

SHRI P. K. DEO : Mr. Speaker, Sir, it was in last November that the Swatantra Party passed a Resolution in the General Council meeting viewing with concern how the institution of Governors is being used to topple down constitutionally and legally formed Governments and to instal the minority Ministries and it is, consistent with that thinking that this Bill has been drafted.

The Swatantra Party is a democratic party and we hold different views. We have given freedom to all our Members to speak out openly as they feel as in the case of language, in the case of prohibition. So, we are not regimented in a way as you think and try to block the new thinking. That is why I give my thanks to my hon. friend, Shri Tapuriah, to have spoken out what he felt on the subject and, at the same time, I thank all those hon. Members of the House who have spoken on the Bill.

18 HRS.

Sir, the purpose was to highlight the importance of the institution of Governors. Uptill now, nobody bothered about it till after the General Elections in 1967 when there was a completely different political picture in this country. The various Ministries came, the small parties took up the responsibility of the Government and the Congress Party exercised power without responsibility and in this way there was a mockery of democracy in this country. There has been this thinking in certain quarters that the whole thing has to be reviewed. As we all know, it is not very easy to get this Bill passed by this House because two-third majority is required to pass a Constitution (Amendment) Bill. My Bill may not be as lucky as the motion on the Lok Pal Bill which was passed by this House. Anyway, I thank all those who participated in this debate and at the same time I would request Mr. Tapuriah to take the people of his constituency into his confidence and try to spread a more popular base and try to find out how the people in his area think of this institution of Governors. . . (Interruptions) I think, this debate has been useful and it has served the purpose. So, I beg leave of the House to withdraw my Bill.

The Bill was by leave of the House, withdrawn.

18.02 HRS.

INDIAN PENAL CODE (AMENDMENT) BILL

(Amendment of sections 292, 293, etc.)

SHRI D. C. SHARMA (Gurdaspur): I beg to move :

"That the Bill further to amend the Indian Penal Code and to provide for matters incidental thereto, as passed by Rajya Sabha, be taken into consideration."

MR. SPEAKER : He may continue on the next occasion.

18.02½ HRS.

DISCUSSION ON STATEMENT OF HOME MINISTER RE : CONSTITUTIONAL CRISIS IN PUNJAB

MR. SPEAKER : Mr. Madhu Limaye Not here.

Mr. Surendranath Dwivedy Not here.

Mr. Venkatasubbaiah.

SHRI P. VENKATASUBBAIAH rose—

MR. SPEAKER : Before he starts, I want to say this. This is a one-hour debate. A large number of members from Punjab, from Haryana and so on want to speak. So, the one-hour debate should not become a three-hour debate. I am going to restrict the time. The opener will take ten minutes and then a few members will have five minutes each. They may, therefore, express their views very briefly keeping in mind the fact that this is a one-hour debate. We cannot have more than one hour. I know, the hon. Member has prepared for himself a long speech. But he should be brief.

SHRI P. VENKATASUBBAIAH (Nandyal) : I must thank you first of all for having taken the initiative and admitted for discussion this motion on the happenings in Punjab when the Speaker adjourned the Assembly. When this matter was brought in the House

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through a call-attention, you rightly said.

"Democracy is in danger. If Assemblies were adjourned and members went away, I do not know what will happen."

This is what you have said, Sir.

This has given us an opportunity to discuss the rights and functions of a Speaker. It will also be a refreshing debate if this occasion is taken to go into the Constitutional aspects and also the functions and rights of the speaker within the Constitution.

I quote from the book which has been recently released, written by Shri M. M. Kaul and Shri S. L. Shakhder, the present Secretary of the Lok Sabha Secretariat :

"The all important conventional and ceremonial head of Lok Sabha is the Speaker. Within the walls of the House, his authority is supreme. This authority is based on the Speaker's absolute and unvarying impartiality—the main feature of his office, the law of its life. The Speaker, it is said, is the symbol of impartiality and should wield his authority with 'the cold neutrality of the impartial judge'."

This has been very clearly brought out in this quotation. It will not be out of place if I quote what you, Sir, had stated when you assumed the office of Speaker. This was what you had stated :

"My office requires of me to be impartial and judicial in the conduct of my work. I can assure you with all the force at my command that I will try to live up to these requirements and maintain the high tradition set by my predecessors. As a necessary corollary to this resolve I resign my membership of the party, Congress, to which I had the honour to belong for 34 years. So long as I occupy this Chair, it shall be my endeavour to see that all sections of this House get an honest impression that I do not belong to any party at all."

In this case, the question is whether the Speaker of Punjab has acted in the

manner that was expected of him. Before going to the actual happenings on the 7th March, 1968, I would like to give you just the background. The Ministry in Punjab was formed by a united front of various political parties, and Shri Gurnam Singh was installed as the Chief Minister. Afterwards, the Gurnam Singh Ministry could not command the requisite majority, and so it had to resign, and Mr. Lachman Singh Gill was installed as the Chief Minister of the State on the 25th November, 1967. At that time, there was the Bengal incident where the Bengal Speaker had given his ruling that the Ghosh Ministry in Bengal had been illegally constituted and he was not under any constitutional obligation to conduct the Assembly. The Punjab Speaker was faced with a similar situation and there was a lot of speculation as to whether the ruling of the Punjab Speaker on the Gill Ministry's position would be similar to that of the Bengal Speaker on the Ghosh Ministry. But in this case, the Punjab Speaker had given a ruling upholding the constitutionality and legality of the Gill Ministry.

Events moved fast and came to such a pitch that certain incidents took place and a no-confidence-motion was moved against the Speaker by the ruling party. The Speaker knowing full well that he had to go by the rules of procedure of the Assembly and also the Constitution admitted the motion and adjourned the House for the day. The next day he came there, and the Leader of the Opposition raised a point of order saying that the motion of no-confidence was not in order and he adjourned the House. He did not give any reasons for the adjournment of the House. But in a press conference it is alleged that he has stated that there has been rowdiness and there had been ugly scenes and so he had to adjourn the House.

Obviously, the Punjab Speaker was taking shelter under a rule that has been incorporated in the Rules of Procedure of the Punjab Assembly. Rule 105 of the Punjab Rules of Procedure says :

"In the case of grave order arising in the Assembly, the Speaker may, if he thinks it necessary to do so, ad-

journal the Assembly or suspend any sitting for a time to be named by him."

He has taken shelter under this and adjourned the House not for a day or for any particular time but for two months. When a most important money Bill was being discussed by the House and the budget was being discussed and sanctioned, he had done it. That clearly goes to show that perhaps the Speaker of Punjab was motivated not only by certain political considerations but also by personal prejudices in the sense....

SHRI VASUDEVAN NAIR (Peer-made) : The hon. Member may be advised to use terms which would not cast aspersions on the Speaker of Punjab. He should not attribute motives to him.

SHRI S. KANDAPPAN (Mettur) : Perhaps in this debate it is difficult to avoid it.

SHRI P. VENKATASUBBIAH : I said 'perhaps'. I was just narrating the events that had happened. I had made no insinuation against the Speaker. What I had been stating was that a no-confidence motion had been moved against him. He had admitted the no-confidence motion, but the next day, he upheld the point of order moved by the Leader of the Opposition. This was amply proved by the statements made by the two leaders of Punjab, Sant Fateh Singh and Shri Gurnam Singh that there should be imposition of President's rule. Events moved very fast and the Home Minister and the Law Minister had to find out certain ways under the Constitution to get over this difficult position. This amply demonstrates the vitality of the Constitution to get over any such situations.

The point, therefore, is whether the powers of the Speaker, so as to conform to the procedure that has been laid down by the Constitution have to be so regulated as to make the Speaker not to exceed his constitutional powers or whether the present constitutional provisions are good and adequate enough to conduct the proceedings of the House as laid down in the Constitution.

Since we have been closely following the British model of parliamentary democracy in this country, we have to take note of certain incidents that have taken place in the British House of Commons also. It is not out of the way if I point out that incidents of a similar nature had happened in the British House of Commons also. So, we are not lacking in precedents. On March 2, 1629 a similar incident happened there. I would give the necessary quotation which is as follows :

"According to *'The Office of Speaker'*, when the Commons reassembled after the recess, the Speaker rose to his feet immediately after prayers had been read and informed the members that His Majesty had ordered a further adjournment until March 10. There were cries of 'No!', from all sides of the House and Sir John Elliot rose to speak. But the Speaker, remaining on his feet, informed the House that the King 'had laid an absolute command upon him, that the House should be presently adjourned without any speech or other proceedings, and that if any in the House did offer to speak after the message delivered, he should instantly leave the Chair'.

The Speaker then made to move away from the Chair, but for the long-suffering Commons, this was too much. Holles and Valentine jumped up, grabbed him and thrust him back into the Chair remaining at his side for the remainder of the proceedings, Holles swearing that 'by God's wounds he should sit still until they pleased to rise'. Eliot then spoke, asserted the right of the House to adjourn itself, and tendered a declaration which he had prepared with the request that it be read. The Speaker again tried to leave the Chair, pointing out that the Commons had in the past always obeyed a Royal command that they should adjourn, which was quite true. But Valentine and Holles, held him down and insisted that Eliot's declaration should be read.

Abjectly the Speaker pleaded with the House not to press him... But all that this plea induced was a torrent

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of censure. One member proposed that Finch should be replaced. Eliot asserted that he was in contempt of the House and threatened to bring him to the Bar and have him judged a delinquent. Eventually, Holles, determined that Members should not disperse before the resolutions contained in Eliot's declaration had been put to them, delivered them from memory and put them to the vote. They were carried by the House which then voted its own adjournment."

So, this was the practice established in the House of Commons that the Speaker had no right to adjourn the House of his own accord. A similar practice was sought to be prescribed here, but our Constitution-makers thought it fit that this power could be given to the Speaker to adjourn the House. But the practice is that a motion for the adjournment of the House is generally made by the Leader of the House and accepted by the Members and then the House is adjourned. That is the practice now obtaining in the British House of Commons. The question to be considered by the House now is whether in the present context of things when things are happening with such rapidity, where constitutional provisions are being violated time and again, taking shelter under the Rules of Procedure, the speaker should have the supreme powers to adjourn the House or not.

I am very thankful to you that you have convened a Presiding Officers' Conference in Delhi to discuss these matters, and I am sure that all these factors would be taken into consideration. My suggestion would only be this that if you have to regulate the proceedings of this House, of course, under the Rules of Procedure which should not go contrary to or against the constitutional provisions, we have to make certain provisions so as to bind not only the Members of this House but also the Speaker.

Nobody should be above the Constitution. Every constitutional right has to be exercised in a way that will not lead to any conflict with other provisions of the Constitution. Your illustrious predecessor, Shri Ananthasayanam

Ayyangar gave a press interview in Tirupathi and he has also said....

MR. SPEAKER : Everybody has read it.

SHRI P. VENKATASUBBAIAH : He has had vast experience and he was the Speaker of this House and he said that the Speaker was not supreme; it is the House that is supreme. I want to make it clear that in this moment of our indignation, we should not think in terms of restricting the powers of the presiding officers so that it will affect the democratic functioning. I should only suggest that the conduct of the business of the House and the regulation of its work should not only be the responsibility of the Speaker; that responsibility and discretion should be exercised with the consent of the House. It is in that context that I make the suggestion that when the Presiding Officers meet next time in Delhi under your presidentship, this matter also be taken into consideration so that we shall lay strong foundations for the proper and smooth working of democracy in our country.

SHRI M. R. MASANI (Rajkot) : We on these benches are greatly concerned at the developments which were mentioned in the statement made by the hon. Home Minister the other day and that is why I should like to make a brief intervention in this debate on the abrupt adjournment of the House which was the subject of the Home Minister's statement and not go into the wider factional politics of the unfortunate State we are discussing.

It is true that no action is taken in a vacuum. There is always the background to what anyone does. It may be argued that there was provocation for what the hon. Speaker of the Punjab Assembly did. The way in which the previous Government was ousted, the way, in which the leading Opposition parties did not take it proper place of responsibility after replacing that Government, and the tactless manner or the lack of time-sense in the tabling of the no-confidence motion against the Speaker—all these might have acted as a provision. Whether that is so or not, I am not competent to judge.

But I do know that two wrongs do not make a right. Whatever other people might do, however badly an ordinary politician or even political parties may behave, if the Speaker is to sink to the level of the political parties and become a tool in the hands of political factions and parties, then our young democracy is in great peril. On this point, it is necessary to recall that this is not the first time that this has happened. Unfortunately, in the last few months and weeks, this is the second time that the Speaker of a State Assembly has got involved in a political situation. It is only a few weeks back that the Speaker of the West Bengal Assembly behaved in a manner which did not behave his high office; and he was rightly removed from his office by a Presidential proclamation. We are getting a similar development here again. One hopes that there will be no third case. In fact there is an encouraging example to the contrary. There is a third Speaker in India, who in a situation very similar to those in West Bengal and Punjab, has behaved in a laudable manner, the Speaker of Bihar. He has shown no tendency to take notice of the change of Government that has taken place there. That is how it should be, and we hope that these two examples would not lead to a third.

The hon. Member who spoke before me raised the possibility of constitutional amendments that may become necessary. As a member of the old constituent Assembly, I recall that when we discussed this matter, we would not have dreamt that the day would come when the Speaker of Parliament or an Assembly could possibly behave in a way that would lead us to think in terms of constitutional amendments or restrictions. I think we were right in leaving it to the good sense of the occupants of that high office. We had two good reasons. One was the conventions built up in Britain which we had inherited and which are of a very high and noble order. The Speaker disassociates himself on election from his party and he stands in subsequent elections as a non-party man and all parties abstain from opposing him and he remains there until he retires and

then retires from public life. You were good enough to give expression to one of these conventions when you took the Chair. Unfortunately, in the last twenty years we must admit that those conventions have not, by and large, been developed in our own country.

Secondly, we had the example of very fine presiding authorities of whom we had a little experience. We had in this House Mr. Vithalbhai Patel who upheld the dignity of the Chair; he also resigned from his party and stood in the next election as an Independent to prove his point. He was succeeded by another good President, Sir Abdur Rahim. And then, in my own time, from 1945, we had very fine Speaker, your predecessor, Mr. G. V. Mavalankar. So, naturally, along with these men—Dr. Rajendra Prasad was President of the Assembly—it did not strike us that an unfortunate day might come when Speaker also would join in the general indiscipline of our democracy today and we might need to have police powers to fetter them.

I would rather stick to the path that we took and try to avoid constitutional amendments and restrictions at this stage. One or two swallows do not make a summer. Let us hope that other methods will prevail.

In any case, no foolproof guarantee can be given when a human being put in a certain position does not respond to his obligations. If in a boxing match the referee joins one side, how can the game proceed? If in a cricket match the umpire takes part in a partisan manner and loses his judgment, then obviously the game of cricket comes to an end. This is the danger that if the presiding authority in our parliamentary system behaves in this manner, then there is no law that can compel the presiding authority to behave in a proper manner. The whole parliamentary game will come to an end. And that is why the danger is there.

In fact, I think May in his book described the Speaker or the Chair as an essential and important part of the furniture in the House. If you remove this furniture, the kingpin or the linchpin as

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we may call it, the whole structure collapses.

Now, Sir, you are the doyen of the Speakers' corps in this country. I am very glad that, as Mr. Venkatasubbaiah has said, you have taken the initiative in calling the members of your vocation to gether very shortly in this capital. We hope that under your leadership you will be able to infuse them with that sense of pride in the high office that alone can make the Speaker worthy of his trust. No rule can make him behave. If the Speaker himself tries to violate the rule,—the Speaker has to interpret the rules—what is left of the rules? If the salt lose its flavour, where with shall it be salted?

I shall conclude in the hope that under your leadership, extra statutory, extra legal methods will prevail and even now, good sense can prevail in Punjab. Let us hope that this is the last time when we have this most unfortunate and deplorable development which is a real threat to our democracy along with the many others of which we are painfully conscious today.

श्री यश बल शर्मा (अमृतसर): अध्यक्ष महोदय, अध्यक्ष के पद को ले कर जो विवाद खड़ा हुआ है, मैं समझता हूँ कि इस सम्बन्ध में हमें यह विचार अवश्य रखना होगा कि जहाँ अध्यक्ष पर कुछ संवैधानिक दायित्वों को निभाने की जिम्मेदारी है, वहाँ उस के साथ साथ उस का एक व्यक्तिगत स्वरूप भी है और उस की भी कोई राजनैतिक बैकग्राउंड है। अगर जिम्मेदार दल हाउस में अध्यक्ष-पद की प्रतिष्ठा को कायम नहीं रखेंगे और उस को राजनैतिक तौर पर नीचा दिखाने की कोशिश करेंगे, तो आखिर वह कोई जड़ वस्तु तो है नहीं! उस में भी प्रतिक्रियायें उत्पन्न होंगी। मुझे पता है कि मेरे सामने बैठे हुए सरदार गुरदयालसिंह द्विल्लों के साथ किस प्रकार का व्यवहार किया गया था, पेपसू में श्री काहर्नासिंह के लिए किस प्रकार स्थिति उत्पन्न कर दी गई थी और किस प्रकार श्री प्रबोधचन्द्र को ऐसी परिस्थितियों में पीछे हटने के लिए मजबूर किया गया था।

मेरे कहने का मतलब यह है कि क्या आज हमारे देश में विधान राजनीति को चलाएगा या राजनीति के द्वारा विधान को चलाया जायेगा यह एक बहुत बड़ा विवाद खड़ा है और सत्ताधारी दल ने इस बारे में किसी प्रकार की मर्यादायें स्थापित नहीं की हैं। इन्हीं विधान के शास्त्रियों ने इसी सदन में इस बात की आलोचना की है। प्रमुख समाचार-पत्रों में इस सम्बन्ध में सम्पादकीय लिखे गए हैं। उन्होंने ये शीर्षक दिए हैं। "दि रेप आफ कांस्टीट्यूशन" और कहा है कि राजनीति के लिए कांस्टीट्यूशन को तोड़-मरोड़ कर इस्तेमाल किया गया है।

मैं समझता हूँ कि अगर सत्ताधारी दल यह जिम्मेदारी ले कर चलता कि दल रहे या न रहे, हम ने राजनीति को विधान की मर्यादाओं के अनुसार चलाना है, तो वैधानिक व्यवस्थाओं का पालन और व्यवहार ज्यादा जिम्मेदारी के साथ होता और हमारे देश की वैधानिक रूप-रेखा कुछ भिन्न ही होती। परन्तु ऐसा नहीं किया गया। जहाँ सत्ताधारी दल को राजनीति अनुकूल पड़ती थी, वहाँ राजनीति की आड़ में विधान का मनमाना अर्थ लगा कर, उस राजनीति के दबाव में अपनी बात बना ली गई और जहाँ पर राजनीति ये नहीं करती थी, वहाँ कांस्टीट्यूशन को इस्तेमाल कर के अपने अनुकूल स्थिति लाई गई।

इन्हीं गृह मन्त्री महोदय ने इस सदन में हरियाणा के संदर्भ में राजनैतिक अनैतिकता का बड़ा लम्बा और भावात्मक विवरण दिया था। मैं उन से पूछना चाहता हूँ कि आखिर पंजाब की स्थिति उस से भिन्न कैसे है। यानी जिस बात के लिए राव वीरेन्द्र सिंह को दंड दिया गया, उसी बात के लिए श्री लछमन सिंह गिल को इनाम दिया गया। आखिर श्री लछमन सिंह गिल ने कौन सी राजनैतिक नैतिकता का प्रमाण दिया था? लेकिन एक ओर तो राजनैतिक अनैतिकता, इम्मारेलिटि, का बड़ा प्रचार कर के एसेम्बली का डिस्-

सालूशन किया गया और गवर्नर का रूल स्थापित कर दिया गया और दूसरी ओर उसी प्रकार की परिस्थितियों में एक माइनारिटी सरकार बना दी गई। मेरे कहने का मतलब यह है कि इन सब पहलुओं पर हमें विचार करना होगा; हम इन बातों को छोड़ कर नहीं चल सकते। अगर एक दल कान्स्टीट्यूशन की दुहाई देता है, तो उस को जिम्मेदारी के साथ व्यवहार करना होगा।

मैं आप को बताना चाहता हूँ कि पंजाब विधान सभा में जिस प्रकार का व्यवहार किया गया, जो हुल्लडबाजी खड़ी हुई, उसके परिणामस्वरूप स्पीकर ने एक सदस्य को नेम किया। फिर सारा विरोधी दल उस को घेर कर खड़ा हो गया। विरोधी दल के नेता ने कहा कि मैं इसके लिये क्षमा मांगता हूँ और जो कुछ हो रहा है, हम उससे अपने आप को प्रसन्न महसूस नहीं करते हैं। स्पीकर ने कहा कि ठीक है। मैं समझता हूँ कि शायद इस सदन में भी ऐसा कभी नहीं होगा। अगर यहां पर दुर्भाग्य से ऐसी स्थिति होगी, तो अध्यक्ष महोदय, आप भी इसी प्रकार आचरण करेंगे। जहां डिग्निटी और डेकोरम का सवाल है, वहां अध्यक्ष ने सदन की कार्यवाही को चलाना है। यहां पर भी कितनी बार तनाव पैदा होता है, लेकिन आप अपने महान् धैर्य और बातों को मनोवैज्ञानिक ढंग से सम्भालने की कुशलता से सारी स्थिति पर काबू पा लेते हैं। उसी व्यवहार का परिचय पंजाब के स्पीकर ने दिया, लेकिन वहां का सत्ताधारी दल स्पीकर को अपदस्थ करने के लिये अपनी विशेष राजनीति पर तुला हुआ था। उस स्थिति में स्पीकर ने अपना विचार दिया। मैं उस के इस विचार का समर्थन नहीं करता हूँ। लेकिन अगर हम स्पीकर के व्यवहार के बारे में विचार करते हैं, तो हमें वहां के मारे ढांचे और सत्तारूढ़ दल की राजनीति और उसके व्यवहार को भी देखना होगा।

मैं सत्ताधारी दल पर यह आरोप लगाता हूँ कि वह पुलिस की देख-रेख में विधान सभा

का कार्य चलाना चाहता था और स्पीकर को हटाना चाहता था और उसने अपने आचरण से ऐसी परिस्थिति पैदा की, जिसमें स्पीकर को यह कदम उठाने के लिये मजबूर होना पड़ा। मैं समझता हूँ कि उस प्रकार की स्थिति में कोई भी व्यक्ति ऐसा आचरण करने के लिये विवश हो जाता।

आज आवश्यकता इस बात की है कि हम अपने आचरण की मर्यादाओं का कोडिफिकेशन करें, लेकिन हम ने अभी तक विधान की रूप-रेखा में इस को तय नहीं किया है, जिस के कारण इस प्रकार की घटनायें हो रही हैं। आज हमारे देश का वैधानिक प्रक्रिया कुटाली में पड़ गई है, जिसमें चीजें मथी जायेंगी और एक स्वस्थ रूप हमारे सामने आयेगा। विधान को स्वस्थ रूप से चलाने के लिये यह अत्यन्त आवश्यक है कि सत्ताधारी दल जिम्मेदारी के साथ आचरण करें।

गवर्नर की शक्तियों के बारे में सारे देश में चर्चा है। 8 तारीख को आकाशवाणी के प्रसारणों में, खबरों में, गवर्नर की ओर से यह खबर दी गई कि वह स्पीकर, जनता पार्टी और कांग्रेस पार्टी को इकट्ठा करके उनमें कोई न कोई समझौता कराने की कोशिश करेंगे। जब श्री गुरुनारायण सिंह और डा० बलदेव प्रकाश ने इसका कड़ा विरोध किया और कहा कि इस तरह की कार्यवाही करना गवर्नर का विजिनेस नहीं है, वह केवल कांस्टीट्यूशनल हेड है और वह केवल कांस्टीट्यूशनल विजिनेस को देखे, तब दूसरे दिन इस वक्तव्य का कान्ट्राडिक्शन किया गया। वास्तव में उस के पीछे राजनीति थी।

मैं समझता हूँ कि या तो आचरण की मर्यादाओं के अनुसार चला जाये और या राजनीति चले, लेकिन जब दोनों को खलत-मलत कर के चलाया जाता है, तो कई समस्यायें पैदा होती हैं। जिस प्रकार बंगाल में एक माइनारिटी सरकार और कठपुतली सरकार स्थापित की गई। कांग्रेस दल केन्द्र

[श्री यशदत्त शर्मा]

के अन्दर और पंजाब के अन्दर जिस गैर-जिम्मेदारी का व्यवहार कर रहा है, जिस प्रकार से राजनीतिक गतिविधियाँ वहाँ पर चलाई जा रही हैं, वह न पंजाब के हित में होंगी और न विधान की मर्यादाओं के हित में होंगी, और न सम्पूर्ण देश की एकता को लाभ पहुंचायेंगी। आज कांग्रेस दल वहाँ पर उसी प्रकार केशधारियों और गैर-केशधारियों के बीच में खाई पैदा करने के लिये गिल को इस्तेमाल कर रहा है—मैं उन सारी स्थितियों को वहाँ पर नहीं लाना चाहता, लेकिन मैं कहना चाहता हूँ कि इन सारी चीजों के अन्दर हमें मोचना पड़ेगा कि हम किस प्रकार के आचरण करें, किस प्रकार इन सारी चीजों को देखें।

मैं एक ही बात कहना चाहता हूँ कि आज अगर हम कांस्टीट्यूशन के मुताबिक देश की राजनीति को चलाना चाहते हैं—क्योंकि इस प्रकार के उदाहरण पीछे भी बड़े बड़े प्रश्नों पर हैं, बेरूबाड़ी जैसे सवाल पर हम न विधान को अपने तरीके से राजनीतिक स्वास्थों के लिये तोड़-मरोड़ कर इस्तेमाल किया है, सुप्रीम कोर्ट को एक तरफ रख दिया आज यह प्रश्न हमारे सामने आ कर खड़ा हो गया है, केवल विधान की दुहाई न दें, एक दल की जो राजनीतिक कुचेष्टायें हैं, वे आज भी वहाँ पर मौजूद हैं, आज भी वह विधान को अपने तरीके से इस्तेमाल करना चाहते हैं। मैं यह समझता हूँ कि राज्यपाल ने जो अध्यादेश जारी किया है, यह अध्यादेश भी अवैधानिक है, विधान के अनुसार यह अध्यादेश किसी भी तरह से ठीक नहीं है। अगर हमारे देश की वैधानिक प्रक्रिया को विशुद्धतापूर्वक विधान के अनुसार चलाना चाहते हैं, तो कांस्टीट्यूशन को अमेंड करें, इस में कोडीफिकेशन करें और उस के द्वारा प्रक्रिया तय करें। अगर राजनीतिक तौर पर तय करना चाहते हैं तो असेम्बली को डिजाल्व कर के पब्लिक के सामने जाकर वॉइकट ले कर आयेँ ताकि पता चल जाय कि

कौन मैजोरिटी में है और कौन माइना-रिटी में हैं। इस के अतिरिक्त और कोई भी तीसरी स्थिति लाई जायगी तो उस से हानि होगी। पंजाब की स्थिति पर हमें सारे देश की स्थिति को दृष्टि में रख कर विचार करना है, आज केन्द्र के अन्दर हमारे ऊपर यह जिम्मेदारी आकर पड़ी है कि हम देश को ठीक दिशा दें।

SHRI G. S. DHILLON (Taran Taran) : Mr. Speaker, Sir, when we discuss about the adjournment of the House by the Speaker of the Punjab Vidhan Sabha we are apt to go into some political background also, which I personally will avoid. I will go only by factual information which I have collected from the proceedings as reported in the various papers.

SHRI KANWAR LAL GUPTA (Delhi Sadar) : Can you ignore the politics behind the scene ?

SHRI G. S. DHILLON : I will try to avoid that; you may bring in. Sir, when an hon. Member of the House is exalted to the Chair of the Speaker, then he is to behave in an entirely different manner. We see it in your own case. You are an entirely changed gentleman now. The main function of the Speaker is to conduct the proceedings of the House in a very fair and impartial manner and, along with that, to see that the dignity and decorum of the House are properly looked after.

When I discuss about what happened in Punjab I will take the conduct of the House and the Speaker before the House was adjourned. One thing to keep in mind is that the House was adjourned twice, once for 15 minutes and, when it re-assembled, then for two months. I must say that the whole episode was rather very sad and the gentlemen who brought the motion against the Speaker acted in a rather hasty and unwise manner. I must confess that. The trouble started when a Member of the Opposition was very adamant when asked by the Speaker to quit the House. This is a report from the *Hindustan Times*. That Member said :

"I am not going out because you are trying to usurp our right to rise on a point of order."

Then, the Marshal was sent but he would not leave the House. Later on, the Speaker withdrew his orders and there was a lot of trouble on that.

Suddenly, some Members from the Treasury Benches brought forward a No-Confidence Motion under Rule 11 read with article 179 of the Constitution and its wordings, as reported, are :

"This House expresses its lack of confidence in the Speaker for his failure to maintain the dignity and the decorum of the House and his failure to have his orders duly implemented in the House."

The Speaker took up this motion. At a later stage, it was put before the House and out of the 67 Members present in the House 56 Members rose in favour of the motion. It was presumed that when the motion was put before the House, it was examined by the staff of the Assembly and also had the consent of the Speaker as a regular motion. When asked as to when the time will be fixed, the Speaker was advised in the House by two hon. Members and when a Member got up, the hon. Minister of Punjab Government Chowdhary Kartar Singh, was hustled down by Sardar Gurnam Singh and said, "Keep quiet; you are an illegal Government." And then, this is a report from the *Statesman* dated 7-3-68 of the proceedings which says Mr. Satyapal Dang who was a Member and a Minister in the United Front representing the Communist Party, advised the Speaker "to take courage in both hands"—I am quoting the same words—"and follow the example of Speaker of the West Bengal Assembly who stood up boldly and faced a critical situation." He further said :

"Mr. Gill is taunting us not to dream of West Bengal. In West Bengal, public opinion did not tolerate the defectors' government of Dr. P. C. Ghosh; in Punjab, the defectors' government of Mr. Gill cannot continue."

So, Sir, he was advised by the two very respectable Members of the Opposition, the former Chief Minister and the former Minister both belonging to

the different parties, to take courage in his hands. Then, when the House is adjourned for 15 minutes, when, again the Speaker comes back, and acts as advised, he adjourns the House for two months.

Strangely enough, the very next day the former Speaker of West Bengal Assembly Mr. Banerjee, applauds this action. We read it in all the papers.

Sir, it is a very strange thing that the Speaker, while he had adjourned the House, called a press conference and he said that the Gill Ministry does not represent the majority of the House, that it is just a stooge and mouth-piece of the Congress and so many other things. He said so many things about the Congress and the Janta Party which was, actually, not his function. The Speaker's function is to conduct the House in a very non-political, non-controversial and peaceful manner. But, when he enters this controversy, discusses the merits of the parties and their behaviour, when the parties approached him to keep the decorum and the dignity of the House, he adjourns the House for two months accusing the Members instead that they did not maintain the dignity and the decorum of the House and he advised them to go to their houses and attend to sowing of crops and looking after the harvest. It is very interesting! This is what the hon. Speaker said! So many things happened after the Speaker left. The Deputy-Speaker occupied the Chair and then the members from the Opposition rushed to the Chair; one Mr. Darbara Singh—not our Darbara Singh—pushed him down from the Chair and he sat in that Chair. There was a scuffle...

MR. SPEAKER : All of us have read this. He should now conclude.

SHRI G. S. DHILLON : I had occupied that Chair for full ten years. I was the Speaker of three Assemblies and I had to deal with three Chief Ministers, including very strong men like Mr. Pratap Singh. That Chair had a sensational experience. (Interruptions) on that day; so much of turmoil happened around that. (Interruptions) I really

[Shri G. S. Dhillon]

wonder what attitude these gentlemen are showing.

Then the Speaker said that the House was his property and he would not allow any body to enter the House and then later on, he said that he had adjourned the Assembly for two months. Who is the Governor to prorogue the Assembly? This is the line of argument that came from Shri Yajna Datt Sharma, my esteemed friend; we are very close personal friends.. (*Interruptions*).

MR. SPEAKER: My problem is that the hon. Member is exceeding his time.

SHRI G. S. DHILLON : I seek your indulgence, Sir. I would require another two or three minutes.

My only reply to him is this. The Speaker, knowing well that he was creating a great difficulty, knowing well that the Budget was pending and the Budget is to be finalised before the end of this month, criticised certain parties and groups and adjourned the House beyond the time limit; not only beyond the time limit, but he even advised them to attend to sowing of crop, not only harvesting but perhaps sowing also; he did wonderfully well in the interest of the peasantry!

Now I would like to read the Comments of various papers. *Tribune* is a leading paper there; it is not a Congress paper. The chief trustee of this paper is Sardar Sant Prakash Singh, President of the Punjab Swatantra Party, and then there are two other retired officers. This is very interesting :

"A grave responsibility thus rests on the shoulders of the Speaker and the Opposition. A permanent long-term good should not have been sacrificed for immediate and interim satisfaction" It further says :

"The Speaker's action in adjourning the House for two months has thwarted whatever plans the Congress and the Janta Party had in mind. On the merits of the arguments advanced by Mr. Gurnam Singh..."

If you like, I can read all that.

MR. SPEAKER : Please do not read.

SHRI G. S. DHILLON : It adds that no-confidence means removal, and removal means no-confidence.

श्री हुकम चन्द कछवाय (उजैन) : अध्यक्ष महोदय, मैंने संविधान में से पढ़ना चाहा था लेकिन आपने मुझे इजाजत नहीं दी और उधर आप यह पक्षपात कर रहे हैं कि उन्हें अखबारों की कटिंग्स पढ़ने की इजाजत दे रहे हैं।

MR. SPEAKER : Till now I have not been ringing the bell, but it is one-hour discussion, and there are still half a dozen opposition members to be called. I would very much like to hear your views, I value them, but unfortunately I cannot ring the bell and ask a senior member like you to sit down. You will have to help me, because you occupy the Chair very often.

SHRI G. S. DHILLON : I am very sorry. What I wanted to convey was that I have yet to see a paper where the action of the Speaker was in any way supported. Every paper has disapproved his conduct, and every paper has expressed surprise and shock at the way the Speaker behaved. It is very serious thing for all of us in this House and the legislatures everywhere in this country to sit together and consider.

श्री हुकम चन्द कछवाय : अध्यक्ष महोदय, मुझे इस तरह के पक्षपात किये जाने पर सब्त ऐतराज है कि मुझे तो संविधान तक पढ़ने नहीं दिया गया और उधर वह इतने समय से बोल रहे हैं और अखबारों में से पढ़ रहे हैं. . . .

MR. SPEAKER : You are only adding to the confusion. We will lose more time by this. The trouble in Punjab was created by somebody like you.

SHRI G. S. DHILLON : It is a very important matter and it concerns every member of this House.

SHRI V. KRISHNAMOORTHY (Cuddalore) : We are very sorry to see that the Speakers in the States are turning themselves into chieftains in Indian democracy. They are supposed to be guardians of democracy within the

House, but they are taking the law into their own hands, and all sections of this House must rise to condemn such attempts, whether it is in West Bengal or Punjab. It may be in West Bengal or Punjab today, but it may be repeated by some other Speakers.

The Speaker is only the servant of the House. In 1462 King Charles wanted to arrest five Commoners in the House of Commons. Without the permission of the Speaker he entered the House and asked the Speaker to hand them over to him when they came. The Speaker said: "May I please your Majesty, I have neither eyes to see nor tongue to speak in this House except as the House is pleased to direct me whose servant I am." So, the Speaker is only the servant of the House. That is why the entire law regarding the powers, limitations on the powers of the Speaker, as well as the Governors should be re-defined.

The Home Minister is responsible for all these things. When the Governor of West Bengal dismissed the Council of Ministers, the Home Minister interpreted the Constitution to say that the Council of Ministers held office only during the pleasure of the Governor. That is why the Speaker of West Bengal interpreted the rules according to his own pleasure.

Morally nobody supports either the action of the Punjab Speaker or the Bengal Speaker, but they are within their limits, they are within the rules, they are within the Constitution, as Mr. Chavan and Mr. Dharma Vira were within the Constitution in dismissing the West Bengal Ministry. So, all the political parties must sit together and redefine the powers of the Speaker and the Governor.

You are holding office of Speaker. Everybody in this country is in praise of you because . . .

MR. SPEAKER: Talk about the Punjab Speaker.

SHRI V. KRISHNAMOORTHY: The Punjab Speaker is a human being. The ordinary courtesy which these par-

ties have to accord him has not been shown to him even if the Speaker goes wrong, the Leader of the House as well as the Leader of the Opposition can meet together and convince the Speaker.

Today I have seen in the press that the Assembly has been prorogued and an ordinance has been issued. It adds more confusion. How can this ordinance compel the Speaker to conduct the House in a particular manner? Can this ordinance ask the House to sit for 24 hours in a day? Can it compel the Speaker to see that the Finance Bill be passed or the members of the legislature will be hanged? No, Sir. That is why, the Law Ministry as well as the Home Ministry have to persuade the Speaker to rethink, they should say they will re-summon the Assembly and will not press the no-confidence motion against him, and request him to help them in getting over the difficulties. Instead of that, they are putting the cart before the horse, they are killing the very democracy.

The hon. Home Minister should rather think in terms of defining the powers of the Governor and the Speaker, otherwise there will be chaos in all the States, every Speaker in every legislative assembly will take the law into his own hands, and there will be dictatorship, democracy will end.

I support the view expressed by Mr. Masani that morally the Speaker is not entitled to adjourn the House, but he is strictly within his limits in doing so.

SHRI VASUDEVAN NAIR (Peer-made): I am really surprised to hear the sermons about decorum, democracy and all that from the Congress leaders like Mr. Venkatasubbaiah. It was very convenient for him to look at the matter in isolation, because the political background is very inconvenient here for the ruling party as well as the so-called ruling party in Punjab. That is why they try to look at it in isolation.

The Speaker who is so much accused by the members in this House without any propriety, was a very sweet Speaker for Mr. Chavan and for the Congress when he upheld the legality of the Gill

[Shri Vasudevan Nair]

Government when it was installed in power. At that time he was very convenient Speaker for them.

My hon. friend quoted certain statements of the ex-Chief Minister and ex-Food Minister, and he was saying that the Speaker acted according to their advice. I should like to remind him that at that time these very gentlemen, the ex-Chief Minister and the ex-Food Minister and all the leaders of the united front fought in a very bitter manner in the Assembly and requested the Speaker to declare this Gill Government an illegal Government. The Speaker did not oblige the Leader of the Opposition at that time. So, it is only proper that we look at the situation that developed in Punjab. Who created that situation? It is the crux of the matter and the Central Government cannot escape the great responsibility for recent developments in Punjab. There is no point in their shouting at the top of their voice about preservation of democracy. What is happening in Punjab? I have no time to go into details. But the so-called Gill Government, whose Government is it? Which Party supports it? The Janta Party. Eighteen persons defected and all the eighteen are Ministers? I do not want to cast reflections on the Ministers, about their personality. But everybody knows what kind of ministers they are and what kind of Government has been installed in power by the Congress. You talk of decorum and order. Who is to keep order? If there is a majority party, it has the responsibility for running the Government and if it has a leader of the House, there will be decorum. In Punjab today, the so-called leader of the House, Mr. Gill, who has only the support of seventeen defectors cannot manage to keep order. In the House he could not help the Speaker. It is convenient for the Congress to leave everything to Mr. Gill and play their game. They were playing their game and I feel that the Speaker was compelled under force of circumstances to take this decision. You look at the merits. You may differ. Still let us look at the background. I am very worried about the developments. The

recent Ordinance of the Governor in Punjab illustrates that the Governor is turned into an instrument in the hands of the Ruling Party at the Centre. The Law Minister declared that it was for the Governor to act and said that it was his Ministry's opinion. Within 24 hours the Governor issues the Ordinance. Is it possible for the Government to feel the people of this country in this way? Are we to understand that the Governor of Punjab acted independently on this occasion, that he was not asked and egged on and advised by Mr. Govinda Menon and the Central Government to act in this particular manner. The Ordinance issued by the Governor encroaches upon the powers of the Speaker and the Assembly; it is a black Ordinance and it will remain a black spot in the history of the Parliamentary Democracy in this country. Even suppose the Speaker took a wrong decision, if this Government wanted to save the situation, there were other alternatives. They could have suspended the Assembly for the time being and come before this Parliament and passed the budget and then give an opportunity to the members of the legislature to see whether a stable Government could be established in Punjab or not. The solution to the Punjab tangle is not by this kind of Ordinance, and we warn the Government that they are not going to get out of the situation. The only solution is that the people of Punjab should be given a fresh opportunity to choose their representatives and to have their Government. Even at this late hour, they should dissolve the Assembly and have mid-term poll and ask the people of Punjab to solve this political tangle. This is essentially a political matter and there is no point in leaving out the crux of the matter.

SHRI R. D. BHANDARE (Bombay Central): I need not deal with the question of the validity of the Ordinance because time will not be there. I join those who have raised their voice in righteous indignation and I agree with Mr. Masani and Mr. Venkatasubbaiah in condemning the action of the Punjab Speaker on four grounds. Firstly, the Punjab Speaker exercised the powers given to him under the rules in a dictatorial and arbitrary manner. Se-

condly, the Speaker acted against the convention that he should be above party politics and should be impartial. He was, in fact, not so. The third is, he acted as a partyman, lastly, he violated the sanctity of the Constitution. On these grounds, I would certainly like to censure or condemn the Speaker.

19 Hrs.

But I hope this will be the last time in the history of Parliament in this country that the Speaker should behave in a manner which we disapprove. But, at the same time, the Speaker is an officer of the State legislature, and the conduct of the Speaker, as an officer of the State legislature, cannot be discussed in this House. If at all we are to uphold the sanctity of the Constitution—and the Constitution is my Bible—under the Constitution, how are we to discuss the conduct of the Speaker here? I quite realise and appreciate that because of the fluidity of the political situation, which situation seeks to set the Constitution at naught, they were trying to violate the Constitution at more than one place. Therefore, I agree and I join the voice raised by some of my hon. friends in their righteous indignation. But the fact remains that such a matter should not be discussed in this House at all. If at all the Speaker is to be condemned, the Constitution has given the provisions. The Constitution says in so many words—

MR. SPEAKER : Please do not read them.

SHRI R. D. BHANDARE : Under article 179, he can be removed, but then notice of 14 days should be given. In the case of the Punjab Assembly 14 days' notice was not given according to the report which I have gone through. Similarly, the motion against the Speaker was not properly formulated and worded. If at all we want to condemn the action, according to the Constitution, either of the Governor or the Speaker, then we should see that we also do not violate the Constitution. Therefore I again pray and I appeal to

you, Sir, the Speaker, that the matters which are not within the purview of this House, such as the conduct of the Speaker, should not be allowed to be discussed here in this House.

With these words, I have done.

श्री जार्ज फरनेंडीज् (बम्बई-दक्षिण) :

पंजाब की तरह की घटनायें जब हमारे सामने आ जाती हैं तब प्रजातन्त्र इस देश में कैसे धोखे में है ऐसी बहस हमेशा उठाई जाती है। मैं पंजाब के स्पीकर के बारे में कुछ नहीं कहना चाहता। मैं गृहमंत्री जी से प्रश्न पूछना चाहता हूँ। वह हम लोगों को लोकशाही पर कई दिनों से तकरीरें सुनाते आ रहे हैं। मैं उन से जानना चाहता हूँ कि जो पंजाब में आज सरकार है गिल साहब की और जनता पार्टी की ओर से वहाँ शासन चलाया जा रहा है, जिस का न तो कोई विधान है, न कोई कार्यक्रम है, न कोई दफ्तर है, न कोई पदाधिकारी है, क्या इस तरह से इस मुल्क में प्रजातन्त्र अच्छे ढंग से चल सकता है, क्या इस प्रजातन्त्र को चलाने का यह अच्छा तरीका है? अठारह व्यक्तियों का मंत्रिमंडल जनता पार्टी की ओर से जो स्थापित किया गया है यह कैसे स्थापित किया गया है? क्या इसकी जिम्मेदारी उस सूबे की कांग्रेस पार्टी और केन्द्र की कांग्रेस पार्टी की है या नहीं है? जहाँ तक मैं समझता हूँ इसके लिये कांग्रेस ही जिम्मेदार है और इस बात को हम भूल नहीं सकते हैं। मैं उन से सब से पहली बात यह कहना चाहता हूँ और यह सुझाव देना चाहता हूँ कि तत्काल वह अपने दल के लोगों को कहें कि वे इस सरकार को अस्तित्व में न रहने दें, उस सरकार को इनका दल तत्काल वहाँ से हटा दे।

दूसरी बात मैं स्पीकर के चुनाव के बारे में और उसके व्यवहार के बारे में कहना चाहता हूँ। कई बार इस सदन में और सदन के बाहर भी हम लोगों ने सुझाव दिया है कि स्पीकर को जब एक बार चुन लेते हैं तो उसके बाद वह निष्पक्ष आदमी बन जाता है इस बास्ते

[श्री जार्ज फरनेन्डीज]

कुछ ऐसी परम्परायें स्थापित की जानी चाहिये देश में ताकि जब दुबारा उसके द्वारा चुनाव लड़ने का समय आए तो वह एक निर्दलीय व्यक्ति के रूप में चुनाव लड़े और उसके विरुद्ध कोई भी राजनीतिक दल अपना उम्मीदवार खड़ा न करे। इस तरीके से किसी भी राजनीतिक दल का सदस्य न रहते हुए, एक निष्पक्ष व्यक्ति की भांति उसके व्यवहार करने का मौका दिया जाना चाहिये। श्री मसानी ने इसका जिफ्त भी किया है। मैं चाहता हूँ कि इस मामले पर बहुत गम्भीरता से सोचा जाए और अगर संविधान में कोई त्रुटि करने की आवश्यकता हो तो उम बात को भी तत्काल पूरा किया जाए।

पंजाब में इस वक्त की हालत के बारे में अब मैं कुछ कहना चाहता हूँ। मेरे हाथ में शिरोमणि अकाली दल द्वारा दिया गया एक निवेदन है जिस में वहाँ जो लोगों की जान और उनका माल खतरे में है उसका लम्बा चौड़ा विवरण दिया हुआ है। अगर आप इजाजत दें तो मैं इसको सभा पटल पर रख दूँ। लेकिन हो सकता है कि इसकी आप अभी इजाजत न दें। लेकिन एक व्यक्ति का यहाँ पर एक मामला दिया हुआ है जो मैं आपके सामने रखना चाहता हूँ ताकि आपको अन्दाजा लग जाए कि पंजाब में सरकार किस ढंग में अपने सियासी प्रतिस्पर्धियों से बरताव कर रही है। सरदार मेजर सिंह जो शिरोमणि गुरुद्वारा प्रबन्धक कमेटी के अध्यक्ष के परसनल असिस्टेंट हैं उनको जनवरी के शुरू में गिरफ्तार किया गया, 22 जनवरी को उनको छोड़ दिया गया, 23 जनवरी को उनको फिर गिरफ्तार कर लिया गया, 29 जनवरी को छोड़ दिया गया, दो माच को फिर गिरफ्तार कर लिया गया। इस ढंग से एक महीने में इस व्यक्ति को तीन बार गिरफ्तार किया गया और छोड़ा भी गया। फिर उसको पकड़ लेते हैं और फिर जब वह जमानत पर बाहर आता है तो उसको पकड़ लेते हैं। इस

तरह से आप देखें कि जो सियासी लोग हैं, चाहे अकाली दल के लोग हैं या किसी अन्य दल के लोग हों उनके ऊपर काफी जुल्म करने का काम यह सरकार कर रही है। मैं कहूँगा कि आप, अध्यक्ष महोदय, दस पन्द्रह लोगों के ऊपर यह जिम्मेदारी दीजिये कि पंजाब में इस वक्त कानून और व्यवस्था की जो हालत है, उसके बारे में वे जांच करें। वहाँ पर जो गिल साहब का मंत्रिमण्डल है, वह बिल्कुल निकम्मा और नालायक साबित हो चुका है और गुंडागोरी के बल पर वह इस वक्त वहाँ पर राज चलाने की कोशिश कर रहा है।

वहाँ पर विधान सभा के अध्यक्ष ने जो व्यवहार किया है, उस व्यवहार में जाने के बजाय अगर पंजाब में इस वक्त जो कानून और व्यवस्था की स्थिति है और वहाँ की जो राजनीतिक परिस्थिति है उसके बारे में यह सदन विचार करे तो मैं समझता हूँ कि इस मुल्क के लिये और स मुल्क के प्रजातन्त्र के लिये यह ज्यादा लाभदायक सिद्ध होगा।

SHRI SRINIBAS MISRA (Cutback) : Sir, the matter is very serious. It started from Bengal and it has reached Punjab. The whole point is if the Speaker becomes a party to the political happenings, loses his balance and considers his self-interest first, there is no scope for democracy in this country. I am not going to name anybody. It is a matter to be discussed apart from political affiliations. These questions should not be mixed up. The Speaker may say tomorrow that a particular Bill was not passed, even though 100 members voted for it and 15 against. It may be dragged to such an extent that even after a decision has been given by the course, the Speaker may say, "I say that this ministry is illegal. How can the court say it is legal?" It becomes more reprehensible when the Speaker tries to balk a no-confidence motion by adjourning the House. The Constitution provides that he should not preside, but he takes a round about way of seeing to it that when the no-confidence motion comes up he will not preside and be-

fore that he will say that the House is illegally constituted, the whole election is illegal and adjourn the House *sine die*. When he does like that it becomes more reprehensible.

So the question to be considered is what we shall have to do in such circumstances? We have followed the British Constitution. There the Speaker's position is historically developed. The British Speaker is the representative of the British House of Commons. He goes to the King and claims the right of Commons and he gets it. So he is called Speaker because he speaks for the House of Commons. There it was historically developed. We have not developed like that. We have not developed the convention of not contesting the Speaker's seat. Here the Speaker performs has to be a partyman. He is elected on the ticket of a party. Of course, it has been the convention, as you have yourself followed, that the Speaker after his election resigns from the party. Does that help the gentleman in the Speaker? Of course, he ought to be a gentleman first. Does it help him to shed off all his ideas of party affiliation? In the next elections if he has to go to the constituency he has to seek that party's backing.

MR. SPEAKER: Why? You are saying all things that are of a general nature and not relevant to the discussion.

SHRI SRINIBAS MISRA: We have not established such a convention.

MR. SPEAKER: Shri Masani just now said that Shri Patel went as an independent.

SHRI SRINIBAS MISRA: They are not coming. Sometimes they are standing as independents. But we have not developed that convention.

What is the nature of choice of Speakers that is followed in our country. In the States, wherever it may be, in all legislatures, the party in majority chooses the Speaker. What is the choice? The three criteria are that he must be impartial, he must be a man of integrity and, first of all, he must be a

gentleman. These are sometimes overlooked. Sometimes people are chosen, who are convenient and who will not come in the way. It has to be very seriously considered whether this method of choosing people is to be given away and a convention has to be developed. We are expecting, Sir, that the meeting you are summoning of all the Speakers will yield some fruitful results. We will have to evolve some way so that Speakers may not arrogate to themselves these powers that are not vested in them. Ultimately, if necessary, the Constitution will have to be amended.

SHRI J. B. KRIPALANI (Guna): Mr. Speaker, Sir, I really do not know why politics should have been brought in this discussion. I do not like the way in which Congress has in Bihar and in the Punjab. But this has nothing to do with what we are discussing. Most of the conventions of parliamentary government were evolved in England. My hon. friend quoted that Charles I went with his army to the House of Commons and wanted the House of Commons to disperse. The Speaker said: "Sir, I have no eyes to see or ears to hear except with the permission of the House". It means all the privileges of the Speaker flow from the House. From that time, the convention has grown that the whole parliamentary building must be under his control, that the watch and ward must be appointed by him and that the expenses of the House must be considered by the House itself.

But, Sir, what has happened here in two instances is that the Speakers have acted against the House itself. In West Bengal, the Speaker has acted against the House. It was not against the Government; it was not against the executive. But it was against the Assembly itself whose privileges and rights he was required to protect. This is the fundamental question. In Punjab also, the same thing happened. It was not against the executive; it was not against the Congress or any other party. But it was against the Assembly itself. This, I submit, no Speaker has the right to do. His rights flow from the Assembly

[Shri J. B. Kripalani]
and the Parliament; his rights are not independent of the Assembly and the Parliament. We must first understand this.

Another thing is this. Suppose today you, Sir, become a psychic and say that this Congress Government is not properly installed in power and, therefore, you adjourn the House. What would happen? Fortunately, in the case of West Bengal, it was one province so that there could be the President's Rule. But if you do such a thing, what would happen?

SHRI BAL RAJ MADHOK (South Delhi) : Are you suggesting it? (*Interruption*).

MR. SPEAKER : I am sure my great leader will not expect that of me.

SHRI J. B. KRIPALANI : Sir, anybody can become a psychic at any time. We do not know. There is no guarantee that because you have been sane so long that you may not become insane the next moment. Insanity does not come with a great glare. I really do not see what the Opposition Members are trying to impress upon us and, why they have brought in politics in these matters. It is not a question of politics; it is a question of whether the Speaker is the guardian of the privileges and the rights of the House or he has any rights beyond the House. He can put the executive in its place; he can put the judiciary in its place. But he cannot put his masters in their place.

Here, what has happened both in West Bengal and in Punjab is that the Speaker have acted against their own masters, against the privileges of the Assembly and the Parliament. This is absolutely wrong and this cannot be cured by any amendment of the Constitution. No Constitution in the world can work if it were not supported by healthy conventions. This can only be done through healthy conventions. Sir, as you are calling the Speakers' Conference, I hope, you will decide that certain healthy conventions be established in our country. It does not matter whether the Congress has established these healthy conventions or not. I am

no lover of the Congress as it has become after Independence. But that is beside the point. The point is the rights of the House, and the rights are supreme and the Speaker is only to carry out the wishes of the House. He is to regulate them as an umpire would regulate. Specially when there is a No-Confidence motion against him, then to adjourn the House, I think, is not a gentlemanly conduct.

SHRI D. C. SHARMA (Gurdaspur) : Mr. Speaker, Sir, my first point is that, I think, the Governor has acted in a *bona fide* manner and has tried to save parliamentary democracy from being ruined. If he has issued an Ordinance, I think, he has not gone beyond his powers. I think, he has done well and his action cannot be questioned.

My second point is that the Janta Party is a regular Party, it has an office and it has its Members. Recently, Sardar Lachman Singh Gill toured my constituency and drew very big crowds. He has proved to be an able administrator and a capable leader. If Mr. Pattom Thanu Pillai with 3 or 4 or 5 or 6 or 9 Members could conduct the Government in Kerala, I do not see any reason why Sardar Lachman Singh Gill with 18 or 20 Members should not be allowed to conduct his Government. I think, this is absolutely....

SHRI J. B. KRIPALANI : May I suggest that he need not bring in politics here?

SHRI D. C. SHARMA : I think, that is beside the point.

The fact of the matter is that every Speaker has to build up certain moral standards. The Rules of Procedure do not help him. Constitutional provisions do not help him. After all, he has to rise above the stature of the members of the House, and above the collective stature of the members of the House. If he does that, then he commands respect, everybody listens to him, everybody tries to do what he wishes him to do.

Formerly, members used to be named here. But you do not name anybody,

Sir; you leave it to the good sense of the members....

SHRI J. B. KRIPALANI : To protect the dignity of the House, some members have to be named....

SHRI D. C. SHARMA : The Speaker of Punjab is like a train which goes along very good rails but suddenly jumps off the rails. He jumped off the rails and there was a shipwreck of Parliamentary democracy. Therefore, he has done something which is very dangerous for Parliamentary democracy. I do not want to condemn the conduct of any Speaker. Some Speakers might have done worse things. But here the Speaker has done a great harm to Parliamentary democracy in Punjab.

I think, you should call a meeting of the Speakers in order to tell them how they can protect, safeguard and carry forward this Parliamentary democracy in India.

MR. SPEAKER : Now I call the last speaker.

Mrs. Nirlep Kaur.

SHRI BAL RAJ MADHOK rose—

MR. SPEAKER : No second chance please.

SHRI BAL RAJ MADHOK : I do not want to speak; I only wanted to ask....

MR. SPEAKER : Question can be asked later. That is a different matter.

Mrs. Nirlep Kaur.

SHRIMATI NIRLEP KAUR (Sangrur) : We are today discussing the Speaker's action in Punjab. As Mr. Kripalani said, we should not bring politics into this matter. But I should like to mention to the House that it is due to this reason that for the last 20 years we are only discussing one point, an isolated point. (Interruptions) We have come to this stage after twenty years. Why should the unfortunate discussion of the Speaker's action in Punjab come to this House? We are all disturbed and perturbed about the leaks in our roof

today. As the hon. members have mentioned, this is a very high office. This is no party affair. But what about the cracks which have already developed, the real cracks in the foundation which have already developed. I would say that the ruling Party which has ruled for twenty years is responsible for this sad state of affairs. If I remember correctly, this House has even discussed the rulings of the Supreme Court; they had isolated the ruling and tried to argue, and because they had the majority, it was carried. We have discussed here the Governor's action and we are discussing today the Speaker's action. Don't you think that it is high time, as Mr. Kripalani said, that we discussed our own conduct sometimes? What are these large numbers of representatives of the people in the country doing? Are we not responsible for throwing into a corner neutral posts like that of the Speaker, Judges, Governors etc.? Therefore, while we have to lay down healthy conventions for the Speaker, for the Governor and for the Supreme Court Judges, it is very necessary that we should first start laying down healthy conventions for ourselves. We are making it impossible for any of us to function over here.

I would like to mention the background of what is happening in the Punjab. After the general elections, the Opposition parties formed the Government for some time. At times the Congress could have formed a Government with a marginal majority of one or two, but they did not do so. The reason why they did not form the Government was that they are used to having such a bulk majority and therefore they did not want to form a government with a majority of one or two, though there have been instances where in big countries parties have gone into forming Government with just one or two more Members than all the Opposition parties put together.

I would say that the Congress had in the past been used to fighting like a tiger with a hare or a rabbit. But now that the rabbit has become a wolf, they are scared of it. They will not dare to fight with it. Therefore, they do not want to rule the Punjab in straight for-

[Shrimati Nirlep Kaur]

ward manner. That is why Mr. Gill has become the escape that they have resorted to. Through them they will abuse the Speaker and they will abuse anybody else, but they have not got the guts to form a government themselves.

SHRI J. B. KRIPALANI : That is true.

SHRIMATI NIRLEP KAUR : The conduct of the Speaker of Punjab has been discussed here. I would like to bring to your notice one fact that the present Government is there in Punjab not because they want a stable government there but are there for a definite reason.

As regards Shri Lachman Singh Gill's background, we are all very well aware of it.

SHRI J. B. KRIPALANI : That is just to make a fool of him.

SHRIMATI NIRLEP KAUR : He was with Master Tara Singh for some time, then he betrayed Master Tara Singh and joined Sant Fateh Singh and then he betrayed Sant Fateh Singh and betrayed Sardar Gurnam Singh. He has no educational qualifications....

SHRI J. B. KRIPALANI : Therefore, he is supported by the Congress.

MR. SPEAKER : Let the lady Member be allowed to conclude now.

SHRIMATI NIRLEP KAUR : I would like to point out that the assurances given by the Congress Party to the people of Punjab have all been belied, because the actions of the Chief Minister do not tally with their assurances. Since he has taken this office of Chief Ministership, he has directed all his activities and actions against the Akali Party. It is with vengeance that they are attacking the Akali Party. He has accused Sardar Channan Singh of certain things which happened at the time when he himself was the secretary. I think he has filed 12 cases against the general secretary within a period of two months so that he could be harassed. All these things cannot be ignored. These are circumstances which one cannot ignore.

The Congress Party in Punjab and Delhi should learn a lesson from past experience that if they try to suppress or crush the Akali Party, they have not been able to do so in the past and they will not be able to do so now. I would like to administer this warning to the Congress that the Congress should learn this lesson from the past. If there is any fair-play the Assembly should be suspended or dissolved and the people there should be given a chance to form a new Government....

MR. SPEAKER : Now, the hon. Member should conclude. Now, the Home Minister.

SHRI M. N. REDDY (Nizamabad) : What about those who had given notices ?

MR. SPEAKER : It may be that he may have given notice. But a number of them are there.

SHRIMATI NIRLEP KAUR : In conclusion, I would submit that if with the present Assembly they cannot bring the majority party into power, the Assembly should be dissolved and fresh elections should take place so that the people could express their verdict.

SHRI BAL RAJ MADHOK : May I just put one question ?

MR. SPEAKER : I am sorry. The hon. Home Minister. If I have to call the hon. Member I have to call several others also.

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN) : Mr. Speaker, Sir....

SHRI BAL RAJ MADHOK : Before the Home Minister starts may I just put one question ?

SHRI Y. B. CHAVAN : I am not yielding.

SHRI BAL RAJ MADHOK : I just want to make one appeal, before the Home Minister starts.

MR. SPEAKER : No, please. (*Interruptions*)

SHRI BAL RAJ MADHOK : I come from Punjab. We are sitting in the House and if we cannot even put a question . . .

MR. SPEAKER : I will give you the names of the Congress members who have given their names.

SHRI BAL RAJ MADHOK : I am not going to speak. You cannot say I cannot even put a question. Is that the way ?

MR. SPEAKER : How can I prevent them ?

SHRI BAL RAJ MADHOK : We could have finished by this time.

MR. SPEAKER : It is not a question of two minutes. At 7 O'Clock the Home Minister had a very important meeting. I know how important it is. He was good enough to stay at my request. At the cost of the Congress, I gave chances to the Opposition, I called two opposition members to one Congress. If at all anyone has a complaint, it is the Congress Party. I entirely agree you want to ask only a question. Suppose the other people also want to put questions, can I prevent them ? If you are in the Chair, would you do it ? They would have got a chance if I had called one by one. Therefore, do not put me in a difficult position.

✓ **SHRI Y. B. CHAVAN :** This debate took place because of a certain statement I made on the floor of the House, and I entirely agree with Mr. Masani and Mr. Kripalani that this should be confined to the Speaker's action there in the House and the problem that it raised there, because certainly there are political backgrounds for everything which are apt to be debated. I do not propose to go into those aspects.

It is a very important thing that the office of the Speaker must be carried on in the spirit in which he is expected to function under a democratic constitution. The basic factor of this whole theory is that the Speaker has to function completely in an unattached manner as far as political parties are concerned. Naturally, this forum of the legislative assembly is a forum of poli-

tical action, and political parties are going to function there. That is exactly the reason why the Speaker is supposed to function in a non-political manner, in a non-party manner. Somebody may have erred or may not have erred, I do not want to hold any judgment upon it. Personally, I would consider it to be completely unwise for any party, particularly the ruling party of any legislature, to pick up a quarrel with the Speaker during the budget session. It is a question of political wisdom.

That is a different matter, I will not go into that, but if the Speaker who is supposed to help the House to function becomes an instrument to gag the voice of the legislature, it becomes a tragedy of democratic life.

AN HON. MEMBER : Very shameful.

SHRI Y. B. CHAVAN : Very shameful, I am prepared to accept the comment.

What is the way out of it ? The only way out of it is that we create certain conventions and the only forum that can create that sanction for the conventions is the forum which you, Sir, preside over, the Conference of Speakers. I entirely agree that it is not the amendment of the Acts or the Constitution which is going to help in these matters. It is ultimately the conventions.

SHRI VASUDEVAN NAIR : Ordinances.

SHRI Y. B. CHAVAN : I am only referring to that because certain things happened after I made the statement. The Governor has prorogued the House. Naturally, he is going to call back the House. All these actions of the Governor are done on the advice of the Chief Minister. I mentioned the other day that the law officers came here for consultations.

SHRI V. KRISHNAMOORTHY : The Law Minister has stated that there was a way under article 213.

SHRI Y. B. CHAVAN : What is wrong ? He merely stated the advice he gave. What is wrong about it ? Do

[Y. B. Chavan]

you expect him to conceal what advice he gave? He should certainly advise. There is the specific provision of the Constitution. If it becomes impossible to transact any financial business of the Government, there is a specific provision under article 213 to issue an Ordinance. I do not want to go into the constitutional aspects. I think the purpose of the Ordinance is not to restrict the authority of the Speaker; it is to strengthen the powers of the House to function. There is financial business to be carried on and the House must not be adjourned.

श्री कंबर लाल गुप्त : जब वहां अपर हाउस चल रहा है, तब आप आर्डिनेंस पास कर सकते हैं ?

SHRI Y. B. CHAVAN : I should refer to articles 209 and 213. You are a lawyer of competence; I do not want to interpret the Constitution for you. I am merely referring you to those articles.

SHRI M. N. REDDY : Why was not the same thing done in West Bengal ?

SHRI Y. B. CHAVAN : I have explained the difference. If you read the letter of the Governor, you will find that he has given three factors which were responsible for what happened in West Bengal. Firstly, there was the Speaker's action; secondly, the attitude of the Opposition not to allow the House to function; and the third and the most important was the defections in the ruling party itself. That was the basic thing for running the Government.

SHRI M. N. REDDY : Why was not an Ordinance issued ?

SHRI Y. B. CHAVAN : If it was decided to allow the State legislature to function, that would have been done. But it was not possible. There was complete failure of the constitutional machinery in Bengal. That was not the position in Punjab.

19.40 Hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, March 18, 1968/Phalgun 28, 1889 (Saka).