

[Secretary:]

on the 17th November, 1970, has passed the following motion :—

## MOTION

“That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do agree to leave being granted by the Lok Sabha to withdraw the Bill further to amend the Advocates Act, 1961, which was passed by the Rajya Sabha on the 16th December, 1968 and laid on the Table of the Lok Sabha on the 18th February 1969.”

13 hrs.

## RE : ADJOURNMENT MOTION

SHRI HEM BARUA (Mangaldai) : I wanted to draw your attention to the adjournment motion I had tabled this morning pertaining to what the hon Minister of External Affairs has said. We were given an assurance that the wrong delineation of the India-China boundary would not be repeated by the Russians, but it has been done in the Second Volume of the Russian Encyclopaedia published recently.

SHRI P. K. DEO. (Kalahandi) : I have moved an amendment to the original motion.

MR. SPEAKER : I have not allowed it.

SHRI P. K. DEO : How can you not allow it ? The Governor is not here to defend himself. He is being made a scape-goat and the Government will go scot-free. The Prime Minister has played an important part in the U. P. affair. The Home Minister made an air dash from Patna to Lucknow.

MR. SPEAKER : Nothing will go on record if you go on speaking without my permission.

SHRI P. K. DEO : \*\*

श्री अटल बिहारी वाजपेयी (बलरामपुर) : मैं निवेदन करना चाहता हूँ कि हम उत्तर प्रदेश के

मामले पर चर्चा करने जा रहे हैं और इस चर्चा में एटार्नी जनरल श्री नीरेन डे ने जो राय दी थी उसका अवश्य उल्लेख किया जाएगा। इस वास्ते अच्छा हो, अगर उस राय को सदन के सदस्यों में वितरित कर दिया जाए। अभी सदन एक घंटे के लिए उठेगा और इस बीच मि० नीरेन डे की राय सभी सदस्यों को मिल जानी चाहिए। इस पर तब हम गहराई से और गम्भीरता से विचार कर सकेंगे।

SHRI JYOTIRMOY BASU (Diamond Harbour) : May I say a word ?

श्री रबी राय (पुरी) : श्री नीरेन डे की राय मिल जानी चाहिए।

MR. SPEAKER : About what ?

SHRI JYOTIRMOY BASU : About rushing help from India to Pakistan. People are perishing there.

MR. SPEAKER : I am not prepared to allow it.

13'03 hrs.

*The Lok Sabha adjourned for Lunch till Fourteen of the Clock.*

*The Lok Sabha reassembled after Lunch at two minutes past Fourteen of the Clock.*

[SHRI K. N. TIWARY in the Chair]

## MOTION RE : CONDUCT OF GOVERNOR OF U. P. IN RECENT CONSTITUTIONAL CRISIS.

श्री श्रीचन्द्र गोयल (चण्डीगढ़) : सभापति महोदय, सदन के लंच के लिए उठने से पहले श्री वाजपेयी ने यह प्रश्न उठाया था कि एटार्नी जनरल, श्री नीरेन डे, की रिपोर्ट सदन के सदस्यों को दे दी जाये, ताकि माननीय सदस्य उस पर विचार कर सकें और इस विवाद में

\*\* Not recorded.

उस का उपयोग किया जा सके। अध्यक्ष महोदय ने उस बारे में अपना कोई निर्णय दिये बगैर...

**श्री अटल बिहारी वाजपेयी (बलरामपुर) :** सभापति महोदय, गवर्नर की रिपोर्ट सदन की मेज पर रखी गई है। उस रिपोर्ट में एटार्नी-जेनेरल की राय का उल्लेख किया गया है, उसे उद्धृत किया गया है। अगर इस तरह किसी कागज को उद्धृत, कटौत किया जाये, तो नियम 368 के अन्तर्गत सदस्य यह माँग कर सकते हैं कि वह पूरा कागज सदन के टेबल पर रखा जाना चाहिए। मैं समझता हूँ कि मंत्री महोदय यह दावा नहीं कर सकते कि एटार्नी-जेनेरल की रिपोर्ट कोई गुप्त दस्तावेज है, जो प्रकाश को नहीं देख सकती है, जो नई बहू की तरह घूँघट में अपना मुँह छिपाये रहेगी। (व्यवधान) इस चर्चा के साथ तब तक न्याय नहीं किया जा सकता है, जब तक एटार्नी-जेनेरल की रिपोर्ट सभी सदस्यों के हाथ में न आ जाये। इसलिए मंत्री महोदय एटार्नी-जेनेरल की राय को सदन की टेबल पर रख दें।

**डा० रामसुभग सिंह (बक्सर) :** सभापति महोदय, यह बिल्कुल जायज माँग है। उत्तर प्रदेश में जो कुछ भी हुआ, वह एटार्नी-जेनेरल की राय के अनुसार हुआ और वह राय ऐसी है जिसको हम लोग गलत समझते हैं। गवर्नर को वहाँ के एडवोकेट-जेनेरल की राय के अनुसार काम करना चाहिए था और एडवोकेट-जेनेरल की राय एटार्नी-जेनेरल की राय के बिल्कुल विपरीत थी। गवर्नर के द्वारा जो इश्यूज फ्रेम करके यहाँ भेजे गए, उन को फ्रेम करना चाहिए था वहाँ की गवर्नमेंट को। वहाँ की गवर्नमेंट एक्सिस्ट कर रही थी। गवर्नर ने न गवर्नमेंट की राय ली और न एडवोकेट-जेनेरल की राय ली। अगर एटार्नी-जेनेरल की राय को इस सदन के टेबल पर नहीं रखा जाएगा, तो सदन उस के औचित्य या अनीचित्य पर विचार नहीं कर सकेगा। इस लिए उस को टेबल पर रखा जाना चाहिए।

**श्री रबिराय (पुरी) :** मैं श्री वाजपेयी की माँग का समर्थन करता हूँ। मैं यह भी चाहता हूँ कि गवर्नर, श्री रेड्डी, ने जो चिट्ठी श्री नीरेन डे को लिखी थी और श्री नीरेन डे ने उस का जो जवाब दिया था, वे भी सदन के टेबल पर रखे जाने चाहिए।

**श्री सरजू पाण्डेय (गाजीपुर) :** सभापति महोदय एटार्नी-जेनेरल की राय के साथ एडवोकेट-जेनेरल, श्री कन्हैयालाल मिश्र की राय को भी सदन के टेबल पर रखा जाये।

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND IN THE DEPARTMENT OF SOCIAL WELFARE (SHRI JAGANNATH RAO): The practice and convention has been not to lay the opinion of the Attorney General on the Table of the House. The Governor's report has mentioned it in the form of questions and answers. The Governor's report is there. The entire report of the Governor is there. Rule 368 has been quoted by the hon. Member. It does not apply in this case, because it is only when a Member or Minister refers to a document in his speech that document has to be placed on the Table of the House. No Member has quoted from that. It is not the practice. The opinions are never laid on the Table of the House. That is the convention. Therefore, I respectfully submit that the opinion of the Attorney-General cannot be laid on the Table of the house. (Interruption)

SHRI SHEO NARAIN (Basti): It is a serious matter about Uttar Pradesh. It is my firm duty to make the House know everything. Unless you place it on the Table of the House, how can we proceed?

**श्री शिवचन्द झा (मधुबनी) :** सभापति महोदय,.....

**सभापति महोदय :** इसमें बहस की गुंजायश नहीं है। श्री गोयल, श्री वाजपेयी और श्री डा० रामसुभग सिंह ने एक पायंट रेज किया है उस का जवाब ला मिनिस्टर ने दिया है कि यह प्रैक्टिस नहीं है। गवर्नर की रिपोर्ट टेबल पर रख दी गई है और उस में

[ सभापति महोदय ]

सारी बातें आ गई हैं। इसलिए मैं एटार्नी-जेनेरल की राय को टेबल पर रखने की जरूरत महसूस नहीं करता हूँ—श्री प्रकाशवीर शास्त्री।

**श्री शिवचन्द भा :** सभापति महोदय, मेरा पायंट आफ आर्डर है। आप ने रूलिंग दिया है कि एटार्नी-जेनेरल की राय को सभा-पटल पर नहीं रखा जाएगा। आप चाहते ही हैं कि एटार्नी-जेनेरल को इस हाउस में बोट देने का हक नहीं है, लेकिन वह यहाँ आ सकते हैं और बैठ सकते हैं। जब यह बहस चल रही है, तो वह यहाँ पर उपस्थित रहें, ताकि अगर माननीय सदस्यों को कोई शक हो, तो वह उसको क्लेरिफाई कर दें।

**सभापति महोदय :** यह कोई पायंट आफ आर्डर नहीं है। यहाँ जो भी पायंटस रोज किए जायेंगे, गवर्नमेंट उनका जवाब देने में काम्पिटेंट है। श्री प्रकाशवीर शास्त्री।

**श्री अटल बिहारी वाजपेयी :** सभापति महोदय, आपने जो निर्णय दिया है, वह सिर आँखों पर, लेकिन रिकार्ड पर कोई गलत बात न चली जाए; इसलिए मैं आप को और सदन को स्मरण दिलाना चाहता हूँ कि चीनी मिलों के राष्ट्रीयकरण के बारे में एटार्नी-जेनेरल और एडवोकेट-जेनेरल की राय सदन के पटल पर रखी गई थी। उस समय इस मंत्रालय ने आपत्ति नहीं की कि यह परिपाटी नहीं है। इस का अर्थ तो यह हुआ कि जो उन के पक्ष में होगा वह सभा-पटल पर रखा जायेगा और जिस के बारे में विरोधी दल और सारा सदन मांग करेंगे वह सभा-पटल पर नहीं रखा जाएगा।

**सभापति महोदय :** श्री प्रकाशवीर शास्त्री।

**श्री अटल बिहारी वाजपेयी :** सभापति महोदय, आप इसका जवाब दिलाइए।

DR. RAM SUBHAG SINGH : The Minister took shelter under some convention. I do

not know whether there has been any convention as to how the Government of India acted in Uttar Pradesh, because, in Punjab, you acted differently; in Haryana you acted differently. At that time, no Attorney-General was consulted. But here, the Attorney-General was consulted; a wrong issue was framed, and a wrong advice was tendered. Let that report be presented to the House, so that we may know what is the truth.

MR. CHAIRMAN : I have already given my ruling.

**श्री शिव नारायण :** एटार्नी-जेनेरल ने गलत राय दी और उसके आधार पर श्री चरणसिंह की गवर्नमेंट बर्खास्त की गई।

**सभापति महोदय :** माननीय सदस्य बैठ जायें।—श्री प्रकाशवीर शास्त्री।

**श्री प्रकाशवीर शास्त्री (हापुड़) :** सभापति जी, मैं यह प्रस्ताव करता हूँ : “कि यह सभा उत्तर प्रदेश राज्य में हाल ही में उत्पन्न हुए संवैधानिक संकट को निपटाने में राज्यपाल के व्यवहार का निरनुमोदन करती है और यह सिफारिश करती है कि राज्यपाल को तुरन्त वापस बुलाया जाय।”

मैं अपने इस प्रस्ताव को उपस्थित करते समय यह निवेदन करना चाहता हूँ कि पिछले 20 वर्षों में हमारा संविधान कई बार कठिनाइयों से निकला है पर जैसी घिनौनी छीछालेदर इस बार उत्तर प्रदेश में संविधान की हुई इतनी शायद पिछले 20 वर्षों में कभी नहीं हुई। स्वतंत्रता के बाद ऐसे कई प्रसंग आये हैं कि जब सारा देश और पूरा प्रेस किसी प्रश्न पर एक हो कर खड़ा हो जाय। जहाँ तक मुझे स्मरण है इस प्रकार के दो प्रसंग स्वतंत्रता के बाद आए। एक तो अभी उत्तर प्रदेश में संवैधानिक संकट उत्पन्न होने पर केन्द्रीय सत्ता के अपने पद का दुरुपयोग करने पर दूसरा इसी प्रकार का अवसर आया था 1962 में जब रक्षा मंत्री के पद से कृष्ण मेनन को हटाने की चर्चा देश में चली

थी। उत्तर प्रदेश में संविधान की हत्या पर सारे देश के अन्दर जो स्थिति बनी उस में दो राज-नैतिक दलों को छोड़कर—सी पी आई और कांग्रेस (एन), सारे ही राजनैतिक दल एक राय के थे, जिन्होंने राज्यपाल के व्यवहार की निन्दा की। दो समाचार-पत्रों, नेशनल हेराल्ड और पैट्रियट को छोड़कर सारे देश के समाचार-पत्र इस प्रकार के थे कि जिन्होंने एक स्वर से इस की निन्दा की। दो प्रमुख विधि वेत्ताओं को छोड़ कर श्री नीरेन डे और मोहन कुमार मंगलम, सारे प्रमुख विधि वेत्ता इस सम्बन्ध में एक मत के थे जिन्होंने इस व्यवहार की निन्दा की। उत्तर प्रदेश की इस घटना ने देश के सामने कुछ नये प्रश्न खड़े किए हैं। किसी मुख्य मंत्री के साथ अल्प-मत है या बहुमत है इस का निर्णय विधान सभा में होगा या राज-भवन में बैठ कर होगा? प्रदेशों में जनता के निर्वाचित प्रतिनिधि शासन करेंगे या केन्द्रीय सरकार की राय से राष्ट्रपति द्वारा नामिनेटेड प्रतिनिधि गवर्नर शासन करेगा? प्रजातन्त्र में संविधान सर्वोपरि रहेगा या सत्तारूढ़ पार्टी और प्रधान मन्त्री का निर्णय सर्वोपरि रहेगा? संघीय प्रणाली का आधार राज्य सरकारें रहेंगी या केन्द्र का हुक्म-नामा? संविधान की व्याख्या में देश के प्रमुख विधि-वेत्ता प्रमाण रहेंगे अथवा एटार्नी जनरल की मौहूर खुदाई फरमान का काम करेगी?

सभापति जी, अब हमारे देश में मिली जुली सरकारों का युग प्रारम्भ हो रहा है। कई राज्यों में इसी प्रकार की मिली जुली सरकारें हैं। नहीं कहा जा सकता कल को केन्द्र का क्या भविष्य बने? ऐसी स्थिति में राज्य सरकारों को गिराने में यदि केन्द्रीय सत्ता का दुरुपयोग किया जाएगा तो प्रजातन्त्र का क्या भविष्य बनेगा। इस का निर्णय आज इस संसद को करना है। उत्तर प्रदेश में इस राजनैतिक संकट के लिए भारत के चार प्रमुख पदों का दुरुपयोग किया गया। प्रधान मंत्री, राज्यपाल, एटार्नी जनरल और राष्ट्रपति। प्रधान मंत्री सीमाग्य से इस

समय हमारे देश की गृहमंत्री भी हैं। पहले मैं उन्हीं के संबंध में कुछ बात कहना चाहता हूँ। उत्तर प्रदेश की सरकार को गिराने का निर्णय उस समय नहीं हुआ कि जब राज्यपाल ने श्री चरण सिंह को अपना पत्र भेजा, बल्कि उत्तर प्रदेश की चरणसिंह सरकार को गिराने का निर्णय तब हो गया था कि जब गुजरात के बाढ़ पीड़ित क्षेत्रों का प्रधान मंत्री दौरा कर रही थीं और वहाँ से लखनऊ चलते समय उन्होंने प्रेस के प्रतिनिधियों को अहमदाबाद के हवाई अड्डे पर एक वक्तव्य दिया। मैं 24 सितम्बर को इंडियन एक्सप्रेस की पंक्तियाँ आपको पढ़ कर सुनाता हूँ। उन्होंने कहा :

“Earlier at Ahmedabad, Mrs. Gandhi left no doubt that her party would withdraw its support to the Charan Singh Ministry and explore the possibility of forming an alternate Government : ‘If we can form a Government then it is well and good. Otherwise, we will sit in the opposition.’”

ये शब्द अहमदाबाद के हवाई अड्डे पर गुजरात से उत्तर प्रदेश चलते समय प्रधान मंत्री के थे। दूसरा उन के निर्णय का संकेत मिला तब जब 24 तारीख को अमौसी के हवाई अड्डे पर वह लखनऊ से दिल्ली के लिए चल रही थी और कुछ प्रेस के प्रतिनिधियों ने उनसे पूछा कि क्या उत्तर प्रदेश में राष्ट्रपति शासन होने की संभावना है? तो श्रीमती इंदिरा गांधी ने प्रेस के प्रतिनिधियों से कहा कि किसी समय कुछ भी घटना घट सकती है। इधर दूसरी ओर, मैं उत्तर प्रदेश नई कांग्रेस के संबंध में कहना चाहता हूँ जब प्रधान मंत्री उत्तर प्रदेश जाने की तैयारी कर रहीं थीं तो उत्तर प्रदेश कांग्रेस के सैक्रेट्री मिस्टर अजीज इमाम ने समाचार पत्रों को एक वक्तव्य दिया कि केरल में हमारी विजय होने के पश्चात् हमारे कार्यालय में उत्तर प्रदेश विधान सभा के सदस्यों के इतने आवेदन-पत्र आ रहे हैं कि हम उन को स्कूटिनाइज कर रहे हैं कि किस सदस्य को हम अपनी पार्टी में सम्मिलित करें

## [श्री प्रकाशवीर शास्त्री]

और किस सदस्य की सम्मिलित न करें। जब प्रधान मंत्री आएंगी तो हम इस प्रकार के व्यक्तियों का एक तोहफा प्रधान मंत्री को भेंट करेंगे। लेकिन उन बेचारों के स्वप्न अधूरे रह गये। उनका यह दुर्भाग्य रहा कि केरल से जो अश्वमेध यज्ञ का घोड़ा छूटा वह गोमती के किनारे जा कर पकड़ा गया। वह तोहफा भेंट करने की तैयारी ही करते रहे। तोहफा तो उन्होंने भेंट किया लेकिन तोहफे में कोई चिड़िया बँठी नहीं। जिन लोगों को तोहफे में भेंट करने के लिए प्रयोग किया गया है उनकी बात को अपने शब्दों में कहूँ तो शायद कोई एकाध शब्द अपनी ओर से सम्मिलित कर लूँ ? इसलिए मैं उन्हीं के शब्दों को उन्हीं की भाषा में कहना चाहता हूँ। एक तोहफे में भेंट किया जाना था श्री दीप नारायण मणि त्रिपाठी को जो पहली सरकार में स्टेट मिनिस्टर थे। उन्होंने नेशनल हेराल्ड में जो प्रधान मंत्री का और कांग्रेस (एन) का समर्थक है, उस में 25 सितम्बर को अपना एक वक्तव्य दिया कि 23 तारीख की रात्रि में प्रधान मंत्री के निजी सचिव श्री यशपाल कपूर मुझसे मिलने के लिए आए और उन्होंने मुझसे यह कहा कि आप को प्रधान मंत्री जी बुला रही हैं। लेकिन मैंने इनकार कर दिया कि मुझे प्रधान मंत्री से इस समय मिलने की कोई आवश्यकता नहीं है। दूसरे इसी प्रकार के तोहफे की जो तैयारी की जा रही थी उस में रखकर लखनऊ के एक श्री वंश नारायण शुक्ल एम. एल. ए. हैं, इन को कहा कि तोहफा दिया जाएगा। अगर मैं अपने शब्दों में कहूँ तो शायद बहुत हल्की बात हो जायगी। स्वतंत्र भारत जो लखनऊ से एक पत्र निकलता है उसको 15 अक्टूबर के अपने वक्तव्य में उन्होंने लिखा है— श्री वंश नारायण शुक्ल का यह वक्तव्य है। भारतीय क्रांति दल के एम० एल० ए० श्री वंश नारायण शुक्ल ने वक्तव्य में कहा कि आज समाचार पत्र में जब मैंने पढ़ा तो मुझे बड़ा खेद हुआ कि उच्च कोटि के व्यक्ति भी सफेद झूठ बोल सकते हैं। श्री उमाशंकर जी

दीक्षित ने मुझसे आध घण्टे तक कमरे में बात की। श्री भानु प्रताप मिश्रा भी बैठे थे। उनसे अलग मेरी बात हुई। पहले तो उन्होंने जातिवाद का नारा बुलन्द किया फिर नई कांग्रेस में आने के लिए कहा। मैंने इनकार किया। इसके बाद मुझसे कहा कि यदि तुम चार सदस्य विधान सभा के तोड़ कर नई कांग्रेस में ले आओ तो एक लाख रुपया दिलवा दूँगे और ऊपर के लोगों से मिलवा दूँगे। ... (व्यवधान) .....

प्रधान मंत्री, अणु शक्ति मंत्री, गृह-कार्य मंत्री तथा योजना मंत्री (श्रीमती इंदिरा गांधी) : यह बिल्कुल झूठ है।

श्री प्रकाशवीर शास्त्री : अध्यक्ष महोदय, यह वक्तव्य समाचार पत्रों में प्रकाशित हुआ है और आज नहीं एक महीने से अधिक इस को हो गया। अगर गलत था तो इस को कोर्ट में चैलेंज करना चाहिए था।

SHRIMATI INDIRA GANDHI : It has been contradicted already.

गृह-कार्य मंत्रालय में श्रीर इलेक्ट्रॉनिक्स और ब्रैज्ञानिक तथा औद्योगिक अनुसंधान विभागों में राज्य-मंत्री (श्री कृ० चं० पंत) : इस का खण्डन भी अखबारों में किया गया है।

श्री प्रकाशवीर शास्त्री : सभापति महोदय, इसी प्रकार का एक वक्तव्य विधान सभा के सदस्य श्री महातम तिवारी ने दिया है जो पायो-नियर में 16 अक्टूबर को प्रकाशित हुआ। मुजफ्फरनगर के एक एम० एल० ए० के साथ भी इसी प्रकार की घटना हुई। मैं इन बातों में विस्तार से नहीं जाना चाहता। लेकिन मैं कहना यह चाहता हूँ कि यह जो सरकार गिराने का सारा का सारा कांड हुआ इसकी सारी योजना तब बनी कि जब 24 अक्टूबर को प्रधान मंत्री अपना निर्धारित कार्यक्रम छोड़ करके लखनऊ के राज-भवन में पहुँची। प्रधान मंत्री का प्रकाशित कार्यक्रम मेरे पास है। जिस साधन से और जैसे उन्हें लखनऊ रायबरेली से पहुँचना था। कार से उन्हें

सोघे अमीसी हवाई अड्डे आना था और वहां से हवाई जहाज में बैठकर के दिल्ली आना था । लेकिन जब उन्हें यह पता चला कि श्री चरण सिंह ने अपने कुछ मंत्रियों से त्यागपत्र मांग लिए हैं तो पहला काम उन्होंने यह किया कि एक हेलीकोप्टर से पहले श्री कमलापति त्रिपाठी को लखनऊ भेजा कि जाओ और जाकर के सारा वातावरण तैयार रखो और उस के बाद दूसरे हेलीकोप्टर से प्रधान मंत्री स्वयं लखनऊ आई । पहली तो बात मैं यह जानना चाहता हूँ कि क्या किसी प्रान्तीय कांग्रेस कमेटी के अध्यक्ष को सेना का हेलीकोप्टर प्रयोग करने की अनुमति है, और है तो क्या उसका किराया दिया गया ? यह बात मैं जानना चाहता हूँ ।

श्रीमती इन्दिरा गांधी : कोई हेलीकोप्टर का उपयोग हुआ ही नहीं, न मेरे लिए न और किसी के लिए ।

श्री प्रकाशवीर शास्त्री : दूसरी बात मैं यह कहना चाहता हूँ कि राज्यपाल के पद का किस प्रकार से दुरुपयोग किया गया । संवैधानिक ढांचे को गिराने में उत्तर प्रदेश के राज्यपाल गोपाल रेड्डी को इतिहास किस प्रकार अपने शब्दों में याद करेगा, यह मैं आज अपने शब्दों में नहीं कहना चाहता । लेकिन नवीनतम घटनाक्रम जो प्रारंभ हुआ और जहाँ से राज्यपाल का रोल आता है, वह तब था कि जब अपने ही केबिनेट के कुछ साधियों के असहयोग करने पर श्री चरण सिंह ने राज्यपाल को यह लिखा कि यह त्यागपत्र नहीं दे रहे हैं, अच्छा यह है कि आप इन को पदमुक्त कर दें । यहीं पर रुक करके मैं एक बात और कहना चाहता हूँ कि उस समय तक श्री कमलापति त्रिपाठी ने राज्यपाल को यह लिख कर नहीं दिया था कि श्री चरण सिंह से मेरी पार्टी अपना समर्थन वापस लेती है । श्री कमलापति ने अपना पत्र दिया था रात्रि को 8 बजे और श्री चरण सिंह ने लिखा दिन में कि मैं इन लोगों को चाहता था कि यह त्यागपत्र दें पर

यह त्यागपत्र नहीं दे रहे हैं, इसलिए अब आप इन को पदमुक्त करें जो कि एक संवैधानिक स्थिति है ...

श्री स० मो० बनर्जी : उन्होंने सब को पदमुक्त कर दिया ।

श्री प्रकाशवीर शास्त्री : लेकिन राज्यपाल ने इस प्रकार का काम नहीं किया ।

दूसरी बात यह है कि जब नई कांग्रेस के मंत्रियों ने असहयोग करना प्रारम्भ किया, तो जैसा श्री बनर्जी कह रहे हैं, श्री चरण सिंह जी ने राज्यपाल को लिखा कि ये जितने भी मंत्री हैं, इन सबको पदमुक्त किया जाय और इनके जितने भी विभाग हैं, उनको मुख्य मंत्री स्वयं ले लेंगे । राज्यपाल ने आधा काम किया । विभाग तो मुख्य मंत्री को ट्रांसफर कर दिये । लेकिन जितने मंत्री थे, उनको अपने पदों पर रहने दिया । सभापति जी, क्या कभी ऐसी स्थिति आपने सुनी है कि कोई पार्टी अपना समर्थन तो वापस ले ले, लेकिन फिर भी उसके मंत्री मंत्रि-मंडल में बने रहें । लेकिन इस प्रकार की स्थिति उत्तर प्रदेश में बनी । ..... (व्यवधान) ...

इस के पीछे जो इतिहास था, अब मैं उस इतिहास को बताना चाहता हूँ । सभापति जी, हमारे कुछ मित्र कह सकते हैं कि गवर्नर ने जो कदम उठाये, वे इसलिए उठाए कि जब नई कांग्रेस ने अपना समर्थन वापस ले लिया तो श्री चरण सिंह जी का बहुमत समाप्त हो गया । यह बात प्रमुख युक्ति के रूप में कही जाती है । लेकिन उत्तर देने से पहले मैं आप के माध्यम से इस सरकार से एक संवैधानिक स्थिति की जानकारी चाहता हूँ । क्या हमारे संविधान में कहीं भी कई पार्टियों को मिलीजुली सरकार या एक पार्टी की सरकार में भेद है ? सरकार सरकार है, चाहे एक पार्टी की हो या कई पार्टियों की हो । नई कांग्रेस ने यदि समर्थन वापस ले लिया, तो भी सरकार नहीं गई । सरकार के 10 मिनिस्टर जो दो महीने पहले प्रारम्भ में भी थे ... (व्यवधान)

[श्री प्रकाशवीर शास्त्री]

.....वे मिनिस्टर तो बराबर ज्यों-कि-त्यों काम करते रहे। अब यह कहा जाता है कि नई कांग्रेस ने अपना समर्थन वापस ले लिया। अगर उन्होंने अपना समर्थन वापस ले लिया तो उनकी जगह राज्य की दो अन्य बड़ी पार्टियों ने अपना बिना शर्त समर्थन श्री चरण सिंह जी को दिया—कांग्रेस संगठन ने और जन संघ ने। तो जिस प्रकार से इनके समर्थन देने के पहले दो महीने तक उत्तर प्रदेश में श्री चरण सिंह जी की सरकार बिना नई-कांग्रेस के मिनिस्टरों के चल सकती थी, तो इस समय वैधानिक-स्थिति में कौन सी ऐसी बाधा आ गई थी कि दो पार्टियों के समर्थन देने के बाद भी राज्यपाल को अवैधानिक कदम उठाने की आवश्यकता पड़ी।

दूसरी सब से बड़ी बात, जिसकी चर्चा हमारे मित्र कर रहे थे, यह थी एटार्नी जनरल की रिपोर्ट। सभापति जी, आप को पता है कि पहले उत्तर प्रदेश में राज्यपाल ने एडवोकेट जनरल की रिपोर्ट, जो प्रान्तीय सरकार के और राज्यपाल के सबसे बड़े सलाहकार हैं, वह उन के अनुकूल नहीं थी, तब सोचा कि क्या किया जाय? फिर उन्होंने एटार्नी जनरल की रिपोर्ट मंगवाई। लेकिन यहाँ पर एक और कानूनी प्वाइन्ट मैं आप के सामने रखना चाहता हूँ और वह यह कि विधान सभा उससे पहले समन हो चुकी थी। आप इस सम्बन्ध में पार्लियामेंट की स्थिति देखिये। जब पार्लियामेंट का समन चला जाता है, तो उस के बाद सदस्य प्रस्ताव भेज सकते हैं, नो-डे-येट-नेम्ड मोशन भेज सकते हैं, प्रश्न भेज सकते हैं। पार्लियामेंट सेशन के बीच में राष्ट्रपति कोई हस्तक्षेप नहीं करते। इसी प्रकार से जब विधान सभा समन हो जाती है तो राज्यपाल को बीच में कोई हस्तक्षेप नहीं करना चाहिए। यह सदन का अपमान भी है। लेकिन राज्य विधान सभा समन हो चुकी थी। विधान सभा के सम्मिलित होने में केवल तीन दिन शेष थे। उसी समय गांधी जयन्ती के पवित्र दिन पर उत्तर प्रदेश

में प्रजातंत्र की हत्या राज्यपाल के इशारे पर हुई। लेकिन जो बात मैं कहना चाहता हूँ वह यह है कि अगर यह अल्पमत और बहुमत के प्रश्न का निर्णय करना था तो आप को विदित होगा कि जिस आसन पर आज आप विराजमान हैं, उस के अध्यक्षों तथा राज्यों की विधान सभाओं तथा परिषदों के अध्यक्षों का एक सम्मेलन पिछले दिनों हुआ था। उस में सर्व-सम्मति से यह निर्णय हुआ था कि किसी भी मुख्य मंत्री का सदन में बहुमत है या नहीं, इसका निर्णय सदन में ही हो सकता है, बाहर इसका निर्णय नहीं हो सकता है। इसी प्रकार का एक निर्णय राज्यपालों के सम्मेलन में हुआ था, जिसमें स्वयं उत्तर प्रदेश के राज्यपाल श्री गोपाल रेड्डी सम्मिलित हुए थे। उस में यह निर्णय हुआ था कि किसी भी मुख्य मंत्री का सदन में बहुमत है या नहीं इसका निर्णय सदन में होगा, सदन के बाहर नहीं किया जाएगा। इसी तरह का एक निर्णय दिया था—प्रशासनिक सुधार आयोग ने (एड-मिनिस्ट्रेटिव रिफार्म्स कमीशन) जिस ने कहा था कि इस प्रकार का यदि कभी समय आये तो सदन में ही उसका निर्णय होना चाहिए, सदन के बाहर नहीं होना चाहिए।

लेकिन हमारे सामने राज्यपालों के तीन तरह के निर्णय हैं एक राज्यपाल पंजाब के श्री पावटे हैं। जब जनसंघ ने अकाली दल की सरकार से अपना समर्थन वापस लिया तो उन्होंने अकाली मुख्य मंत्री प्रकाश सिंह बादल से कहा कि आप असेम्बली का सामना कीजिए और अपना बहुमत सिद्ध कीजिए। इसी सरकार द्वारा नियुक्त एक दूसरे राज्यपाल थे—श्री धर्मवीर, जो पश्चिमी बंगाल के राज्यपाल थे। श्री धर्मवीर ने मुख्य मंत्री को कहा कि मैं आपका बहुमत देखना चाहता हूँ, आप विधान सभा का सामना कीजिए, विधान सभा बुलाइये। मुख्य मंत्री विधान सभा बुलाने से कतराते थे, इसलिए राज्यपाल को विवश होकर उन्हें बरखास्त करना पड़ा...

SHRI S. M. BANERJEE : This is not factually correct.

Shri Ajoy Mukerjee wanted to call the Assembly on a particular day.

**श्री प्रकाशवीर शास्त्री :** तीसरे राज्यपाल हैं—श्री रेड्डी । अब उनकी स्थिति देखिये । श्री चरण सिंह जी की सबसे बड़ी बात यह थी कि वह विधान सभा का सामना करने के लिए तैयार थे । उन्होंने राज्यपाल को यह भी लिखा—अगर आप 6 अक्तूबर तक, जिसमें केवल चन्द दिन बाकी थे, रुकने के लिए तैयार न हों, तो मैं 24 घण्टे के नोटिस पर विधान सभा का सामना कर सकता हूँ । उसी समय मेरा बहुमत है या नहीं इस बात का परीक्षण वहाँ पर किया जा सकता है । लेकिन उन्होंने यह 24 घण्टे का प्रस्ताव भी मंजूर नहीं किया । इस प्रकार तीन राज्यपालों ने तीन तरह के निर्णय लिये । जहाँ तीन राज्यपालों ने तीन तरह के निर्णय लिये, वहाँ मैं यह भी कहना चाहता हूँ कि एक ही राज्यपाल ने एक ही प्रान्त में तीन तरह के निर्णय लिये । एक राज्यपाल जिसने तीन निर्णय लिये वह राज्यपाल अभी उत्तर प्रदेश में मौजूद हैं श्री गोपाल रेड्डी । जिस समय श्री चन्द्र भानु गुप्त की सरकार थी और जब वह अपना बहुमत खो चुकी तो उन्होंने उनको वहाँ पर बने रहने का अवसर दिया । उस समय श्री रेड्डी ने कहा कि मुख्य मंत्री को अपनी स्थिति सम्भालने का मौका मिलना चाहिये और उन्होंने विधान सभा तुरन्त बुलाने के लिए उन को विवश नहीं किया । क्योंकि उस समय कांग्रेस दो टुकड़ों में बंटी नहीं थी और उत्तर प्रदेश के वर्तमान राज्यपाल वह व्यक्ति हैं जिनका कांग्रेस पार्टी से सम्बन्ध रह चुका है । इसलिए उस समय वे उनका समर्थन कर रहे थे । उसके बाद कांग्रेस बंट गई । जब कांग्रेस बंटी और जिस समय श्री चरण सिंह की गवर्नमेंट वहाँ बनी तो नई कांग्रेस ने अपना समर्थन बी० के० डी० को दिया । समर्थन के देने पर वही राज्यपाल उस सरकार को दो महीने तक कन्टीन्यू करा सकते हैं । लेकिन जब उसी प्रकार का समर्थन कांग्रेस संगठन और जनसंघ ने दिया तो वही राज्यपाल उस सरकार को आगे कन्टीन्यू नहीं कराना चाहते

हैं । यह दूसरे तरह का निर्णय हुआ । तीसरा निर्णय यह हुआ कि बाहर के यानी दिल्ली के इशारे पर वही राज्यपाल श्री चरण सिंह सरकार को गिराने के लिए समय की प्रतीक्षा नहीं करता । इसलिए मेरा कहना यह है कि राज्यपालों को केन्द्र की सत्तारूढ़ पार्टी इसी तरह से अपनी कठपुतली बना कर अपने स्वार्थों को सिद्ध करेगी तो मेरी यह मांग है कि केन्द्र में सत्तारूढ़ पार्टियों से सम्बन्धित कोई भी व्यक्ति राज्यपाल न बनाया जाय । क्योंकि वह केन्द्र की सत्तारूढ़ पार्टियों के हितों की रक्षा के लिए वहाँ पर काम करता है ।

इस राज्यपाल के अपने कुछ और विरोधी वक्तव्य देखिये । पिछले दिनों जब श्री गुप्ता की सरकार अपना बहुमत खो चुकी थी, उस समय श्री चरण सिंह जी ने एक पत्र राज्यपाल को लिखा । उस के उत्तर में राज्यपाल ने जो जवाब दिया, उसके साथ साथ उन्होंने स्पीकर कान्फ्रेंस का निर्णय भी भेजा । जिस निर्णय की इस बार उपेक्षा की गई । उस समय स्पीकर कान्फ्रेंस के उस निर्णय के साथ साथ उन्होंने जो जवाब भेजा था, उस पत्र की दो पंक्तियाँ भी मैं इस समय आपके सामने सुनाना चाहता हूँ—

“The question whether the Chief Minister has lost the confidence of the Assembly shall at all times be tested in the Assembly.”

यह उन्हीं राज्यपाल — श्री गोपाल रेड्डी के पत्र की पंक्तियाँ हैं, जो आज केन्द्र के संकेत पर दूसरे तरह का निर्णय लेने के लिए विवश हो गये ।

एक घटना तब घटी जब उनके मित्र मद्रास के श्री बालमुब्रह्मण्यम् ने उनको एक पत्र लिखा कि आप श्री चन्द्र भानु गुप्त को क्यों नहीं कहते कि वह आगे आयेँ और असेम्बली का सामना करें । तब भी इसी प्रकार का उत्तर उन्होंने श्री



[ श्री प्रकाशवीर शास्त्री ]

सुब्रह्मण्यम का भेजा जो 17 अक्टूबर के स्वराज्य में प्रकाशित हुआ है।

तीसरा इसी तरह का एक वक्तव्य उन्होंने आगरा में दिया, जो स्टेट्समैन के 30 नवम्बर, 1969 के अंक में प्रकाशित हुआ। समय के अभाव में मैं उसका उद्धरण यहाँ पर नहीं देना चाहता हूँ। लेकिन एक बात कहना चाहता हूँ—आखिर राज्यपालों का काम क्या है? यही न, कि राष्ट्रपति के प्रतिनिधि बन कर राज्यों में संविधान की रक्षा करें। आज राज्यपालों पर व्यय कितना हो रहा है? मैं अन्य प्रान्तों के राज्यपालों को छोड़ता हूँ—एडमिनिस्ट्रेटिव रिफार्मज कमिशन ने लिखा है—अगर सबके प्रतिशत को जोड़ा जाय तो एक राज्यपाल पर एक वर्ष में साढ़े छः लाख रुपया व्यय होता है। लेकिन कुछ इतने मंहगे राज्यपाल भी हैं, जिनमें उत्तर प्रदेश के राज्यपाल भी हैं, जिनके खर्चों का कुछ विवरण मैं आपको सुनाना चाहता हूँ। डेढ़ लाख रुपया उनकी यात्रा पर व्यय होता है, 5 लाख 28 हजार रुपया उनके घर के रख-रखाव पर व्यय होता है, 36 हजार रुपया उनके स्वास्थ्य-सुविधाओं पर व्यय होता है, 2 लाख 36 हजार रुपया उनके कांटेक्ट एलाउन्स पर व्यय होता है अर्थात् हिन्दुस्तान का अगर सबसे मंहगा कोई राज्यपाल है तो उत्तर प्रदेश का राज्यपाल है जिस पर एक वर्ष के अन्दर 15 लाख रुपये से भी अधिक रुपया व्यय होता है। इसलिए मेरा कहना यह है कि अगर इस प्रकार के मंहगे राज्यपाल, संविधान की रक्षा नहीं कर सकेंगे तो बताइये इस प्रकार के राज्यपालों को रखने का क्या लाभ है?

तीसरी बात—मैं एटार्नी जनरल के संबंध में कहना चाहता हूँ। एटार्नी जनरल के संबंध में मैं यहाँ पर एक वैधानिक प्रश्न उठाना चाहता हूँ। सभापति जी, एटार्नी जनरल का दायित्व क्या है? एटार्नी जनरल का दायित्व यह है कि वह केन्द्र सरकार या राष्ट्रपति का सलाहकार है।

अगर कभी प्रान्तीय सरकार और केन्द्रीय सरकार में किसी प्रश्न पर मतभेद हो जाय और केन्द्रीय सरकार को कानूनी राय लेने की जरूरत पड़े तो वह एटार्नी जनरल की राय लेती है।

स्वयं राष्ट्रपति भी महत्वपूर्ण मुद्दों पर एटार्नी जनरल से राय लेते हैं। लेकिन एक एटार्नी जनरल जब पहले ही अपनी राय दे चुका हो तो केन्द्रीय सरकार किससे राय लेगी और राष्ट्रपति किससे राय लेंगे? यानी एटार्नी जनरल की जिम्मेदारी को उन्होंने अनुभव नहीं किया। जहाँ तक मेरी जानकारी है विधि मंत्रालय के जो ऊँचे अधिकारी थे वे भी सरकार के इस प्रकार के निर्णय से सहमत नहीं थे। सबसे बड़ी बात तो यह है कि कुछ समाचार पत्रों में देश के प्रमुख विधि-वेत्ताओं की राय प्रकाशित हुई जैसे पालखीवाला हैं, श्री छागला हैं, श्री सीतलवाद जोकि पहले एटार्नी जनरल भी रह चुके हैं, श्री गुप्ते हैं जो कि सालिस्टर जनरल रह चुके हैं, इस सदन के प्रमुख सदस्य श्री एन० सी० चटर्जी हैं, डा० सिंघवी हैं और चीफ जस्टिस श्री सरजू प्रसाद हैं। इस प्रकार के लोग थे जिन्होंने कि उस समय कहा था कि राज्यपाल का निर्णय उपयुक्त नहीं है। राज्यपाल ने एटार्नी जनरल की राय न ले करके एटार्नी जनरल के पद की गरिमा को समाप्त किया है। मैं अपने शब्दों में न कह करके जो, पहले के एटार्नी जनरल श्री सीतलवाद हैं जो कि बड़े स्वल्पभाषी हैं, उन्हीं के शब्दों को दोहराना चाहता हूँ। श्री सीतलवाद ने कहा कि एटार्नी जनरल के पास शायद पूरा ब्रीफ नहीं पहुँचाया गया था और अगर कुछ था भी तो उसे शायद वे पूरा पढ़ नहीं सके। अब बताइये, श्री सीतलवाद इससे अधिक और क्या कह सकते थे। श्री के० एल० मिश्र जो कि पहले उत्तर प्रदेश के एडवोकेट जनरल थे और नयी कांग्रेस ने जिनको शायद अपने एक केस में एडवोकेट भी बनाया हुआ है, उन्होंने एटार्नी जनरल की राय के संबंध में लिखा है कि उस राय के बारे में क्या कहा जाये जिसमें न तो आधारभूत कारण

ही हों और न ही संविधान के आधारभूत प्राधान्यों का विश्लेषण हो। अपनी राय की पुष्टि में कोई भी कानूनी नज़ीर इस देश की या किसी भी देश की नहीं दी गई। अब आप बताइये कि इससे बड़ा कन्डेन्सेशन इस महत्वपूर्ण पद का और क्या हो सकता है? मैं आपके माध्यम से इस सरकार से मांग करना चाहता हूँ कि हम चाहते हैं कि इसी बहस के दौरान एटार्नी जनरल को सदन में बुलाया जाये और हमें उनसे प्रश्न पूछने की अनुमति दी जाये ताकि हम समझ सकें कि किस आधार पर उन्होंने यह निर्णय लिया था।

अब इस गंभीर समस्या का जो चौथा अंग है वह है राष्ट्रपति। मैं राष्ट्रपति के संबंध में कुछ अधिक न कह कर कुछ संवैधानिक प्रश्नों को ही पूछना चाहता हूँ। जब राष्ट्रपति इतने लम्बे समय के लिए विदेश जायें तो उन्हें उपराष्ट्रपति को जिम्मेदारी सौंप कर जाना चाहिए। हमने उस बीच में उपराष्ट्रपति से सम्पर्क किया। लेकिन उपराष्ट्रपति जी का कहना था कि राष्ट्रपति मुझे कोई जिम्मेदारी सौंप कर नहीं गए हैं इसलिए मैं इसमें किस तरह से हस्तक्षेप कर सकता हूँ। दूसरी सबसे बड़ी बात यह थी कि राष्ट्रपति जी जिस समय कीब में थे उस समय श्री चरण सिंह ने एक तार दिया जिसकी प्राप्ति की सूचना भी आई और वह तार सरकार के संदेशवाहक के पहुँचने के पहले ही राष्ट्रपति जी को मिल चुका था। एक ही राष्ट्रपति के दो तरह के निर्णय होते हैं। दिल्ली विश्वविद्यालय के उपकुलपति श्री राज ने जब अपना त्यागपत्र दिया तो राष्ट्रपति ने लिखा कि भारत पहुँच कर और स्थिति से पूरी तरह परिचित हो कर मैं निर्णय करूँगा। लेकिन उन्होंने राष्ट्रपति जी को उत्तर प्रदेश के संबंध में वहाँ के मुख्य मंत्री जब यह तार देते हैं कि आप जब तक भारत न आ जायें और सारी स्थिति से परिचित न हो जायें, आप कोई निर्णय न लें तो भी उन्होंने वहीं बैठ कर इस प्रकार का निर्णय ले लिया।

तीसरी बात जो मैं कहना चाहता हूँ वह यह है कि हमारे संविधान में इस प्रकार की व्यवस्था है कि जब भी कोई इस प्रकार का महत्वपूर्ण निर्णय लिया जाये तब राष्ट्रपति को स्वयं संतुष्ट होना चाहिए। एक नहीं बल्कि दो बार इस प्रकार के प्रसंग उठे हैं जबकि मंत्रि-परिषद् ने अपनी राय राष्ट्रपति को भेजी तो राष्ट्रपति ने उनको मानने से इनकार कर दिया। राजेन्द्र बाबू जिस समय भारत के राष्ट्रपति थे उस समय सरकार केरल में राष्ट्रपति शासन करना चाहती थी और मंत्रि-परिषद् ने अपनी सिफारिश राष्ट्रपति के पास भेजी। लेकिन राजेन्द्र बाबू ने कहा कि मैं अभी वहाँ होकर आया हूँ और मैंने अपनी आँखों से देखा है कि वहाँ की सरकार ठीक तरह से चल रही है। मैं अनुभव नहीं कर रहा हूँ कि केरल में राष्ट्रपति का शासन स्थापित किया जाये। इस प्रकार राजेन्द्र बाबू ने मंत्रि-परिषद् की सिफारिश को वापिस कर दिया था। इसी तरह का एक दूसरा प्रकरण राष्ट्रपति के सामने तब आया जबकि हिन्दू कोड बिल को मंत्रि-परिषद् ने राष्ट्रपति के पास भेजा। लेकिन राष्ट्रपति ने उसे पुनर्विचार के लिए वापिस कर दिया। इसी तरह से संविधान में जब इस प्रकार की धारा आ रही थी तो डाक्टर अम्बेडकर ने संविधान सभा को आश्वासन दिया था कि राष्ट्रपति जब तक स्वयं संतुष्ट नहीं हो जायेंगे तब तक इस प्रकार का कोई निर्णय नहीं लेंगे। अभी मुफ्रीम कोर्ट के सेवा-निवृत्त चीफ जस्टिस, श्री सुब्बाराव ने कहा कि राष्ट्रपति को स्वयं संतुष्ट होना चाहिए था और उसके बाद इस प्रकार का निर्णय लेना चाहिए था। इसी तरह की एक व्यवस्था, श्री अशोक सेन को स्मरण होगी, सर्वोच्च न्यायालय ने बैंक नेशनलाइजेशन केस के संबंध में दी थी। राष्ट्रपति जब तक अपने विवेक से संतुष्ट न हो जायें जब तक इस प्रकार का कोई महत्वपूर्ण निर्णय न लिया जाये। लेकिन हमें दुख है कि इस देश की धरती से बाहर बैठकर दूसरे देश में राष्ट्रपति ने इस प्रकार का निर्णय लिया। हमने सुना जरूर था

[श्री प्रकाशवीर शास्त्री]

कि हमारे देश के अन्दर बहुत से प्रश्नों पर रूस से संकेत आते हैं उनमें सच्चाई कहाँ तक है यह पूरा पता नहीं। लेकिन यह सच्चाई जरूर है कि उत्तर प्रदेश की सरकार को गिराने का जो आदेश आया वह रूस से ही आया। .....  
(व्यवधान)

दूसरी बात यह कि राष्ट्रपति महोदय को शायद अपनी भूल का बाद में अहसास हुआ। उन्होंने अपनी भूल का अहसास उस समय किया जबकि उत्तर प्रदेश के राज्यपाल उनसे मिलने के लिए गए। उस समय राष्ट्रपति ने अपनी भूल अहसास करते हुए राज्यपाल से कहा कि जल्दी से जल्दी उत्तर प्रदेश में जनप्रिय सरकार की स्थापना की जाये। राष्ट्रपति ने जो इस प्रकार का निर्णय लिया, उसके लिए हम राष्ट्रपति को बधाई भी देना चाहते हैं।

अन्त में मैं दो बातें और कहना चाहता हूँ एक बात तो आकाशवाणी के रोल के सम्बन्ध में है। पीछे गुजरात की सरकार को गिराने के आकाशवाणी के प्रसारण से जो प्रयास किया जा रहा था उसको हमने और देश ने सुना। उड़ीसा की सरकार को गिराते समय जो प्रयास किया जा रहा था उस समय के भी आकाशवाणी के रोल से हम परिचित हैं। इसी तरह की बात मैसूर सरकार के सम्बन्ध में भी हुई। लेकिन ये तो कल की घटनाएँ हैं जब उत्तर प्रदेश की इन घटनाओं को लेकर आकाशवाणी से किस प्रकार के प्रसारण हुए हैं? एक बार तो प्रसारण कर गया कि श्री चरण सिंह ने त्याग पत्र दे दिया और फिर कहते हैं कि नहीं, हम अपनी गलती को वापिस लेते हैं। इसी प्रकार से जब वहाँ पर पाँच पार्टियों की संविद की बैठक हुई जिसमें 243 सदस्य मौजूद थे। परन्तु आकाशवाणी कहता है कि 163 सदस्य वहाँ पर मौजूद थे। इसी प्रकार से जो दल-बदल है उनको लेकर बड़े प्रोत्साहन भरे शब्दों में आकाशवाणी से प्रसारण किया जाता है जबकि होना यह चाहिए कि उन

की निन्दा की जाये। परन्तु आकाशवाणी से उसको इस प्रकार से प्रसारित किया जाता है मानो कोई बड़ी भारी विजय करके आये हों या कोई बड़ा काम करके आये हों। संविद सरकार की प्रतिष्ठा को गिराने के लिए आकाशवाणी का जो रोल चल रहा है उसको इस सदन के सदस्य भी सुनते होंगे। यदि आकाशवाणी का यही रोल रहा तो मैं कहना चाहता हूँ कि आकाशवाणी के खिलाफ इस देश में एक आग सुलग रही है वह कहीं किसी दिन ज्वालाओं का रूप न ले ले। मैं चाहता हूँ कि इस प्रकरण पर गम्भीरता से विचार किया जाये।

अन्त में मैं यहाँ कुछ सुझाव भी देना चाहता हूँ :

1—स्पीकर कान्फ्रेंस, राज्यपाल सम्मेलन तथा प्रशासकीय सुधार आयोग की रिपोर्टों को कोई ऐसी कानूनी शक्ति दी जाये ताकि उसका कहीं उल्लंघन न हो सके।

2—दल-बदल और खरीद-फरोख्त रोकने के कानून को इसी सत्र में प्राथमिकता देकर पास कराया जाये। साथ ही रेडियो से जो ऐसे समाचार प्रसारित हों वह उस प्रवृत्ति को प्रोत्साहन देने वाले न हों।

3—भविष्य के लिए कुछ ऐसी स्वस्थ परम्पराएँ बनाई जायें जो केन्द्र की सरकार राज्य सरकारों को गिराने में मनमानी न बरतें।

4—राष्ट्रपति किसी दूसरे देश में बैठ कर परिस्थिति से पूर्ण परिचित हुए बिना कोई ऐसा महत्वपूर्ण निर्णय न लें।

5—एटार्नी जनरल के पद को इतना सस्ता न बनाया जाये जो वह संविधान की व्याख्या दल विशेष के हित में करे।

6—केन्द्र में सत्ताहड़द पार्टियों के चमचों को राज्यपाल न बनाया जाये।

7—उत्तर प्रदेश के राज्यपाल के निर्णय का निरनुमोदन किया जाये और उन्हें तत्काल वहाँ से हटाया जाए ।

अन्त में मैं अपने बाईं ओर बैठे हुए सत्तारूढ़ दल के इन सदस्यों से भी एक निवेदन करना चाहता हूँ । इनमें से कुछ सदस्य इस प्रकार के हैं जिन्होंने राष्ट्रीय संग्राम के अन्दर अपना तथा अपने परिवार का आगे बढ़कर योगदान दिया था । मैं अपने इन भाइयों को याद दिलाना चाहता हूँ । उन्हें स्मरण होगा कि इन बेंचों पर कभी सरदार पटेल बैठते थे, पं० जवाहरलाल नेहरू बैठते थे, राजाजी बैठते थे, राजेन्द्र बाबू बैठते थे और पंत जी बैठते थे । लेकिन आज मैं इन बेंचों पर जो शकलें बैठी हुई हैं, एक बार मैं अपने साथियों से कहना चाहता हूँ कि जरा इन शकलों को गहराई से देख जरूर लें । पुराने लोगों में केवल दो लोग शेष रह गए हैं सोभाग्य से एक तो श्री जगजीवन राम और दूसरे हैं श्री सत्य नारायण सिंह । उनमें से एक के लिए तो मैं कुछ नहीं कहता क्योंकि वे तो रामजी की गाय हैं । लेकिन दूसरे श्री जगजीवन रामजी से कहना चाहता हूँ कि आज हमारे देश का संविधान और हमारे देश का प्रजातन्त्र अपने जीवन के चौराहे पर आकर खड़ा हो गया है । इस समय देश आपसे कुछ अपेक्षा कर रहा है । कहीं ऐसा न हो कि इस संक्रमण काल के अन्दर आप अपने कर्तव्य पालन में कुछ चूक कर जायें ।

इन शब्दों के साथ मैं अपने इस प्रस्ताव को पेश करता हूँ और इस सदन से चाहता हूँ कि दलों से ऊपर उठ करके इस प्रस्ताव को पूरे बहुमत से स्वीकार करें ।

सभापति महोदय : एक बात मुझे आपसे कहनी है । बिजनेस एडवाइजरी कमेटी ने इस बात को तय किया है कि यह जो विषय है वह आज ही समाप्त किया जायेगा । इसलिए अगर हाउस को अगर कुछ देर और बैठना पड़ेगा तो बैठेगा ।

दूसरी बात यह है कि माननीय सदस्य, जितना उनका समय है उतना ही लें, उससे ज्यादा न लें ।

Motion moved :

“That this House records its disapproval of the conduct of the Governor of Uttar Pradesh in handling the recent constitutional crisis in that State and recommends that the Governor be recalled forthwith.”

SHRI SONAVANE (Pandharpur) : It should be finished by not later than Six O' clock today.

DR. RAM SUBHAG SINGH : I thank you for giving me this opportunity. I endorse every word that has fallen from the lips of my hon. friend Shri Prakash Vir Shastri.

As you know it was most unfortunate that the entire Government of India made an attempt to kill democracy in U. P. with the help of the Governor there. When a Governor assumes office, he takes the following oath :

“...to the best of my ability, I will preserve, protect and defend the Constitution and the law, and that I will devote myself to the service and well being of the people...”

of the particular State. But what we notice in UP is that no attempt was made to act according to the oath by the Governor, because the Governor was acting and I charge—under the advice of the Government of India. Whatever Shri Prakash Vir Shastri had pointed out in this connection was correct. All the people who acted on behalf of Delhi wanted that the Charan Singh Government should be killed, that is, that the democratic government there should be killed. But I compliment the people of UP and the legislators of UP that they saw this contrivance of the Government of India and they managed to kill this attempt to kill the Government on the soil of the Ganga and Jamuna.

[Dr. Ram Subhag Singh]

What did the Governor say in his report ? The report was submitted on the 29th. The Governor said that :

"In February, Shri Charan Singh was the leader of the BKD and initially, the Council of Ministers comprising ten members was entirely from the B. K. D. Subsequently, on April 9 and 21, the Ministry was expanded with the addition of 27 Congress Ministers...."

Here, the Governor says that on an assurance this was done, because he says :

"This was done after I was assured by the leader of the Congress (R) Party, Shri Kamalapati Tripathi that his party had decided to support Shri Charan Singh."

It was an oral assurance in February, and on that basis, he administered the oath to Shri Charan Singh. But the same Governor forgot this fact later, because on 26th September, a written assurance was given by the Congress, by the Jan Sangh, by the Swatantra and by the SSP. He has written in his report :

"In February, the Congress Party consisted of 136 members, and the B. K. D. consisted of 94 members."

These two totalled to 230. But in September, on 26th, according to this report, the Congress Party consisted of 91 Members, the Jan Sangh 43, the Swatantra Party 4 and the BKD 85, and this totalled to 223 plus the SSP 29 which comes to a total of 252. It might go to 263, according to my information, but I am entirely depending on this Governor's report for my argument, that when the Governor found a written assurance, on behalf of the leaders of the five parties that Shri Charan Singh and his Ministry should continue, he did not take into consideration that fact and he asked him to resign. But in February, this very Governor had accepted an oral assurance of Shri Kamalapati Tripathi, and therefore, he had acted against this oath, because he wanted to save Delhi in UP.

The drama was started as Shri Prakash Vir Shastri had said, on 21st and 22nd September,

when Shri Kamalapati Tripathi wrote that he intended to withdraw support to the BKD Government. But simultaneously on the 26th, all these parties gave a written assurance to the Governor, and at that time he should have acted as he did in February, but he did not do that.

Another thing is that after having got a written assurance of support from those four party leaders, the Governor could not have any authority to refer the matter to the Attorney General. Out of 421 Members of the Assembly, 263, according to my information, were supporting Mr. Charan Singh on that particular day, 26th September; but the Governor did not accept that, and acting under instructions from Delhi, he referred the matter to the Attorney General. I charge that it was the institution of the Attorney General that let down India in the Kutch case, and it is this institution which let down democracy in U. P., because the Advocate General of U. P. gave advice which was contrary to that tendered by the Attorney General.

14.45 hrs.

[MR. SPEAKER *in the Chair*]

It was not within the competence of the Governor to refer the matter to the Attorney General over the head of the Government which commanded an absolute majority in U. P. on that particular day, 26th September. He reported the fact on the 29th, and he committed the gravest error that one can envisage under a democratic set-up. He acted undemocratically, unconstitutionally and in a dictatorial fashion with a view to saving his position.

Shri Prakash Vir Shastri referred to the fact that Shri Charan Singh wrote to the Governor to favour him with a copy of the Attorney General's advice, but that was not done. According to the Constitution, he should have acted in accordance with the advice tendered by the Chief Minister, but he did not do that.

The President should not have consulted only the Council of Ministers, because article 356 says :

"If the President, on receipt of a report from the Governor of a State or otherwise....."

He is supposed to receive reports otherwise also, and in our opinion he should not have been guided only by the recommendation or advice tendered by the Government of India. He should have depended also on his own discretion, because he has got machinery to see what is happening in each State.

Here I might make a reference to the situation that prevailed on 16th and 17th November here in Parliament itself, because the Prime Minister lost the majority of the Congress Party. No party, even the supporting parties gave an oral assurance, what to speak of a written assurance, that they would support the Prime Minister, but the President did not ask her to tender her resignation. But the same President, acting under the advice of the Government of India, acting under the wrong advice of the Governor, signed the Proclamation—a courier was flown from here to Kiev with it—and returned it.

SHRI AMRIT NAHATA (Barmer) : You wanted Mr. Sanjiva Reddy to be President to act according to your wishes.

DR. RAM SUBHAG SINGH : He has rendered better service to the country, compared to you. You are a runner of cinema houses. How can you be compared to Mr. Sanjiva Reddy ?

On the 16th or 17th November, 1969, if the Minister commanded a majority after division, I have no quarrel. There was no division in the House, and since she did not show her majority, the Rashtrapati should have dismissed her on that particular day, but he did not do that. I do not say that he acted wrongly, but if he acted in U.P. on a particular advice, according to a particular tradition, that tradition should have been observed on 16th and 17th November, 1969 also, but that was not done.

Take the case of Mr. Badal from your own State. The Governor of Punjab should have asked Mr. Badal to resign, but the same Government of India acted undemocratically,

unconstitutionally, and they did not ask him to resign because overnight he became a revolutionary and progressive according to their philosophy. This is their progress and revolution .....(Interruption)... Yes, it is double standard. In Patna also in 1968, 38 Members of Mr. Mandal's party had disowned the Government.

SHRI SHASHI BHUSHAN (Khargone) : You are explaining the grand alliance.

DR. RAM SUBHAG SINGH : Yesterday you had entered into a grand alliance and you fumbled there and failed. The Government had failed and it had to make a retreat. If you want to go into that, you can. I have nothing against the grand alliance. What happened yesterday ? Yesterday you were present in the House.

I was saying that in Punjab they were acting undemocratically. The moment Rashtrapati issues summons convening a session of Parliament, he also becomes a part of the session. Between the day of issue of the summons and the actual convening of the session nothing need be done over the head of Parliament or of the Assembly. The Governor had convened a session of that Assembly according to the advice tendered by the Ministry and that Ministry was the majority party. What did Mr. Kamalapati Tripathi do at that time ? They want to disown him now and say that he will be changed. Even today it has come out; they are going against his interests also. The Assembly was to meet on 6th October. Was there any need for Rashtrapati or the Governor or the Government of India to promulgate President's rule on 2nd October when the Assembly was to meet within 96 hours. On top of that Mr. Charan Singh had promised: I am prepared to convene the Assembly within 24 hours if you want. He had offered to convene on 13th October; it was not accepted....(Interruption) He should have exercised that power; as Shastriji said it was the institution of Governor. Meeting under the presidentship of Rashtrapati the Governors decided that whenever there was any doubt in regard to majority that majority must be decided on the floor of the House. Even the Speakers meeting under the presidentship of your predecessor decided that the question of majority

[Dr. Ram Subhag Singh]

or minority must be decided on the floor of the House. ARC to which Mr. Shastri referred had also recommended so. Mr. Hanumanthaiya who was chairman of the ARC is now sitting on the Treasury Benches. But he was helpless at that time; he could not say that his recommendation should prevail; he ultimately succumbed. The ARC had made a definite recommendation that the majority must be decided on the floor of the House. Thus the recommendations of three important institutions—the Governors' conference, the Speakers' conference and the ARC—were flouted by the Government of India. I charge the Government of India. A conspiracy was hatched here to kill democracy in U.P. The assembly was not allowed to meet. All the time they were saying that Mr. Charan Singh did not command a majority. Who commanded the majority? Even from Patna they issued a statement to that effect. Prior to that so many statements were issued; it went on till the 15th. Till the 16th, the date on which Mr. T. N. Singh was invited, all the time it was suggested that Mr. Kamalapati Tripathi should be invited. I have no quarrel with him; I like him and respect him. But the ruling party had all the time disgraced him. Even today you disgrace him. They do not want to do anything for Shri Kamalapati Tripathi. From Patna also, even Shri Jagjivan Ram issued a statement that rather than Shri Charan Singh or Shri T. N. Singh, Shri Kamalapati Tripathi should be invited by the Governor. I do not know on what basis he issued that statement. I like him, but I do not like that that type of statement, that factually wrong statement, should be issued by anybody, and much less by a person of his stature. Therefore, I do not recognise your Congress, because if you issue such a hopeless statement, from Patna, that Shri Kamalapati Tripathi should be invited, on the 13th, what does it mean? I again charge the Government of India, I assert that Shri T. N. Singh was the unanimously elected leader. So, from the 9th, up to 15th, this horse-trading went on. ...*(Interruption)* They wanted to carry on with this horse-trading up to the 15th, but noticed that this operation was not going to succeed, because the people of Uttar Pradesh and the legislators of Uttar

Pradesh were solidly behind democracy; they were solidly against autocracy; they were solidly against the dictatorial attitude of the Government of India, the undemocratic attitude of the Government of India, and they determined that they must kill this dictatorial attitude right now and otherwise the country would not succeed. Therefore, they get united, and the Government of India could not postpone for ever this invitation to Shri T. N. Singh, and he was invited. If they command any majority even now they are most welcome to unseat him. They should go and see what is their strength.

I do not want to say more. What Shastriji said, which was in a way contradicted by Pantji. But you have got all the sources wherefrom you can gather information. The Prime Minister has got even this electronics taken away from her own party President, and she should know how these sources of information should work because no Minister is having anything worth the name under his command, in his portfolio. Everything is concentrated on one authority.

I pay my tribute to Shri Charan Singh, for, he is the one man who succeeded in spoiling the attempts of theirs....*(Interruption)* We will agree with Shri Charan Singh because he saw to this contrivance and he got collected persons who were prepared to work for democracy and they succeeded in downing the government authority in Uttar Pradesh. The team that has come into existence under the guidance of five parties and headed by Shri T. N. Singh, and supported by Shri Charan Singh and Shri C. B. Gupta, I hope, will spoil the attempt of the undemocratic elements, because they are all working in unison.

A demand has been made in this motion. We had given another draft, but whatever is there, we support the mover; but along with that, we would like to condemn the Government of India, and also the action of the Government of India in using its authority to influence the President. Because, now, the President is a President of a country which is having multi-party governments in the States. He should not get the counsel of one party alone and listen; because, he must see what is happening. He was the Governor of Uttar Pradesh and he knew Uttar Pradesh

very intimately. He should have seen what was the position in Uttar Pradesh.

15 hrs.

So, Sir, I demand, as demanded by Shastriji, that no partyman should be appointed as Governor. Today he is acting in a new set-up. As suggested by the ARC, there should be some guidelines for the working of the Governor. No Governor should be appointed without the approval of Parliament because this rot has come in. Democracy is going to be flouted by the Government of India. I agree that Rashtrapati should appoint the Governor because it is in his name that all appointments are made. But that appointment must not be made only on the advice of the Government of India or the Home Ministry because these are partisan institutions. I would not have said it, but you have acted as a partisan institution. You have given wrong advice. You gave one advice in Punjab, another in Bihar and a third in U. P. You have forfeited your claim to protect the Constitution and preserve it. I demand that not only specific guidelines but a specific Instrument of Instructions should be evolved by Parliament for the guidance of the Governor.

Shri Reddi is my friend and I have nothing personal against him. But we should remember the way he acted, the way the Home Minister acted, the way the Rashtrapati acted. I have great regard and respect for the Rashtrapati. The Prime Minister knows that all the time I advised her to make him the candidate but she did not agree at that time. Later on, however, she voted for him. She is welcome to repudiate it, but there was nobody in the Cabinet except me who gave her that advice. The Rashtrapati should see that he does not accept such partisan, wrong, undemocratic, unconstitutional advice. I condemn this institution. I, therefore, support this motion with the provision that the Government of India's name should be added there.

SHRI A. K. SEN (Calcutta-North-West) : Mr. Speaker, Sir, when the Constituent Assembly framed our Constitution, they preferred the institution of constitutional Governors to

the institution of actual Governors elected by the people of the American pattern. The idea then was that the real government will be run by the representatives in the legislatures through governments formed under the leader who would command the majority in the respective legislature. So long as there was one party majority until 1967 in the different States' legislatures, there was really no constitutional problem and it was unanimously felt that the choice for constitutional Governorship was a good choice.

The test came after the 1967 elections when in various States it appeared that there was no single party which commanded a majority. You will recall the position in West Bengal and Bihar after the general elections in 1967. The role of the Governor became more positive than it used to be until the elections of 1967. I remember when Mr. Giri was Governor of UP, I went there and stayed with him in Nainital for a few days. When I asked him how he felt, he said, "I feel very well. I have nothing to do." Those were the days when the Governor really had nothing to do excepting to be the official and titular head of the State Government.

When the elections of 1967 threw up this new problem and our Constitution became a little rattled as a result thereof, the Governors really were called in various States to perform a rather delicate and sometimes a very difficult function. We have had, as illustrations, so many cases in the recent past when the actions of Governors have been questioned; as they must be in a democracy, because after all even the best of discretions cannot possibly command universal acceptance.

The test of determining the validity of the proper use of discretion has always been laid down both in England and America and in our country, by the highest courts land to be this, that so long as the Governor arrives at a decision on material which is in his possession which the courts think it is possible to read for any reasonable man, that discretion cannot be questioned. It is true that there will be two opinions about the use of any discretion.

I remember, when Shri Charan Singh wrote to Shri Gopala Reddy, the very same



[Shri A. K. Sen]

Governor, on the 27th November, 1969, when Shri C. B. Gupta was the Chief Minister of Uttar Pradesh, demanding the immediate dismissal of Shri C. B. Gupta on the ground that he did not any longer enjoy the majority support of the State Legislature, Shri Gopala Reddy did not accept that demand immediately.

SHRI NATH PAI (Rajapur) : The Assembly was called.

SHRI A. K. SEN : It was not called immediately, it was called only in February.

His action was questioned. I remember, I had heard in the Central Hall various doubts being cast on his *bona fides*. I intend to read that letter of Shri Charan Singh because we all have affection and respect for Shri Charan Singh.

AN HON. MEMBER : Still ?

SHRI A. K. SEN : If he is not a constitutional expert, he is at least a public man of some ability and it will be worth while reading a few lines from that letter. It will be very interesting because it affords a very close parallel to the present situation when he stepped into the shoes of Shri C. B. Gupta in September of this year. This letter is dated the 27th November, 1969 and it reads like this :

"Statements published in the press on Shri C. B. Gupta on behalf of his friends and Shri Mohan Lal Gautam, President of the Congress group to which the Chief Minister belongs, make it appear that he no longer enjoys a majority in the Legislature and that it is a minority government which is now functioning in the State. In the circumstances you were perfectly within your right to ask Shri Gupta to resign."

But when he asked Shri Charan Singh to resign, he was not within his rights.

SHRI ATAL BIHARI VAJPAYEE : What did the Governor do ?

SHRI A. K. SEN : This may be a political strategy of some value but as a question of logic it fails to carry conviction. He says, "We find that Shri Gupta's supporters are split and he is in a minority; therefore, you are well within your right to call upon him to resign." This is exactly what the Attorney-General said.

SHRI PILOO MODY (Godhra) : I think, this could be relevant if he was discussing Shri Charan Singh's conduct. But we happen to be discussing the Governor's conduct, in which case it is totally irrelevant.

SHRI A. K. SEN : We cannot determine the propriety of the Governor's conduct in a vacuum; even Shri Piloo Mody cannot do it with all his ability.

SHRI PILOO MODY : I am afraid, he is doing it with a vacuum.

SHRI A. K. SEN : It is impossible to cut oneself off from the past, what happened in the past and the context itself.

Let us read this letter and then make our own observations. If it is explainable, it may be explained by those who take a different view.

SHRIMATI SUCHETA KRIPALANI (Gonda) : May I know the difference between the Governor's conduct then and now ? That is relevant.

SHRI A. K. SEN : I shall certainly try to assist the respected *didi* on this matter..... (Interruption).

This is what he said :

"In the circumstances you were perfectly within your rights to ask Mr. Gupta to resign or to agree to convene the Assembly at the earliest moment. In my opinion, no formal withdrawal of support by the other group of the Congress was necessary..."

This is very important. He said that there was no necessity of registering a formal withdrawal of the support of Mr. Gupta. It says further :

"Realising the weakness of his position, Shri Gupta now begins to claim that he has 221 members in the Assembly behind him. As the world knows all this is a farce."

All the world knows, one sees what one wishes to see and one does not see what one does not want to see. It says :

"In the circumstances, Shri Kamalapati Tripathi, the leader of the other group in the Congress has now formally written to say that he and his friends no longer support Mr. Gupta. I would, therefore, suggest that you will be pleased to ask him to agree to convene the Assembly by 1st December. This can easily be done...I would, therefore, request you to kindly discharge the duty you owe to the people of Uttar Pradesh by performing it in the only manner that is consistent with the service and well-being of the people of Uttar Pradesh which you undertook to do under your own oath..."

Dr. Ram Subhag Singh quoted the constitutional oath. How the oath is to be discharged is also a matter of opinion depending upon the views that one may take.

DR. RAM SUBHAG SINGH : On p. 10, the same Governor says that Mr. Charan Singh has the support of 255 members out of 421 members. There, he violated the whole thing... (*Interruptions*)

SHRI A. K. SEN : What are the facts ? What happened in Punjab and in the Bihar has been pointed out. We know what happened in Punjab. Let us compare it, what happened in Uttar Pradesh, before we try to criticise the conduct of the Governor. In Uttar Pradesh, a remarkable thing had happened which had no precedent in the past, even during the recent past.

The Government consisted of the representatives of the B. K. D. and of the Congress Ruling Party and in the Cabinet, in the Council of Ministers, the majority was represented by the Congress Ruling Party. So, when the split occurred, the Cabinet ceased to be a collective unit. Out of 46

Ministers, 26 Ministers belonged to the Congress Ruling Party itself. These 26 Ministers were asked to resign by the Chief Minister.

AN HON. MEMBER : They should have resigned.

SHRI A. K. SEN : And the Governor, on their not resigning, was asked by the Chief Minister to dismiss them. The Chief Minister said that though he took office as the leader of the collective group and he took his oath... (*Interruptions*)

SOME HON. MEMBERS : No.

SHRI A. K. SEN : Please listen to me. It is of the essence of the Council of Ministers under our Constitution that when the Chief Minister takes office and the Council of Ministers are appointed under his guidance and under his nomination, it becomes a unit of collective responsibility, and they must function collectively. That is a constitutional provision...

SHRI PILOO MODY : They way you are arguing would imply that Mrs. Indira Gandhi should also resign. You better stop right here.

SHRI A. K. SEN : I leave that task to Mr. Pilooy Mody.

This is a remarkable situation without any parallel. When the majority of Ministers wanted to carry on without the Chief Minister, the Chief Minister said, "I shall not see their faces." And what followed is that he withdrew all their portfolios, made them dumb and then the entire collective fabric had broken down. The entire constitutional fabric had broken down.

SHRI ATAL BIHARI VAJPAYEE (Barrampur) : Joint family.

SHRI A. K. SEN : That did not happen in Punjab. You might recall that what happened there was that 10 members of the Jana Sangh formed a coalition with the ruling Party... (*Interruptions*) I have never corrected the Members. I leave it to Mr. Madhu Limaye... (*Interruptions*) That is what I am saying. What is important is that the Jana

[Shri A. K. Sen]

Sangh Members of the Government resigned so that the collective character....

SHRI PILOO MODY : Your people did not resign....(*Interruptions*)

SHRI A. K. SEN : Well, that has nothing to do with the Governor. The Governor is not responsible. You may blame the leader. You may blame us. We are now questioning the conduct of the Governor. Now, the fact is that in Punjab a constitutional break down did not take place and, therefore, it was possible to carry on until the Assembly met. But when the entire collective thing goes down and vanishes in the thin air, how can the Governor consult the Council of Ministers because the Constitution enjoins upon him to act on the advice of the Council of Ministers. If the Council of Ministers ceases to function, how can he possibly function? This is the great difference that strikes any one, any student of constitutional history also. The example of UP affords no parallel. In that UP is always unique. It is always unique and in this respect too UP has become unique. Therefore, what happened? The Governor had to discharge his responsibility of carrying on a constitutional government on the advice of the Council of Ministers responsible to the Assembly. The Council of Ministers having broken up into fragments already and there was complete schism between the two groups constituting the Cabinet, it was impossible for any Governor to function. This has no remedy in any court of law. It was impossible for any Governor who has a conscience unless he has decided, 'I shall function only on the advice of the splinter group which has no majority'. This is exactly what was the problem.

AN HON. MEMBER : How can he come to know it?

SHRI A. K. SEN : He came to know because he was asked to dismiss.

This was the problem which he has to resolve. He applied his mind and he took the advice of the Attorney-General, not that he was guided completely by him. He is to be assisted by the Attorney-General's advice and he can choose to take it....(*Interruptions*)

Sir, how can any one go on if there are constant interruptions? We have listened to our friends with great patience.

MR. SPEAKER : May I request all of you to let the debate go on without interruptions?

SHRI RANGA (Srikakulam) : They should have consulted you, but your fee is much too high.

SHRI A. K. SEN : I have my own opinion which I am entitled to place before the House. (*Interruptions*) Now this was the position and it is no use....

AN HON. MEMBER : When the place is vacant in Delhi, Mr. Piloo Mody can fill in.

SHRI A. K. SEN : Under these circumstances, I cannot see how Dr. Gopala Reddy who was called a supporter of the so-called Syndicate when he refused to dismiss Mr. Gupta and install Mr. Charan Singh in February 1970, the very same man, is being branded and is being persecuted on the line that he was partial. What has the man to do? Place yourself in that position. Let us all place ourselves in that position. He takes advice of the highest law officer of the Government.

AN HON. MEMBER : And his boss.

SHRI A. K. SEN : Nobody is a boss. We know Mr. Gopala Reddy, all of us. If he acted without a mind of his own, I will be the first to condemn him. But knowing as he did, we know Mr. Gopala Reddy is not a man who can be changed and made to move wherever you like him to move....(*Interruptions*) Now this is the position.

SHRI PILOO MODY : Not only Mr. Gopala Reddy, but all of you.

SHRI A. K. SEN : Sir, I remember that I happened to be in the Allahabad High Court Bar Library when this thing happened and the entire Bar was divided, I mean; very substantially. It was very difficult. If the Bar is divided on this issue, it shows this was not an issue on which a man can say that there is only one answer to it.

SHRI SHRI CHAND GOYAL : The Supreme Court Bar was not divided.

SHRI A. K. SEN : It was divided.

SHRI SHRI CHAND GOYAL : Only a few.

SHRI A. K. SEN : No, No....(*Interruptions*)

MR. SPEAKER : There are too many retorts so that they spoil the whole debate. Hon. Members must have some patience. Mr. Mody, please have some mercy on the House. Your voice is not of local significance, confined to local benches, it spreads over to the whole House.

SHRI PILOO MODY : Sometimes you cannot help yourself.

SHRI A. K. SEN : The other great difference was that in U.P. nobody came forward to say that he had the majority. Under the circumstances, if one reads the report that Mr. Gopala Reddy made to the President, one would see with what care he had marshalled the facts and his difficulties. He did it having regard to the alignments and the serious split that had occurred in the rungs of the coalition which was running the Government. 145 out of a total number of 225—I forget the number, Mr. Madhu Limaye will correct me if I am wrong—had gone out with Mr. Kamalapati Tripathi. He said, there is no point in trying to find the majority. Therefore, he said, unless the President takes over the Government, it will not be possible to have the Government of the State run constitutionally.

SHRI SHEO NARAIN : When the B. K. D. Government was installed they had no majority. Can you deny this ?

SHRI A. K. SEN : This is the report that the Governor made to the President. What happened was this. You will recall that when in Rajasthan this dispute was raised and the Governor's conduct was questioned, the then Home Minister Mr. Chavan had written to the various eminent jurists of the country including the then Chief Justice of India, Mr. Gajendragadkar. He wrote clearly that our constitution is such that the Governor

is only bound by the advice of that man, of that Member, who commands the majority of the House, because it is the majority of the House which binds him, not any single individuals. You will recall, we complimented the Prime Minister on that occasion because we were all signatories and the congress was not split then. Mrs. Kripalani was there and so many others were there. We wrote to the Prime Minister after the Madhya Pradesh Governor had come down that the advice of Mr. D. P. Misra for the dissolution of the Assembly was not binding on the Governor. The reason we gave was that he lost his majority. And this was accepted by the Prime Minister,

SHRI PILOO MODY : You will have to admit that here is tremendous consistency in this; every time the discretion is used there are two opinions but it is always the opinion of Mrs. Indira Gandhi that prevails.

MR. SPEAKER : This is too much.

SHRI A. K. SEN : When Mr. Piloo Mody occupies that position, his discretion will prevail. Of course the Prime Minister is the Prime Minister, and she has the last word.

SHRI PILOO MODY : That is what we are saying, that she always does.

SHRI A. K. SEN : This is the position and, therefore, it is incontrovertible that the Governor is only bound by the leader who had the majority. That is why Mr. Misra's recommendation for dissolving the Assembly was not accepted. That is why Mr. C. B. Gupta's advice was not accepted by Mr. Gopala Reddy. That is why Mr. Charan Singh's advice to dismiss his colleagues was not accepted by the Governor. That is exactly what the Attorney General has said. Having used his discretion, what had he to do ? Let us see what he has done. Immediately there was proof of a majority having been created led by Shri T. N. Singh, a very good friend of ours, Dr. Gopala Reddy, lost no time in sending for him....(*Interruptions*)

SHRI ATAL BIHARI VAJPAYEE : One week.

SHRI A. K. SEN : One week is nothing in this country; it is tremendously quick. If it had been one year, I could understand it ...(*Interruptions*).

As I said, when the Constituent Assembly created the post of Governor under our Constitution, these strains and stresses were not contemplated. When for the first time it came up and the matter went to a court of law, the High Court of Calcutta had, first of all, to deal with this position when the then Governor of West Bengal dismissed the then Chief Minister on the ground according to him, that he had no majority and he was not prepared at that time to call the Assembly immediately. This was the judgement of the Calcutta High Court, which I would read on that point when the propriety of the Governor's conduct was questioned. This is reported in Mahabir Sharma vs. Profulla Kumar Ghosh, 72 *Calcutta Weekly Notes*, para 43 of the judgement :

"Art. 164 (1) provides that the Ministers shall hold office during the pleasure of the Governor. This exercise of pleasure by the Governor, however, has not been fettered by any condition of restriction. The withdrawal of the pleasure by the Governor is, in my view, a matter entirely in the discretion of the Governor. The provision in cl. 2 of art. 164 that the Ministers shall be collectively responsible"...

this is the most important thing—

"to the Legislative Assembly of the State does not in any manner fetter or restrict the Governor's power to withdraw his pleasure during which the Ministers hold office. Collective responsibility"...

this is important—

"contemplated by art. 164 (2) means that the Council of Ministers is answerable to the Legislative Assembly of the State as a Cabinet. It follows that the majority of the members of the Legislative Assembly can at any time express its want of confidence in the Council of Ministers. But that is as far as the

Legislative Assembly can go. The Constitution does not fetter the power of Legislative Assembly of the State to dismiss or remove from office the Council of Ministers. If the Council of Ministers refuse to vacate the office of Ministers even after a motion of no confidence has been passed against it in the Legislative Assembly of the State, it will then be for the Governor to withdraw the pleasure during which the Council of Ministers hold office. The power to appoint the Chief Minister and the Council of Ministers on the advice of the Chief Minister and the power to remove the Ministers from office by withdrawing the pleasure, contemplated by art. 164 (1) have been conferred upon the Governor of the State exclusively"...

This is the most important thing. Nevertheless, Parliament is entitled to debate the propriety of such a functionary's conduct. That is why we are debating it today. If it were mala fide, if it were prompted by indirect motives, if it were prompted by personal likes and dislikes, I would have been the first man to condemn it. Shri Charan Singh is a man for whom we all have respect. Shri T. N. Singh was one of our colleagues; we all to have love for him, we all respect him. But personalities do not count in such a constitutional position. What counts is what is the difficult task the Governor had to perform and how best had he performed it? Did he act *bona fide*, to the best of his ability, according to his conscience? If so, he does not deserve any censure. On the facts of this case, it is absolutely clear, as clear as broad daylight, that this dignitary has performed a very difficult and delicate task to the best of his ability and according to his conscience and he deserves the support of this House.

SHRI J. B. KRIPALANI (Guna) : I cannot argue the constitutional position as Shri Sen has done. It has been argued by those who, unfortunately, are considered greater jurists and lawyers in the land than he pretends to be—as a matter of fact they belong to no party, they are uncommitted and they affirm that the Governor's conduct is condemnable. They have almost universally condemned the

action of the Governor. But a Governor acting like this is nothing new in Congress history.

It began in 1952 when the first elections under the Constitution were over and Ministries were being formed. I am sorry to say that in the United Madras State, the Congress had no majority. The majority belonged to two parties, the Communist Party (then united) and the Kisan Mazdoor Party under Shri T. Prakasam. They united and presented a majority to the Governor and yet Shri Sri Prakasa, the Governor, called upon Rajaji, who was not even a member of the Assembly or Council.....

**SHRI AMRIT NAHATA :** As Shri T. N. Singh now.

**SHRI J. B. KRIPALANI :** ... to form the Ministry. It was known that if a Congress Ministry was not to function, there would be another election, a mid-term election. And the Congress got the majority !

So this disease of the Congress interfering work with the of the Governors is nothing new. It is as old as our elections. There have been other Governors who have played their tantrums. I am sorry to say, at the instance of the Government of India. They had no other motive at all. They did not use their discretion; they used the discretion of the Government of India which would not allow any but a Congress Government to come in power. There was the Governor of Rajasthan, Dr. Sampurnanand; then there was in Kerala Governor A. P. Jain. There are many instances. They helped the Congress to secure for it a majority in most States.

I do not, as I said, go into the constitutional position. I know a clever lawyer like Shri Sen can make a wrong appear right reason. Once an advocate like him was arguing a murder case. The murderer was asked 'have you committed the murder ?' He said, 'No.' When an advocate like Shri Sen had argued the case against him, the Judge asked him 'Did you commit the crime ?' He said : 'I have not, but having heard the arguments of the lawyer, I suspect that perhaps I have committed the crime.' The question is who gives the brief. But here are jurists and lawyers who have no

axe to grind, who are not in any party, who have not received any brief, who are not expecting any Ministership or Governorship. They are neutral, they have given their opinion.

Let us see what the Governor says. In the past the Governors have kept their trap shut, they have never tried to justify what they have done. This time, this Governor says in Kanpur, "I am going to lift the purdah". All right, he lifted the purdah there. Then, in Dehra Dun, a fortnight later, he again lifted the purdah. One glimpse of his face would have convinced anybody that he is a handsome fellow. Why should he lift the purdah again, and in India where the purdah system has not ended yet ? Many of my socialist friends keep their womenfolk in purdah. So, there was no need for him to discard the purdah.

But when he opens his trap, what does he say ? He says that there is a difference between a one-party Government and a coalition Government. There is, in no Constitution, any difference made between a one-party Government and a coalition Government. A coalition Government has one same Chief Minister, or Prime Minister and they occupy the same place on your right. They have the same whip, they are bound by a consolidated programme to which they have agreed, they take office together, they fell together, there is absolutely no difference between an one-party Government and a coalition Government.

Here also we had the Government of one party, but was the Congress party in Parliament united ? It came out, when Mrs. Gandhi took action, that there were two distinct groups in the Congress. One was, according to Marxian philosophy reactionary and the other was radical. The radical group gained the upper hand and the reactionaries are sitting on the opposite side. It was never a single party, it was a coalition between the reactionaries and the radicals.

Today also this Government is a minority Government, but it is under a Prime Minister who is a radical and it is supported by extra-radicals called Communists, and also the extra-radicals of DMK and the Muslim League and some other miscellaneous par-

[ Shri J. B. Kripalani ]

ties, and this Government is considered a Government of one party. Actually, this is a Government of many parties. Some of the Ministers were honourable enough to resign when the Prime Minister asked them to resign. They did not argue that since a section of her own party had left her, she could not ask them to resign. They were honourable people, or call them dishonourable, but they resigned. That was the right thing to do.

Then, what does this Governor say? The Governor says that the conduct of the Governor cannot be questioned in a Court of Law. He says he cannot be impeached. Then, how does he decide? He says he is the sole judge. He is a judge without jury, he is a judge who takes no evidence, he is a judge before whom there is no cross-examination, before whom lawyers are not called to appear, the parties are not called, they are not allowed to argue and evidence also is not necessary. He is the supreme judge. I think that on the day of judgment God will decide like that. He will not call for any advocates; He will not call for any evidence; He will not call for any cross-examination. How will He judge in His eternal wisdom. We did not think that we were appointing God here in the shape of Governors to decide on their own initiative without any jury, without any argument, without any evidence, on their own. On their own what? On his (Governor's) own inner voice. Wherefrom this inner voice came? It did not come from his brain; it did not come from his heart. It came from his belly; and you know what comes out from the belly! This is what he himself says; I am not exaggerating the matter. This is how we are functioning in a democracy! I say it is not only the conduct of this Governor, splendid as it may be, and this Government was dismissed and another Government was formed. I am told by a reliable person, who is present here—if he would come out and make a statement. I talked about the matter..... (*Interruption*) I was told that the Governor said: "You can understand the pressure that was on me." These are his words..... (*Interruption*) This is what he said this is what the Governor said. Because, after all they are Congressmen; they may sit here; they may sit there; I know

them all; I have known them all these years. Nothing is concealed from me. In the private talk when he was asked why he behaved like that, he said: "you know the pressure under which I was working, 'We know the pressure under which he was working. God saved his soul! That is all I have to say."

**SHRI P. K. DEO (Kalahandi) :** Mr. Speaker Sir, few political developments since independence have triggered off a bigger nation wide explosion than the recent happenings in U. P. For the first time—a public demand was made for the impeachment of the President; for the first time—a presidential proclamation under article 356 was issued from foreign soil.

From whichever angle one looks—one is filled with distress—what happened in U. P. is unbelievable. It has not only damaged the growth of democracy but has posed a big question over its future in this country. It is ironical that the last act should have been perpetrated on the Gandhi Jayanti day, 2nd October, when we just completed—paying homage to Mahatma Gandhi and when the Centenary of the Father of the Nation—apostle of truth was just completed. It is not enough to participate in the rituals in Rajghat and conveniently forget the values he taught us, when we act.

The crux of the problem is that U. P.'s story is a story of naked passion for power, a story of a deep-rooted conspiracy to sabotage the Constitution and scuttle parliamentary democracy, in which Prime-cum-Home Minister and Governor are the main abettors. Mrs. Gandhi and the men around her will go down in history—not as upholders of the Constitution but as undertakers of the Constitution.

Coming to brass facts, Mr. Charan Singh was sworn in as Chief Minister last February as head of a single party Ministry Government. At that time there was no coalition. Some months later, the ruling Congress joined the Ministry and established a coalition. The decision of the ruling Congress to withdraw from the coalition restores the *status quo ante*, and does not invalidate Mr. Charan Singh's mandate when he was sworn in as Chief Minister. If Mr. Charan Singh did not have

a majority and deserved dismissal, how do you reconcile the continuance of the Indira Gandhi Government when 64 MPs withdrew from the party in power and formed the main Opposition as is seen now? How do you justify the continuance of the minority government in Punjab after the Jan Sangh withdrew its support? The obvious answers to these questions are that they got their strength tested on the floor of the legislature.

15.45 hrs.

[SHRI SHRI CHAND GOYAL *in the Chair*]

Here, Mr. Charan Singh called the Assembly on the 6th October and he was even prepared to summon it much earlier. The floor of the Assembly and not the drawing room of the Governor should have been the testing ground of the Government, but the Assembly was deliberately prevented from expressing its views. The Governor could not wait for just 96 hours. He arrogated to himself the power of the Assembly and passed judgment on the stability of the Ministry. There cannot be any analogy as drawn by my friend, Mr. Asoke Sen, between what happened in West Bengal and here. Because, in West Bengal, Shri Ajoy Mukherjee was not prepared to face the Assembly earlier than the scheduled date.

AN HON. MEMBER : So what? He was within the constitutional time limit.

SHRI P. K. DEO : May be. By deliberately by-passing the legislature, the Governor and the Prime Minister have flagrantly disregarded the resolution of the conference of Presiding Officers and of the conference of Governors who had made a unanimous recommendation. A categorical recommendation was made by the ARC which was presided over by no less a person than Shri Hanumanthaiya. They took full cognizance of the case which was decided by the Calcutta high court, and after giving full Consideration of the high court's finding, they have given their conclusions as such. The recommendation of the Administrative Reforms Commission is as follows :

"When the Governor has reason to believe that the Ministry has ceased to command

a majority in the Assembly, he should come to a final conclusion on this question by summoning the Assembly, and ascertaining its verdict on the support enjoyed by the Ministry. When a question arises as to whether the Council of Ministers enjoys the confidence of the majority in the Assembly, and the Chief Minister does not advise the Governor to summon the Assembly, the Governor may, if he thinks fit, *suo motu*, summon the Assembly for the purpose of obtaining its verdict on the question."

Sir, now, Shri Hanumanthaiya is the Law Minister, and he expressed identical views in the symposium that was held under the auspices of the Parliamentary Association last July. I would just request him to say how he reconciles now with the opinion of the Attorney-General which must have passed through his Ministry. How on earth he, as Law Minister, could subscribe to that view? Is he not functioning as Mr. Jekyll as Chairman of the Administrative Reforms Commission and as Mr. Hyde as Law Minister?

THE MINISTER OF LAW AND SOCIAL WELFARE (SHRI K. HANUMANTHAIYA)  
rose—

MR. CHAIRMAN : Order, Order.

SHRI P. K. DEO : Sir, they have got the right of reply. I am not yielding.

MR. CHAIRMAN : Are you raising a point of order?

SHRI K. HANUMANTHAIYA : On a point of personal explanation.... (*Interruption*) I do not want to participate in this debate. Therefore, I will give my personal explanation if you want.

SERI P. K. DEO : I am not yielding.

SHRI ATAL BIHARI VAJPAYEE : We would like to hear the Law Minister.

SHRI K. HANUMANTHAIYA : I am not participating in this debate.



SHRI NATH PAI : Why not ?

SHRI P. K. DEO : If he takes the Congress' time, I did not mind. But why should he take my time ? I am not yielding.

MR. CHAIRMAN : You can take part in the discussion and explain it.

SHRI K. HANUMANTHAIYA : I am not participating in the debate.

SHRI RABI RAY : Do you stick to your previous opinion as Chairman of the ARC ? (Interruptions).

SHRI K. HANUMANTHAIYA : If their over-anxiety expresses itself in this fashion, they will not be able to know the correct position. In every one of his speeches, the hon. member is fond of imputing motives to everybody, which is a very dishonourably thing to do. It is a very bad habit. I may straightaway say that I have not changed my opinion. This gentleman is quoting in a distorted way, without quoting the full report. If all that I have recommended is accepted by the leaders of the opposition, all these problems will be solved. This hon. member belonging to the Swatantra Party occupies a certain level in society. It is hardly consistent with his dignity and decorum to go on imputing motives merely because somebody writes for him this speech.

SHRI P. K. DEO : I take strong objection to it. What does he mean when he says that somebody has written my speech ? He will have to withdraw it. It is your duty, Mr. Chairman, to protect me.

MR. CHAIRMAN : Mr. Hanumanthaiya, this was no personal explanation. If you could have really said that there was no contradiction, then there was some point.

SHRI PILOO MODY : Unfortunately the Minister has abused the courtesy shown to him by the hon. member.

AN HON. MEMBER : He is walking out !

SHRI P. K. DEO : I charge the Governor with dereliction of duty and the Prime Minister with culpable mischief by her active

political participation in the prolonged power struggle in UP, which was not befitting the high position she occupies. How is the Government going to justify the air dash of Shri K.C. Pant and Shri Chandrajit Yadav from the Congress session at Patna to Lucknow ? It is interesting to note that whenever a Governor or the President has acted and interpreted the various articles of the Constitution, it has always gone in favour of the ruling Congress party. After all, as Dada has pointed out, for their belly, they depend on the Government. They hold office at the pleasure of the President who is guided by the Council of Ministers.

We have seen what happened in Rajasthan. A day prior to the scheduled meeting of the Assembly, the Chief Minister resigned and the Assembly was not given an opportunity to pass a verdict about the stability of the Sukhadia ministry. In M. P., the Assembly was in session, discussing Demands for Grants. In the midst of the session, it was prorogued by the Governor. The Governor of UP sought the opinion of the Advocate General and the Legal Remembrance of UP, but as the finding of the Advocate General was not to his liking, he went over his head and asked for the Attorney General's advice. Under the Constitution, the Attorney General has no *locus standi* so far as the administration of a State is concerned. The Attorney General's advice has been patently a political advice; it is not a legal opinion.

SHRI J. B. KRIPALANI : He is a servant of the Government.

SHRI P. K. DEO : Dada has rightly said that he is a servant of the Government.

The Attorney General was more concerned about defection and debasement of political standards, a charge which is most aptly applicable to the present Government, than the legal interpretation of the Constitution. His differentiation of the Chief Minister of a coalition government from the Chief Minister of a single party majority government is his own machination and is contrary to the letter and spirit of the Constitution. No where is there mention of parties or the composition of parties forming the govern-

ment so far as a coalition is concerned. If the Attorney General's view is to be respected, the Prime Minister should have been dismissed first.

I would like to take this opportunity for bringing to the notice of the House the role played in this toppling game by Shrimati Nandini Satpathy, Minister of State without portfolio, in her attempt to topple the Government in Orissa. All attempts were made. The fortnightly visits of Shri Jagannath Rao and Shrimati Nandini Satpathy, remaining there as State guests and utilising all the influence in purchasing M. L. As. are very well known in Orissa. It is a very good thing that the Chief Minister there did not ask the Governor to prorogue the Assembly but asked him to adjourn the Assembly and the Assembly is still continuing so that if there is a question at any date regarding the stability of the Ministry, the Assembly could be called the next day and it could be easily tested.

Here, in Uttar Pradesh, the Governor's recommendation for President's rule was *malafide*, politically motivated and perverse because the Chief Minister not only claimed support of the majority as a result of the support placed by another combination but was also willing to have it tested sooner than the 6th October.

Another gross mistake that the Governor committed is that he did not accept the Chief Minister's advice for dismissing the various ministers. At that time, when the Chief Minister gave the advice to the Governor to dismiss his ministers and to reconstitute his Cabinet, he held a majority and Shri Kamalapati Tripathi had not withdrawn his support to Shri Charan Singh's government.

Reconstitution of the Cabinet is the prerogative of the Chief Minister. Under article 164 of the Constitution the power of the Chief Minister with regard to appointment of Ministers carries with it the necessary implication of the Chief Minister's right to advise the Governor with regard to the dismissal of a minister and that advice is equally binding on the Governor. As has been pointed out, the reconstitution of the cabinet has always been an inherent right and prerogative of the Chief Minister and the Governor is bound to accept

it. If the Governor accepted the word of the ruling Congress there, which had withdrawn support from the coalition, how will the Governor explain the continued representation of the ruling Congress ministers inside the Cabinet? There cannot be a coalition and a non-coalition at the same time.

If I had the time I would have quoted a passage from what an eminent Ex-Governor, Shrimati Vijayalakshmi Pandit, has said regarding the state of affairs. She has expressed her deep indignation at what has happened there.

Another point of distress is the way the President behaved, like a rubber-stamp. Under article 356 of the Constitution the President has to be satisfied that the Government of a State cannot be carried on in accordance with the provisions of the Constitution. It is pertinent that this satisfaction may be derived not only from the Governor's report but also otherwise. I would like to underline the word "otherwise". He is entitled to judge matters for himself; he is not bound by the advice of the Cabinet in this regard, as Shastriji has rightly pointed and has quoted previous instances how our first revered President, Rajen Babu, behaved and many a time sent back the recommendation of the Government for reconsideration.

16 hrs.

In this regard, the President while on foreign soil, even after he received a cable from Mr. Charan Singh that things were not very happy here, instead of himself varying the things and satisfying himself as to whether there has been a constitutional breakdown went all the way and signed the Proclamation on the dotted lines which was specially sent by a courier to Kiev. The heavens were not going to fall till he came back from his foreign tour and satisfied himself about the situation here.

As was also pointed out by my hon. friend, Shri Prakash Vir Shastri, as the Chancellor of the Delhi University, the President requested the Vice-Chancellor, Dr. K. N. Raj, to wait and not to precipitate his resignation till he came back. In this case, he behaved with undue haste. Probably, by the

[Shri P. K. Deo]

time he came back, the Assembly would have met and the so-called ambiguous position would have been clarified. The Prime Minister did not want this. She precipitated the dirty game by procuring the President's signature. The President has taken the oath under the Constitution that to the best of his ability he will preserve, protect and defend the Constitution and the law. But he fell into the trap. He was not bound to act where his personal satisfaction was necessary. If he is convinced of the ulterior motives of the Government, do you think he is still bound to sign on the dotted line? By doing that, he has not only violated the letter but also the spirit of the Constitution.

In the this regard, when this very article 356 was being discussed in the Constituent Assembly, this is what Dr. Ambedkar said :

"In fact, I share the sentiments expressed by my hon. friend, Mr. Gupta, yesterday that the proper thing we ought to expect is that such articles will never be called into operation and that they would remain a dead letter. If at all they are brought into operation, I hope, the President, who is endowed with these powers, will take proper precautions before actually suspending the administration of the provinces. I hope, the first thing we will do would be to issue a mere warning to a province that has erred, things were not happening in the way in which they were intended to happen in the Constitution. If that warning fails the second thing for him to do will be to order an election allowing the people of the province to settle masters by themselves. It is only when these two remedies fail that he would resort to this article. It is only in those circumstances he would resort to this article."

I would like to conclude by saying that this action of the President has received universal condemnation from nearly every legal and constitutional expert and from all political parties except Her Majesty's most loyal and faithful ally, the CPI who gave their unqualified support in this gerrymandering of the Constitution.

One redeeming feature of the situation is that a new awakening, a new awareness, has dawned on the minds of the people as to the emergence of a potential dictator and a crusader against the Constitution to uphold which she has taken oath. So, on this occasion I thought it my duty to support this motion. But at the same time, I strongly feel that the Governor alone should not be made the scapegoat and by passing this motion, we are leaving the Government scot-free. That is why I intended to move a censure motion. But, Sir, as you have disallowed it, I do not like to press it. I do feel that whatever has been done has been done to scuttle democracy in this country.

SHRI R. K. SINHA (Faizabad) : Mr. Chairman, Sir, the hon. Members in the Opposition have waxed eloquent when any judgment of a Governor is not suitable and not to their liking. I just now overheard Mr. Madhu Limaye saying, 'After all amend the Constitution'.

So long as there is this Constitution and there are certain powers with which the Governors are clothed, those discretionary powers shall be exercised by them. I wish to place before you one fact. When the Governor says that the President's rule should be recommended for UP, then these gentlemen find fault with the Governor, but, when the Governor agrees to the recommendation of the High-command of five political Parties and chooses Mr. T. N. Singh as Chief Minister, that exercise of his discretionary power by the Governor is lauded and welcomed by these gentlemen. It is only to-day that justice, law and everything in this country has become a subject of the debate and in that debate it is very easy for an ageing Dada to drag the Governor here and condemn him and ridicule him.

We have to go to the letter of the law and we have to see whether the Governor has honoured his oath to the Constitution.

It has been said that the Governor has done something for his belly. I am ashamed of the fact that a respectable senior Member of this House mentioned this thing in his speech. I do not know to what extent an aged man is entitled to go on saying whatever he likes

without being challenged by any section of the House.

**SHRI P. K. DEO :** Sir, how can a Minister show his back to the Chair ?

**MR. CHAIRMAN :** Please resume your seat.

**SHRI P. K. DEO :** Sir, it is in the handbook of Lok Sabha.

**THE MINISTER OF PARLIAMENTARY AFFAIRS AND SHIPPING AND TRANSPORT (SHRI RAGHU RAMAIAH) :** I am inquiring about his welfare.

**SHRI PILOO MODY :** In any case, Sir, his back is preferable to his front.

**SHRI R. K. SINHA :** Now, let us examine the veracity of the story of the Opposition.

On the 26th September 1970, the Cong. (O), Jana Sangh and the SSP informed the Governor that he should accept the view of the Chief Minister and drop the Ministers from the Ministry. They wanted the Ministers to be dropped from the Council, but they never elected Shri Charan Singh as a leader of their coalition party.

**SHRI ATAL BIHARI VAJPAYEE :** Did you elect ?

**SHRI R. K. SINHA :** They never said that they would work under the leadership of Mr. Charan Singh as Chief Minister of UP.

**SHRI ATAL BIHARI VAJPAYEE :** We did say.

**SHRI R. K. SINHA :** You have said that later on, not at that time.

**SHRI ATAL BIHARI VAJPAYEE :** On the 26th.

**SHRI R. K. SINHA :** Also at the same time this letter was given on the 26th. Between 24th and 26th.....

**SHRI PILOO MODY :** Where were you then ?

**SHRI R. K. SINHA :** I can also puncture you. Don't be overbloated.

Between 24th and 26th September, Shri Kamalapati Tripathi claimed majority in the House and the majority of the present Mr. T. N. Singh's government is yet to be tested in the House. There are erosions in the SSP, in the BKD and in the Cong. (O) itself. These are the gentlemen who talk of the sanctity of the majority in the Assembly. Let them not claim their majority which is yet to be tested. The discretionary power which the Governor exercised may be proved wrong and then we shall be able to say that these gentlemen who find wrong with every action of ours, shall be in the dock of history.

Then, at the same time, Shri Girdhari Lal had also claimed in a statement to the Press, as Leader of the Opposition, that he should be called upon to form the government. At the same time, Shri Pannalal Gupta informed the Governor that 11 BKD Members are going against him. At this time Mr. Jairam Verma, the acting Chairman of UP BKD...

**AN HON MEMBER :** Now he is Chairman.

**SHRI R. K. SINHA :** He may be. Now the Chairman of UP BKD unit said that he was against a coalition there with right reactionary Parties. Mr. Charan Singh had written a letter asking for the dismissal of one of his General Secretaries because he took a bold stand in defence of parliamentary democracy in UP. These were the erosions; these were the challenges in U. P. At that time to say that 5 parties sitting together on a national level should meet and rubber stamp the nomination of Mr. T. N. Singh and it should be taken as sanction of the Constitution and to say that the discretion of the Governor is something which is fictitious, is a thing which cannot be justified. Today it is not the basic question of the Constitution which is at stake, What is at stake is something different. In U. P. what was the history of the Charan Singh Government ? Charan Singh imposed an Ordinance which meant the banning of the students' unions. He went back on the promise of the nationalisation of the sugar

[Shri R. K. Sinha]

industry, and he ignored the demands of the U. P. Government employees. He said, Jails are not picnic spots. He brought students into courts in handcuffs. They were ill-treated. One of the former colleagues of Shri Charan Singh, a former Deputy Home Minister was put in 'C' Class in jail.

Shri Charan Singh had at one time shown allegiance to the policy of the Indian National Congress and to Mrs. Gandhi. He had said at one time that the Bombay decisions of the Indian National Congress were correct. Yet what happened? His party voted in the Rajya Sabha against the Privy Purses Bill.

These were the things which brought about the erosion in the following of Shri Charan Singh.

It is not easy for the Government to have robber stamp formula for different situations, in different contexts.

Take the case of Punjab. In Punjab the Jan Sangh party withdrew but no Opposition leader came forward saying that he was prepared leader of the Opposition, to become the ultimate Chief Minister. Therefore, to quote the alternative of Punjab is to mis-quote history.

Sir, In India, we are experimenting with democracy. The case of one State may not be exactly treated as any kind of mathematical formula for another State. Where in the history of the world has it happened that the Chief Minister condemned his own Ministers when doubts were expressed about his majority in the coalition? The Chief Minister Mr. Charan Singh at that time wanted a lease of life, to lengthen his life, in order to organise massive defection. Let us not forget this.

Shri Prakash Vir Shastri had spoken about principles of democracy, and that there should be no defections. The basic idea of parliamentary democracy is at stake now. How was Charan Singh's BKD born? Charan Singh wanted to continue as Chief Minister for 5 or 6 days in order to kidnap the Cong. (O) and Jan Sangh, who had only a one point programme, namely the programme of toppling Mrs. Indira Gandhi.

I am today reminded of a few lines which Pandit Jawaharlal Nehru wrote : "There are promises to keep and miles to go." Mrs. Gandhi's Government has promises to keep and miles to go. When the caravan moves on and dogs bark nobody bothers. History will be ultimately written by us. Thank You.

**श्री अटल बिहारी वाजपेयी :** सभापति जी, इसे एक संयोग की बात ही कहना चाहिए कि 2 अक्टूबर को महात्मा गांधी के जन्म-दिन पर उत्तर प्रदेश में लोकतंत्र की हत्या हुई और आज श्रीमती इन्दिरा गांधी के जन्म दिन पर उस की शव-परीक्षा की जा रही है। शव-परीक्षा में इसलिए कह रहा हूँ कि अन्ततोगत्वा उत्तर प्रदेश में अपनी सरकार कायम करने के सत्ता-रुद्ध दल के मंसुबे चकनाचूर हो गए। वहाँ राष्ट्रवाद, लोकतंत्र और आर्थिक-सामाजिक न्याय में विश्वास करने वाले दलों की विजय हुई। प्रधान मंत्री का प्रदेश स्वयं उन्हीं के लिए वाटरलू बन गया। जो भी विजय प्राप्त हुई है उसे हमें सुदृढ़ बनाना होगा और भविष्य में भी सत्ता हड़पने के इस प्रकार के प्रयत्नों को विफल करना होगा।

उत्तर प्रदेश के प्रकरण में अनेक महत्वपूर्ण प्रसंग खड़े होते हैं। राज्यपाल रेड्डी ने एक नये घातक सिद्धान्त का प्रतिपादन किया है। यह किसी दल का प्रश्न नहीं है, संसदीय लोकतंत्र के भविष्य से सम्बन्धित प्रश्न है। उन्होंने एक दल के मुख्य मंत्री में और मिली-जुली सरकार के मुख्य मंत्री में भेद करने का प्रयत्न किया है। उन का कहना है कि मिली जुली सरकार का मुख्य मंत्री यह सलाह नहीं दे सकता कि जिन मंत्रियों ने उस का विश्वास खो दिया, उन्हें या तो त्यागपत्र दे देना चाहिए या राज्यपाल को उन्हें पद से मुक्त कर देना चाहिए। यह तो भारत के संविधान को नये ढंग से लिखने का प्रयत्न है। हमारा संविधान एक दलीय सरकार में या बहु-दलीय सरकार में कोई अन्तर नहीं करता। मुख्य मंत्री जब तक मुख्य मंत्री है, फिर वह अल्पमत में है या बहुमत में है, फिर वह एक दल का मुख्य

मंत्री है या अनेक दलों का मुख्य मंत्री है, इस बात का अधिकार रखता है कि जिसे चाहे मंत्री बनाए और जिसे चाहे मंत्री पद से मुक्त कर दे।

सभापति जी, केन्द्र में क्या स्थिति होती अगर कांग्रेस के विभाजन के बाद भी डा० राम-सुभग सिंह, श्री पूनाचा और श्री जयमुख लाल हाथी इस्तीफा देने से इनकार कर देते ? क्या राष्ट्रपति महोदय यह कहते कि श्रीमती इन्दिरा गांधी अल्पमत में रह गई, इसलिए अब वह इस्तीफा दें ? ऐसा कोई राष्ट्रपति कह नहीं सकता। ऐसा किसी गवर्नर को भी कहना नहीं चाहिए। युनाइटेड किंगडम की बात कही जाती है। आइवर जैनिंग्स आप उठा कर देखें। “केबिनेट गवर्नमेंट” नामक पुस्तक में जैनिंग्स ने उदाहरण दिया है, जब वहाँ माइनारिटी गवर्नमेंट थी 1839 और 1931 के बीच में, तब भी तत्कालीन प्रधान मंत्री ने सम्राट या सम्राज्ञी को जो कुछ सलाह दी, वह सलाह मानी गई। एटार्नी जनरल ने ऐसी सलाह दी है जो सारे लोकतंत्र के ढाँचे को चरमराकर टूटने के लिए विवश कर सकती है। अगर मुख्य मंत्री या प्रधान मंत्री को अपने मंत्रियों को चयन करने का अधिकार नहीं है, उन्हें हटाने का अधिकार नहीं है तो फिर क्लेक्टिव रैस्पॉसिबिलिटी नहीं रह सकती। मुझे याद है संविधान सभा में इस सवाल पर बड़ी बहस हुई थी। मैं डा० अम्बेडकर का एक उद्धरण सदन के सामने रखना चाहता हूँ :

“No person shall be retained as member of the Cabinet if the Prime Minister says that he shall be dismissed.”

जो बात प्रधान मंत्री पर लागू होती है केन्द्र में वह मुख्य पर लागू होती है। मुख्य मंत्री अल्पमत है या बहुमत में हैं यह प्रश्न इस संदर्भ में नहीं उठता।

घटना चक्र इस प्रकार है। 24 तारीख को

चौधरी चरण सिंह ने कांग्रेस के मंत्रियों से इस्तीफे माँगे। जिनसे इस्तीफे माँगे गये उनमें एक भारतीय क्रांति दल का मंत्री भी था। होना तो यह चाहिए था कि सत्तारूढ़ कांग्रेस के मंत्री जब मुख्य मंत्रों का विश्वास खो चुके थे तो अपने पद से स्वयं हट जाते। यही नैतिकता का तकाजा था, यही शालेयता की माँग थी। मगर सभापति जी, वेशर्मी की हृद हो गई। यह बात इतिहास में लिखी जायेगी। संसदीय लोकतंत्र की प्रक्रिया में एक कलंक के रूप में सत्तारूढ़ पार्टी के माथे पर यह बात अंकित रहेगी कि दल ने अपना समर्थन हटा लिया लेकिन उसके मंत्री गण मंत्रि-मंडल में कायम रहे। मैं फिर कहना चाहता हूँ कि अगर डा० राम सुभग सिंह प्रधान मंत्री से नाता तोड़ने के बाद भी मंत्रि-मंडल में बने रहते तो क्या राम सुभग सिंह की प्रशंसा की जाती ? मगर आज कोई नहीं है सत्तारूढ़ दल में जो अपने दल के मंत्रियों के आचरण के बारे में एक शब्द भी कहे। उत्तर प्रदेश में केवल संविधान की हत्या नहीं हुई है, राजनैतिक नैतिकता को भी समाप्त किया गया है।

लेकिन मैं राज्यपाल रेड्डी की बात कर रहा था। राज्यपाल रेड्डी 27 सितम्बर तक चौधरी चरण सिंह को मुख्य मंत्री मानते रहे थे। कांग्रेस ने समर्थन वापस लिया ता० 24 को, उस समय राज्यपाल ने नहीं कहा कि समर्थन वापस ले लिया है, अब आप अल्पमत में हैं, इस्तीफा दे दीजिये। राज्यपाल महोदय विचार करते रहे, 25 बीत गई, 26 बीत गई और ता० 27 को चौधरी चरण सिंह के कहने पर राज्यपाल ने कांग्रेसी मंत्रियों के विभाग ले लिए। स्पष्ट है कि उस दिन उन्होंने माना कि चौधरी चरण सिंह का बहुमत है, वह मुख्य मंत्री हैं। अगर ता० 27 को चौधरी चरण सिंह मुख्य मंत्री थे और उनके कहने पर विभाग लिए जा सकते थे और राज्यपाल महोदय विभाग लेने का आदेश दे सकते थे तो राज्यपाल महोदय उनकी सलाह मान कर सत्तारूढ़ कांग्रेस के

[श्री अटल बिहारी वाजपेयी]

मंत्रियों को अपने पद से मुक्त क्यों नहीं कर सकते थे ?

यह भी कहना गलत है कि चौधरी चरण सिंह का समर्थन करने का वचन भारतीय जनसंघ और कांग्रेस संगठन ने बाद में दिया। सभापति महोदय, आप राज्यपाल की रिपोर्ट पढ़िये—इतनी हास्यास्पद रिपोर्ट राज्यपाल के उत्तरदायी पद पर बैठने वाला व्यक्ति कैसे दे सकता है—मुझे आश्चर्य लगता है। इसके पृष्ठ 4 पर वह लिखते हैं—

“Till the writing of this report, none of the Political parties has given any specific indication that it will support any new Government headed by Shri Charan Singh.”

यह रिपोर्ट ता० 29 की है। पृष्ठ 5 पर शुरू में कहा जाता है—

“On the 26th September, Shri Mdaho Prasad Tripathy, leader of the Jan Sangh Legislature party, and Shri Girdhari Lal, leader of the Congress. Organisation Legislature Party, wrote to me extending their support to the present Government headed by Shri Charan Singh.”

ता० 26 को चौधरी चरण सिंह को बहुमत का समर्थन था, सदस्यों की संख्या 255 थी, राज्यपाल को लिख कर सूचना दी जा चुकी थी, मगर राज्यपाल ने उस बहुमत को नहीं माना।

सभापति जी, जब चौधरी चरण सिंह मुख्य मंत्री बनने के लिए निमंत्रित किए गए थे, तब वह एक दल के नेता थे, उस दल का बहुमत नहीं था, सत्तारूढ़ कांग्रेस ने बाद में समर्थन दिया, लेकिन यहाँ तो दो दलों ने समर्थन दे दिया, लिखित समर्थन दे दिया था। संयुक्त सोशलिस्ट पार्टी ने कहा—मंत्रीमंडल का भविष्य विधान सभा में तय होगा, विधान सभा की बैठक ता० 6 को होने वाली थी। चौधरी चरण सिंह ता० 31 या ता० 1 को भी विधान सभा

बुलाने के लिए तैयार थे, मगर राज्यपाल महोदय रुके नहीं।

संविधान में राज्यपालों को एक महत्वपूर्ण पद दिया गया है, वे राज्य के प्रमुख हैं, राष्ट्रपति के प्रतिनिधि हैं, वे केन्द्र और राज्य के बीच में एक कड़ी हैं, उन्हें भारत के संविधान का संरक्षण और परिरक्षण करना है। लेकिन क्या राज्यपाल इसी तरह से आचरण करेंगे? समान परिस्थितियों में राज्यपाल अलग अलग ढंग से आचरण करते हैं। राजस्थान में डा० सम्पूर्णानन्द ने यह स्वीकार नहीं किया कि निर्दलीय सदस्यों को लेकर बहुमत हो सकता है, वह उनके स्वविवेक का निर्णय था। राज्यपाल श्री चक्रवर्ती ने राव वीरेन्द्र सिंह को बरखास्त कर दिया क्योंकि उन की राय में दल-बदल हो रहा था। श्री धर्मवीर ने पश्चिमी बंगाल की सरकार को बरखास्त कर दिया, क्योंकि श्री अजय मुखर्जी यद्यपि विधान सभा बुलाने के लिए तैयार थे, लेकिन थोड़ा समय चाहते थे और राज्यपाल को कोई अधिकार नहीं था कि वह विधान सभा बुलाने के लिए मजबूर करते। पंजाब के राज्यपाल श्री पावटे ने दूसरा मापदण्ड अपनाया। लखनऊ की माया सबसे अलग है। यह सब क्या है?

क्या राज्यपालों को स्वविवेक के अधिकार का मनमाने ढंग से प्रयोग करने की छूट दी जायगी? क्या स्वविवेक के नाम पर राज्यपाल संविधान की अवहेलना करेंगे? लोकतन्त्रीय प्रक्रियाओं की हत्या करेंगे? क्या स्वविवेक के नाम पर राज्यपाल केन्द्र की कठपुतली के रूप में काम करेंगे? अगर ऐसा करेंगे तो भारत का संघात्मक शासन—फ़ेडरल कांस्टीट्यूशन खतरे में पड़ जायगा। अब केन्द्र में एक दल की सरकार और प्रदेशों में अलग अलग दलों की सरकारें होंगी, उन सरकारों में मतभेद भी होंगे। राज्यपालों को न्याय की तराजू के दोनों पलड़ों को बराबर रखना होगा राज्यपाल को संविधान की गरिमा की रक्षा करनी होगी, लेकिन इन सारे मामलों में जयपुर से लेकर लखनऊ तक राज्य-

पालों ने अलग-अलग ढंग से स्वविवेक के अधिकारों का उपयोग किया, मगर परिणाम एक ही निकला, जो सत्तारूढ़ दल था, वह लाभ में रहा और जो इधर बैठते हैं, वे घाटे में रहे इसका कारण क्या है ?

सभापति जी श्री हनुमंतैया जी सदन में नहीं हैं, लेकिन जब आर्टिकल 356 पर संविधान सभा में बहस हो रही थी, उस समय श्री हनुमंतैया ने एक चेतावनी दी थी। आज मुझे उन के ऊपर दया आती है। एटार्नी जनरल की राय की हम बहुत चर्चा सुन रहे हैं, मगर विधि मंत्रालय की राय क्या है, यह पता नहीं लगता है। उस समय श्री हनुमंतैया ने कहा था—

“This is what article 365 (6) has to do, but in supporting this article, I wish to sound a note of warning. Let those people who think that they are making hay while the sun shines take note of the future also. If this article is worked, as we have apprehended, in the interest of the classes or the communities that have taken hold of the Government of India, the people will not keep quite. That will be the starting of trouble to break the much sought after Indian unity and Indian nationalism.”

आज श्री हनुमंतैया की चेतावनी हमारे कानों में गूँज रही है। विधि मंत्री के पद पर बैठ कर वह अपनी चेतावनी को भले ही न दोहराये, लेकिन उन की चेतावनी आज भी उतनी ही सार्थक है। अगर हमें भारत को एक रखना है, अगर प्रजातन्त्र को सफल बनाना है तो राज्यपालों को निष्पक्ष संबैधानिक प्रमुख के नाते आचरण करना होगा।

सभापति महोदय, यह भी बड़े आश्चर्य की बात है कि जब राज्यपाल महोदय ने राष्ट्रपति को रिपोर्ट भेजी, तो राष्ट्रपति महोदय ने उस रिपोर्ट पर विचार करने तक का कष्ट नहीं किया। कम से कम हमारे पास इस बात का कोई प्रमाण नहीं है जिससे यह पता लग सके

कि उन्होंने दूसरे पक्ष की बात भी जानने की कोशिश की। वह विदेश गये थे, लेकिन विरोधी दल के नेताओं ने उन्हें वहाँ भी तार दिए थे, चौधरी चरण सिंह का केवल उन के पास था, उन से यह प्रार्थना की जा चुकी थी कि आप थोड़े दिन रुक जायें, दिल्ली आने के बाद निर्णय कीजिए। 6 अक्टूबर को विधान सभा की बैठक होने वाली थी, लेकिन 2 अक्टूबर को विधान सभा को मूर्छित कर दिया गया, चौधरी चरण सिंह के मंत्रि-मंडल को अलग कर दिया गया, अगर तीन दिन राष्ट्रपति महोदय रुक जाते तो कोई आसमान नहीं टूट जाता। 96 घंटे बाद राष्ट्रपति महोदय आकर सारी परिस्थितियों पर विचार कर सकते थे। अभी श्री देव ने डा० अम्बेडकर के भाषण का उद्धरण दिया है, मैं उसी को दोहराना चाहता हूँ—

“I hope the President who is endowed with this power will take proper precautions before actually suspending the administration of the Province,”

यह संविधान के निर्माता डा० अम्बेडकर की आशा थी, मगर डा० अम्बेडकर को यह पता नहीं था कि नई दिल्ली का शासन ऐसे लोगों के हाथ में चला जायगा जो शासन को अपने हाथ में रखने के लिये या उत्तर प्रदेश पर अपनी हुकूमत कायम रखने के लिये संविधान की धज्जियाँ उड़ा देंगे।

सभापति महोदय, बड़े आश्चर्य की बात है—राज्यपाल रेड्डी कहते हैं कि चौधरी चरण सिंह का बहुमत नहीं था, तो क्या पंडित कमलापति त्रिपाठी का बहुमत था। मुझे त्रिपाठी जी के साथ बड़ी सहानुभूति है। ऐसा लगता है कि उन की जन्मपत्ती में मुख्य मंत्री बनने के कोई ग्रह नहीं हैं। लेकिन अगर बहुमत चौधरी चरण सिंह के साथ नहीं था तो वह कमलापति त्रिपाठी को मुख्य मंत्री पद का निमंत्रण दे सकते थे, त्रिपाठी जी सरकार बना सकते थे। विधान सभा को मूर्छित करने की कार्यवाही क्यों हुई? लेकिन मूर्छित इसलिए किया गया,



[श्री अटल बिहारी वाजपेयी]

विधान सभा को सस्पेंड इसलिए किया गया कि राज्यपाल महोदय सत्तारूढ़ कांग्रेस को मेम्बरों की खरीद-फरोस्त करने का मौका देना चाहते थे। पं० कमलापति त्रिपाठी का बहुमत नहीं था, राज्यपाल इस बात को जानते थे, लेकिन बहुमत बनाने का समय दिया गया, ईमान को खरीदो, लखनऊ के बाजार में आत्मा का सौदा करो। लोभ से, लालच से, भय से, प्रपंच से, किसी तरह से भी उत्तर प्रदेश हाथ से नहीं जाना चाहिए। मुझे दुःख है कि राज्यपाल महोदय केन्द्र के इस षड्यन्त्र में शामिल हो गए। उन्होंने न केवल अपने लिए व्यक्तिगत रूप से अपकीर्ति अर्जित की है, उन्होंने राज्यपाल के पद को भी कलंकित किया है।

आज राज्यपाल का पद विवाद का विषय बन गया है और यह माँग की जा रही है कि राज्यपाल के पद को समाप्त कर दो। हमारे डी एम के के मित्र भी माँग कर रहे हैं कि उनके अधिकारों को कम करो। यह परिस्थिति क्यों पैदा हुई? क्योंकि राज्यपालों को मोहरा बनाकर केन्द्र ने राजनीति की शतरंज पर अपनी गोटी लाल करनी चाही और इसलिए आज राज्यपाल का पद भी खतरे में पड़ गया है।

इस सारे मामले में केन्द्र सरकार का जो रवैया है उसके बारे में कहना चिकने घड़े पर पानी डालने के समान है। जब हम कहते हैं कि वर्तमान शासन में तानाशाही प्रवृत्तियाँ पैदा हो रही हैं और जब हम कहते हैं येनकेन प्रकारेण सत्ता अपने हाथ में बनाये रखने के लिए यह सरकार सब कुछ करने के लिए तैयार है तो इस तरह की घटनाएँ हमारी नजर में रहती हैं। मुझे खेद है कि प्रधान मन्त्री सदन में नहीं हैं। हम जब कभी कहते हैं कि वे तानाशाही रवैया अपना रही हैं तो वे नाराज हो जाती हैं।

श्री स० मो० बनर्जी : क्योंकि आप उनको देखकर उग्र रूप धारण करते हैं।

श्री अटल बिहारी वाजपेयी : सत्तारूढ़ कांग्रेस ने, जब कांग्रेस संयुक्त थी, तब राष्ट्रपति पद के लिए प्रधान मंत्री की सलाह नहीं मानी तो प्रधान मंत्री ने पार्टी को तोड़ दिया। जब राजाओं का जेबखर्च और विशेषाधिकार समाप्त करने का विधेयक राज्य सभा ने स्वीकार नहीं किया तब प्रधान मंत्री ने एकजीक्यूटिव आर्डर से वह काम करके दिखाया। और जब उत्तर प्रदेश की गद्दी पर पं० कमलापति त्रिपाठी को सीधे रूप से आरूढ़ करने में प्रधान मंत्री सफल नहीं हुई तो फिर उन्होंने संविधान की अवहेलना करके, राज्यपाल के पद का दुरुपयोग करके उत्तर प्रदेश की सरकार को भंग करवा दिया। ये प्रवृत्तियाँ तानाशाही प्रवृत्तियाँ हैं जिनका हम विरोध कर रहे हैं। क्या यह इसलिये है कि इसमें प्रधान मंत्री को दक्षिणपंथी कम्युनिस्ट पार्टी का समर्थन प्राप्त है। देश में एक ही ऐसा दल था जिसने उत्तर प्रदेश के राज्यपाल के आचरण का समर्थन किया है।

श्री स० मो० बनर्जी : क्योंकि वे दलदल में नहीं पड़ना चाहते थे।

श्री अटल बिहारी वाजपेयी : क्योंकि वे गले तक दलदल में डूबे हुए हैं। लेकिन मेरा निवेदन है कि समय आ गया जब राज्यपालों के स्वविवेक के अधिकारों को असंदिग्ध शब्दों में स्पष्ट किया जाना चाहिए। राज्यपालों के लिए नापने के अलग अलग गज नहीं होने चाहिए। स्वविवेक के अधिकार क्या हैं, मैं संविधान की धारा पढ़कर बताना नहीं चाहता, लेकिन संविधान स्पष्ट है। किसी मंत्री का त्यागपत्र लेना या न लेना राज्यपाल के ऊपर नहीं है बल्कि मुख्य मंत्री के ऊपर है। राज्यपालों की डिस्क्रिशनरी पावर्स के बारे में जैसे किस परिस्थिति में राज्यपाल किस ढंग से आचरण करेगा और उसके आचरण में एकरूपता होगी या नहीं, इसके लिए संवैधानिक निर्देश होना चाहिए।

दूसरी बात यह है कि राज्यपालों की नियुक्ति के सवाल पर पुनर्विचार होना चाहिए।

मेरे मित्र श्री नाथ पाई ने एक विधेयक पेश किया है कि उनकी नियुक्ति संसद में पृष्ठ कराई जाये—एक तरीका यह हो सकता है। दूसरा तरीका यह हो सकता है कि एक पैनल बनाया जाए जिसमें विरोधी दलों की सलाह भी ली जाये और उस पैनल से राज्यपाल बनाये जायें। वे केवल सत्तारूढ़ दल के कठपुतले न हों बल्कि सच्चे अर्थों में संविधान के संरक्षक हों।

तीसरी बात यह है कि एटार्नी जनरल महोदय, श्री नीरेन डे ने उत्तर प्रदेश के सारे प्रकरण में अपने पद की गरिमा के अनुकूल काम नहीं किया है। केन्द्रीय सरकार को जो सलाह चाहिए थी वही सलाह उन्होंने दी। राज्यपाल को वह सलाह माननी नहीं चाहिए थी और श्री नीरेन डे को वह सलाह देनी भी नहीं चाहिए थी। श्री नीरेन डे को त्यागपत्र दे देना चाहिए और अगर वे त्यागपत्र नहीं देते हैं तो केन्द्रीय सरकार को चाहिए कि उन्हें ससम्मान विदा कर दे। ऐसा व्यक्ति केन्द्रीय सरकार को जरूर किसी खाई में पटकेंगा और जिस तरह से उत्तर प्रदेश में आपको पराजय का मुंह देखना पड़ा, अगर ऐसी गलत सलाह ही मिलेगी तो फिर से पराजय का मुंह देखना पड़ेगा। जहाँ तक इस प्रस्ताव का सम्बन्ध है, हम इसके साथ हैं और मुझे विश्वास है कि सदन भी इसे स्वीकार करेगा।

SHRI SANT BUX SINGH (Fatehpur) : Mr. Chairman, Sir, while Shri Atal Bihari Vajpayee's eloquence was beautiful, his facts and observations were not equally beautiful. He criticised the Attorney-General without realising that the Attorney-General was merely advocating the opinion which Shri Atal Bihari Vajpayee's party itself had put up in the Punjab. On much flimsier grounds, in the Punjab, the Jan Sangh had advocated, when it came to the resignation of a few Ministers, that the Governor ought to dismiss the Chief Minister. When this opinion comes from the Jan Sangh, it is then fair.

SHRI ATAL BIHARI VAJPAYEE : It is wrong. That was the stand of the Punjab

Jan Sangh. But the Central Jan Sangh did not accept it. (*Interruption*)

SHRI SANT BUX SINGH : Thank you.

SHRI ATAL BIHARI VAJPAYEE : Are you prepared, on behalf of your party, to say like this ?

SHRI SANT BUX SINGH : I am not speaking on behalf of Shri Vajpayee's party. I will come to the stand that our party took. I would urge that the condemnation that had been indulged in this House about the opinion of the Attorney-General has been extremely unfair. I sat here for the last two hours hoping to hear somebody say something worth-while by quoting books on the Constitution, and constitutional precedents, whereby it would be established that the Attorney-General gave a wrong opinion. The Attorney-General's opinion was based primarily on his reply to two points, the first of which was, could the Chief Minister dismiss the Ministers, and secondly, should the Chief Minister be allowed to continue in the given situation. Now, both Shri Charan Singh and Shri Atal Bihari Vajpayee have quoted Jennings in support of their opinion that Ministers can be dismissed. Let me tell Shri Atal Bihari Vajpayee that Jennings's book is clear. Lord Salisbury, writing to Queen Victoria in 1890, has said that there has not been a single case of the dismissal of a Minister. For months in this country we have gone on with this argument that a Chief Minister has the right to dismiss a Minister. I would like to put it to the great constitutionalists of this House and I would also like to put it to the greatest legal luminaries in this country who have spoken, to produce before this country a single case where a Minister has been dismissed. There is not one case that could be found in world history.

SHRI ATAL BIHARI VAJPAYEE : In Vindhya Pradesh, one Minister was dismissed.

SHRI RAM KISHAN GUPTA (Hissar) : In Punjab also.

SHRI SANT BUX SINGH : We are speaking about Jennings, the great holy book that is quoted by Shri Charan Singh and

[Shri Sant Bux Singh]

that is quoted by Shri Atal Bihari Vajpayee. What was the situation in Uttar Pradesh ? It was not a question of a single Minister being in conflict with the Chief Minister; it was a situation unparalleled in constitutional history where the majority of the Cabinet, the majority of the Government, was being sought to be dismissed on grounds whatsoever by the Chief Minister. Let Shri Atal Bihari Vajpayee refer to Jennings again and let him see that in every case in England, whenever the political base of a government has been changed, be it in 1915 with Mr. Asquith, or be it in 1931 with Ramsay Macdonald, always the Prime Minister resigned before he changed the political complexion of the Cabinet. Let me remind Shri Atal Bihari Vajpayee about Sir Winston Churchill who, in 1945, had a majority in the Government, but when he decided to do away with the Labour Ministers, he first resigned and then continued. But this was the one thing that Shri Charan Singh was not willing to do. He wanted to do away with the ministers. Mr. Prakash Vir Shastri has spoken with passion about the expenditure incurred by the UP Governor. Let him remember that the report he has referred to does not refer to this Governor. What about the Chief Minister who kept 27 ministers unemployed ? Their rooms were locked up; they were not supposed to do anything and yet the public exchequer was to continue spending money on those people ? Is this the kind of Chief Minister we want ?

What was the situation prevailing in UP ? So much has been made of the fact that the Assembly had been convened. But it is not realised that for the Assembly meeting, no agenda was drawn up by the Cabinet. They had not discussed the repeal of ordinances or their legitimation then which had to be done. With what agenda would the Assembly have met ? The Assembly was to consider a motion of no-confidence by the SSP. Today no doubt the SSP will wax eloquent in support of the motion, but let me remind the SSP of what it said then. Here is a copy of the statement of the Central leadership of the SSP, which says :

“Mr. Charan Singh’s Government was an anti-people Government and an admixture of mulishness with the arrogance

of power that had made Mr. Charan Singh take positons in recent months striking at the very roots of democratic life in UP.”

This was the resolution that the Assembly would have considered and there would be a vote of no confidence in the Council of Ministers which did not have confidence in the Chief Minister ! If at all the Constitutional position had ever broken down, here was that situation. What is the use of referring to Bengal or Punjab ? In Punjab, nobody had come forward saying that the majority was with them and that they should form the Government. What Mr. Charan Singh should have done was to have resigned, as the Governor told him to do and thereafter staked his claim to form a Government and that would be tested in the House.

There are two other things which are quoted repeatedly. One is the ARC. Let me refer to it. It is the report of the study team on State level administration. Interestingly enough, Mr. Charan Singh himself was a member of this committee. It says :

“Situations have arisen in the past and may arise in future where the Chief Minister, who is doubtful of majority support in the legislature is either reluctant to face the legislature as suggested by the Governor or unwilling to quit office. In a situation of this kind, the Governor appears to have no choice but to dismiss the ministry in exercise of his powers under article 164 of the Constitution, if he is personally convinced that the ministry has lost support of the legislature.”

The whole point is, it is only a person who enjoys clear support that can face the Assembly. You cannot count on the support of one party and say, “I shall use this to bargain”. We are charged with bringing defections. Does Mr. Prakash Vir Shastri remember that the BKD was born out of defections ?

SHRI PRAKASH VIR SHASTRI : What about your party ?

SHRI SANT BUX SINGH : He thought

he could continue as Chief Minister and he hoped that with power and patronage he could command a majority. But later events have proved that Shri Charan Singh was not to be chosen by this conglomeration of groups because it was Mr. T. N. Singh who emerged and not Mr. Charan Singh when the parties met. Had they been so clear, they would have elected him formally and said, "Here is the leader of our united party."

So, if there was sin in somebody's heart, the sin was not in our heart the sin was in the heart of people who wanted to stick to office and use that office to continue in it. The crisis in Uttar Pradesh was not born because of something that the Prime Minister did, the crisis in Uttar Pradesh was born because Shri Charan Singh did the most unique thing in the history of the constitutional world by wanting to dismiss the majority of his colleagues. The Governor refused to satisfy such a demand and rightly so.

I make bold to say that if at any time from any constitutional precedent anywhere anybody here can bring forward an example where a Chief Minister or Prime Minister has been able to dismiss a minister who has refused to resign, then the Attorney General is wrong. If they can bring any sort of example to show that a Chief Minister, who has lost not only the confidence of the Assembly but even of his own government and Cabinet, should be allowed to continue by the Governor, then we are wrong.

Where I do feel sorry is that in all this shouting, noise and misquotation it is my party that has suffered because the precedent has been in France—and it has been in Great Britain continuously—that when the position is not defined, when there is no clear majority for a single party, it is the duty of the Sovereign or the President or the Governor to call upon the leader of the largest party. Shri Kamlapati was denied that. We have suffered, the Cong (O) has benefited and Shri Charan Singh brought about an extremely undemocratic painful situation for which the people of my State suffered.

This motion does not deserve to be considered.

**SHRI MURASOLI MARAN** (Madras South): Mr. Chairman, strong views have been expressed by many hon. friends condemning the attitude of the Governor of U. P. inside the House and outside. Shri Prakash Vir Shastri said that democracy had been murdered in U. P. My hon. friend, Shri Vajpayee, said that morality also had been butchered. Shrimati Tarkeshwari Sinha, the prospective President of the Congress (Opposition), described it in Patna on September 28 as, "by asking Shri Charan Singh to resign a virtual rape of democracy had taken place."

In this regard I entirely agree with all these views of our hon. friends. But I want to ask one question: Is this the first time that a virtual rape of democracy had taken place? No. Several times. I want to ask the Congress (Opposition): What was it doing on all these occasions? I accuse them that they were with the rapists and not with the victims.

Shri Morarji Desai said in his address to the Indore Press Club that the Governor's step was wrong. He also charged the U. P. Governor with having acted wrongly and obviously under pressure from New Delhi. Dr. Ram Subhag Singh also said that the conspiracy had been hatched from New Delhi. I also agree with their views. They are our reverend leaders. Both were in the Prime Minister's Cabinet for a long time. But, public memory may be short but they still remember the recent West Bengal episode. We know that formerly Shrimati Gandhi was reluctant to dismiss the West Bengal ministry. At the Internal Affairs Committee held in her house late on November 19, Shrimati Gandhi canvassed support for her views not to dismiss the West Bengal ministry.

**SHRI ATAL BIHARI VAJPAYEE**: How does he know that?

**SHRI MURASOLI MARAN**: I will tell you. But two days later Shri Morarji Desai applied pressure and Shrimati Gandhi also yielded. This inside story was revealed recently by the eminent journalist, Shri Pran Chopra, in the *Free Press Journal*. I agree with Dr. Ram Subhag Singh's views and Shri Morarji Desai's views that pressure had been used from New Delhi because whenever they speak they speak

[Shri Atal Bihari Vajpayee]

with the first-hand information that they gained during their ministership.

In my own language, there is a proverb which says : The invisible limbs of a snake are visible only to another snake. These shady deals are well-known to friends like Mr. Morarji Desai and Dr. Ram Subhag Singh. I ask the Congress (Opposition) leaders, specially Mr. Morarji Desai and Dr. Ram Subhag Singh, to be candid about these things. Let us know how conspiracy has been hatched and how pressure has been applied on Governors from New Delhi. Let them reveal it to the public. I ask them to be candid with us and the public and have the courage enough to earn the disgrace they deserve.

You ask Mrs. Indira Gandhi to apologise and join with you. What people ask is the same thing that you should apologise for your sins of commission and omission in the past and then start your political career anew. That was the verdict of the people of Kerala. That is going to be the verdict of the people from end to end of our land in the next election. I say all this only to establish that not they but we have the moral authority to criticise the role of the Governor.

We accuse the Governor is guilty of gross impropriety by short circuiting the legislature. By deliberately by passing the Assembly, the Governor has flagrantly disregarded the Resolution adopted in 1968 Conference of the Presiding Officers of Parliament and Legislature, the categorical recommendation of the Administrative Reforms Commission, the conventions evolved at the Governor's Conferences and the recent precedents as in Punjab.

The central issue of the controversy relating to the role of the Governor in this context revolves around a few questions. The first question is whether the Governor could refuse to relieve 14 Ministers against the advice of the Chief Minister. The second question is whether the Governor could call for the resignation of the Chief Minister just because the other group in the coalition withdrew its support. To answer these questions, we should go deep into the premise chosen by Dr. Gopala Reddy. In his Report he says :

"The Chief Minister of a coalition Government cannot be treated at par with the Chief Minister of a single party majority Government in the matter of removal of Ministers or reconstitution of Council of Ministers which involves a fundamental change in the complexion of the Government."

This is a strange and untenable theory. No where in the Constitution there is any reference to a party Government. There is no reference at all for a majority party or a coalition party Ministry. The Constitution recognises the President, the Prime Minister appointed by the President and the council of Ministers appointed by the President on the advice of the Prime Minister. At the State level, there is the Governor, the Chief Minister appointed by the Governor and the Council of Ministers appointed by the Governor on the advice of the Chief Minister.

The idea of a party system comes in because of Article 74 (3) which speaks for the Centre and Article 164 (2) Which speaks for the States. The Article 74 (3) says :

"The Council of Ministers shall be collectively responsible to the House of the People."

The article 164 (2) says :

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

The President or the Governor appoints a Prime Minister or a Chief Minister for the working of these Articles 74 (3) and 164 (2) so that when man is appointed, the party for which he is the leader would continue to have their confidence in him.

Technically, under our Constitution, it is open to the President or to the Governor to call upon the man in the street to be the Prime Minister or the Chief Minister and on his advice appoint the Council of Ministers. On such appointment, irrespective of the party basis of the elections, if the Parliament or the Assembly support that Council of Ministers. It can function. So, the crucial test is whatever may be the party system,

the ultimate object is collective responsibility to the House. This can be decided only by the House and not by the Governor in the Raj Bhavan. By refusing to accept the resignation of 14 Ministers, by asking the Chief Minister to resign, and by recommending the President's Rule just hundred hours before the meeting of the Assembly, the Governor is guilty of gross impropriety by short-circuiting the legislature.

A single Party majority sometimes makes no sense in our political system unless that single major political Party is a disciplined Party.

The undivided Congress, we know during the glorious days when it was united, after all functioned as a coalition of diverse interests and groups and it was plagued by internal feuds.

AN HON. MEMBER : They are doing the same now.

SHRI MURASOLI MARAN : After the First General Elections in East Punjab the Congress Party had 70 seats in a house of 77 and only seven seats were held by the Opposition. Dr. Gopichand Bhargava became the Chief Minister. A rival group headed by Mr. Bhimsen Sachar started giving head-ache. The Congress Parliamentary Board, at the instance of Pandit Jawaharlal Nehru, issued a directive to the Chief Minister to resign and President's rule was clamped.

So, the theory that a coalition Chief Minister is different from a Chief Minister of a single majority Party is a figment of imagination of the Governor. This is a false premise taken by Dr. Gopala Reddy from which he derived wrong conclusions. The only factor which should be considered by the Governor at all times should be whether a Chief Minister can command the collective responsibility of the legislature and the positive proof of this can be made not in the Raj Bhavan but in the Legislative Assembly.

Mr. Charan Singh might have lost the confidence of the largest single group in the House, viz. the Congress (R); but not of the Assembly as a whole. That is our contention. So the Governor precipitated a constitutional

crisis. There might have been a case for intervention by the Governor if the Chief Minister felt shy to face the legislature or if he was reluctant to face the Assembly, as happened in West Bengal. Moreover, these 14 Ministers, when asked to resign did not resign. So, it means, regarding the Ministry concerned, they were together with Mr. Charan Singh technically at least. That is one point of view.

Then comes the question of the dismissal of the Ministers. A Chief Minister cannot be dismissed as long as he fulfils Art. 164 (2) i. e., as long as he is collectively responsible to the Legislative Assembly. A Governor cannot also appoint a person as Minister without the advice of the Chief Minister. So, if the Chief Minister withdraws his advice, naturally he should accept that. So, the real appointing authority of a Minister is only the Chief Minister and the Governor is merely a constitutional head ....

AN HON. MEMBER : Rubber stamp.

SHRI MURASOLI MARAN : .....for signing the appointment order. That is our contention.

Dr. Gopala Reddy complains that the Chief Minister sought the removal of the Ministers on the basis of political difference. In a Press Conference he has also said :

"Had it been on the basis of misconduct, misdemeanour or abuse of power, he would have agreed to their dismissal."

But, again, his theory is untenable and does not have the support of constitutional authorities. Sir Ivor Jennings says in his famous book, 'Cabinet Government' :

"It must be remembered, too, that the Prime Minister's decision to bring about a change of Ministers is not necessarily an accusation of incompetence or bad administration, it might be due to political conditions."

This is what has happened in UP. Not long ago our Prime Minister removed some of her junior colleagues, not because of misconduct or misdemeanour or because of

[Shri Murasoli Maran]

abuse of power, but because of political difference. So, any Chief Minister can do that. This is our contention.

Sir, almost all the Parties have agreed that what has happened in UP is a fraud on the Constitution. But they also agree that the situation has been rectified and the false step has been retrieved.

So, to-day we are discussing a *fait accompli*. If a crime has been committed in UP, what we are doing now is nothing but an autopsy or a post-mortem. We are not discussing it here for discussion's sake or to exhibit our debating skills. We should go deep into the problem and strive to find out through this autopsy how the constitutional methods and weapons have been used to kill a live democratic organism, the State Legislature.

To-day we are fixing the guilt on Dr. Gopala Reddy; yesterday it was on Mr. Dharam Vira or Dr. Sampurna Nand. To-day it is in U.P. Yesterday it was in West Bengal, Kerala, Punjab and Andhra and twenty other places.

17 hrs.

I do not find fault with the individuals alone. During the past 20 years our leadership has failed to evolve sound conventions, usages and customs. Even though we had stability in the Nehru era the federal authority miserably failed to create an impartial image with the result that the Constitution was either by-passed or tampered with.

What we require is a tamper proof constitution. So we should amend the Constitution in such a way that no U.P. episode will recur again. Clauses to be amended are those regarding the Governor's powers and Art. 356 which paves the way for the President's rule in a State.

Another way out is as suggested by Mr. Vajpayee to give guidelines to the Governors in relation to the discharge of their duties.

During a Symposium held in New Delhi on May 2, 1970, our Vice President Mr.

Pathak opposed this idea. But Mr. Hanumanthaiya did not agree with Mr. Pathak and said that without guidelines the Governors of various States may be inclined to adopt different actions with respect to identical or similar situations. That is what is happening now. Mr. Hanumanthaiya was then the Chairman of the Administrative Reforms Commission. Now he is our Law Minister. He is in a position to implement what he has preached. I do not think ARC Chairman, Mr. Hanumanthaiya will contradict Law Minister Hanumanthaiya.

But then there is one difficulty. These guidelines as suggested by our friend may not be justiciable in a court of law. In these days where democracy is in the sellers' market who can vouchsafe that these guidelines will not be flouted at convenience?

In fact Dr. Ambedkar mooted the idea for incorporating in the Constitution a new Instrument of Instructions to serve as a guideline to the President and the Governors. He said that the President who flouts them can be impeached and the Governor dismissed.

But Mr. Alladi Krishnaswamy Iyer posed a question that a non-exhaustive list of conventions might cause the executive to think that all powers not mentioned in the list belong to them and will cause a conflict. So the idea was dropped then.

Another idea was about the constitution of the Non-Partisan Council to advise the President on these crucial matters. In fact Mr. B. N. Rao, one of the founding fathers of the Constitution proposed for a Council of State or a sort of rivy Council to advise the President. But it was rejected then. Can we revive that idea? Is it possible? Naturally, the Council will consist of eminent lawyers, legal luminaries, ex-chief justices of Supreme Court, High Courts, etc.

What is happening now with regard to U.P. As Mr. Sen pointed out, the bar of the high court of U. P. is divided. As has been pointed out by somebody else, the supreme court bar is divided on this issue. We will be ending in a legal jungle confronting the common man.

Let us look at the powers of the Governors. Article 164 (1) says: The Chief Minister will be appointed by the Governor. As Mr. Kripalani said, what happened in the then composite Madras State? The Congress Party was in a minority and the United Front commanded by Mr. Prakasam was in a majority. Mr. Prakash Vir Shastri pointed this out and said that luminaries like Rajendra Prasad, Pandit Nehru and Rajaji were there. So many people were there at the helm of affairs when this killing of democracy had happened.

**SHRI J. B. KRIPALANI :** Rajaji was not there.

**SHRI MURASOLI MARAN :** He was a party to it. He was offered the Chief Ministership. Mr. Sri Prakasa was the Governor. They did not follow the cannons of Parliamentary democracy. This was during the days of Dr. Rajendra Prasad, Pandit Jawaharlal Nehru. Then the Governor invited Rajaji to form a Government.

That is why we want to amend the Constitution. Recently our President Mr. Karunanidhi and the Working Committee have announced that we are going to bring in a Bill to amend the Constitution.

Our amendment will be on the following lines :

“The Governor shall within a reasonable time appoint as the Chief Minister the leader of any one party having absolute majority in the Legislative Assembly of the State.”

**SHRI J. B. KRIPALANI :** If no party has absolute majority, then what happens?

**SHRI MURASOLI MARAN :** This is when any one party has an absolute majority. Further, we suggest :

“Where no one party has absolute majority in the Legislative Assembly of the State, the Governor shall, of his own motion and within reasonable time, summon the Legislative Assembly of the State for electing a person to be the Chief Minister and where such person is

so elected, the Governor shall appoint him as the Chief Minister.”

**SHRI P. K. DEO :** That was my Bill.

**SHRI MURASOLI MARAN :** Further,

“Where the Chief Minister of the State has lost the support of the majority of the members of the Legislative Assembly the Governor shall of his own motion and within reasonable time, summon the Legislative Assembly of the State and ask the Chief Minister to seek a Vote of confidence in the Legislative Assembly.”

If the Chief Minister fails to seek a vote of confidence in the Legislative Assembly, as required by the Governor, or a resolution seeking such vote of confidence is defeated in the Legislative Assembly, the Governor shall forthwith remove the Chief Minister and the Council of Ministers headed by him.

The advice of the Chief Minister at the Governor or the removal of any of the Ministers in his Council of Ministers shall be accepted by the Governor.

It is on these lines that we want to amend the Constitution.

Again, the matter does not rest here. There is a notorious article 356 under which on receipt of a report from the Governor, the President can make a Hitler-like take-over of a State. This is unique in our Constitution. Nowhere else, in no federal Constitution in the world is there a similar clause. Where from did they get this special idea? They had borrowed it from section 93 of the Government of India Act, 1935. The object of this provision was simply to withdraw the power from popular hands to the irresponsible foreign executive. No, we too are following in the foot-steps of the British imperialists and shamelessly implementing it to strangle popular government.

During the last twenty years, this article has been invoked 21 times, and every time, multiple standards and different yard-sticks were used. All along, it has been invoked



[Shri Murasoli Maran]

firstly to maintain the Congress Party rule in the States, secondly to prevent the Opposition from coming into power, and thirdly to gain time to manoeuvre the formation of a Congress Ministry. The Rajasthan episode is a recent example. Shri Nath Pai and Dr. Ram Subhag Singh have presented a Bill wherein they say that the appointment of the Governor should be ratified by Parliament. Even then, the difficulties cannot be removed. After the ratification, the Governor may turn otherwise. What does article 356 say? It contains the 'otherwise' provision. If the Governor does not come forward to send a report, the President on his own can take away the rights of the States and impose President's rule. Dr. Ambedkar says :

"It may be that the Governor does not make a report. He must give liberty to the President to act, even when there is no report by the Governor and when the President has got certain facts within his knowledge on which he thinks he ought to act in the fulfilment of his duties."

So, these two Bills not serve the purpose.

To avoid this, we should have sufficient provisions to article 356 so that the powers that are with the Governor and the President should be curtailed.

There are vast gaps in the operational mechanism of our Constitution which nullify the powers of the legislatures. To save democracy, we should amend the Constitution, and I request all the parties here to support that move. We have already ushered into an era of coalitions and in the years to come, a number of regional parties would emerge and State's rights would become pronounced.

To save democracy, we should amend the Constitution so that the will of the people as represented in the legislature and not the whims and fancies of the Governors of States and the President of India would be the supreme force.

We want the Constitution to be amended with the good of democracy and the unity of the country at heart. It is with that aim that we are bringing forward this Bill. I request everyone who stands for democracy, regardless of the party in power or in Opposition, to respond to this plea and then only the powers and functions of the Governor and the rights of the States will be identified.

Regarding the motion, the motion contains two parts. The first part relates to disapproval of the conduct of the Governor. We join with Shri Nath Pai, Shri Atal Bihari Vajpayee and others to disapprove of the action of the Governor. The second part suggests the recall of the Governor. What will happen if we recall Dr. Gopala Reddy? Gopala Reddy may go, but another Sanjiva Reddy may come, and the same situation will again prevail. Unless the loopholes are plugged, nothing will happen. So, we are for amendment of the Constitution and we give support to the amendment of the Constitution and we welcome such support. But we could not support this motion.

**SHRI R. D. BHANDARE** (Bombay Central) : The majority of the Opposition speeches have been made more with emotion and sentiment rather than with reason and wisdom. The last speaker made certain suggestions to amend the Constitution. That time is not ripe. This Motion is not meant for that. It only seems to condemn the Governor of UP's conduct. In view of this, I hope the DMK will not vote for it. At the time of amendment of the Constitution, we shall see. But so far as the Motion is concerned, it is totally different; it simply seeks to condemn the conduct of the Governor. Therefore, I say the majority of members of the Opposition spoke with sentiment and emotion.

What were the facts? Let us first frame the issues. For that let us state the facts. First it is a fact—not denied—that the formation of the BKD Government was with Congress (N) support. In order that the BKD might form the Government, the Congress (N) supported it. Later the Congress joined the Government. In the third stage division arose between the Congress and the BKD. For what reason, should the Governor there

fore be condemned ? Is it because the BKD formed the Government, even though it was in a minority, with the help of the Congress ? Is it because the Congress joined it, and it got a majority ? When rift arose between them the Governor had to take action.

This is the factual position. How are we to blame the Governor for taking an action under the Constitution ? This is the age of coalitions. Everybody is agreed on that. But when we talk of coalition governments, we accept the proposition that when there is no single party in a majority in a position to form government, it can seek the help of others to do so. Here so far as UP is concerned, it is not a question of majority or minority of the party. The main, crucial, point has been the division in the Cabinet itself. Apart from the majority or minority, the Cabinet was divided, divided in such a manner that the Chief Minister went to the extent of asking the majority of ministers to be dismissed by the Governor. Is there any power to dismiss any Minister ? This is a point made out by my hon. friend. I will quote Jennings on this. Sir Ivor Jennings says : that the power is not given to the Chief Minister ; it is not given to the Governor to dismiss any Minister. The power is given to the Chief Minister to ask for the resignation and not for dismissal.

When Chief Minister Charan Singh found that the Ministers were not prepared to resign, he advised the Governor to change the portfolios. That is within the rights and privileges of the Chief Minister and the Governor had to accept his advice. But so far as dismissal is concerned, since there is no provision, they could not therefore be dismissed.

**SHRI MADHU LIMAYE :** (Monghyr) How did Indira Gandhi dismiss four Ministers ?

**SHRI R. D. BHANDARE :** They were asked to resign and they tendered their resignations. History cannot be distorted and fact cannot be twisted. Newspapers and friends like Shri Madhu Limaye carried on the propaganda that the Ministers were dismissed. There is no provision for dismissal.

**SHRI MADHU LIMAYE :** I never said that they were dismissed. I said that they were decent enough to resign.

**SHRI R. D. BHANDARE :** I am happy that he agrees that they were not dismissed.

So, on the advice of Shri Charan Singh, long before the rift, the date for convening the Assembly had already been fixed, but when the session was called, the agenda was not prepared at all. After the fixing of the date for calling the session, the rift arose and the rift was on vital important questions of policy and programme between the two parties. When this happened, what was the remedy open to the Governor ? There was no remedy whatsoever.

Shri Prakash Vir Shastri referred to the Sarkar or the Cabinet. How does the Cabinet function under a Parliamentary Government ? Lord Morrison has given good thought to it and he says:

"The theory of the Cabinet is that it must never disagree. Of course, it sometimes does, but not in public. If there is a division in the Cabinet, the Cabinet ceases to be a Cabinet."

This fact should always be remembered. Therefore, it is not a question of majority or minority. When the Cabinet machinery was divided, the only course open to the Governor was to take action. What was the action taken by the Governor ? The Governor asked the Chief Minister either to resign or to form another Government.

**AN HON. MEMBER :** No.

**SHRI R. D. BHANDARE :** He did, that is the report. Do not challenge the statement without being aware of the facts.

श्री मधु लिमये : मैं चैलेंज कर रहा हूँ ।  
इनको रिपोर्ट दी जाय और यह उसमें से कोट  
करें, कहाँ गवर्नर ने उनसे यह कहा है ?

**SHRI R. D. BHANDARE :** I am prepared to quote the report and substantiate my point.

**SHRI MADHU LIMAYE :** I am prepared to learn, quote the report.

**SHRI R. D. BHANDARE :** I am prepared to quote it.

**SHRI MADHU LIMAYE :** Go ahead. I challenge you.

**SHRI R. D. BHANDARE :** What is the use of challenging when I am saying that it is a fact.

**SHRI NATH PAI :** Where is it ?

**SHRI R. D. BHANDARE :** It is in the report.

**SHRI NATH PAI :** Read it.

**SHRI R. D. BHANDARE :** No amount of reading will convince you, but it is a fact. May I ask a counter question ? Was it not open to Charan Singh to form another Government ? What is the practice what are the conventions and what are the constitutional practices ? If any Minister refuses to resign, the Chief Minister tenders the resignation of the whole Cabinet and forms another Government. Therefore, when the function were not carried out by the Cabinet, it was but natural for the Governor to ask the Chief Minister to resign. The question is whether the Governor was right in asking the Chief Minister to resign when the Cabinet was not functioning properly. On this, before I quote Ivor Jennings, I may point out that under article 164 (2) of the Constitution we have accepted joint and collective responsibility and functioning as part and parcel of the provisions of the Constitution.

When there was no joint or collective responsibility, then the minority Ministers must resign. Ivor Jennings in his well-known book 'The Cabinet Government' on page 277 says :

"Absolute frankness is necessary in the Cabinet and the decision freely arrived at should be loyally supported and considered as the decision of the whole Government. Of course, there may be

occasions in which the difference is of so vital a character that it is impossible for the minority....."

Here it was impossible for the minority of Mr. Charan Singh to continue in the office. In such cases the Ministry breaks up. When there is division, the minority ministers are on one side and the majority, on the other. The minority ministers had to resign and must

There are two functions which are to be performed by the Governor as head of the State and as agent of the Centre. Here is a situation in which the cabinet machinery has broken into pieces. The Chief Minister or his party was not prepared to form a Government. It was natural for the Governor, therefore, to seek advice or look into the provisions of the Constitution. Under article 355 of the Indian Constitution it is the duty and function of the Centre to secure and protect and give and preserve and retain the republican form of Government in a State. It is a mandatory provision. When the cabinet collapses as it happened in U. P.; it crumbles down, the Governor had to take action under article 356. My friend says that it is notorious article, nowhere found in any other country. He forgets that in almost all Federal constitutions that is the position. In the United States, the Centre must preserve and retain the republican form of Government and guarantee it...(*Interruptions.*) Therefore Governor had to take recourse to article 356. Similarly the Weimer Constitution had an article; under article 48 of that constitution power was given...(*Interruptions.*) Hitler had got the power to intervene. Similarly, the question is whether the Governor was the head of the State or agent of the Centre has such power or not. The question is whether he has a right or not and I am answering that question. It was said that the President did not do the right thing in accepting the Governor's report. Some hon. Members went to the extent of talking loosely or in a light-hearted manner of impeaching the President for accepting the report of the Governor. It is in such a vitiated atmosphere that the Governor and the President had to work; that the Constitution has to be worked. Such a loose talk should never be carried on.

I hope the Opposition will not indulge in such a loose talk.

With these words, I say that the motion must be defeated, because the Governor did not do anything which was against the provisions of the Constitution. He did what has been enjoined on him to do under article 356.

With these words, I have done.

17.25 hrs.

[MR. SPEAKER in the Chair]

श्री सरजू पाण्डेय (गाजीपुर) : माननीय अध्यक्ष जी, सौभाग्य से श्री अटल बिहारी वाजपेयी जी यहाँ पर बैठे हुए हैं, इन्होंने अपने भाषण में कहा कि 2 अक्टूबर को उत्तर प्रदेश में संविधान की हत्या की गई, लेकिन मैं कहना चाहता हूँ कि 2 अक्टूबर को चौधरी चरण सिंह की सरकार का पतन उत्तर प्रदेश में प्रगतिशील लड़ाई की विजय थी और वह हमारे लिये एक गौरव का विषय है, हिन्दुस्तान की तवारीख में चौधरी चरण सिंह की सरकार का गिरना अच्छा था, वह गिरी इसके लिये हमें प्रसन्नता है, वह दिन इस देश में प्रतिक्रियावादियों की हार का दिन था। आज यहाँ उस सड़ी हुई लाश पर बैठ कर मातम हो रहा है और मैं आज आपको विश्वास दिलाना चाहता हूँ कि जो अनैतिक गठ-बन्धन उत्तर प्रदेश में हुआ है, उसका पतन भी निश्चित है और 7 दिसम्बर आने से पहले हो जायगा। इस सरकार का पतन भी उसी तरह से होगा और इनको भी वही दिन देखना होगा जो चरण सिंह को देखना पड़ा।

हमारे भाई बड़ा जोर लगाकर चिल्ला रहे हैं, कह रहे हैं कि प्रजातंत्र की हत्या हुई है, लेकिन चरण सिंह स्वयं एक ऐसे आदमी हैं जिन्होंने कभी प्रजातंत्र में विश्वास नहीं किया। मैं उनके एक लेख के थोड़े से पोरशन को पढ़कर सुनाता हूँ जो इन्होंने इण्डिपेण्डेन्स डे पर एक अखबार में लिखा था :

"In view of the present attitude of the people and the defect of the parliamentary system of Government, I would prefer the Presidential system."

यह हैं हमारे चरण सिंह जी, जो इस बात को कहते हैं कि प्रजातंत्र की हत्या हो गई है। चरण सिंह जी ने क्या किया, वाजपेयी जी को मालूम होना चाहिए—आपको याद होगा कि चरण सिंह जी ने अपने राज्य काल में जितने आर्डिनेन्स निकाले वैसा कभी उत्तर प्रदेश में नहीं हुआ था, यहाँ तक कि हत्यारों को छूट देने के लिये पूरा एडमिनिस्ट्रेशन बदल दिया, पुलिस के आई० जी० को बदल दिया, इसलिए कि उनके दल के लोगों ने हत्या की थी और वह उनको छुड़वाना चाहते थे। यही नहीं कि बड़े-बड़े अफसरों को बदला गया जो उनकी मर्जी के मुताबिक काम नहीं करते थे, प्रदेश में कोई कानून और व्यवस्था नहीं रह गई थी। मेरे भाई श्री जागेश्वर यादव यहाँ बैठे हैं—बाँदा जिले में...

श्री प्रकाशवीर शास्त्री : अध्यक्ष महोदय, मेरा प्वाइन्ट आफ आर्डर है। आज किस विषय पर चर्चा हो रही है, अगर चौधरी चरण सिंह के आचरण की चर्चा होनी है, तब तो मैं समझ सकता था। लेकिन आज जो विषय विचाराधीन है, वह एक संवैधानिक प्रश्न है, उसके ऊपर इनको अपनी राय देनी चाहिये।

श्री स० भो० बनर्जी : हर एक के बारे में चर्चा हुई है, उसमें चरण सिंह भी शामिल हैं।

SHRI VASUDEVAN NAIR (Peermade) : In the course of the debate today, so many hon. Members have referred to the administration of Mr. Charan Singh. I hope you will not shut him out only.

MR. SPEAKER : I think you cannot separate the conduct from this. They are being discussed including the Governor. But if there is going to be some personal reflection on character, that may be avoided. Reflection on administration only may be made.

**श्री सरजू पाण्डेय :** अध्यक्ष महोदय, हमारे प्रदेश में कोई कानून और व्यवस्था उस जमाने में कायम नहीं थी। उन्होंने अपने जमाने में जेल मैन्युअल को बदल दिया, जबकि असेम्बली सेशन में नहीं थी और उन लोगों को जो हमेशा अंग्रेजों के राज्य में भी सुपर क्लास में रखे गये, एक हुकम निकाला गया कि किसी आदमी को सुपर क्लास न दी जाय। दस हजार आदमी जेलखानों में भेजे गये जो भूमि आन्दोलन के सिलसिले में गये थे। उनके लिए कहा गया कि ये सारे लोग पाकिस्तान और चीन के एजेन्ट हैं, उन्होंने खुद बयान देते हुए कहा.....

**MR. SPEAKER :** I think that is enough. Try to connect the debate with the conduct, on the constitutional side of the Governor. There is no harm in making a passing reference personally, but you are doing nothing else except that.

**श्री सरजू पाण्डेय :** हमारे प्रदेश में कोई संवैधानिक गवर्नमेन्ट नहीं थी और गवर्नर को पहले ही इस सरकार को डिसमिस कर देना चाहिए था, बहुत पहले उसको हटा देना चाहिए था। हमारे रूलिंग कांग्रेस भाई भी एक अपवित्र गठबंधन के शिकार हुए। जानते हुए भी उन्होंने एक गलत आदमी से हाथ मिलाया जिसके पास कोई प्रोग्राम नहीं था, जिसके पास नीतियों के बारे में कोई राय नहीं थी। तो ऐसे आदमी के साथ में इनका भी गठबंधन हुआ जोकि गलत था। आज हमारे भाई बहुत शोर मचा रहे हैं लेकिन ये लोग जो कि प्रेसीडेंट रूल के खिलाफ हैं, गवर्नर की रिक्मेंडेशन के खिलाफ हैं वही सारे के सारे धर्मवीर की तारीफ करने वाले थे। जब कलकत्ते में अजय मुर्कौ की सरकार गिरी तो लाखों आदमी सड़कों पर निकल आये थे लेकिन उत्तर प्रदेश की जब सरकार गिरी तो कोई पत्ता भी नहीं हिला बल्कि लाखों घरों में खुशियाँ छा गई कि अच्छा हुआ यह सरकार समाप्त हो गई। ये जो आज कहते हैं कि गवर्नर का ऐक्शन गलत था, मैं समझता हूँ गवर्नर ने

बहुत विवरण सहित अपनी बातों को लिखा है। जिन पार्टियों ने उनको सपोर्ट करने का दावा किया और कहा कि हम सपोर्ट कर रहे हैं उन पार्टियों ने भी उनको अपना नेता नहीं बनाया। यही वजह है कि आज भी चरण सिंह मुख्य मंत्री नहीं बने। सारी पार्टियों के जो लीडर्स हैं, चाहे वह जनसंघ हो या कांग्रेस (ओ) हो, उन सारे के सारे लोगों ने उनको मुख्य मंत्री नहीं माना। आज भी वे मुख्य मंत्री नहीं बन सके क्योंकि पार्टियों में एकता नहीं थी। इसलिए गवर्नर क्या करता जबकि वहाँ पर कोई कैबिनेट नहीं थी ? उनको तो कैबिनेट की राय पर ही चलना होता है। इसलिए गवर्नर ने कहा, जैसा कि उन्होंने अपनी रिपोर्ट में लिखा है कि पहले रिजाइन करके तब हमारे पास आइये और अपने मेम्बरों की सपोर्ट लाइये, मैं गवर्नमेन्ट फार्म करने के लिये तैयार हूँ। लेकिन चरण सिंह जी तो चाहते थे कि मैं मुख्य मंत्री बना रहूँ और उन सारी चीजों को करता रहूँ जो कि आज तक वे करते आये हैं। इस तरह की सैंकड़ों मिसालें मिल सकती हैं यूरोप के देशों की और इंग्लैंड की कि जहाँ खुद पार्टी के लोगों में भी अगर मतभेद हुआ है तो लोगों ने इस्तीफा दे दिया है, मंत्रियों ने अपने पदों को छोड़ दिया है। लेकिन हमारे मुख्य मंत्री को देखा जाय कि वे एक अजीब तरह के आदमी हैं, कभी किसी के साथ घूमते हैं और कभी किसी के साथ घूमते हैं। पिछले दिनों सी० बी० गुप्ता के साथ सौदा किया लेकिन जब सौदा नहीं पटा तो कांग्रेस (आर) के साथ आ गये। जब कांग्रेस (आर) के साथ भी नहीं पटी तो कहने लगे कि मुख्य मंत्री न सही, उपमुख्य मंत्री ही बना दो। अजीब आदमी है। सही मानों में हमारे सूबे में अपार्चुनिज्म, भाई भतीजावाद और प्रतिक्रियावाद की हार हुई है। हम इस तरह के ऐक्शन को ठीक समझते हैं। हम बाजपेयी जी की तरह से नहीं है या अपोजीशन के दूसरे भाइयों की तरह से नहीं है जो राजाओं की धैलियों को खत्म करने के कानून की आड़ में शिकार खेलते हैं। कानून जनता के लिये होता है। ऐसे कानून

जिनसे कि जनता का हनन होता है, जिनसे देश में प्रतित्रियावादियों को आश्रय मिलता है, जो लोग कानून की आड़ लेकर उसकी रक्षा करना चाहते हैं उनसे हमारा कभी भी मेल नहीं हो सकता है। मैं समझता हूँ सारा देश इस तरह के लोगों की निन्दा करेगा क्योंकि यह भ्रष्ट तरीका है। राजा लोग जब नहीं हारे तो कहने लगे कि आर्डर से क्यों हटा दिया। क्या इन राजाओं को कोई मारल सपोर्ट इस देश में रहने के लिए है? क्या पूँजीपतियों को कोई मारल सपोर्ट इस देश में रहने के लिए है? कांग्रेस (ओ) के लोगों ने कहा कि हम राजाओं की थैलियों के खिलाफ हैं लेकिन यह तरीका गलत है। मैं पूछता हूँ वह कौन सा तरीका है, जरा हमें भी समझा दीजिए। मैंने खुद वाजपेयी जी से पूछा, उन्होंने कहा कि बैंकों का राष्ट्रीयकरण तो होना चाहिए लेकिन यह तरीका गलत है। लेकिन वह कौन सा तरीका इनके कोष में है उसका कोई पता नहीं। सारा देश जानता है इनको हिम्मत नहीं हो रही है। इन प्रश्नों पर इन लोगों का ने अविश्वास प्रस्ताव लाना चाहा मगर इन लोगों की हिम्मत नहीं हुई। हम तो किसी भी पार्टी के साथ में नहीं हैं, हम तो सही बात के साथ में हैं। अगर हमारे देश में बैंकों का राष्ट्रीयकरण होता है तो वह हमारे सपोर्ट करने की चीज है। अगर जमींदारों पर हमला होता है तो हम जरूर उसको सपोर्ट करेंगे। अगर भूमि का वितरण होता है, सीलिंग होती है या मुनाफाखोरी के खिलाफ लड़ाई होती है तो उसको सपोर्ट करना हमारा धर्म है। हम जरूर उसके लिए लड़ेंगे। और जो इसके विरोधी हैं वे नंगे होकर दुनिया के सामने आते हैं।

हमारी पार्टी ने बार-बार कहा है कि गवर्नर्स को कोई जरूरत नहीं है। शास्त्री जी आज कहते हैं कि उत्तर प्रदेश के गवर्नर के ऊपर बहुत खर्चा होता है लेकिन मैं पूछता हूँ क्या धर्मवीर पर नहीं हो रहा है। मुख्य मंत्री पर कितना खर्चा हुआ है? श्री चरण सिंह जब अपोजीशन में थे, लीडर भी नहीं थे, उस समय भी

उनके यहाँ सिपाही पहरा देता था। उनके साथ रिवाल्वर लेकर आदमी चला करते थे। तब खर्चा होता था या नहीं? लेकिन ये आदमी तो ऐसे हैं कि मीठा मीठा गप्प और कडुआ कडुआ यू। आज उनको बड़ा दर्द हो रहा है। गवर्नर के पद के सिलसिले में हम लोगों ने शुरू में ही कहा था कि उसको रखने की कोई जरूरत नहीं है। आज भी हम कहते हैं कि गवर्नरों को मत रखिये। लेकिन आज तो वहाँ पर 53 मिनिस्टर बनाये गए हैं। दस वर्ष तक वही असेम्बली चले फिर भी आप सारे मिनिस्टरों को पहचान नहीं सकते हैं। इतनी बड़ी भीड़ को इकट्ठा करने के बाद आज भी श्री टी० एन० सिंह की हिम्मत नहीं पड़ रही है कि उनको पोर्टफोलियो दे सकें। आज भी वे डर रहे हैं और घबरा रहे हैं। अभी कल के नवजीवन में यह खबर आई है कि यह सरकार चलने वाली नहीं है। अपवित्र गठबंधन किसी का भी नहीं चल सकता है। इसलिए कांग्रेस (आर) के लोगों को भी चाहिए कि गलत आदमियों के साथ न बैठें। हमारे भाई जो समाज विरोधी हैं, जो कि पूँजीपतियों के लोग हैं वे तो वही भाषा बोलते हैं जो कि हमेशा बोलते आये हैं। पहले उन्होंने धर्मवीर को सपोर्ट किया और दूसरों को किया। सुचेता कृपलानी जी यहाँ पर नहीं हैं। कृपलानी जी आज बहुत गरम भाषण करके चले गए। मुझे याद है उन्होंने कहा था कि अगर बंगाल में प्रेसीडेंट रूल नहीं होता है तो उसका अर्थ यह है कि धर्मवीर ने जो शपथ ली है उसकी हत्या होगी। अगर इनका मामला होता है तो ठीक है, चरण सिंह इनके विचारों के समर्थक हो गये तो सब ठीक है लेकिन अगर वे कहते कि राजाओं की थैलियाँ जानी चाहिए, जमीन की सीलिंग होनी चाहिए और जो लाइन देश में चल रही है वह ठीक है तो ये उनके विरोधी होते। ... (व्यवधान) ... इसलिए मैं कहना चाहता हूँ कि उत्तर प्रदेश में फिर से एलेक्शन होना चाहिए। आज वहाँ पर कोई सरकार नहीं है। मैं मांग करता हूँ कि सही मानों में फिर से जनता का वॉइस हासिल करने के लिए

[श्री सरजू पाण्डेय]

आपको फिर से चुनाव कराना चाहिए। यह जो गवर्नर को हटा देने की बात रखी गई है वह तो सिर्फ चौंचले बाजी है। ये तो अपने कुकर्मों को छिपाने के लिए इस तरह की बातें करते हैं। इसलिए मैं चाहता हूँ कि उत्तर प्रदेश में फिर से एलेक्शन हो और गवर्नर की पोस्ट सारे प्रदेशों में एबॉलिश की जाये। यही मेरी अन्तिम प्रार्थना है।

श्री सत्यनारायण सिंह (वाराणसी) : अध्यक्ष महोदय, जो चरण सिंह की मिनिस्ट्री खत्म की गई उसको हम अपने संविधान और जनतंत्रीय परम्पराओं के ऊपर घातक हमला समझते हैं। सारे देश में इसके खिलाफ आवाज उठी, जनता ने उसके खिलाफ आवाज लगाई। सिर्फ चन्द लोग जोकि इन्दिरा जी की पालकी ढोने वाले कहार हैं, उनको अगर छोड़ दिया जाये तो सारे देश ने डट कर इसका विरोध किया है। ... (व्यवधान) मैं कहना चाहता हूँ कि अगर इस देश के पूरे इतिहास को देखा जाये कि एक समान परिस्थितियों में कितने तरीके अपनाये गए और जिस तरह से सरकारों को खत्म किया गया और अलग-अलग हालतों में जो तर्क पेश किए गए, अगर उनको देखा जाये तो कोई भी समझ लेगा कि हमारी परम्पराओं को आप लोगों ने हास्यास्पद बना करके छोड़ दिया है। हम किस परम्परा को अपना आधार बना करके आगे भविष्य में चलने की कोशिश करें? इसको आप खुद कहीं बता सकते हैं कि कौनसी राष्ट्रीय और जनतंत्रीय परम्परा होगी जो कि हमारे संविधान की रक्षा करती होगी। जगह-जगह एक-एक प्रान्त में जैसी आपकी मर्जी होती है वही आपके लिए संविधान बन जाता है। मैं देखता हूँ कि आप संविधान की दुहाई देते हैं, जनतंत्र की दुहाई देते हैं और कहते हैं कि आजादी की रक्षा करने वाला अगर कोई भी है तो वह हम है। लेकिन एक तरफ आपके हाथ में जनतंत्र और संविधान की बात होती है तो दूसरे हाथ में

छुरी होती है। संविधान और जनतंत्र के बीच में छुरी। दोनों काम आप एक साथ कर रहे हैं। मैं अपने इन मित्रों से और इन्दिरा जी से कहना चाहता हूँ कि जब चरणसिंह जैसे प्रतिक्रियावादी के साथ आपने हाथ मिलाया उत्तर प्रदेश में तब आप अपनी ताकत को मजबूत करना चाहते थे तो उस समय चरण सिंह क्या थे? हमने देखा कि मंच पर खड़े होकर आपने नारा लगाया कि गुप्ता को हटाओ और चरण सिंह को बैठाओ लेकिन आज उनको आप फासिस्ट बताते हैं क्योंकि वे आप से हट गए। उन्होंने आपका समर्थन नहीं किया। एक दिन फासिस्ट को बिठाओ और दूसरे दिन कहो कि यह फासिस्ट है। यह हैं आपकी काली करतूतें। आज संविधान के बारे में बहुत बातें हो रही हैं, चारों तरफ संविधान के नारे लगते हैं। इस सदन के अन्दर जब देखते हैं और सुनते हैं तो रात दिन रट लगाई जाती है। संविधान का नाम लिया जाता है। गला फाड़-फाड़ कर चीखते हैं कि हम संविधान की रक्षा करना चाहते हैं।

मैं पूछता हूँ कि चरण सिंह ने इस बात का ऐलान किया कि 6 तारीख को असेम्बली बुलाई जा रही है, असेम्बली की बैठक होगी, उसमें शक्ति की परीक्षा हो जायेगी तब क्या आप दो चार रोज इन्तजार नहीं कर सकते थे? आप इस जनतंत्र के प्रेमी हैं, संविधान के बड़े रक्षक हैं, लेकिन दो चार रोज भी क्या सब्र नहीं हो सकता था कि असेम्बली की बैठक हो और उसमें शक्ति की परीक्षा हो जाये और पता चल जाये कि कौन बहुमत में है और कौन अल्पमत में है। जिसमें इतना सब्र नहीं है, इतना धैर्य नहीं है और साहस नहीं है उसको इस देश पर शासन करने का कोई अधिकार नहीं है। इस जनतंत्र की रखवाली करने वाली सरकार ने बंगाल में वही किया, पंजाब में वही किया और हरियाणा में किया। जब जब आप की मर्जी में आया, संविधान की व्याख्या अपनी मर्जी के मुताबिक की और अपने इस बुर्जुआ शासन को कायम रखने के लिए विभिन्न प्रकार के तर्क रक्खे और चालें चलीं। अब लोग आपको अच्छी तरह से समझ गये हैं और आपकी

यह चालें अधिक नहीं चल सकेंगी ।

मैं कहना चाहता हूँ कि उत्तर प्रदेश की घटना अपने में अकेली घटना नहीं है। इसकी जड़ें बहुत गहरी हैं और वह एक गहरे होते आर्थिक और राजनैतिक राष्ट्रीय संकट का परिणाम थीं। जब शासन पुराने ढंग से, पुराने तरीके से शासन करने में अपने को असमर्थ पाता है और जनता पुराने ढंग से शासित होने से इन्कार करती है, उसको कबूल नहीं करती है तब शासन आर्थिक संकट में फँस जाता है। उस संकट से बचने के लिए, शासन की कुर्सी को बचाये रखने के लिए सरकार तरह-तरह के गन्दे हथकण्डे, संविधान विरोधी हथकण्डे अपनाती है और जनतंत्र को उठाकर ताक पर रख देती है। आज इन्दिरा जी वही कर रही हैं। एक तरफ समाजवाद का नारा जनतंत्र का नारा, गरीबों को उठाने का नारा और दूसरी तरफ शासन-तंत्र की दमन की मशीन का तेज करना, एक हाथ में लोकतंत्र है और एक हाथ में दमन के हथियार, यह स्थिति चल रही है।

श्री गण्डेय ने अभी कहा कि उस आन्दोलन पर हमको भरोसा है। लेकिन आप जरा सोचिये कि आज उस आन्दोलन का कौन दमन कर रहा है। यही इन्दिरा जी हैं जिनकी सी० आर० पी०, आर० पी०, पुलिस, फौज हर जगह जनता का खून बहा रही हैं, हथियार कर रही हैं। वही जनता है जो आपके साथ खड़ी होकर जनतंत्र के खिलाफ लड़ेगी। इस जनतंत्र की हत्या करने के बाद, जनतंत्र की कमर तोड़ने के बाद, जनतंत्र को मारने के बाद, जनता में निराशा पैदा करने के बाद कौन लड़ेगा प्रतिक्रियावाद से। इन्दिरा जी लड़ेंगी जिनकी जिन्दगी के 22-23 साल इस बात के नमूने हैं कि उन्होंने इस समय में देश को कहाँ पहुँचाया है, संविधान को कहाँ ला कर खड़ा किया है ?

क्या आपको उस दिन की याद है जब केरल में मंत्रिमंडल की बैठक नहीं हो रही थी

उस समय मुख्य मंत्री ने लिख कर दे दिया गवर्नर को कि असेम्बली भंग कर दी जाये ? क्या उस दिन गवर्नर का कर्तव्य नहीं था कि कैबिनेट में किसी ओर से या दूसरी विरोधी पार्टियों से पूछा जाता, उनको इस बात का मौका दिया जाता बतलाने का कि वह सरकार बनाने की स्थिति में हैं या नहीं ? लेकिन आपने वह नहीं किया। उस समय आपने दूसरे हथकण्डे अपनाये, उत्तर प्रदेश में दूसरे हथकण्डे अपनाये। आपने चरण सिंह को बिठलाया। चरण सिंह का मंत्रिमण्डल बी० के० डी० का मंत्रिमण्डल था। आपने बाद में उसको समर्थन प्रदान किया। उसके बाद जब आपने समर्थन वापस लिया तब दूसरी पार्टियों ने उनको समर्थन दिया। ऐसी हालत में चरण सिंह को मुख्य मंत्री पद से हटने के लिए कैसे गवर्नर कहते हैं; यह आप बतलायें। क्या इस से यह बात साफ नहीं हो जाती कि आप अपनी मर्जी के मुताबिक गवर्नर के पद का और राष्ट्रपति के पद का इस्तेमाल करते हैं, अपनी पार्टी के शासन के स्वार्थ में अपनी पार्टी के शासन को देश के हर हिस्से में लागू करने के लिए ? क्या उत्तर प्रदेश की यह घटना इस बात को साबित नहीं करती है कि राज्यों को जो सीमित स्वायत्त अधिकार मिले हुए हैं उन पर सीधे सीधे आघात हो रहा है और उन अधिकारों के हनने से आज देश में शंका पैदा हो रही है कि अगर यह डिक्टेटरशिप चलती रही तो राज्यों को जो सीमित स्वायत्त अधिकार हैं वह भी छिन जायेंगे और कोई जनतंत्र इस देश में कायम नहीं रह जायेगा ? आप जनता की तरफ देखने की कोशिश कीजिए !

मैं यह कहना चाहता हूँ कि आप कथनी और करनी में एकरूपता लाने की कोशिश कीजिए और अपनी कथनी के शीशे में अपना चेहरा देखिए। आप क्या काम कर रहे हैं ? आपकी सरकार क्या काम कर रही है ? महाराष्ट्र में क्या हो रहा है ? चारों तरफ सारे देश में जो आप के कारनामे रहे हैं उन जन-विरोधी नीतियों का परिणाम आज देश के सामने है, कहीं ज्यादा,



[श्री सत्यनारायण सिंह]

कहीं कम, लेकिन पूरे मुल्क में वह उभर रहे हैं। इससे इन्दिरा जी थर-थर कांप रही हैं और थर-थर कांप कर दमन के सहारे, पुलिस के सहारे, फौज के सहारे, अत्याचार के सहारे काम कर रही हैं। यह उनका चेहरा है।

मैं चाहता हूँ कि आप इतिहास से सीखिए कि जिन्होंने दमन के हथियार का इस्तेमाल किया जनता के खिलाफ, संविधान के खिलाफ, उनका अन्त कैसे हुआ और आपका अन्त भी उससे अच्छा नहीं होगा। इस बात को आप याद रखिये। हिटलर का जैसा अन्त हुआ उससे बढ़िया और सुन्दर अन्त आपका नहीं हो सकता। अगर आपका वही रास्ता रहता है तो आपके अन्त का भी वही रास्ता होगा। मैं अपने मित्रों से भी कहना चाहता हूँ कि आप लोग जो कुछ बोल रहे हैं, वह सही है। आज हम आपका समर्थन कर रहे हैं, लेकिन उनके हाथों को आप मजबूत करते जा रहे हैं। यह काम आप कभी प्रतिक्रियावाद के खिलाफ लड़ने के नाम पर, कहीं नक्सलाइट्स के खिलाफ लड़ने के नाम पर कर रहे हैं और हम और आप मिल कर देवी जी के हाथ मजबूत करते जा रहे हैं। देवी जी उस छुरी से कभी हमारा गला, कभी आपका गला और कभी उनका गला काट रही हैं। उनके एक हाथ में जो समाजवाद का नारा है उसको आप देखिए (व्यवधान) मैं आप से निवेदन करना चाहता हूँ कि संविधान की रक्षा आखीर में देश की महान् जनता करती है, जिस के प्रतिनिधि बन कर हम लोग चुन कर आते हैं। अगर इन्दिरा जी का रास्ता यही रहा और इसी रास्ते पर चलती रहें, निर्भीक होकर चलती रहें तो उनका हाथ पकड़ने वाली जनता मैदान में आयेगी और उनको अपनी शक्ति से पकड़ेगी तथा संविधान और जनतंत्र की जो परम्परायें हैं उनकी रक्षा करेगी। इसको दुनिया की कोई ताकत रोक नहीं सकती।

SHRIMATI SUSHILA ROHATGI (Bil-haur): Mr. Speaker, Sir, I am very happy

that the learned speaker who preceded me, fulfilled all my expectations. The hon. Member coming from the Marxist Party, these are the things I expected from a Party which is wedded to violence, a Party which is wedded to pressures, a Party which believes in violence, intimidation, a Party which is wedded to threatening. That is all I expected and I am sure he has not fallen short of anything I expected and I would like to congratulate him.

I think it is a very natural reaction, after the reverses suffered by his Party in Kerala recently and I don't blame him. (Interruptions) I expected that provocation.

Now, to come to the point, the issue at stake to-day is much deeper than any of the personalities involved, whether it be the Governor of Uttar Pradesh, whether it be the Governor of Kerala or of West Bengal or Punjab. It is not Mr. Gopala Reddy or Mr. Charan Singh. It is not the personality. The issue is a living one, it is a burning problem, it is a problem which has raised a lot of controversy since the last three years on the floor of this House, in the Press and in among the public and at every stage, I think, it has generated the right type of heat and criticism which is expected.

I think it was only two years ago on the 28th of March, 1969 that during the course of a debate on Private Members' Resolution that I brought there on the role and functions of the Governor and the entire Opposition Party had the courtesy to lend their support to that resolution which sought that a 30 Member Committee be constituted to consider a constitutional amendment in order to define and lay down the guidelines that should govern the conduct of a Governor. What amuses me most is this that the party which is responsible for the instability in UP is the party which has created defection in UP, and it is the party which has created the entire turmoil. It is the party which today pleads that the Governor is responsible for the entire trouble.

May I remind my hon. friend—Shri Prakash Vir Shastri, an eminent person in every way, about this? It was Mr. Charan

Singh himself who in 1967—I was present at that meeting of the Legislative Assembly—seconded the proposal of the Chief Ministership of Mr. C. B. Gupta. After 36 hours, Mr. Charan Singh decided something else, for reasons best known to him and is known to us. That is nothing short of opportunism. That party which has taken lead in becoming the biggest defectionist party in the country calls itself the Bharatiya Kranti Dal. It is neither Bharati, because it started with 17 defections, nor it is Kranti, because there was no ideology. It was only Kranti in the sense of usurping the office of the Chief Ministership. It is not a dal; as Mr. Prakash Vir Shastri, said, it is *ghinoni rajniti*.

It is this party, the BKD, which is championing the Resolution and saying that the Governor should be withdrawn. If they had any political propriety, they should not have brought up a thing like that.

Sir, the fact remains that in 1958 a question arose whether the Governor in Kerala had the right to act upon the advice of the Chief Minister who had lost the majority there. The question arose in Rajasthan where the Governor acted upon his own discretion. He said, even though the Chief Minister had not lost on the floor of the House, he may not be in a position to command majority, and suspended the Rajasthan Assembly. Thirdly, in West Bengal the Chief Minister was asked to summon the Assembly but he was prevaricated because there were different charges; there was the case of the subversion of the Constitution and the Governor on his own discretionary power dismissed the Assembly. No matter wherever the Governor had exercised his discretion, the matter has come before the floor of the House and this is bound to come also. It is because Parliament is a living organisation and it voices the opinion of the people irrespective of party affiliations.

Wherever the Governor may use his discretion, the discretion may or may not meet with the approval of the majority party here and as such the Governor is always subjected to some doubt. This discretionary power of the Governor is a live wire and this is bound to be there. We want our consti-

tution to be fluid. Under the present circumstances everything is fluid. Our entire politics is a politics of convenience. Also for some people it is becoming a politics of defections. It is a politics which has changed its complexion, it is a politics which has no stability, it is a politics which we must change now. We know what ethics are being followed today. Friends are sitting there who have been elected by the people on the basis of certain ideologies and principles. They have made certain commitments to the people. Now what we find is that they have broken up all those promises and they are calling themselves as opposition. The correct thing should have been for them to resign on the spot, go back to the public, claim that because of certain ideologies they are fighting, and then to come back with greater numbers. That is what is wanted. Otherwise, there is no ethics in politics. The entire politics has changed in complexion, where the roots and environs are changing, where people are changing.

There was a time when we talked so much on defections. Today what is happening? It is only one or two; they are sitting on the other side. Who is to be blamed? Is not the Governor in those circumstances called upon to exercise his discretion? Discretion is a thing which is illimitable. Having studied this question in great depth, I can say that so far I have not come across any article in the Constitution—and I would be happy if any of my colleagues tells me if there is any—which under any circumstances limits or defines the word 'discretion'. If there is no limitation on the discretion, then that means that any act which is done by the Governor cannot be called unconstitutional. Therefore, under such circumstances, it is entirely up to the wisdom of the Governor and he should use his discretion to decide what is right and what is wrong.

Apart from discretion, this is a peculiar case, peculiar in the sense that it has not happened in the past history here for many years. But it did happen in West Bengal in 1938, in Bengal, because there was no West Bengal at that time in 1938. Mr. Fazlul Huq and Mr. Nausher Ali were there. The Muslim League and the Krishak Mazdoor Party were

[Shrimati Sushila Rohatgi]

there. The Governor had asked Mr. Fazlul Huq to resign and he did resign. So, here is an example in history where when a coalition failed, and on the failure of the coalition, the Chief Minister resigned, and after that, the whole complexion changed.

Again, what happened in France is known to every student of international history. It was only during President De Gaulle's regime that we had a stable government in France. Before that, governments used to be in power for just three or four months and every time the government failed or every time the coalition failed because of certain reasons. Premier resigned and a new Ministry was constituted. It had also happened at the time of the Labour Ministry of Ramsay Macdonald.

What surprises me is that a thing like this should have happened in UP. UP has been famous for setting up its own conventions, and there have been healthy conventions set up by UP, I can assure you. It was not long ago, I think it was in 1968, when Mr. C. B. Gupta was heading a Ministry, and when one of the clauses in a Bill failed to get support, voluntarily he had resigned, and his government went out. But it is in the same UP that a man who is as senior as Mr. C. B. Gupta, that is, Mr. Charan Singh, a man who is held in great esteem, that is, Mr. Charan Singh, a man who is supposed to be a great administrator, that is, Mr. Charan Singh, did not resign on an issue, which is so classical, and which is so open and which is so frank. So, the first case of conventional impropriety was committed by Mr. Charan Singh when he did not resign voluntarily, or he was asked by the Governor to take over a care-taker Government when he could have forged a majority. The second thing that has happened there is that when he was asked by the Governor, still, he did not resign.

Then, what happened? In this vacuum, when a majority, namely 26 out of his 46 Ministers had been asked to resign and they did not resign, he asked the Governor that they should be dismissed; in the meantime, the leader of the Ruling Congress which has a preponderant majority there asked their Minister to withdraw support to the Govern-

ment, and he appealed to the Governor that it was no longer a coalition and therefore it should be dismissed. The coalition was formed, when the two parties coalesced, and the coalition broke up, when the parties broke up too. So, how can there be a coalition? How can we compare this case of coalition with any other case where it is formed by just one party?

So, we have to judge this case from a different angle. In the meantime, the leader of the Opposition, Mr. Girdhari Lal, who commanded the next biggest party also said to the Governor that they should also be consulted as they would be able to constitute a government, because he happened to be the Leader of the Opposition. In the meantime, 11 members from the BKD, as reported by Mr. Panna Lal Gupta had resigned from the BKD also. So, there was a feud as such, and there was no stability in the State. In those circumstances, the Governor in his discretion and in his wisdom consulted the Attorney-General and the Advocate-General, and on the basis of their opinion, he came to the conclusion that in those circumstances he should take that step.

In addition to this, there was a circular from the Central Government, and I would like to congratulate the Central Government on having issued that circular, that in the case of such an incident, in the case of conflicting claims by political parties, Governors should scrupulously avoid anything which might enable the leader of any group to use the invitation for forming the government to manipulate a majority which he did not otherwise enjoy. Mr. Charan Singh himself said that he would be able to make the majority, and later on, he said that he was even prepared to call the Assembly on the 30th, but since the Assembly had already been called, and the dates could only be changed if it was recommended by the Council of Ministers, and since more than half of the Council of Ministers had resigned and there was no Council of Ministers in existence, and since there was no Council of Ministers, and since it was a question of joint responsibility and collective responsibility, how was the Council of Ministers to be reconstituted in order to change the date?

18 hrs.

I would ask the hon. member how did the question arise at all.

In the face of these facts, there was no option for the Governor but to do what he did. And what he did was not to oblige Shri Tripathi whose party was a big party—he could easily have been called and at that time he could have a majority. He did not call him or the others because the situation was fluid.

What is happening today? Knowing Dr. Gopala Reddy, knowing Shri Dharma Vira and some other people, when we want our bureaucracy to be committed, when we want the people to understand that they must walk in the same direction for greater progress and for eradicating poverty, the Government must also come to certain definite decisions so that the people can work within that ambit. So long as the Governments are not in a position because of our political difficulties to do that, it is up to the members of this House to rise to the occasion and conduct themselves in a manner whereby the practice of defections is stopped and such circumstances do not arise where Governors have to use the discretion they have. With these words, I strongly oppose the Motion.

**श्री रामसेवक यादव (बाराबंकी) :** अध्यक्ष महोदय, आज की बहस का जो मुद्दा है, उस के तीन पाल हैं : एक, राष्ट्रपति, श्री वी० वी० गिरि; दूसरे, प्रधान मंत्री, श्रीमती इन्दिरा नेहरू गांधी और तीसरे, उत्तर प्रदेश के राज्यपाल, श्री गोपाल रेड्डी। अगर यह कहा जाये कि गिरि-इन्दिरा-गोपाल का त्रिकोण आज की बहस के लिए जिम्मेदार है, तो इस में कोई अतिशयोक्ति नहीं होगी।

अगर इस बहस को हम सीमित रखें, तो अच्छा होगा, क्योंकि यह प्रश्न नहीं है कि कौन प्रतिक्रियावादी है और कौन तरक्की-पसन्द है। इस देश में उसकी एक ही कसौटी बन गई है—यह कि अगर कोई प्रधान मंत्री के साथ है, तो वह तरक्की-पसन्द और अगर उन के खिलाफ

है, तो वह प्रतिक्रियावादी। इसलिए यहाँ वह बहस उठाना बेमतलब है। इसी कारण संसोपा ने इस बेमतलब की बहस में न पड़ कर कार्यक्रम को ही मुख्य आधार माना है कि क्या वह सच-मुच समाज के लिए हितकर है या नहीं, वह जनता के फायदे में है या नहीं।

इस मामले में तीन पहलू हैं : एक संबन्धानिक; दूसरा, नैतिक और तीसरा, राज्यपाल का प्रतिवेदन। अगर हम इन तीनों को दृष्टिगत रखें, तो साफ जाहिर हो जायेगा कि उत्तर प्रदेश की विधान सभा को स्थगित कराने की कार्यवाही बहुत निन्दनीय थी और वह देश में लोकतंत्र के लिए खतरे की घंटी बजने के समान है।

संविधान के बारे में यहाँ बहुत सी बातें कही गई हैं। आइवर जेनिज और यहाँ के प्रकांड विधि-विद्वानों ने इस बारे में जो भी कहा हो, लेकिन श्री नीरेन डे ने यह साबित करने की कोशिश की है कि वह आरिजिनल हैं, बुनियादी हैं और उन्होंने अपने बुनियादीपन में यह दिखा दिया कि शायद केन्द्र की तरफ से कोई रिपोर्ट लिखी गई और उन्होंने आँख मूंद कर उस पर अंगूठा लगा दिया। उन्होंने अपने कर्म से यह बात सिद्ध कर दी है।

राज्यपाल को सलाह देने के लिए राज्य का अपना एडवोकेट-जनरल है। लेकिन उन्होंने अपने वकील पर भरोसा नहीं किया, बल्कि प्रधान मंत्री के वकील पर भरोसा किया, जो इस मामले में प्रतिवादी हैं। अगर वादी के पक्ष का आदमी प्रतिवादी के वकील से सलाह ले, तो उस की इमानदारी और नैतिकता की परख हो जाती है। अगर हम इस दृष्टि से देखें, तो इस संबंध में सब से गन्दा रोल हमारे एटार्नी-जनरल, श्री नीरेन डे, का, प्रधान मंत्री का और हमारे राज्यपाल का रहा है, जिन्होंने अपने एडवोकेट-जनरल की राय न मानकर श्री नीरेन डे से राय लेने की कोशिश की।

## [श्री रामसेवक यादव]

केन्द्र में एक दल की सरकार है और राज्य में दूसरे दल की सरकार है। इसलिए जब केन्द्र के हित के साधन के लिए एटार्नी-जनरल की राय ली जाती है, तो वहीं साफ जाहिर हो जाता है कि मन में कहीं दुविधा है, चोर है।

6 अक्टूबर को विधान सभा की बैठक होनी थी। किस ने यह तारीख तय की थी? यह तारीख कांग्रेस दल के नेता, श्री कमलापति त्रिपाठी, ने श्री चरणसिंह पर जोर डाल कर तय कराई थी। इसलिए जब श्री चरण सिंह ने खुद नीति के सवालों को लेकर विधान सभा की बैठक 6 अक्टूबर को बुला ली थी, तो श्री त्रिपाठी को न संवैधानिक और न नैतिक अधिकार था कि वह बार-बार यह माँग करें कि इस सरकार को बर्खास्त कर दिया जाये या उन्हें उत्तर प्रदेश के मुख्य मंत्री पद पर आसीन करा दिया जाये।

केन्द्र के एक मंत्री और इन्दिरा-कांग्रेस दल के अध्यक्ष, श्री जगजीवन राम, बार-बार कह रहे थे कि श्री कमलापति त्रिपाठी को मुख्य मंत्री पद पर आसीन कराया जाये। वह सेंटर में केबिनेट के मंत्री हैं और राज्यपाल की रिपोर्ट आने पर वह उसके बारे में राष्ट्रपति को सलाह देते हैं। इस स्थिति में इस तरह से अखबारों में सार्वजनिक बयान दे कर उन्होंने राज्यपाल पर दबाव डालने का घृणित कार्य किया, जिस की निन्दा होनी चाहिए और जो जनतंत्र के लिए बहुत खतरनाक है। इस से यह साबित हो जाता है कि इस मामले में केन्द्र की पूरी साजिश थी।

मैं राज्यपाल के प्रतिवेदन में से कुछ तथ्य प्रस्तुत करना चाहता हूँ। उन्होंने ऐसा आचरण किया है, जिस से जाहिर होता है कि वह इन्दिरा-कांग्रेस दल के एजेन्ट हैं, सेंट्रल गवर्नमेंट के प्रतिनिधि या उत्तर प्रदेश के राज्यपाल नहीं। उन्होंने कहा है :

“The first major difference between the two coalition partners was occasioned by

the resignation of the then Information Minister Shri Genda Singh, belonging to the Congress (R). Further differences between the Congress (R) and the B. K. D. became noticeable on the promulgation of the Preventive Detention Ordinance and the Uttar Pradesh Universities (Amendment) Ordinance whereby the membership of Students' Unions was made optional.....”

यह बात पूरे देश को मालूम है कि जब श्री चरण सिंह और कांग्रेस (आर) का कोलीशन बना, तो कोई शर्त नहीं रखी गई थी, बिला-शर्त उन का साझा हुआ था। सामने बैठने वाले जो माननीय सदस्य तरक्की-पसन्द की बात करते हैं, मैं उन से पूछना चाहता हूँ कि उन दोनों दलों में कौन से कार्यक्रम की एकता थी, कौन से प्रोग्राम के लिए वह सरकार बनी थी? जब श्री चरण सिंह ने कहा कि साझा बनाने में कोई शर्त नहीं थी, तो प्रधान मंत्री को यह कहने की हिम्मत नहीं हुई कि हमारा समर्थन सशर्त था। राज्यपाल ने अपने प्रतिवेदन में यह बताने की कोशिश की कि जैसे श्री चरणसिंह ने कोई प्रतिक्रियावादी कार्य किया, जिसको कांग्रेस (आर) ने पसन्द नहीं किया। लेकिन वास्तविकता यह है कि विद्यार्थियों और प्रिवेंटिव डिटेंशन सम्बन्धी अध्यादेश जारी करने का निर्णय केबिनेट ने सर्व-सम्मति से किया। सवा छः एकड़ की जोत पर लगान माफ करने की योजना का गला घोंटा तरक्की-पसन्द श्री त्रिपाठी ने, क्योंकि केबिनेट में उनके तरह मंत्री थे, जबकि श्री चरण सिंह के दल के केवल दस मंत्री थे। अगर श्री त्रिपाठी चाहते तो वे अध्यादेश जारी न होते और सवा छः एकड़ की जोत पर लगान भी माफ हो जाता। अगर राज्यपाल से इस बारे में रिपोर्ट मंगाई जाये, तो स्थिति साफ हो जायेगी। ये लोग केबिनेट में इन अध्यादेशों के बारे में सर्व-सम्मति से निर्णय कराते हैं और आज बड़े तरक्की-पसन्द और समाजवादी बन रहे हैं। अपनी रिपोर्ट में राज्यपाल ने इन को तरक्की-पसन्द बताया है। यह उनका काम और बिजनेस नहीं था। उनको देखना चाहिए था कि केबिनेट में इस बारे में

निर्णय किस प्रकार लिये गये किस प्रकार के बहुमत या अल्पमत से लिये गये या सर्व-सम्मति से लिये गये। लेकिन उन्होंने अपनी रिपोर्ट से यह साबित किया है कि उस समय वह केन्द्रीय सरकार के नहीं, बल्कि इन्दिरा-कांग्रेस दल के एजेंट के रूप में कार्य कर रहे थे।

जब हम लोग उनसे मिले तो बार-बार उनका कहना था कि हम सिरों की गणना नहीं करेंगे, कौन किस के साथ है, मैं इसका फैसला नहीं करने वाला हूँ। हमारे पास जो विधान सभा के सचिव से प्रमुख दलों की संख्या आई है, दलों की संख्या के बारे में जो रिपोर्ट है उसी के आधार पर मैं अपना फैसला करूँगा। उन्होंने जो 2 जनवरी की दलों की स्थिति का विवेचन किया उसको मैं आपके सामने रखना चाहता हूँ। उन्होंने बताया कि कांग्रेस (आर)-136, कांग्रेस (ओ) 98, बी के डी 94 और जनसंघ 43। 136 का समर्थन चला गया, 98 रह गए और जब जनसंघ ने और कांग्रेस संगठन ने अपनी संख्या के साथ समर्थन लिखकर के दे दिया और उसमें स्वतंत्र पार्टी का भी था, अगर आप उनकी संख्या जोड़ लें तो सरकार चलाने के लिए जरूरी बहुमत, मजे का बहुमत था और अगर इसी रिपोर्ट को गवर्नर साहब देख लेते तो भी जो उन्होंने कुकर्म और कुकृति की है, उसकी जरूरत नहीं पड़ती, हिन्दुस्तान के संविधान पर एक कलंक का धब्बा नहीं लगता और पूरे देश की जनता में एक भ्रम नहीं फैलता कि इस देश का जनतंत्र आज खतरे में पड़ गया है। यह मैं आप के सामने कहना चाहता हूँ कि बहुमत था और जब बहुमत था तो मैं साफ कहना चाहता हूँ कि विधान सभा क्यों भंग हुई ? 6 दिन के लिए क्यों भंग हुई ? क्योंकि बिहार का इतिहास वहाँ दौहराने की कोशिश की गई कि किसी तरह से विधान सभा को भंग रखो तो दो काम करो। जो अभी चुना व लड़ के साल भर पहले आए हैं साधारण आदमी उनके पास पैसे नहीं होंगे, वह गिड़गिड़ा उठेंगे कांप उठेंगे कि विधान सभा भंग होगी तो

हम कहाँ जायेंगे, इसलिए वह कहेंगे कि चाहे जैसी सरकार बन जाय, बहुमत हो या अल्पमत सरकार हो, वह जरूर गद्दी पर बैठ जाय और दूसरी तरफ कपूर साहब और दीक्षित जी...

**एक माननीय सदस्य :** कौन हैं यह कपूर साहब ?

**श्री रामसेवक यादव :** कपूर साहब हमारे प्रधान मंत्री के विशेष दूत हैं, उनको राजनैतिक दूत कह लें, घरेलू दूत कह लें, कुछ भी कह लें, तो वह जो डोरे डालते हैं लखनऊ में जा कर ठहरते हैं और फिर उन के जरिए खरीद-फरोख्त होती। खरीद-फरोख्त हो कर श्रीमान कमलापति त्रिपाठी को गद्दी पर बिठा दिया जाता। लेकिन बद किस्मत कमलापति त्रिपाठी, कुर्सी तो मिली नहीं, गए थे चौबे से छब्बे बनने, रह गए दुबे, वह कुर्सी जो कांग्रेस अध्यक्ष पद की थी, वह भी खिसकने वाली है और हम को खुशी होगी कि हमारे दोस्त चन्द्रजीत यादव जरा उस कुर्सी पर बैठ जायें तो कुछ ठीक हो जाय ... (व्यवधान) ... हम को खुशी यह होगी कि कम से कम टकराव तो हो जायगा चरण सिंह कितने प्रतिक्रियावादी हैं और यह कितनी ताकतवर हैं प्रधान मंत्री, यह हमने सुना है। हम ने सुना है, चौधरी साहब तो जाने हुए हैं, लेकिन सुना है कि अब घुटने टेक कर के स्टूप टुकाकर वाली बात फिर चला रही है देवी जी। लेकिन बहुत पानी अब गंगा जमुना का बह गया अब वह स्टूप टुकाकर चलने वाला नहीं है। इसलिए मैं कहना यह चाहता हूँ कि इस सारे संदर्भ में कहीं प्रगति और प्रतिक्रिया की राजनीति को मत देखना। सीधा आज जनतंत्र का सवाल है। जिस तरह से इस उत्तर प्रदेश की घटना में केन्द्र सना रहा है और राष्ट्रपति ने जो अपनी जिम्मेदारी और कर्तव्य नहीं निभाया है उस से देश की जनता संशंकित है कि हमारा जनतंत्र बचेगा या नहीं बचेगा। लेकिन खुशी है कि इस सारी घटना में विरोधी दल, कानून के पंडित और

[श्री रामसेवक यादव]

जनता की एक आवाज एक साथ उठी और तब हाथ पेर फूल गए, कांप गए और 6 ही दिन में जो अन्याय हुआ था वह अन्याय खत्म हो गया और फिर से वहाँ एक जनप्रिय सरकार बन गई हम कार्यक्रम से देखेंगे कि कौन ठीक है, कौन गलत है, कौन अच्छा है कौन बुरा है। हम किसी को पारस नहीं मानते कि देवी जी पारस पथरी हैं इसलिए उन से लोहा छू जायगा तो वह सोना हो जायगा और बाकी तो सब कूड़ा और करकट हैं। कर्म से देखना है क्योंकि 23 साल से हम समाजवाद देख रहे हैं यह एक हमारे आर० के० सिन्हा जी ने कहा था, किसी सदस्य की बात उन्होंने सुन ली, पता नहीं कहाँ बैठे हैं, ओवर-हीयर करते हैं वह। हम उनकी एक ही ताकत नहीं जानते हैं। वह सूघते भी हैं, ओवर-हीयर ही नहीं करते। बड़ी बड़िया सूँघ है उन की। जहाँ समाजवाद सूँघ लेते हैं वहीं पहुँच जाते हैं। लेकिन फर्क यह है कि जहाँ कुर्सी होती है वहीं उन के लिए समाजवाद होता है, विरोध में नहीं।

SHRI NATH PAI : Mr. Speaker, Sir, an intriguing feature of today's debate is that this is for the first time that the Law Minister of the day has been either persuaded or prevented from participating and an ex-Law Minister has been summoned to defend the case of the Government. This, I think, is a new thing. In the past, the Law Minister did participate. I do not know if Shri Asoke Sen has caused any danger to the sound proposition we have submitted to the House, but certainly it is a matter of concern and anxiety perhaps for his colleague Mr. Hanumanthaiya.

Sir, the episode in Uttar Pradesh has gravely disturbed the democratic conscience of the country. I will first read something and then identify the author of those remarks.

"I recall the day when the first Congress Government took office in Uttar Pradesh

in 1937. I had the privilege of being a member of the first Cabinet led by Pantji. It was an emotion charged period. Gandhiji and Pandit Nehru called on us to dedicate ourselves to the nurturing of the democratic seed which has been planted and of building healthy democratic conventions for the time when India would be free. It is impossible to imagine either Pantji or Rafi Ahmed Kidwai acquiescing in what has taken place in Uttar Pradesh. Had they been alive today, they might well have led the first civil disobedience movement against this authoritarian decision with regard to Uttar Pradesh."

The author of these remarks who is an Ex-Governor happens to be known by the name of Shrimati Vijayalakshmi Pandit.

Mr. Speaker. Sir, this is the fourth resolution on this subject that has come before the House. I had the honour or the misfortune of moving a resolution when the first warning signal was shown in Calcutta. In 1967, 15th November, I moved a resolution to this effect :

"That this House disapproves of the present practice of the Union Government to use the office of the Governors of States not as instruments of the Constitution but as agents of the party in power at the Centre as exemplified by the developments in Calcutta and in Patna."

I moved a resolution later on with regard to the developments in Bihar and last year I brought a resolution with regard to the developments in Haryana. And still, in spite of all that we have done to focus the attention and draw the necessary lessons of these experiences, we remain where we were. Uttar Pradesh is only one State in the dangerous process which was initiated in Rajasthan by Pandit Sampurnanand.

I shall just recall this heading: "President asked to stop Sukadhia installation. Opposition move alleges constitutional impropriety." The contribution and the innovation in the constitution of some of our Governors are no mean ones and cannot be easily forgotten.

Mr. Sampurnanand was the first man to perform the magic of converting a physical majority into a minority. The then leader of the Swatantra party proved to the satisfaction of the President, and those who went to the Rashtrapati Bhavan, that he had the physical presence of the required majority of the MLAs from his State.

Mr. Sampurnanand had to oblige the party in power. I am sorry you were with them, Dr Ram Subhag Singh. (*Interruption*)

DR. RAM SUBHAG SINGH: He died.

SHRI NATH PAI : I am not blaming anyone. I am only showing the incident, because we must have the same standard. Here, I have a quarrel with the CPI. When I moved the resolution for the dismissal of the west Bengal Governor, they cheered me and supported me. The Swatantra party condemned me. So far as the Constitution and its sanctity are concerned, we cannot have one standard in Calcutta, one in Lucknow and one in Chandigarh. The same un-failing standards must be upheld. It does not matter what colour the Government had. So long as the Government functions within the framework of the Constitution, so long as the Government has a majority in the Assembly, so long as the Chief Minister is prepared to face the verdict of the Assembly, the Governor shall be prevented from interfering with the due processes of the Constitution by either suspending the Assembly or dismissing the Government. This is the basic issue. Today the UP episode has these basic issues which even at this late hour of the day, we should not forget : What is the relationship of the Union Government with regard to the States ? What are the powers, functions, role and duty of the Governor ? Finally, what is the place of the legislature in the Constitution as envisaged by the founding fathers ?

I should like to begin by submitting that the Constitution in every sentence breathes the spirit of democracy. It is often this that the Government of India tends to forget. For temporary, partisan gains, the lasting values of the Constitution are ignored and forgotten. What happens ? Beginning with

Babu Sampurnanand who converts majority into minority, we find that the then Governor of Bengal, who was congratulated by a section of this House, thinks that it is not the Assembly of West Bengal but it is the Governor's palace which will decide the fate of the Government. We condemned him. It was wrong. Then we find in UP another novel contribution to interpreting the Constitution of India. Dr. Gopala Reddi will be remembered, because here is a novel interpretation of the Constitution. What is it ? If there is a coalition and if the ruling Congress supports you, the Government is constitutionally constituted. But if for reasons known to the ruling Congress, the ruling Congress withdraws the support, there is a constitutional crisis. That means, whether there is a constitutional government or not is made synonymous with the availability of support of one particular party. Withdraw that support and there is the breakdown of the Constitution. This is the dangerous innovation and interpretation given to the Constitution by Dr. Gopala Reddi. That I think deserves at least a Padma Vibhushan if not Bharat Ratna !

The facts with regard to UP are clear and the Governor's duties are also very clear. There was a Speakers' Conference attended by your distinguished predecessor. The crisis which came in UP was not a novel one. Doubts arise as to who is enjoying majority in the Assembly. Doubts can arise in future in Delhi also. What will be the norms, standards, guiding principles, which we shall follow ? If we are not very careful, the consequences will be very grave. I am not concerned with the fate of a Charan Singh, a C. B. Gupta or a T. N. Singh, good and patriotic as all the three of them are. I am concerned with the Constitution and the way we interpret it. It is not only the Supreme Court which is called upon to interpret the Constitution. By the practices we evolve, by the attitudes and approaches we take towards the Constitution, we also every day interpret the Constitution. What shall be the interpretation of the Constitution ? In a crisis like the one which UP faced, there were many guidelines. Apart from the guidelines which we lay down on the floor of the House and which the framers of the Constitution have tried to give to us, there



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was the recommendation of the Speakers' Conference, in the light of the experience of the past years. They recommended :

"The question whether a Chief Minister has lost the confidence of the Assembly shall at all times be tested in the Assembly."

A sound advice, wise advice, sane advice, good advice and healthy advice, as the advice we had when Gandhiji asked the first Congress Government to evolve healthy norms for the democracy of India. Then there was the Governors Conference last year. They came to the same conclusion when they met in the salubrious climate of Rashtrapati Bhavan that when the crisis comes, it should be the floor of the House where the doubts should be resolved, and not the Governors' palace.

Then, there is the ARC. The absence of Shri Hanumanthaiya is very significant and conspicuous. I would like to remind the House, since conscience comes so often in this country, as Chairman of the ARC, he recommended that these issues should be resolved on the floor of the House.

**SHRI J. B. KRIPALANI :** You want him to be dismissed ?

**SHRI NATH PAI :** If I were the Prime Minister, I would not have appointed him; there is no question of dismissing him.

The facts with regard to UP are not questioned at all. To start with the Chief Minister formed a single party government. Then another party offered its support and a coalition was formed. When that party withdraws its support, what is the constitutional position ? The position is restored. What was the position ? It was the one which was there before the Congress (Ruling) Party offered its support. If he could form the government without that party's support, could he not continue when that support was withdrawn ? The political significance of this is very clear. But should we drag the Constitution like this to suit our immediate convenience ? I must say, this was what precisely happened.

But a greater danger was this. I would have expected Shri Charan Singh, who is an outstanding figure, to offer voluntarily to resign. There Shri Sant Bux Singh was right. But if he did not resign, there was no power with the Governor to dismiss him and there was, surely no power to suspend the Assembly even temporarily, particularly when the then Chief Minister was willing and ready and was committed to make the Assembly meet within a week from the day of his dismissal. 6th was the date fixed in consultation with the Governor. Where was the hurry ?

On previous occasions we had the danger that the Chief Ministers were avoiding calling the Assembly. But here was a Chief Minister who was willing. He was prepared to advance the date. Would the heavens have crashed if he was allowed to face the Assembly which is the only authority ? This was not done.

I do not know how much damage Shri Charan Singh has suffered but I must say that it gave a very serious jolt to the faith in our structure of many Indians, many of our compatriots. It is this that worries us.

About the Governor's discretion let us try to make our minds very clear. What had Dr. Ambedkar to tell us about article 356 of the Constitution ? He foresaw the danger, the kind of developments that took place in India after 1967. Shri Bhandare likes to call himself as his faithful disciple. But disciples always forget some how the basic tenets of their gurus. May I read, with all due respect to Shri Bhandare's scholarship, what Dr. Ambedkar had to warn Parliament with regard to this ? Dr. Ambedkar apprehended the kind of danger which we saw materialising in UP and this is what the wise architect of our Constitution says :

"In regard to the general debate which has taken place in which it has been suggested that these articles are liable to be abused, I may say that I do not altogether deny that there is a possibility of these articles being abused or employed for political purposes."

Dr. Ambedkar foresaw the danger and warned the Constituent Assembly; nonetheless, he expressed faith in our sagacity, in our wisdom, in the oath that we take under the Constitution that we would not abuse these discretionary powers in article 356. But I think it was a misplaced faith of Dr. Ambedkar in us because he did not know that generations would come after him and the framers of the Constitution who would sacrifice such values for temporary partisan gains.

Much has been said about the discretion of the Governor and the charming lady from Kanpur who waxed eloquent said that the discretion of the Governor was unlimited. I do not know where she found this constitutional authority. In order to clear away the cobwebs of misunderstanding, the issue of article 164, that there shall not be any question with regard to the discretion of the Governor, has been argued, sufficiently scrutinised and evaluated in the Supreme Court and the Supreme Court has laid down very clearly...  
(*Interruption*)

SOME HON. MEMBERS : Here comes the Law Minister.

SHRI NATH PAI : I do not think there is any connection between his presence now and my remarks about him earlier. He came perhaps to do his duty. Though he cannot participate in this debate, it is at least his right to attend. I think, it has nothing to do with my remarks made earlier in his absence in regard to his rather mystifying absence and refusal to take part in the debate.

SHRI K. HANUMANTHAIA : I allow you free-play.

SHRI NATH PAI : It is not a question of a free-play. It is worrying many of us. I think, you are still the Law Minister of India. We expect you to speak on this important issue.

I was submitting that it was clearly laid down that the discretion of the Governor was a very limited one. I do not have much time to refer to Basu's Commentary on the Constitution and to Seervai's. Barring those

five cases, there is no discretion allowed to the Governor. These are specific issues and matters on which discretion can be exercised.

What are the consequences of what happened in U. P. ? I am afraid the price that the country will have to pay for what happened in U. P. will be a very heavy one. Unless we retrace the steps and draw necessary lessons and make a solemn commitment to ourselves and to our people, I think, we shall be continuing to fumble even in future.

The first consequence of what happened in U. P. is lowering of prestige of three very important offices provided under the Constitution of India. The U. P. episode has lowered the prestige of three very important offices provided under the Constitution. To start with, the lustre and the high dignity of the office of the President has been affected. I want to submit to you, here is the most populous State in India. Some people like to call it the ninth biggest country in the world. U. P. happens to be the biggest State in India. The Assembly of that state is to be suspended. It is not an ordinary decision, either a decision is an important one or a trivial one. If it was an important decision it was the bounden duty of the President of India to cut short his visit and rush to New Delhi to take a decision. If it was an insignificant matter, in that case, he ought not have signed it. He could have said "This is a minor thing. Let it wait till my return." In either case, he ought not have signed it.

Sir, in order to cultivate the friendship of nations, the President of India will have to go abroad as the State guest. If this is the practice to be followed it will be better if the Prime Minister and the Home Minister very seriously reflect on a humble suggestion of mine. They should have some forms on which his signature is obtained in advance before he proceeds on tour so that it will be easier to get his signature whenever the Government wants to get a proclamation issued. The whole thing is brought into ridicule by sending a messenger like this. This is the practice that is being cultivated in this country. I think, there is no provision for a remote control operation of the Constitution of India. The President of India must apply his mind before he signs a proclamation. The Constitution says that

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the President must be satisfied before the provisions of article 356 are invoked by him.

Let us all completely forget the temporary labels and colour of our caps. Let us ask ourselves whether it ought to have been done. Shall we go on repeating this ? When this happened, I am afraid, the prestige of the office of the President did suffer. The solemn oath that the President takes is to uphold and preserve the Constitution of India. If such lapses are allowed at the highest level, I do not know what will happen at the lower level. Therefore, I am called upon to offer this criticism not by way of any disrespect to the office but precisely because my respect to that office is rather unique.

The other office which suffered prestige is that of the Attorney-General. Sir, I wish you had taken into consideration my motion. This was not my motion. I had given another motion suggesting that the Attorney-General be summoned because we would have liked to put some questions to him. It is to be remembered that the Attorney-General of India is not like the Law Minister of a particular party in power. The Attorney-General is the principal Law Officer of the Republic of India, not of any particular party. He cannot afford to go on giving tailor-made opinions on vital constitutional issues. His duty is to see what is the spirit of the Constitution and advise accordingly, come what may. I do not think we are getting that kind of advice. It is all right for the Law Minister to come and defend everything that the Government does. But there is a difference between the functions of the Attorney-General and the Law Minister. It was for this reason that when an effort was made to combine the two offices that I opposed it tooth and nail and I warned the Prime Minister that we shall not allow it because these offices are totally different. One must retain a certain degree of objectivity, impartiality and fairness to inspire confidence in the country. Therefore, the offices of the Law Minister and of the Attorney-General must not be allowed to be combined.

I would not say that the office of the Governor suffered much loss because the

practice of the last 20 years has shown that the original conception with regard to that high office has never been implemented. Generally, you know, what was the intention ? To provide a link between the people of the State and the Union Government. He was to be a constitutional head only and to see that the Constitution is upheld in the States. Unfortunately, the choices that have been made—I hate to repeat, but to refresh your memory—I am afraid, are that discredited and defeated and disgruntled politicians were appointed to fill the office of Governor and as a result, we find that those who were called upon to uphold the Constitution, often fell from the standards they are expected to uphold.

The other consequences, apart from the lowering of the prestige of these offices, are very important. The constitutional norms, the settled norms, have been upset by the UP episode. It was the settled norm that the advice of the representatives of the people shall be binding on the Governor. This was a settled principle. It has been gravely disturbed now in UP. It is now, Sir, that even a more sinister thing is following from the UP episode. I think, Sir, we are destined to enter an era of coalition. Are we to make the progress to that era on the mutilated body of democratic decency as we saw in UP ? Will they inspire confidence ?

The UP episode, another consequence of it, is, I think, that it has delivered a jolt to the delicate fabric of federalism enshrined in the Constitution. I heard the speech of the DMK representative and I hope he follows the logic of his speech. You called it a 'rape'. You called it a 'murder',...(*Interruptions*) I heard you with great patience and with great expectation. I like the eloquence of your speech. I have refrained from using strong words like 'rape' and 'murder'. If there is a rape, how are you going to support it ? If there is a rape or murder, how are you going to stand silent ? In order to make your position very easy, I am prepared to drop the last part of my resolution regarding the withdrawal of the Governor. Will you then be prepared to support it ? You cannot say that you are going to make a constitutional amendment and sit quiet when the question comes here.

I do not want to score any point. I am going to say that this is a challenge to all of us and we must rise above petty partison and regional considerations and try to discharge our duties.

Mr. Speaker, I want to say the UP episod. ...*(Interruptions)* I have no misunderstanding about your position at all.

**SHRI ANBAZHAGAN (Tiruchengode) :** For the same purpose the DMK will support the amendment that is brought to the Constitution and DMK will not be a party to topple the Government. ...*(Interruptions)*

**SHRI NATH PAI :** That is not the problem. The crisis in UP has given a jolt. Let us be very frank. He is very courteous and very honest. I welcome his frankness. You may disagree. One may disagree. In these days slander is something to be very much welcomed.

May I submit, Mr. Speaker, that the crisis in UP has given a jolt to the principles of collective responsibility of a Cabinet. There can be a crook in every cabinet who can cock a snook on a Chief Minister or the Prime Minister and go and report to the Governor or the President, as the case may be, 'I have some people with me'—Anydody can find some people with him either at the State level or at the Central level—will it be a justification to encourage that particular individual? Since you have come out against your Prime Minister or the Chief Minister, I will dismiss the Prime Minister or the Chief Minister, as the case may be.' This is what precisely has been happening. It is holding the doctrine of collective responsibility to ransom. But allowing individuals to go and tell at the Governor's palace that 'I have some followers. Dismiss the Chief Minister', is a very dangerous and pernicious principle.

Finally where do we go from here? I have concrete proposals. It is no use just analysing and scrutinising what went wrong unless we draw the necessary inferences and conclusions. I have got three proposals. I was very glad to see that Mr. Atal Bihari Vajpayee who tended to disagree with me in 1967 on this issue is a new convert and to-day he has the goodness and grace of supporting my Bill

regarding the ratification of the appointment of a Governor after the Governor is nominated and before he takes the other oath of office. If this is done, there will be a check and there will be some kind of caution exercised by the Union Government. I know that at that time Mr. Vajpayee's fear was that they had the majority. I asked him, if I recall, 'Why are you so pessimistic? Why do you think that a particular Party is going to have the majority for all eternity?' I think I have proved right.

Second point which requires a little more consideration is that we have now to deal with recalcitrant Chief Ministers who, after there is a doubt about their majority, will not call their Assembly. I have submitted a Bill for the consideration of the House and I would like the House to consider this. If more than 50% of the Members of an Assembly or Parliament require in writing that the Assembly or Parliament be called in session it shall be obligatory on the Speaker of the Assembly or Parliament as the case may be to summon the Assembly or Parliament within a fortnight of the receipt. Well, this will act as a check on the Chief Minister or would be Prime Minister who may be afraid of facing the verdict of people's representatives.

And finally, Sir, may I read a provision of the Bill? I am very glad to have the assurance of the DMK representative that he is prepared to support my Bill. This is also a matter over which Dr. Ambedkar was worried. I would like to have this amendment to Article 356 which I would like the House to hear, before I conclude. It is one sentence only. It says :

The following new provision shall be inserted namely,

"Provided that where a question arises as to whether the Chief Minister of a State enjoys a majority in the Legislature of the State, the face of such a question having arisen shall not be regarded as a situation in which the government of the State cannot be carried on in accordance with the provisions of the Constitution and that such question shall be submitted to the Legislative

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Assembly of the State for its decision forthwith."

The question shall not be decided by the Governor but it should be submitted to the Legislative Assembly. This is necessary to be incorporated in the Constitution. Finally, may I make an appeal? One can learn always from past mistakes. UP episode has acted as a danger signal for all of us. I hope we will have the magnanimity and the courage to see that we stand up by the oath we took to uphold the Constitution. Thank you.

**SHRI TENNETI VISWANATHAM** (Visakhapatnam): I shall try to confine myself to the substance of this Resolution. Coming from a distant area and not belonging to any party which has got a Minister either in the Centre or in U. P., I can afford to be a little more objective than others.

Sir, the chief accused today is Mr. Gopala Reddy. (*Interruption*) Some friends out of affection used the name Gopala Reddy and so I used it. That is, the Governor. The Governor is an amiable person so far as I know. What has he done? Sir, sometimes in the course of the civilisation, we find good things are done in a very unorthodox way and they bring very good results. I would refer to a classical incident which has always been the subject matter of great discussion among pandits whether Rama was right in standing behind the tree and killing Vali. The thing was unorthodox but a new civilisation sprang from it. Today, the Governor might have done the thing in what seems to be a very unorthodox way. But, however, coming from a distant province, I can say that the three most controversial persons in the history of UP politics are now out of it and perhaps a better new generation of public life is likely to come into existence. Therefore, people must be very grateful to the Governor for having achieved this result.

The President's action has been questioned, but it is not the subject-matter of the motion, and, therefore, I shall not dilate on it. But I do know that in any important decision when the paper is sent to the President, there is always previous consultation and discussion,

before the President signs. There is nothing to prove that the President did not apply his mind to the subject-matter of this, excepting that he was at a distance. When he is here and signs the banks Act, it is said that he has done it without consideration. He signs the derecognition order at Hyderabad, and then it is said that he does not think but signs it immediately, he is now a little away, and therefore it is said he has not considered anything and not done it properly. I know that the President is not such a man as not to think about nothing. But there is also the other aspect. Can the President create a second government here in India? The President has got to follow the decision of the Cabinet. It is supposed, and the assumption is that the Cabinet has considered all aspects before coming to a decision, and if the President goes on differing, he will be creating two governments, or perhaps three governments and would be landing this country in a greater confusion that it is in today. Therefore, I submit that we need not find so much fault with the President.

In the light of experience, a suggestion has been made that the Governor should be appointed with the consent or approval of Parliament. It looks on the face of it a very nice proposition, but I believe then the Opposition will deprive itself completely of the right of criticising that man when he does not act properly. It is much better to leave this power to the Government and try to take the opportunity of criticising them or correcting the Government or correcting the Governor whenever he goes wrong.

18.48 hrs.

[**SHRI VASUDEVAN NAIR** in the Chair]

It is said that the Governor wanted to be a partisan. I do not defend him; I am not his advocate. But whatever may be in his mind as a Governor, I do not think that he will be so foolish as to be openly partisan. Supposing he was partisan, what he would have done is this. He would have taken the example of Mr. Dharma Vira and immediately dismissed the Chief Minister. Then, he would have taken the example of Shri Sri Prakasa and put the Congress (R) leader into office saying that he is the leader of the

largest single group in the Assembly. The Governor was in a dilemma over a question like this which UP alone could have posed. Being the biggest State, UP alone could have posed such a big problem, and it did produce one of the biggest problems, and the Governor was in a great dilemma. Actually, what was the position? You will find the position at that time mentioned at pages 10, 11 and 12 of his report. Mr. Charan Singh insists that he has got the support of 223 persons. The Congress (O) says, no, no, his strength is never below 205, and at another time, the Congress (O) leader comes and makes an broadcast that he has got the majority and he should be called and he should become the Chief Minister. That is the position. The position of the parties was in a very fluid condition. Therefore, if the Governor was in a dilemma, it was not something surprising. But why was this created? It was created because the Chief Minister, refused to resign when his partner, that is, the Congress (R) denied support to him; the spirit of the Constitution demanded that he should have resigned. There is absolutely no doubt about it.

**SHRI RANGA :** In that case, the hon. Member should have demanded the resignation of Shrimati Indira Gandhi also here. She has no right to continue without a majority behind her.

**SHRI TENNETI VISWANATHAM :** When the Congress (R) leaders said that they were withdrawing support, they should have withdrawn the Ministers also from the Cabinet. When Shri Charan Singh found that he had lost his majority he should have immediately offered his resignation.

But on the other hand, what did he want to do? He said : 'I will take the support of those who have been opposing me till this moment and try again. This would have led the politics and public life in the State into a worse condition; this would have led to a remedy worse than the disease.'

**SHRI RANGA :** What about the Indira Government here? What right has Shrimati Indira Gandhi to remain in power after the Congress split?

**SHRI TENNETI VISWANATHAM :** What the Governor has done looks like unorthodox. But intuitively he came to the right conclusion. The Chief Minister was saying that he would continue and build a majority. Intuitively the Governor thought it was not possible for him to do so. Events have justified it. When it came to a question of choice, all those parties who were saying that they would support Mr. Charan Singh dropped him like anything. Therefore, intuitively the Governor was right when he thought that Charan Singh when he lost the support of Congress (R) would not get the support of Congress (O) and other parties. In other parties, none of them showed unity. Therefore it was that he came to the conclusion that the Government could not be carried on in accordance with the Constitution. If at all, all that you can say is that in a difficult situation, he took a decision, might also possible; might also possible, but you are not sure of its results. If he had taken another decision, on one is able to say here that a better political life would have been ushered in, that better standards of political conduct and public life would have been set. All that you can say is that in a difficult situation where there is a better course and where there is a course slightly less than good, he took one course. But you cannot say in that difficult situation he did only what perhaps any Governor might have done or would have done. You cannot attribute *mala fide*. When there is no *mala fide* and when he exercised his discretion in a difficult situation, there is no use disapproving his conduct. As was said by so many other members, a previous decision of his a similar one some months ago was not questioned when it suited the critics of to day.

Therefore, while it is not easy to say that everything the Governor did was absolutely right according to the book and rules, I cannot go so far as to say, that I disapprove of his conduct. In the circumstances in which he was placed, he took what he thought to be the best course. As other friends have said, in a few days afterwards the whole position has been retrieved. As Shri Vajpayee pointed out, and rightly, today we are doing a post mortem and we need not have done it.

श्री अब्दुल गनी डार (गुडगांव) : मैं प्रधान मंत्री जी को मुबारकबाद देता हूँ उसके लिए जो रूप उन्होंने धारण किया है। कभी तो उनकी मदद पर भगवान आ जाते हैं, कभी शैतान आ जाते हैं और दोनों न आएँ तो लक्ष्मी देवी आ जाती हैं। राज्यपाल जितने हैं वे बीरबल और अकबर की बात को नहीं भूले होंगे। अकबर और बीरबल की कहानी उनके सामने रहती है। अकबर ने बीरबल से पूछा कि बैंगन कैसे हैं तो बीरबल ने उसकी तारीफ के पुल बाँध दिए। कहा कि कितना सुन्दर रंग है, कितने गोल-मटोल हैं, और इनके सिर पर ताज है। फिर अगली बार जब उनके पेट में दर्द हुआ और उन्होंने कहा कि यह बैंगन खाने की वजह से हुआ है और उन्होंने बीरबल पर लानत बरसाई तो बीरबल कहने लगे कि ये महा रस्दी होते हैं, इनमें बीज भरे रहते हैं और इनको नहीं खाया जाना चाहिए। उन्होंने कहा कि बीरबल तुमने इतनी जल्दी अपनी राय बदल ली तो बीरबल कहने लगे—शहनुशाह, मैं आपका नौकर हूँ, आपका गुलाम हूँ, न कि मैं थैली का बैंगन। हमारे राज्यपालों की भी यही हालत है।

अब चाहे यह घटना घटी हो या इससे पहले घटी हो और इसके कानूनी पहलू जो भी हों और कानूनी पहलुओं पर बहुत से विद्वानों ने अपनी-अपनी बात आपके सामने रख दी है, मगर मुझे अपनी बहन से एक बात कहनी है। मेरी बहन इंदिरा गांधी क्वीन विक्टोरिया का रूप धारण किया करती हैं लेकिन उनका वह रूप राष्ट्रपति भवन में हो सकता है, यहाँ नहीं। जहांगीर हैं हमारे राष्ट्रपति और रूल करती हैं वहाँ की नूरजहाँ। उन बेचारों ने वहाँ से कौन सी गलती की है कि उनको दोष दिया जाए। बेचारे गोपाल रेड्डी जो मुझे बहुत प्यारे हैं वह इनके सामने सिजदा कर रहे थे तो इसमें हर्ज क्या है? यह बहन ऐसी हैं कि जब इनको जरूरत पड़ी तो इन्होंने कामराज जी को राम और कृष्ण बना दिया और जरूरत नहीं रही तो उनको धक्के

देकर घर से निकाल दिया। जब जरूरत पड़ी तो मोरारजी देसाई जी के कदमों में गिरा और उनको उप-प्रधान मंत्री बना दिया और जब उनकी जरूरत नहीं रही इनको तो उनको पकड़ कर बाहर निकाल दिया।

मैं अर्ज करना चाहता हूँ कि अगर आपको श्री नाथ पाई की बात अपील नहीं करती है, वाजपेयी जी की बात अपील नहीं करती है, यादव जी की बात अपील नहीं करती है तो आप देखें कि आपका हाल क्या हो रहा है। आप डी एम के की सपोर्ट ले रही हैं। आप देखें कि डी एम के वाले अकेले उतने वोट ले गए हैं जितने आपको नहीं मिले और गोलमटोल होकर आ गए हैं। वे कभी आपको सपोर्ट करते हैं, कभी अपोज करते हैं। इसका कारण यह है कि उनकी पार्टी ने वहाँ कहा है कि गवर्नरों के अख्तियारों को कम करो और स्टेट्स को ज्यादा अख्तियारों दो। इसी वास्ते ये यहाँ आकर ऐसा करते हैं। लेकिन मैं नहीं पड़ता इसमें कि आपको वाजपेयी जी की बात अपील करती है या नहीं करती है, किसी दूसरे की बात अपील करती है या नहीं करती है लेकिन चूँकि आपने विधान की मिट्टी छेदी और इंदिरा जी ने उसका नाजायज फायदा उठाया, इस वास्ते उत्तर प्रदेश में जहाँ आपके कदम उखड़ रहे थे उनको आपने सम्भालने की कोशिश की है लेकिन फिर भी इलाहाबाद में जो कि इनका अपना घर है, पूज्य पिता का घर है, पूज्य दादा का घर है, जहाँ इनका बड़ा जोर है, इनको बहुत बुरी शिकस्त हुई है। अब उत्तर प्रदेश में इन्होंने लक्ष्मी देवी की मदद भी मांगी, शैतान की भी मांगी, भगवान की भी मांगी लेकिन कोई काम नहीं आया। जब कोई काम नहीं आया तो बेचारी गोपाला रेड्डी पर गुस्से हो जाएँ और कहें कि टी० एन० सिंह को भी चलता करो तो वह ऐसा भी कर सकती हैं। अगर वह ऐसा करती है तो मुझे कोई तकलीफ नहीं होगी।

मैं ईमानदारी से एक बात कहता हूँ। भीष्म पितामह और गुरु द्रोणाचार्य दुर्योधन की पीठ

पर थे। अब भीष्म पितामह और द्रोणाचार्य के रूप में और लोग इनके पीछे हैं। लेकिन आप महाभारत के अंजाम को याद रखो। आज गोपाला रेड्डी बेचारे का कोई कसूर नहीं है, किसी गवर्नर का कोई कसूर नहीं है क्योंकि वे तो थैली के बैंगन हैं, बैंगन को पूजने वाले नहीं...। वे तो इंदिरा गांधी जी की पूजा करने वाले हैं। मैं चैलेंज करता हूँ कि श्रीमती इंदिरा गांधी भी रिजाइन करें और मैं भी करता हूँ और हम दोनों एक ही हलके से चुनाव लड़ें और अगर मैं उनको हरा कर आऊँ तो ये मानें कि इन्होंने गलती की है। मैं मुकाबले के लिए तैयार हूँ। मैं एक चपड़ासी का बेटा हूँ। मैं भागने वाला नहीं हूँ...

**श्री रणधीर सिंह (रोहतक) :** मैं तैयार हूँ। इनमें हिम्मत हो तो मेरे मुकाबले में आएँ। मैं इनके हलके से इनको हराऊँगा। मैं इनकी जमानत जब्त करा दूँगा। अगली इलेक्शन में यह गुड़गांव से जीत नहीं सकते हैं।

19.00 hrs.

**श्री अब्दुल गनी डार :** जब श्री रणधीर सिंह पैदा नहीं हुए थे तब मैं जंगे आजादी में शामिल था।

अगर नाथ पाई की खातिर नहीं या किसी दूसरे की खातिर नहीं तो विधान की खातिर, हिन्दुस्तान की शान की खातिर, बुजुर्गों की बताई हुई बातों की खातिर मैं कहूँगा कि आप अपने दामन में मुँह डालिए और देखिये कि कांग्रेस आपकी क्या कहती है, उसकी आवाज क्या है। सब मेम्बर साहबान बेफिक्र होकर वोट करें, चाहे वह श्री हनुमन्तैया हों और चाहे जो दूसरे बड़े-बड़े भीष्म पितामह बंटे हुए हैं, वे हों। इस वक्त उन्हें यह बताना है कि मुल्क बड़ा है, इंदिरा छोटी है। वैसे इंदिरा चाहे विक्टोरिया, हिटलर या स्टालिन हो, लेकिन वह छोटी है और देश बड़ा है। अगर देश बड़ा है, तो मेम्बर

साहबान देश का मान रखें और जो भी विधान के खिलाफ जाता है, उसके खिलाफ आवाज उठावें, चाहे वह डा० राम सुभग सिंह हों और चाहे श्रीमती इंदिरा गांधी हों। जहाँ तक श्री गोपाला रेड्डी का ताल्लुक है, वह तो न तीन में है, न तेरह में। मैं उनका कोई जिक्र नहीं करना चाहता हूँ, क्योंकि राज्यपाल तो बीच में लैटर-बाक्स है। मेम्बर साहबान इस प्रस्ताव को दिलेरी के साथ मन्जूर करें और अपने देश की पूरी शान रखें।

[شری عبدالغنی دار (گڑگان)۔ میں پودھان منتری جی کو مبارکیاد دیتا ہوں اس کے لئے جو وہب انہوں نے دھان کیا ہے۔ تو ان کی مدد پر بھگوان آ جاتے ہیں۔ کبھی شیطان آ جاتے ہیں اور دونوں نہ آئیں تو لکشمی دیوی آ جاتی ہے۔ راجیہ پال جتنے عین وہ ببربل اور اکبر کی بات کو نہیں بولے ہونگے۔ اکبر اور ببربل کی کہانی ان کے سامنے رہتی ہے۔ اکبر نے ببربل سے پوچھا کہ بھنکی کیسے ہیں تو ببربل نے اسکی تعریف کے پل باندھ دیئے۔ کہا کہ کتنا سندور رنگ ہے۔ کتنے گول مٹول ہیں اور ان کے سر پر تاج ہے۔ پھر اگلی بار جب ان کے پیٹ میں درد ہوا اور انہوں نے کہا کہ یہ بھینک کھانے کی وجہ سے ہوا ہے اور انہوں نے ببربل پر لعنت بوسائی تو ببربل کہنے لگے کہ یہ مہاراجی ہوتے ہیں۔ ان میں راجہ پورے رشتے ہیں اور انکو نہیں کیا جانا چاہئے۔ انہوں نے کہا کہ ببربل تم تے اتنی جلدی اپنی رائے بدل دی تو ببربل کہنے لگے شہنشاہ میں آپکا نوکر ہوں۔ آپکا غلام ہوں کہ کہ میں تھیلی کا پٹنن۔ سمارے راجہ پالوں کی بھی یہی حالت ہے۔

اب چاہے یہ کہتا کبھی ہو یا اس سے پہلے



[شری عبدالغنی ڈار]

گھٹی ہو اور اس کے قانونی پہلو بھی ہوں اور تو قانونی پہلوؤں پر بہت سے دہانوں نے اپنی بات آپ کے سامنے رکھ دی ہے۔ مگر مجھے اپنی بہن سے ایک بات کہنی ہے۔ میڈی بہن اندراگاندھی وین وگٹوریا کا درپ دھارن گیا کرتی ہیں لیکن انکا وہ زوپ راشنری ہوں قین۔ ہوسگنا ہے یہاں ٹون۔ چہانکیز ہین ہمارے راشنری اور رول گزرتی ہیں وہاں کی پر چہاں۔ ان بچاروں نے وہاں سے کون سی غلطی کی ہے کہ ان کو دوش دیا جائے۔ بے چارے گوپال ریڈی جی مجھے بہت پیارے ہیں وہ ان کے سامنے سجدا کر رہے تھے تو اس میں حرج کیا ہے۔ یہ بہن ایسی ہیں یہ جب انکو ضرورت پڑی تو انہوں نے کامواج جی کو رام اور گوشن بنا دیا اور ضرورت نہیں رہی تو انکو دھکے دے کر گھر سے نکال دیا۔ جب ضرورت پڑی تو مرارجی دیسائے کے قدموں میں کریں اور انکو اپودھان منتوی بنا دیا اور جب انکو ضرورت نہیں رہی انکو تو پکر کر باہر نکال دیا۔

ہے کہ گورنر کے اختیارات کم کرو اور سٹیٹس کو زیادہ اختیارات دو۔ اس واسطے یہ یہاں آکر ایسا کرتے ہیں۔ لیکن میں نہیں بڑتا اس میں کہ آپکو واج پائی جی کی بات اپیل کرتی ہے۔ کسی دوسرے کی بات اپیل کرتی ہے یا نہیں کرتے ہے لیکن چونکہ آپ نے دھان کی مٹی چھدی اور اندزا جی نے اس کا ناجائز فائدہ اٹھایا اس واسطے انٹریڈیشن میں جہاں آپ کے پتر اکھڑ رہے تھے ان کو آپ نے سمبالنے کی کوشش کی ہے۔ لیکن پھر بھی الہ باد میں جو کہ ان کا اپنا گھر ہے۔ پوجہ پتا کا گھر ہے۔ پوجیہ دادا کا گھر ہے۔ جہاں ان کا بڑا زور ہے۔ انکو بہت بڑی شکست ہوئی ہے۔ اب انٹریڈیشن میں انہوں نے لکشمی دیوی کی مدد بھی مانگی۔ شطان کی بھی مانگی۔ بھکوان کی بھی مانگی لیکن کوئی کام نہیں آیا۔ جب کوئی کام نہیں آیا تو بے چارے گوپال ریڈی پر غصہ ہو جائیں اور کہیں انکو کہ ٹی۔ این۔ سنکھ کو بھی چلتا کر تو وہ ایسا بھی کر سکتی ہیں۔ اگر وہ ایسا کرتی ہیں تو مجھے کوئی تکلیف نہیں ہوگی۔

میں عرض کرنا چاہتا ہوں کہ اگر آپ کو شری ناتھ پائی کی بات اپیل نہیں کرتی ہے۔ راج پائی جی کی بات اپیل نہیں کرتی ہے۔ یادو جی کی بات اپیل نہیں کرتی ہے تو آپ دیکھیں کہ آپکا حال کیا ہو رہا ہے۔ آپ آتی۔ ایم۔ سرکہ۔ کی سپورٹ لے رہی ہیں۔ آپ دیکھیں کہ تی۔ ایم۔ کے۔ والے اگیلے اتنے روٹ لے گئے ہیں جتنے آپکو نہیں ملے اور گول مثول ہو کر آگئے ہیں۔ وہ کبھی آپکو سپورٹ کرتے ہیں کبھی ایوز کرتے ہیں۔ اس کا کان پہ ہے کہ ان کی پارٹی نے وہاں کہا

میں ایمانداری سے ایک بات کہتا ہوں۔ پھیشم پتامہ اور دروناچارہ دریدھن کی پیٹھ پر تے۔ اب پھیشم پتامہ اور دروناچارہ کے روپ میں اور لوگ ان کے پیچھے ہیں۔ لیکن آپ مہابھارت کے انجام کو یاد رکھو۔ آج گوپال ریڈی بے چارے کا کوئی قصور نہیں ہے۔ کسی گورنر کا کوئی قصور نہیں ہے کہونکہ وہ تو تھیلی کے بینک ہیں۔ بینک کو پوجنے والے نہیں۔ وہ تو اندراگاندھی جی کی پرچا کرنے والے ہیں۔ میں چیلنج کرتا ہوں کہ شریتمتی اندراگاندھی بھی رزائن کریں اور

میں بھی کرتا ہوں اور ہم دونوں ایک ہی حلقے سے چناؤ لڑیں اور اگر میں ان کو ہرا کر آؤں تو یہ مانیں کہ انہوں نے غلطی کی ہے۔ میں مقابلے کے لئے تیار ہوں۔ میں ایک چیراسی کا بتا ہوں۔ میں ہاگے والا نہیں ہوں۔ شری رندھیر سنگھ : میں تیار ہوں۔ ان میں ہمت ہو تو میرے مقابلے میں آئیں۔ میں ان کے حلقے سے ان کو ہراؤں گا۔ میں انکی ضمانت ضبط کرا دوں گا۔ اگلی اپیلیکیشن میں یہ گڑ گاؤں سے جیت نہیں سکتے ہوں۔ شری عبدالغنی ڈار : جب شری رندھیر سنگھ پیدا نہیں ہوئے تھے تب میں جنگ آزادی میں شامل تھا۔

اگر نانہ پائی کی خاطر نہیں یا کسی دوسرے کی خاطر میں تو ودھان کی خاطر۔ ہندوستان کی شان کی خاطر۔ بزرگوں کی بتائی ہوئی باتوں کی خاطر میں کہوں گا کہ آپ اپنے دامن میں منہ ڈالنے اور دیکھنے کہ کاشنش آپکی کیا کہتی ہے۔ اس کی آواز کیا ہے۔ سب میمبر صاحبان بے فکر ہو کر ووٹ کریں۔ چاہے وہ شری ہنومنتیا ہوں اور چاہے جو دوسرے بڑے بڑے بھیشم پتاماہ بیتے ہوئے ہیں۔ وہ ہوں۔ اس وقت انہیں یہ بتانا ہے کہ ملک بڑا ہے۔ اندیرا جھوٹی ہے۔ ویسے اندیرا چاہے دگھڑیا۔ دھڑیا یا سٹالن ہو۔ لیکن وہ جھوٹی ہے اور دیش بڑا ہے۔ اگر دیش بڑا ہے۔ تو میمبر صاحبان دیش کا مان رکھیں اور جو بھی ودھان یہ خلاف جاتا ہے۔ اس کے خلاف آواز اٹھائیں۔ چاہے وہ ڈاکٹر رام سنگھ سنگھ ہوں اور چاہے شریتمتی اندیرا گاندھی ہوں۔ جہاں تک شری گوپال ریڈی کا تعلق ہے۔ وہ نو تین تین تین ہیں۔ نہ تیرہ میں۔ میں ان کا کوئی ذکر نہیں کرنا چاہتا ہوں۔

کیونکہ راجیوال تو بیچ میں لیٹر بکس ہے۔ میمبر صاحبان اس پتاماہ کو دلہری کے ساتھ منظور کریں اور اپنے دیش کی پوری شان رکھیں۔

SHRI K. C. PANT : Parliamentary democracy in India is based on the British model. And in Britain, even after all these years of experimentation and tradition, even till now debates do arise on constitutional matters of the kind which we are debating here today. As lately as 1957 when Mr. Macmillan was appointed the Prime Minister and again in 1963 when Sir Alec Douglas Home was appointed the Prime Minister there was criticism in Great Britain about the part played by the Crown. Therefore, there is no surprise that we who are trying to build up our own conventions and traditions in Parliament in the sphere of parliamentary democracy should occasionally face situations where there are differences of approach and difference of opinion.

My hon. friend Shri A. K. Sen referred to some of the previous instances and Shri Nath Pai and others also referred on some previous occasions during which the Governor's conduct came up for debate in the House. These debates are to be welcomed to the extent they clarify issues and shed light and today's debate also in part at least has helped the Members to express their views on the constitutional aspect of this issue. There is no doubt that some of the constitutional aspects are of significance because constitutional conventions are the very stuff of parliamentary democracy. But in the case of U.P. as I shall explain later, there was really no precedent for the situation that the Governor faced. There might have been elements of similarity with other situations but no other situation was quite on all fours with the situation that was found in the U.P. This makes it all the more necessary to consider seriously and dispassionately the constitutional implications of the various issues that have arisen in U.P. I was, therefore hoping that the debate would largely be above party level and I at any rate will attempt to keep it above that level.

Various points have been made by hon. friends opposite. My own colleagues on this

[Shri K. C. Pant]

side have met most of those points. A lot of polemics has been introduced into this debate. I really think that the debate would have been more fruitful if polemics had been left out, particularly as the situation today is not the situation that we are discussing in this motion. Although it used the word "recent", that word "recent" refers to an earlier occasion. Just now there is an SVD Government in Uttar Pradesh. There is Mr. T. N. Singh who is the Chief Minister, and not Mr. Charan Singh.

AN HON. MEMBER : It is obvious.

SHRI K. C. PANT : It is obvious, but it has certain implications which are also obvious. So, the situation is a different one, and certainly nobody has questioned the bona fides of the Governor or the Government in this recent decision, that is, to allow the SVD to constitute the government or make Mr. T. N. Singh the Chief Minister of that State. That has not been questioned, and the bona fides of the Government today cannot be questioned on that count at any rate. At any rate, my friends opposite would not question it, I think.

My hon. friend Shri Prakash Vir Shastri, whom I respect, usually speaks at a certain level, but today I am sorry to he spoke at a level which is not expected of him. He spoke of Mr. Uma Shankar Dixit distributing money in Lucknow. Mr. Dixit had issued a statement, as far as I remember—I was in Lucknow around that time—to the press.

SHRI PRAKASH VIR SHASTRI : I quoted the newspaper.

SHRI K. C. PANT : He has contradicted it in the newspapers. I am not saying that you should not have said it. If you believe in it, in fairness, once he has contradicted it, I expect him to believe it.

SHRI K. K. NAYAR : Do you expect him to admit it even if it is true ?

SHRI K. C. PANT : I expect all hon. Members to be honourable men, not to doubt each other's motives.

There is one other point; it is true it is a small one, but it betrays a certain prejudicial approach to the whole problem. That is why I am mentioning it. He mentioned the fact that the Prime Minister has sent Mr. Tripathi by a helicopter. This is not a fact. He was not sent by a helicopter or by any Air Force plane or any other helicopter.

Then, he mentioned that Dr. Rajendra Prasad had certain differences with the Central Government in respect of Kerala. I checked up this fact and I find from the records dealing with the Karala matter that there was no disagreement either formal or informal between Dr. Rajendra Prasad and the Government of the day. But what really pained me most was his reference to the fact that the decision on Uttar Pradesh was taken at the instance of the Soviet Government. ... (Interruptions)

AN HON. MEMBER : He was saying it with some sense of humour.

SHRI K. C. PANT : If it is a sense of humour involving a foreign country, it is a very perverted sense of humour. Does it not imply an insult to the President even though unintended ? So, I would only request hon. friends not to descend to this level. I did not expect this from Shri Prakash Vir Shastri who usually maintains a very high level. It pained me. I think it will pain everybody and I think on second thoughts he himself would like to withdraw this while he replies to the debate.

I hope the house will bear with me if I briefly go over the facts of this whole situation. These have been already stated in the Governor's report and that report has been placed on the Table of the house. Many Members have made a reference to it. So, I do not really need to go into all the facts, but some of the facts it will be necessary for me to refer to, because some hon. friends have built their case around these facts. It was said that in February 1970, when the Governor called Mr. Charan Singh to form the ministry, at that stage he did so even though he knew that Mr. Charan Singh's party was not supported by Congress (R). At least that was the implication of what Mr. Nath Pai said. He said, the BKD alone formed the ministry

and later on the Congress joined them; and, if there is a return to the *status quo* what is the harm? The Governor has clearly said in his letter to the President that at the moment when he invited Mr. Charan Singh to form a ministry, Mr. Kamalapati Tripathi, leader of the Congress (R) and his party had decided to support Mr. Charan Singh's Government. That is obvious because of the numbers : There were 94 BKD and 136 Congress (R) members. Without this combination, it would not have been possible for the Governor to have called Mr. Charan Singh to form the Government. This is one important point on which there appeared to be some confusion.

Dr. Ram Subhag Singh, who is usually so correct in his facts, mentioned that there was only an oral assurance from Mr. Kamalapati Tripathi. I have here the text of the letter written by him.

DR. RAM SUBHAG SINGH : You can place it on the Table for verification. The Governor has said that on the assurance of Mr. Kamalapati Tripathi, he inducted Mr. Charan Singh into the ministry. He has not said that it was a written assurance.

SHRI K. C. PANT : Nor has he said that it was oral. Anyhow, it is a small point and I just mentioned it in passing.

DR. RAM SUBHAG SINGH : Then the Governor's report is incorrect.

SHRI K. C. PANT : It is true that in the beginning, the Council of Ministers consisted only of BKD minister but later on Congress members joined the ministry. In September, 1970, —most members know it; I am just mentioning it for record—BKD had 20 members in the Council of Ministers and the Congress had 26. The Congress was the major partner in the coalition, even though the Chief Minister belonged to the BKD. Then, on 24th September 1970, Mr. Charan Singh asked 13 Congress Ministers and one BKD Deputy Minister to submit their resignations forthwith. I need not go into all the facts, but important facts I will mention. Then, Mr. Kamalapati Tripathi wrote to the Governor that his party had withdrawn its support

from the coalition and that Mr. Charan Singh who had been reduced to a minority, should be asked to submit his resignation. Of the 46 Ministers, 26 reiterated the request of Mr. Tripathi that Mr. Charan Singh should resign. I am just underlining this fact in order that the alignments within the Cabinet at that time may be well understood by the House. Then, there was a reference by various hon. members to a joint letter written by many parties to the Governor, the parties being Congress (O), Jan Sangh and SSP, and it was implied, if not said so, that they were supporting Mr. Charan Singh in the formation of a new Government. That is not what the Governor has said, in his report. He has said that they did extend their support to Mr. Charan Singh in the matter of dismissal of the ministers. They supported the right of the Chief Minister to dismiss the ministers. They do support the present ministry but, as to lending him support for the new government, they have not said that.

SHRI ATAL BIHARI VAJPAYEE : There was no question of a new government.

SHRI K. C. PANT : Let us understand that issue... (*Interruption*). If it was wrong, 'may I say with all respect, today Charan Singhji would have been the Chief Minister in Lucknow and not Shri T. N. Singh?

DR. RAM SUBHAG SINGH : Shri Charan Singh was so magnanimous that he himself left. Shri Charan Singh is the biggest person of UP.

SHRI K. C. PANT : If Dr. Ram Subhag Singh insists that an assurance was given by these five parties to Shri Charan Singh to support his new government, all I can say is that the assurance given by Shri Kamalapati Tripathi was very much more than the assurance given by them. Shri Charan Singh is no longer the Chief Minister... (*Interruption*). Did we force you to make Shri T. N. Singh the Chief Minister? You could have made Shri Charan Singh the Chief Minister..... (*Interruption*).

SHRI J. B. KRIPALANI : It is one thing to support a government that is going on, but

[Shri J. B. Kaipalani]

when that government is dismissed a new situation arises and that situation has to be considered. I am sorry to say, Shri Pant is confusing the issue. They were supporting the government that was in existence. Why did they support the government in existence ? Because they did not want the Governor to come in between. When the Governor came in between, a new situation arose.

**SHRI K. C. PANT :** I am prepared to accept Dada's point to the extent that if the Governor had not acted correctly, it would have given an advantage to Shri Charan Singh to continue. That I can grant but no more... *(Interruption)*.

With the break-up of the coalition, in which the Congress (R) was the major partner, doubts arose in the mind of the Governor whether the continuance of Shri Charan Singh as Chief Minister was constitutional and whether the Governor was bound to accept his advice that a large number of ministers should be dismissed. This is clear from the letter itself.

He decided to obtain the opinion of the Attorney General. The Attorney General stated categorically that after a coalition had broken, Shri Charan Singh had no right to continue as Chief Minister of a coalition ministry and that his advice no longer had any binding effect on the Governor. This is the advice of the Attorney General.

**SHRI RABI RAY :** Quote the Advocate General.

**SHRI K. C. PANT :** I think, the House must take into account the advice of the Attorney General. With the break up of the coalition, the old government could not continue consistent with constitutional propriety and sound principles of cabinet government. Shri Bhandare dwelt on this aspect at length and just now Shri Viswanatham also referred to it. I need not labour on these points which have already been dealt with..... *(Interruption)*.

श्री अटल बिहारी वाजपेयी : अध्यक्ष

महोदय, मेरा एक व्यवस्था का एक प्रश्न है। अभी श्री पंत महोदय ने एटार्नी-जनरल की राय से एक हिस्सा उद्धृत किया। आप रूल 368 देखिए। मैं अपनी माँग को दोहराता हूँ कि एटार्नी जनरल की पूरी राय सदन की मेज पर रखी जाय। रूल 368 इस प्रकार है :

"If a Minister quotes in the House a despatch or other State paper which has not been presented to the House, he shall lay the relevant paper on the Table."

I want your ruling, Sir.

**SHRI K. C. PANT :** May I explain ? The extract is in the Governor's Report which has already been placed on the Table of the House.

**MR. CHAIRMAN :** The Minister explains that he only quoted that part which is in the Governor's Report.

**SHRI ATAL BIHARI VAJPAYEE :** The Minister just now said that he was quoting from the Report of the Attorney General. Now he says that he was quoting from the Report of the Governor.

**MR. CHAIRMAN :** If the Minister quotes something which is outside the Governor's Report and from the original Report of the Attorney General, there is a point in what you say. But the Minister says that he has only quoted that part which is in the Governor's Report. *(Interruptions)*

**SHRI BAL RAJ MADHOK :** Even though he might be quoting from the Governor's Report and if the Governor has quoted from the Report of the Attorney General, that should be placed on the Table of the House. Any document which is quoted in the Governor's Report should be placed on the Table of the House.

**MR. CHAIRMAN :** The Hon. Speaker had already gone into this matter earlier. At this stage, I am not called upon to go into it again.

DR. RAM SUBHAG SINGH : If you can do a favour. you can see what that paper is, whether it is the Attorney General's advice or the Governor's Report. You can physically verify it.

SHRI ATAL BIHARI VAJPAYEE : What is this ? He is now being given another paper. (*Interruptions*) Mr. Pant did not have the Report of the Governor. Just now Mr. Jaganath Rao gave him the Governor's Report. (*Interruptions*)

श्री जनेश्वर मिश्र (फूलपुर) : इन्होंने चोरी की है, ये लोग हुकूमत चलायेगे, चोट्टे कहीं के ।

SHRI K. C. PANT : He must withdraw that ..... (*Interruptions*)

MR. CHAIRMAN : Order, order. Will you please listen to me.

श्री जनेश्वर मिश्र : पीछे से कागज दिया गया है ।

MR. CHAIRMAN : I do not know why there should be so much heat over it. The only point is whether the Minister has quoted something which is not in the Governor's Report.

SHRI RANGA : The point is from what was he quoting.

MR. CHAIRMAN : The Minister says that he has only quoted that part which is contained in the Governor's Report..... (*Interruptions*)

SHRI RANGA : May I raise a point here. The Minister was quoting from some paper and we got the impression that he was reading from the Attorney General's Report. Then a point of order was raised by my hon. friend Shri Atal Bihari Vajpayee. Then, he was in jitters as to what to do and what answer to give ? We all saw it and the whole House was a witness to that he was given another paper. That shameless person Shri Jaganath Rao gave that paper to him and the Minister took it. Shri Jaganath Rao came to

his rescue at the right moment but in the wrong manner. Now, Sir, I want you to take note of this. That I castigated as a daylight fraud, whatever it is worth. Even if they got a little bit of conscience left, they they should place report on the Table of the House. You must ask them to place it on the Table of the House.

MR. CHAIRMAN : Let me hear what the Minister has got to say.

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, मैंने यह मामला उठाया था । अगर पंत जी के पास गवर्नर की रिपोर्ट थी तो फिर श्री जगन्नाथ राव को रिपोर्ट देने की कोई जरूरत नहीं थी.....

श्री कृ० चं० पंत : मेरे पास है...

श्री अटल बिहारी वाजपेयी : आप के पास एटार्नी जनरल की रिपोर्ट थी, गवर्नर की रिपोर्ट नहीं थी । आप एटार्नी जनरल की रिपोर्ट में से पढ़ रहे थे, जब मैंने मामला उठाया तो पीछे से इनको दी गई ।

श्री कृ० चं० पंत : यह बिलकुल गलत बात है ।

SHRI BAL RAJ MADHOK : All the people have seen it. It is a fraud on the whole House.

MR. CHAIRMAN : That point has been made already...(*Interruptions*) Order, please.

SOME HON. MEMBERS : Shame, shame.

MR. CHAIRMAN : There is too much noise. It is impossible to conduct the proceedings.

AN HON. MEMBER : Shameless.

SHRI MORARJI DESAI (Surat) : Can we be told specifically what paper Shri Jaganatha Rao gave to Mr. Pant and what was the paper from which Shri Pant was reading ?

SHRI K. C. PANT : I am very happy that Mr. Morarji Bhai asked this question as if these are the only two relevant questions. (Interruptions) I respect Ranga ji. I have worked with him in committees. I have known him for many years. I think he knows my way of functioning. I do not tell lies and unless we have a certain amount of minimum respect for each other in this House, it is impossible to function. (Interruptions) I have all respect for you.

SHRI RANGA : Respect the House. Tell the truth.

SHRI K. C. PANT : Now, Sir, I was reading from my notes. I have prepared notes. (Interruptions) Certainly, I am not a constitutional expert. I have gone into this also. I have prepared notes and Shri Jaganatha Rao gave me the copy of the Governor's report. I had here a copy of the Governor's report in my notes also. I have that in my notes also. If I were reading Attorney-General's report, I would have no hesitation in saying that I have got.

SHRI RANGA : It is a fraud on this House.

MR. CHAIRMAN : Order, please. You are a very senior Member.

SHRI RANGA : I am very sorry, Sir, they have perpetrated a fraud on this House. I am very sorry for some reason—that I do not know—how that at moment you were not watchful in the House.

MR. CHAIRMAN : You know I was looking at you. I was arguing with you.

SHRI RANGA : You were not watchful in the House.

SHRI ATAL BIHARI VAJPAYEE : Heavens are not going to fall if the copy of the report of the Attorney General is laid on the Table of the House. Why are they so secretive ?

MR. CHAIRMAN : That is a different matter. I am not concerned with that. I was of course, communicating with some Members here this side. In such a situation you cannot

ask the Speaker or the Chairman to investigate into such matters. When an hon. Member tells the hon. House that this is the position. (Interruptions)

SHRI K. C. PANT : Why don't you take it from me and see it ?

MR. CHAIRMAN : I am now on my legs. This cannot go on. When the Speaker or Chairman is on his legs, others cannot just get up and speak. When the hon. Members just tell the House that this is the position, we have to believe the Members. Otherwise how can we proceed ? I have to believe you.

SHRI ATAL BIHARI VAJPAYEE : What did he pass on to Mr. Pant ?

श्री कंवर लाल गुप्त (दिल्ली सदर) :  
प्वाइंट आफ आर्डर। अभी पन्त जी ने कहा कि  
जो जगन्नाथ राव जी ने रिपोर्ट दी वह गवर्नर  
की रिपोर्ट थी और मैं एटार्नी जनरल की  
रिपोर्ट में से पढ़ रहा था। (व्यवधान)

SOME HON. MEMBERS : No.

SHRI K. C. PANT. No. (Interruption) It is not a point of order, I am not yielding.

SHRI J. B. KRIPALANI : I am not entering into this controversy about what he was reading. But, I say, even if he was quoting from a Governor's report, what harm is there if the original report is placed ?

MR. CHAIRMAN : That is a different matter. I have already said this. The hon. Speaker went into the question in the morning. I am not prepared to reopen it, I am not authorised to reopen it at this stage.

SHRI K. C. PANT : I hope tempers will now subside and I will get a patient hearing.

I was recounting the facts that led to the promulgation of the Presidents rule in U. P. and I came to the point where this situation, this crisis, had developed. Then the Governor acted on the 20th September. He asked Mr. Charan Singh to submit his resignation.

Subsequently he came to the conclusion that the formation of an alternative Government is also not possible and so in the circumstances on the 29th September he had no option but to report to the President that a situation had arisen in the State where the Government could not be carried on in accordance with the Constitution and recommended for the issue of a proclamation under Art. 356 of the Constitution. The legislative assembly was not dissolved. This was because the Governor was anxious that if there was any chance of alternative Government being formed then the alternative Government should be formed quickly. So he did not recommend and the legislative assembly was not dissolved.

Now, on October 9, the Governor was informed by CONGO, Jan Sangh, SSP, BKD and Swatantra parties that they had elected Mr. T. N. Singh as leader of the Samyukta Vidhayak Dal, which had majority in the Assembly. After examining this claim and the counter-claim of Mr. Kamalapati Tripathi the Governor came to the conclusion that the SVD was in a position to form a popular Government and so he recommended the revocation of the proclamation and the Council of Ministers headed by Mr. T. N. Singh was formed in. It was not really Council of Ministers but he and 2 Ministers, I think, were sworn in, to begin with. It is to be remembered that the Governor did not create a situation; it was forced on him.

The basic question before the Governor was whether after the break-up of the coalition Mr. Charan Singh could continue as Chief Minister, consistent with constitutional propriety and sound principles of Cabinet Government. This was the basic question which was before him. And, the well recognised principles of parliamentary democracy would not warrant the continued existence of a coalition Government if broken by the withdrawal of support by the major partner, especially when the other party in the coalition was not in a position to command absolute majority in the legislative assembly.

Now, it has been said, there are certain precedents and my hon. friend Shri Sant Bux Singh quoted certain precedents from the

UK. I hope nobody will mind my referring to some of the papers now.

AN HON. MEMBER : If you do not borrow them.

SHRI K. C. PANT : There have been several instances in UK where similar situations arose. One was the first coalition during the First World War with Mr. Asquith as Prime Minister in 1915. He was succeeded by Mr. Lloyd George. The major partner in the Coalition, the Conservatives decided to withdraw from the coalition in 1922. Mr. Lloyd George immediately resigned without meeting Parliament, and Mr. Bonar Law formed the government.

SHRI RANGA : Shrimati Indira Gandhi should also have resigned at the Centre here. But she is sticking to power still.

SHRI K. C. PANT : There was no coalition at the Centre. In 1933, Mr. Macdonald resigned and Mr. Baldwin became the Prime Minister. This was also referred to by Shri Sant Bux Singh, and, therefore, I need not go into the details of that.

The third example, of course, is a more recent one, which is better known, and that is the example when Mr. Churchill, after the World war ended, wrote to the leaders of the other parties of his coalition Government that they might continue with the coalition till the end of the war, that is, till Japan had also been defeated. But after considering this question, Mr. Attlee wrote to him that this was not possible. And so, immediately, Mr. Churchill resigned. And then because he had a majority, he reformed the government. But he did resign and his government was reconstituted.....

SHRI RANGA : But even that this Government has not done.

SHRI K. C. PANT : .....with Mr. Churchill again as the Prime Minister. Taking this as the convention, I would submit—and I am glad that various hon. Members have agreed with this—that Shri Charan Singh also, following this convention, should have resigned immediately after he had come to



[Shri K. C. Pant]

know of the disagreement between his party and the Congress (R).

I was heartened by the fact that even a serious student of the Constitution, like Shri Nath Pai, though he had objections on various other points, agreed at least on the moral question that Shri Charan Singh should have resigned; on that point, he was with us, and he did agree with us.

**SHRI ATAL BIHARI VAJPAYEE :** What about the morality of the Congress (R) Ministers in UP ?

**SHRI RANGA :** What about the Government here ? They should also have resigned... *(Interruptions)*

**SHRI K. C. PANT :** I wish that I could be spared from this running commentary. May I take the House into confidence and submit that it is this kind of running commentary which compels one to read from his notes ? One has to collect one's thoughts while speaking, but if Shri Ranga is speaking continuously, then .....

**SHRI RANGA :** All the Ministers here should have been dismissed long ago. The President should have dismissed all of them...

**SHRI K. C. PANT :** On these matters, we have to collect our thoughts and speak, but it is impossible to do so in the face of these interruptions; if Shri Ranga goes on speaking this, continuously, then one has to refer to one's notes. That is the reason for the notes.

**SHRI RANGA :** This is an absolutely illegitimate government. The Prime Minister here has no right to continue to be Prime Minister. The President should have dismissed her. In all self-respect, she should have submitted her resignation to the President, and she should have asked the President to accept her resignation.

**SHRI K. C. PANT :** What Shri Charan Singh should have done and could have done is to resign, then go to the Governor, convince him that he had majority with him and he should be asked to reconstitute his govern-

ment. That was perfectly possible, perfectly constitutional and perfectly proper, and then he could have continued in the government and claimed the right to test his strength on the floor of the House. As the Governor has put it :

".....Shri Charan Singh could not be permitted to construct a new edifice on the debris of the old one and that he should have followed the time-honoured practice of resigning with a view to reconstitute the new government."

I am quoting from the Governor's report, lest there should be any misunderstanding.

There was some reference to parallels between U.P. and Punjab and Bihar and Bengal. On the Punjab question, I do not want to dilate, because Shri A. K. Sen has already gone into that at some length. I only want to say that in Punjab, a situation had not arisen where the Governor was called upon to take a decision at the instance of the Chief Minister after the break-up of the coalition, on the question whether he can dismiss the majority of the Ministers or not. That was a situation peculiar to U. P., where after the major partner had left the coalition, the Governor was asked to decide upon this question. So it is not on all fours with that.

Faced with this problem, the Governor wanted to take the advice of the Attorney General, and did actually take his advice which was the best legal advice available to him in the country. He was aware of the consequences of his action in this matter.

In West Bengal, the Ministry was dismissed by the Governor. This, again, is not on all fours with UP where there was no dismissal. The legality of the action of the Governor in West Bengal was actually upheld by the High Court—but that is beside the point.

Bihar was cited as a parallel. Here again it was not break-up of the coalition, but certain members belonging to various parties left the coalition government and formed a new party. I would remind the House that on that occasion, the Congress Party wanted the Government to be removed. But the

Governor did not agree and it was not removed, and the Government continued till it faced the Assembly. Are we to be blamed for that also? This is not quite fair.

A serious question was raised whether the action of the Governor of UP was in conformity with the action taken by Governors in circumstances said to form a similar precedent. I would submit that while exercising their discretionary functions, Governors do not, and are not expected to function on the direction and advice of the Central Government.

SHRI JYOTIRMOY BASU : Although they always do.

SHRI K. C. PANT : I am not prepared to take any lessons on Constitution from Shri Jyotirmoy Basu (*Interruptions*).

MR. CHAIRMAN : I request the Minister not to provoke him.

SHRI K. C. PANT : Allegations have been made that the UP Governor was prevailed upon by the central leaders or the Central Government to act in a particular manner in which he did. The Prime Minister has on more than one occasion refuted this charge. I would like to refute it again on behalf of Government. There was a reference to her visit to Lucknow. She did go to Lucknow and she explained at some length in this House that she met the Governor while she was coming away on the steps when she was about to get into her car and exchanged a few words when other people were also present. She did not discuss the constitutional situation in UP. (*Interruptions*). If she wanted to, the telephone was available. I do not know why there should be any excitement about it. After all, it is the intention that counts; it is the motive that matters. They should not get involved in these small things. But the fact of the matter is that she did not discuss it with him.

SHRI PILOO MODY : Is he suggesting that she was telephoning?

SHRI K. C. PANT : She was not. I am

glad he asked this question. Some people have to be explained these elementary things.

There was one point made by an hon. member. He asked : why did the Governor take away the portfolios of the Ministers? Regardless of the rights and wrongs of the case, if anything were required to prove that the Central Government were not interfering in the situation in UP, it was this action on the part of the Governor. Is it at all consistent that a Central Government which intends to remove the Ministry of Shri Charan Singh would allow his word prevail in removing the portfolios of the Ministers? I ask any reasonable man : would you have done it if you were in the place of the Central Government? All your actions would have to be consistent. Why this inconsistent action? If you accept it, this alone is sufficient to prove that the Central Government was not exercising any influence on the Governor.

Some hon. Members have questioned the authority of the Governor in taking advice from the Attorney-General. It was even alleged that the Attorney-General's advice was motivated and his motive was to help the Central Government. It is extremely unfortunate that attempts have been made to draw the office of the highest law officer of the Government of India into a partisan controversy. I am very sorry.

SHRI NATH PAI : He should have come here to answer questions.

SHRI K. C. PANT : I intend to inform the House of the measures and the steps that the Government has taken to see to it that as far as humanly possible the advice given by the Attorney-General is insulated from any kind of political pressure whatsoever.

Last year this question came up and it was discussed as to what should be the procedure if a Governor wants to take the advice of the Attorney-General. The House should not forget that under article 355 it is the responsibility of the Centre to see that the functioning of the States is according to the Constitution, and that is a responsibility

[Shri K. C. Pant]

which you would not like the Centre to be depart from or to get out of. Therefore, if the Centre has to discharge its responsibility, is it proper for the Centre to deny any Governor access to the Attorney General, if he wants to consult him? The only question is how that should be done so that the Attorney General can give his advice freely.

In March 1970, all the Governors were addressed in this matter, and after consideration here, they were advised to seek the opinion of the Attorney General on a matter involving interpretation of the Constitution in the following manner, that they should refer it to the Secretary to the President who would obtain the opinion of the Attorney General from the Law Secretary. The Governor of U.P. has strictly followed the procedure laid down in the letter of March, 1970. It is with the desire to see that the opinion is not in any way influenced and he gives his free opinion that this has been done.

Many Members on the other side of the House have referred to the position of the Chief Minister in the matter of the removal or dismissal of members of the Council of Ministers. I would like to remind the House that the real sanction behind the functioning of a Chief Minister or Prime Minister is that if the Governor wants to dismiss the chief Minister, does not want to accept some advice tendered by the Chief Minister, and the Chief Minister has the majority in the Assembly, he can submit his resignation and create a deadlock, because the Governor is compelled to ask him to come back and form a Ministry. This is the basic sanction.

**SHRI RANGA :** The same thing should apply here.

**SHRI K. C. PANT :** With reference to the recommendations made by ARC and the other bodies, I would have gone into it, but I think the House is getting impatient, and I do not want to labour this point at all.

I would only like to refer to one point, about the guidelines for Governors, which has been mentioned by some hon. Members. They know that Shri Chavan had written to certain jurists. Many jurists in the coun-

try had replied, and later on the opinions of some opposition parties were sought, but those opinions were not forthcoming, and the matter rests there. As the Prime Minister said the other day, the dialogue is proposed to be resumed with them. I heard with great patience all that was said about the Central Government in this matter, the blame that was attached to the actions of the Central Government and the Governor and so on, but I am surprised that nobody opposite has mentioned the fact that the Governor was informed on 9th October that Mr. T. N. Singh has been elected leader, but he was called only on the 18th October. What has happened since then? Has he been able to form a Government? Yes, in driplets. And what is the size of the Government? He was sworn in with two others on the 18th October. After a fortnight, on 4th November, two more Ministers were added.

**SHRI BAL RAJ MADHOK :** How is it relevant? In that case, what about M. P., Andhra Pradesh, Haryana, Assam?

**SHRI K. C. PANT :** You may speak when you get an opportunity. This process has continued. A week later 45 more ministers were added and today the Ministry is 53—abuse of cards, 52 plus... (*Interruptions*). The portfolios have not yet been distributed. I should like the House to take note of the fact that in a big State like U. P. with such a huge population, called the largest State by Shri Nath Pai, the entire administration is functioning without distribution of portfolios among the Ministers. I shall say no more... (*Interruptions*).

**SHRI PILOO MODY :** I assure you that the Government of India will also function if all of you give up your portfolios.

**SHRI K. C. PANT :** For months no portfolios had been distributed.

Emphasis was laid on the fact that the Assembly should be called early. 'Now the SVD is in power. When is he calling the Assembly sometime late in December because in the beginning of January six months will be over; it is a constitutional requirement... (*Interruptions*).

MR. CHAIRMAN : Generally you know that the Ministers are not restrained by the Chair.

SHRI K. C. PANT : I only want to say one thing at the end. I heard Shri Ram Sevak Yadav very patiently. I could feel how uncomfortable he felt in his present company. Repeatedly he made the point: this is not an issue of progressives versus reactionaries.

To whom was he trying to explain the situation ?... (Interruptions) I am comfortable. I wish the SVD Government well because it will expose five parties together.

May I in conclusion say that I hope that the House will reject the motion under discussion which seeks to disapprove the action of the Governor. Let us hope that what the Governor did in U.P. will help in the growth of proper conventions for parliamentary democracy

श्री प्रकाशबीर शास्त्री : अच्छा यह होता कि इस सारे कुचक्र की सूत्रधार जो हमारी प्रधान मंत्री हैं और जो गृह मंत्री भी हैं, वह इस वाद-विवाद का उत्तर देतीं। नहीं कहा जा सकता कि क्यों उन्होंने इससे अपने आपको बिल्कुल पृथक् रखा, इसके पीछे कारण क्या है। जहाँ तक श्री कृष्ण चन्द्र पन्त का संबंध है, मैं केवल इतना ही कह सकता हूँ कि वह एक सुयोग्य पिता के सुयोग्य पुत्र हैं। लेकिन अब तक दूसरे वाद-विवादों के उत्तर में जिस तरह से श्री कृष्ण चन्द्र पन्त ने अपनी प्रतिभा का तथा अपने तर्कों का परिचय दिया है, मैं चाहता था कि आज भी वह उसी प्रतिभा का और तर्कों का परिचय देते। लेकिन वह ऐसा नहीं कर सके हैं। श्री कृष्ण चन्द्र पन्त अपने विषय से हट कर कभी तो कहने लगे कि अभी तक वहाँ पर विभागों का वितरण नहीं किया जा सका है और कभी कहने लगे कि वहाँ इतनी बड़ी सरकार है। मैं आप से पूछना चाहता हूँ कि जो असेम्बली बुलाने की बात कहते हैं क्या वे यह नहीं जानते हैं कि वहाँ विधान सभा बुलाने का निश्चय हो चुका है ? श्री कृष्ण चन्द्र

पन्त को जानकारी होनी चाहिए कि सात दिसम्बर को उत्तर प्रदेश विधान सभा का अधिवेशन बुलाया जा चुका है। पर विधान सभा बुलाने की बात कौन कहते हैं ? वे कहते हैं जो महाराष्ट्र के अन्दर विधान सभा का अधिवेशन स्थगित कर रहे हैं; वे लोग यू० पी० में विधान सभा की बैठक बुलाने की दुहाई देते हैं।

श्री कृष्ण चन्द्र पन्त ने यह भी कहा कि ब्रिटेन की जो संवैधानिक परम्परा है, उसका हम यहाँ पर पालन करते हैं। मैं उन से एक प्रश्न पूछना चाहता हूँ। यह सही है कि बहुमत वाली पार्टी सरकार बनाती है। लेकिन श्री कृष्ण चन्द्र पन्त क्या बताएंगे कि जब नई कांग्रेस ने अपना समर्थन वापिस ले लिया और जन संघ, कांग्रेस संगठन और स्वतंत्र पार्टी ने अपना समर्थन दिया तो क्या श्री गोपाल रेड्डी ने श्री चरण सिंह से यह पूछा था कि क्या वह सरकार चलाने की स्थिति में हैं ? अगर नहीं पूछा तो क्यों नहीं पूछा -- (व्यवधान)

दूसरी सबसे बड़ी बात यह है। अभी श्री कृष्ण चन्द्र पन्त ने यह कहा कि जन संघ ने और कांग्रेस संगठन ने जब अपना समर्थन दिया तो यह कहा कि नई सरकार बनाने के लिए हम अपना समर्थन दे रहे हैं। मैं समझता था कि श्री कृष्ण चन्द्र पन्त जो सदन के अन्दर बोलेंगे ठीक बोलेंगे और कम से कम तथ्यों के विपरीत नहीं बोलेंगे। इन दोनों पक्षों की प्रतिलिपियाँ मेरे पास हैं। अगर आप आज्ञा दें तो मैं श्री पन्त की जानकारी के लिए इनको पढ़कर सुनाना चाहता हूँ। यह जनसंघ का पत्र है जो 26 सितम्बर, 1970 को लिखा गया था और कांग्रेस का जो पत्र है वह भी 26 सितम्बर को ही लिखा गया था। दोनों एक ही तारीख के पत्र हैं। जनसंघ ने अपने पत्र में स्पष्ट लिखा है कि :

“उत्तर प्रदेश के वर्तमान संवैधानिक मुख्य मंत्री श्री चरण सिंह के नेतृत्व में गठित सरकार को मेरे दल का समर्थन प्राप्त है।

[श्री प्रकाश वीर शास्त्री]

सूचनार्थ यह पत्र आपकी सेवा में भेज रहा हूँ।" (व्यवधान)

अगर श्री पन्त की इसकी सत्यता में सन्देह हो तो मैं इसे सेठ गोविन्द दास से पढ़वा देता हूँ।

श्री कृष्ण चन्द्र पन्त : मैं कभी सन्देह नहीं करता हूँ।

श्री प्रकाशवीर शास्त्री : जहाँ तक कांग्रेस संगठन का सवाल है, श्री गिरधारी लाल ने जो अपना पत्र लिखा है, उसमें उन्होंने स्पष्ट लिखा है :

'We beg to inform you that we hereby extend our support to shri Charan Singh's Government.'

इस पर श्री गिरधारी लाल के हस्ताक्षर हैं और श्री कृष्णानन्द राय के भी हस्ताक्षर हैं। श्री कृष्ण चन्द्र पन्त ने जो यह कहा कि नई सरकार बनाने के संबंध में इन्होंने समर्थन देने की बात कही है क्या यह नई सरकार बनाने के समर्थन की बात है ?

श्री कृष्ण चन्द्र पन्त ने ब्रिटेन की परम्पराओं का उल्लेख किया है। मैं जानना चाहता हूँ कि क्या ब्रिटेन में इस प्रकार की परम्परा नहीं है कि अगर कोई प्राइम मिनिस्टर किसी मंत्री को सूचना भी न दे और समाचार पत्रों में यह समाचार प्रकाशित हो जाए कि उन्होंने उसको अपने मंत्रिमंडल से हटा दिया है तो वह उनका त्यागपत्र माना जाता है ? अगर ब्रिटेन की यह परम्परा है तो यहाँ उस परम्परा का निर्वाह क्यों नहीं किया गया ? मुख्य मंत्री ने जब गवर्नर को यह लिखा कि अमुक मंत्रियों को हटाया जाए तो गवर्नर ने क्यों नहीं उनको मंत्री पदों से हटाया ? क्या यही ब्रिटेन की परम्परा का उदाहरण है ?

श्री कृष्ण चन्द्र पन्त ने यह कहा कि यह बात गलत है कि राजेन्द्र बाबू ने केरल के मामले में मंत्रि-परिषद् की राय को नहीं माना। अगर मेरी जानकारी सही है और मैं चाहता हूँ कि अधिकृत रूप में श्री कृष्ण चन्द्र पन्त जानकारी दें कि पहली बार जब मंत्रि-परिषद् ने अपनी राय राजेन्द्र बाबू को भेजी तो राजेन्द्र बाबू ने कहा कि मैं इस राय से सहमत नहीं हूँ लेकिन उसके बाद मंत्रि-परिषद् की राय लेकर श्री जवाहर लाल नेहरू जब स्वयं राजेन्द्र बाबू के पास गए तब उससे वह सहमत हुए ? तब केरल में राष्ट्रपति शासन लागू हुआ। ऐसी ही स्थिति लगभग हिन्दू कोड बिल के संबंध में भी थी। मुझे श्री कृष्ण चन्द्र पन्त से एक निवेदन करना है। अभी आपका राजनीतिक भविष्य उदय हो रहा है। कृपा करके उनके चक्र में फंस कर आप अपने भविष्य को इस तरह से अंधकार में न डालें।

इस प्रस्ताव पर दस पार्टियों के प्रतिनिधि बोले हैं। मेरा सौभाग्य है कि दस पार्टियों के प्रतिनिधियों में से आठ पार्टियाँ इस प्रकार की थीं जिन्होंने मेरे इस प्रस्ताव का समर्थन किया है। केवल दो पार्टियाँ ऐसी हैं, एक कम्युनिस्ट पार्टी आफ इंडिया और दूसरी कांग्रेस पार्टी श्रीमती इंदिरा गांधी जिन्होंने इस प्रस्ताव के साथ अपनी सहमति व्यक्त नहीं की है। डी० एम० के० के जो भाई बोले हैं उन्होंने जिस प्रकार की गतिविधियाँ उत्तर प्रदेश में हुई हैं, उसकी निन्दा की है पर यह भी कहा है कि हम वोट सत्ताधारी कांग्रेस के साथ करेंगे।

यह भी मैं सोचता था कि श्री कृष्ण चन्द्र पन्त, स्पीकर्स कान्फ्रेंस, राज्यपालों के सम्मेलन और एडमिनिस्ट्रेटिव रीफार्म्स कमीशन ने जो निर्णय लिए उनको अपने युक्तिसंगत भाषण में कुछ तो स्पर्श करेंगे। इस पर तीन इतने बड़े संगठनों ने निर्णय एक जैसा लिया लेकिन उसको कार्यान्वित नहीं किया जा सका। सरकार ने

अपनी ओर से प्रस्तुत किया सुप्रीम कोर्ट के सबसे बड़े वकील श्री अशोक सेन को ।

20.00 hrs.

एक माननीय सदस्य : एडवोकेट ।

श्री प्रकाशवीर शास्त्री : हाँ, एडवोकेट—  
वैसे तैयारी तो वह दूसरी भी चल रही है । श्री अशोक सेन ने कहा कि श्री चरण सिंह ने उत्तर प्रदेश के राज्यपाल को एक पत्र में लिखा था कि श्री चन्द्रभानु गुप्त को मुख्य मंत्री पद से हटा दिया जाये, क्योंकि वह बहुमत का समर्थन खो चुके हैं । लेकिन श्री अशोक सेन ने वह पत्र पढ़ते समय उस मुसलमान युवक का सा व्यवहार किया, जिसने अपने बाप को कहा था कि कुरान में लिखा हुआ है कि नमाज न पढ़ो । युवक का बाप यह बात सुन कर जब हैरान हुआ, तो उसने उसको कुरान की वह आधी आयत दिखा दी । लेकिन उस आयत का पूरा वाक्य यह था, “मत पढ़ो नमाज, जब कि तुम नापाक हो ।” “जबकि तुम नापाक हो,” इस वाक्यांश को श्री अशोक सेन उसकी तरह दबा गये । वास्तव में श्री चरण सिंह ने राज्यपाल को यह लिखा था कि अगर श्री चन्द्रभानु गुप्त एसेम्बली को फेस करने के लिए तैयार न हों, तो उनको बर्खास्त कर दिया जाये । मैं श्री अशोक सेन से पूछना चाहता हूँ कि क्या श्री चरण सिंह एसेम्बली को फेस करने के लिए तैयार नहीं थे । 6 अक्टूबर को एसेम्बली की बैठक होने जा रही थी । लेकिन फिर भी श्री चरण सिंह ने कहा कि चौबीस घण्टे में एसेम्बली को बुलाया जा सकता है । इसका स्पष्ट अर्थ है कि श्री चरण सिंह एसेम्बली का सामना करने के लिए तैयार थे ।

मेरे मित्र, श्री सन्त बरूण सिंह, ने भी भाषण दिया वह भी एक नये नेता हो रहे हैं । उन्होंने कहा कि अभी तक किसी मिनिस्टर को बर्खास्त नहीं किया गया है—न यहाँ और न बाहर ।

मैं बाहर के उदाहरण नहीं देना चाहता हूँ । लेकिन मैं कहना चाहता हूँ कि वह हिन्दुस्तान के इतिहास को ठीक तरह से पढ़ें और अपनी याददाश्त को ताजा करें । उत्तर प्रदेश में ही श्री अलगूराय शास्त्री, हरियाणा में राव वीरेन्द्र सिंह और पंजाब में श्री भीमसेन सच्चर के समय श्री श्रीराम शर्मा, ये तीन मिनिस्टर बर्खास्त किये गये थे । मेरी समझ में नहीं आता कि श्री सन्त बरूण सिंह ने कौन सा राजनैतिक इतिहास पढ़ रखा है ।

मेरे मित्र, श्री भंडारे, बहुत बड़े बैरिस्टर हैं । जिस समय वह यहाँ अपनी पार्टी की वकालत करने के लिए खड़े होते हैं, तो वह यह नहीं सोच पाते कि जिस बात को वह कह रहे हैं, उसका प्रभाव कहाँ पड़ेगा ? उन्होंने कहा कि श्री त्रिपाठी की पार्टी द्वारा समर्थन वापिस लिये जाने के बाद राज्यपाल ने श्री चरण सिंह से कहा कि मुझे आपके बहुमत के बारे में संदेह पैदा हो गया है, इसलिए आप त्यागपत्र दे दें । बैरिस्टर भंडारे हाई कोर्ट में प्रैक्टिस करते हैं । मैं उनसे पूछना चाहता हूँ कि क्या सन्देह के आधार पर कभी किसी जज ने कोई निर्णय लिया है । लेकिन राज्यपाल ने श्री चरण सिंह को केवल सन्देह के आधार पर त्यागपत्र देने के लिए कह दिया और उसका समर्थन यहाँ पर बैरिस्टर भंडारे कर रहे हैं ।

श्री भंडारे ने यह भी कहा कि श्री चरण सिंह को विधान सभा का सामना करने के लिए कहा गया । अगर मेरी जानकारी सही है तो मैं श्री भंडारे को फिर अधिकारपूर्वक कहता हूँ कि यदि उनके पास ऐसा कोई तथ्य है कि गवर्नर ने उस समय के मुख्य मंत्री श्री चरण सिंह को कहा कि वह विधान सभा का सामना करें तो वह उसको सदन में प्रस्तुत करें, वरना अपनी गलतबयानी को वापिस लें ।

मेरे मित्र, श्री विश्वनाथन् ने जो सत्तारूढ़

[श्री प्रकाश वीर शास्त्री]

पार्टी के नये नये समर्थक बने हैं, कहा कि राष्ट्रपति मंत्रि-परिषद् की सलाह मानने के लिए बाध्य हैं। मैं समझता हूँ कि श्री विश्वनाथन् को अपने इस कथन पर दोबारा विचार करना चाहिए। मुझे संविधान की जो थोड़ी बहुत जानकारी है, उसके आधार पर मैं कह सकता हूँ कि राष्ट्रपति अपने विवेक से निर्णय लेने के लिए बाध्य हैं—वह मंत्रि-परिषद् की सलाह पर निर्णय लेने के लिए बाध्य नहीं हैं।

उत्तर प्रदेश में जिस तरह से संविधान की हत्या हुई है, उसको दृष्टि में रखते हुए मैं सत्तारूढ़ दल के अपने साथियों से फिर कहना चाहता हूँ कि वे जरा सतर्क हो जायें। उनके अपने घर में घुसपैठ शुरू हो गई है। इस समय केन्द्रीय कैबिनेट में छः व्यक्ति ऐसे हैं, जो 1967 से पहले कम्युनिस्ट थे। आज वे संविधान को हटाने पर तुले हुए हैं। कल वे उन्हें भी हटाने पर तुल जायेंगे।

मेरा नम्र निवेदन है कि यह सभा उत्तर प्रदेश के गवर्नर के कार्य का निरनुमोदन करने और उन्हें वापिस बुलाने संबंधी मेरे प्रस्ताव को स्वीकार करे।

MR. CHAIRMAN : The question is :

“That this House records its disapproval of the conduct of the Governor of Uttar Pradesh in handling the recent constitutional crisis in that State and recommends that the Governor be recalled forthwith.”

*The Lok Sabha Divided :*

Division No. 10]

[20. 10 hrs.

**AYES**

Abraham, Shri K. M.  
Amin, Shri R. K.  
Avedya Nath, Shri  
Ayarwal, Shri Ram Singh  
Bajaj, Shri Kamalayan

Basu, Shri Jyotirmoy  
Bhagaban Das, Shri  
Brij Raj Singh-Kotah, Shri  
Brijendra Singh-Bharatpur, Shri  
Chauhan, Shri Bharat Singh  
Dar, Shri Abdul Ghani  
Das, Shri N. T.  
Deo, Shri K. P. Singh  
Deo, Shri P. K.  
Desai, Shri Morarji  
Devgun, Shri Hardayal  
Digamber Singh, Shri  
Esthose, Shri P. P.  
Ghosh, Shri Bimalkanti  
Gopalan, Shri P.  
Gowder, Shri Nanja  
Goyal, Shri Shri Chand  
Gupta, Shri Kanwar Lal  
Gupta, Shri Ram Kishan  
Hari Krishna, Shri  
Hazarika, Shri J. N.  
Jai Singh, Shri  
Joshi, Shri Jagannath Rao  
Kachwai, Shri Hukam Chand.  
Karni Singh, Dr.  
Katham, Shri B. N.  
Kedaria, Shri C. M.  
Koushik, Shri K. M.  
Kripalani, Shri J. B.  
Kripalani, Shrimati Sucheta  
Kunte, Shri Dattatraya  
Madhok, Shri Bal Raj  
Masani, Shri M. R.  
Masuriya Din, Shri  
Meena, Shri Meetha Lal  
Mehta, Shri P. M.  
Menon, Shri Vishwanatha  
Misra, Shri Janeshwar  
Mody, Shri Piloo  
Mohamed Imam, Shri J.  
Molahu Prasad, Shri  
Mondal, Shri Jugal  
Mrityunjay Prasad, Shri  
Mukerjee, Shrimati Sharda  
Murti, Shri M. S.  
Naik, Shri G. C.  
Naik, Shri R. V.  
Nath Pai, Shri  
Nayar, Shri K. K.  
Nayar, Shrimati Shakuntla  
Nayar, Dr. Sushila  
Padmavati Devi, Shrimati  
Pandey, Shri K. N.  
Pandey, Shri Vishwa Nath

Parmar, Shri Bhaljibhai  
 Patel, Shri J. H.  
 Patel, Shri Manubhai  
 Patel Shri N. N.  
 Patodia, Shri D. N.  
 Pramanik, Shri J. N.  
 Rajasekharan, Shri  
 Raju, Dr. D. S.  
 Ram Charan, Shri  
 Ram Dhani Das, Shri  
 Ram Subhag Singh, Dr.  
 Ramamoorthy, Shri S. P.  
 Ranga, Shri  
 Ray, Shri Rabi  
 Reddy, Shrimati Sudha V,  
 Saboo, Shri Shri Gopal  
 Sapre, Shrimati Tara  
 Sarma, Shri A. T.  
 Satya Narain Singh, Shri  
 Sen, Shri P. G.  
 Shah, Shrimati Jayaben  
 Shah, Shri Shantilal  
 Shalwale, Shri Ram Gopal  
 Sharda Nand, Shri  
 Sharma, Shri Beni Shanker  
 Sharma, Shri Narayan Swaroop  
 Shastri, Shri Prakash Vir  
 Shastri, Shri Raghuvir Singh  
 Shastri, Shri Shiv Kumar  
 Sheo Narain, Shri  
 Shiv Charan Lal, Shri  
 Singh, Shri D. N.  
 Solanki, Shri S. M.  
 Suraj Bhan, Shri  
 Tapuria, Shri S. K.  
 Tyagi, Shri Om Prakash  
 Vajpayee, Shri Atal Bihari  
 Vidyarthi, Shri Ram Swarup  
 Xavier, Shri S.

# NOES

Adichan, Shri P. C.  
 Ahirwar, Shri Nathu Ram  
 Ahmed, Shri F. A.  
 Amjad Ali, Shri Sardar  
 Anbazhagan, Shri  
 Awadesh Chandra Singh, Shri  
 Azad, Shri Bhagwat Jha  
 Babunath Singh, Shri  
 Bajpai, Shri Vidya Dhar  
 Banerjee, Shri S. M.  
 Barua, Shri Bedabrata  
 Barua, Shri R.

Barupal, Shri P. L.  
 Basu, Dr. Maitreyee  
 Besra, Shri S. C.  
 Bhagat, Shri B. R.  
 Bhakt Darshan, Shri  
 Bhandare, Shri R. D.  
 Bhargava, Shri B. N.  
 Bohra, Shri Onkarlal  
 Brahmanandji, Shri Swami  
 Buta Singh, Shri  
 Chanda, Shrimati Jyotsna  
 Chandra Shekhar Singh, Shri  
 Chandrakar, Shri Chandoo Lal  
 Chandrika Prasad, Shri  
 Chatterji Shri Krishna Kumar  
 Chaturvedi, Shri R. L.  
 Chaudhary, Shri Nitiraj Singh  
 Chavan, Shri D. R.  
 Chavan, Shri Y. B.  
 Choudhary, Shri Valmiki  
 Dalbir Singh, Shri  
 Damani, Shri S. R.  
 Dasappa, Shri Tulsidas  
 Deoghare, Shri N. R.  
 Deshmukh, Shri Shivajirao S.  
 Dhuleshwar Meena, Shri  
 Dinesh Singh, Shri  
 Dixit, Shri G. C.  
 Dwivedi, Shri Nageshwar  
 Gajraj Singh Rao, Shri  
 Gandhi, Shrimati Indira  
 Ganesh, Shri K. R.  
 Gautam, Shri C. D.  
 Gavit, Shri Tukaram  
 George, Shri A. C.  
 Ghosh Shri P. K.  
 Ghosh, Shri Parimal  
 Gohain, Shri C. C.  
 Gounder, Shri Muthu  
 Govind Das, Dr.  
 Gupta, Shri Indrajit  
 Gupta, Shri Lakhan Lal  
 Hajarnawis, Shri  
 Halder, Shri K.  
 Hanumanthaiya, Shri  
 Hem Raj, Shri  
 Hero, Shri N. E.  
 Iqbal Singh, Shri  
 Jadhav, Shri V. N.  
 Jagjiwan Ram, Shri  
 Jamir, Shri S. C.  
 Jamna Lal, Shri  
 Janardhanan, Shri C.  
 Kahandole, Shri Z. M.



Kalita, Shri Dhireswar  
 Kamalanathan Shri  
 Kamala Kumari, Kumari  
 Karan Singh, Dr.  
 Kasture, Shri A. S.  
 Kedar Nath Singh, Shri  
 Kesri, Shri Sitaram  
 Khadilkar, Shri R. K.  
 Khan, Shri Zulfiqar Ali  
 Khanna, Shri P. K.  
 Kinder Lal, Shri  
 Kisku, Shri A. K.  
 Kotoki, Shri Liladhar  
 Krishna, Shri M. R.  
 Krishnan, Shri G. Y.  
 Kuchelar, Shri G.  
 Kureel, Shri B. N.  
 Kushok Bakula, Shri  
 Lakshmikanthamma, Shrimati  
 Lalit Sen, Shri  
 Laskar, Shri N. R.  
 Laxmi Bai, Shrimati  
 Lutfal Haque, Shri  
 Madhukar, Shri K. M.  
 Mahadeva Prasad, Dr.  
 Mahajan, Shri Vikram Chand  
 Mahajan, Shri Yadav Shivram  
 Mahishi, Dr. Sarojini  
 Malhotra, Shri Inder J.  
 Mandal, Shri Yamuna Prasad  
 Meran, Shri Murasoli  
 Marandi, Shri  
 Master, Shri Bhola Nath  
 Mayavan, Shri  
 Meghachandra, Shri M.  
 Melkote, Dr.  
 Minimata Agam Dass Guru, Shrimati  
 Mishra, Shri Bibhuti  
 Mishra, Shri G. S.  
 Misra, Shri S. N.  
 Mohammad Yusuf, Shri  
 Mohan Swarup, Shri  
 Mohsin, Shri  
 Mulla, Shri A. N.  
 Murthy, Shri B. S.  
 Nahata, Shri Amrit  
 Nanda, Shri  
 Oraon, Shri Kartik  
 Pahadia, Shri Jagannath  
 Palchaudhuri, Shrimati Ila  
 Panigrahi, Shri Chintamani  
 Pant, Shri K. C.  
 Paokai Haokip, Shri  
 Parmar, Shri, D. R.  
 Partap Singh, Shri

Parthasarathy, Shri  
 Patil, Shri Anantrao  
 Patil, Shri C. A.  
 Patil, Shri Deorao  
 Patil, Shri T. A.  
 Prabodh Chandra, Shri  
 Pradhani, Shri K.  
 Prasad, Shri Y. A.  
 Qureshi, Shri Mohd. Shafi  
 Radhabai, Shrimati B.  
 Raghu Ramaiah, Shri  
 Raj Deo Singh, Shri  
 Rajaram, Shri  
 Ram, Shri T.  
 Ram Dhan, Shri  
 Ram Sewak, Shri  
 Ram Swaurp, Shri  
 Ramji Ram, Shri  
 Ramshekhar Prasad Singh, Shri  
 Rana, Shri M. B.  
 Randhir Singh, Shri  
 Rao, Shri Jaganath  
 Rao, Dr. K. L.  
 Rao, Shri K. Narayana  
 Rao, Shri Muthyal  
 Rao, Shri J. Ramapathi  
 Rao, Dr. V. K. R. V.  
 Raut, Shri Bhola  
 Reddi, Shri G. S.  
 Reddy, Shri Eswara  
 Reddy, Shri P. Antony  
 Rohatgi, Shrimati Sushila  
 Roy, Shri Bishwanath  
 Roy, Shrimati Uma  
 Sadhu Ram, Shri  
 Sait, Shri Ebrahim Sulaiman  
 Saleem, Shri M. Yunus  
 Samanta, Shri S. C.  
 Sanghi, Shri N. K.  
 Sankataj Prasad, Dr.  
 Savitri Shyam, Shrimati  
 Sayeed, Shri P. M.  
 Sayyad Ali, Shri  
 Sen, Shri Dwaipayan  
 Sen, Dr. Ranen  
 Sethi, Shri P. C.  
 Shambhu Nath, Shri  
 Shankaranand, Shri B.  
 Sharma, Shri Yogendra  
 Shashi Bhushan, Shri  
 Shastri Shri Biswanarayan  
 Shastri, Shri Ramavatar  
 Shastri, Shri Ramanand  
 Sher Singh, Shri  
 Shinde, Shri Annasahib

Shiv Chandika Prasad, Shri  
 Shukla, Shri S. N.  
 Shukla, Shiv Vidya Charan  
 Siddayya, Shri  
 Siddheshwar Prasad, Shri  
 Sinha, Shri Mudrika  
 Sinha, Shri R. K.  
 Sinha, Shri Satya Narayan  
 Sivasankaran, Shri  
 Snatak, Shri Nar Deo  
 Sonar, Dr. A. G.  
 Sonavane, Shri  
 Subravelu, Shri  
 Sudarsanam, Shri M.  
 Sundar Lal, Shri  
 Sursingh, Shri  
 Suryanarayana, Shri K.  
 Swaran Singh, Shri  
 Tarodekar, Shri V. B.  
 Thakur, Shri P. R.  
 Tiwary, Shri D. N.  
 Tiwary, Shri K. N.  
 Tula Ram, Shri  
 Uikey, Shri M. G.  
 Ulaka, Shri Ramachandra  
 Venkatswamy, Shri G.  
 Verma, Shri Balgovind  
 Virbhadr Singh, Shri  
 Viswanatham, Shri Tenneti  
 Vyas, Shri Ramesh Chandra  
 Yadav, Shri Chandra Jeet  
 Yadav, Shri Jageshwar

MR. CHAIRMAN : The result\* of the division is :

Ayes : 98

Noes : 208

*The motion was negatived.*

20.10 hrs.

# STATEMENT REGARDING GOVERNMENT CONTRIBUTION FOR RELIEF OF EAST PAKISTAN CYCLONE VICTIMS

THE PRIME MINISTER, MINISTER OF ATOMIC ENERGY, MINISTER OF HOME AFFAIRS AND MINISTER OF PLANNING (SHRIMATI INDIRA GANDHI) : Mr. Chairman, Sir, the other day I made an announcement in the House regarding the Government of India's contribution of Rs. 5 lakhs for relief to the victims of the terrible cyclone in East Pakistan. I had then said that this was an initial and token contribution. The press reports indicate that the magnitude of the calamity and the extent of damage is much greater than was originally thought.

As an expression of friendship and concern for the people of East Pakistan in their hour of distress, the Government of India have decided to raise the quantum of relief assistance to Rs. 1 crore. This amount will be utilised broadly for the supply of rice and sugar and essential commodities such as medicines, baby food, clothing and coal. The Government have also decided to send two mobile 50-bed hospitals fitted with X-ray and other facilities. We shall also make available the services of river craft with the requisite strength of crew for operations.

20.13 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Friday, November 20, 1970/Kartika 29, 1892 (Saka).*

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\* Shri Sheopujan Shastri also recorded his vote for NOES.