

**SHRI B. K. DASCHOWDHURY :** More time should be given for this.

**MR. DEPUTY-SPEAKER :** He can reserve that remark for tomorrow.

**SHRI B. K. DASCHOWDHURY :** We must have time to speak on this.

**SHRI SAMAR GUHA :** May I seek a clarification? What is the basis of your selection of speakers? You have given priority to some friends and not given equal priority to others. What is the reason?

**MR. DEPUTY-SPEAKER :** Some Independents are accommodated.

**SHRI SAMAR GUHA :** You are making a selection on your own choice. This is not nice.

**MR. DEPUTY-SPEAKER :** No. no.

**SHRI B. K. DASCHOWDHURY :** It must be extended by at least another hour.

**MR. DEPUTY-SPEAKER :** Shri Vajpayee.

17 Hrs.

[*MR. SPEAKER in the Chair.*]

DISCUSSION ON STATEMENT MADE  
BY HOME MINISTER RE: CONSTITUTIONAL DEVELOPMENTS IN  
PUNJAB

**श्री अटल बिहारी वाजपेयी (बलरामपुर) :** अध्यक्ष महोदय, नियम 193 के अन्तर्गत मैं गृह मंत्री महोदय के द्वारा 20 मार्च को पंजाब सम्बन्ध में दिये गये वक्तव्य पर चर्चा उठा रहा हूँ।

यह बड़े खेद का विषय है कि गृह मंत्री ने पंजाब के सम्बन्ध में जो वक्तव्य दिया है वह गिल सरकार से प्राप्त जानकारी के आधार पर दिया है। उस वक्तव्य की कीमत

एक अपराधी के बयान से अधिक नहीं है—ऐसा अपराधी, जो न केवल अपने पाप पर पर्दा डालने के लिये तथ्यों को तोड़ता-मरोड़ता है, बल्कि असत्य का आश्रय लेने में भी संकोच नहीं करता है।

18 मार्च को पंजाब की विधान सभा में क्या हुआ? कुछ तथ्य ऐसे हैं, जो निर्विवाद हैं और जिन के सम्बन्ध में किसी प्रकार का मतभेद नहीं है। एक यह तथ्य निर्विवाद है कि उस दिन पंजाब की विधान सभा में पुलिस वालों को सफ़ेद कपड़ों में बुलाया गया। यह भी निर्विवाद है कि पुलिस पंजाब विधान सभा में मुख्य मंत्री के आदेश पर बुलाई गई। जब विधान सभा की बैठक शुरू हुई, तो पुलिस वाले सफ़ेद कपड़ों में पीछे की बैंचों की आड़ में छिपे हुए बैठे थे। अध्यक्ष के आगमन से पहले ही पुलिस वाले विधान सभा के भीतर आ गये थे और ऐसी जगह बैठे थे, जहाँ से दिखाई न दें।

**श्री विभूति मिश्र (मोतीहारी) :** आप ने देखा है ?

**श्री अटल बिहारी वाजपेयी :** देखा तो आपने भी नहीं है।

अब यह कहा जाता है कि वे वाच एण्ड वाई के आदमी थे। अगर यह बात सच होती, तो जब विधान सभा के अध्यक्ष सदन में आये, तो उन लोगों को अध्यक्ष के सम्मान में खड़े होना चाहिये था। लेकिन प्रत्यक्ष-दर्शियों का कहना है कि जब विधान सभा के अध्यक्ष सदन में आये, तो वे बैंचों के पीछे छिपे हुए बैठे थे और जब विरोधी दलों की तरफ से व्यवस्था का प्रश्न उठाया गया, तो वे पंक्ति बना कर बाहर चले गये। वे विधान सभा भवन के बाहर नहीं गये; वे लाबियों में मुख्य मंत्री और डी० आई० जी०, सी० आई० डी०, के आदेश की प्रतीक्षा करते रहे।

क्या किसी मुख्य मंत्री को यह अधिकार है कि विधान सभा के भीतर पुलिस को बुलाये? आखिर सदन का स्वामी कौन है?—विधान सभा का अध्यक्ष या मुख्य मंत्री? अध्यक्ष महोदय, यहां सदन का स्वामी कौन है?—आप स्वामी हैं या प्रधान मंत्री स्वामिनी हैं? क्या प्रधान मंत्री के आदेश पर इस सदन में पुलिस वाले बुलाए जा सकते हैं?

गत बीस वर्ष से भारत में संसदीय लोकतंत्र चल रहा है। पड़ोसी देशों की तुलना में हम ने लोकतंत्र की मशाल को जलाए रखा है, इस पर हमें गर्व होता है, अभिमान होता है। इस संसदीय लोकतंत्र की प्रक्रिया में कुछ बातें ऐसी भी हुई हैं, जो अवांछनीय हैं, जो नहीं होनी चाहिए थीं। लेकिन 18 मार्च को पंजाब में जो कुछ हुआ, वह अभी तक बीस वर्षों के भारत के लोकतंत्र के इतिहास में नहीं हुआ है।

पंजाब की विधान सभा चंडीगढ़ में है। चंडीगढ़ केन्द्र-प्रशासित क्षेत्र है। लेकिन सारे पंजाब की पुलिस चंडीगढ़ में इकट्ठी कर दी गई और विधान सभा के भीतर उस पुलिस को लाकर लोकतंत्र की हत्या का सामान जुटाया गया। यह परिस्थिति गणतंत्र भारत के माथे पर एक कलंक है। यह लोकतंत्र के भविष्य के लिये खतरे की घंटी है। इस घंटी को आज हमें सुनना होगा और लोकतंत्र की सर्वोच्च संस्था के रूप में इस संसद को इस परिस्थिति में अपना कर्तव्यपालन करना होगा।

18 मार्च की विधान सभा की बैठक से पहले ही "आपरेशन गिल" की तैयारी कर ली गई थी। मुख्य मंत्री ने विरोधी दलों के विधायकों को गिरफ्तार करना शुरू कर दिया था। 16, 17 मार्च को चार विधायक जेलों में बन्द कर दिये गये और बीस से अधिक विधायकों के खिलाफ वारंट जारी कर दिये

गये। उनमें से कुछ विधायक अध्यक्ष के पास पहुंचे और उनसे संरक्षण की प्रार्थना की। 18 मार्च को सबेरे पंजाब की विधान सभा के अध्यक्ष के घर में एक बैठक हुई, जिसमें यह निश्चय किया गया कि आज की सदन की कार्यवाही शान्ति से चलनी चाहिए। लेकिन जब विरोधी दल के सदस्यों ने शिकायत की कि हमारे खिलाफ वारंट हैं, हमें घुसने नहीं दिया जायेगा, वहां पुलिस वाले गुंडे इकट्ठे किये जा रहे हैं, जो सदन की कार्यवाही में बाधा पैदा करेंगे, तो विधान सभा के अध्यक्ष ने उन्हें आश्वासन दिया कि मेरे साथ मेरी मोटर में चलना, किसी तरह की रुकावट नहीं डाली जायेगी।

आपको सुन कर ताज्जुब होगा—गुस्सा भी आयेगा—कि विधान सभा के अध्यक्ष की मोटर पुलिस वालों ने रोकी, उस मोटर को आगे बढ़ने देने से इन्कार कर दिया। विधान सभा के अध्यक्ष स्वयं मोटर चला रहे थे। लेकिन पुलिस वालों ने मोटर के दरवाजे खोले और मोटर में बैठे हुए, विधान सभा के अध्यक्ष के साथ बैठे हुए, सदस्यों को घसीट कर बाहर निकालने का प्रयत्न किया। (व्यवधान) यह बात अलग है कि मोटर रुकी नहीं और विधान सभा के अध्यक्ष सदस्यों को ले कर भीतर चले गये।

विधान सभा भवन में भी 1 बजे बैठक हुई थी, जिसमें यह निश्चय किया गया था कि सदन की कार्यवाही गरिमा और अनुशासन के साथ चलनी चाहिए और जिन्हें व्यवस्था के प्रश्न उठाने हैं, वे शान्ति के साथ व्यवस्था के प्रश्न उठाये और अध्यक्ष का दिया गया निर्णय सब को मान्य और अन्तिम होगा।

अब यह चर्चा की जाती है कि क्या राज्यपाल द्वारा जारी किये गये अध्यादेश को अवैध घोषित करने का अध्यक्ष को

**[श्री अटल बिहारी वाजपेयी]**

अधिकार था और क्या विधान सभा के सदस्य राज्यपाल द्वारा जारी किये गये अध्यादेश को चुनौती दे सकते थे। इस सम्बन्ध में पंजाब की विधान सभा के जो प्रक्रिया और कार्य-संचालन सम्बन्धी नियम हैं, हमें उनके प्रकाश में निर्णय करना होगा। राज्यपाल ने संविधान के अनुसार, नियम के अनुसार, अध्यादेश जारी किया या नहीं, इस पर भी विचार करना आवश्यक है। संविधान राज्यपाल के अध्यादेश जारी करने का अधिकार देता है, लेकिन वह अधिकार तभी काम में आ सकता है, जब दोनों सदनों की बैठक न हो रही हो। पंजाब विधान सभा और विधान परिषद् की बैठक हो रही थी और पंजाब के विरोधी दल के सदस्यों का यह दावा है—और उम दावे में सच्चाई है—कि विधान सभा की बैठक का सत्रावसान करने का जो आदेश राज्यपाल ने जारी किया, वह 18 मार्च से लागू होता है, वह 14 मार्च से लागू नहीं होता है।

गृह मंत्री कह सकते हैं कि जिस दिन राज्यपाल ने दस्तख्त किये, उसी दिन से विधान सभा के प्रारोपण का आदेश लागू हो गया। मैं इस सम्बन्ध में पंजाब विधान सभा की नियमावली का नियम 7 आप के सामने रखना चाहता हूँ :—

“When a session of the Assembly is prorogued the Secretary shall issue a notification in respect thereof in the Gazette and inform the members.”

गृह-कार्य मंत्री: (श्री यशवन्तराव चव्हाण): माननीय सदस्य इसको ठीक तरह से पढ़ें कि उमके क्या मानें हूँ।

श्री अटल बिहारी वाजपेयी: मैं मंत्री महोदय की जानकारी के लिये फिर से पढ़ना हूँ.....

श्री यशवन्तराव चव्हाण: फिर से पढ़ने का सवाल नहीं है। यह ममझना चाहिये कि उमका अर्थ क्या है।

श्री अटल बिहारी वाजपेयी: अगर गृह मंत्री का यह दावा है कि सारी ममझ का ठेका उन्होंने ले लिया है, तो मुझे कुछ नहीं कहना है, लेकिन जब भगवान के यहां ममझ बंद रही थी, तो मेरा नम्बर पोछे रहा होगा, पर मैं वहां गैर-हाज़िर नहीं था।

श्री स० मो० बनर्जी (कानपुर): मैं कहना हूँ आपका नम्बर पहला था। मैं था वहां पर।

श्री अटल बिहारी वाजपेयी: अध्यक्ष महोदय, क्या राज्यपाल का दस्तख्त करना ही काफी है या नोटिफिकेशन की सूचना सदस्यों को भी मिलनी चाहिए? क्या गृह मंत्री महोदय इस बात से इन्कार कर सकते हैं कि सदस्यों को सूचना 18 मार्च को मिली? और नियम स्पष्ट है कि केवल गज़ट में सूचना का प्रकाशन काफी नहीं है। उम सूचना की जानकारी सदस्यों को भी होनी चाहिए, और प्रारोपण की सूचना का जानकारी सदस्यों को नहीं मिली इस का अर्थ यह है कि सत्रावसान का राज्यपाल का आदेश चुनौती के लिए खुला हुआ है और पंजाब विधान सभा के विरोधी दल के सदस्यों ने उमका चुनौती दी है। अब जब विधान सभा की बैठक चल रही थी तो फिर अध्यादेश कैसे जारी हो सकता है और इसी आधार पर उम अध्यादेश को 18 मार्च की बैठक में चुनौती दी गई। राज्यपाल द्वारा जारी किए गए आदेश को भले ही वह आदेश संविधान के अंतर्गत जारी किया गया हो चुनौती दी जा सकती है या नहीं इस पर भी विवाद खड़ा किया गया है।

इसके लिए भी हम पंजाब विधान सभा के नियमों को देखना होगा। मैं नियम 112 (1) की ओर आपका ध्यान खींचना चाहता हूँ।

“A point of order shall relate to the interpretation or enforcement of these rules or such articles of the Constitution as regulate the business of the House and shall raise a question which is within the cognizance of the Speaker.”

संविधान के अंतर्गत जारी किए गए आदेश भी वह विधान सभा की प्रक्रिया से सम्बन्ध रखते हैं तो उस पर व्यवस्था का प्रश्न उठाया जा सकता है। अध्यक्ष उसके बारे में अपना निर्णय देने के लिये स्वतंत्र हैं। वह निर्णय अन्तिम होगा। इस बात से इन्कार नहीं किया जा सकता और पंजाब विधान सभा के अध्यक्ष ने निर्णय दिया कि प्रांगणेशन 18 मार्च से शुरू होना है। 14 मार्च को जारी किया गया अध्यादेश मदन को या सदस्यों को बाधना नहीं। दो ढाई घंटे तक बड़ी गति के साथ विधान सभा में चर्चा होती रही। अध्यक्ष महोदय अपना अंतिम निर्णय देकर चले गए और इसके बाद जो विधान सभा में नाटक हुआ उसने गणतंत्रिय भारत का मित्र जर्म से झुका दिया है। किसी भी विधान सभा में इस तरह का लज्जाजनक दृश्य उपस्थित नहीं किया गया। कई-कई सदस्यों ने अपने अधिकारों का अतिक्रमण किया है, कई-कई अशोभनीय घटनाएँ हुई हैं लेकिन उस दिन जो कुछ हुआ वह असाधारण था, वह सारी सीमाएँ तोड़ कर चला गया। अध्यक्ष महोदय, यह बात निर्विवाद है कि विधान सभा के सचिवालय के कर्मचारियों को पुलिस द्वारा जबर्दस्ती पकड़-पकड़ कर विधान सभा में लाया गया। यह बात भी अतिविवाद है कि विधान सभा सचिवालय के सचिव मुख्य मंत्री द्वारा स्पीकर के कमरे से घसीट कर लाये गए।

पुलिस के पहरे में उन्हें काम करने के लिए मजबूर किया गया। पुलिस को भीतर घुसाने के लिए सीढ़ी लाई गई। अब कहा जाता है कि सीढ़ी इसलिए लाई गई थी कि जो गांधी जी का चित्र लटक रहा था उस चित्र को हम हटाना चाहते थे। मैं समझता हूँ कि जो गांधी जी के चित्र को हटाना चाहते थे, मैं समझ सकता हूँ क्योंकि उनके मन में भी यह डर था कि गांधी जी के चित्र के लगे रहते हुए हम लोकतंत्र की हत्या का नाटक नहीं कर सकते, लेकिन गांधी जी के चित्र हटाने की जरूरत क्या थी? जो पुलिस लायी गई पुलिस को लाने के लिए सीढ़ी का उपयोग किया गया और फिर विरोधी दलों के सदस्यों को पीटा गया, घसीटा गया। 200 से अधिक पुलिस वाले गुंडे सादी वर्दी में विधान सभा में घुस आये और उन्होंने विरोधी दलों के सदस्यों के साथ मनमानी की।

और पन्द्रह मिनट के भीतर बजट पास हो गया। अध्यक्ष महोदय, इस सम्बन्ध में भी पंजाब की विधान सभा के नियम हैं जो हमारे नियमों में मिलते-जुलते हैं। बजट दाभागों में पाम होना चाहिए। एक तो बजट पर आम बहस होनी चाहिए और दूसरे अलग-अलग अनुदानों की मांगों पास की जानी चाहिए। मदन इस प्रक्रिया को बदल सकता है। मदन अगर चाहे तो आम बहस को और अनुदान की मांगों पर चर्चा को एक कर सकता है। मगर पंजाब में उस दिन मदन की राय में कुछ नहीं हुआ, पुलिस के जोर पर हुआ, धक्काशाही में हुआ, लोकतंत्र की हत्या करके हुआ। उस दिन का पास किया गया बजट पाम किया हुआ बजट नहीं माना जा सकता।

अध्यक्ष महोदय, डिप्टी स्पीकर साहब ने उसको आर्थिकेट किया है। यह डिप्टी स्पीकर महोदय वही हैं कि जब स्पीकर के

### [श्री अटल बिहारी वाजपेयी]

खिलाफ़ नो-कांफिडेंस मोशन की सूचना मिली तो डिप्टी स्पीकर साहब अपनी जगह पर बैठे रहे, खड़े नहीं हुए। तो मुख्य मंत्री ने कहा कि अरे, तुम बैठे हुए हो, तुम भी खड़े हो जाओ और डिप्टी स्पीकर खड़े हो गए। अध्यक्ष महोदय, आप जरा कल्पना कीजिए, अध्यक्ष के विरुद्ध अविश्वास के प्रस्ताव की सूचना आये और उसके पक्ष में डिप्टी स्पीकर खड़े हो जायें।

फिर उस डिप्टी स्पीकर को पकड़ कर कुर्सी पर बिठाला जाय, उनकी देख-रेख में बजट पास करने का नाटक खेला जाय और फिर दस्तखत करा विधान परिषद् को भेज दिया जाये, मुझे खेद है गृह मंत्री महोदय यह बात मानने के लिये तैयार नहीं हैं कि किसी डिप्टी स्पीकर को किसी मनी बिल को आर्थेटिकेट करने का अधिकार नहीं है। इस बारे में संविधान का आर्टिकल 199(4) बिलकुल स्पष्ट है। वह कहते हैं कि अगर स्पीकर बेहोश हो जाय तो क्या होगा? ... (व्यवधान) ... उनका शायद अभिप्राय यह है कि अगर स्पीकर मूर्च्छित हो जाय तो फिर कौन मा हनुमान संजीवनी ले कर आयेगा? और वह कहते हैं कि वह हनुमान डिप्टी स्पीकर है। मुझे खेद है कि या तो गृह मंत्री महोदय ने कानून मंत्रालय से सलाह नहीं ली है और अगर सलाह ली है तो उनको गलत सलाह दी गई है। डिप्टी स्पीकर मनी बिल को आर्थेटिकेट कर सकता। अगर स्पीकर नहीं होगा तो वह अप्रोप्रिएशन बिल मनी बिल के रूप में नहीं जायेगा विधान परिषद् में, एक साधारण बिल के रूप में जायेगा। आखिर मनी बिल क्यों बनाया जाता है? उसको मनी बिल इसलिए बनाया जाता है कि विधान परिषद् को विचार करने की उस पर एक परिधि के भीतर छूट मिले।

लेकिन यह अधिकार डिप्टी स्पीकर को दिया जायगा तो पैनल आफ चेयरमैन में जो मदस्य हैं उनको भी यह अधिकार हो जायगा। फिर यह अधिकार किसी और भी सदस्य को दिया जा सकता है। संविधान बनाने वालों की यह मंशा नहीं थी। गृह मंत्री बताएं कि पंजाब की विधान परिषद् ने अप्रोप्रिएशन पर मनी बिल के रूप में विचार किया या नहीं किया। अगर मनी बिल के रूप में विचार किया है तो वह विचार गलत है और उनके निर्णय को अदाबत में चुनौती दी जा सकती है।

मैं एक मांग और करना चाहता हूँ। प्रश्न विधान सभा का नहीं है। संसद् का भी है। यह परिस्थिति कभी हमारे यहां भी पैदा हो सकती है। उस समय क्या होगा? अध्यक्ष महोदय, कभी आप आर्थेटिकेट करने के लिए अगर उपलब्ध न हों तो क्या डिप्टी स्पीकर को वह अधिकार होगा? मैं मांग करना चाहता हूँ, गृह मंत्री महोदय एटार्नी जनरल को सदन में बुलाएं। इस प्रश्न का अन्तिम रूप से फंसला होना चाहिए कि क्या डिप्टी स्पीकर को अधिकार है मनी बिल को आर्थेटिकेट करने का। संविधान के आर्टिकल 199 के अन्दर यह काम केवल स्पीकर कर सकता है।

**SHRI Y. B. CHAVAN :** May I intervene? For your information, I have never said that the Deputy Speaker has a right. I said that this matter is not yet clear to me. This is the position I have taken. I have not taken that position. I said that this right of certificate is personal to the Speaker is a view which I do not entirely share yet. This was the statement I had made.

श्री अटल बिहारी वाजपेयी : अध्यक्ष महोदय, इसका अर्थ यह है कि गृह मंत्री महोदय के मन में भी सन्देह है।

श्री यशवन्तराव चव्हाण : है ।

श्री अटल बिहारी बाजपेयी : तो फिर सन्देश के निराकरण का तरीका यह है कि एटार्नी जनरल को सदन में बुलाया जाय, उनकी राय ली जाय . . . . .

श्री यशवन्तराव चव्हाण : यहां बुलाने की क्या जरूरत है ।

श्री अटल बिहारी बाजपेयी : क्या यहां बुलाने की जरूरत नहीं है ?

श्री यशवन्तराव चव्हाण : जब इस हाउस में हमने कुछ किया ही नहीं है, तो बुलायें क्यों ?

श्री अटल बिहारी बाजपेयी : यह प्रश्न केवल पंजाब विधान सभा का नहीं है—यह संविधान का पेचीदा मामला है, जो अन्यत्र भी उठ सकता है और इस प्रश्न के बारे में किसी तरह का सन्देश नहीं रहने देना चाहिए । इसलिए अच्छा यह है कि एटार्नी जनरल को बुला कर उनकी राय सुन कर इस बारे में अन्तिम निर्णय कर दिया जाय ।

अध्यक्ष महोदय, अगर यह कहा जाता है कि अगर पंजाब का विरोधी दल सन्तुष्ट नहीं है और उनका दावा है कि बजट ठीक तरह से पास नहीं हुआ है, तो वे अदालत में जा सकते हैं और अदालत निर्णय दे सकती है, अदालत का दरवाजा खुला हुआ है—इससे इन्कार नहीं किया जा सकता, लेकिन मैं पूछना चाहता हूँ कि अगर 31 मार्च के बाद अदालत ने फैसला दिया और यह फैसला दिया जाता है कि जिस बजट को पास समझा जाता है, वह बजट पास नहीं हुआ है, तो उसका परिणाम क्या होगा ? क्या गृह मंत्री महोदय ने उन गम्भीर परिणामों की परिकल्पना की है, L20LSS/68—10

पंजाब का सारा आर्थिक ढांचा अस्तव्यस्त हो जायगा, सरकार लड़खड़ा जायगी । इसलिये “अदालत में जाने की छूट है”—यह कह कर इस सदन में केन्द्रीय सरकार को अपने उत्तरदायित्व से मुंह नहीं मोड़ना चाहिये ।

अध्यक्ष महोदय, प्रश्न संविधान का है, प्रश्न कानून का है, प्रश्न तथ्यों का है और प्रश्न नैतिकता का भी है । जो मुख्य मंत्री पुलिस को विधान सभा के भीतर बुला सकता है, क्या उस मुख्य मंत्री को अपने पद पर बने रहने देना चाहिए । क्या नैतिकता का, संविधान का, लोकतन्त्र का तकाशा नहीं है कि वह मुख्य मंत्री बरखास्त कर दिया जाय । उस मुख्य मंत्री का कौन समर्थन कर रहा है, किस के बल पर गिल सरकार टिकी हुई है—आज उस दल की नैतिकता भी कसौटी पर कसी जा रही है, उसकी लोकतन्त्रीय उद्घोषणायें आज जनता के लिये निर्णय का विषय बन गई हैं । जहां तक संविधान का प्रश्न है, संविधान स्पष्ट है और पंजाब के स्पीकर के आचरण से भ्रमभेद होते हुए भी स्पीकर ने जो कुछ किया, वह संविधान की परिधि में किया । वह उचित था या अनुचित—इसके बारे में रायें अलग हो सकती हैं, लेकिन उसे एक संवैधानिक जामा पहनाया गया है । लेकिन बाद के जो आचरण हुए हैं, वे संविधान के प्रतिकूल हैं, लोकतन्त्र के विरुद्ध हैं, वे नैतिकता से गिरे हुए हैं, वे लोकतन्त्र पर कुठाराघात करने वाले हैं ।

अध्यक्ष महोदय, आम चुनावों के बाद सत्ताह्वय कांग्रेस पार्टी का एकाधिकार टूट गया, मताधिकार में लोगों की आस्था बढ़ी, लोकतन्त्रीय शक्तियां मिलीं, मगर आम चुनाव के बाद जो घटनायें हुई हैं, वे लोकतन्त्र के भविष्य के प्रति शंकायें पैदा करती हैं । पंजाब में गड़बड़ उस दिन शुरू हुई,

## [श्री अटल बिहारी वाजपेयी]

जब पंजाब के राज्यपाल ने भूतपूर्व मुख्य मंत्री सरदार नुरनाम सिंह की वह प्रार्थना अस्वीकार कर दी कि इय अल्पमतवाली सरकार को लादने की बजाय विधान सभा भंग कर दी जाय और जनता को नये चुनाव में अपना मत प्रकट करने का मौका दिया जाय। केन्द्र में बैठे हुए कांग्रेस के नेता अल्प मत की सरकार को थोपकर, टट्टी की ओट में शिकार खेल कर, लोकतन्त्र के मार्ग में जो कांटा बो रहे हैं, वह एक दिन उनके दामन को चीर-चीर करनेवाला है। लोकतन्त्र खतरे में है, सम्पूर्ण शक्ति के साथ हम को उसकी रक्षा करनी होगी और इस खदन में बैठे हुए सदस्यों का दायित्व है कि लोकतन्त्र की रक्षा के लिये आगे बढ़ें और उसका पंजाब में एक ही तरीका है—और कोई तरीका अब बचा नहीं है—कि पंजाब की विधान सभा भंग कर दी जाय, वहां पर राष्ट्रपति का शासन लागू कर दिया जाय और पंजाब की जनता को नये चुनाव के द्वारा अपनी राय प्रकट करने का मौका दिया जाय। अगर केन्द्र के कांग्रेस के नेता इस मार्ग पर चलने के लिये तैयार हैं, तब तो पंजाब में लोकतन्त्र बच सकता है।

अन्त में मैं एक अखबार का उद्धरण पढ़कर खत्म कर दूंगा—'हिन्दुस्तान टाइम्स' के सम्पादकीय का एक अंश पढ़कर मैं समाप्त कर देना चाहता हूँ—

"If worse is not to happen, the Lachman Singh Gill Government should be dismissed straightway, President's rule imposed on the State and mid-term elections held after a cooling-off period. How long are the people of Punjab to suffer a Ministry that will use any instrument—mass arrests on flimsy, technical charges, even forcible ejection

of opposition members from the Assembly Chamber—to perpetuate itself in office?"

आगे एडीटोरियल में लिखा है—

"Latter day politics in Punjab began as a reaction against the autocratic rule of late Sardar Pratap Singh Kairon. The behaviour of those in office today in Punjab makes the Kairon regime seem high-minded by comparison. That is the measure of their fall."

यह पतन की पराकाष्ठा हो गई है, मगर पंजाब के पतन से नई दिल्ली अप्रभावित नहीं रह सकता। अगर दिल्ली के देवता नहीं जागे तो पंजाब का घटनाचक्र नई दिल्ली को भी अपनी चपेट में ले लेगा और फिर लोकतन्त्र के लिये देश में ऐसा संकट पैदा हो जायेगा, जिस पर हमें विजय प्राप्त करना मुश्किल होगा। अभी समय है, अपने विवेक को जाग्रत करके दृढ़ता के साथ केन्द्र सारे कदम उठाये, इस बात की आवश्यकता है।

SHRI A. N. MULLA (Lucknow) :  
Mr. Speaker, Sir, I am very happy that, perhaps after a lapse of six months, I succeeded in catching your eye. I thought, under your regime, I would lose my power of speech, but I believe I have still got it and I have a few things to say.

What happened in Punjab was not a political fight but it was a criminal episode. Today I am not functioning as a judge, but I was toying with the idea, that if I had been occupying a seat in the Punjab High Court, whether, under the inherent powers of the High Court judges, I could have taken *suo motu* action and direct that an inquiry should be held into all that had happened in the Assembly Hall. I do not know whether this could be done, but as I said, I was toying with this idea.

To the gentlemen on my left, I would say that we have to think today as Indian nationals and not as members of any particular political group. We will have to consider whether democracy itself will not be on its last legs if this type of happenings is not stopped.

In this Punjab episode, we have touched the highest high in organised and unrestrained violence and the lowest low not only in the observance of democratic proprieties and procedures but also in those things which come under the name of human decency. I am, therefore of the opinion that our united effort alone can solve this problem and if any one political group wants to do it unilaterally, it is not going to succeed.

Sir, the word 'Gill' in Persian means mud which is the synonym for filth and the Gill Ministry has lived upto its name. There are so many stains that all the waters of the holy Ganges will not be able to wash them away and this has been done not only on their own strength, because a group of 17 cannot do these sorts of things, the Congress does not escape its liability by saying that it is the other Group and 'We condemn this violence'. This group of 17 could not have committed this violence if it had not had the support of the bigger group behind it. Therefore, the image that the Congress is projecting to-day in the country is that it has become a group of train-bearers of a blood-thirsty Messalina who is doing the Tandava dance of destruction. So, it is for the Congress people to wake up and realise what is the image they are projecting before the country.

Sir, now I would like to place constitutional question before the House and I think that question would be considered calmly. I am an Independent and I am not attached to any political group. I have already expressed my opinion that the Speaker of the Punjab Assembly overstepped

his rights when he adjourned the Assembly for two months. Again I have expressed my opinion that the Ordinance which was promulgated by the Governor was valid and it cannot be successfully challenged. Therefore, I am not committed to any political Group. I have no association with any political Group and, therefore, when I say that under the Constitution it is not only desirable but incumbent that the Gill Ministry should be dismissed, I cannot be accused of voicing a demand coloured by political considerations. I would like to place a few Articles of the Constitution before the House from which this can be inferred.

MR. SPEAKER: Mr. Mulla you have only 10 minutes.

SHRI A. N. MULLA: I am coming to the last point. I know the limitations you have imposed upon me.

MR. SPEAKER: I am obliged to point it out. That is my duty.

SHRI A. N. MULLA: I will refer to Article 159 according to which the words of the oath the Governor takes is 'to preserve, protect and defend the Constitution'. Therefore, if anybody violates the Constitution, it is the implied duty of the Governor to take action against that person who violates the fundamentals of the Constitution. You will find that violating the Constitution is held to be such a big dereliction of duty that even the President is not immune from its consequences and he can be impeached by the Members of Parliament.

The Chief Minister of a Province cannot be put on a higher pedestal than the President of our country. If the President can be impeached for violating the Constitution then surely action can be taken against the Chief Minister also. Now, it is surprising that while a provision has been made for impeaching the President, for impeaching the high court judges, etc.



[Shri A. N. Mulla]

yet, there is no provision in the constitution for impeaching a Minister or a Chief Minister. The reason is very obvious.

MR. SPEAKER: Parliament can pass a No-confidence Motion against the Minister. Parliament has that power.

SHRI A. N. MULLA: He cannot be impeached.

SHRI NAMBIAR: Impeachment is different.

SHRI A. N. MULLA: Therefore, I must give you the reasons why the provision of impeachment of a Chief Minister is not included in the constitution. The reason is this: Under Article 164, the Chief Minister 'shall hold office during the pleasure of the Governor'. Therefore, the Governor is supposed to punish the Chief Minister if he violates the Constitution. The Governor has the right to punish the Chief Minister. And what clearer case can there be than when a Chief Minister utilises an army of policemen inside the House and an army of ununiformed goondas outside the House, to have his will, and his writ, observed by the Members of the Legislature? I think that the reading of Article 164, 159 and the impeachment clause make it very clear that the Governor unless he ignores these provisions cannot help coming to the conclusion that the manner in which the Chief Minister acted he violated the Constitution of India. Then it would be up to the Governor to recommend that he will not accept this Chief Minister as a person who can uphold the Constitution, and therefore, to dissolve the Assembly and recommend that he be dismissed.

SHRIMATI SUSHILA ROHATGI (Bilhaur): My heart bleeds and my head hangs in shame to think of what has happened in the Punjab Assembly. (Interruptions).

MR. SPEAKER: Wait for details.

SHRIMATI SUSHILA ROHATGI: And I think every hon. member of this House, irrespective of his party affiliation, will share with the greatest sorrow and dismay, the feeling that the floor of the House, the sacred floor of the House of any Assembly or Parliament can be converted into a political arena and people can come to physical blows like that. I would like to say that this constitutional crisis in Punjab has posed some very significant and important questions before us. And I would like to pose various questions also in that connection. The first and the foremost question is about the office of the Speaker. Can any Speaker who has taken the oath to stand up to democracy, who is the custodian of the rights and the dignity and the decorum of any House, whose sacred duty it is to see that the House goes on working smoothly, can any such Speaker adjourn the House irrespective of its duration, especially at a time when it has to pass the budget and the Government has to go on? I would like to make this appeal to you. As the custodian of the Parliament of this country, which is the highest forum of this country, which is the biggest democratic country in the world, I would appeal to you to convene a conference of Speakers where these matters should be taken up.

MR. SPEAKER: I have already done it.

SHRI NATH PAI (Rajapur): He has taken the initiative already.

SHRIMATI SUSHILA ROHATGI: I would like the hon. Membr also to congratulate him for having taken that initiative. I would personally feel that it is the duty of the Speaker to see that the Government goes on working in a smooth and congenial manner.

The second question is this. Can a Speaker against whom there was a motion of no-confidence, because he found that the people were against him in a mood of spite and in a mood of wrath and in a mood of revenge against the people who had the cheek and who had the courage to bring a motion of no-confidence against him just adjourn the House for such a long duration? Does it not mean that the man who is supposed to keep the House working takes up all the powers on himself like a despot and he closes and freezes the working of the particular Assembly and he takes upon himself all the powers of the administration, and does it not also pave the way for the President's rule? Making way for the President's rule means that the people's rule is stopped and the President's rule comes in its place.

I think every hon. Member of the House will agree that it is not Kashmir or Punjab or Bihar or UP or Haryana which matters but the plain and simple question is that if the President's rule is imposed on any particular State, it means that the people's roots are stopped automatically. Are we, the people who are the representatives of our country and of the people as a whole, to abdicate our powers to such Speakers or to such despots or to such people as do not want the people's representatives to go on working and want to freeze the Assemblies and want to take up all the powers upon themselves?

The next question that comes is about the Deputy Speaker. First and foremost, was the Deputy Speaker empowered to run the Assembly and to take upon himself the power of passing the budget at a time when the office of the Speaker was not declared vacant and the Speaker was still working? That is a legal question. I would appeal to the Home Minister to re-think over that point and not to expedite matters because otherwise, Punjab which is plunged in a constitutional crisis may later on be plunged

into a financial crisis also because the budget might become in operative and all that.

Then comes the question of the Chief Minister. Can any Chief Minister call the police into the precincts of the House, on the sacred floor of any House? If he had done that, I am glad that the Home Minister had the courage to stand up and say in the Rajya Sabha yesterday that that was absolutely wrong and under no conditions should the police have been allowed. But as we read from the papers, the Chief Minister himself has stated that he did not call the police and he had no powers to call the police and the police was only called by the Speaker or the Deputy-Speaker alone who had the power to call the police.

SHRI BAL RAJ MADHOK (South Delhi) : It is a question of fact, not of what he said.

SHRIMATI SUSHILA ROHATGI : I would repeat what I said. For the hon. Member's information, I would say that he may consult *The Tribune* or the *Patriot* of the 19th and the 20th and go through the statement given by the Chief Minister wherein the Chief Minister says that he has no power whatsoever to call the police within the precincts of the House and that the police has not been called by him; he does not take the responsibility for having called the police.

SHRI BAL RAJ MADHOK : Who called the police then?

SHRIMATI SUSHILA ROHATGI : This brings me on to another very important question. After dealing with the question of the Chief Minister and the Speaker and the Deputy-Speaker, we have to come to the question of the function of the legislatures as well. The people in India are watching our example and they are watching our performance. The stage has come when I am sorry to say that we ourselves have lost faith in what we do.

[Shrimati Sushila Rohatgi]

The floor of the House is supposed to be a sacred thing. I remember that when the Profuma case took place in the British Parliament, the British Minister was forced to resign not because of any personal or private reason but because he had told a lie, an admitted lie on the floor of the House. I am glad that Shri Bal Raj Madhok has reminded me that a crisis has come in our public life when we who are the Members of the legislatures, who are elected by the people and who have subscribed to the Constitution have lost faith in our words. That is a very sorry state of affairs. This has happened because of the various defections by members of various parties, and these defections happened because Members who had fought the elections suddenly decided to change their mind and, because they were lured by pieces of silver or lured by posts, had no hesitation whatsoever in crossing the floor and making a laughing-stock of themselves. I am glad that Shri Bal Raj Madhok has reminded me of that also.

I would now appeal more to the Congress Government than to anyone else on one issue. It was the Congress which had fought for the Independence of the country.

**SHRI BAL RAJ MADHOK :** The Congress then was only a movement and not a political party. The Congress was only a movement for freedom. I was there in that, my hon. friend opposite was there, she was there and so on.

**SHRI YAJNA DUTT SHARMA (Amritsar) :** Not the Congress, but the people fought for freedom.

**MR. SPEAKER :** Order, order. She has a right to be heard. She may not agree with all the views expressed by hon. Members and hon. Members may not agree with the views expressed by her. But let her be allowed to express her views.

**SHRI AMRIT NAHATA (Barmer) :** Shri Madhok was never there.

**SHRI BAL RAJ MADHOK :** He was there !

**SHRIMATI SUSHILA ROHATGI :** As I said, it is the Congress which gave birth to independence. Today it is the Congress which has fought to give us democracy in this country and a Constitution also for this country. It is the Congress which has suffered the pangs giving birth to democracy in our country (*Interruptions*). So it is up to the Congress to live up to those ideals (*Interruptions*). I may tell the interruptors that this is not the democratic way of functioning. Democratic functioning requires that while I listen with patience to what the other side has to say they should listen equally patiently to what we on this side have to put before the House.

I would only say that it is up to the Congress Party, when one after another of the various States are changing their entire structure of Government, when one after another is coming under President's rule, to realise where are the high values for which the Congress stood, where are the values for which the Demos look to us. It is up to this organisation to take the lead in this direction.

I would appeal to the Congress not to be misguided or carried away by the Opposition, because the Opposition gradually, one after another, is trying to decry democracy and diminish the importance of the functions of the offices connected with parliamentary democracy.

What happened last time when the Presidential election took place? Even the high dignity of that past was subjected to some controversy when the then Chief Justice of the Supreme Court was involved in this controversy (*Interruptions*).

Then we had the spectacle of the Constitution itself being brought into a controversy when a copy of that

document was burnt in a part of the country. The very sanctity of our Constitution was challenged once upon a time.

Then on the very floor of this House, it was contended that because the Constitution was signed in English, Members who took oath in Hindi were not legally Members of the House.

In these circumstances, I would appeal to the Prime Minister and the Home Minister to strengthen the hands of the Congress. The Congress should not be a back-seat driver. It should take full responsibility upon itself and combine with all those forces that stand up for democracy in the country and stable governments, so that we are really able to build up sound democratic traditions in our country, and not lay the tombstone of democracy in the country.

With these words, I would once again appeal to all not to quarrel on this issue. I am sure no one would like what has happened in Punjab to be repeated anywhere else. For once, let us all join together in the face of these ugly developments and see how best we can deal with the situation in the larger interests of democracy.

**SHRI NAMBIAR (Tiruchirapalli) :** Who brought the ladder? (*Interruptions*).

**MR. SPEAKER :** Shri Nambiar might have brought it! (*Interruptions*).

**SHRI RANGA (Srikakulam) :** Some time ago I found it necessary to say about my hon. friend, Shri Chavan, for whom I have developed some liking, that he is becoming the hangman of India's democracy. At that time, some people might have had some doubts about the accuracy of my description. After what has happened in Chandigarh the other day, I am sure those doubters would change their mind.

My hon. friend might very well say. 'How am I sitting here responsible? Chandigarh is so far away'. That may be so. When Bhishma was brought down, it was not by direct means. There was a Sikhandi. My hon. friend has become an expert in conjuring up a number of Sikhandis, some innocent Sikhandis, as has happened in the east, and some guilty Sikhandis as happening in Chandigarh. Who was responsible for these Sikhandis, especially this one?

I am glad that my hon. friend, Shri-mati Sushila Rohatgi, said the right thing, that the Congress should realise, the Congress leaders should realise, that they are not just enough; they should seek the co-operation of others also, who have like-minded views and belief in democracy. She said the right thing. I am not surprised that she expressed her loyalty to the Congress, because she was brought up in the lap of Congress service, for which her parents were so very famous. I had the opportunity of being their guests years ago, when she was a young girl. We were all Congressmen, who was not? Maybe there are a few who were too young at that time to be Congressmen. Otherwise, all of us were Congressmen, whether we went to Jail, which some of us did, whether we supported the Congress by being sympathisers, volunteers or even contributing money, we were all Congressmen. That is why freedom has come to this country in such a non-violent manner. It is the tragedy of our country that these friends have not chosen to accept Mahatma Gandhi's advice to liquidate the Congress. If they had done so, the name of the Congress would not have been tarnished like this in the hands of these friends.

The Home Minister brought in President's rule in other States. Why did he not do it here? Why did they bring down Mr. Gurnam Singh's ministry? Because a non-Congress ministry came in there, they were unhappy. So, they encouraged Sardar

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Gill. Sardar Gill and some others quietly came out of it and one fine morning, they jumped and embraced them. So, he must reward them. May be there was a pre-condition also earlier. Therefore, Sardar Gill was made Chief Minister. I am not unhappy about it, but he had only 17 followers and all the 17 of them had become ministers. Did it not violate the feeling of decency of my hon. friend, the Home Minister? I cannot be proud of him for that. Having kept him there for such a long time, he was not satisfied with it. He could have told him, "Look here, you have been in power for 2 or 3 months. Is it not enough?" He did not do that. When the Congress Party was the single largest party, he could have asked his Congressmen to get into partnership, as they tried to do in West Bengal. Even that he did not do. That would have been less indecent than what they have actually done. He would not even ask his Congressmen to form a ministry and displace Sardar Gill. They have all become saints! They have no longer any use for power. They wanted the other people to do that dirty job. Is it a decent thing to do?

Not being satisfied with it, they would not even train these ministers and supporters to behave in a decent way towards the Speaker. You are there, Sir. Suppose here and now I write a letter saying that I move a motion of no-confidence against you and I send it to you. Is it a decent way of behaviour for any legislator or group of legislators? I charge those ministers and their supporters, the Congressmen there, with dereliction of duty towards democracy in pursuing such an undemocratic course and displaying that sort of indecent attitude towards the Speaker. We want the Speaker's position to be a place of honour and to be held by all of us in great respect, dignity and decency. Suppose we begin to behave

in that way, how indecent would it be? And, they have behaved in that manner. The Speaker lost his head like everybody else in Punjab, like my hon. friend here the Home Minister, and the Speaker forgot his very first duty during the Budget Session, the fundamental duty of any Speaker in the Budget Session, to help the House to pass the Budget. The first priority should be given to the Budget, not even to the settlement of the question of no-confidence. I am prepared to sympathise with the poor Speaker because he was annoyed. But annoyance for one day or two days I can understand; does he need two months to cool down? It is absurd.

Such things can happen only under the aegis of this Home Minister because now we can easily see from this that they may do whatever they like and get umbrage from this Home Minister, this Prime Minister and this Government. Otherwise, would they have behaved in that way? Everyone of them was let loose. I thought the Communists were the only people who would violate democracy. I was angry with the Bengal Communist leadership and therefore I found fault with the Home Minister for not having taken necessary action earlier than what he did. Why? Because they simply wanted to make a mockery of democracy, democratic decencies and rules and exploit all those privileges in order to establish themselves.

What are these Congressmen doing in Punjab? Are the Congressmen in Punjab and their champion here the Home Minister any better than those Communists in West Bengal? Who are the murderers of our democracy? Only the Communists? It is the Congress people, because, Sir, the Communists do not swear by democracy, by parliamentary institutions, and they want to use them and to exploit them in order to swing themselves into power and afterwards make mince meat of them. Here are my friends, my erstwhile colleagues, who have sworn by democracy. As

my hon. friend Shrimati Sushila Rohatgi said, I can give credit to the Congress for having shown so much respect, so much affection for democracy and democratic institutions during so many of these years right up to 1967. Yes, we all will show all these decencies and decorums and everything so long as our authority is not in danger. The real trial comes when your authority comes to be in danger, when you are likely to lose your power. It is then you have to show your loyalty to your principles and to democracy. The challenge has come since 1967 February and from that time onwards my friends have been displaying their true colours. The *vyaghra* is shedding its *gomukha* and the tiger is coming out. In other places it has shown its colour and tail but here it has shown its claws—in Punjab. Nobody can be happy about it.

No wonder Shrimatiji said that she hangs her head in shame. We all hang our heads in shame, including myself and all of us here. This whole House hangs its head in shame that in this country of democracy a thing like that should have happened in this manner. Who is the most guilty person here? It is the Home Minister, because it is the duty of the Home Minister to set proper standards.

Why did he not dismiss that Ministry in Assam when it did not function for several hours, for a whole day? He did not. Why did he not dismiss the Bengal Ministry early enough? Why did he allow that minority Ministry to come into existence in Bengal? Have all these things not paved the way for Punjab? Now, who is responsible for it?

18 hrs.

Here my hon. friend has related all those things which took place in Punjab. Those facts were given to me by several reliable people and I have no reason to disbelieve those facts. Policemen were brought in,

plaincloths policemen were brought in, goondas were brought in, not only to the Assembly but to the Legislators' hostel. The whole scene was turned into fascism and not democracy. I am reminded of what Hitler had done against Von Papen when he was Chancellor of Prussia when he was dismissed out of power. I am also reminded of poor Lumumba. Similar things have been allowed to happen here. Now Justice Mulla has put it right. If for nothing else, at least for their failure to prevent what had happened on that day, on that horrible day, black day, that Ministry should be dismissed and those police officers who had anything to do at all with those disturbances, they should be taken to task for the way in which they acted on that day.

Then, for how long is this going to continue? As my hon. friend, Shri Dandekar, has suggested, it is not for six months alone as my hon. friend is thinking of in regard to West Bengal. It should be at least for one year. As you know, Bengalis are emotional; but the Punjabis are not only emotional but ebullient also. Therefore, they need more time to cool down. So, let there be President's Raj at least for one year. My hon. friend, Shrimatiji was wondering how can we ask for President's Raj. Let her ask her own Home Minister why he has brought in President's Raj. If it can be defended by him saying it is for democracy, this is also for democracy. This would be less of violence against democracy than what these people are doing.

How are they behaving? The way in which they have passed the budget, is it constitutional? Sir, kindly ask for yourself. You are the Speaker here. Supposing you leave the Chair and you do not ask this gentleman, your Deputy, to go and occupy your Chair, you simply declare the House adjourned, then you go in and then, afterwards, this gentleman, your Deputy, is brought in, he sits and

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passes it; and then, afterwards, the poor Secretary is dragged from his office right up to the Chair with the aid of the police as well as under the dictation of the Prime Minister and he says "yes, it is all certified" and the poor Chairman of the Council says "Yes, it is certified", how will it look like? (*Interruptions*).

Let me tell you that my hon. friend was not prepared to accept the suggestion that has been given in order to clarify this question. He may rest assured that this question is bound to be raised in the Supreme Court and just in the manner of the ordinary litigants these people had to argue whether this Ordinance passed by the Governor is proper or not, was it done within proper time, as he put it, on the 14th or 18th. My hon. friend never had the privilege of being an eminent lawyer. Anyhow, I do not know, he may have pleaded in the Bombay High Court but he was not known to be an eminent High Court advocate and, certainly, he never rose to the level of the Supreme Court. But he knows what is meant by litigation and a litigant's way of looking at things, in such a petty-minded fashion. When these people are doing it on both sides, it is such a scandal, such a shame to all of us.

We can cut the Gordian knot by simply dismissing all these, bringing in President's Rule and then getting this budget passed in a decent manner in this House so that there would be no litigation about all these things. But, even then, would Punjab be able to have real democratic regime so long as these gentlemen, the Right and Left Communists, make their mischief? And this Home Minister, had he ever the moral courage to say: "Yes, we cannot carry on with these people who are interested in disrupting democracy, in denigrating parliamentary system and in developing extra-territorial loyalties and various other things"?

Would he have that courage? No, I am afraid. But I live in hope that he might be able to muster sufficient strength in order to put these people outside, each one of them. I would like individuals to come here if people were to choose them as Members of Parliament but not as members of the Communist Party.

All the other democratic parties must be invited in Punjab to come together and form an all-party government, otherwise it would be impossible for us to have any kind of a parliamentary system functioning in a decent, decorous manner in Punjab.

SHRI J. B. KRIPALANI (Guna) : Mr. Speaker, Sir, once before independence a young man from my ashram had gone to Punjab and was arrested. I went there and asked that I be allowed to meet him as he was an under trial prisoner. The Superintendent of Police told me, "Don't you know that this is Punjab?" Afterwards, in Kairon's regime also I was told in the same thing, "This is Punjab."

This is not a question in which we can hit each other or we can be jocular, because it is a very serious question. It began in Bengal (*Dr. Karni Singh* : Rajasthan) when the Speaker would not allow the Assembly to function.

AN HON. MEMBER : Quite right.

SHRI J. B. KRIPALANI : Why did the Central Government decide to have President's rule? It was their first duty to settle this question about the rights of the Speaker, whether the Speaker is a servant of the Assembly or is the master not only of the Assembly but of everybody in the Government. Why did they do this? Because the President was to go to Bengal and they were afraid that he might be shown black flags. We have never been afraid of being shown black flags. I know, even Gandhiji was shown black flags. So, having

not decided that question, having allowed it to hang on and having allowed it to remain undecided, they have brought about what has happened in the Punjab.

It is very sad for me to have criticize the Congress because it has, before independence, very great traditions. Sometimes the thing changes and the name does not change. The name of the Congress has remained but its soul is no more there.

AN HON. MEMBER: Its soul is dead.

SHRI J. B. KRIPALANI: It makes me sad to think of this.

In Bengal the Congress refused to accept responsibility for a couple of months till things had gone out of control—they could have joined in co-operation with the ministry that was formed with their support; they were the larger party; they did this in Bihar—with the effect that all those who had defected from the Front were made ministers. Is this democracy? Is this keeping intact the Constitution? Does it not behave a party with the traditions that the Congress had to be able to take responsibility in co-operation with others? Why are they afraid? In Punjab, all the Ministers belong to this one man, Mr. Gill, whatever may be the meaning of 'Gill'—I do not know Persian enough. But why did the Congressmen not realise that the time is gone when they alone can rule? They will have to go in coalition with other parties, this is absolutely certain because the electorate is not going to vote singly for the Congress. They have come to realise that there are some good people in the Opposition also, that they also want to serve the country. Therefore, we must take away this idea that the Congress will always be there without any other party participating in power. I would advise them to see the signs of the times. They cannot singly control this nation; they cannot

singly raise this nation. There can be no progress if the Congress thinks that it can do whatever it likes, that it has not to join with other parties. Let other parties also know that in however depressed a condition the Congress may be, however unpopular it may be, it happens to be in many provinces, in many States, the largest single party. They must also realise that they cannot do without the Congress and the Congress must realise that it cannot do without like-minded parties who are in Opposition. Let these people combine together and give this unfortunate land an honest and efficient administration. That is what the people want, I don't think of having so many mills and factories and river valley schemes. Let the first things come first. First give the people an honest and efficient government and the people will be satisfied. That is all I have to say.

SHRI G. S. DHILLON (Taran Taran): Mr. Speaker, Sir, I am very lucky that I am the first Punjabi to be given an opportunity to speak on this subject....

MR. SPEAKER: Others must also speak, not only Punjabis. About Punjab, others must also speak.

SHRI G. S. DHILLON: So many unkind and unpalatable words have been used for Punjabis and I wonder why these words, the language, differ during war time and peace time.

DR. KARNI SINGH (Bikaner): She should be called—Shrimati Nirlep Kaur.

MR. SPEAKER: You need not worry. Shrimati Nirlep Kaur has already spoken on the subject. She will get a chance. There is no point in trying to hustle me.

DR. KARNI SINGH: We are not trying to hustle you. But the point is, she belongs to the Akali Party.



MR. SPEAKER : She has spoken on this subject. The hon. Member was not in the House; he does not know that.

DR. KARNI SINGH : They are more intimately connected with that.

MR. SPEAKER : She has already expressed her views on that. Let her wait for the chance; let us see.

SHRI G. S. DHILLON : Sir, such unkind words have been used about Punjabis and I really wonder that so much has been made out about the political situation in Punjab whereas it is nothing uncommon as compared to other parts of the country. I have great respect for Justice Mulla. If one were to play upon and consider the linguistic meaning of everybody's name, I do not know how far each one of us can go to impute motives and also to interpret it in his own way.

The whole question can be taken on two important points, as to what led to all this trouble and later on when this position or the constitutional point was debated in their own way by the various Members in the Vidhan Sabha, the ruling given by the Speaker and then the conduct of the executive and other officers on the spot. I just happened to be there for a few hours, but it was quite peaceful during the time that I sat there. I missed the memorable part of the whole show; I am sorry for it. I was also under the impression that the ruling will go one way or the other. The whole trouble arose, if we could go back to the background, when a member of the Congress Party suddenly flared up and brought a no-confidence motion against the Speaker. As I have already said in this House, the Speaker's task is very difficult especially these days; the more the time passes, the more patience is required on the part of the Speaker. He has to behave as a Speaker. I say that it was very shortsighted on the part of

the mover of the no-confidence motion, very unwise on his part, because so many things happen in the House; if on any flimsy ground no-confidence motion were to come, I should say that the Speaker's lot is very pitiable. But the Speaker should not have been provoked on the other side. It is really a very bad thing that 56 members in a total House of 102—about the members present, there were about 67 or 70—rose against the Speaker, and the Speaker adjourned the House more under pause or provocation perhaps than on any other personal plan or premeditated plan....

SHRI CHENGALRAYA NAIDU (Chittoor) : He adjourned for harvesting purposes.

SHRI G. S. DHILLON : After that, the position simply was how to carry on the business of the House when the Budget was already laid before the House and was pending. Whether it is good or bad, I do not defend any combination of Gill Ministry and Congress and all that, but one fact is there; whether this combination was sacred or it was holy an unholy alliance or whatever you may say, the majority was there with the Government and the Speaker simply, by adjourning the House and by creating a Constitutional deadlock before the people could not escape one thing, that he could not override the wishes of the House. A wish was expressed by the House against him, but after the prorogation there too everything was o.k., everything against the Speaker was washed away; the thing had to be started anew.

As my friend, Mr. Vajpayee, said, there was a meeting of the various groups at the Speaker's residence on this fateful day. Even a little before the House started, there was another meeting. When the session commenced, if the Speaker was under the impression that the prorogation was unconstitutional, if the Speaker was

of the view that the Ordinance of the Governor was illegal, he could have avoided the agenda and taken another course, but the meeting was called to order and the proceedings were started. The first proceedings came with a privilege motion against the gentleman who had moved the no-confidence motion against the Speaker; and that motion was accepted, and the Speaker referred it to the Privileges Committee and he added two more items on his own to that motion. Later, I got the agenda. It is here with me and any Member can see it. Then, there is a regular motion for the disapproval of the Ordinance. Everything that comes on the agenda comes under the signature and seal of the secretary on behalf of the Speaker. This motion was given by Shri Satyapal Dang who was a Member of the Gurnam Singh Cabinet.

**SHRI ATAL BIHARI VAJPAYEE :** He was arrested and taken into custody the day before.

**SHRI G. S. DHILLON :** I only want to bring home one point, namely that this was brought on the agenda because the Speaker had admitted it. If he had thought that the session could not be called there was no sense in going through all that procedure.

Then, I heard the points on both sides, and then I thought that everything was going to be all right and so, I left for Delhi. What happened later on there was very shameful.

One thing is worth noting. My Punjabi friends amongst the Jan Sangh are in a majority there. If some unkind words were said about us, my only consolation was that they are also sitting there, friends like Shri Yajna Dutt Sharma, Shri Kanwar Lal Gupta, Shri M. L. Sondhi and Shri Bal Raj Madhok. So, if I am only one, they are four in number.

**श्री बलराज मधोक :** दिल्ली साहब, इसमें पंजाबी का कोई सवाल नहीं है, यहाँ तो कांस्टीट्यूशन का सवाल है ।

**SHRI G. S. DHILLON :** I was referring to some unkind words said by Acharya Kripalani, Prof. Ranga and others about us, the Punjabis.

**श्री यशवत शर्मा :** पंजाब तो बड़ा सुन्दर है । यहाँ पर पंजाब का कोई सवाल नहीं है ।

**SHRI G. S. DHILLON :** At least I take them as a Punjabi. One does not lose one's State-hood by simply sitting on the Jan Sangh side.

I would request you to satisfy yourself only on one point. It is a general practice, accepted practice, that the watch and ward people are responsible for the security and protection of the Members and also the House and the Chamber and everything is guarded by them. The DSP is taken on deputation, under the Punjab Assembly Officers Act, 1939, where the Sergeant-at-Arms's functions are defined. One of his functions is that he is responsible for maintaining proper law and order within the precincts of the House....

**SHRI S. KANDAPPAN :** Law and order within the precincts of the House? Is it not the Speaker's responsibility?

**SHRI G. S. DHILLON :** While I was coming to this House, I was told that the Sergeant-at-Arms was approached as directed. Now there is a very difficult situation to understand. The Speaker had left and the Deputy-Speaker came in; everything happened in between, during that period in between.

**SHRI S. KANDAPPAN :** There was a time-lag.

**SHRI G. S. DHILLON :** The Deputy Speaker wanted to enter. And there was the Speaker's chair. I must tell you one thing about the Speaker's chair there. We had collected that chair placed there at Chandigarh when

[Shri G. S. Dhillon]

the Central Assembly used to sit there at Simla. I understand that Shri Vithalbai Patel used to sit on that chair. That went over to Punjab and then that chair has seen the vicissitudes of all these times. Around that chair there were many persons; one opposition Member after the other occupied the Chair; he was thrown out; the other man got in; and the police went near or the watch and ward staff must have been called and they went to have it vacated. Then, the Deputy-Speaker was ushered into it and then the proceedings started.

But there is one thing which I must mention, namely that you must look to the legal side of it, whether there was some authority behind the orders allowing strangers or the watch and ward staff or the policemen on duty to go there. This can be verified from the records.

SHRI INDRAJIT GUPTA (Alipore) : Policemen were brought from outside not on duty.

SHRI G. S. DHILLON : As far as the Deputy-Speaker is concerned, you know the provisions of the Constitution are there that at a particular sitting, when the Speaker is not present, the Deputy-Speaker or in his absence, one of the panel of Chairman, acts as the Speaker.

SHRI P. RAMAMURTI MADURAI : After the House is adjourned ?

SHRI G. S. DHILLON : When acting as the Speaker, the Deputy-Speaker asked the watch and ward to clear the House. One fact remains, whether he exceeded the authority given or not. I agree with Justice Mulla that we must demand an inquiry on this whether any authority was given by the then presiding officer or not ? When the Speaker refuses to function, when the Speaker is leaving, when he is sitting in his room, when he refuses to function, what other remedy is available ? That is the

question. It must be settled in this House above party lines. Today you are there. Tomorrow somebody else may be there. If the Speaker were to act in a whimsical manner, if functionaries who are above party, who have functions designated for them under the Constitution, like the Speaker, the Governors and the President, were to act in this manner, what will be the fate of this country ? We must all sit together, irrespective of our differences; whether we like Gill or not, whether we like Gurnam Singh or not or whether we like P. C. Ghosh or not, these are basic issues to which we must give some thought.

We refuse to follow the House of Commons in this respect. You must have read the history of the office of the Speaker there. I read that while I was in England they have a six-century history behind the office of Speaker, which is very interesting.

MR. SPEAKER : It is all very interesting, but unfortunately we have no time.

SHRI G. S. DHILLON : Three Speakers were slaughtered. Many of them were sent to the Tower. You must be knowing all that. None of our Speakers was ever hanged or sent to the Tower. How can we have those conventions ? We have not had to go through that ordeal and that is why we don't take it seriously.

AN HON. MEMBER : Punjab is filling the gap.

SHRI G. S. DHILLON : You, Sir, must take certain steps in this direction. If one bad thing has happened we must see it may not be repeated.

As to whether there should be certification or not, it is a question of interpretation. Anything can go from the Lower House to the Upper House. If it was not certified as a Money Bill, it can be considered as an ordinary Bill. Then it can go to the Governor. These are not very material irregularities. There are a number of cases cited in May on it.

But one thing is certain, that such things cannot continue for ever. I was very much embarrassed that by a little bit of guilty act on the part of one misguided man in Punjab, so many unpalatable things were said about ourselves. We are ourselves to blame. The reorganisation brought about two or three small States, and perhaps by reducing our size, they think they have reduced our personal character and stature also.

**MR. SPEAKER:** My difficulty is that even after 1½ hours, I have still 10 more speakers on the list. May I appeal to Members to make only points?

श्री रवि राय (पुरी) : कांग्रेस वालों को मत बुलाइये ।

**MR. SPEAKER:** That is my difficulty.

श्री मधु लिये : आध घंटा और 20 मिनट लोग बोले हैं। कम-से-कम दस मिनट का समय तो रखें ।

**MR. SPEAKER:** I am appealing to hon. Members. Because they are exceeding their time, others are not able to get their chance. I am appealing to them to exercise self-restraint; I cannot ring the bell and ask a speaker to sit down. I am requesting them to make only pertinent points connected with this. I am not giving any ruling; I want the co-operation of Members.

**SHRI NAMBIAR:** Let us not go the Punjab way.

**MR. SPEAKER:** It won't go. Do not worry. If it goes that way, you will not find me here. Shri Viswanathan.

**SHRI G. VISWANATHAN (Wandiwash):** Sir, it is unfortunate that parliamentary democracy is at the crossroads in our country. The constitutional crisis is the outcome of the political crisis and political instability in the

country. When the power and authority of the ruling party at the Centre is challenged, they are out to support any defector, any minority and puppet government. I do not know why they go and hide behind Mr. Gill or poor Dr. P. C. Ghosh or Mr. Mandal. They are afraid to form ministries after the dismissal or defeat of UF ministries in various States, but at the same time they want to retain the power which they have enjoyed for the last 20 years.

Just two days back it has happened in Pondicherry. The then Chief Minister, Mr. Farook Maricar dismissed the then Home Minister, Mr. Jeevarathna Wodeyar, who was charged with murder. He was arrested, but just two days ago under the able guidance of the ring master, Mr. Kamaraj, Mr. Jeevarathna Wodeyar has been asked to support the Congress ministry. At what cost, at what price, we do not know. Still the murder charge is pending against him. They are out to reward the defectors. Mr. Gangeyan was once in the Congress as Finance Minister. Then he defected to the opposition. Now he has been asked to go back to the Congress Party and two days back he has been appointed as Finance Minister. If this goes on, what will be the future of democracy in this country?

In Punjab, the way in which plain clothes policemen and goondas were brought into the Assembly for the first time in history has to be condemned, whoever is responsible for it. Even in municipalities and panchayat courts, policemen are not allowed inside; they are standing only outside. However, Mr. Lachman Singh Gill, with the blessings of this Home Minister or the Congress Party, was courageous enough to invite the policemen to assist the Deputy Speaker to be pushed into the Chair. This is a warning to you, Sir. I shudder to think of the day when Mr. Chavan will ask our Deputy-Speaker to occupy your Chair when you adjourn the

[Shri G. Viswanathan]

House. If this goes on continuing like this, it is bound to happen, because the Congress Party is dwindling day by day.

Our hon. friend, Mr. Dhillon ably supported the Deputy-Speaker's action in Punjab. Under article 180(1), it is clear that the Deputy-Speaker can occupy the Chair and preside over the Assembly only when the office of the Speaker is vacant. In Punjab, the office of the Speaker was not vacant. When the Speaker had adjourned the House, the Deputy-Speaker had no authority to preside over the Assembly. Everything done and every Bill passed after the adjournment of the House was unconstitutional. If the act of the Speaker can be called improper, the act of the Deputy-Speaker should be called illegal.

The Home Minister was arguing in the other House the other day that a money bill can be certified even by the Deputy-Speaker. There is no such provision in the Constitution. Article 119(4) categorically states that it is the privilege and prerogative of the Speaker to certify a money bill. Without that certificate by the Speaker, it cannot go to the Upper House. Hence the budget, as passed by the Legislative Council in Punjab is invalid and unconstitutional. Our Constitution is almost helpless to meet such a contingency. Probably the framers of the Constitution, our founding fathers, did not anticipate coalition governments and such contingencies. Probably most of them were Congressmen and they thought the Congress will be ruling this country for ever.

The Union Law Ministry which is well known for its incompetence, which has proved its incompetency in this House during the last two or three days, is not going to help the situation.

We have to think, at this time, of the neutrality of the Speaker. We

have to consider the British system of electing Speakers unopposed. We are following the British model of parliamentary democracy. This system of electing Speakers unopposed and unanimously has to be considered in this context. I also suggest, Sir, that you yourself must convene a conference of Speakers and all problems concerning and confronting the Speakers should be discussed and a consensus arrived at.

Again, the powers of the Governors are not clear. Legal opinion is divided on the act of the Governor whether in West Bengal, Haryana or Uttar Pradesh. The Home Minister argues and ably defends what the Governors did, whether it be Mr. Chakravarti or Mr. Dharma Vira, but legal opinion is not in his favour. So I appeal to the Home Minister that the powers of Governors must be referred to the Supreme Court or to a committee of jurists.

After these happenings in Punjab, President's Rule seems to be inevitable and unavoidable. At the same time we feel that this will deprive the people of Punjab of an elected Government. Also, we feel that this Parliament is being burdened more and more. Already we are sitting seven months in a year. If President's Rule is extended throughout Northern India we will have to sit all the twelve months. But there is no other alternative but to impose President's Rule.

Finally, I would like to get an assurance from the Home Minister, after all these happenings throughout the State, as a representative of the oldest party in the country, that the Congress Party will not encourage defection and they will not crown the defectors.

श्री स० मो० बनर्जी (कानपुर) : अध्यक्ष महोदय, 18 मार्च 1968 को पंजाब असेम्बली के अन्दर जो घटना हुई वहाँ जो कांड घटित हुआ वह शर्मनाक ही नहीं है बल्कि

मैं समझता हूँ कि प्रजातांत्रिक असूनों के ऊपर जो आज एक संसदीय प्रणाली चल रही है उस की शायद आखिरी कड़ी होगी ।

मैं यह समझ नहीं सकता हूँ कि हमारे गृह मंत्री जी ने भाषण देते हुए दूसरे सदन में उस की जोरदार शब्दों में निन्दा क्यों नहीं की ? मुझे अफसोस यह है कि वह जब बंगाल का मामला आया या राजस्थान का मामला आया तो उस के बारे में जिस तरीके से उन्होंने विरोधी दलों की निन्दा की उस तरीके का एक शब्द भी उन्होंने गिल साहब और उनकी गवर्नमेंट के लिए नहीं कहा कि उन्होंने पंजाब असेम्बली में पुलिस वालों को ले जाकर भले ही सादे लिबास में क्यों न हों, ले जाकर और गुंडों को ले जाकर वह शर्मनाक हरकतें करवाईं और ऐसा महज उस सरकार को कायम रखने के लिए जो प्रजातांत्रिक असूनों का जनाजा वहां से निकाला गया उस की निन्दा उन्होंने नहीं की । मुझे अफसोस है कि ऐसा इसलिए किया जा रहा है क्योंकि गिल साहब जो वहां पंजाब में जबरदस्ती बच्चा सबका बन कर हकूमत करना चाहते हैं उन्हें पूरे तरीके से हमारे गृह मंत्री जी का सहयोग प्राप्त है और इसीलिए मैं पंजाब में जो घटना हुई उस के लिए उन को जिम्मेदार ठहराता हूँ ।

आज वह पंजाब जहां के जवानों ने और नौजवानों ने देश की सीमाओं की हिफाजित की और उस के लिए अपनी जानों की बाजी लगाई, लाला लाजपतराय का पंजाब, भगतसिंह का पंजाब, सोहनी महिवाल, शशि पुत्रों और हीर रांझा का पंजाब, उस पंजाब की धरती में यह शर्मनाक वाक्या हुआ कि वहां की असेम्बली को पुलिसवालों से घिरवा कर वहां पर मैम्बरों को गिरफ्तार करने की साजिश की जाये, इसे देख कर हम सब का सिर शर्म से झुक जाना चाहिए ।

अध्यक्ष महोदय, आप को यह जान कर ताश्जुब होगा कि 37 विरोधी दल के सदस्य

वहां पर हैं, 37 में से 22 लोगों के नाम से वारण्ट हैं और मेरे मित्र सच्यपाल डांग जो एक केस में हाजिर हुए, उन की जमानत हो गई तो जमानत होने के बाद ही फौरन यह कहा गया कि उनके खिलाफ दूसरा केस है और उसी रात फिर उन्हें हिरास्त में लिया जा रहा है । वहां 107/117 लागू किया गया । मैं गृह मंत्री जी से पूछना चाहता हूँ कि जो हालतें वहां गुजर रही थीं उन तमाम चीजों के होते हुए वह खामोश नजारा क्यों देखते रहे ? क्या वह आज जिम्मेदार नहीं हैं ? मैं पूरी तरह से सहमत हूँ कि इस में उन का हाथ है । आज वह कांग्रेस शासन को या उन लोगों को जो कांग्रेस की कठपुतली बन कर रहें, वहां रखना चाहते हैं । चाहे वह घोष हो, चाहे कठपुतली गिल साहब हो । उनकी कायम रखने के लिये और उन के नाम पर कांग्रेस के सड़े गले वजूद को कायम रखने के लिये आज वह चाहते हैं कि गिल साहब की हकूमत वहां कायम हो ।

अब आप इस के कांस्टिट्यूशनल ऐस्पेक्ट को देखिये कि मनी बिल के बारे में डिप्टी स्पीकर सर्टिफिकेशन कर सकता है या नहीं । यह हमारे संविधान में विल्कुल साफ है । और वह यह कहते हैं कि मैं इस के बारे में अभी कायल नहीं हूँ । उन्होंने शायद दूसरे सदन में कहा है : **आई हैब ऐन ओपन माइन्ड** । ओपन माइन्ड के माने कभी कभी वैकैन्ट माइन्ड भी होते हैं । मुझे मालूम नहीं है कि उन का ओपन माइन्ड है या वैकैन्ट माइन्ड है, लेकिन फिर भी वह हिम्मत से कह सकते थे कि संविधान को हाथ में ले कर कि मनी बिल का जो सर्टिफिकेशन डिप्टी स्पीकर ने किया है वह गलत किया है । जब स्पीकर साहब ने वहां पर रूलिंग दी तब प्वाइंट आफ आर्डर रेज किये गये । मेरे परम मित्र श्री वाजपेयी ने पंजाब विधान सभा के रूल्स आफ

[श्री स० मो० बनर्जी]

प्रोसीजर को पढ़ा। 112 (1) में साफ तरीके से कहा गया है कि :

"A point of order shall relate to the interpretation or enforcement of these rules or such articles of the Constitution as regulate the business of the House and shall raise a question which is within the cognizance of the Speaker."

हमारा नियम 376 और उनका 112 (1) बिल्कुल एक है, और इस लिये यह प्वाइंट आफ आर्डर उठाया गया था। अगर इस के बारे में स्पीकर साहब ने कोई रूलिंग दी तो उन्होंने रूलिंग गलत दी या सही दी, इस नतीजे पर मैं नहीं पहुंचना चाहता। इस के ऊपर बहस हो सकती है। लेकिन जब तक आप स्पीकर हैं और इस गद्दी पर बैठे हैं, तब तक मैं समझता हूँ कि लोक सभा के प्रिविलेजेश की हिफाजित आप कर रहे हैं, प्रजातन्त्र के असूल की हिफाजित आप कर रहे हैं। कस्टोडियन आफ पालियामेंट्री डिमार्केसी यहां पर आप हैं और पंजाब में वहां के स्पीकर हैं।

चूँकि जो अविश्वास प्रस्ताव लाया गया था स्पीकर साहब के खिलाफ वह ठीक नहीं था, उस में कुछ गलती थी, और उस के माध्यम से उन्हें हटाया नहीं जा सकता था इस लिये गुडों की मार्फत वहां पर लोगों को हटाया गया, पुलिस की मार्फत हटाया गया। इससे ज्यादा दर्दनाक और शर्मनाक चीज और कोई नहीं हो सकती है। इस लिये आज हमें करना क्या है? मैं अपने दल की ओर से यह कहूँगा कि अगर वाकई में कांग्रेस आज यह महसूस करती है कि गिल मंत्रालय को रखना है और जबर्दस्ती रखना है, तो शिखंडियों की आड़ में श्री चव्हाण बच नहीं सकेंगे। सारे देश की संसदीय प्रणाली, प्रजातान्त्रिक असूल जिन की बुनियादों पर हमारा देश आज

तक खड़ा रहा है, पूर्वजों की या बड़-बड़े नेताओं की कुर्बानियों के ऊपर, उस की बुनियादें हिल चुकी हैं आज अगर वह राष्ट्रपति शासन लागू कर सकते हैं बंगाल में, हरियाणा में, तो आज उन्हें चाहिये कि गिल मंत्रिमंडल को खत्म कर के वहां पर राष्ट्रपति शासन 356 के बमूजिब लायें। 356 के मत-तहत टैम्पोरेरी सस्पेंशन करें अगर उत्तर प्रदेश में उन्होंने किया इस तरह तो पंजाब में उन के हाथ क्यों कांपते हैं? मैं समझता हूँ कि वह आज कल के महाराष्ट्र के शिवाजी हैं, लेकिन वह कांप क्यों उठते हैं। ऐसा तो नहीं कि उन को यह नजर आ रहा हो कि गिल की हुकूमत नहीं रही तो कांग्रेस का भी जनाजा निकल जायेगा? अगर यह खतरा हो तो दूसरी बात है। अगर यह खतरा है नहीं तो वह 356 के मातहत असेम्बली को सस्पेंड करें। उस के बाद छः महीने या आठ महीने बाद वहां पर चुनाव हों।

मैं डंके की चोट पर कहना चाहता हूँ कि पंजाब की धरती पर दुबारा चुनाव हुए तो जो कुछ गिल मंत्रिमंडल ने किया है, जिस तरह से असेम्बली के मैसेजों के साथ मुलुक हुआ जिस तरीके से पालियामेंट्री डिमार्केसी का जनाजा वहां से निकाला गया, उस की वजह से वहां पर कांग्रेस मर चुकी है, और वह फिर जिंदा नहीं हो सकती। गिल की मार्फत पंजाब में जिन्दा नहीं रह सकती, मंडल की मार्फत बिहार में नहीं रही, पी० सी० घोष की मार्फत बंगाल में नहीं रही, उसी तरीके से अगर कांग्रेस सारे देश में पपेट शो चलाना चाहती है और पपेटरी कायम करना चाहती है, तो वह चलने वाली नहीं है।

इन शब्दों के साथ मैं पुरजोर शब्दों में पंजाब में जो कुछ हुआ उस का विरोध करता हूँ और मांग करता हूँ कि 356 के आधार पर असेम्बली को टैम्पोरेरली सस्पेंड किया जाये।

**डा० सुशीला नैयर (झांसी) :** अध्यक्ष महोदय, मैं बड़े ध्यान से और अदब से श्री बनर्जी की तकरीर सुन रही थी और उस से पहले की तकरीरों भी मैंने सुनीं। इसमें कोई दो राये नहीं हैं कि पंजाब में जो कुछ हुआ वह बहुत दुखद प्रकरण है, और उस से हम सब परेशान हैं। लेकिन सवाल यह आता है कि जो कुछ पंजाब में हुआ क्या वह श्री चव्हाण ने किया? उसको जिम्मेदारी क्या गृह मन्त्री की है? पंजाब में जो कुछ हुआ उस को ले कर कांग्रेस पर सारी जिम्मेदारी डालना और कांग्रेस को दुनिया भर की गाली देने का रास्ता निकालना, क्या यह सही बात है? जो कुछ पंजाब में हुआ वह एक चुनौती है सब के लिये, और सब से ज्यादा, अध्यक्ष महोदय, आप के लिये कि स्पीकर का क्या काम है, क्या फर्ज है और क्या धर्म है। स्पीकर बैठता है सदन की सुरक्षा के लिये, सदन के सदस्यों के अधिकारों की रक्षा के लिये, सदन की रक्षा के लिये, और यह देखने के लिये कि जो कांस्टिट्यूशन है उस के मुताबिक कार्रवाई हो। लेकिन अगर रक्षक ही भक्षक बन जाये किसी जगह पर तो रक्षा कौन करे? जो बंगाल के स्पीकर ने किया और जो पंजाब के स्पीकर ने किया, वह एक सीधा नमूना है इस चीज का कि क्या क्या हो सकता है। आप को यह देखना है कि कहां पर कमी रह गई है, कहां पर कोई लूप होल रह गया है जिस से जो सदन के अधिकारों की, सदस्यों के अधिकारों की रक्षा करने वाला व्यक्ति है, जिस को यह देखना है कि सब अपनी अपनी बात स्वतन्त्रता से कह सकें और उस के ऊपर सब लोग मिल कर एक निर्णय ले सकें, वह आदमी किस प्रकार से विधान के सारे सिलसिले को खत्म कर सकता है। यह क्यों होता है और उस को दुरुस्त करने का क्या रास्ता है, यह आप को देखना है और आप के साथ बैठ कर हम सब को देखना है।

हमारे भाई इस सारी चीज को बड़ी छोटी निगाह से देख रहे हैं, जो यह समझते हैं कि यह एक तरीका है जिस को ले कर कांग्रेस को दो-चार और मार लो, केन्द्र से कोयलिशन की बात सुना लो। कोयलिशन अच्छा है या बुरा है इसका सवाल आज नहीं है, लेकिन राज्यों में कोयलिशन कैसे चले सो सब जानते हैं। लेकिन श्री बनर्जी को लगता है कि अगर घोष की हुकूमत हो गई, यानी घोष को मदद दे दी कांग्रेस वालों ने तो वह प्रजातन्त्र का खून हो गया, लेकिन वही घोष जब अपने साथी लेकर उनमें मिल गये, कम्यूनिस्टों को और दूसरों को उनका साथ मिला तो वहां प्रजातन्त्र की रक्षा हो गई। या फिर मंडल था गये और कांग्रेस ने मंडल को मदद दे दी तो वह तो बिस्कुल प्रजातन्त्र का जनाजा निकल गया, और वही मंडल जब उन लोगों के साथ थे तब वह बहुत बड़े नेता थे, बहुत बड़े तेजस्वी व्यक्ति थे और उन्हें दो दो जगहों से टिकट दिया गया, असेम्बली के लिये भी और पार्लियामेंट के लिये भी....

**श्री मधु लिये :** आप बिल्कुल गलत बातला रही हैं।

**श्री रवि राय :** पार्लियामेंट के लिये खड़े हुए थे।

**श्री एस० एम० जोशी (पूना) :** गहारी की।

**डा० सुशीला नैयर :** ठीक है, मान लिया कि उन को सिर्फ पार्लियामेंट का टिकट दिया गया था मैं अपने को सुधार लेती हूं। लेकिन उनको स्टेट के मंत्रिमंडल में लिया गया बिना टिकट दिये हुए। उन्हें मंत्रिमंडल में लिया गया, इस से तो इन्कार नहीं है, और वह आप लोगों के मंत्री रहे। जब तक आप के मंत्री थे, बड़े अच्छे थे, लेकिन जब आप के मंत्री पद से हटे दूसरी तरफ गये तो बुरे हो गये। बात



## [डा० सुशीला नैयर]

यह है कि अगर प्रजातन्त्र को कायम रखना है, अगर हिन्दुस्तान की इतिहास लाइफ को जो कम से कम एक योग्य स्तर होता है वहां तक भी रखना है तो फिर यह जो छोटा नजरिया है उस को छोड़ना होगा। कांग्रेस को गाली देने से काम नहीं चलेगा। मैं भी जानती हूँ कि ऐसी बात नहीं है कि कांग्रेस में कोई सर्वथा दोष आदमी नहीं है, या कोई गलती नहीं होती है, लेकिन विरोधी लोग अपना खाट के नीचे भी जरा डकड़ो से टटोल लें कि वहां क्या पड़ा है। उन के नीचे इतने सांप और बिच्छू भरे हैं तो वे किसी को क्या पत्थर मारेंगे और किसों को क्या बात करेंगे? इसलिए मैं इस सब में नहीं जाना चाहती। . . . . . (ब्यवधान) . . . . . इन को दूसरे की बात भी सुनने की थोड़ी सी ताकत होनी चाहिए और धीरज होना चाहिए।

मैं इतना ही कहना चाहती हूँ कि हम लोग अपने घर को दुरुस्त करें, यह लोग अपने घर को दुरुस्त करें तब तो प्रजातन्त्र मजबूत होगा और यह देश मजबूत होगा। जो तरीका यह लोग ले रहे हैं उन तरीके से किसी को फायदा नहीं है।

मैं इस चीज को मानती हूँ कि जिस तरीके से पंजाब के स्पोकर्स के खिलाफ नो-कॉन्फिडेंस जारी किया गया वह वास्तविक बात थी। आप अध्यक्ष महोदय पचासों दफा यहां पर बहुत कुछ माफ कर देते हैं, गलत काम करने वालों को क्षमा कर देते हैं। यह विरोधी तो रोन्न हो यहां ऊग्रम मचाते हैं। अगर हम ने आई गलती होता तो रह हम का गाला देते हैं लेकिन गिल का मिनिसट्रा क किसा आदमी ने पंजाब स्पोकर्स के खिलाफ नो-कॉन्फिडेंस दे दिया तो उस के कुसूरवार भी क्या हम हैं? किता ने गला किया या सही किया, आखिर यह स्पष्ट है कि असे-बजा के जो सदस्य हैं या किसी भी सदन के जो सदस्य

हैं उन सब में से सर्वोपरि स्थान है स्पोकर्स का। अगर छोटे लोग गलती करते हैं तो उस के साथ बड़े आदमी उससे बड़ा गलती कर देते हैं तो मामला बहुत ही बिगड़ जाता है, गड़बड़ा जाता है, पेचीदा हो जाता है। यही हुआ पंजाब में। यह तो किसी भी स्पोकर्स के लिये शोभा को बात नहीं है कि उस के खिलाफ नो-कॉन्फिडेंस आये तो वह दो महीने के लिए हाउस को ही ऐडजर्न कर दे और भाग जाये वहां से। . . . (ब्यवधान) . . . जो लोग सदन में थे वह सब मिल कर जिस ने वह नो-कॉन्फिडेंस दिया था शायद उसको समझाते उस से वह मोशन वापस लिवाते होते या उससे माफो गंवाते या क्या करते जैसे मालूम नहीं लेकिन जो स्पोकर्स ने काम किया वह तो सर्वथा अनुचित था, अवैध था और पार्लियामेंट्री डीमोक्रेसी के सर्वथा खिलाफ था। इसलिए मैं आप से इतना ही प्रार्थना करना चाहती हूँ . . . . (ब्यवधान) . . . . किसी को किसी ने हिंसात्मक में लिया है, जेल में डाला है, तो श्रीमान्, वह तो सीधा सी बात थी। सदस्यों को वह पसंद न था तो अगर सदन बैठा हुआ है और कोई भी हुकूमत ऐसा वाहियात या निकम्मे काम करता है तो सदन नो-कॉन्फिडेंस हुकूमत के खिलाफ पास करके उसे फैंक सकता है। लेकिन स्पोकर्स ने तो मौका ही नहीं दिया कि सदन अपनी राय दे सके। उस को अनुत्तर कर दिया दो महीने के लिए।

इतलिए अध्यक्ष महोदय, सोचने की बात यह है कि किस तरह से ये यह कमियां, यह लूजहोल दूर किए जायें ताकि कोई स्पोकर्स विधान का चलने से रोक न सकें। मैं डिल्लों साहब से इत्फाक करता हूँ कि दुख का दिन सब से बड़ा वह था जब हम ने पंजाब के टुकड़े किए। पहले तो पाकिस्तान के वक्त पंजाब के टुकड़े हुए और फिर अब इस के टुकड़े-टुकड़े कर के उसका सत्यानाश कर दिया गया। छोटी छोटी जगह छोटे छोटे इन्सान रह

गए, दिल बड़ा नहीं दिमाग बड़ा नहीं, कैसे सोचें बड़ी चीजों को इसलिए सारी मुश्किल खड़ी हो गई। मैं होम मिनिस्टर साहब से कहना चाहती हूँ कि यह जो गलत क्रम हो गया है उस को दुरुस्त करने की तरफ तबज्जह दीजिए। कुछ ऐसी बात नहीं है कि टुबडे हुआ सो ब्रह्म वाक्य हो गया है और उस निर्णय को आप बदल नहीं सकते हैं। और मेरी आप से और सदन के सभी पार्टियों के जो नेता हैं उन सब से यह प्रार्थना है कि हम पंजाब, हरियाणा और हिमाचल को फिर इकट्ठा कर, एक करें। इस को पार्टी इश्यू न बना कर, पार्लियामेंट्री डेमोक्रेसी सिस्टम के ऊपर यह एक हमला है, एक चुनौती है, इस दृष्टि से हम बैठ कर के सोचें और रास्ता निकालें जिससे कि ऐसी चीजें भविष्य में न हो सकें।

**श्री मधु लिमये :** (मुंगेर) : अध्यक्ष महोदय, कुछ बातें पंजाब की घटनाओं के मन्दर्भ में उठती हैं और कुछ बातों का संबंध लोकतंत्र के भविष्य से है। अध्यक्ष महोदय, जहां तक पंजाब की घटनाओं का संबंध है मैं चाहूंगा कि गृह मंत्री जी के सामने मैं जो तीन कानूनी और संवैधानिक सवाल रख रहा हूँ उन का वह स्पष्ट और ईमानदारी से जवाब दें। इसमें सर्वप्रथम सवाल उठता है कि क्या कानून की निगाह में पंजाब विधान सभा, के सब का अवमान 11 मार्च को हुआ या विधान सभा नियम (7) तथा पंजाब जनरल क्लोज़ ऐक्ट के अनुसार 18 मार्च को हुआ? मेरे पास पंजाब के अध्यक्ष की कॉपि है। उसमें वह कहते हैं कि नियम 7 के अनुसार :

“When a session of Assembly is prorogued, the Secretary shall issue a notification in respect thereof in the Gazette and inform the Members....”

नोटिफिकेशन और गजट। इतका क्या मतलब है? श्रीकर साहब कहते हैं पंजाब में ;

“The Notification issued by the Chief Secretary dated the 11th March, 1968, is no notification in the eyes of law as is clear from the definition of the ‘notification’ given in the Punjab General Clauses Act. Section 2, sub-section 36 of the said Act defines ‘notification’ as under .

“Notification shall mean a notification published under proper authority in the Official Gazette.”

स्पीकर साहब का यह निर्णय मैं आप की अनुमति से टेबल पर रख रहा हूँ क्योंकि एकतरफा बातें चल रही हैं। स्पीकर साहब सब से पहले यह सवाल उठाते हैं कि नियम 7 और पंजाब जनरल क्लोज़ ऐक्ट, के सेक्शन 2 सब-सेक्शन (36) के तहत सत्र का अवमान 11 तारीख को हुआ या 18 तारीख को?

**श्री यशवन्त राव चव्हाण :** 11 तारीख को।

**श्री मधु लिमये :** वह ठीक है, आप की राय में, लेकिन जनरल क्लोज़ का भी जवाब दीजिएगा। यदि पुराने सत्र का अवमान 18 तारीख को हुआ है तो फिर तीन बातें उत्पन्न हुई हैं। क्या सत्रावसान के पहले विधान सभा का नया सत्र बुलाया जाना वैध और नियमानुसार है? दूसरा सवाल उत्पन्न होता है, क्या पुराने सत्र का बाकायदा अवमान होने के पहले बुलायी गयी विधान सभा की बैठक में जो बजट पास करने की कार्यवाही हुई है वह नियमानुसार हुई है? वह नियमानुसार और वैध है या नहीं? और तीसरा सवाल उठता है क्या पुराने सत्र की समाप्ति के पहले यानि जब सत्र चालू था, गवर्नर के द्वारा जारी किया गया अध्यादेश संविधान की दफा 213 के विपरीत था या नहीं? यह 1 में से 3 पूरक सवाल उठते हैं।

[श्री मधु लिमये]

उस के अलावा और दो सवाल हैं और वह यह हैं कि क्या गवर्नर ने जो अध्यादेश जारी किया है, मान लीजिए कि वह कानूनी है तो क्या विधान सभा की कार्यवाही उस दिन इस अध्यादेश के अनुसार हुई ? मेरे पास यह अध्यादेश है। इन को इन्हें सदन के टेबल पर रखना चाहिए था। अध्यक्ष महोदय, जो गवर्नर साहब ने आर्डिनंस पास किया है संविधान की धारा 209 के तहत क्या उस का उद्देश्य है ? यह उद्देश्य बहुत सीमित है :

"The Legislature of a State may, for the purpose of the timely completion of financial business regulate by law the procedure of...." etc.

केवल समय पर बजट की कार्यवाही पूरी हो इसी सीमित उद्देश्य के लिए विधान सभा कानून बना सकती है और जब विधान सभा का सत्र नहीं है तो गवर्नर अध्यादेश जारी कर सकता है। तो यह जो अध्यादेश जारी किया है उस में यह लिखा हुआ है, नियमों को समाप्त नहीं किया, उस में लिखा हुआ है :

"For that purpose, the Rules of Procedure and Conduct of Business, including the standing orders, if any, relating to that House shall have the effect subject to the modifications thereto, if any, specified in the motion to be moved by the leader of the House."

तो बजट की अलग चर्चा, मांगों पर अलग चर्चा, वित्तीय बिल पर अलग चर्चा और उस के साथ विनियोग बिल, अप्रॉप्रिएशन बिल का पेश किया जाना, इस के बारे में नियमों को खत्म नहीं किया गया था। तो मेरा दूसरा सवाल उत्पन्न होता है कि जो कार्यवाही हुई विधान सभा की, क्या वह अध्यादेश के अनुसार हुई अगर हम मान भी लें कि अध्यादेश

कानूनी था ? और तीसरा सवाल है कि क्या संविधान की धारा 199(4) के तहत वित्तीय बिल पर अध्यक्ष का दस्तखत जरूरी नहीं था ? क्या उपाध्यक्ष का हस्ताक्षर अध्यक्ष के रहते हुए उस के ऊपर लिया जा सकता था ?

अब इन सवालों के बारे में हम चाहेंगे कि एटोर्नी जनरल इस सदन के सामने आयें या सब से बढ़िया तरीका यह होगा कि आप पंजाब में राष्ट्रपति शासन शुरू करें, सभी लोगों को, जिनको गलत ढंग से पकड़ा गया है, रिहा किया जाय, विधान सभा को बरखास्त न किया जाय, स्थगित किया जाय और धारा 143 के तहत इन सवालों के ऊपर—आप अभी भी यह मानेंगे कि ये महत्वपूर्ण संवैधानिक सवाल हैं—सुप्रीम कोर्ट की राय तलब की जाय, उस के बाद वह कार्यवाही करें।

19 Hrs.

अध्यक्ष महोदय, यह पंजाब का तात्कालिक सन्दर्भ हुआ। लेकिन मेरे मन में आज यह सवाल उठता है कि हमारे राष्ट्रीय नेताओं ने लोकतन्त्र की बुनियाद डालने के लिये जो बलिदान और कुर्बानियां कीं, क्या वर्तमान गृह मंत्री इस लोकतन्त्र को दफनाने का श्रेय लेना चाहते हैं। मैं नहीं मानता कि उनकी ऐसी इच्छा है कि इतिहास में उन का नाम लोकतन्त्र को दफनाने वाले व्यक्ति के रूप में रहें। यदि इनकी इच्छा है कि लोकतंत्र बचाया जाय, तो आज भी समय बीता नहीं है, बहुत कुछ नुकसान हो चुका है, लेकिन कम से कम हमारे संविधान और लोकतन्त्रीय प्रणाली की तीन ऐसी जगहें हैं, तीन ऐसे बड़े स्थान हैं—जिनके बारे में नये सिरे से सोचें—एक है, राष्ट्रपतिजी का स्थान, उसी के साथ में उपराष्ट्रपति जी को, जो राज्य सभा के चेयरमैन हैं, उन को रखता हूँ—अब तक इन दोनों के बारे में ऐसी कोई स्थिति नहीं आई है, जिससे कि हम मान सकें कि

संविधान के लिये बड़ा खतरा हुआ है और उन के लिये संविधान में इन्तज़ाम भी है कि हम उन को इम्पीच कर सकते हैं। दूसरा जो महत्वपूर्ण स्थान है वह है लोक सभा के अध्यक्ष और विधान सभाओं के अध्यक्षों का स्थान। तीसरा गवर्नरों का स्थान है, जिनके साथ सत्तारूढ़ दल ने पिछले 21 सालों में खिलवाड़ किया है।

अध्यक्ष महोदय, तीसरी लोक सभा में मैं और मेरे साथी अकेले लड़ते रहे और हम लोगों ने लगातार कहा कि वर्तमान जो कार्य-प्रणाली है, उस के अनुसार अध्यक्ष को तानाशाही अधिकार दिये गये हैं और अगर इन अधिकारों का गलत ढंग से इस्तेमान किया जायगा—और मेरी मान्यता थी कि पहली तीन सभाओं में सत्तारूढ़ दल के हुकम से इन का इस्तेमाल हुआ है, लेकिन आज तो इन तानाशाही अधिकारों का इस्तेमाल प्रजातन्त्र की बुनियाद ही पर कुठराघात करने के लिये भी किये जाने का खतरा पैदा हुआ है। अध्यक्ष महोदय, जो हमारे यहां अध्यक्ष के बारे में प्रणाली है—पिछली लोक सभा में भी मैंने कहा था—मैं एक ही वाक्य में रखता हूँ—मैं बारबार कहता रहा हूँ—कि दुनिया के किसी भी अध्यक्ष को इतने व्यापक और बिलकुल विवेकहीन अधिकार किसी विधान सभा या संसद में नहीं दिये गये हैं: इस के बारे में एक लेखक है—इन का नाम है “फिलिप लौडी” इन का एक ही वाक्य मैं उद्धृत करता हूँ—

The authority of the Indian Speaker.

स्पीकर की जगह स्पीकरज भी कह सकते हैं, क्योंकि करीब-करीब नियम वही हैं—विधान सभाओं के—

The authority of the Indian Speaker is thus wider than that of any other Speaker in the Common wealth.

यानी हाउस आफ़ कामन्स से भी अधिक। तो इस के बारे में आपको गम्भीरतापूर्वक

सोचना पड़ेगा। मैं एक बात के लिये आपको बधाई देता हूँ—पिछली तीन सभाओं के स्पीकरों ने अपने हाथ में सत्ता अधिक से अधिक केन्द्रित करने की कोशिश की और वह भी एक दल की सत्ता रहते हुए और उस दल के सदस्य रहते हुए, लेकिन मैं आपको बधाई इस लिये दे रहा हूँ कि आपने अध्यक्ष बनते ही सत्तारूढ़ दल से इस्तीफा दे दिया। केवल एक ही आदमी गोवा का ऐसा निकला है, श्री गोपाल कामत जिन्होंने आपका अनुसरण किया है। मेरे दल के भी दो सदस्य हैं, मैं चाहता हूँ कि वे भी आपके रास्ते पर चलें और अपने दल से इस्तीफा दे दें—यह बात मैं खुल कर कहता हूँ और बार बार उन को भी कहता रहा हूँ. . . . .

SHRI RANDHIR SINGH (Rohtak) : Only the Congress can do it.

श्री मधु लिमये : उन्होंने कोई गलत काम नहीं किया है—मैं उस पर भी आ रहा हूँ। आपने जो काम किया, वह इस लिये भी जरूरी था—मेज़ पार्लियामेन्ट्री प्रैक्टिस में स्पीकर के बारे में यह वाक्य लिखा है—

Confidence in the impartiality of the Speaker is an indispensable condition for the successful working of the procedure and many conventions exist which have as their object not only to ensure the impartiality of the Speaker but also to ensure that his impartiality is generally recognised.

और इसी लिये तीसरी लोक सभा में आपके पहले वाले हुकम सिंह जी को मैंने कहा था कि आप हट जाइये, इस्तीफा दे दीजिये, क्योंकि केवल आपको निष्पक्ष रहना नहीं।

“but also to ensure that his impartiality is generally recognised.”

इस के लिये मैं आपको जरूर बधाई देता हूँ।

दूसरे—गलत काम आज तक यह हुआ है और अभी भी हो रहा है कि जो वास्तविक सदन के अधिकार हैं, सदस्यों के अधिकार

[श्री मधु लिमये]

ह उन को सचिवालय ने और अध्यक्ष ने अपने हाथ में ले लिया है। मैं आपको इस लिये भी बधाई देना चाहता हूँ कि कुछ अधिकारों को आपने लौटा दिया है हम लोगों को। सभी नहीं, लेकिन कुछ अधिकारों के बारे में मैं यह जरूर कह रहा हूँ। अब तक हाउस आफ कामन्स की जो प्रणाली है, उस के विपरीत यहां काम होता था, लोगों ने बरदाश्त किया, लेकिन मैं यहां आते ही, उन को बरदाश्त नहीं कर सका और पचासों भेरे संशोधन अभी भी पड़े हुए हैं और सदन यदि चाहे तो इन के बारे में विचार किया जा सकता है। इस लिये यह कोई दलील सवाल नहीं है। मैं आपसे कहना चाहता हूँ कि इस सिद्धान्त को हम स्वीकार करें कि स्पीकर निष्पक्ष हो और दिखाई भी दे और इस के लिये हम लोग ताकत के साथ यह कहें कि सब स्पीकर चुने जाने के बाद अपने अपने दलों से हट जायें और दूसरे सदन के जो अधिकार हैं, उन को शीघ्र से शीघ्र सदन को लौटा दिया जायें—तभी मैं समझता हूँ कि काम ठीक से चलेगा।

लेकिन, अध्यक्ष, महादय, यहां केवल स्पीकर का ही सवाल नहीं है, गवर्नर का भी प्रश्न है। अगर ठीक तरह से आप कोई परम्परा नहीं बनाते हैं और हमेशा गवर्नर के अधिकारों का इस्तेमाल सत्तारूढ़ दल को जिन्दा रखने के लिये किया जाता है, तो उस के बड़े खतरनाक नतीजे होंगे। आज इन के हाथ में केन्द्रीय सत्ता है और इसी लिये गवर्नरों के बारे में ये सब कुछ कर सकते हैं। जब स्पीकर की सत्ता इन के हाथ से चली गई, तब इन को पता चला कि इस में खतरा क्या है। जब केन्द्रीय शासन आपके हाथ से चला जायगा और जब इसी तरह का काम अन्य सरकारें करेंगी, तो आज

जो चेतावनी मैं आपको दे रहा हूँ—वह कितनी सही थी, उस का तब अहसास आपको होगा।

अध्यक्ष महोदय, क्या क्या नहीं हुआ—गवर्नर के अधिकार को लेकर। बिहार के मंत्री मंडल ने कहा कि अनन्तशयनम् आर्यगर को और पांच साल के लिये दे दो—चव्हाण साहब ने कहा कि अब नियम बनाया है कि पांच साल से ज्यादा एक आदमी गवर्नर रह नहीं सकता। कब नियम बना ? क्या आपने पद्मजा नायडू को 11 साल तक पश्चिमी बंगाल में नहीं रखा—इसी से हमारे मन में सन्देह उत्पन्न होता है, पद्मजा नायडू को 11 साल तक वहां रखा, लेकिन इन के लिये आपने मना कर दिया.....

श्री जी० बा० कृपालानी : बंगाल अभी भी उस को चहता है।

श्री मधु लिमये : इसी तरह इन्होंने एक दफा यह परम्परा बनाई कि गवर्नर नामी लोगों को कौन्सिल पर नामजद करने के बारे में भी अपनी वुडि से काम नहीं करेगा, मंत्री मंडल की सलाह पर काम करेगा। लेकिन क्या वह भूल गये कि सन 1952 में कांग्रेस मद्रास राज्य में हार गई थी। राजाजी सदस्य नहीं थे, तब राजाजी को गवर्नर श्री प्रकाश ने बिना किसी की सलाह पर विधान परिषद् पर नामजद कर दिया। अभी हाल में दो दिन के लिये आपने बिहार में सतीश प्रसाद सिंह को मुख्य मंत्री बनाया, केवल यह नाटक करने के लिये कि उन की सलाह पर मण्डल को विधान परिषद् पर नामजद किया गया है ? मध्यप्रदेश में क्या हुआ—उस समय शिक्षा मंत्रालय की मांगों पर वोट होने जा रहा था, 35 कांग्रेसी सदस्यों ने कहा कि हम खिलाफ वोट दे रहे हैं, तो वोट लेने के बजाय स्पीकर सदन को स्थगित करता है, दूसरे दिन विधान सभा की बैठक होती है

और फिर गवर्नर सदन को प्रोरोग कर देता है। इन सारी चीजों पर गम्भीरता से सोचना चाहिये।

मैं एक बिहार की घटना का भी उल्लेख करना चाहता हूँ—जिस दिन महामाया प्रसाद की सरकार का पतन हुआ, उस दिन और उस के पहले कुछ दिन मैं पटना में था। मैं बहुत ही जिम्मेदारी के साथ यह बात कह रहा हूँ—बिहार सरकार के बहुत बड़े नेताओं ने मेरे पास आकर मेरे ऊपर यह दबाव डाला था कि स्पीकर आपके दल का है—आप 15 दिन के लिये विधान सभा की बैठक को मुलतवी रखो। उस दिन जाते समय मेरी वहां की विधान सभा के स्पीकर से बात हुई और मैंने उन को कहा—महामाया बाबू की सरकार आज है, कल खत्म हो जायगी, लेकिन संसोपा को, संयुक्त सोशलिस्ट पार्टी को और लोकतन्त्र को जिन्दा रहना है। आप ऐसा काम न करिये, हर हालत में आज वोट होना चाहिये—यह मैं ने उन को कहा था। जब मैं हवाई अड्डे पर आया तो वहां मुझे जयप्रकाश नारायण मिले, उन्होंने पूछा कि आपने क्या सलाह दी, तो मैंने उन को यह कहा कि इसी तरह हमारे दल का स्पीकर काम करेगा, मैं तो यह भी चाहता हूँ कि वह हमारे दल का भी न रहे। मैं आपकी मार्फत गृह मंत्री जी से कहना चाहता हूँ कि लोकतन्त्र का भविष्य खतरे में है। वक्ती लाभ के लिए आप इस तरह से गवर्नर के आफिस को और स्पीकर के आफिस को मिट्टी में न मिलाइये। मेहरबानी करके अभी भी जागिए। राष्ट्रपति, गवर्नर और स्पीकर के बारे में विचार कीजिये, आपने विरोधी दलों के साथ जो एक कमटी बनाई है, उसके सामने इस मामले को रखिये लेकिन ऐसा नहीं कि जो बातें तात्कालिक दृष्टि से अच्छी लगती हों केवल उन्हीं को रखिये। मैं सौ साल आगे के लिए सोच रहा हूँ। श्री बैकटासुब्बया ने कहा कि मैं

देश में अराजकता फैलाने के आन्दोलन का नेतृत्व कर रहा हूँ। वे तो केवल दो-चार महीने या साल-दो-साल की बात सोचते हैं लेकिन यह देश पुराना है, हजारों साल से चल रहा है, लोकतन्त्र को यहां पर चलना है। इसलिए उस लम्बान के दृष्टिकोण को सामने रखकर आप गवर्नर और स्पीकर के बारे में सोचिए। सारे नियम तो कागज पर नहीं आ सकते हैं, बहुत सारे नियमों को परम्परा के रूप में, कन्वन्शन्स के रूप में रखना पड़ता है। तो इन बातों पर विचार कीजिए और पंजाब की समस्या को हल करने के लिये इसको सुप्रीम कोर्ट के सामने रखें, एटार्नी जनरल की राय लें और उसके बाद जो करना हो वह करें

SHRIMATI NIRLEP KAUR (Sang-rur): Mr. Speaker, Sir, I feel we are no longer concerned about the five year plans for the development of our country or for the prosperity and well-being of our people, nor are we showing really any concern over the crumbling of our democracy. Every day we hear about some crisis in the country, some deadlock of the Constitution and all our time is mostly consumed in discussing these problems. I most pathetically feel that the harvests we are reaping today are those of which the seeds sown were by the Congress Party.

We are discussing today the crisis which has arisen in Punjab. I have been listening very carefully to the speeches from the Congress benches. I do feel that they have not become any the wiser from their past experiences. They have always tried in the past to twist the rules and interpret the Constitution to their benefit. I would have understood it if sometimes at least they interpreted it in the proper perspective. Truth cannot be altered by the opinions of the many. In Punjab what happened? I will narrate it in a few words because most of it has been said already by others.

[Shrimati Nirlep Kaur]

When the Speaker adjourned the House for two months, I would like to mention under what conditions he did it. There was one Jan Sangh member who stood up on a point of order. The Speaker asked him to sit down, but he did not listen to the Chair. The Speaker then sent the Marshal. When the Marshal came, the leader of the Jan Sangh Party stood up and apologised on behalf of his colleague. The Member too was standing at that time. So, the Speaker withdrew the Marshal. I do not see what is wrong in this. But immediately afterwards there were shoutings and a hue and cry from the side of the ruling party. I ask, were they to dictate to the House or the Speaker is to regulate? The Speaker, in this condition, adjourned the House for 15 minutes or half an hour and left for his chamber. In the meantime, there was a lot of conspiracy going round and there were discussions. Mr. Lachman Singh Gill, leader of the defectors went to the leader of the Congress Party and asked him to move a no-confidence motion against the Speaker. He refused. I am mentioning this because none of the hon. Members mentioned this. Then he went to the second man, Shri Mohan Lal. He is also an experienced and old member in the House. He refused. Then he went to Shri Brij Bhan who is also well versed with the Constitution. He refused. Suddenly Shri Prabodh Chander, who seems to have a very good record of his past, always trying to disagree with the Chair, disagreed with all the authorities and never being loyal to any of his leaders agreed. When he agreed, there was another member by name Captain Ranjit Singh. He jumped forward and said: "Give me this chance because I seem to be always doing this sort of a job. Even during Pratap Singh Kafron's time it was I who moved this type of a motion. So I will take this opportunity". When his own party seniors refused, he came

forward. On one side we say that the Speaker is the custodian of the rights and privileges of the House and very high tributes are paid to the Speaker and, on the other, one or two irresponsible members stand up without even the authority of their own seniors to move a no-confidence motion against him (Interruption).

When after half-an-hour the Speaker came back to the Chair there was such a noise in the House that there was no functioning of the House. So he adjourned the House. After that all these things happened which very eminent Members have already mentioned before the House.

Even before the House was called, the rule of law was eliminated from Punjab and we started working outside the constitutional provisions. Before the House met it was published in the papers that warrants were there against 22 members—all from the Opposition. May I ask, what was the necessity of putting people in the jail before the House assembled? If they were truthful,—I mean the minority Government supported by Congress majority,—if they were on right, what was there to be afraid of? Why was there that fear? Out of the 22 members they could only arrest a few, I think four members, the others appeared only before the Assembly started.

There was a meeting called by the Speaker in which there were two Congress members, two ministers, one Akali leader, one Jan Sangh leader and other representatives. The Speaker asked them to see that there was smooth sailing in the House. "Let us conduct the business on constitutional lines", he said. The leader of the United Front assured him of a smooth sailing in the House. While this discussion was going on the leader of the United Front did mention this to the Speaker that even though he promised all the assurances to the Speaker he was very unhappy that his Members

were not being allowed to enter into the Assembly Hall and warrants were issued against him for arrest. This was the situation. How are the Congress people really going to defend all this. The Minister who was present over there categorically refuted and denied the charges made. He said that it was not true. At that time one member, Mr. Sabarwal, came running in and told the Speaker that the members were not allowed to go into the Assembly Hall. The Minister again denied. The member said: "There is no use denying it. Take off your flag and come with me. Let us then go to this Assembly". The Minister accompanied him. And sure enough they were stopped. The Minister told the police that he was a Minister from the party of defectors. The policemen were obstructing the road with their jeep. They hold him: "We take no orders from you. We receive orders from the I.G." After some time a few other members came to the Speaker with the same complaint. Then one senior member present in the meeting requested the Speaker to take those members to the Assembly Hall under his protection. The Speaker volunteered to do that, and these people were going to the Assembly Hall in the Speaker's car, with the flag in front and the word "Speaker" written on the car-plate. The car was stopped over there. The Speaker was driving the car himself at that time. When the car was stopped, the policemen was told that it is the Speaker's car and he cannot stop the Speaker's car. The policemen replied, "I do not care whose car it is". He opened the door of the Speaker's car and tried to drag the members out of the car. The Speaker accelerated the speed of the car and the policemen were dragged a little and then they lost their grip on the door handles. This is how the members went into the premises.... (*Interruptions*). It is better that we face things and not always try to evade them. We cannot have scapegoats every time. As the saying goes, you can fool some people

all the time or all the people for some time. But the Congress cannot fool all the people for all the time. Our eyes are open and even though we are facing Mr. Lakshman Singh Gill we know who is behind all this.

Coming back to the incident, the Speaker goes in and the Members go in. Then, one member from the opposition notices that there are some strangers in the House. He points it but to the Speaker. Now when we hear about the incident somehow we get the idea that the Speaker was always siding with the opposition members. But, Sir, I would like to bring to the notice of the House that it was the Speaker who, against the wishes of the Opposition, installed the Gill Ministry, to our misfortune. Since then he has not at all been siding with the opposition Members. Even that day, on the 18th, when he went inside, it was pointed out to him that there were strangers. Shri Chavan has agreed that there were strangers. But, then, he did not define what kind of strangers they were. As just now Mr. Shinde has stated in his innocence that they were watch and ward, similarly the Speaker also stated, "these are the extra watch and wardmen." That shows the innocence of the Speaker also. But the member again stood up and said, "Sir, they are Punjab police people there." Then the Speaker asked them to stand up. And when they stood up, they hung their heads low hiding their faces so as not to be recognised. But they were recognised and were named. The Speaker asked them to leave the House. When they left the House, they did not leave the premises. They went into the lobbies and they were lying and sprawling over the sofas. They had never good manners.

Then the proceedings started. For three hours in a peaceful manner they had their discussions going on. The opposition leader, Shri Gurnam Singh



[Shrimati Nirlep Kaur]

had raised a point of order questioning the validity of the Ordinance and so forth. After that, the Speaker wanted 20 minutes to think over it. After 20 minutes the Speaker gave the ruling and adjourned the House. Then the Speaker goes to his chamber . . . . (*Interruptions*).

MR. SPEAKER: I would request the hon. Member to conclude her speech.

SHRIMATI NIRLEP KAUR: So, after that, he adjourns the House and goes. Then, what happened was that the Chief Minister, Shri Gill made a sign to "occupy the Chair" and all the members rushed to it. Who led the race? One Deputy Minister, Shri Kohli. He was in the Chair. That infuriated the members of the opposition. They dragged him out and threw him away. Immediately after that the police poured in. They poured in from all sides in hundreds, in civilian clothes with the police revolvers under their white shirts.

The police took charge of the House. Neither the Speaker nor the Deputy-Speaker was there. For one hour it was the DIG, CID, Shri Dhannewalia, who was in charge of the House. After one hour of scuffling, fighting, beating and assaults and with the help of the police the Deputy-Speaker was installed over there . . . . (*Interruption*).

After the Deputy-Speaker was occupying the Chair, for one hour there was fighting going on. In the Rajya Sabha one Member mentioned about knives. It was not knives; the Sikhs wear *kadas*. There was one with a very big, thick and pointed *kada*. With that he hit one person who fell down. Congress will not mention who he was. It was an SP who fell down. If they acknowledge who fell down, the second question would be: What was he doing there?

Our Akali leader, Shri Jagdev Singh, was bodily lifted, taken to room number 27—one of the ministers' rooms—and for half an hour he was detained there and beaten up. Nine members of the Opposition were hurt there. There was a regular boxing bout going on there and soon after that it was announced that the Budget had been passed.

SHRI RANDHIR SINGH: Italian Parliament!

SHRIMATI NIRLEP KAUR: I will not take too much time because I would like Shri Nath Pai and others, more eminent people, to speak, but I am just telling you the first-hand story which has come to my personal notice.

Now, I am not a legal person. I am not a lawyer as Shri Chavan is or Shri Anthony is. Shrimati Sushila Nayar has already commented that there are no brains left in the Punjab. The Home Minister has admitted that there were strangers in the House and he is very ashamed about that. At the same time, he says, the Budget passed was legal. These two things happened simultaneously, at the same time. I would like to know from the House and from you, Sir, one thing. Can the House proceed with any business with strangers, particularly the police, in the House?

SHRI NAMBIAR: Sitting as members.

SHRIMATI NIRLEP KAUR: Can the House proceed? In my opinion, such proceedings cannot be legal and, therefore, the budget is not legally passed. If the Budget was legally passed, the statement of presence of strangers is not correct. The Home Minister condemns the entry of the police and goondas in the name of strangers but he fully supports the men guilty of this action. It is so confusing for us that we do not know where we are heading to.

I would also like to point out that the members had gone to their destination with the help of the Union police there because Chandigarh is under the Centre. When the Opposition leaders rang up the Commissioner of Chandigarh and apprised him of the law and order position, he replied "We are already aware of it and we have already appointed the police outside."

Chandigarh witnessed lots of goondas with rifles roaming around the place. Whereas the hon. members' licensed arms and licences were confiscated, the goondas were strolling all over the place and there were the guards appointed by the Commissioner outside the Legislature of the Punjab.

SHRI D. C. SHARMA (Gurdaspur): Mr. Speaker, Sir, there are certain personalities that are under discussion this evening. One of them happens to be our unfortunate Home Minister who has been called a murderer of democracy and also a murderer of parliamentary procedure and that kind of thing. I have never heard such extreme language, such unqualified language, in this House about any Member, not to speak about a Home Minister. Whatever he has done, he has done for one reason. Unfortunately, in this country, we have many patches of sick democracies. We do not have that only in Punjab; we do have them in other States also. Now, Sir, I ask you: If there is a sick person, would you like to shoot him to death or would you like to nurse him to health? If there is a person who is ailing, you will, in all humanitarianism, in all benevolence, in all kindness, like that he should be brought back to life, to health and to good living. What the hon. Home Minister has been doing is this that some of these sick children of democracy who have come up on account of the machinations of the Opposition..... (Interruption).

SHRI NAMBIAR: Don't defend him.

SHRI D. C. SHARMA: Sir, the hon. Home Minister has tried to bring those ailing, sickly and anaemic children to health. Is he to be blamed for that? Certainly not. Our problem is this. Sir, their problem is this that democracy should come to an end. There is a Punjabi saying:

*Galiyan Hovan Suniyan Te Mirza  
Yar Phire*

They want that this parliamentary democracy should come to an early end so that they can have a fascist Government or they can have a totalitarian Government or they can have a Government of some sort which cannot be called parliamentary but which will be called only extra-parliamentary. Therefore, I want to say about the Home Minister that he has tried to nurse in every State of India that sick child of democracy and he has done a great deal of service to parliamentary democracy in the country.

The second person who has been under discussion is the Governor of Punjab.

SHRI BAL RAJ MADHOK: Have you anything to say about facts?

SHRI D. C. SHARMA: I know all the facts much more than you do. You have gone out of power and you are crying now.

Sir, even a very eminent jurist like Mr. Mulla has said that the Ordinance issued by the Governor is valid. He was Judge of the High Court. These persons who are speaking about legal issues, legal squabbles and legal controversies know nothing of law. The former Judge of the High Court says that whatever the Governor has done, his action, is valid. What more do you want?

Then, I come to the Speaker. I have never seen the Speaker all my life. It is my misfortune; I have heard about him. Even Mr. Mulla said about him

[Shri D. C. Sharma]

that he over-stepped the limits of his powers. This does not come from the Congress; this does not come from D. C. Sharma; this comes from an ex-High Court Judge that the Speaker overstepped his powers. Once you learn to overstep your powers, you go on doing that with greater and greater speed, with greater and greater impunity, with greater and greater strength, and that is what he has been doing. I do not want to say anything harsh about the Speaker; after all, he is my friend, he is my countryman, he is a patriot like me. But I should say that the Speaker acted most unwisely not once, but twice or thrice. I think, he has played into the hands of those people who wanted to throttle Parliamentary democracy.

Among those persons who have been under discussion is also Sardar Lachhman Singh Gill. I can play with any man's name; I can play even with the name of Sardar Swaran Singh; I can play with the name of anybody.....

MR. SPEAKER: But we do not have the time for it.

SHRI D. C. SHARMA: But that is not Parliamentary manners. Parliamentary manners do not permit that. You cannot say that Sardar Lachhman Singh Gill has committed sins and that even the holy waters of the Ganges cannot wash them away. I think, this is a travesty of Parliamentary democracy; nowhere has this been said, nowhere, in no Parliament, has this been said.

What has Mr. Lachhman Singh Gill done? Sardar Lachhman Singh Gill may be a defector in the eyes of Mrs. Nirlep Kaur; he may be a defector in the eyes of Mr. Atal Bihari Vajpayee, but I think, Sardar Lachhman Singh Gill is a rescuer, a saviour, of democracy. (*Interruptions*). Unfortunately there are these persons here who have been doing this briefed by one party or another, somebody by the Jan

Sangh, somebody by the Communists, somebody by the Akali Dal and so on. If you look at the whole thing, Sir, you will find that Sardar Lachhman Singh Gill has not done anything wrong. He has still got the majority. What more do you want? If he has the majority, what right have they to disown him, to discredit him and to ask him to quit?

Punjab has come in for a lot of abuse today. I am a Punjabi. I was born as a Punjabi....

SHRI NAMBIAR: We are sorry for you.

SHRI D. C. SHARMA: ... and I hope I will live as a true Punjabi as long as I live. But I may tell you one thing. These persons who have been talking of strangers and goondas in the Assembly do not know what they are talking about. Is it not a fact that there was a Member here in the last Lok Sabha, a Member from the Opposition, whom the Speaker named but who refused to go; then the Marshal had to be sent, then some of the members had to go and take him out. If the security staff is not there for the protection of the members, for the protection of the members in the precincts of the Assembly in a legal manner.... (*Interruptions*) what will happen? I take strong exception to the expression that goondas were brought in. There are no goondas in the Punjab. If anybody calls a Punjabi a goonda, he is looking at himself and he is not looking at a Punjabi. The Punjabis are brave people and they do not take shelter behind these legal quibblings. If they want to do a thing they do it openly and bravely. I have no end of pity for Shri Y. B. Chavan because he has to defend himself against not one Opposition Party but so many Opposition parties. They all join hands in order to defeat the Congress. I think the Punjab Government should be kept going and no President's rule is needed there. We should strengthen

parliamentary democracy in that State. As long as somebody has a majority of people behind him he should be allowed to go on.

MR. SPEAKER: Two more parties are yet to be given a chance. They will be given a chance. After that the Home Minister will reply.

SHRI P. RAMAMURTI (Madurai): I do not want to go into the constitutional and legal questions. I am sure that these questions will be ably argued on both sides. I am absolutely certain that the Home Minister will defend the kind of democracy that is now in vogue. He had defended democracy in West Bengal, when putting into power that Chief Minister P. C. Ghosh with 17 and very ably he defended that Ministry. He had defended also the Ministry of Mandal with 39 people. I am absolutely certain that he will also ably defend democracy climbing through the ladder into the Assembly, and the kind of democracy that was there where the budget was passed within about eight minutes when all sorts of people were there, under police protection and so on; I am sure that all these things will be defended by him. I am not now concerned with all that. But I am concerned with the deeper questions that are involved in this, the political and moral questions that are involved in the whole question. Some hon. Members here were talking about the great traditions of the Congress Party when it was fighting for the battle of Independence. True. But why is it that the same Congress Party has now come to this position? That is the question with which we are all now concerned. After all, when the Congress Party fought for Independence, it had a certain ideal before it, and that ideal inspired the people, and they were also able to inspire the people also with that ideal and they were also able to get some good men as leaders. Unfortunately, after Independence, the policies that the Congress has been pursuing have been such that the people have turned

against the Congress Party now. We have been there for the last 22 years, but it was only during the last elections that they got such a trouncing by the people which shows that there is something fundamentally wrong with them. Instead of thinking about that, what has the Congress Party done? Immediately the elections were over, and they were defeated in a number of States, their only concern has been how to get back to power. Means did not matter, but somehow they wanted to get back to power. That is what they have been doing all along. They did it in Bengal and they did it in Bihar and they did it in Punjab and they did it in some other places also. Somebody was asking why the Congress Party did not directly participate in those Ministries and why it had asked the Shikhandi Ministries to be there. The reason is quite simple and it is this namely that they did not dare to come in because their own problems were very acute and they had those problems in West Bengal, because we know what happened immediately after they went into the Ministry. Immediately, a section of the Congress people themselves defect. This is your party, this is the Congress Party today. Today the writ of the Congress High Command does not run even within the ranks of its own party. Therefore, instead of finding out what exactly is the reason for this state of affairs, why it has happened, what is fundamentally wrong with the party that had inspired the people to struggle for independence, what is the reason for the writ of the High Command not running even among its own ranks, they are indulging in another nefarious game....

THE MINISTER OF PARLIAMENTARY AFFAIRS AND COMMUNICATIONS (DR. RAM SUBHAG SINGH): The Communist Party was bifurcated last year.

SHRI P. RAMAMURTI: We divided on principle. We fought on principle. We fought on a basic issue. We did

[Shri P. Ramamurti]

not fight on the basis of offices. Let us understand that.

What was the fight in Bengal? What is the fight in Bihar about? What is behind the fight in other States in so far as the Congress is concerned, inside the Congress Party, except the lust for office?

**SHRI SONAVANE (Pandharpur):** Your fight was not on principle, but on extra-territorial loyalty.

**SHRI P. RAMAMURTI:** If inside the Congress Party, there had been a fight on the question of basic programmes to be pursued by Congress Governments, if on that the party had been divided, I could understand it. I would certainly bow my head to it. But that is not the position. The quarrel inside the Congress Party today is a struggle over who will control the reins of power, who will get into the Ministries, who will enjoy the loaves and fishes of office. This is the personal factional fight going on in the Congress party. Since the Congress Party has lost its ideals, since it is now concerned with certain groupings who should get into power so that they will be able to derive the maximum advantage of that power, this rot has set in in the party. The party itself is divided into factions. That is the position. The faction that is now in power at the Centre wants to see that somehow or other it clings to office in every State. That is what they decided in Hyderabad—everywhere try to remove the non-Congress governments in power.

I could have understood it if their fight was based on some basic programme. The Punjab Government was there. If the Congress Party wanted to fight the policies of that Government, if for example, they went to the people and said, 'Look here. This Government has today

reduced the betterment levy. It is wrong on its part to have done so. The country will go to the dogs because of that', if the Congress Party had done this and gone to the people for their verdict, I could have understood it. But they dare not go to the people and ask that the other Government should be voted out of power on those grounds. They dare not take the people into their confidence and mobilise the people against the doings of these various Governments on these policy matters. They dare not do it for a very valid reason. It is because they were not prepared to go to the people on these various policies, because they knew that these policies were in consonance with the desires and interests of the people of the States. The Congress Party, by coming out against these policies, would get isolated farther and farther from the people.

So the only thing they could do was to somehow get hold of some defectors. They do not themselves go into the Ministries, because if they did so, more people would defect from their own party. Therefore, in everyone of these places, they came to ally themselves with defectors to run the Government so that the policies being pursued by other Governments might be defeated and their own policies might be pursued.

After all, today what is happening in the country? It is a fundamental conflict between two policies, the policies that had been pursued by the Congress Governments all along, and are still being pursued where they are in power, and the policies being pursued by the other Governments. I know that in the last general election, the people had not expressed their opinion very categorically; they had expressed it in a negative way only, that is, against the policies of Congress Governments. Unfortunately, their political level had not risen to that extent as to express a preference for the policies of a

particular party or parties in opposition. That is true. But this process has got to go on. After all, the people have to learn by experience. This has to go on and there has to come about a crystallisation of public opinion. The Congress Party, on the other hand, is bound to fight and get back to power. For that purpose, there has been a division in its ranks.

What has happened in Punjab? Shrimati Nirlep Kaur has graphically described it. The simple question is this. May be somebody will say 'You are a Chinese agent'. After all, it was not Mao Tse tung who said that 'power flows out of the barrel of a gun'. It was said three hundred years ago by Clausewitz, that famous German war strategist.

THE MINISTER OF STATE IN THE DEPARTMENTS OF PARLIAMENTARY AFFAIRS AND COMMUNICATIONS (SHRI I. K. GUJRAL): Mao said the same thing.

SHRI P. RAMAMURTI: Mao may also say the same thing as anybody else may.

The hon. Minister, Shri Chavan, and the Congress are today demonstrating that power flows through the barrel of a gun. It does not matter what happens. "I have got the police and the military in my hand and I will use it to see that my government succeeds"—that is the way the Congress party is functioning. The Congress Party is not prepared to go to the people and say, "You are the arbiters of the destinies of Punjab" and place their doings as well as the doings of the opposition for the judgment of the common people who are going to be our supreme judges. This is the simple proposition which the Congress refuses to accept. But unfortunately for them and fortunately for us, the people are awake. The Congress Party did not succeed in what it did in Bengal and in Bihar. I dare say they will not succeed in Punjab. It is not a matter confined

to Members of Parliament and legislators. It is a matter vitally affecting the life of the people of Punjab. Ultimately the people are going to have a decisive voice in this matter. If you are willing to put to test your pretensions to the people of Punjab, why not dissolve the Assembly and have fresh elections? Why are you afraid of it? Even as you did not succeed in West Bengal and Bihar, ultimately all these conspiracies will be smashed to smithereens by the people of Punjab. I warn you. See the writing on the wall. At least now retrieve your political and moral positions, which are at their lowest level today. You are in the mire. We can only point that out to you. But if you say that you are determined to go into the mire nobody can save you and Nemesis will over-come you.

SHRI SRINIBAS MISRA (Cuttack): Sir, last time when this matter was discussed in this House, democracy in Punjab was on the way to be strangled. We expected that after the expression of opinion here almost unanimously by all parties, some good sense would prevail. There was also the expected meeting of all the Speakers under your presidentship which was expected to produce some good results. But still democracy has been strangled in Punjab. Who are the hangmen? We knew at that time that the Speaker was going to strangle democracy there. But now everybody—Mr. Lachman Gill's party, the Congress Party and everybody—has combined to strangle democracy. Now we are only having a post-mortem examination. It is to be divided into two parts—the political aspect and the constitutional aspect.

So far as the constitutional aspect is concerned, those who wish to defend Mr. Gill will advance arguments saying that whatever has been done by the Governor is legal and constitutional. There are some provisions which may be interpreted to support the ordinance and the certification of the money bill. Of course,

[Shri Srinivas Misra]

Article 180 says that in the absence of the Speaker the Deputy-Speaker can act. But, still, whether that will be valid for the purpose of certification is doubtful.

Therefore, let these matters be best left for reference to the highest judiciary, the Supreme Court. There are other matter also. There is the question whether the ordinance was rightly promulgated and whether the House was in session or not in session validly. These are matters of fact. The facts as revealed on the floor of the House, as you have seen, are also conflicting. Whether the Gazette notification was issued and whether it was necessary are all, again, matters which can best be gone into by a Tribunal or the highest judiciary here.

Coming to the political side the landmarks are the arrests. Who were arrested? Was it the Opposition causing the arrest of Opposition Members? The only conclusion can be that it was the Ministry in power that was causing the Opposition members to be arrested. The next point is, while the Assembly was to meet—this is a point which nobody has denied—the Speaker was coming in his car and his car was stopped. That is the highest indiscretion committed by the Government there. The Speaker is really the master of the premises. While he was coming his car was stopped. Who was doing it? The hon. Member, Shri Sharma, would say that the Opposition members were stopping the car of the Speaker and they engaged goondas for the purpose. Would anybody believe it when they themselves came to the Speaker asking to save some of their colleagues? Nobody will believe that it was the Opposition members who engaged the people. Let us not call them 'goondas'. The Home Minister said that they are only watch and ward people—the Gill's guiles. They were

not engaged by the Opposition members. The Home Minister's statement says that they were the extra watch and ward people. Who engaged them? Did the Speaker ask them to come in in order to push him out? If the Speaker is said to be supporting the Opposition, did the Speaker call them in to push the Opposition members out?

SHRI Y. B. CHAVAN: Yes. You read the statement.

SHRI SRINIBAS MISRA: Shri Chavan says they are watch and ward men. How can we believe that he kept these watch and ward men and these very men pushed him out? That also cannot be believed at all.

Then comes the crucial stage. The Speaker adjourned the House. There was a point of order raised. Then the Speaker had to decide it. Anybody has the right to raise a point of order and the Speaker has to give his ruling, right or wrong. I do not support the ruling of the Speaker, let us be clear about it. He decided to adjourn the House for half-an-hour. Then he came again and adjourned the House for two months. These are matters which nobody would support.

The Home Minister said that there was a gap of half-an-hour and within that time something happened. What happened? Something must have happened which was helping the Ministry. Who were the interested persons? Who was interested that the Speaker should not be there. Who was interested that the House should not meet. It is those who advised the Governor to issue an ordinance and pass the budget. They are the persons who are most interested in the arrest of members and in seeing that the Speaker was not there.

There is another aspect of this matter. When the House really met, when the representatives of the

people gathered, I am sorry, the Speaker should have honoured the opinion of the House. He did not do that. The matter should have been left to the decision of the House. Without doing it he adjourned the House. Very very cautiously the whole blanket has been thrown on police atrocity, the presence of police personnel and the man-handling and assault by the police. A blanket has been put over that, saying some strangers were there and it is the strangers who brought in the ladder to climb. I am told that he is a man of small stature and he was pushed to the Speaker's chair. How could all these things happen? Of course, we do not yet know whether the Deputy-Speaker was really coerced, forced by being confined and he was taken there. But he had to be bodily lifted to the Chair; that is admitted. The Deputy-Speaker reached there with the help of the ladder. If anything was left in our democracy it was this ladder where the whole democracy of India was crucified. And who are to be blamed? The person here in the shape of the Home Minister has done it. I will take the thread of the hon. Member, Shri Sharma's analogy that the sick man is there and the Home Minister is trying to help him. No, the Home Minister is not trying to help. By trying to give some anti-biotics he has injected poison and the whole democracy is finished.

20 Hrs.

MR. SPEAKER: The hon. Home Minister.

THE MINISTER OF HOME AFFAIRS (SHRI Y. B. CHAVAN): How long are we going to sit?

MR. SPEAKER: Until the reply is over.

SHRI Y. B. CHAVAN: I will try to be brief and I will take only the

relevant points for consideration, because there are some points which are very humorous points. I will not touch them.

There are three aspects of this problem. One is the constitutional and legal aspect as to what happened. Secondly, what exactly has happened in the House; the facts as to what happened on the 18th, particularly during that small period. I have not mentioned half an hour; the hon. Member rather wrongly quoted me. Whatever the time was, after the Speaker left and before the Deputy-Speaker restored order, whatever that period was, what happened then is a matter of fact. What happened outside the House is also a matter of fact. The third is the general political problem of Punjab and on that whatever criticism or suggestions were thrown up can be considered.

Now, let us go to the question of the constitutional aspect involved in this. What the Governor did, whether that is constitutional or not, that is one of the points. Naturally, whatever I say is not the last word on the Constitution. I have not also practised in the Supreme Court or High Court. But as a representative of the Government, certainly I express my views as I have received advice and I had discussions with officials. I am liable to be wrong; possibly, anybody who speaks here or gives an opinion on law here is liable to be wrong. I do not want to say—I would certainly remove any impression, if I have given any such impression to Shri Vajpayee—that I have a monopoly of knowledge in this or any other matter. But I will certainly argue with him on any point and I would certainly ask him to read that rule, rule 7 of the Punjab Assembly Rules, very carefully. That is exactly what I have said. If I have given him any impression of being rude, I am prepared to apologize, because that was not my intention.



[Shri Y. B. Chavan]

These two or three points were again summed up by my hon. friend, Shri Limaye. One is whether the prorogation that was made by the Governor on 11th became effective on the 11th or not. He also raised the point whether the Ordinance that was promulgated by the Governor during that period was valid or not, because he presumes that, first of all, the prorogation was not effective....

SHRI MADHU LIMAYE: They are (a), (b) and (c) under 1.

SHRI Y. B. CHAVAN: I will take the issues, as I understand them. One was whether the Ordinance that was promulgated by the Governor was valid or not. Thirdly, he has taken Clause Act about the notification. These are the three points he has specifically raised.

Let me go into the question of prorogation. The article which deals with prorogation is very clear about it. I think that article is 174. Clause 2(a) of article 174 says:—

“The Governor may from time to time—prorogue the House or either House”.

It is a very simple thing. No conditions are involved there. Whenever the Constitution expects a Governor or the President to do a certain act and also notify it, it is specifically mentioned there. I can refer the hon. Member to articles 341 and 342 where the President is supposed to take certain action and notify it. For example, article 341 says:—

“The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify” etc.

Again, the same thing is said in article 342, which reads:—

“The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify” etc.

Where the Constitution expects the Governor's or the President's action to be notified in order to be complete, the Constitution has specifically directed that. Here, prorogation is an act under the Constitution and I would humbly submit that in order to be complete it is not necessary that it should be authenticated by anybody. It is a very clear position. The minute the President or the Governor signs the order of prorogation that act of prorogation is complete in itself.

SHRI ATAL BIHARI VAPAYEE: Without notification?

SHRI MADHU LIMAYE: Read also rule 7.

SHRI Y. B. CHAVAN: I am coming to that; I have not completed.

Let us read the rule and I would like Shri Vajpayee also to read the rule very carefully. This is how the rule reads:—

“When a session of the Assembly is prorogued, the Secretary shall issue a notification in respect thereof in the Gazette for the information of members.”

That means, when the act of prorogation is complete, it is incumbent upon the Secretary to notify it for the information of members. It does not say that the act of prorogation becomes complete when he has notified it. Better read it very carefully. The English that I have understood is very clear in this matter. It is said here:—

“When a session of the Assembly is prorogued, the Secretary shall

issue a notification in respect thereof in the Gazette"—

in order to inform the members. That also has been done.

When the prorogation was complete on the 11th, if authentication was necessary—according to me, it is not necessary; but suppose, it is necessary—it is done by the Chief Secretary and on the 13th the notification, which is signed by the Secretary (Legislature), says that it is republished for the information of the members of the Legislature. That was a duty cast on the Secretary of the Legislative Department under the rules, which he discharged. But in order to make the act of prorogation complete, the Constitution does not expect a notification; the Constitution does not ask or regulate or command anybody else to notify in such-and-such a way.

Where does authentication come? This is also a legal theory which I would like to submit for your information or criticism, whatever you may say. Authentication becomes necessary when somebody else acts in the name of the Governor. But when the Governor himself is acting here, no authentication is called for. That is the last word about it.

Therefore, the prorogation was complete on the 11th and the conditions necessary to promulgate an Ordinance were ripe. What does article 213 say? It says that when both the Houses are not sitting the Governor can issue an Ordinance. When one House was prorogued on the 11th, he was completely within his rights, Constitutional rights, to promulgate an Ordinance on the 13th. So, the promulgation of the Ordinance is accordingly valid.

Then, the hon. Member has said about the General Clauses Act. The General Clauses Act is not attracted in this particular matter. As I said, notifications are not, really speaking, expected in this case; so, that point does not survive.

श्री मधु लिमये : ठोक है, पहले के बारे में आप की यह राय है। लेकिन दूसरा यह कहा कि जो कार्यवाही हुई वह आप ने जो आर्डिनंस जारी किया उस के अनुसार हुई थी या नहीं? मान लीजिए जो अध्यादेश था वह कानूनी था लेकिन जो कार्यवाही हुई वह क्या उस के अनुसार थी?

SHRI Y. B. CHAVAN: Therefore, I have said what happened in the House is a different aspect; I have classified the different things. Sir, let me make my position very clear on the matter. Here I hold no brief for anyone. The only brief that I have is to see that the Governments are run constitutionally. I do not hold any brief for either Mr. Gill or Mr. Gurnam Singh or the Speaker. I do not hold any brief for anybody. Some people have tried to make me a vailin. I wish I were a vailin. (Interruption).

श्री मधु लिमये : तबियत करती है—  
विलेन बनने की?

श्री यशवन्त राव चव्हाण : क्या करें, साहब, ये लोग चाहते हैं। हांता तो अच्छा होता।

Vilain in the sense that they have made me so powerful that I may wish any Government to topple.... (Interruption).

SHRI SRINIBAS MISRA: Are you not powerful?

SHRI Y. B. CHAVAN: I am a Home Minister of this Government. I am not a powerful man. Let me face that question also. The hon. Member, Prof. Ranga is not here. This is a privilege of old people. They take the cane in their hand, come and show their anger to us and then they get away without trying to know what the other people have to say. That is a privilege of the old people. I am prepared to concede that; I am not criticising that.

[Shri Y. B. Chavan]

About this toppling business, may I know who started it? May I ask that question? The people here got very angry saying, "This Government is doing it." Who started toppling Governments? (*Interruption*).

SHRI S. M. BANERJEE: The Centre.

SHRI Y. B. CHAVAN: I appreciate the sense of humour. But I am speaking historically, factually and making everyone aware of what has happened.

SHRI NAMBIAR: It started from Kerala and then Bengal.

SHRI Y. B. CHAVAN: Don't go to the beginning of the earth. What was the argument? The argument was that the Congress lost elections in 1967 and, therefore, they started toppling Governments. That was his argument. Don't go to what happened in Kerala. The Governments started toppling in Madhya Pradesh, in Haryana, in Uttar Pradesh and they were all Congress Governments that were toppled. What did I do? I just bowed down to that. What about other non-Congress Governments that failed? Who toppled them? It is their own difficulties that toppled them. (*Interruption*). Now, Mr. Nambiar, be honest. (*Interruption*). He is an honest friend; I know that. Personally, he is a good friend that way.

The Uttar Pradesh Government toppled. Who toppled them? It was Mr. Charan Singh who toppled them. He resigned. We did not try to do anything about it. Then, the Bihar Government toppled. Who toppled them? Now, take Mr. Ramamurti's theory. I would make a request to Mr. Ramamurti not be angry if I say something about him. He said that this damned Congress Party is suffering from the disease of power, that they are very hungry of power and, therefore, there are defections. That is true. I admit; I confess. Unfortunately, this Party is very old enough to have developed some deficiency.

But here is a young Party, very young Parties who are looking for the future, for hundred years—very good; I wish them well. Who toppled the Bihar Government? Who toppled the U.P. Government? The Bihar Government toppled because some people defected from the S.S.P. It is not the Congress Party. The Bengal Government toppled because some people left the Bangla Congress. The Punjab Government toppled not because the Congressmen defected but the great Akali Party was split. It was not my fault.

Then, the hon. Member, Prof. Ranga, said that I am a hangman of democracy. Why am I a hangman of democracy? Because I do not go about dismissing Ministries which he does not like, and I do not want banning political parties which he does not like. That is why I am called a hangman of democracy.

श्री मधु लिमये : आपने तो बरतर्फ किया है। क्या बंगाल की मिनिस्ट्री को डिस्मिस नहीं किया ?

SHRI Y. B. CHAVAN: Is that the reason why I am a hangman of democracy? With all respect I return that compliment to Prof. Ranga, with one additional word; he wants to be a super-hangman, making me hang everybody because I do not hang any one.

Now I come to Mr. Ramamurti's point. He said that all other parties were suffering from defections and that his was the only party that did not suffer from defections. Only the other day we were discussing this Naga thing. Some people who belonged to the Communist Party, according to them, tried to be friendly to the hostiles and treacherous to India; and, therefore, they have declared that they are no longer their Party-men. I can say that at least our Party is a Party of mortals who are loyal to the country, who want to be Ministers of their own States,

but their people defect in order to be traitors. If I say this, what is his answer to that? This is an argument. Let us not look down upon anybody. My point is that this question of defections is not confined to one political party. Possibly it is a problem which we as a nation are suffering from. We are sitting in a committee on which Mr. Ramarauti is also coming. Let us sit together and discuss. We are ashamed of this defection. It has not affected one political party, but it has affected this infant democracy in our country. That is our main worry.

AN HON. MEMBER: Who will break the circle?

SHRI Y. B. CHAVAN: All of us should do that. No one political party can do that. If you expect that, it is absolutely unrealistic. I wish I was able to say that we can do it; I wish I were in a position to say that we could do that. Nobody can. Mr. Madhu Limaye also said—I must give him the compliment.....

श्री मधु लिमये : कुछ तो आपने किया है, इतना तो कुबूल करो, भाई ।

SHRI Y. B. CHAVAN: We did not start toppling.

श्री मधु लिमये : क्या किया आपने प्रकाशम और अशोक मेहता का ? प्रकाशम साहब को मुख्य मंत्री बनाने समय क्या यह नहीं कहा गया था कि प्रजासोशलिस्ट पार्टी से अलग हो जाओ, मुख्य मंत्री बना देंगे ।

SHRI Y. B. CHAVAN: You do not believe in democracy? Democracy means the right to change one's opinions.

श्री मधु लिमये : अनप्लेजेंट प्रश्नों का आप लोग जवाब नहीं देना चाहते हैं ।

SHRI NATH PAI: What about the initiative? Let us forget who began it; you and we will not agree on that. Can we agree that you owe the responsibility to take the initiative for stopping this cancer?

SHRI Y. B. CHAVAN: Yes, I have agreed to the proposition of a committee; I have agreed to sit with you and discuss the problem of defection. Certainly, I have a responsibility; I am not running away from my responsibility. I am looking at it not as a party malady; I am looking at it as a national malady which is, really speaking, eating into the vitals of the democratic life of this country. (*Interruptions*).

So, this idea of calling everything bad only because it is Congress, is a very wrong thing.

Now let us come back to Punjab. Everybody has criticised this. What is wrong is wrong. I have said personally, and I am repeating in this House, that I can never understand this position of any government thinking of moving a no-confidence motion against the Speaker, at least when it is not in their interest. If that motion had not been moved, the whole difficulty would not have arisen at all. I can understand that. I am looking at the whole position critically. Suppose, somebody has done it, what is to be done? It is the right of the House to move a no-confidence motion against the Minister and also the Speaker, the Constitution gives that.. (*Interruptions*). When the motion was moved... (*Interruptions*). The Speaker has given any reasons for that? It is obvious. As a man, I do not think, the Speaker can convince me that, when he adjourns for two months, it was because there was trouble in the House....

SHRI ATAL BIHARI VAJPAYEE: He adjourned for half an hour.

**SHRI Y. B. CHAVAN :** Maybe, for half an hour first, but after that, he adjourned it for two months. A man may be angry, Sir. You and I can also get angry, but for how long? For a few hours. Sometimes a man who is chronically angry can be angry for one day, and after he sleeps over it in the night, his anger disappears. If somebody wants to sleep 60 nights to wash away his anger, then there is something basically wrong with him. The place to him is not the Assembly House, but some other correction House possibly. This is a basic thing according to me in a democracy; anything else we can correct and they can correct. But the soul of democracy is the functioning of the representatives of the people in Assemblies and in Parliament. If one individual, only because he happens to be in the Chair just freezes this right and gags the House, he is the first enemy of the democracy. If this had not been done, this whole trouble would not have arisen. Therefore, it is no use merely talking about the question that the police were taken into the House or about the treatment that was given and so on. I am not saying that it is good; this is bad. If factually it is correct....

**एक माननीय सदस्य :** फैक्ट्स क्या हैं ?

**SHRI Y. B. CHAVAN :** I have no facts. If factually it is correct, it deserves to be condemned. I have no doubt about it in my mind.

**SHRI ABDUL GHANI DAR (Gurgaon) :** On a point of order.

क्या चव्हाण साहब बतलायेंगे कि पंजाब लेजिस्लेचर आफिसर्स ऐक्ट का सेक्शन (5) जो है उसमें पुलिस को अन्दर बुलाने का हक है या नहीं ?

[क्या चोहान صاحب بتلاينگے کہ

پنجاب لیجسلیچر آفیسرز ایکٹ کا

سیکشن ۵ جو ہے اس میں پولیس کو

اندر بلانے کا حق ہے یا نہیں ہے ?]

**MR. SPEAKER :** This is no point of order.

**SHRI Y. B. CHAVAN :** I am not holding any brief for anybody. I say so because I have no facts, that is, facts which I can accept as authorised facts. As regards what happened in the House, really speaking, the last evidence of this is the record of the House. I do not want to get into that.

**श्री मधु लिमये :** कार्यवाही आपके आर्डिनेंस के अनुसार भी नहीं हुई ।

**SHRI Y. B. CHAVAN :** My information is and the report to me is that what happened in between must have been deplorable. But ultimately the Deputy-Speaker there restored the order of the House.

**SHRI MADHU LIMAYE :** He had captured the House.

**SHRI BAL RAJ MADHOK :** Is the Home Minister so incapable that he has not been able to get the facts during the last two or three days ?

**SHRI Y. B. CHAVAN :** It is not a question of my not being able to get facts. It is very difficult to accept any facts as reliable facts, as far as I am concerned; if I get facts from anybody from any side, I cannot accept them as facts. I am not holding a court of inquiry to find out who is right and who is not right.

**श्री मधु लिमये :** प्रश्न का आप जवाब नहीं दे रहे हैं । इतना तो पता लगाना चाहिए कि जो कार्यवाही विधान सभा में हुई वह आपके आर्डिनेन्स के अनुसार हुई या नहीं । इसके बारे में तो आपको पता लगाना चाहिए ।

**SHRI Y. B. CHAVAN :** I am coming to that.

For that matter, as to what happened in the House, the only person who can tell about it is the presiding officer of the House; the ultimate view is that of the presiding authority of the House. It is not you and

I who can take a view of this. The view of the Deputy-Speaker who presided at that time in the House is the last word. It is he whose word has to be taken as the final word.

एक माननीय सदस्य : स्पीकर का होना चाहिए ।

SHRI Y. B. CHAVAN: My hon. friend may not take. But this is my view about it

SHRI KANWAR LAL GUPTA (Delhi Sadar): The Speaker adjourned the House and then the Deputy-Speaker got in....

SHRI Y. B. CHAVAN: As regards what happened in the House, who had the custody of the House and whose word is the ultimate thing? It is either the record of the House or the view of the presiding authority which is the last word. I do not want to take any view in this matter, and I am not authorised to take any view in this matter.

श्री मधु लियमे : आपके आर्डिनेन्स ने अध्यक्ष को हटाया नहीं है ।

SHRI Y. B. CHAVAN: Now, let us come to the other question. The Deputy-Speaker has certified that this has happened. Now, I come to the point about his certification that it was a money Bill. I think I have been misquoted or misunderstood in this House. I said and my main argument was this. After all, what is the purpose of these certificates? What are these certificates of the Speaker intended for? Let us see the intention behind it. It is no use merely reading a certain article; one must see what the purpose of the article is and for what purpose it was put in, and what the intention of that article is. If it is a money Bill, article 199 has provided the necessity of certificates for two purposes. One is when it goes to the Upper House or the Legislative Council, and the

other is again when it goes to the Governor. On these two occasions these certificates are considered necessary. What is the purpose? When it is a money Bill, the rights of the Upper House become restricted. Similarly when a money Bill goes to the Governor for his assent, the Governor's right to return the Bill also becomes restricted. If it is the other way, even if the Bill is accepted by both the Houses, the Governor has the right to recommend it back to the Houses for consideration, but if it is a money Bill he has no right to do that. Therefore, these are the restrictions of rights of both the Governor and the Upper House, if the Bill is certified as a money Bill. If the recommendation of the Deputy-Speaker is considered to be non-existent, what happens? The Money Bill becomes an ordinary Bill for the consideration of the Upper House.

SHRI ATAL BIHARI VAJPAJEE: How can it be considered?

SHRI S. M. BANERJEE: Kindly read the Constitution.

SHRI Y. B. CHAVAN: For my purpose, I have read it.

श्री एस० एम० जोशी : एक बात का जवाब नहीं मिलता है जो मैं समझने की कोशिश कर रहा हूँ । जब स्पीकर ने हाउस को एडजर्न किया तो उसके बाद डिप्टी स्पीकर का वहाँ जाकर बैठना और कार्यवाही चलाना, यह आपकी दृष्टि में क्या कानूनी है ?

SHRI NAMBIAR: Under what authority, did he do it?

SHRI Y. B. CHAVAN: Let me first deal with this question of certification. According to me, what has been done was correct. That is also the ruling of the Chairman of the Upper House. A point of order was raised in that House. He has said that all the tons of arguments have not shown that

[Shri Y. B. Chavan]

lack of certification detracts from the right of that House to consider that Bill. This is my view also.

SHRI ATAL BIHARI VAJPAYEE : That is accepted.

SHRI Y. B. CHAVAN : If it is accepted, there is no argument for me to answer.

SHRI ATAL BIHARI VAJPAYEE : There is.

SHRI Y. B. CHAVAN : That was the only point. As to whether all this is constitutional or not, you and I cannot decide on the constitutional issue.

SHRI ATAL BIHARI VAJPAYEE : Then why not call in the Attorney-General?

SHRI Y. B. CHAVAN : Even the Attorney-General cannot decide that. He may give his expert opinion on the matter. That is a different thing.

After the Speaker left the House....

SHRI NATH PAI : Adjourned the House.

SHRI Y. B. CHAVAN : Adjourned the House. How is the House to function? For that matter, I would refer to the Ordinance. The Ordinance was meant for this very purpose.

SHRI NAMBIAR : Who is to decide?

SHRI Y. B. CHAVAN : I have accepted the Ordinance as a valid Ordinance.

श्री मधु लिमये : आप सुप्रीम कोर्ट की राय ले लीजिए ।

SHRI Y. B. CHAVAN : Before the completion of the financial business, the House cannot be adjourned without the consent of the House.

SHRI NAMBIAR : The presiding officer can adjourn the House.

SHRI Y. B. CHAVAN : No, no. I have got it with me. I will read cl. 3.

“(a) Notwithstanding anything contained in any rules made or rules or standing orders having effect under article 208, when any financial business is pending or is to be transacted in a house of the Legislature of the State of Punjab during any session thereafter, until the completion of such business during that session, a sitting of the House cannot be adjourned unless a motion to that effect is passed by a majority of the members of the House present and voting”.

श्री मधु लिमये : जो आर्डिनेन्स है वह तो केवल टाइमली कम्प्लीशन आफ फाइनेंशल बिजनेस के लिये है । स्पीकर को हटाने के लिए नहीं है ।

SHRI Y. B. CHAVAN : I am replying to Shri S. M. Joshi.

Then comes (b) :

“Any adjournment of that House in contravention of the provisions of clause (a)”——

which I just now read out—

“shall be null and void and shall have no effect”.

I think I have answered his point (*Interruptions*). It may not be convincing to him.

As regards the question whether the way the House was allowed to function was legal, for the matter the Governor are perfectly constitutional rogued the House and he also promulgated an Ordinance. I am convinced that both these acts of the Governor are perfectly constitutional and good in law and were meant to serve the cause of democracy. When the Speaker by his arbitrary act, illegal and undemocratic act had gagged the House, he did everything

to see that the people's representatives functioned, and functioned effectively. That is, really speaking, the purpose behind these acts (*Interruptions*). They may have different views about it.

श्री मधु लिमये : आप एक प्रश्न का जवाब ही नहीं दे रहे हैं। एडजर्नमेन्ट के लिये आर्डिनेन्स बना लेकिन उस आर्डिनेन्स के द्वारा स्पीकर के अधिकारों को नहीं खत्म किया गया है।

SHRI Y. B. CHAVAN : Nobody has done anything about the rights of the Speaker.

श्री मधु लिमये : आप ने यह नहीं कहा था कि कार्यवाही डिप्टी स्पीकर करेगा, स्पीकर नहीं करेगा।

श्री यशवन्त राव चव्हाण : स्पीकर चले गये हाऊस जारी था। गलती से उन्होंने बंद कर दिया। इस पर डिप्टी स्पीकर बैठ गए और उन्होंने काम को चलाया और उसे पूरा किया।

SHRI NATH PAI : You are forgetting article 180.

SHRI Y. B. CHAVAN : As far as the constitutional point is concerned, I have made my point very clear. I have refuted the charges which are politically motivated charges. I have nothing more to say about that. As far as the rights of the House are concerned, I am one with Mr. Madhu Limaye on that point. I would request you, Sir, to consider this and through you we can approach the other Speakers in this country. I request you to do something and make recommendations to this House and to the country as to how we can prevent a person holding the high office of the Speaker from doing such an unfortunate disservice to the cause of democracy by adjourning the

House when they were supposed to perform very vital functions.

I have told Mr. Madhu Limaye where I am one with him. He also said that he is looking ahead for 100 years, whereas we mortals look only for 2 or 3 months. He has of necessity to look for distant times of 100 years while we have to look to the perform very vital functions.

श्री स० मो० बनर्जी : आप की जगह एक दिन शुक्ला जी बैठने वाले हैं।

श्री मधु लिमये : यह मज़ाक की बात नहीं है। यह हिन्दुस्तान 10,000 वर्ष से चल रहा है। गृह मंत्री महोदय इस तरह से न बोला करें।

SHRI Y. B. CHAVAN : You are a very good parliamentarian, but unfortunately you lack a sense of humour. Learn to laugh.

श्री मधु लिमये : इस में क्या हियुमर है ? लोकतन्त्र का मज़ाक उड़ाना कोई हियुमर नहीं है। लोकतन्त्र का मज़ाक उड़ाना सेस आफ हियुमर नहीं है।

SHRI NATH PAI : Mr. Limaye does not have a sense of humour, but you should have a sense of chivalry. The lady member is standing to put a question.

SHRI Y. B. CHAVAN : I can assure him that the lady member knows that I have a sense of chivalry.

Sir, I have nothing more to add. I have tried to reply to all the relevant points.

MR. SPEAKER : The House stands adjourned till 11 A.M. tomorrow.

20.35 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Friday, March 22, 1968/Chaitra 2, 1890.