कहीं पर तो श्राज रोक लगनी चाहिये, उन के सामने कोई सीमा तो बंधनी चाहिये। उस सीमा का उल्लंघन न हो सके इस के लिये यह बिल लाया गया है। श्रभी श्री रसाषीर सिह श्राया राम गयाराम के बारे में कह रहे थे। लेकिन यह तो उन्ही के प्रदेश से शुरू हुम्मा था उन्होने यह भी कहा कि श्राज समी पार्टियां एक प्रकार से एक-एक, दो-दो, तीन-त्तीन पाटियां हो गई हैं। लेकिन श्राज जो भारन की राष्ट्रवादी पार्टयां हैं उन में किसी प्रकार का कोई विषटन नहीं हुग्रा है, लेकिन श्राज जितनी भी पार्टयां श्रपने को समाजवादी कहती हैं, उन्हीं के भ्दन्दर इस प्रकार की पारियां बनी हैं, और उस का कार्रा यह है कि वे सत्ता या 'कुर्सीं के बिना जीवित नहीं रह सकतीं। इसी लिये भाज यह सब विषटन हो रहा है। मेरा कहना यह है कि श्राज कोई लक्ष्मरा रेखा बनानी होगी, जब तक वह लक्ष्मरा रेसा नहीं खींची जाती, जब सक इस प्रकार का कोई संशोषन नहीं म्राता हमारा काम नहीं चल सकता।

श्रभी जो महोदय बोल रहे थे उन्होंने बहा कि जिस समय सविघान बनाया यया उस समय इस प्रकार की कोई घंका नहीं उत्पन्न की गई। लेकिन उस का काररा यह है कि हमारे बुजुर्ग उस समय नहीं जानते थे कि श्रागे ध्राने वाली पीड़ी, भागे भाने वाले हमारे लोग इस प्रकार से भागते नजर श्रायेंगे, इस प्रकार से श्रायाराम श्रोर गयाराम बन जायेगे । उन्होंने इस की कल्पना नहीं की थी।

श्राज देश में इस सरकार के बड़े-बड़े दिगजज, बड़े-बड़े लीडर, अ्रमरा कर रहे हैं, तो फोड़ कर ररे हैं। क्यों कर रहे हैं ? कहीं किसी

सरकार को गिरवा रहे हैं। कही दल बदलने की राय ले रहे हैं, कहीं कुछ कर रहे हैं, कहीं कुछ कर रहे हैं। इस प्रकार की घटनाश्रों का जिक्र नित्य प्रति ज्ञसारों में क्षाता है। घ्राज घ्रबबारों में मैंने देसा है कि गुजरत में एक भाई ने कहा है कि लोगों को प जास-पचास हजार रपये में बरी़ा जा रहा है। अब एम० एल० ए० म्रोर एम० पी० भी बरीदने बाली जीज हो गए हैं, इनका भी भाव किया जाता है, इकका भी मोल तोल किया जाता है। जिस पार्टं के पास मुरिकल से सात क्षाठ मेम्बर होते हैं वह भी भ्राज राज्य सभा या विषान परिषद् का धुनाब लड़ने के लिए तैवार होती है, वह सी भुताव लड़ने की राज्य सभा या विषान परिषद्द के लिए हिम्मन करती है। किस भाषार पर करती है ? इस क्षाषार पर करती है कि वह जानती है कि हम लोगों को बरीद लेंगे इस प्रकार जो वातावररा सारे देशा में केला हुका है उससे देश के लोग बहुत चिन्तित हैं। उस बातावरा पर ोेक लगाने के लिए, उसको कंक करने के लिए यह बिल लाया गया है। इसलिए में इसका समयंत करता है।

SHRI S. KANDAPPAN (Mettur) : Sir, I would like to say at the outset that though we are all concerned very much with the actions of the governors in various States as far as we the DMK are concerned we are in a fortunate position of having cordial relations with the Governor we have. Our party was once demanding that we should abolish the post of governor. I still hold to that, but that is not very much relevant to the discussion we have at present. So, let me not be misunderstood saying anything against the present governors. And even when the allegations were made abour the manipulations by governors on various cccasions, I am afraid that, though there is some truth in it, more fault and more omission lies on the part of various political parties. When we are not able to come together due to various reasons it will be very difficult-whatever might be the method or approach made by the governor-io sustain a governnient which does not intrinsically enjoy the majority.

So, Sir, now as regards this Bill, what I feel is, it is rather introducing a very dangerous method into the selection if we are going to decide the selection of the Leader of the House on the Floor of the House on all occasions. I say it with a full sense of responsibility that in the accentuated demoralising climate that prevails in this country, as many people have pointed out, almost in all parties, it would be very dangerous to decide this issue on the Floor of the House. This is equally true for the parties which are retuined in a majority after the elections. Let me illustrate with an example. Supposing after the 1967 elections when the Central Government had a full majority if the Leader of the House were to be elected on the Floor of the House, what would have happened? We know who competed for the leadership within the party. Supposing it were to be decided on the Floor of the House and not within the majority party, I am sure, the defeated candidate would have aligned himself with many of us sitting on this side and it could have been quite possible for him to get elected as Leader of the House. There is quite a chance. So, this is a dangerous trend. Let us imagine there are two or three leaders enjoying equal privilge or support in the majority party, what will happen? Even some healthy parties will tend to deteriorate and get demoralised. What will happen is, as we see in muncipalities and panchayats, that sort of thing will start happening. That is a dangerous trend. I would rather feel-so long as a party enjoys complete majority after the poll-it should be left as it is. The method that we have been adopting is quite good. But there is another faces to the problem. There is some merit in this measure that he has proposed.

Again, I want to illustrate by the very picture that we have in this House today. Assuming that there is a by-election or we pull on till 1972 and then there is an election and the complexion of the House is more or less the same, or a little different. to what we have today, it would be very difficult for the President to decide as to who enjoys the majority. That is what is happening in some states because many people are sitting on the fence. Even after giving a promise, the next day they change the promise because there is nothing that could bind their hands to the promise or
[Shri S. Kandappan]
the word given. So, it will be very difficult for the President or the Governor to find out whether they really enjoy a majority or not.

Supposing, the present ruling Congress with the same strength that they enjoy today is not in power but wants to come to power, they have to tell the President that they will enjoy the majority. But the other major groups also will say that they will enjoy the majority. And if the President asks the DMK, the SSP or the PSP whether they are with the ruling Congress-I am assuming a situation where the Government is going to be formed-definitely, we will say that we are not with them : it depends. Tha will be our answer. We cannot go beyond that. If such is the situation, how could it be possible for the President to imagine a situation where they would be able to command a majority in the House? It will be vety difficult. In that predicament it is very difficult for the Governor or the President to act.

Then, what is the solution? Is he to order fresh elections or is he to take the signature or some kind of commitment frum Members individually or what has he to do? Some sort of method we have to think of. There I feel that probably the sort of method that Shri Deo is having in mind may be useful. We have to think about it. I do not know whether in the conslitution we can discriminate and have two methods, one for complete majority and the other when the parties do not enjoy the full majority.

SHRI GOVINDA MENON : This is the swayamvara system.

SHRI S. KANDAPPAN : I do not know whether it is the swayamvara system or the gandhurva system.

It is a serious problem that we have to thrash out. As far as I am concerned I am not in a position to say foutright that we shculd be in a position to permit the House to decide as to who is the Leader of the House but I think it merits some considera. ti.in. We have to take into considcration a lot of other factors and come to some kind of a settlement.

In this connection I would like to
suggest to the Law Minister that the question of defection, recognising parties, method of election and so many other issues are almost related in this major issue. This is assuming serious proportions and we consider the Delhi is :not very far from such an eventuality. With all this background I would rather suggest to the Law Minister as well as the Home Minister and to the Government of India not only to consult the legal luminaries but alsc the Opposition leaders and other eninent people in the country and come to some kind of a settlement before the next elections. We have got to some kind of a settlement otherwise I fear a chaotic situation is likely to prevail in the country. To that extent I welcome this Bill becausc it has given me an opportunity to think over these issues and to the House to consider these issues; ctherwise, I am rather very much opposed to the Bill because, as I said, it merits only one consideration, namely when the majority party do not enjoy absolute majority.

SHRI K. NARAYANA RAO (Bobbili) : Mr. Chairman, Sir. most Members bave shared the sentiments and have recognised and identified the ills we are passing through. As my hon. friend, Shri Salve, has quite rightly drawn the attention of the House, we are facing a problem and cannot ignore or gloss over it. The other issue is whether this particular Bill can be a proper remedy for those ills.

Whether this particular provision can be an effective measure, to correct the present trends in our political life, is a different issue. What is most important for all of us to realise is that this is a challenging problem on which everybody must best.w a careful thought.

In this context, we are all well aware that a Constitution is nothing but a bundle of words and, for that matter, a statute. How we nourish it, how we can act according to the spirit of the Constitution is the most important thing. If you carefully look into the eve ts that have taken place, whether it is the power of the Governor to prorogue the Assembly, whether it is the power of the Chair to adjourn the House, whether it is the power of :he Chief Minister not to fix the Assembly for six months, if you look into them in verbal context, many interpre-
tations may be possible. If you see what actions we have been laking, wliether it is West Bengal where the communist Government was not prepared to face the Assembly or whether it is Gujarat or Haryana, in "ll these places, have ue acted in conformity with the spirit of the Constitution ?
18.15 hrs.

## [Mr. Depoty-Speaker in the (hair]

Then, if we want to sustain our demosracy at all, the most worrying fcctor in my opinion is the growth of the multiplicity of the parties. For sometime to come, what our country needs is a stable Government. Short of a stable Government, whether it is in the States or at the Centre, we cannot achieve any kind of sustained growth in our economic and social life of the country. Therefore, we have to put all our efforts to see how to bring about a stable Government. Unfortunately, today, in our country, we have given an opportunity for various parties to grow Look at the spectacle of West Bengal, 14 parties going to the people and asking the illiterate people to make a choice of the niceties of their ideologies. Can it be a representative Government ? Can the illiterate people make a correct choice ? The multiplicity of parties give an occasion for a sort of colition Government.

Lnok at the nature of the party system. It is some sort of a criss-cross. Some are purely local parties; some have ideological overstones; some have ideologies within ideologies; some have marginal differences ; some are purely personal-oriented and things like that. We are just confusing the entire electorate. With the present practice of giving an opportuaity for the growth of mushroom parties, hareafter, each small party with 3 MP's or 3 MLA's can think some day in the future they can be somebody in the formation of the Government. Therefore, this is a matter that merits serious consideration.

Another aspect that I want to raise is that there should be a Ministry for Tribal Development. Here, I must say, we bave not done anything for the tribal population in this country. What little progress has been registered in some areas of Assam and in some other places. In the rest of the areas, we have not doing anything, whether it is

Andhra Pradesh or Orissa or Madbya Pradesh. In these places, there has not been any progress made. l ask: What have we cone for these tribal prople in the last 20 years? I have yet to see in my district Srikakulam one single person who has graduated from the tribal ;eople living in the mountains. When we come to statistics, they are largely confined to certain areas where the Christian missionaries have done a commendabie job. In rest of the areas, twe have not doing anything for the tribal people. We have to recognise the fact that special measures have to be taken in regard to that and there should be a special Ministry, not only in Andhra but in other States also, and at the Centre under the charge of a Cabinet Minister to see that the interests of the tribal people are taken care of

With these words, I welcome the intention underlying this particular Bill.

SHRI J. MOHAMED IMAM: Mr. Deputy-Speaker, Sir, I fully support the Bill moved by my hon. Iriend, Shri P. K. Deo.

MR. DEPUTY-SPEAKER : The hon. Member may continue next day. Now we shall take up the Half-an-hour discussion.
18.30 hrs.

## HALF-AN-HOUR DISCUSSION

## USA's National Arms Policy towards Pakistan

SHRI N. K. P. SALVE (Betul): Mr. Deputy-Speaker, Sir, the arms supplies by the United States of America to Pakistan has always been a very sore point in the IndoUS relationship alit these years. Before the hostilities with Pakistan in 1965 when rather ruthlessly and carelessly weapons were being supplied, all sorts of lethal weapons were being supplied, to Pakistan in return to whatever Pakistan might have done to the United States of America, India was assured in ternis that for whatever purpose these weapons may be used, they will never be used to shoot the Indian people for Americans, according to the American Government, carry some responsibility towards the Indian people also. However, it was later cu left during the hostilities to President Ayub Kham


[^0]:    "Tbat the Bill further to ament the Constitution of India, be referred to a

