

[श्री बसवन्त]

आप वहां सुबरबन ट्रेस में घूम कर देखिये। रोहतक से बम्बई तक एक रेल के डिब्बे में 6 मवेशी ले जाने की इजाजत है, 7 मवेशी एक डिब्बे में नहीं ले जाये जा सकते हैं लेकिन दूसरी तरफ हम देखते हैं कि एक डिब्बे में जहां 72 आदमी बैठ सकते हैं वहां उस के चौगुने आदमी भरे रहते हैं। अब पशुओं के लिए तो यह सुविधा है कि इससे ज्यादा एक डिब्बे में वह नहीं रखे जा सकते हैं लेकिन आदमियों के लिए इस तरह की कोई सुविधा नहीं है और वह भूसे की तरह भरे रहते हैं। मंत्री महोदय गुस्सा न हों क्योंकि सच बात कहने पर मैं मजबूर हूँ। आखिर कहां तक सहन किया जाये? उस की भी तो कोई सीमा रहती है। हम समय रहते जनता की तकलीफों को दूर करने के कोशिश करें। मैं आशा करता हूँ कि जो बातें मैंने मंत्री महोदय के सामने पेश की हैं उन पर वह ध्यान देंगे।

एक दूसरी बात यह है कि कल्याण बम्बई क्षेत्र में 70 हजार भैंसें हैं। उस का वह दूध निकाल कर बम्बई में बेचते हैं और गोबर 100 मील के ऊपर ले जाने के लिये किसानों को सबसिडाइज्ड रेट से जो रेलवे वॉग्स अभी तक दिये जाते थे . . . . .

**अध्यक्ष महोदय :** माननीय सदस्य अगले दिन अपना भाषण जारी रखें।

16 Hrs.

*Motion Re :* INSTALLATION OF SHRI MANDAL AS CHIEF MINISTER OF BIHAR

**MR. SPEAKER :** The House will now take up discussion on the motion to be moved by Shri Nath Pai.

**SHRI NATH PAI (Rajapur) :** I beg to move :

"That this House disapproves the manner and the procedure adopted by the Governor of Bihar in installing Shri B. P. Mandal as Chief Minister, as likely to bring the Constitution in contempt and danger."

**SHRI R. D. BHANDARE (Bombay Central) :** Sir, I rise on a point of order. I wish to draw your attention to the words

"disapproves the manner and the procedure adopted by the Governor—as likely to bring the Constitution in contempt and danger". I need not refer to the dictionary to give the meaning of these words, because my hon. friend knows it. "Disapprove" means censure, condemn. Therefore, I say that under rule 184, under which this motion has been moved. . . .

**MR. SPEAKER :** Where does that rule say that we cannot discuss the action of the Governor ?

**SHRI R. D. BHANDARE :** I am coming to that. That rule says :

"Save in so far as is otherwise provided in the Constitution or in these rules, no discussion of a matter of general public interest shall take place. . . ."

Therefore, if there is no provision in the Constitution, no motion can be discussed. This is a substantive motion which seeks to condemn the conduct of the Governor. Since we have accepted a federal Constitution, I need not say that the powers are so divided between the Centre and the States.

**MR. SPEAKER :** He is taking away the time of the House. Let him come to the point. Does any rule prevent Parliament from discussing the Governor's action ?

**SHRI R. D. BHANDARE :** I am referring to Legislative Assembly Debates of 1936, Volume VI, page 373.

**MR. SPEAKER :** That is pre-independence time. But he said something about the constitutional provisions. Could he kindly say where it is mentioned that Parliament, which is a sovereign body, cannot discuss the action or conduct of the Governor ?

**SHRI R. D. BHANDARE :** I am coming to that.

**MR. SPEAKER :** Parliament has got the power to impeach the Governor. Then, how could he say that Parliament cannot discuss the action of the Governor ?

**SHRI R. D. BHANDARE :** If they bring a motion to impeach the Governor, I will not raise a point of order. But this substantive motion is of a nature which seeks to condemn the action of the Governor and, therefore, under this authority, this decision given by the President of the Legislature at that time. . . .

MR. SPEAKER : I do not think it is relevant today. It was given in 1936.

AN HON. MEMBER : He is speaking on the merits of the case.

MR. SPEAKER : No, he is not talking on the merits. He has not referred to Bihar at all. He is only speaking about the constitutional aspect.

SHRI R. D. BHANDARE : It may be said that the decision which I am referring to came before we got independence and the Constitution came into force.

What is the position today? I may refer you to the *Practice and Procedure of Parliament* by Shri M. N. Kaul and Shri S. L. Shakhder, Secretary sitting here. On page 393 it says :—

“...it has been held by the Speaker from time to time that the following matters cannot be raised by way of an adjournment motion :

\* \* \* \*

Conduct of the Governor of a State.” Therefore, so long as this authority stands and so long as this decision is not obliterated, I am afraid, the conduct of the Governor cannot be condemned.

Coming to that portion of the conduct of the Governor, let me raise this point. So far as the Governor is concerned, he is assigned certain powers and functions. When the Governor acts as the agent of the President, in the sphere of that acting and conduct it can certainly be challenged.... (*Interruption*).

SHRI NATH PAI : Sir, your patience is unlimited but our time is limited.

MR. SPEAKER : We will extend it by 10 minutes.

SHRI R. D. BHANDARE : I am confining myself to that discretionary part of the conduct of the Governor which cannot be discussed without reflecting on him. Therefore I am just trying to analyse and vivisect and say that the conduct of the Governor as an agent of the President could certainly be discussed as it was done in the case of UP, Rajasthan and Punjab.

There I agree; but here is the conduct an act of the Governor in respect of.....

MR. SPEAKER : The debate is on the Constitution not on the Bihar Governor.

SHRI R. D. BHANDARE : Respectfully I am submitting that as to who should be the Leader of the House at that time is the question to be determined by the objective mind and the objectivity of mind cannot be challenged, discussed, condemned in this House.

MR. SPEAKER : I have understood the point. You are not raising a point of order but you are making a speech on the constitutionality of it.

SHRI R. D. BHANDARE : We are just considering that aspect of the action of the Governor where he had been given the authority....

MR. SPEAKER : I have understood the case but you want to have your full say. For your satisfaction you can have it. I cannot help it.

SHRI R. D. BHANDARE : I do not know whether I have made myself sufficiently clear.

श्री कामेश्वर सिंह (खगरिया) : माननीय सदस्य बोलने से पहले ज्यादा क्लिअर थे । बोलने के बाद तो हमारी समझ में ही नहीं आता कि वह क्या कहना चाहते हैं ।

SHRI R. D. BHANDARE : I need not say that he is such a novice regarding constitutional issues that he is not prepared even to discuss the points. When the Chief Minister is out of office, it is in the discretion of the Governor to find out a person who can form the Government. If a person with a majority is not prepared to come forward, he has a right to appeal to a person and to find out the person who can form the Government.

MR. SPEAKER : A point of order must have an end to it. It cannot be made into a speech. Now I am giving my ruling whether you like it or not. Whatever it is, he has quoted only one book written by Kaul and Shakhder. Shri Shakhder himself has been this motion. Therefore this point does not arise. We have been discussing not the conduct of the Governor as an individual but the action of the Governor. After all, if this forum cannot discuss, where else can we discuss it? Instead of discussing in the streets and bazars, this is the forum where we can discuss it. Therefore, to prevent the dis-

[Mr. Speaker]

cussion in the bazar, this is the forum and we can, certainly, discuss and take some decision and the decision of Parliament, which is the supreme body, cannot be questioned.

SHRI NATH PAI: Mr. Speaker, Sir, Prof. Bhandare was known to me as a professor of law. How quickly he has managed to forget all the law! During my long career as a back-Bencher in this House, I have never heard a more flippant point of order raised here than the one raised by Prof. Bhandare... (Interruption).

Sir, I would like this motion that I just moved in the House, with your permission, to be read along with another motion which I had moved on the 15th November, because the real meaning of what we have in mind will be driven home to the House if the two motions are read together. That motion reads:

"That this House disapproves of the action of the Central Government in using the institution of the Governors of States not as an instrument for the proper functioning of the Constitution but as an agent of the party in power at the Centre as exemplified by the current developments in Bihar and West Bengal."

That motion of ours was, unfortunately, defeated. But how prophetic that motion was has been proved by the subsequent developments that have been taking place in Bihar, in Punjab and in some other parts of the country.

Sir, I want to submit at the very outset that the Congress Party, under Mr. Chavan, has reached the limit of political impropriety and immorality in Bihar. I would like here, at this stage, to read a memorable editorial from the Free Press, when this thing happened, called "Manoeuvred Democracy". We have heard of all kinds of democracies: people's democracy, guided democracy, basic democracy and, now, Mr. Chavan's singular contribution has been manoeuvred democracy. In this editorial, the editor says what you and I and perhaps every Indian who is worried about the future of democracy feels. It says:

"But even those who had reasons to be critical towards that Government will be flabbergasted by the crude way in

which the Mandal Government has been manoeuvred into position. If the Governor had insisted upon the largest Opposition party—in this case, the Congress—forming the successor Government, he would have been fully justified. But in the event, he became party to a process of manipulation which discredits the very system of parliamentary democracy."

The Governor's office is contemplated in the Constitution to uphold the Constitution. Here, we find the Governor..... (Interruption). Please, temporarily, forget the party loyalties and let us remember the first oath which all of us take when we are admitted as the candidates and later on, when you, Sir, admit us as Members of this House. This is the oath we all of us take. This is the basic commitment, this is the first commitment which transcends the commitment to any international tribunal or the commitment to a party. This commitment is binding on Mr. Chavan, on me and on Mr. Kanungo and everyone of us. This is the oath:

".....I will bear true faith and allegiance to the Constitution of India as by law established, that I will duly and faithfully and to the best of my ability, knowledge and judgment perform the duties of my office without fear or favour, affection or illwill and that I will uphold the Constitution...."

This is the basic oath; this is the commitment made by everyone of us.

In this editorial, the editor further comments:

"The Governor emerges as a casualty. In this case, he was ever the silent man seemingly accepting whatever role was given to him. He was told to accept an unknown M.L.A. as the Chief Minister and he did so; he was told to nominate Shri Mandal to the Council and he did so; he was told to swear in Shri Mandal as the Chief Minister and he did so."

Mr. Chavan had told us that Mr. Kanungo would be sent as the Governor and if they did not accept him, the Constitutional inevitable would follow. He had held out that threat before us. Now we know why Mr. Chavan was so solicitous about Mr. Kanungo, why he was so parti-

cular about sending him. The role was already cut for him and Mr. Kanungo was to go and do the bidding and fulfil that role. Mr. Kanungo did it, as you know, very eminently. He had been cut for that role, he had been tailored for it. a ready-made Governor, and he went and did all the bidding.

Now we must go a little deeper in what has been happening. I am afraid, the whole process of democracy is likely to be discredited. Things are beginning to happen which are likely to betray what our people achieved in 1967. What happened when the common Indian went to the ballot box in 1967 was rather unique in the annals of democracy. Few countries could have boasted of such sobriety and such maturity as was displayed by the Indian who was ridiculed by the political pundits both at home and abroad. We were told that democracy is a very tender plant, only suitable to grow in the special climate of the Anglo-Saxon world. We were told that democracy would crumble because of the illiteracy of the Indian masses. But we witnessed something very unique of which we should be proud.

Mr. Speaker, from Japan to Ghana, from Tokyo to Accra, those countries which had become free in the wake of freedom of India, one after another have gone under the Jack boot of one type of dictatorship or another, and whenever the people had tried to raise their voices against the local tyranny which had replaced the white tyranny, we know what happened; we know that in these countries the white slave master had gone and the local slave master had emerged. One after another, in these countries of Asia and Africa, the land of liberty, with so much of faith and hope lit by the people of this country was extinguished by the local tyrant; the white tyranny had ended, but black tyranny, brown tyranny, yellow tyranny had come, and whenever the people had tried to replace the Government which had usurped the reins of power in the name of the people, there was blood-shed. There was only one country....

MR. SPEAKER : Mr. Nath Pai may please remember that so many parties have to participate in this.

SHRI NATH PAI : I think, I started at 4.10 or 4.12.....

MR. SPEAKER : At 4.10.

SHRI NATH PAI : I think, I have half an hour under the well established convention.

MR. SPEAKER : No; only twenty minutes. He has also to talk about the Bihar Governor....

SHRI NATH PAI : So far as I am concerned, had the significance been limited to Mr. Kanungo, I would not have bothered I would not be bothering about Governors. But I am concerned, as you are concerned, with the future of our democracy, and it is this that is causing anxiety.

I was submitting to you that in the other countries whenever they tried to replace the monopoly of power by a Party, there was bloodshed. India was the only country where we saw the silent miracle, the people's revolution; the Party which had been monopolising power was replaced by the people of India in the majority of the States through votes in the ballot box. This was something unique and this was showing that our democracy was coming into majority, was maturing. But suddenly something began to happen. The Congress Party, far from welcoming this maturing process of our democracy, did everything to stifle it, to throttle it, to thwart it and to defeat it. Bihar is the latest example on the part of the Congress Party first to realise the meaning of this democracy and then of its colossal failure to welcome it. It is guilty of doing everything to throttle this welcome change.

What happens is a mockery of democracy. if we are to allow this pernicious practice which has been allowed to take place in Bihar at the instance and with the encouragement of the Home Minister, we can visualise a day when a man who has never been elected either to the Assembly or to Parliament can for life become either the Chief Minister or the Prime Minister. All that is required to be done is to resign for a day after five months and 29 days, and then be again sworn in, resign again, be sworn in and so on. But this, we will only have the beginning of tyranny in this country. There is many a lacuna and there is many a gap in our Constitution. Shri Y. B. Chavan says that there are some gaps, and I do agree with him that there are some gaps in this Constitution, because even our

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Constitution-makers could not have provided for Mandals. They provided for some kind of contingencies, but even those founding fathers could not have visualised these new political Mundhras, Mandals, and their like or these Gills and Mundhras.

SHRI SITARAM KESRI (Katihar) : But he was an elected Member of this House.

SHRI NATH PAI : I think accidentally the hon. Member had made a good interruption and I welcome it. He has said that Mr. Mandal was elected to the House. But what did Mr. Mandal do? He dishonoured that mandate. He was not elected to the Bihar Assembly. He disregarded the mandate to sit in Lok Sabha and instead chose to sit as a Minister there, as a nominated man. The hon. Member is right, and I have answered him.

श्री शिवपूजन शास्त्री (विक्रमगंज)

श्री बसन्तनारायण सिंह ने क्या किया था ?

SHRI NATH PAI : Two wrongs do not make one right.

श्री शिवपूजन शास्त्री : तो फिर उस के बारे में भी कहिये ।

SHRI NATH PAI : This process or this procedure of discrediting our democracy began with Shri Y. B. Chavan's silent acquiescence in what happened in Rajasthan. Shri Y. B. Chavan has never told us the opinion of the ex-Chief Justice of India, Shri Gajendragadkar, an opinion which he has been good enough to circulate to the leaders of the parties, and this is what Shri Gajendragadkar has stated. This whole process began with this temptation on the part of Shri Y. B. Chavan to install Mr. Sukhadja as the Chief Minister of Rajasthan. He saved Mr. Sukhadia and his kin. But how much harm he has done thereby, perhaps unwittingly, because I do not yet persuade myself to feel that he did it deliberately! But there is further evidence to shake my faith in him because of what he did in Bihar.

The opinion given by Shri Gajendragadkar is that the Governor of Rajasthan was unjust and unfair in what he did. This is the opinion of the former Chief Justice

of India in a confidential opinion which was solicited by the Home Minister.

SHRI D. C. SHARMA (Gurdaspur) : How did the hon. Member get it?

SHRI NATH PAI : The whole point is this. How should the Governor have behaved?

SHRI BHOLA NATH (Alwar) : How did the hon. Member come to know of it?

SHRI NATH PAI : May I say that Shri Gajendragadkar did not whisper it in the ears of Shri Nath Pai, but the Home Minister had asked Shri Gajendragadkar to give his opinion, and that is why Shri Gajendragadkar has stated his opinion? He is not a Kanungo to write something to suit the requirements of Shri Y. B. Chavan; he has stated the law as he understands it and the Constitution of India as he understands it and he has reached his conclusion. I hope I am quoting him fairly when I say that. But this is not an official secret...

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : Now that the hon. Member has raised this question, let me say this about it. The opinion was asked for not about what exactly the Governor of Rajasthan did at that time. As a matter of fact, I had promised this House that I would consider whether we could lay down certain conventions and guidelines for the use of Governors as to what should be done when no particular party emerged as a leading party after the elections...

SHRI RANGA (Srikakulam) : After he has done the mischief.

SHRI Y. B. CHAVAN : He has raised this question and I must explain it. For that matter, I asked for the opinions of four or five constitutional experts. Shri Gajendragadkar was only one. I did not refer to him this particular matter. If he had given his opinion about that particular incident in his own way then there are other opinions also possibly which will have to taken into account.

SHRI NATH PAI : I hope you will deduct the time taken by these interruptions from the time taken by me so far.

MR. SPEAKER : The hon. Member had wanted it. He called for them. Therefore, that is part of his speech. Let him conclude in another five minutes.

**SHRI NATH PAI :** In that case, I shall not yield to anybody. Normally it is not good parliamentary practice to prevent interruptions. I would not like to be a party to a procedure whereby all interruptions are stopped. It is a good parliamentary convention to allow interruptions provided they are intelligent and wise. I thought so; I expected so and therefore, I yielded.

**MR. SPEAKER :** Provided time is available.

**SHRI NATH PAI :** May I correct Shri Chavan? In the first place, there were only two former Chief Justices concerned in this. Shri Mahajan had not given an opinion on the behaviour of the Governor of Rajasthan. Shri Gajendragadkar has given. Let him, therefore, not mislead the House. What I have stated is the truth and the full truth. I hope now he will not contradict me.

Having begun that process, the process of discrediting democracy begins with Rajasthan. Now we see it going step by step. What Shri Chavan is doing is this. If the Congress want to come to power, they have a right to it. I have nothing to say against the fact that the Bihar Government was defeated on the floor of the Assembly, because their Assembly is the only forum where the fate of the Government could be decided. When the Assembly is prevented by a Governor or by a Speaker from discharging that function, I am against that process. It is the floor of the House which must decide the destiny of the Government in being. I have nothing against that. But what you are doing is to have a puppet government and run it from the wing. The Congress Party wants to have the power, but will not share the responsibility. It wants to pretend to be democratic, but will not face the Assembly. In Bihar and in Punjab, we see this phenomenon. In Chandigarh, we see that there is Shri Gill popped up by the Congress, maintained by the Congress, existing because of the mercy and charity of the Congress. In Bihar, we find there is Shri Mandal, a man who has collected 29 defectors and is propping himself up, and Shri Chavan here wants to hold him out as a shining example of the defender of democratic rights of the people of Bihar. This is rewarding of defectors and defections.

**SHRI SITARAM KESRI :** You started it. You are being paid in your own coin. Now you repent.

**SHRI NATH PAI :** I shall welcome intelligent interruptions. This does not fall in that category.

This phenomenon of legislators crossing and re-crossing floors and ministerships being offered as a bribe openly to secure defections is something unparalleled in the history of any country with parliamentary institutions. I think Shri Chavan should try to get a better reputation than the reputation of the manager of the biggest puppet show in India. Mr. Speaker, puppet shows are organised at Xmas time. But this is a puppet show that is going round the year in this country, one after another puppet Chief Ministers being installed in power. What has brought about a danger to the stability and unity of our country is the defection of elected representatives of the people from one party to another party. In the defections that have occurred so far no principle has been discernible. It has been a case of simple opportunism and lure of power during a period of less than one year, according to available reports. According to Prof. Kashyap, roughly as many as 350 legislators have crossed the floor, several of them more than once. This means that some 10 per cent of the total membership of State legislatures has been involved in the phenomenon of floor-crossing, or one out of every 10 legislators has been guilty of this practice.

Why did I write this particular piece? Shri Chavan was party to a resolution which was moved in this House by a member of his party, Shri P. Venkatasubbaiah. He welcomed it, he blessed it; he ridiculed defections and called defectors 'aya Rams' and 'gaya Rams'. But within a few days of this, he welcomed defections in Bihar and rewarded the defectors. You did it.

**SHRI Y. B. CHAVAN :** I did not do it.

**SHRI NATH PAI :** How dangerous is this?

**SHRI Y. B. CHAVAN :** I think the hon. Member while trying to disapprove of the Governor's action, is putting it on me.

**SHRI NATH PAI :** The Constitution has been the victim of this fraud. What a

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tragedy that Shri Chavan should allow himself to be a party to this deliberate, patent fraud on the Constitution of India. ! How the right of nominating a member of the Council has been abused by Mr. Nityanand Kanungo !

SHRI S. M. BANERJEE (Kanpur) : Kanungone.

SHRI NATH PAI : This is what article 171 of the Constitution says :

"(5) The members to be nominated by the Governor under sub-clause (e) of clause (3) shall consist of persons having special knowledge or practical experience in respect of such matters as the following, namely—

Literature, science, art, co-operative movement and social service."

A Governor has to nominate a man who comes under one of these categories. Now, by what stretch of the imagination, by what twisting of the Constitution, can we bring Mr. Mandal under one of these five categories stipulated in the Constitution ? Co-operation service, with whom ? With the requirements of the ruling party. Is this co-operation ? The only art which Mr. Mandal seems to be specialising in is the art of manoeuvring himself, with the connivance of the Union Government, into power.

I would like Mr. Chavan to quote either a political expert, a legal or constitutional authority or one single daily in this vast country, which could agree with him. Everybody was aghast at this process. An unknown man was nominated, to suit the requirements of Mr. Mandal, to be Chief Minister for one day. The next day, he nominates Mr. Mandal to the Council, and the third day Mr. Mandal becomes the Chief Minister. Is this what we thought when we gave ourselves this democratic Constitution ? Is this what the Preamble of the Constitution says ?

This was the process followed by Ayub Khan. In the morning he goes and tells the then Governor-General of Pakistan, "Dismiss Feroze Khan Noon, nominate me". He is nominated. In the evening he goes to him and says. "Now that I am nominated, I dismiss you, I become the President."

These are the shadows. If we go on playing with our Constitution in this way, unwittingly we are digging the grave of our Constitution for party political gain, for temporary, peripheral gain of our own party.

I have not much regard for those who play with the Constitution, but a great responsibility rests on Mr. Chavan. What a golden opportunity there is to fill in the lacuna, the gaps in our Constitution. Will he use this opportunity to meet the requirements of party politics, or shall we create new precedents to further extend the freedom and liberty of our Constitution ? I do readily agree that there are gaps in our Constitution, but this is the occasion in this transitional period when we are making an experiment with out Constitution to fill the gaps in a liberal manner in order to strength, not weaken our Constitution, not to discredit, slander our Constitution, which is what is happening.

Here, I would like to recall with your permission what the Congress Party said about the Governor behaving. The question how the Governor should behave had come up earlier. This question has been with us for a long time. We had raised this question when we were fighting for freedom, when you were with us, when Mr. Chavan was with us in the Congress Party. Not the Congress Party of today. How it has changed out of recognition ! This was a totally different party which raised the question of the Governor's powers. Let Mr. Chavan ponder on what I have to say. Lord Linlithgow, the British Strap, the agent of the British power, had to give this explanation to Mahatma Gandhi:

"There is no vestige of foundation for the assertion which I have seen advanced that the Governor is entitled under this Act (The Government of India Act, the relevant clauses of which have been reproduced in our Constitution) to act at his pleasure, to intervene at random in the administration of the provinces."

At random, at pleasure. Mr. Chavan used the word "pleasure" when he was replying to the debate on the 16th November in a very strange manner. I was reminded of a story. When we were travelling to

England by the P&O ship, there as a charming young lady on board the ship. On the ship, every day there used to be a ball in the main dancing room of the ship. I was a student, a normal student, and a male student. We used to go there, and this was an unusually charming lady. She used to come and watch us. A young man, another person, it was not me, went to her and said, "May I have the pleasure of dancing with you?" The lady, she was a lady from Bombay, turned her head this way. The young man went away. The next day again he went to her and said, "May I have the pleasure of dancing with you?" She turned her head that way. He was a persistent young man. The third day, he came to her and said: May I have the pleasure of dancing with you? The girl got up and said: you may dance with me but I am not going to give you any pleasure. Mr. Chavan's conception of Governor's 'Pleasure' is something like that of the young lady's... (Interruptions.) When that issue came up, this is what the then working committee says:

"The Working Committee has also come to the conclusion that the Governor of the Central Provinces has shown by the ugly haste with which he has turned night into day and forced a crisis that has overtaken the province, that he was eager to weaken and discredit the Congress."

Now, replace the word 'Central Province' and put Bihar and just where the word 'Congress' appears, put the word 'The Constitution of India'. This resolution of the Working Committee would then give us the truth of what happened in Bihar. This indictment of the Government is not by Nath Pai but by the working Committee. What seems to be happening is this. I am now going to quote the resolution of the AICC. What has this happened? It has happened because of the mad obsession with power, totally inconsistent with the record of the pre-Independent Congress. There was a time when to be in politics meant to be in the Congress. How far has the Congress strayed from that path? What was the promise that was given to the people of India? It is this basic issue that we are concerned with today in my motion. The last AICC, the people's AICC to which we belonged...

(An Hon. Member: No, no.). What no no? बेवकूफी की बातें हैं। This AICC which passed a resolution on quit India and gave a clarion call to the people of India says:

"Lastly, the AICC wishes to make it clear to all concerned that by embarking on a mass struggle"..... to throw the British out..... "it has no intention of gaining power for the Congress. The power when it comes will belong to the whole people of India."

This was a solemn assurance given by the Congress. It was on this assurance that youngmen had given up their universities and others had given up something much more precious, their very lives, to win independence. It is a betrayal of this assurance that we see. Power will be taken in the name of the people. Now, it is the people alone who are forgotten; it is only power that is remembered. That is why we see this betrayal of the Constitution, (Interruptions.) Shall we go on playing this dangerous game? Shall we be rewarding those who are disloyal to the people? New countries in Africa like Kenya and Malawi have already passed laws that when a legislator betrays the trust and the mandate given to him by the people, he shall be required to resign his seat he shall do so before he cross over to the other side. Mr. Chavan told us that he welcomed this. While speaking on the resolution accepting the amendment of Mr. Limaye, he solemnly declared his intention and you gave enough material for a committee to sit and discuss it. Am I right?

Shri Y. B. CHAVAN: You are right.

SHRI NATH PAI: But what is your practice? How far is your practice in harmony with your promises, professions and declarations? I want to quote from a letter I have received from an eminent Congressman, a little more eminent than the hon. Member who had been interrupting me—Sriprakasa. Mr. Sriprakasa writes to me, having followed the debates. I do not quote from the blessings which we have received from this veteran fighter for our freedom, because the Congressmen will not very much enjoy it. But then, having complimented, me and my colleagues upon what we are trying to do uphold the traditions of democracy in this country, Shri Sriprakasa then says: "When I look at what



[Shri Nath Pai]

is happening around we, I sometimes wonder if the 50 years of my life I gave to bring freedom nearer have not been wasted." What a condemnation, what an indictment, from this veteran, from a man who gave the greater part of his life to make India free, to make India safe for democracy? At the end of his life, Shri Sriprakash is saying, is this the pass we have come to. I want Mr. Chavan to ponder coolly and to reply dispassionately to my submission. Let us not go with temporary, petty, paltry gains. Let us think that we are playing a dangerous game, and the only consideration with Mr. Chavan will be—(Interruption).

SHRI SONAVANE (Pandharpur) : His party is also playing the game.

SHRI NATH PAI : Anybody might have begun it. But it must be stopped. It does not matter who began it. We did not begin it. But it is not important who began it. It is important who is continuing it. It is far more important—(Interruption). It does not matter who started the fire.

MR. SPEAKER : Order, order. Please conclude.

SHRI NATH PAI : I am trying to conclude, and I will have the right of reply also. It is not important to find out who started the dangerous fire. In the first place, this dangerous fire was not started by us. The historical evidence is that these defections were started—he asked me about Pattom Thanu Pillai—(Interruption)—by Shri Pattom Thanu Pillai and Shri T. Prakasam; these good men were bribed by the Congress and the Constitution was betrayed. (Interruption). Even more important is this. Before it is too late, let us try to extinguish this fire—(Interruption).

SEVERAL HON. MEMBERS *rose*—

SHRI NATH PAI : I want to conclude but I shall not be stampeded. (Interruption). I am concluding, but not under this shouting. I shall not submit so easily to anybody else, except to you, Sir. Shri Sonavane asked me—(Interruption).

श्री क० ना० तिवारी (बेतिया) अध्यक्ष महोदय, . . . . . (व्यवधान)

MR. SPEAKER : Order, order. He would have concluded by now. Your name is there. Mr. Tiwary. It is given by the Congress Party. You have a chance to reply more effectively and calmly. I am also requesting Shri Sitaram Kesri not to interrupt. He is interrupting too many times. It serves no purpose.

SHRI NATH PAI : I am concluding. No, it does not matter who started this. But the fires that are burning will not consume this party or that party but the precious freedom and liberty. And that is what we are all trying to rescue.

In the end, may I try to tell them one thing? You asked me a question and I am trying to reply to it. Acharya Narendra Dev—(Interruption)—They have a right to interrupt me because I interrupted when they spoke. But let them also listen now. Acharya Narendra Dev set the noblest example in this matter. 14 Congress Socialist members of the Constituent Assembly, headed by Acharya Narendra Dev, left the Congress and along with them, we resigned every seat and everyone rendered his resignation. In the Assembly, and in the Constituent Assembly, every Congress socialist resigned. It is by this kind of thing that one renders service.

I want Mr. Chavan to approach this issue in a wider aspect, and to censure the Governor. Mr. Chavan appointed him, but his subsequent behaviour has confirmed our belief that Mr. Kanungo went there not to serve the Constitution but to serve the Congress party, and therefore, Mr. Kanungo should be dismissed at the first opportunity.

MR. SPEAKER : Motion moved :

"That this House disapproves the manner and the procedure adopted by the Governor of Bihar in installing Shri B. P. Mandal as Chief Minister, as likely to bring the Constitution in contempt and danger."

I do not know whether Mr. Kanungo should be dismissed or not, but my difficulty is. I have to adjust this debate and finish it in 2 hours. All the parties will have to be given a chance. Last time I was very sorry to hear that one party was forgotten and was not given a chance. I have to

give chance to 8 parties and to the Congress members also. It is very difficult to ring the bell, get up and say 'sit down'. The mover normally ought to have taken only 20 minutes, but we have now spent 45 minutes already, even providing 10 minutes for the point of order, which was raised. Therefore, I would request hon. members to be brief. Mr. A. K. Sen.

**SHRI S. M. BANERJEE :** There is going to be President's rule in Bihar also, because he is defending it now!

**SHRI A. K. SEN (Calcutta-North-West) :** Mr. Speaker, Sir, while I was listening to Mr. Nath Pai, I found that most of us were taken in by the principles of political ethics with which he treated us. It was much more of a discourse on how we should behave in Parliament and outside than an indictment of Mr. Kanungo, against whom I apprehended this motion is mainly directed. We have nothing to quarrel about the condemnation that has come from Mr. Nath Pai against this practice of floor-crossing. We have all shared this feeling of disgust. In fact, it started with Mr. Charan Singh.

**SHRI MADHU LIMAYE (Monghyr) :** It started much earlier.

आपको इतिहास मालुम नहीं है ।

**MR. SPFAKER :** You can say that when you get your chance.

**SHRI BAL RAJ MADHOK (South Delhi) :** We expected at least a man like Mr. Sen to know the facts.

**SHRI PILOO MODY (Godhra) :** He is a legal man. He is entitled to mislead.

**SHRI A. K. SEN :** It started with Mr. Charan Singh becoming the Chief Minister. I am not aware of any other floor-crosser who became a Chief Minister by floor-crossing.

श्री ओंकार लाल बेरवा (कोटा) :

राजस्थान में मोहनलाल सुभाड़िया ।

**SHRI A. K. SEN :** He never crossed the floor. So far as my knowledge of history goes, the first man to become Chief Minister was Mr. Charan Singh and others followed him. But when Mr. Nath Pai said it did

not matter who started it, I agree with him. It does not matter who starts it, but it does matter who continues it. Mr. Nath Pai would be very staggered to hear that only the other day in West Bengal, when a few floor-crossers left the Congress, many important members of the opposition sent a letter to the Governor that they were prepared to support Mr. Shankar Banerjee and Mr. Ashu Ghosh, or in other words, if this gentleman who had about 17 men behind him was appointed Chief Minister, he would be blessed by the leaders of the opposition, who are so vociferous in their condemnation against floor-crossing. I am sure Mr. Nath Pai is not one of them. What I am saying is, when this game was started in UP with Mr. Charan Singh being rewarded with the office of Chief Minister, people should remember that this is a game in which both can play. And, this is what happened. For this, Mr. Kanungo is not to be blamed. Mr. Mandal was elected to the House, if I remember aright, as a member of the Socialist Party. I think he carried on a tearing campaign with Shri Mahamaya Prasad Sinha in Bihar particularly representing the backward classes of Bihar—I do not regard anybody backward; we are all backward in one sense, the way we behave here and outside shows we are all politically backward at least—shoulder to shoulder with him. He was then hailed as Shri Humayun Kabir was hailed the other day in Bengal wherever he went with Shri Ajoy Mukerjee to address meetings. Today he is condemned because he has not supported those who have been his comrades in the last elections. In the same way, Shri Mandal has earned a bad name because those who expected him to play a different role have found that he has not.

What happened in Bihar? Let us forget about these floor crossings and the participants in this wonderful game on the chess board of floor crossing.

**SHRI JYOTIRMOY BASU (Diamond Harbour) :** Shri Sen is an advocate for undefended cases.

**SHRI A. K. SEN :** When I defend an undefended case I have a right to defend. Unfortunately, many people choose me to defend their undefended cases. I do not think Shri Basu has ever chosen anyone. But that does not matter. The merit of the case is what matters.

[Shri A. K. Sen]

What happened in Bihar? Leaving alone the wonderful picture of floor-crossers being hailed now and thrown and jettisoned the next moment, in Bihar the crisis was deepened because of the deep-seated quarrels which started the moment a wonderful group of 14 or 15 odd assortments had come together. Every day we found that some party was opposing the Chief Minister's some programme or another. Every day we heard that the Chief Minister was either tendering his resignation or threatening to do so. This went on much to the disgust of the people of Bihar who had fought so valiantly in the very movement, to which noble references have been made by Shri Nath Pai. The very seat of the 1942 movement.

By a wonderful and remarkable game of political chicanery, 14 or 15 groups got together, never gave a common programme, never talked together and they tore themselves completely asunder. As a result of that what happened was that they lost their majority. When they lost their majority the Opposition called....

SHRI NATH PAI : Come to article 171.

SHRI A. K. SEN : You have not come to it.

SHRI NATH PAI : I did, I quoted it.

SHRI A. K. SEN : I will come to it in my own time, not at your bidding.

Now, Sir, when they lost their majority the Congress said, please call the legislature. Now democracy has taken a wonderful shape where the legislature is not the forum where these political questions are to be determined, they are to be determined outside the legislatures. We have been a wonderful example of it in Bengal. We saw it in Bihar. I have great respect for Shri Mahamaya Prasad Sinha. He is an old-time Congressman. But as it is, his comrades prevailed upon him in refusing to call the Assembly. He said, not now, I shall call it when I choose. The Governor Shri Kanungo accepted his advice. Though it was patent that he had no longer any majority, yet Mr. Kanungo accepted his advice. Is he to be arranged for that, pilloried for that? I remember every paper carried congratulatory messages from lea-

ders on this side saying, look at Kanungo and look at Dharma Vira, what a difference, what a contrast....

SHRI S. M. BANERJEE : That was about Shri Ayyangar and not Shri Kanungo. Read the papers correctly.

SHRI A. K. SEN : I would request Shri Banerjee to keep quiet. He talks too much. Those who talk too much ought to know that they carry no weight. Shri Kanungo waited till the last day. The Assembly met. We all know what happened during the debate on the Governor's Address. The Governor gave an Address on the advice of a Ministry which no longer had the majority, and the next day or the day after that—I do not remember the date so clearly. I confess it—on a motion of no-confidence the Ministry lost its majority and then it resigned. Then the Governor's duty is to find who is the person who can command a majority and one of the members of Shri Mandal's Party, the Soshit Dal Party was taken as the person who commanded the majority. He came. Then, on his Chief Minister's advice, again, the Governor accepted his resignation and called upon a person to form the Ministry who until today commands a majority. It is true that he commands a majority with the support of the Assembly. But, according to Shri Nath Pai,—I hope it is not his own version—democracy means only support of the majority if the majority consists of the opposition. But if the majority consists of Congress members, then it is not a majority.

16.57 HRS.

[MR. DEPUTY-SPEAKER *in the Chair*]

I remember that Shri Nath Pai referred to an ex-Chief Justice of the Supreme Court. I am second to none in the respect for the judiciary. When I was on the Treasury Benches people have seen how much devoted I was to our judiciary, because I am an unrepentant believer in the supremacy of the law, that so long as our judiciary remains independent and fearless the rights of the people are guaranteed. Now, when the judiciary, the Supreme Court, returned a verdict that we could not amend the Constitution to abridge or take away the fundamental rights, was the same devotion forthcoming from those who swear by

the decisions of the Supreme Court? Then we were told that the Supreme Court judgment was unfair. Now, when the Calcutta High Court gave its judgment on the right of the Speaker to condemn the formation of a Government, those who said "go to the court" take the verdict of the High Court?....

AN HON. MEMBER : Supreme Court.

SHRI A. K. SEN : The Supreme Court will come later. We are waiting for that day. I hope it will come and I hope he will accept it.... (interruptions). When the judgment of the Calcutta High Court came, our wonderful devotion to the judiciary is so great that the High Court judgment was characterised as cross judgment. I have read wonderful criticism of the judgment of the Calcutta High Court.

SHRI S. M. BANERJEE : It is irrelevant

SHRI A. K. SEN : Until it is set aside by the Supreme Court, that judgment stands. Yet, the judgment of the Calcutta High Court is criticised and those who criticise it are applauded.

I am told that Shri Gajendragadkar has given some opinion. Shri Nath Pai referred to Rajasthan. I refer to Bengal, which is a next door to Bihar. He went to Rajasthan to quote the ex-Chief Justice. Now, what happens is that the judges are quoted when it suits somebody to quote them, but when their verdict is against a particular party or purpose, they are condemned. Therefore, it is no use quoting an ex-Chief Justice as if he is the last word. I do not know and I am not concerned with what he has said. I have the greatest respect for him as a Chief Justice and as a democrat.

SHRI S. M. BANERJEE : The words of an ex-Chief Justice have more value than that of an ex-Minister.

SHRI A. K. SEN : I know it has more value than the opinion of the members of the opposition also. I do not run down anyone. It is not my habit. Shri Banerjee's opinion is as valuable as mine. If he can convince the people. It will be accepted. That is the democratic process to which we all owe allegiance.

17.00 HRS.

Shri Nath Pai says that Shri Gajendragadkar's opinion has not been accepted. I do not know on what he has given an opinion and how that secret has travelled to the archives of Shri Nath Pai. We have not been favoured with that.

But whatever it is, we are concerned in this case with Shri Kanungo and not with the rights and wrongs of some other Governor who is not before us now. What has Shri Kanungo done? When Shri Nath Pai was giving his long address of 45 minutes I was waiting every minute to hear something about Shri Kanungo having done something wrong. He only indulged in flourishing phrases of his being a puppet being run by Shri Chavan from here. If assertion proved the case, Shri Nath Pai has proved his case.

SHRI NATH PAI : I Object. I call Shri Chavan as Shri Chavan and not as Shri Chavan.

SHRI A. K. SEN : Whatever it is, Shri Chavan remains Shri Chavan. If I have not pronounced a Maharashtrian name properly, I expect Shri Nath Pai to pronounce a Bengali name better than I.

SHRI NATH PAI : You are anglicizing it.

SHRI A. K. SEN : Shri Chavan remains Shri Chavan to me, as I said, whatever folly I might commit in pronouncing his name. It may not be as Maharashtrian as Nath Pai's or his Konkani by the way. We are told that I lost the case when I argued that Konkani was a dialect of Maharashtrian.

SHRI NATH PAI : I now know why you lost it, just as you are losing the case of Bihar.

SHRI A. K. SEN : But I shall not lose this case because the judges are much better.

SHRI PILOO MODY : That is only because the jury is fixed.

SHRI A. K. SEN : That is right. We believe in a jury.

SHRI NATH PAI : A fixed jury!

SHRI A. K. SEN : No, an elected jury.

As I said, not one word has been said against his judgement. Has it been

[Shri A. K. Sen]

said that he did not choose a man who command the majority? Has it been said that he did not accept the resignation of the ministry which had really suffered a defeat on the floor of the Assembly? What has he done excepting a long discourse in which Shri Nath Pai has merely asserted that Shri Chavan has decided everything for him?

SHRI HEM BARUA (Mangaldai): You are wrong in one sense....

SHRI A. K. SEN: I am always wrong to Sri Barua and Shri Nath Pai, but that does not really matter. What I am concerned with is what the facts are.

SHRI HEM BARUA: Shri Nath Pai said that he has 17 men with him.

SHRI NATH PAI: 17 defectors and 33 ministers!

SHRI A. K. SEN: The debate is on this subject:—

"That this House disapproves the manner and the procedure adopted by the Governor of Bihar in installing Shri B. P. Mandal as Chief Minister".

Nothing has been said about it. We have told about the defection. We have been told Shri Chavan playing the part of a puppet-player. We have been told about Rajasthan and about everything else.

SHRI NATH PAI: Also about Punjab.

SHRI A. K. SEN: But nothing has been said about this gentleman. He is an honourable man.

SHRI MADHU LIMAYE: Brutus also was an honourable man!

SHRI A. K. SEN: He has acted like a democrat. He has gone by the verdict of the Assembly. He waited until the resignation of the Leader of the House who was the Chief Minister. He called upon the man who commanded the majority and who still commands the majority to form the Government. The moment he loses the majority, he certainly will go. Where has he committed a lapse from the duties entrusted to him under the Constitution?

SHRI S. M. BANERJEE: Right from the beginning.

SHRI A. K. SEN: Shri Nath Pai has quoted the wrong oath of the Governor. It is not the same oath; it is substantially the same. The oath is set out in article 159 and it is this that he solemnly affirms that he will faithfully execute the office of Governor and will to the best of his ability preserve, protect and defend the Constitution and the law and that he will devote himself to the service and well-being of the people. I am glad that this oath has been brought in because many times many people forget this oath. It is a great thing which unites all parties together in our common allegiance to common principles of democratic government. What is he to do to see that the Constitution functions? How does it function? Under our Constitution, it is by the elected legislators who by their majority complexion determine the character of the Government and the Governor is there to see if there is a majority possible and if that majority is possible, who is the leader to be chosen, and if the majority slips away from the hand of the original person chosen, then he will be relieved of that duty, because in law the executive function vests in him. He has done exactly what the Constitution enjoins upon him to see that the majority party reflect their views through their leader as chosen to head the Government, so that the Government is formed by that person who leads a majority. That is the essence of our Constitution, not what the complexion of the majority is. To my learned friends here, the majority is only a majority when it consists of 14 odd assortments minus the Congress. Even with the inclusion of Jana Sangh and the Left Communists, it is still a majority. But if the majority is composed of the Congress and somebody else, then that majority is not a majority under the Constitution! Something more has to be said to prove that! That is my submission.

MR. DEPUTY SPEAKER: Shri K. M. Koushik; just 7 to 8 minutes.

SHRI KANWAR LAL GUPTA (Delhi Sadar): No, Sir. That is not possible. He has taken 20 minutes. You may extend the time.

MR. DEPUTY SPEAKER: He has taken the party's time. We have fixed 2

hours. We cannot go on indefinitely. The Speaker has already said that.

SHRI K. M. Koushik (Chanda) : Mr. Deputy-Speaker, Sir, I have heard with interest the opening arguments of Mr. Nath Pai and the reply given by Mr. A. K. Sen. In fact, they have not really gone into the root causes of the whole affair.

As we have been seeing today, there is a craze for power and a race to grab it. It is this that is, as a matter of fact, responsible for undermining our democracy and the consequent political instability in the country. Unless there is political stability in the country, there cannot be any economic development also. Therefore, it is a serious matter for everyone of us to think in regard to some methods by which we should be able to put an end to this sort of a political instability. Otherwise, our democracy will be a mockery and our motto, namely, *Satayameva Jayate*, will have to be converted into one of "Everything for myself and spoils to me also." This will be the motto the moment we resort to those things.

Mr. Nath Pai reminded Mr. Chavan of the debate on the 8th December with regard to defections. Mr. Chavan had very candidly admitted that this is an unhealthy practice and that we have to lay down more healthy conventions and he gave a recipe, namely, there must be an understanding among the political parties with regard to these defections. That was the recipe he gave. But I am so sorry, without much lapse of time, he himself forgot what recipe he gave us and he has been instrumental or partly responsible for the Bihar Ministry coming up in this manner by back-door means.

I would say that the Bihar model is only after West Bengal and Punjab. The manipulations that have been going on will clearly show that this is seduction, pure and simple, in every case. As we all know, seduction is a powerful weapon. Let me recall the great Rishi Vishwamitra who was seduced by Menaka. So, this craze for power or being crazy for power, and the attempt to grab it, are the things in the nature of Menaka. Therefore, we must curb it and if anybody is found doing it, he will have to be blamed for that. Instead of blaming the Governor, the persons who are

responsible for doing this and who are crazy for power will have to be condemned. In fact, the Congress Party has been responsible for the whole thing. It is they who deserve to be condemned in this regard. That is what I am going to impress on them.

The art of seduction is not new to the Congress Party. This game was started in an aristocratic way by Pandit Jawaharlal Nehru when he placated Shri Prakasam and Shri Pattam Thanu Pillai. In fact, he did not do it for the purpose of forming the Government; he was not short of any number, but he wanted to snap the Opposition and that was precisely the reason why he placated these persons who were very powerful leaders in the Opposition. That was an aristocratic game which he played, it was a first class game, and I have nothing to say about it. Now the present Congressmen cannot play that first class game, the game that was played by Pandit Jawaharlal Nehru; they are adepts only in playing third class game and it is this third class game that has been responsible for this evil which everybody now admits as an evil. This is the evil which we have to combat, and it should be our effort to see how this can be done.

Now, who is responsible for this evil? I want to fix the responsibility now. What is the cause? The Congressmen have, for a period of nearly two decades enjoyed power and pelf. They have become man-eaters. Once a tiger kills a man and enjoys his blood, it is said that he would not, in future, prey on animals but will only prey on humanbeings. So, the Congressmen, after having enjoyed power for 20 years, cannot afford to sit without power and it is this which has been responsible for all these evils. These power-crazy Congressmen are responsible for all the political instability in this country and I condemn them for this attitude. The Congress Organisation is not doing anything to see that this tendency is kept under check and this is greatly responsible for all the instability, for mal-administration and for all the changes in the Ministries.

Now I would say, as I have already said, that this power is something wonderful. The Congress people, having enjoyed power for such a long time and being now out of it after the last General Elections in many of the States, have got an itching palm and

[Shri K. M. Kaushik]

it is this itching palm that is responsible for all these manipulations that have been going on in West Bengal—of course, now the West Bengal story is complete—in Bihar, in U.P. and in Punjab. When you play a good game, I can understand the game being played in a good manner. Gandhiji has said that the result will not justify the means; the means must be good and the ends also must be good. This is the principle which Gandhiji has laid down for the people to follow. But the Congressmen are concerned only with the result, whatever the means might be, fair or unfair. If they are happy with the result, they do not bother about the means; according to them, only the result must be good. This is the way in which they have been approaching the whole problem.

What did they do in West Bengal? Dr. P. C. Ghosh came out with 15 or 16 persons and these people gave him an assurance that they would support him. They did not have the courage to come forward to form the Ministry taking those 16 or 17 defectors from Dr. Ghosh, and they wanted Dr. Ghosh himself to form the Ministry. This was the position. After Dr. Ghosh formed the Ministry, they completely let him down; half the Congress supported him and half did not support him. This is the discipline of the Party! It is this that has been responsible for all the things that are going on. This is how our democracy functions!

Then the same position was there with regard to Punjab. The same thing took place with regard to the Gill Ministry. The same thing took place in Bihar also. They have the same *modus operandi*. They do not want to join the Cabinet because then they would become responsible. So, they put these handful of defectors in charge of the Ministry. They give the greatest reward for the man who has taken the lead in getting defector and he is immediately rewarded with Chief Ministership and the other defectors are made Cabinet Ministers. This is their *modus operandi*. This is what the Congress does. They put the defectors in power but they do not join the Cabinet. But then they tell the Minister that they will have to do such and such a thing, otherwise, they would withdraw their support. What they cannot do ordinarily, they have, now, a way of getting them done by back-

door means. This is what the Congress has been doing and this is how the Congress has been creating a hell for themselves, for others and for the whole country.

MR. DEPUTY-SPEAKER: Now, the hon. Member must try to conclude.

SHRI K. M. Koushik: May I have five more minutes?

MR. DEPUTY-SPEAKER: We must abide by the time-limit. I must place before the House my difficulty. The time allotted for this motion is two hours. The Mover has taken 45 minutes. I have to accommodate several other Members, and, therefore, I have to curtail the time for every Member. The hon. Member has to finish in the time allotted for him.

SHRI K. M. Koushik: I am surprised that people holding high positions in the Congress organisation and on the Treasury Benches sermonise from the pulpit and say that there must not be casteism and there must not be any defections. But I would ask them to search their own hearts and see for themselves what an amount of casteism prevails starting from the Congress President himself, and what an amount of defections they have been responsible for.

I am surprised that the Congress President now says that he welcomes defections but it would be an one-way traffic only in favour of the Congress and not the other way round. This is what Shri Nijalingappa has openly declared at the Hyderabad Congress session; he has said that there may be defections but let those defectors who have defected from the Congress again defect and come back and he would receive them with open arms. If this is the discipline in the ruling party, which is the major party and which has a lot of heritage behind it, if this is the discipline which the Congress Party instils in the minds of its members, then woe be unto the whole country.

I had a lot of things to say but since my time is up, I would conclude by saying that unless the Congress Party lays down principles and healthy conventions not only for the benefit of the Congress but for others also, things will not improve. If they continue to take to the these ways which they have been adopting today, then things will not improve

but on the other hand they will become worse and our democracy will become a mockery.

**श्री कंबर लाल गुप्त (दिल्ली संघ) :**  
मेरे लायक दोस्त श्री ए. ०. के. सेन ने एक ब्रीक और एक लास्ट केस को आर्गू करने की कोशिश की है। उन्होंने चीजों को तोड़ मरोड़ कर सदन के सम्मुख पेश करने की कोशिश की है। उन्होंने यह कहा कि चरण सिंह जी पहले डिफेंडर थे और उसके बाद जो कुछ बिहार में हुआ वह ठीक हुआ, गवर्नर ने जो कुछ किया, ठीक किया। इस प्रकार से उन्होंने इसको बतलाने का प्रयत्न किया। मैं कहना चाहता हूँ कि डिफेंडर कोई भी हो, डिफेंडेशन किसी ने भी किया हो, फ्लोर आसिग हम करें या आप करें, गलत है, उसको डिफेंड नहीं किया जा सकता है, उसको मब तरफ से कंडेम किया जाना चाहिये।

बिहार में क्या हुआ। बिहार में कुछ लोगों को सेंट्रल गवर्नमेंट ने पैदा किया। शोषित दल को जिसकी आज वहाँ मिनिस्ट्री है केन्द्रीय सरकार ने जन्म दिया, उसको इसने बड़ा किया, उसको इसने पाला और आखिर में इस केन्द्रीय सरकार के बच्चे को—मैं तो यह कहूँगा कि इल्लीगल चाइल्ड को—गद्दी पर उसने बिठा दिया। कहीं से भी दम बीस लोगों को पकड़ा जा सकता है और उनको मिनिस्टर बनाया जा सकता है। इस तरह से गवर्नमेंट बन सकती है। यहाँ बिहार में क्या हुआ है। शोषित दल के सदस्यों की संख्या 38 है और सारे के सारे मिनिस्टर हैं। उसके अन्दर केवल चार लोग हैं जिनको ओथ लेने के लिए बुलाया गया था और उन्होंने यह कह कर ओथ नहीं ली कि हमें कैबिनेट मिनिस्टर बनाओ, नहीं तो हम ओथ लेने के लिए तैयार नहीं हैं। मैं कहूँगा कि दुनिया की हिस्ट्री में, डेमोक्रेसी की हिस्ट्री में यह उदाहरण अनपैरेललड है। मुझे चह्लाण साहब बतायें कि क्या किसी भी देश में इस प्रकार से डेमोक्रेसी को मैसेकर किया गया है? वह बतायें एक भी उदाहरण जिसमें कहीं पर पंद्रह बीस लोग पकड़ लिये गये हों और सबको मिनिस्टर

बना दिया गया हो। यहाँ पर कांग्रेस ने उसको स्पॉट करना शुरू कर दिया। प्रजातंत्र के इतिहास में यह एक अनपैरेललड घटना है। अगर वहाँ पर युनाइटेड फ्रंट की मिनिस्ट्री को विधान सभा में बहुमत प्राप्त नहीं रहा और कांग्रेस का बहुमत हो गया, तो गवर्नर साहब कांग्रेस को बुलाते और कांग्रेस वाले अपनी मिनिस्ट्री बनाते। लेकिन बिहार में क्या हुआ? श्री मंडल को विश्वास दिलाया गया—बिहार राज्य की कांग्रेस पार्टी की तरफ से नहीं, बल्कि केन्द्रीय सरकार की तरफ से,—जैसा कि मैंने कहा है, उस बच्चे का जन्म यहाँ हुआ—कि वह डिफेक्ट करें, अगर युनाइटेड फ्रंट की मिनिस्ट्री गिर गई, तो उनको चीफ मिनिस्टर बनाया जायेगा।

**श्री क० ना० तिवारी :** आन ए पायंट आफ आर्डर, सर। इस सदन में अगर कोई बयान होता है, तो उस बयान के पीछे कोई सबूत होना चाहिये। मैं माननीय सदस्य से यह जानना चाहूँगा कि उनके पास इस बात का क्या सबूत है कि यहाँ से कोई आश्वासन दिया गया या यहाँ पर कोई योजना बनाई गई।

**MR. DEPUTY-SPEAKER :** I agree that whatever statement is made must be factual. Now let him not disturb.

**श्री कंबर लाल गुप्त :** कोई किस का बच्चा है, इसका मेरे पास क्या सबूत हो सकता है?

जैसा कि मैंने कहा है, श्री मंडल से वादा किया गया कि अगर वह डिफेक्ट करेंगे, तो उनको चीफ मिनिस्टर बनाया जायेगा। लेकिन जब युनाइटेड फ्रंट की मिनिस्ट्री गिर गई और श्री मंडल को मुख्य मंत्री बनाने का सवाल उठा, तो ला मिनिस्ट्री ने कहा कि यह पहले ही विधान मंडल के सदस्य बने बगैर छः महीने तक मिनिस्टर रह चुके हैं, अब यह चीफ मिनिस्टर नहीं बन सकते हैं। तब एक और रास्ता निकाला गया।

**श्री विभूति मिश्र (मांतीहारी) :** मैं माननीय सदस्य को बताना चाहता हूँ कि श्री



### [श्री विभूति मिश्र]

मोहन लाल गुप्ता बिहार के पुराने कांग्रेसी थे लेकिन श्री महामाया प्रहाद सिंह और अन्य गैर-कांग्रेसी लोग उनको और श्री प्रमोद कुमार मिश्र को मोटर-गाड़ी में बिठा कर पटना से रांची ले गये और वहां पर उनको शपथ दिलाई गई।

श्री कंबर लाल गुप्त : जब कानून ने श्री मंडल को चीफ मिनिस्टर बनाने के इजाजत नहीं दी, तो कांस्टीट्यूशन के साथ फ़ाड़ करके दो दिन के लिए एक स्टेपनी चीफ मिनिस्टर बनाया गया। किस लिए ? उसका एक ही फंक्शन था कि वह गवर्नर साहब से कहे कि श्री मंडल को नामजद करना है। इतना काम करके वह अपनी मौत आप मर गया। इसके अनुसार श्री मंडल को विधान परिषद् में नामजद किया गया और दो दिन के बाद उन्होंने मुख्य मंत्री की शपथ ली।

मैं यह पूछना चाहता हूँ कि गवर्नर ने जो कुछ किया, क्या वह संविधान की स्पिरिट के अनुसार था। मेरे लायक दोस्त, श्री नाथ पाई, ने अभी बताया है कि कांस्टीट्यूशन के मुताबिक किन लोगों को विधान परिषद् में नामजद करना चाहिये। इन सब बातों से यह साफ मालूम होता है कि बिहार में जो कुछ हुआ वह एक कैलकुलेटिड और प्री-प्लान्ड कान्स्टीरेसी थी। हैदराबाद सेशन में कांग्रेस ने जो रेजोल्यूशन पास किया, यह उस लड़ी की एक कड़ी है। वहां पर बैठ कर पंजाब, बिहार और बंगाल में इस प्रकार की माइनारिटी गवर्नमेंट्स कायम करने की योजना बनाई गई।

1967 के चुनावों के परिणामस्वरूप देश में जो क्रान्ति हुई, उसको समाप्त करने के लिए, कांग्रेस को फिर से सत्ता में लाने के लिए और लोगों के बरडिकट की अवहेलना करने के लिए हैदराबाद में एक कान्स्टीरेसी रची गई। वहां पर यह योजना बनाई गई कि आहिस्ता आहिस्ता एक एक गैर-कांग्रेस सरकार को खत्म करना है। आज मध्य प्रदेश में क्या हो रहा है ? वहां पर भी एक शोषित दल पैदा

किया जा रहा है। वह बच्चा आहिस्ता आहिस्ता जन्म ले रहा है।

कांग्रेस को फिर से सत्तासूद्ध करने के लिए हैदराबाद में तीन स्टेजिज बनाई गईं। पहली स्टेज जो यह तो कि स्टेपनी चीफ मिनिस्टर बनाया जाये और दूसरी स्टेज यह कि मिनी-चीफ मिनिस्टर बनाया जाये। श्री मंडल और श्री गिल मिनी-चीफ मिनिस्टर हैं। लेकिन हैं। लेकिन आखरी स्टेज और अन्तिम उद्देश्य यही है कि कांग्रेस का चीफ मिनिस्टर होना चाहिए और अगर वह नहीं हो सकता है, तो राष्ट्रपति शासन लागू कर देना चाहिये। पंजाब कांग्रेस के अध्यक्ष आज यही कह रहे हैं कि वहां पर कांग्रेस अपनी मिनिस्ट्री बना सकती है।

बिहार में ऐसा क्यों किया गया ? युनाइटेड फ्रंट मिनिस्ट्री ने अपने से पहले कांग्रेसी चीफ मिनिस्टर और दूसरे मिनिस्ट्रों के खिलाफ एक एन्क्वायरी बिठाई। श्री कृष्ण वल्लभ सहाय जब मिनिस्टर नहीं थे, तो उनके एसेट्स केवल 16 हजार रुपये के थे और जब वह चीफ मिनिस्टर के पद से हटे, तो उनके एसेट्स 17 लाख रुपये के थे। उस एन्क्वायरी को खत्म करने के लिए ही यह साजिश की गई। जो वकील उस एन्क्वायरी को कन्डक्ट कर रहे थे, उन सब को घर बिठा दिया गया।

गवर्नमेंट आफ इंडिया की तरफ से लोकपाल की नियुक्ति की बात कही जाती है। श्री चह्वाण दो मुंह से बात करते हैं। वह यहां पर कहते कुछ हैं और घर जा कर करते कुछ और हैं। अगर इस सरकार ने देश में प्रजातंत्र को कायम रखना है, तो उसको यहां पर स्वस्थ डेमोक्रेटिक ट्रेडीशन्स बनानी होंगी। हो सकता है कि इस प्रक्रिया में उस को अपने एक हाथ से अपने दूसरे हाथ को डेमोक्रेसी के लिए काटना पड़े। यह बड़ा डेलीकट मामला है, इस लिए इस तरह के टाइट रोप डांसिंग के द्वारा ही वह यहां पर डेमोक्रेटिक ट्रेडीशन्स कायम कर सकती है। जब कभी

अपनी पार्टी का इन्स्ट्रुट सामने आया, तो कांस्टीट्यूशन को तोड़ मरोड़ दिया और उस का अपने हित में इन्टरप्रेटेशन कर दिया, इस तरह से देश में प्रजातंत्र नहीं रह सकता है।

बूकि केन्द्र में कांग्रेस का शासन है, इस लिए उस ने गवर्नर को इंस्टीट्यूशन को पूरी तरह से मिसयूज किया है। वास्तव में गवर्नर को यह देखना चाहिये कि क्या कांस्टीट्यूशन के मुताबिक काम होता है या नहीं। पिछले एक साल का अनुभव हमें यह बताता है कि कांग्रेस ने इस इंस्टीट्यूशन को पूरी तरह से मिसयूज किया है। मैं सरकार से यह मांग करता हूँ कि सुप्रीम कोर्ट के दो या तीन जजों के द्वारा इस बात की इन्क्वायरी कराई जाये कि अभी तक गवर्नर ने किस तरह से फंक्शन किया है। गवर्नर के एपायंटमेंट के बारे में हमें अब रीथिंकिंग करनी पड़ेगी।

बिहार की वर्तमान सरकार की विधान सभा में मैजोरिटी नहीं है। वह तो केवल कांग्रेस और केन्द्रीय सरकार के करम और मेहरबानी से कायम है। वहाँ पर प्रैजिडेंट्स हल लागू कर देना चाहिए और फिर दोबारा इलेक्शन की व्यवस्था करनी चाहिए। किसी भी गवर्नर को यह अधिकार नहीं होना चाहिए कि वह लोगों के चुने हुये प्रतिनिधियों को हटा कर किसी के कहने से किसी अन्य आदमी को मुख्य मंत्री पद पर बिठा दे। मैं आशा करता हूँ कि गृह मंत्री इस बात पर ध्यान देंगे और देश में डेमोक्रेसी की सच्ची और स्वस्थ ट्रेडीशनज का निर्माण करेंगे।

MR. DEPUTY-SPEAKER : Shri K. N. Tiwary : Seven minutes only.

THE MINISTER OF HOME AFFAIRS: (SHRI Y. B. CHAVAN) : As this is a two-hour debate, I would like to intervene at this stage.

SHRI S. M. BANERJEE : When you have called a member, how can he intervene ?

MR. DEPUTY-SPEAKER : He is perfectly within his rights. He is intervening.

SHRI NATH PAI : Mr. Chavan was in his rights to make a submission that because of his prior commitment, he would like to go, though I do not think he is very respectful to us, but the rules of procedure are very clear that once an hon. member is called by name and he is in possession of the House, you cannot change the order except with the permission of the House.

SHRI Y. B. CHAVAN : When he is withdrawing ?

MR. DEPUTY-SPEAKER : I entirely agree, but he is himself voluntarily withdrawing.

SHRI NATH PAI : Mr. Tiwary is browbeaten by the Home Minister.

MR. DEPUTY-SPEAKER : He voluntarily withdrew and therefore, I have called the Home Minister because of his commitments.

SHRI S. M. BANERJEE : I take it that Mr. Tiwary will not speak at all.

SHRI K. N. TIWARY : No, no.

SHRI S. M. BANERJEE : There are several instances when a Member who does not avail of his chance when called loses it; he cannot have a claim to speak till eternity.

MR. DEPUTY-SPEAKER : You have also appealed from this side that when you were called, you were not here and so you must be given a chance.

SHRI S. M. BANERJEE : He is very much here... (Interruptions.)

SHRI Y. B. CHAVAN : From what Mr. Nath Pai has said, this discussion appears to be rather an extension of the debate on the motion which was debated by Parliament once before. It has now become the fashion to say that whenever they feel that something unconstitutional according to them had been done in some State somebody is trying to pull wires from here. He has built his entire case on this fictitious assumption that everything that every Governor does in every State is being directed from here and according to him the devil here is me. He gives me that credit and I should perhaps enjoy it. But he is an intelligent person and knows that it is not true but still he believes in repeating it.

**SHRI NATH PAI :** Constitutionally you are responsible.

**SHRI Y. B. CHAVAN :** For what? For what the Governor does? You have never understood the Constitution and you will never understand it. Whatever the Governor in a State does, he does as the constitutional head of the State for which he is not responsible to the Home Minister.

**AN HON. MEMBER :** Two of your cabinet colleagues were sitting by the side of the Governor and advising him on these days.

**SHRI NATH PAI :** I had warned you about his conception of 'pleasure' there he is at it again.

**SHRI Y. B. CHAVAN :** I am coming to 'pleasure' also; your dancing girl's pleasure. It is no use telling us funny stories. You cannot compare a dancing girl's pleasure with the constitutional pleasure of a Governor... (*Interruptions*). I know what we are doing and what we are not doing. I am not angry; when I am interrupted I should give a reply to that.

**SHRI NATH PAI :** There is a tremendous difference between a girl dancing and a dancing girl. I never told you the story of a dancing girl... (*Interruptions*).

**SHRI Y. B. CHAVAN :** The basic presumption on which the whole case is built is that the Governor is being directed from the Centre to do whatever he did. But we must get to some simple facts. The fact is that Mr. Mandal who belonged to one of the parties sitting opposite was elected to this hon. House. Mr. Nath Pai angrily looked at us and said that he disobeyed the mandate of this House and of the people. I ask him : Did he do so at the behest of the Congress? It was the United Front Government that made him a Minister there and asked him to disobey the mandate of the people. Now people make mistakes and they are to be corrected. Let us try to find ways of correcting the mistakes. People are apt to make even constitutional mistakes or mistakes of propriety. Certainly we shall have to find out how we can correct them. The man remained a minister for five months and twenty days.

**AN HON. MEMBER :** Five months and 29 days.

*C.M., of Bihar (M.)*

**SHRI Y. B. CHAVAN :** Then he was asked to resign. He very cleverly and intelligently resigned and then he decided to part company with his friends or so-called friends. The prodigal son returned to his home! He came back to his friends again. (*Interruption*). Now, what has happened? In the meanwhile, the controversy arose, and the controversy was going on in Bihar politics itself, whether the same man can become a member of the Government if he is elected leader of the party. It is a well-known controversy, whether a man, who has been a Minister in the Council of Ministers for more than five months and so many days, can, after a certain break of time, become again a Minister or Chief Minister if he is elected leader of the party,—

**SHRI NATH PAI :** He cannot become.

**SHRI Y. B. CHAVAN :**—and the answer was he cannot. I would like to tell hon. Members that this position was taken by Governor Kanungo himself. I mean the man wanted to be absolutely constitutional about it. (*Interruption*).

**श्री मधू लिमये :** यह पहले आयरंगर ने कहा था। उस की ताईद कानूनगो ने की।

**SHRI Y. B. CHAVAN :** Whatever the position was taken before was confirmed and confirmed with strength by Governor Kanungo. Here, we are considering the conduct of the Governor. If he had any intention, as the hon. Member was trying to attribute to him, he could have certainly, at the very beginning, thwarted the action taken by Mr. Ayyangar.

**श्री मधू लिमये :** मुश्किल हो जाता।

**SHRI Y. B. CHAVAN :** He took an absolutely constitutional view in this matter, and told them this cannot be done. So here is the *bonafides* of the man : that he wanted to stand completely by the spirit of the Constitution; not merely by the letter of the Constitution but the spirit of the Constitution.

Here is a political arrangement for which I am not responsible; and they are not responsible; the arrangement took place there. Believe me when I say that I hate this deflection. But what can one do as long as we do not create certain statutory sanction

against it or make political arrangement by means of agreements and conventions of political parties? If you blame me merely because I am the Home Minister here, it is very unfair. Last time when we discussed the resolution of Shri Venkatasubbaiah here, I said that I hate these defections. But how can I tell the Congress party only that "you stop the defections", because, as long as the defections are practised by other political parties, how can I ask one political party, "You cannot do it?" (*Interruption*).

SHRI NATH PAI: You rewarded him by making him Chief Minister.

SHRI Y. B. CHAVAN: Who rewarded him? I did not reward him. Let me make the position clear that not only personally but as a person who has certain faith in democracy, I am completely unhappy that a nominated person is allowed to be Chief Minister. It is not a very happy position. But what can I do? There is no provision in the Constitution that a person cannot—

श्री मधुलिमये : आप गृह मंत्री हैं, वकिंग कमेटी के सदस्य हैं।

SHRI Y. B. CHAVAN: I cannot help it. There are certain lacunae in the Constitution; that is my experience. After the last general election, we have had such new experiences in our political life that we certainly will have to think in terms of removing some of these lacunae and defects in the constitutional position. Personally I feel that it must be made a very specific provision—and as far as I am concerned, I am willing to support it—that an elected member of the Legislative Assembly only should become the Chief Minister. I have no doubt about it. But what is the use of saying this, because this is a pious wish as long as the Constitution allows such a thing to be done? And unfortunately, there are precedents—

AN HON. MEMBER: Rajaji.

SHRI Y. B. CHAVAN: If I mention names—

MR. DEPUTY-SPEAKER: It is a well-known precedent.

SHRI Y. B. CHAVAN: There are some precedents, unfortunately.

AN HON. MEMBER: Your party nominated Rajaji. (*Interruption*).

SHRI Y. B. CHAVAN: Rajaji. "When he was a Congressman," you will say that. That is why, when I say that you were all Congressmen once, again you will get angry about it. Unfortunately there are precedents about it. How can I say that it was a good precedent because Rajaji was going to be the Chief Minister and how can I say that it is bad because a poor man of the Soshit Dal will become the Chief Minister? How can I do that?

श्री मधुलिमये : दोनों बराबर हैं।

SHRI Y. B. CHAVAN: Let us, therefore, sit together, if at all you want to correct mistakes. You said let us try to correct the mistakes. I am all game for it.

SHRI KANWAR LAL GUPTA: Are you prepared to take the initiative?

SHRI Y. B. CHAVAN: Let us meet in this committee on defections and let us make some recommendations. I am for it. Personally I am unhappy, but what can the poor Governor do, when a person who was Chief Minister makes a recommendation to the Governor that such and such a person, who is well qualified under the rule of social service, may be nominated? I differ from Mr. Nath Pai there. Mr. Mandal is as good a social servant as Mr. Nath Pai and he was certainly entitled in his own right to be nominated. I know that Mr. Nath Pai would never like to be nominated...

SHRI NATH PAI: I am glad you recognise it.

SHRI Y. B. CHAVAN: But hypothetically speaking, supposing he is not elected and the Government wants to nominate him. He might raise political objections to it, but at least he would not raise any constitutional objection to it that he is not qualified to be nominated as a social servant. As I said, Mr. Mandal is a good social servant and he was very well qualified under the Constitution to be a nominated member. Mr. Nath Pai read an article that some unknown person was made Chief Minister. How can you say that only a known person should be made Chief Minister? If he is elected as leader of the party, whether he is known or unknown, he can be made Chief Minister. Seeing the

[Shri Y. B. Chavan]  
way in which he advised the Governor to appoint somebody as a nominated member, what is the duty of the Governor under the Constitution ?

SHRI S. M. BANERJEE : At least this Governor has not read the Constitution.

SHRI Y. B. CHAVAN : Here is a certain attitude taken by some members. Whenever a Governor does something which is not politically convenient to them, they consider it unconstitutional. Even in defections, I saw some interesting definition—progressive defections and retrograde defections ! I do not want to take that attitude.

In this matter, I am very clear in my mind that no instructions directly or indirectly were even dreamt of, leave aside their being given. The Governor has acted perfectly constitutionally in every step he took. He was very objective and impartial. When he receives advice from the Chief Minister to appoint a certain person who is qualified to be nominated, when he appoints that man as a member of the council, if that man is elected as leader of the party there, the Governor cannot help it. Whether this man should have allowed that man to be nominated or after being nominated whether he should have accepted the Chief Ministership, etc., is not the concern of the Governor. What is necessary in this matter is, after learning a lesson from some of these experiences, we should make certain recommendations.

SHRI NATH PAI : You agree that that is not the best thing to do.

SHRI Y. B. CHAVAN : Constitutionally I am defending it. But on the ground of political propriety, I am not defending it. I am expressing my unhappiness about it. I am completely helpless in this matter, just as the Governor was helpless.

SHRI KANWAR LAL GUPTA : Why are you supporting it then ?

SHRI Y. B. CHAVAN : What do you mean by my supporting it ? If you ask me as a party man, I will ask you hundred questions as a party man. Just as I am Home Minister belonging to the Congress Party, you are also members of Parliament belonging to your own party, and you must take the responsibility for every step your

party takes. I can ask any number of inconvenient questions. I do not want to ask them. Then my party will work as a political party as all other parties are doing and resort to tactics as other parties resort to tactics. I cannot help that. Unless all political parties meet together and lay down certain conventions, it becomes a game and I am prepared to play the game. Therefore, my request to Shri Nath Pai is that he should not take opportunities or occasions like this to run down Chavan or the Government of India or the poor Governor there. Let us understand the reality of politics. The reality of politics is that people on their side also are not trying to be loyal now. What can we do about it ? Certainly, you may criticise Congress Governments. We ourselves criticise them. Self criticism is necessary. I do not see even one per cent desire in the Opposition parties to criticise themselves. Every failure of a UF Government is attributed to the action of the Governors and the blame is put on them. Is it right ?

श्री मधू लिमये : किम ने कहा है ? हमने ऐसा कहीं नहीं कहा है। हम अपनी आलोचना भी करते हैं।

SHRI Y. B. CHAVAN : I hope you are doing it. It is always said that the Central Government is toppling UF Governments. It is the most convenient untruth for them.

SHRI NATH PAI : There is a resolution passed in Hyderabad about toppling non-Congress governments. The new President of the Congress has said that it is your duty and you are going to do it.

SHRI Y. B. CHAVAN : You said that it is your duty to topple Congress governments.

SHRI NATH PAI : We admit it is our duty; you are denying.

SHRI Y. B. CHAVAN : I said the Government of India is not doing it. There are two things. Why do you not see this difference between the party organisation and the Government ? The two are completely different things.

SHRI NATH PAI : Mr. Chavan, you are a clever lawyer.

श्री रवि राव : (पुरी) : क्या वह कांग्रेस पार्टी की गवर्नमेंट नहीं है।

only for two hours, what right have you got to extend it? Who will ensure quorum? ... (Interruptions).

SHRI Y. B. CHAVAN : If the opposition parties in Madhya Pradesh were entitled to defeat and topple the Congress Government and if you think that they had a political right to do that, certainly the Congressmen in Bihar have every right to topple the Opposition government there. What is wrong there?

श्री मधु लिमये : उपाध्यक्ष महोदय, मुझे सख्त एतराज है। मैं व्यवस्था का प्रश्न उठाना चाहता हूँ। डा० राम सुभग सिंह धमकी दे रहे हैं। (व्यवधान)।

Sir, let us try to meet the real issue. Let us not try to unnecessarily blame someone where the blame does not fall. The real difficulty is that we have not foreseen some of the political happenings that are taking place today. There are large-scale defections. That really speaking has become a disease of the political life today. We had not anticipated this before. Therefore, we have to sit down, sit down seriously accepting the *bona fides* of all parties concerned, and try to evolve certain methods which will try to help us in these difficult times of running democracy in this country. If that is the spirit, then I would certainly request Shri Nath Pai to withdraw his motion. I have all respect for him. Sometimes I clash with him here but I have the highest regard for him. He is a scholar. I certainly believe that he genuinely believes in the principles of democracy. He is certainly one of the finest politicians in my State. If, really speaking, he is actuated by these healthy considerations, then I request him, with the explanation that I have given, to withdraw his motion.

श्री रणधीर सिंह : (रोहतक) : हम भी आपकी धमकी बरदाश्त नहीं करेंगे। हम आपकी इज्जत करते हैं इसलिए आपको भी चाहिए कि हमारे लीडरों की इज्जत करें। (व्यवधान)

DR. RAM SUBHAG SINGH : Because, this debate is only for two hours.

MR. DEPUTY-SPEAKER : I know my responsibilities. I am following the procedure.

MR. DEPUTY-SPEAKER : Is Shri Nath Pai withdrawing his motion? Then the purpose of the debate is served.

श्री मधु लिमये : उपाध्यक्ष महोदय, जो कार्य मंत्रणा समिति है, जो बिजनेस एडवाइजरी कमेटी है, उसमें समय निश्चित किया जाता है लेकिन अक्सर सदस्यों की मांग पर अध्यक्ष को कम से कम इस सदन में अधिकार रहा है ... (व्यवधान) ... कम से कम तीसरो लोक सभा में अध्यक्ष को यह अधिकार रहा है कि वह अपने अधिकार से एक घंटे का समय बढ़ा सकते थे। यहाँ पर सेक्रेटरी बैठे हुये हैं, कई दफे हमारे सामने यहाँ पर कहा गया है कि अध्यक्ष एक घंटे तक समय बढ़ा सकते हैं। इसलिए इस तरह से यहाँ पर धमकाना अच्छा नहीं है। अगर आप समय बढ़ाने को तैयार नहीं हैं तब तो दूसरी बात है, लेकिन डा० राम सुभग सिंह ने जिन शब्दों का प्रयोग किया है उन शब्दों को वापस लें ... (व्यवधान)

SHRI NATH PAI : I am really surprised, Mr. Deputy-Speaker.

DR. RAM SUBHAG SINGH : You should take the sense of the House, not only of the opposition, for any extension of time... (Interruptions).

MR. DEPUTY-SPEAKER : Then I have to ensure a fair debate. This motion was admitted on the understanding that it will be given two hours. I can extend it by half-an-hour, beyond that I cannot go.

श्री मधु लिमये : आप को बहुमत का बहुत धमक हो गया है।

THE MINISTER OF PARLIAMENTARY AFFAIRS AND COMMUNICATIONS (DR. RAM SUBHAG SINGH) : When it has been announced that it will be

श्री अटल बिहारी वाजपेयी : (बलरामपुर) : सदन ज्यादा देर बैठे या न बैठे लेकिन संसदीय कार्य मंत्री से कम से कम यह आशा की जाती है कि वे चेंबर का सम्मान करें। वे आप को कोई सुझाव तो दे सकते हैं कि सदन का समय न बढ़ाया जाय लेकिन समय बढ़ाने का अधिकार आप का ही है। जिस तरह से उन्होंने आप को चुनौती दी है वह न तो आप की प्रतिष्ठा को बढ़ाती है और न उम में उन की ही प्रतिष्ठा बढ़ती है।

डा० राम सुभग सिंह : समय बढ़ाने का अधिकार सदन का है।

SHRI ANBAZAGAN (Tiruchengode) : At the commencement of the debate, the Speaker observed that on the last occasion all parties were not able to participate and one party was not allowed an opportunity at all. That mistake should not be repeated. Therefore, on this occasion all the parties should get a chance to express their points of view ... (Interruptions). The Home Minister only intervened in the debate. He did not reply to the debate. So, members of the other parties should be allowed to participate in the discussion.

SHRI S. M. BANERJEE : Sir, I am on my legs on a different point. You will recollect that an adjournment motion on this question was not allowed on the ground that this discussion will be allowed. On the very first day of the House there was a notice of an adjournment motion, but it was not allowed. In this case, now they have very cleverly done it. Shri Chavan intervenes in the debate and then the Minister of Parliamentary Affairs gets up and says that the House will not sit beyond 6 O'clock? Since the Home Minister only intervened, am I to take it that the final reply will be given by Shri V. C. Shukla? ... (Interruptions). I am extremely sorry to see this. On such important matters when we co-operate with the Minister of Parliamentary Affairs, he should not show his temper. Generally, he is not like that.

MR. DEPUTY-SPEAKER : All of us know what procedure we follow on such occasions. We all of us co-operate in ensuring a fair debate. Conducting the pro-

ceedings is the responsibility of the Chair. Though two hours are allotted for this debate, the Speaker has stated that, as far as possible, every section should be given an opportunity.

DR. RAM SUBHAG SINGH : No. no... (Interruption).

SHRI K. N. TIWARY : Sir, I move :

"That the question be now put"... (Interruption).

श्री एस० एम० जोशी : (पूना) : उपाध्यक्ष महोदय, डा० राम सुभग सिंह ने जो कुछ कहा है, वह ठीक नहीं है। उन शब्दों को वे वापिस लें।

श्री नाथपाई : उपाध्यक्ष महोदय, मैं भी आपसे कुछ दख्खिस्त करना चाहता हूँ। मैं बहुत अरसे से डा० राम सुभग सिंह को यहाँ देख रहा हूँ मैं उनकी इज्जत भी बहुत करता हूँ। जो कुछ उन्होंने यहाँ कहा, मान्यता नहीं आज उनको क्या हो गया, शायद सिर्फ़ इसलिए कि बिहार के बारे में यह है। फिर भी उनके स्वभाव के विपरीत, उनकी जवान में इस प्रकार की भाषा की अपेक्षा मैं ने नहीं की थी कि गुस्से में आकर वे इस प्रकार की भाषा का इस्तेमाल करें जिससे कि डिप्टी स्पीकर साहब की बेइज्जती होती हो। मि० डिप्टी स्पीकर, पहली बात तो मैं यह कहना चाहता हूँ कि किस घंटे तक हाउस बैठे, कब तक बहस चले, यह बात आपके अधिकार के अधीन है। यह बात तो साफ़ जाहिर है और लोक सभा की यह परम्परा भी है कि लूक सभा ही इस बात पर फैसला करे कि हमें किस समय तक बैठना है। (व्यवधान) . . . . .

राम सुभग सिंह जी से हमारी प्रार्थना है कि गुस्से में आकर जिन शब्दों का उन्होंने इस्तेमाल किया है—क्योंकि वे संसदीय कामकाज के मन्त्री हैं—उन शब्दों को वे वापिस लें। (व्यवधान) . . . . .

अगर नहीं लेते हैं तो ठीक है, जसी उनकी मरजी।

श्री रणधीर सिंह : डा० राम सुभग सिंह से ज्यादा बढ़कर, चेयर की इज्जत करने वाला कोई दूसरा आदमी इस हाउस में नहीं है। उन्होंने कोई भी ऐसे लपज का इस्तेमाल यहां पर नहीं किया है।

श्री नाथपाई : मैं अपील करता हूँ कि जो इस तरह से यहां पर यह प्रस्ताव लाया गया है कि बहस खत्म की जाय, अगर आप चाहते हैं कि इस तरह के बुनियादी मवाल पर बहस रोक दी जाय तो आप जरा मोचिए कि उस का क्या मतलब होगा। मैं आप से प्रार्थना करता हूँ कि हम अभी बैठें क्योंकि दूसरे दल के लोग अभी बोले नहीं हैं। हम को चाहिए कि उन की बातों को ठीक तरह से सुनें और फिर इस के बाद कोई फैसला करें। इसलिए मेरी अपील है कि माननीय सदस्य अपना क्लोजर मोशन वापस लें और डा० राम सुभग सिंह ने जिन शब्दों का इस्तेमाल किया है उन को वह वापस लें।

SHRI SONAVANE (Pandharpur) : The hon. Member, Shri Nath Pai, without contemplating whether other hon. Members will be able to take part in the debate, appropriated for himself 45 minutes and now he comes forward and pleads for extension of time.

MR. DEPUTY-SPEAKER : We are debating an important point of procedure. On this point I do not want to take any decision very abruptly because all parties are concerned and we are concerned with a certain procedure that we are following so long. I do not want to abrogate it or suddenly snap at a certain stage. No, this will not be done so far as I am concerned. I know, the House is supreme, but everyone, who has something to say on this point, should have his say. I am prepared to give them that latitude. ... (Interruption).

SHRI SONAVANE : The closure has been moved. ... (Interruption). Time can be extended only with the consent of the House.

18.00 HRS.

MR. DEPUTY-SPEAKER : The closure motion has been made. According to the Order Paper, we should conclude it at 6 O'clock. If it is the pleasure of the House, I will take vote on this. (Interruptions).

श्री अटल बिहारी बाजपेयी : उपाध्यक्ष महोदय, आप मुझे सुनिये।

MR. DEPUTY-SPEAKER : There is a point of order raised on that. ... (Interruptions). There is a point of order on that and I have to listen to that. How can I brush it aside ?

श्री अटल बिहारी बाजपेयी : उपाध्यक्ष महोदय, मैं यह मान कर चल रहा हूँ कि कांग्रेस पार्टी इस समय विवाद को खत्म करना चाहती है और इस आशय का प्रस्ताव उस ने आप के सामने रक्खा है।

SHRI SONAVANE : Let him speak on the point of order, not attribute motives.

MR. DEPUTY-SPEAKER : I will take the vote. There is a point of order. (Interruptions).

SHRI NATH PAI : I want to make an appeal to the Deputy Prime Minister. If this debate is to be stifled, we will see to that ... (Interruption).

श्री मधु लिमयें : कल वजट पेश नहीं होगा।

SHRI VASUDEVAN NAIR (Peermade) : Let us have the game. Why are you killing the debate ? (Interruptions). They are playing a dirty trick ... (Interruptions).

MR. DEPUTY-SPEAKER : There is a motion of closure and on that there is a point of order raised.

श्री अटल बिहारी बाजपेयी : उपाध्यक्ष महोदय, क्लोजर के वारे में रूल 362 है। मैं चाहता हूँ कि आप उसे पढ़ें और माननीय सदस्य भी पढ़ें :

"At any time after a motion has been made, any member may move : "That the



[श्री अटल बिहारी वाजपेयी]

question be now put", and, unless it appears to the Speaker that the motion is an abuse of these rules or an infringement of the right of the right of reasonable debate, the Speaker shall then put the motion: "That the question be now put".

यह नियम बिल्कुल स्पष्ट है। इसका निर्णय बहुमत से नहीं होगा। यह निर्णय आप को करना है कि क्या रीजनेबल डिबेट हो रहा है या नहीं। हमारा कहना यह है कि क्लोजर मोशन जो आया है वह रीजनेबल डिबेट को खत्म करने के लिये लाया गया है और आप इस की अनुमति न दीजिये। बहुमत से तय करने का सवाल ही पैदा नहीं होता।

MR. DEPUTY-SPEAKER : Shri Kunte.

श्री मुद्रिका सिंह (औरंगाबाद) : क्लोजर मोशन मेरा है।

MR. DEPUTY-SPEAKER : Will you resume your seat ?

SHRI MUDRIKA SINHA : I am not going to resume my seat. . . (*Interruptions*).

SHRI DATTATRAYA KUNTE (Kolaba) : I am in possession of the House. You have called me; I am not yielding to anyone.

THE DEPUTY PRIME MINISTER AND MINISTER OF FINANCE (SHRI MORARJI DESAI) : He can shout whatever he likes. (*Interruptions*).

श्री मधु लिमये : शाउट का क्या मतलब है ?

विरोधी जब कुछ कहने लगते हैं तब आप हमेशा कहते हैं शाउट, शाउट ?

SHRI DATTATRAYA KUNTE : Sir, you have been placed in a very unfortunate situation by the hon. Member who has moved the closure motion. When he has moved the closure motion, naturally the further debate stops. This matter has got to be considered. Now, the closure motion has been moved under Rule 362(1) and that rule is very clear that it is for you to decide whether it is an abuse of these rules or an infringement of the right of reasonable debate, whether a reasonable debate

has taken place or not. It is not a question of vote at all. The question of vote will come when you adopt the motion. If you say that you do not accept the motion, there cannot be any debate on the motion, either for or against. It is rightly your prerogative under rule 362(1), whether to admit this motion of closure or not. Therefore, rather than any one of us saying anything about it, we leave it to you to decide. But, Sir, you have already indicated your mind. You have said that you want a sufficient debate to take place on this, you want the members of different Groups and Parties to speak about it. After all, only two or three Parties have spoken on this. You have already indicated your mind. Therefore, I want to say that you are placed in a very unenviable position. It is now for you to decide. (*Interruptions*).

MR. DEPUTY-SPEAKER : The Deputy Prime Minister.

SHRI MORARJI DESAI : May I say that the position about rule 362, as enunciated by my hon. friend, Shri Kunte, is quite correct. I agree with him entirely there. In the matter of deciding whether the closure motion should be put or not, it is you who have to decide whether there is an abuse in moving this motion and if you feel that there is an abuse, it is your right to say that it should not be put. But you have to decide whether there is an abuse. If it is not an abuse, then it has to be put; there can be no discussion on this. . . . (*Interruptions*). I was not in the House when it started, but what I have learnt just now is that two hours were set apart by the Business Advisory Committee for this business. . . .

SHRI NATH PAI : Don't you think that this is an abuse ? What is your opinion ?

SHRI MORARJI DESAI : It has to be finished according to the rules as are ordinarily followed. But there have been instances when time has been extended by the Speaker, but it has been done with the consent of the House. . . .

SOME HON. MEMBERS : No, no.

SOME HON. MEMBERS : Yes, yes.

SHRI NATH PAI : After ascertaining the sense of the House.

**SHRI MORARJI DESAI :** Quite right. I am not saying, by the vote of the House; I am only saying, sense of the House. I am not saying anything else in this matter. Therefore, it is for the Chair to decide this. But I have only to make one submission. If you go on extending the time for every issue like this, it will become a practice and a privilege of the House and afterwards it will be impossible for the Chair to deny this privilege to the members when they move for it and it will be impossible for us to do the work which has to be done. I am worried about it because now the Budget is going to come tomorrow. After that, there will be a general debate and then there will be demands for grants of Ministries which will be considered. If the time goes on increasing for every item, what will happen is that there will not be sufficient debate for Ministries and there will be a guillotine and discussion will come to an end. That is what will happen. These are matters where it will be better if there are discussions. My anxiety is only this. We should, therefore, decide in such a manner that it does not become a practice and a privilege of the House. I would also plead with my hon. friends that, in this matter, instead of trying to bring heat into it, if we could decide it in an amicable way, that would be better. I personally would leave it entirely to you to decide this matter in whichever way you may like.

**MR. DEPUTY-SPEAKER :** As the Deputy Prime Minister has correctly pointed out, whether reasonable debate has taken place or not is a question which I have to decide, and it is the duty of the Chair to see that normally reasonable debate is ensured in the House when any topic is brought forward. In this particular case, when the motion was moved by Shri Nath Pai, the Speaker was in the Chair, and before he left he had indicated publicly that on the last occasion one or two groups could not get an opportunity and, therefore, he had also indicated that as far as possible the representative of every group should get an opportunity. That is the usual practice.

What the Minister of Parliamentary Affairs says is entirely correct, that the time fixed for this is 2 hours. There is another rule regarding time, and what he has mentioned in that connection is correct. If I

have to extend the time, I must take the sense of the House. On such motions, we usually extend the time by half an hour or so normally. . . .

**DR. RAM SUBHAG SINGH :** That is not correct.

**MR. DEPUTY-SPEAKER :** Though the rule is there, that is the practice in this House. Though the closure motion has been brought forward, at this juncture I personally feel that certain groups who are vitally interested in the affairs of Bihar have not yet been given a chance, and I cannot shut them out. It would not be reasonable on my part to shut them out. As the Deputy Prime Minister has also said just now, reasonable opportunity should be given. At the same time, I would appeal to hon. Members to be very brief, and we shall try to finish this debate in half an hour.

**DR. RAM SUBHAG SINGH :** I object to the extension. You must take the sense of the House.

**MR. DEPUTY-SPEAKER :** Now, have to take the sense of the House for extension of time.

**SOME HON. MEMBERS :** You have already given your ruling that you would extend it by half an hour.

**MR. DEPUTY-SPEAKER :** The ruling is there. It is true that I have said that I would like to extend it by half an hour. But there is another rule, namely rule 292 which says :

"No variation in the Allocation of Time Order shall be made except on a motion made, with the consent of the Speaker, and accepted by the House :"

That is the first portion. The second portion says :

"Provided that the Speaker may, after taking the sense of the House, increase the time. . . ."

**SHRI MORARJI DESAI :** May I put one question to you ? You have to decide whether in moving this motion there is an abuse of the right or not. I would like you to give your decision on that.

MR. DEPUTY-SPEAKER : I feel that reasonable debate has not taken place. That is my personal view. Therefore, I would appeal to hon. Members. Let us sit for about half an hour more.

Now, Shri G. Viswanathan.

SHRI G. VISWANATHAN (Wandiwash) : I congratulate Shri Nath Pai and the other co-sponsors of this motion since this motion is going to focus the attention of this House as well as the country on the attitude of the Central Government and the Congress Party towards Constitution and democracy....

SHRI MUDRIKA SINHA : On a point of order....

MR. DEPUTY-SPEAKER : Under what rule is he raising the point of order? Let him quote the rule.

SHRI MUDRIKA SINHA : You have just now ruled that the sense of the House should be taken....

MR. DEPUTY-SPEAKER : What is the number of the rule? Let him state that first.

SHRI MUDRIKA SINHA : You are interested in the number of the rule, but I am quoting the wording of the rule.

MR. DEPUTY-SPEAKER : Let the hon. Member please resume his seat. Let him not waste the time of the House now.

SHRI MUDRIKA SINHA : You must first take the sense of the House. On the motion that the question be now put. And you were just going to take the sense of the House....

MR. DEPUTY-SPEAKER : The hon. Member should understand that I have given a ruling already after the Deputy Prime Minister had made his observations and I had said that within half an hour we shall try to conclude this debate.

SHRI MUDRIKA SINHA : But before you extend the time you must take the sense of the House. (Interruptions)

MR. DEPUTY-SPEAKER : With these repeated interruptions what can I do?

SHRI Y. B. CHAVAN : You should be able to stop it, because otherwise we would not be sure even of half an hour.

MR. DEPUTY-SPEAKER : Shri Mudrika Sinha may now resume his seat.

SHRI G. VISWANATHAN : You may send him out. That is the only way.

SHRI NATH PAI : I move that the hon. Member be named for persistent defiance of the Chair.

श्री रवि राय : मैं समर्थन करता हूँ।

MR. DEPUTY-SPEAKER : You cooperate with me. Two or three minutes.

श्री मधु लिमये : पहले आप पंद्रह से दस मिनट पर आए। अभी पांच मिनट किया और अब दो तीन मिनट कह रहे हैं। पांच छः मिनट हर एक को दीजिये।

MR. DEPUTY-SPEAKER : If there is no disturbance, I will allow; otherwise not.

SHRI G. VISWANATHAN : The Motion seeks to focus the attention of the people on the Congress Party's attitude towards democracy and the Constitution, the difference between profession and practice in regard to the Constitution and parliamentary democracy. Bihar is a shining and glittering example of how the Constitution is being violated and deliberately flouted by the Centre finding a lacuna in the Constitution.

We have heard the Home Minister waxing eloquent in the condemnation of defections, but at the same time rewarding defectors in so far as the situation in Bihar or Punjab is concerned. When Shri M. A. Ayyangar was the Governor of Bihar, Shri Mandal asked to be nominated or installed as Chief Minister. Shri Ayyangar rightly quoted article 164(4) and said one can be a Minister for six months without being a member of either House of the Legislature, but after that he cannot be. So he refused to nominate him. Then the Congress was put in a very embarrassing position. They wanted an obliging Governor. They wanted a Governor to suit the convenience of the Congress Party. They found a very convenient Governor in Shri Nityanand Kanungo. Shri Kanungo was appointed Governor

against the wish and will of the Bihar Ministry and the Chief Minister also. When Governor Kanungo went to Patna, what was his job? Shri Nath Pai has ably pointed out that his work was dictated from New Delhi and he did as he was told. This Shri Mandal, who was elected to this House, became a Minister and continued to be a Minister for nearly six months. Then he resigned and formed his Soshit Dal. When the Mahamaya Prasad Sinha Ministry was voted down, he was again approached by the same Congress who condemned defectors. They asked him to become Chief Minister. The Governor was manoeuvred. Our Home Minister was defending this manoeuvred democracy very well. The Governor acted—I accuse him—on the advice of the Home Ministry, on the advice of the Central Government. A man by name Shri S. P. Singh was installed as the Chief Minister.

We have heard stories of *Ek Din Ka Sultan* enacted. For two days a Chief Minister was nominated. His only function was to advise the Governor to nominate Shri Mandal. The next day Shri Mandal was nominated. The next day Shri S. P. Singh resigned. The following day Shri Mandal became Chief Minister of Bihar. This is how democracy is going under Congress leadership, under the able guidance of these Abraham Lincolns here. For them democracy means government of the Congress, for the Congress and by the Congress and nothing else. They want to die in ministerial chairs. That is why they are flouting the Constitution and violating it.

MR. DEPUTY-SPEAKER: His time is up. I cannot extend the time.

SHRI G. VISWANATHAN: I am concluding.

This is the case everywhere in India where they are manoeuvring. Whatever it is Pondicherry or it is UP, they want to have their own Government; where it is Congress or pseudo-Congress or semi-Congress, it should be Congress rule in any shape or form. Farook Maricar was asked to resign and Venkatasubba Reddiar is going to be Chief Minister of Pondicherry. They treat the country as their ancestral property, not even ancestral property because there the others get a share of the

property. They treat it as their self-acquired property of the Congress Party.

This should be condemned in unequivocal terms. So far as the resolution is concerned, I fully support it and ask this House to pass it. The Home Minister also agreed on this point that this political drama which has enacted in Bihar should not be repeated and so I suggest that he must bring in a constitutional amendment to prevent it.

MR. DEPUTY-SPEAKER: Shri Yogeshwar Sharma.

SHRI MUDRIKA SINHA: We are also coming from Bihar. We should also to get a chance.

MR. DEPUTY-SPEAKER: As I have already said, I have to close the debate within half an hour. The Home Minister has intervened. If he wants, he can reply at the end. Now I will have to finish.

श्री योगेन्द्र शर्मा : (बेनुसराय) : उपाध्यक्ष महोदय, यह बड़े मानसिक संतोष की बात है कि गृह मंत्री, श्री चह्माण, ने इस बात को स्वीकार किया है कि बिहार के राज्यपाल ने मंडल मंत्रि-मंडल को स्थापित करने में जो प्रक्रिया, जो तरीका, अख्त्यार किया, वह राजनैतिक औचित्य की दृष्टि से सही नहीं है। लेकिन सवाल सिर्फ राजनैतिक औचित्य का नहीं है। सवाल यह है कि मंडल मंत्रि-मंडल की स्थापना में बिहार के राज्यपाल ने जो तरीका अख्त्यार किया, . . . . .

SHRI Y. B. CHAVAN: May I correct him? I said for the Chief Minister to make such a nomination was politically inappropriate, but this remark I have not made as regards the Governor. The Governor was helpless in this particular matter. When a recommendation was made to him, under the Constitution he was bound to accept it.

श्री योगेन्द्र शर्मा : चूंकि गवर्नर ने उस को स्वीकार किया, इसलिए वह बात गवर्नर पर भी लागू होती है।

मैं निवेदन कर रहा था कि यह सिर्फ राजनैतिक औचित्य का प्रश्न नहीं है। प्रश्न यह है

[श्री योगेश्वर शर्मा]

कि राज्यपाल ने जो तरीका अद्वयार किया, जिस प्रक्रिया का सहारा लिया, क्या उस से संसदीय मर्यादा का भंग होता है या नहीं, संसदीय जनतंत्र जनतांत्रिक प्रतिनिधित्व का जो आधारभूत सिद्धान्त है, क्या उस की हत्या होती है या नहीं। हम समझते हैं कि होती है।

राज्यपाल ने केवल तीन दिनों के लिए सतीश मंत्रि-मंडल की स्थापना की। मंत्रि-मंडल की स्थापना क्यों की जाती है? हमारे संविधान के अनुसार मंत्रि-मंडल की स्थापना की जाती है राज्यपाल को सलाह और मदद देने के लिए। किस बात की सलाह और मदद? संविधान की रक्षा, जनता की सेवा और भलाई के लिए। क्या राज्यपाल ने सतीश मंत्रि-मंडल की स्थापना बिहार की जनता की सेवा और भलाई के लिए और संविधान की रक्षा के लिए की? उन तीन दिनों में उस मंत्रि-मंडल ने जो कुछ भी काम किया, वह इस बात का सुबूत है कि उस की स्थापना इस बात के लिए नहीं की गई, बल्कि उस की स्थापना सिर्फ एक बात के लिए की गई कि कैसे श्री मंडल को कौंसिल में नामजद करने के लिए सिफारिश करवाई जाये। विधान परिषद् में एक व्यक्ति की नामजदगी की सिफारिश करने के अभिप्राय से एक मंत्रि-मंडल की स्थापना करना और उस पर पब्लिक एक्स-चेकर का पैसा व्यय करना, क्या यह संविधान की रक्षा है अथवा जनता की भलाई और सेवा है? क्या राज्यपाल ने ऐसा कर के संविधान के मुताबिक ली गई अपनी शपथ को भंग नहीं किया है?

गवर्नर द्वारा श्री मंडल को विधान परिषद् में नामजद करना बिल्कुल नाजायज है। संविधान के अनुसार जिन आधारों पर किसी व्यक्ति को विधान परिषद् में नामजद किया जाता है, उनमें से किसी आधार पर नहीं, बल्कि किसी दूसरे कारण से श्री मंडल को नामजद किया गया। संविधान के अनुसार साहित्य, कला, विज्ञान, सहकारी आन्दोलन और समाज सेवा

के जो विशेषज्ञ हैं और जो उन में व्यावहारिक अनुभव रखते हैं, उन्हीं को नामजद करना चाहिए। लेकिन श्री मंडल इन पांच विषयों में से किसी के विशेषज्ञ नहीं थे, किसी भी विषय के व्यावहारिक अनुभवों नहीं थे, फिर भी वह नामजद किये गये।

इतना ही नहीं, विधान परिषद् में वह जगह भी खाली नहीं थी। एक श्री परमानन्द सहाय से इस्तीफा दिलाया गया। श्री परमानन्द सहाय जिन विषय के विशेषज्ञ थे, क्या श्री मंडल भी उसी विषय के विशेषज्ञ हैं? यह एक अजोब तुम्बाफेरो है। और फिर भी श्री चह्माण कहते हैं कि संसदीय परम्परा को भंग नहीं किया गया है।

मैं कांग्रेस के माननीय सदस्यों से यह अनुरोध करना चाहता हूँ कि वह इस प्रश्न को पार्टी का प्रश्न न बनायें। वे देखें कि बिहार की उनकी पार्टी के लोग क्या कहते हैं। महेश बाबू ने 25 फरवरी को एक मीटिंग में इस सारे मामले को एक "अनियमित प्रक्रिया" और "हास्यास्पद" और श्री हरिनाथ मिश्र ने इसको "संविधान के साथ धोखाधड़ी" बताया है। श्री मुधांशु ने कहा है, "शोषित दल गद्दी के भूखे राज नेताओं का संगठन है, जो एक बदनाम और सत्ता-लोलुप कांग्रेसी राजनेता के नाजायज ढंग से जमा किये हुये पैसे पर खड़ा किया गया है। हालत यहाँ तक पहुंच गई है कि कोई भी भला आदमी अब मंत्री नहीं बनना चाहता। शोषित दल में हर मंत्री का पद भ्रष्टाचार को खुली दावत है।"

MR. DEPUTY-SPEAKER : Order, order. The hon. Member may please resume his seat now. I cannot help. Shri Kameshwar Singh. He should not take more than five minutes.

श्री कामेश्वर सिंह : उपाध्यक्ष महोदय,

श्री मुन्निहा सिंह : उपाध्यक्ष महोदय, आप लगातार विरोधी दल के सदस्यों को बुला

रहे हैं। अब आप ने विरोधी दल के तीसरे सदस्य को बुलाया है। आप बिहार के किसी कांग्रेसी सदस्य को क्यों नहीं बुलाते हैं? (व्यवधान)

श्री सीताराम केसरी : उपाध्यक्ष महोदय, यह आप क्या कर रहे हैं? आप को इस तरफ के सदस्यों को भी अवसर देना चाहिये। (व्यवधान)

श्री विभूति मिश्र : उपाध्यक्ष महोदय, आप उधर के दो सदस्यों को बुला चुके हैं। अब आप इधर से किसी सदस्य को क्यों नहीं बुलाते हैं। (व्यवधान)

MR. DEPUTY-SPEAKER : Mr. A. K. Sen has spoken; the Home Minister has intervened. I cannot help it.

श्री मुद्रिका सिंह : उपाध्यक्ष महोदय,.... (व्यवधान)

श्री मधु लिमये : उपाध्यक्ष महोदय, आप सदन को स्थगित कर दीजिये। इस तरह से काम नहीं चल सकता है। इस तरह तो प्रधान मंत्री भी यहाँ नहीं बोल सकती हैं।

MR. DEPUTY-SPEAKER : If it goes on like this, I have no other go but to adjourn the House. Some Members from Bihar should get an opportunity; I do recognise that. The Bihar representatives should get an opportunity but I am running short of time.

श्री सीता राम केसरी : उपाध्यक्ष महोदय, ..... (व्यवधान)

श्री मुद्रिका सिंह : उपाध्यक्ष महोदय, आप को बिहार के किसी कांग्रेसी सदस्य को बुलाना चाहिए, ताकि सदन के सामने हमारा दृष्टिकोण भी आए। (व्यवधान)

श्री सीताराम केसरी : आप हाउस को अडजार्न कर दीजिये। (व्यवधान)

श्री कामेश्वर सिंह : उपाध्यक्ष महोदय, यह क्या हो रहा है? (व्यवधान)

श्री तुलशीबास जाधव : उपाध्यक्ष महोदय, इधर से बिहार के किसी सदस्य को बुलाइये।

MR. DEPUTY-SPEAKER : I was going to call one or two members from Bihar. But it is a question of time. Within half an hour, I will have to conclude the debate... (Interruptions).

SHRI B. SHANKARANAND (Chikodi) : Sir, on a point of order. My point of order should get precedence over all other matters. Now that you have extended the time unfortunately by giving the ruling on which I do not want to comment.... (Interruptions).

श्री रवि राय : उपाध्यक्ष महोदय, यह तो आप के रूलिंग को चुनौती दी जा रही है। (व्यवधान)

SHRI B. SHANKARANAND (Chikodi) : Have you extended the time only to hear the Opposition and not the Congress side at all? I want to know this. Of this half an hour's time how much is the time to be given to the Congress? What is the time that you will allow us out of this half an hour's time?

MR. DEPUTY-SPEAKER : The Bihar representatives should be allowed to speak. I agree.... (Interruptions). I shall have to adjourn the House if this goes on; there is no other go.

SEVERAL HON. MEMBERS rose— (Interruption).

MR. DEPUTY-SPEAKER : The House stands adjourned till 11 a.m. tomorrow.  
18.31 Hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Thursday, February 29, 1968/Phalguna 10, 1889 (Saka).